

**PROCEEDINGS OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
SPINY DOGFISH MANAGEMENT BOARD**

Hilton Mystic
Mystic, Connecticut
October 30, 2014

Approved November 2015

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2. **Approval of proceedings of August 2014 by consent** (Page 1).
3. **Move to accept the 2014 Spiny Dogfish FMP Review and State Compliance and *de minimis* for Delaware** (Page 3). Motion by Bill Adler; second by Rob O'Reilly. Motion carried (Page 3).
4. **Move to approve Option B with the following change: concur with the Law Enforcement Committee to eliminate “and processing”** (Page 4). Motion by Doug Grout; second by Terry Stockwell. Motion carried unanimously (Page 5).
5. **Move to set the implementation date to May 1, 2015** (Page 5). Motion by Doug Grout; second by Bill Adler. Motion carried unanimously (Page 5).
6. **Move to approve the addendum as modified today** (Page 5). Motion by Doug Grout; second by Bill Adler. Motion carried unanimously (Page 6).
7. **Move to increase the daily trip limit to 7,000 pounds for the 2015-2016 season** (Page 12). Motion by Terry Stockwell; second by Doug Grout. Motion defeated (Page 18).
8. **Motion to adjourn by consent** (Page 18).

ATTENDANCE

Board Members

Terry Stockwell, ME proxy for P. Keliher (AA)
Doug Grout, NH (AA)
Rep. Sarah Peake, MA (LA)
Bill Adler, MA (GA)
David Pierce, MA, proxy for P. Diodati (AA)
Bob Ballou, RI (AA)
Mark Gibson, RI, Administrative proxy
David Borden, RI (GA)
Rick Bellavance, RI, proxy for Sen. Sosnowski (LA)
David Simpson, CT (AA)
Lance Stewart, CT (GA)
Rep. Craig Miner, CT (LA)
James Gilmore, NY (AA)

Emerson Hasbrouck, NY (GA)
Tony Rios, NY, proxy for Sen. Boyle (LA)
Tom Baum NJ, proxy for D. Chanda (AA)
Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)
Stewart Michels, DE, proxy for D. Saveikis (AA)
John Clark, DE, Administrative proxy
Roy Miller, DE (GA)
Rob O'Reilly, VA, proxy for J. Bull (AA)
Louis Daniel, NC (AA)
Martin Gary, PRFC
Peter Burns, NMFS
Sherry White, USFWS

(AA = Administrative Appointee; GA = Governor Appointee; LA = Legislative Appointee)

Ex-Officio Members

Scott Newlin, Technical Committee Chair

Staff

Robert Beal
Toni Kerns

Marin Hawk
Melissa Yuen

Guests

Derek Orner, NOAA
Chip Lynch, NOAA
Kelly Denit, NOAA
David Hilton, NMFS
Jason Didden, MAFMC
Cheri Patterson, NH F&G
Brandon Muffley, NJ DFW
Eric Schneider, RI F&W
Stephen Gephard, CT DEEP
Jack Travelstead, CCA
Raymond Kane, CHOIR
Sonja Fordham, Shark Advocates

John Whiteside, Sustainable Fisheries Assn.
Justin LeBlanc, NCFA
Timothy Caldwell, Jamestown, RI
Leo Maher, Chatham, MA
Doug Feeney, Chatham, MA
David Gelfman, Chatham, MA
Luther Bates, Chatham, MA
John Tuttle, Chatham, MA
William Ligenza, Chatham, MA
Theodore Ligenza, Chatham, MA
Ted Platt, Newport, RI

The Spiny Dogfish Management Board of the Atlantic States Marine Fisheries Commission convened in the Grand Ballroom of The Mystic Hilton, Mystic, Connecticut, October 30, 2014, and was called to order at 1:15 o'clock p.m. by Chairman Mark Gibson.

CALL TO ORDER

CHAIRMAN MARK GIBSON: This is the meeting of Spiny Dogfish Board. My name is Mark Gibson from Rhode Island; and I am the Chair. I think this is my last meeting, actually. We have a one-hour time slot for this meeting; in the words of my New England Council Chair, let's roll and turbo through this.

APPROVAL OF AGENDA

The first item on the agenda is the agenda. Are there any suggested changes to the agenda? Seeing none; is there any objection to approving the agenda as presented? Seeing none; the agenda stands approved.

APPROVAL OF PROCEEDINGS

Next is Proceedings from our August 2014 board meeting. Are there any requests for edits or changes to those Proceedings? Seeing none; is there any objection to approving those as presented? Seeing none; those stand approved.

PUBLIC COMMENT

The next item on the agenda is public comment; but this is for items that are not on the agenda. I'm aware that there is a request to make one comment on the Addendum IV final action. We will take that up at a later time. Is there anybody requesting time to speak to this board on matters that are not on the agenda? Seeing none; we will move to Item 4 from Jason Didden on fishery performance and spawning stock biomass reference point update.

REVIEW OF 2015/2016 SPINY DOGFISH SPECIFICATIONS

FISHERY PERFORMANCE REPORT

MR. JASON DIDDEN: I'm taking over for Jim Armstrong at the council for spiny dogfish. Jim accepted a position with the North Pacific

Fishery Management Council and I think is in Alaska as we speak. He did most of the heavy lifting on the development of this action; but at least for the time being I will be the contact at the council.

These are the already-specified measures for 2015. The council did multiyear specifications and those are kind of the two critical things; ABC at 28,310 metric tons and the commercial quota at 22,957. Again, that is already specified; and because of how the projections were done, this is up slightly from the year before.

SPAWNING STOCK BIOMASS AND REFERENCE POINT UPDATE

I was asked to touch on a biological update that Paul Rago would have done. Essentially there is no biological update. The survey ship broke down and missed a lot of Mid-Atlantic stations; so we have no update of stock biomass. The last thing we have is the 2013 update, which was the stock is above its target biomass and no overfishing occurring.

With a species with the biology of spiny dogfish, it is not expected with catches in the range of the quota that it actually would change a whole lot from year to year; so the SSC just endorsed what they had previously set for 2015. They didn't see any reason to change. That is a projection trend; and it is still projecting this little dip as we move forward but not dipping below the target, which is the top dotted line.

That's kind of the same projection as you would have seen last year. Just a quick kind of overview of catch over the last few years; the landings were down primarily because of market conditions our advisory panel reports; but overall landings and discards are in the general range of recent history.

You can see the blue line being the landings drop off in the last year; and I'll touch a little bit maybe on some of the reasons for that when I hit the fishery performance report. We asked our advisory panel to create a report every year for their perspective on things that may be driving landings in the fishery; and there it is.

They noted that price last year was quite poor and dampened kind of the interest in fishing for spiny dogfish; not that any decline in spiny dogfish was responsible for the lower landings. They did note that price seems to be improving this year. Again, kind of the same thing I'm sure you've heard before, it is really an export-dependent market.

The frozen backs have been kind of carrying since the EU has put in some bans because of the contaminant issues; although we have gotten some recent indications that spiny dogfish exports to Russia, which is where a lot of the frozen backs have been going to, may get caught up in some of these trade sanction things that have been going on between the U.S. and Russia; so even that demand could have some problems going forward, but it is yet to be seen how that fully plays out.

In terms of the overall kind of viewpoint of what folks want to see, consistency has been kind of the overarching input we've gotten, but there certainly is some variability in that. We had a big meeting when we adjusted the trip limits; and there was a range of people who wanted it wide open to no change at all.

The council bumped it up a little bit to 5,000 pounds; and we have rollover provisions in the plan in terms of the actual regulations; so it is essentially 5,000 pounds until changed. We also keep getting kind of some input from the AP that they'd like to see a male fishery; that the market name, a potential change to that could be useful for this fishery; that people just don't want to buy spiny dogfish, no less.

There is also kind of continued concern of why there was such an apparent speedy recovery of the previously overfished dogfish stock. I think the general kind of idea from the science center is there must have just been a lot of dogfish outside the survey area; and we can only know the dogfish that are in the survey area or at least sample it; and so there must have been a lot of dogfish outside of that and the population was larger than it was thought to be and allowed it to either recover more quickly or fish came from outside the survey area to inside the survey area or some combination thereof.

The Monitoring Committee, which is council and NMFS and science center staff, saw no reason to make any changes from their perspective; and next the council came to the same conclusion and made no changes so the previously set 2015 specifications would continue on as they are now. That's end of my presentation.

CHAIRMAN GIBSON: Thank you, Jason. Are there questions? Yes, Louis Daniel.

DR. LOUIS B. DANIEL, III: Jason, a good friend of yours and mine, Jim Fletcher, keeps asking about this market name change. Is there any legs to that? What would we do because it makes sense, but I've tried to advise him but I really don't know how you would go about doing something like that?

MR. DIDDEN: I know Jim Armstrong has had conversations with Jim Fletcher about some potential ways to do that. There are some procedures going through I think the Department of Agriculture to submit requests for formal kind of market name changes. I can kind of follow up with Jim Fletcher where if he has tried to do that with the Department of Agriculture and kind of explore that further. I'm sure it will be kind of an ongoing issue.

MR. ROB O'REILLY: Jason, I guess the question is I think there has been some, at least, movement towards more of a male fishery. That has also been something that has been talked about for years; but my understanding is there really has been some more thoughts given to it lately. At least I think that is the case, but you can help out on that. I guess the second thing is this testing on the PCBs; is that both sexes or how does that work?

MR. DIDDEN: Since the landings are still predominantly female, I'm guessing it is those. I think it mostly related to the fresh product, which there is a certain treatment for the frozen product and for whatever reason the PCB testing has not shown high results. I know there is ongoing discussions with the EU for them to adjust their PCB tolerance limits, which are a lot lower than ours, and kind of the results of that negotiation are yet to be decided.

MR. O'REILLY: So I'm taking it that the PCB results are mostly female dogfish oriented, spiny dogfish oriented. Then I just wanted to hear has there been some planning about a male fishery, more males in the landings, anything like that that you know of?

MR. DIDDEN: Not that I'm aware of, but I know there has been, as you said, ongoing discussion of how it could be done. Certainly, there is a large biomass of male dogfish out there, but I can follow up on it and get back to you with some more detail on that.

CHAIRMAN GIBSON: Any other questions on those reports? Seeing none; is there any business from the board on dogfish specifications? Seeing none; we will move on to the next agenda item, FMP Review and State Compliance. Marin.

FMP REVIEW AND STATE COMPLIANCE

MS. MARIN HAWK: This is a very brief report. It is the Spiny Dogfish Review and State Compliance. Since Jason touched on the fishery, I'll keep this very brief. The harvest for 2013 was a bit depressed due to the situation in the market. The quota was 41 million pounds but only 16 million pounds were landed. The landing consisted of about 97 percent female.

Recreational landings were 81,570 pounds, which is less than 1 percent of the total catch. Discards were about 11 million pounds, which is similar to previous years. In terms of state compliance, the PRT reviewed all state compliance reports and found that all state regulations were consistent with the FMP. Delaware requested de minimis; and since their landings are less than 1 percent of the coast-wide landings, the PRT recommends that the board grant this request for de minimis. Thank you.

CHAIRMAN GIBSON: Are there any questions for Marin on that report? If not, we would need a motion to accept the compliance report and the de minimis status request. Bill Adler.

MR. WILLIAM A. ADLER: **I would like to make a motion to accept the compliance report, the FMP review and the de minimis for Delaware.**

CHAIRMAN GIBSON: Is there a second to that; second by Rob O'Reilly. Any board discussion on the motion? Seeing none; is there any objection to the motion? **Seeing none; the motion is approved unanimously.**

SPINY DOGFISH DRAFT ADDENDUM V FOR FINAL APPROVAL

CHAIRMAN GIBSON: Next is Addendum V. This is the final action on Addendum V. I had one request from the audience for a comment. Sonja, come up and read your comment into the record; and then Marin will report on it.

MS. SONJA FORDHAM: Thank you, Mr. Chairman; Sonja Fordham, Shark Advocates International. In partnership with our colleagues we have submitted comments for the record; so I'll be very brief. We appreciate the commission's consideration of action to address inconsistencies between state and federal regulations with respect to enforcement of spiny dogfish finning bans.

To be clear, it is smooth and not spiny dogfish that are exempted from best practice fins attached landing requirements under the Shark Conservation Act. Accordingly, the National Marine Fisheries Service has revised its spiny dogfish regulations to prohibit at-sea removal of fins. While they are not preferred, spiny dogfish fins do enter the global market for shark fins, the global shark fin trade, in substantial quantities.

While there is little incentive for widespread finning of dogfish, consistent bans on at-sea removal of fins across jurisdictions facilitate proper enforcement as well as improved species-specific collection of data for all shark species. They also strengthen our nation's stance as we promote this best practice of fins attached on a global scale through the regional fishery management organizations.

We urge the commission to adopt and promptly implement Option B to replace any remaining

fin-to-carcass ratios in state waters with requirements that spiny dogfish are to be landed with their fins naturally attached. Thank you, Mr. Chairman.

REVIEW OPTIONS AND PUBLIC COMMENT SUMMARY

CHAIRMAN GIBSON: Thank you for that. I'll go to Marin now and review the options and public comments.

MS. HAWK: So just a brief overview of this addendum; it is Draft Addendum V to the Spiny Dogfish Fishery Management Plan. It was initiated in May 2014 and now we are considering it for final approval. As Sonja mentioned, the Shark Conservation Act of 2010 requires all sharks to be landed with fins naturally attached.

Currently the Spiny Dogfish Fishery Management Plan allows processing at sea of dogfish with a maximum fin-to-carcass ratio of 5 to 95. Since a key goal of the Spiny Dogfish FMP is to maintain consistency; this addendum was initiated to address those inconsistencies. There is only one issue to deal with and that is the fins naturally attached policy. Option A is the status quo; fins of spiny dogfish may be removed at sea. If fins are removed, the corresponding carcasses must be retained.

The ratio of the wet weight of fins, the dressed weight of carcasses on board the vessel cannot exceed 5 to 95. Option B; fins naturally attached policy; removing any fin of spiny dogfish at sea is prohibited, including the tail. All spiny dogfish must be landed with fins naturally attached to the corresponding carcass. Gutting and processing fish at sea is permitted so long as the fins remain attached by a portion of uncut skin.

There was one public hearing held in Massachusetts. The individual that attended that hearing provided support for Option B, fins naturally attached. Five e-mail comments were received and they all supported Option 5, fins naturally attached. The LEC had some e-mail communication concerning this issue and they support Option B, fins naturally attached.

However, they did note that they would prefer if there was a language change to remove "and processing"; and I have that shown up here on the PowerPoint. The language would be "removing any fin of spiny dogfish at sea is prohibited, including the tail. All spiny dogfish must be landed with fins naturally attached to the corresponding carcass. Gutting fish at sea is permitted so long as the fins remain attached by a portion of uncut skin." They felt that way just to clarify that processing at sea was not allowed. If this addendum is approved today, the board must specify a compliance schedule. Thank you, Mr. Chairman.

CHAIRMAN GIBSON: Any questions or comments on that report? Jim Gilmore.

MR. JAMES J. GILMORE, JR.: Forgive me if I missed this; but is this all consistent with the federal rules on it, because I know we've gone through a couple of rounds with the feds on language problems, whatever; so we're all good with language in both of these?

MS. HAWK: Yes; this will bring the FMP into consistency with the federal plan.

CHAIRMAN GIBSON: Anyone else before we go to the technical committee report? Scott.

TECHNICAL COMMITTEE REPORT

MR. SCOTT NEWLIN: The technical committee agrees that consistency with the federal government is very important; and so as the technical committee, we support Option B; a fin naturally attached policy. We all agree that there is no scientific issues with Option B. Thank you.

CHAIRMAN GIBSON: I'm told there is no advisory panel report; so we are at the point of considering final approval of Addendum V. Doug Grout.

MR. DOUGLAS E. GROUT: **Mr. Chairman, I'd like to make a motion to approve Option B with the following change: that for the law enforcement recommendation, that in Sentence 2 here where says "gutting and**

processing of fish”; that the words “and processing” be eliminated.

CHAIRMAN GIBSON: Seconded by Terry. Discussion on the motion to approve with the law enforcement language change. Tom.

MR. THOMAS O’CONNELL: I was just interested in removing the word “processing”, if anybody is knowledgeable as to whether or not that causes any impacts to current practices.

CHAIRMAN GIBSON: I’m not aware of any. Emerson.

MR. EMERSON C. HASBROUCK: Yes; a similar question and that is why are they suggesting that language change to remove “processing”? I’m not really following that.

MR. TERRY STOCKWELL: I can’t certainly testify to what the boats are actively doing these days; but a number of years ago when I was dogfishing, we did cut the fish on the way home for a belly. We separated the bellies and the back flaps while we were steaming in. I thought the Law Enforcement Committee’s recommendation was spot-on and Doug’s modified motion is the one I would like to support.

CHAIRMAN GIBSON: Anything else on that issue? Seeing none; are we ready for the question? Do you need any time to caucus? **Move to approve Option B with the following change: concur with the LEC recommendation to eliminate the words “and processing”. Motion by Mr. Grout and seconded by Mr. Stockwell. Is there any objection to this motion? Seeing none; the motion is approved unanimously.**

CHAIRMAN GIBSON: The next item on the agenda is the Rhode Island Alternate Management Proposal. We have a presentation on that proposal from Bob Beal.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Back on the addendum, I think you need one more motion – well, actually two more; one to set the compliance schedule and then one to finally approve the addendum.

CHAIRMAN GIBSON: Does anyone have a motion? We need a motion to approve the addendum with the language change. Doug Grout.

MR. GROUT: **So the implementation date, I’m going to float one here, because I don’t think we really discussed this; but I would move that the implementation date be May 1, 2015.**

CHAIRMAN GIBSON: Is there a second to that; seconded by Bill Adler.

MS. HAWK: This is the only additional motion we would need. I just wanted to clarify.

MR. GROUT: We don’t need to approve the addendum as modified today, too?

MS. HAWK: Yes; we do need to do that; my apologies.

CHAIRMAN GIBSON: Discussion on the implementation date? Rob O’Reilly.

MR. O’REILLY: Just a question about May 1; as Doug was floating that, what was the thinking there?

MR. GROUT: The beginning of the fishing season.

CHAIRMAN GIBSON: I didn’t hear that; could you repeat that?

MR. O’REILLY: Doug said he was floating a date out there and he used May 1; but now he has clarified that it is correspondent with the fishing season. That was a good answer.

CHAIRMAN GIBSON: Any other comments on the motion? Is there any objection to the motion? **Seeing none; that is approved unanimously. Okay, now I need a motion to Addendum V as modified today. Doug Grout.**

MR. GROUT: So moved.

CHAIRMAN GIBSON: Seconded by Bill Adler. Any discussion on that motion? Any

objection to it? **Seeing none; the motion is approved unanimously.**

REVIEW OF RHODE ISLAND ALTERNATE MANAGEMENT PROPOSAL

CHAIRMAN GIBSON: Okay, now I think we're ready to move into the Rhode Island Alternate Management Proposal. Eric Schneider.

MR. ERIC SCHNEIDER: My name is Eric Schneider. I am a biologist with Rhode Island's Division of Fish and Wildlife. I appreciate the opportunity to give you a brief presentation. My goal is to provide a summary of the alternative management proposal that Rhode Island submitted to the commission earlier this month for consideration.

I'll try to be brief and focus only on the major aspects of this proposal. For the benefit of everyone in the room, Section 4.3 of the Interstate FMP for Spiny Dogfish species the requirements for an alternative state management regime; and specifically as you can see on the slide, it states that any state can request permission to implement an alternative to any mandatory compliance measures only if that state can show to the board's satisfaction that the proposed action is consistent with the target fishing mortality rate or will not contribute to overfishing and also is consistent with the goals and objectives of the FMP.

Therefore, in accordance with that section we submitted the proposal that is contained in your briefing packet for consideration. The problem we're trying to address is really an artifact of a combination of low market prices and trip limits. Both of these make participation in the Rhode Island directed and non-directed spiny dogfish fisheries uneconomical.

That is reportedly resulting in high discard levels and clearly an underutilization of the resource. These concerns were summarized in a memo to the board submitted by the Rhode Island Division of Fish and Wildlife on April 28, 2014, and was discussed at the spring meeting. And just for clarity, we completely recognize that

there are several factors contributing to this underharvest.

As Jason mentioned earlier in his Mid-Atlantic Performance Report, much of the landings are explained by market conditions; and so that the availability and abundance of the resource is not really constraining harvest. It is the low price for a dogfish trip that dictates the extent to which fishermen are willing to retain dogfish as part of their catch.

We believe this is certainly true in Rhode Island. We also believe that the proposed alternative management proposal may actually improve economics of the fishery, allowing us to more fully utilize the quota in the northern region and do so in a more effective manner by converting some of the landings into discards.

As I mentioned earlier, really one of the key aspects of a conservation equivalency or this alternative management regime is to ensure that whatever the action is, it does not contribute to overfishing. Before I get into what the details of the proposal are, I want to address this topic specifically. What we did to evaluate whether or not our program or would contribute to overfishing; we tried to assess what the potential total Rhode Island landings would be if all dogfish encountered in state waters were retained and landed. We referred to this as the zero discard scenario.

I won't get into too many details; they are in the proposal; and I'm happy questions afterwards; but I also don't want to take up too much time. In short, what we did was we used federal observer data that was collected in NOAA Statistical Reporting Area 539 during the 2010 to 2013 fishing years. We went through and we selected data from trips that intercepted dogfish.

They didn't have to land dogfish; they just need to bring dogfish on board. Using that data, we calculated gear-specific discard rates. We didn't use those discard – or I should say discard-to-landing estimates. We then used those ratios to extrapolate what we think Rhode Island landings could look like.

We did that by taking the 2013 fishing year Rhode Island landings; and we went through, based on gear, and applied these discard ratios so that we could extrapolate based on the number of dogfish that were landed what we also think that trip may have discarded. We arrived at an estimated discard rate; added that to what was landed; and we came up with what is an extrapolated landings' value under this zero discard scenario.

In short, these results suggests that even if all dogfish encountered in Rhode Island state waters were landed; that we don't expect to exceed 2.6 million pounds. There are some obvious assumptions there; but even under this extreme scenario of all the discards being landed, we don't believe this would contribute to overfishing.

And just to put that 2.6 million pound number in perspective; that is about 9.1 percent of the 2014 northern region quota. Furthermore, we really don't think this would contribute to overfishing, especially considering that the proposal contains several conditions that would prevent that. I'm going to get into the proposal in just a minute; but while I'm on this topic, some of the things that we included to ensure that we don't contribute to overfishing or adversely impact the ability of other northern region states to harvest the available resource is that we included a landings' cap.

In the proposal it is 3 million pounds. I'd like to take this opportunity to note that in the proposal it was written that 3 million pounds equates to 9.5 percent. It should have read 10.5 percent of the 2014 regional quota. In addition, there is also an 80 percent cap; so I'll explain this in just a minute. Here is essentially the proposed alternative management regime that Rhode Island submitted.

To summarize it in one sentence; we're proposing to implement a weekly aggregate possession limit of 28,000 pounds per vessel per week with the following conditions. First, all participants must possess a valid Rhode Island commercial fishing license or landing license authorizing them to harvest or land spiny dogfish in Rhode Island.

They must land at a Rhode Island DEM-licensed state dealer who reports landings electronically using SAFIS. They must report fishing effort via a state logbook reporting system or the federal VTR. Rhode Island will monitor landings using SAFIS to ensure compliance with the weekly limits and track total state landings.

I'll expand on this just a little bit that the Division, I imagine like most divisions, has a pretty good capacity to monitor landings. I have a quota monitoring team. They meet weekly and we use our weekly SAFIS reporting to try to monitor our state quotas. This would be another species in which we would certainly be willing to do that. The implementation date of this; we would like to implement it as soon as possible. We would implement it no later than May 2016. If this proposal is approved by the commission, Rhode Island will also apply to NOAA for federal consistency, allowing some federally permitted vessels to participate.

As I said, the weekly possession limit; the proposed action would be establishing the weekly possession permit of 28,000 pounds per vessel per week beginning at the start of the fishing season; and when either 3 million pounds are landed in Rhode Island or 80 percent of the regional quota is harvested, whichever comes first, this aggregate weekly possession limit would end; and Rhode Island would revert to the current ASMFC possession limit of 5,000 pounds per vessel per day. The last element is that the Division requests the authority to exercise or enact seasons as needed. That is my presentation, Mr. Chairman.

CHAIRMAN GIBSON: Thank you, Eric. The way I'd like to proceed now is if there are specific questions on the proposal from Eric; and then after that we'll go to the technical committee report. Then we will have board consideration of approval. David Pierce.

DR. DAVID PIERCE: Thank you for your presentation. It has never been a question of conservation or overfishing. It is about, well, other factors. My questions are these; do you have any idea as to how many fishermen would be participating in this program?

MR. SCHNEIDER: That is a good question. To answer your question directly; I do not have an estimate as to the number of fishermen that would participate. It would be open to all of the Rhode Island licensed fishermen; but I do not have an exact figure that I could provide you.

DR. PIERCE: Okay, so I would assume that this would be an opportunity for fishermen with a Rhode Island state permit but no federal permit, because they would be ruled by the federal restriction; correct, of 5,000 pounds?

MR. SCHNEIDER: That is correct. At least once the commission approves it, if the state of the Rhode Island were to simply go and implement it, as I understand it, fishermen with an active federal spiny dogfish permit would be bound by the most restrictive rule and could not participate unless they dropped that permit.

However, we do intend to submit – if this proposal is approved, we do intend to submit a proposal to NOAA requesting federal consistency for some federal participants to participate. I know that sounds vague; so to elaborate on that slightly, if there were federally permitted fishermen who met the requirements of this program, such as they had the pertinent Rhode Island licenses, the idea would be that they may be able to obtain a letter of authorization or some other mechanism that would allow them to participate. Right now that is not the case; and the first step is to seek board feedback and commission approval.

DR. PIERCE: Okay, that is an important point; and part of the program and part of the approach would be to request the federal government to have a letter of authorization to allow a fisherman, a federal permit holder to land 28,000 – on one day, for example, if they choose to do that, in excess of the federal limit of 5,000; so it's part of the proposal. I didn't realize that was part of the proposal.

I know, as you said, federal permit holders can drop their federal permit, fish in state waters, and then later on get their federal permit back because this is not a limited entry fishery. That is why I asked the original question of how many might get involved. It seemed to me that

just about everybody who is landing in Rhode Island could drop their federal permit and then take advantage of your program and then get the federal permit back later on. You've clarified that for me.

Another question would be under the program that you've described; would a fisherman be able to land in Westport, Massachusetts, and offload 5,000 pounds consistent with the Massachusetts rule and then go to Rhode Island and land another 28,000? I think they can unless there is something very specific that would prohibit that.

MR. SCHNEIDER: That is another good question, Dr. Pierce, and there is nothing in the proposal that prohibits that. I guess if they fished and caught 5,000 and went to Massachusetts; I guess I'm under the impression that in order not to violate Massachusetts regulations, they would have to go and fish again. The proposal as currently constructed does not contain a daily regional cap on landings, if that is a fair way to summarize it.

DR. PIERCE: Okay, so they'd have to be caught landing in Westport and offloading 5,000, which is probably a low probability of being caught, and then they can go on to Rhode Island and land 28,000 more or land 28,000 in Rhode Island on a given week, a given day in the week, and then the next day land in Massachusetts 5,000; so this continues to be a question I asked. It is relevant to weekly possession limits that Rhode Island has for not just spiny dogfish, which you propose, but for existing weekly limits that you have for other species that do cause some enforcement and monitoring problems. All right, you have answered my questions; thank you.

MR. ADLER: I believe one of the reasons for something like this had to do with the economical – it is more economical to land a lot like in a day rather than stick to the 5,000. My question here was economical and money; and wouldn't this type of a landing just drive the prices right down through the bottom rather than keep them somewhere near where you can make some money on a dogfish. Wouldn't it overload the market I guess I'm getting at?

MR. SCHNEIDER: Sure, that is a very good point. This proposal was – I guess the impetus for this proposal came our Rhode Island industry. I know they have had discussions amongst themselves as to that tradeoff. They feel that they can work together and that what they're trying to provide is more flexibility; so that if in a given day they come across more fish, they can retain it. When they scoped the project, it wasn't with the goal of going out and harvesting 28,000 in a given day or doing two days, something like that.

The discussions I've have had with them is that they are going to make – it is not in their best interest, either, to drive the price down. They don't want to work harder for the same amount of money is what they also certainly want to be cautious of. If they land a lot of fish and they drive the price down and now they need to land more fish to get the same amount of value; at least they have conveyed that they are well aware of that and they will be cognizant of that.

They will try to work with their fishermen and working with dealers who are in communication with processors as to what the value is and whether it is worth them to land their fish at a Rhode Island dealer to have it trucked up to a processor.

CHAIRMAN GIBSON: I just would like to remind the board that what I'm looking for here is questions for Eric on the elements of the proposal. The discussion about the merits of it and contingencies and so on; that should happen after the technical committee report and we have a motion on the table to consider approval. I have Rick Bellavance next.

MR. RICK BELLAVANCE: I'm going to pass, Mr. Chairman.

MR. GROUT: Eric, one question I had; you talked about this would be open licensed Rhode Island fishermen; would that be open to people with non-resident licenses?

MR. SCHNEIDER: It is a good question. I don't know; I don't want to guess.

MR. GROUT: So it is uncertain right now from your perspective?

MR. SCHNEIDER: It is uncertain only in my inability to answer the question; and for that I apologize.

MR. GROUT: Mr. Chairman is from Rhode Island; do you know?

CHAIRMAN GIBSON: Repeat the question for me.

MR. GROUT: Would this be open to non-resident – can someone get a non-resident Rhode Island license and participate in this program?

CHAIRMAN GIBSON: It will depend on whether we designate it what we call restricted species or not. Restricted species that are designated in our licensing regulations are only available to residents. To be honest, we have not included that in this proposal yet; so we will have to think about that.

MR. GROUT: Okay, could I have a follow-up then? Has this proposal been run by the Law Enforcement Committee as far as any input on enforceability of weekly trip limits?

CHAIRMAN GIBSON: Yes; they've had a discussion on that and I will ask Mark to brief the board on that.

MR. MARK ROBSON: We were briefed on Tuesday about this proposal, but the members did not have an opportunity to actually look at any of the language in the proposal. We did hear a pretty good discussion from the Rhode Island representative on our committee about how law enforcement in Rhode Island is perceiving they would be able to address this. We don't have a consensus viewpoint. We didn't look at actual written language proposal; but we did hear some of the issues from Rhode Island that they felt could be addressed.

DR. DANIEL: This may skirt the line of a technical question; but the typical Rhode Island fleet; is it a small boat fishery, big boat fishery; and do you anticipate by going to a 28,000 pound trip limit – I'll call it a weekly limit; but a

28,000 pound trip limit is going to bring in new participants that haven't really been participating in the fishery and impact those smaller boats?

MR. SCHNEIDER: That is another good and very fair question. We have not had any I guess input or interest from big boats, big draggers specifically when we've had a series of meetings and discussions; and they have not really showed interest one way or another.

Through discussions not that I've had directly but indirect comments given to me suggests that it still would not be worth their while given – I guess specifically the way it was phrased was that it would not be worth a big boat's effort, given that they would need and want to land a high-quality product, to go out and try to retain and land twelve or fifteen thousand dollars' worth of dogfish, because most of them just don't have the capacity to do that. I'm also skirting the line to be fair because this was not conveyed – this is not a discussion I've had directly with the folks who made that comment. It was through industry and some of their representatives. I think that is the best I can offer you.

MR. PETER BURNS: I know we talked about the enforceability a little bit, and I know that the Law Enforcement Committee hasn't had a chance to review this fully; but I was just wondering, Eric, in the context of your proposal is Rhode Island prepared to increase its enforcement of this at all within the context of this; because it seems like it would be difficult to – even though they've got the SAFIS reporting requirements and everything to track the landings, it might be very difficult to track the activities of a boat over a week-long period to ensure that they don't exceed the quota. I'm just curious if your proposal included something like that.

MR. SCHNEIDER: It doesn't include a specific, I guess, promise or reassurance from law enforcement that they'd make extra efforts, but I do have the utmost confidence that they will try to enforce this. We do have other weekly possession limits or other species that are managed during the fishing year with a weekly possession limit.

One is our fluke aggregate program and then another which is – the fluke is an aggregate program. We also have a scup aggregate weekly possession limit. Our Division of Enforcement is familiar with this type of process. I guess the best I could say is I don't see any reason why they could not enforce this as they do with those other two fisheries.

MR. HALBROUCK: I'm just curious as to how you came up with 28,000 pounds as a weekly trip limit.

MR. SCHNEIDER: 28,000 pounds equates to five days of the possession limit or 80 percent of the seven-day limit. I think one of the reasons rather than going for a full seven-day limit – obviously, if folks went out now under the current specifications they could go out and bring in 35,000 pounds in a week; we tried to be careful when we scoped this.

With all honesty, we really were trying to be cognizant of the fact that we don't want to largely impact the other states in the region; and that's why we put a cap on the total landings that we thought should be landed under this program. That is also why in part we put that 28,000 pound weekly limit in.

I think it also was an artifact to balance – I believe it might have been Mr. Adler mentioned earlier of not trying to flood the market and have vessels land fish that are going to decrease the price. I think really what our industry is trying to do is have more flexibility so that they can make a trip more worthwhile but not bring in a glut of fish that is going to really cause the price to crash and not make it really worth their while anymore to participate.

CHAIRMAN GIBSON: Any other questions for Eric? Seeing none; I'll move on the technical committee report.

TECHNICAL COMMITTEE REPORT

MR. NEWLIN: The technical committee reviewed this proposal and we agree that from a scientific perspective the management proposal is not likely to have any impact on the spawning dogfish population. We discussed the potential

impact that an aggregate of fish delivered to the processor may have on the market.

We're sure this could potentially have an inverse effect for Rhode Island; but we agree that this is a management concern and not a scientific concern. The technical committee would suggest to Rhode Island instead of implementing a cap on the program in terms of poundage, 3 million pounds, to implement a cap in percentage to allow for flexibility of quota or management changes in the future. Thank you.

CONSIDER APPROVAL OF RHODE ISLAND'S PROPOSAL

CHAIRMAN GIBSON: Any questions for the technical committee? Seeing none; then I'd like to throw open it up for board discussion and consideration of the proposal. I would like to go to Dave Borden first.

MR. DAVID V. BORDEN: Mr. Chairman, what I'd like to do is I'd like to spend – and I'll do this pretty quickly – just provide a little bit more context for the discussion; and then what I'm going to do is I'm going to ask Eric to put up a slide of the suggestions that many of you have made during the past couple of days.

The background here I think is important to reiterate that the Division originally came to the commission with the specific intent of raising the trip limit. That was the preferred option that the Division came forward with; and as a result of the discussion that took place, that was not implemented by the commission the way we had proposed.

A number of individuals suggested to us, well, do something different under conservation equivalency. Our preferred option, just to be clear, was to raise the trip limit, which would have treated every state around the table equally. Everyone would have had the same trip limit. The reason we supported that position is because of the problems that we identified in the Division of Fish and Wildlife letter of April 28th.

It is about seven pages long and goes into fairly extensive detail on the problems that are being encountered by Rhode Island fishermen. Those

problems aren't unique. During the last two meetings, the more I've discussed this issue with both commissioners and members of the industry, the problems are not unique to Rhode Island. They're more extensive than that.

What this comes down to is there is relatively little financial incentive for either dealers or trucking companies to truck low volumes of product extensive distances and particularly at the low prices that we had when we initiated the discussion, which was about fourteen cents. As Eric pointed out, as a result of that about 75 percent of the dogfish that are encountered by Rhode Island fishermen are being discarded.

Now, I just remind everybody in the initial, original, existing dogfish plan, this commission identified the need to reduce dead discards. That is one of the objectives of this plan. In the last year the only thing that has happened is dead discards have gone up; and that is all part of Paul Rago's report. Things have changed here.

The dynamic of the market has kind of changed, it has firmed up a little bit, the price has gotten better since we initiated this dialogue; but the reality is that some of the problems still exist. Those problems, in my view, can get resolved two ways. One is by increasing the trip limit and the other is by tailor-making a program to try to get at these issues through conservation equivalency.

Eric, if you could put up the slide, I'd just like to run through these issues, and this will take about two minutes to do. These are issues that many of you, including the technical committee, have raised. The first suggestion was to spread out the allocation. In other words, nobody wants a market – least of all Rhode Island – nobody wants a market glut.

The idea would be to spread whatever allocation Rhode Island got as part of this, if this proposal is approved, spread it over the year. One way to do that is with trimesters. Then the technical committee had recommended that there be a percentage in there; so that if the program continued for a couple of years and the quota went up or down, there would be another

mechanism that would be included to basically control the amount that is being fished.

Particularly if the quota went down; it would basically lower the amount in the program. Eric had put in and noted that there was a typo in it, but in my discussions with individuals, I have basically suggested that we would include like a 9 percent value; in other words, 9 percent or 3 million pounds, whichever is less.

The next issue that came up was this issue of how long is the program going to last? I think the simple way to answer that is just put a limit on it; and we would suggest two years. The next issue is market weakness. We had individuals tell us basically that the market in August was the weakest and the program shouldn't operate there. I think the way to address that is basically to prohibit the program from operating in August.

Then there is a lot of concern – and you have already heard some of it around the table – about product quality. I think this can be pretty simply addressed by putting in a maximum daily limit so that folks don't go out and land 28,000 pounds all at one. I guess the suggestion that was made to me is that we cap the limit at 10,000.

Those are basically the list of comments that I've heard from many of you. I have talked to the Rhode Island delegation and we would be willing to include those in any conservation equivalency proposal that gets implemented. Now, the last point that I'd like to make is this issue of possession limits. Dave Pierce raised this issue about landing in other states and kind of tag-teaming.

The possession limits – everyone should be clear possession limits should trump. If Rhode Island had this program in operation and Massachusetts had a 5,000 pound trip limit or the federal government a 5,000 trip limit, the boats are going to be bound by 5,000 pounds. If they go into Massachusetts and they've got 10,000 pounds, they're going to be in violation of the law. I think I'll stop here and take questions, Mr. Chairman, but we would gladly include all

these provisions within the proposal. Thank you.

CHAIRMAN GIBSON: I'm almost 20 minutes into the Policy Board time slot. I think we need a motion to get more productive board dialogue going. Terry Stockwell.

MR. STOCKWELL: Mr. Chairman, I know a lot of this work has gone into this proposal and on the onset it is quite attractive. It is something that could be applied to Maine and the other New England states, but I see it at this point fraught with enforcement and monitoring issues. David just highlighted an issue that has been near and dear to me, which is raising the daily trip limit.

It would be equitable, it would be enforceable and it would be accountable. **I'm going to cut to the chase and make a motion that we increase the daily trip limit to 7,000 pounds.** I realize this is another two-thirds vote. I raised it up the flagpole in the summer and I'd like to do it again.

CHAIRMAN GIBSON: Is there a second to that; seconded by Doug Grout. Okay, board discussion on the motion. David Pierce.

DR. PIERCE: The motion is attractive. I thought Terry was going to go for an even higher limit that would have really put me in a difficult position because I'm still trying to be sensitive to the concerns of those in the industry, small boats primarily, who are concerned about too much dogs in the market, depression of price, all of that.

MR. STOCKWELL: I was talked out of ten.

DR. PIERCE: Good! So, seven, we can support going to seven, especially because it is a far better alternative than that which is offered up by Rhode Island with their weekly limit. I appreciate what they've done; good work on their part; good arguments on their part; but there are some enforcement concerns and some monitoring concerns and some other concerns as well that I won't get into in the interest of time. We will support the 7,000.

I suspect it is not as high as what Rhode Island would want in order to deal with their specific concerns. Maybe it is high enough; I'm not sure. I hope they would find 7,000 to be high enough to convince them they should move away from consideration of a weekly limit that is a concept that I really can't support.

CHAIRMAN GIBSON: I'm going to the maker of the motion. I should have asked it before the rest of the board; how do you envision us moving ahead for a council process that had divergent views on the trip limits as well as NOAA Fisheries, which we have already conformed with once and has their rule in place? This is for the May 1, 2015, fishing year you'd be talking about?

MR. STOCKWELL: No; this would be for the 2015 and 2016 specifications. Someone has got to do it; and I think my comrade, Bill Adler, has always said why are we always the dog getting wagged by the tail. If we're going to move ahead and try to initiate a change, there are many members on this board that participate in both councils and we have a representing from the Fisheries Service here. If this motion does succeed, then it is the first step of many.

REPRESENTATIVE SARAH K. PEAKE: Thank you to my colleague commissioner from Maine for making this motion. I think in my heart of hearts I would – or maybe I should say my brain of brains, I would prefer status quo; but in the spirit of compromise that we spent so many hours working on yesterday and I think got to a good result with striped bass; in that same spirit of compromise I think that this is a way to satisfy some of the concerns that have been raised by Rhode Island while also addressing the concerns that many of the people who asked questions of the scientists from Rhode Island raised.

My overall impression as the presentation was given by Rhode Island is that there are as many questions that remain as to the rollout of this as there were answers that were supplied today. I think a significant change like this; it is important in making a proposal to make sure we have the T's crossed and the I's dotted.

We're still thinking about who the permit holders might be in the underlying proposal. I think I heard you say the fishermen say they don't need 28,000 pounds; they just need more. I think that this motion before us is providing the more that they're looking for. We can address some of the fish quality issues, the pricing at the processor; and for me and thinking about some of the small boat fleets in Massachusetts, certainly this lessens the potential negative impact on them and it lessens the potential for gear conflict as well. For all of those reasons; I'd be happy to support this motion.

MR. GROUT: Mr. Chairman, again, I appreciate Rhode Island's proposal. They did a wonderful job of trying to address an issue and an issue that wasn't being addressed because this commission could not support at least last year a higher trip limit. If you remember, the New England Council voted to eliminate trip limits.

It was because we were only comfortable with going to 4,000 pounds at that point despite the fact that we had a majority vote to consider that, but obviously like this motion, that previous motion requires a two-thirds majority to pass this. I certainly support it. My small boat fleet was asking for it last year. They think the market is even stronger this year; and that the market could support it. For all those reasons, I think it is time for us to stop constraining the market and try and at least give some flexibility here.

MR. BORDEN: Mr. Chairman, I intend to vote for the proposal; but before I do, I'd just like to talk a little bit about the sequence that I would envision taking place. I think if this motion passes, I think the next appropriate step is – and Terry is sitting on the opposite side of the table – is to request the New England Council to put it on its next agenda and formalize a position; and then if the council does that, then I think it is appropriate to ask the Mid-Atlantic Council to do the same thing.

Once you get those three groups together, they can forward a recommendation to the National Marine Fisheries Service and NMFS can then deal with it in the appropriate timeline. They

may not be able to get it in place for procedural issues by May 1st, but you can simply say we want this adopted as soon as possible. Thank you.

MR. DAVID SIMPSON: David helped with answering part of my question, which was how this might roll out; but at the same time I heard a lot of discussion about smaller vessels, state waters; do we contemplate and is it possible that this could move ahead in state waters only and not be held up by a federal process. I wondered about sentiment about that. We sort of have complementary management. We're not joined at the hip, so to speak, as we are with some of the other species.

CHAIRMAN GIBSON: I suppose that is a possible outcome were the commission to pass this, states could conceivably go back and go through their regulatory process. Most of the clear constraint from the commission that we couldn't do that, it seems states could go back and go through their regulatory process and put an elevated trip limit for their state-only permitted fishermen. That is just my view on it.

MR. GROUT: Yes, I agree we could do that, but that would not be the preferred alternative. I think clearly I'd like to move this forward through the council and federal process to see if we can get traction. If we can't, quite frankly, we've done this before years ago where we had a higher trip limit than the feds.

DR. PIERCE: I prefer the approach that was suggested by Doug. Of course, there is another approach that could be taken that I don't find very attractive, but I've already highlighted it and that is because there is no limited entry. If we were to implement this right away, then someone could simply say, well, I'm giving up my federal permit and they can then fish in state waters or pretend they fished in state waters and land the state limit.

Then they get their federal permit back whenever they want it because it is the way it works for the non-limited entry fishery. To me that is sort of disingenuous – that would be disingenuous on our part and it would be promoting an approach that, frankly, would run

counter to council intent and runs afoul of some of the past reasoning we have used regarding, for example, groundfish controls. Fishermen should their permit at the beginning of the year.

They should keep it; they should not give it up; but in this particular case they could with dogfish. It makes far more sense to work with our federal counterparts – and, of course, many of us are council members, anyways – to have it done in a reasonable way, in a way that everyone will understand and the councils and the service will support.

CHAIRMAN GIBSON: What say NOAA Fisheries?

MR. BURNS: It is certainly a very interesting proposal, but the first thing that comes to my mind is the consistency issue. As we know, the board acted at the last meeting to bring the trip limits in parity with the 5,000 pound federal limit. And above and beyond the consistency issue is also the fact that we've got some federal permit holders who all federal permit holders wouldn't be able to take advantage of this increased limit until if there was any kind of change in the federal regulations.

I believe we'd have to go through the council process and NMFS would have to do new regulations in order to implement that. I'm not aware of an LOA or any other mechanism that I'm aware of that would allow us to do that without changing regulations. Jason may be able to elaborate on this a little bit more, but the Mid-Atlantic Council, since it has already set the specifications for the 2015 fishing year, and I think they also voted to make no further changes to that; so going through the council process may not get the result to come up with a federal change that would be consistent with what the states are looking at here.

Certainly, it is an interesting concept, a lot more conservative, certainly, than the 28,000 pound trip limit, which seemed to have a lot of enforcement issues and some uncertainty about how that could be enforced and overseen. This new proposal here certainly does take into consideration the fact that fishermen are trying

to utilize the resource in a more efficient way. With that, I will leave it at that.

DR. DANIEL: Mr. Chairman, just a couple of points. First, I have been approached as the chairman of the commission to just express concerns over consistency; that the fishermen need to have a consistent numbers, and these have changed from three to four to five and now seven. That does create some issues and problems for planning.

I think whatever we do, it would probably be a good idea for the New England states to have something remain in place for a period of time. I would normally not even comment on these issues involving you. We have our own state quota; but we do 10,000 pounds in state waters; and that is inconsistent with the federal plan. My two other quick questions; are you going to take comments from the public; and is it two-thirds majority vote of the members present or the board; because you might have a problem there.

CHAIRMAN GIBSON: It is my understanding that we need nine out of the thirteen present. Yes, given it is a new concept, I was going take some comment from the public, but I wanted to wrap up the board discussion. Peter.

MR. BURNS: Mr. Chairman, just one more point. I was just curious as to whether we have any input from the Law Enforcement Committee or the technical committee on the implications of a 7,000 pound limit in state waters.

CHAIRMAN GIBSON: I'm assuming their comments would be similar to what it was for the Rhode Island conservation equivalency, but I'll let Scott make his comments.

MR. NEWLIN: I think the comment would be similar to what we've always had; trip limits are more of a management decision and not so much a scientific one. The quota deals with that so we would have no problem with it.

MR. ROBSON: Well, of course, there is already a 5,000 pound daily trip limit in place; so in terms of Rhode Island's enforcement, they're dealing with that and so this would not be that

much different except the amount. Trip limits are somewhat difficult from an enforcement perspective from the get-go; but certainly a daily limit, if you look at traditional law enforcement, which is dockside, then it is a manageable way to monitor those limits.

The challenge is moving to an aggregate trip limit such as was being discussed; and there you do need to have the resources, the real-time monitoring of trip data and communications necessary to monitor those individual permitted fishermen that come up with those aggregate weekly limits. But going to the 7,000 pounds wouldn't be much different than the daily trip limits that we are used to seeing now.

CHAIRMAN GIBSON: I'm going to go to the audience now. Is there anyone in the audience wishing to comment in favor of this proposal? Yes, sir.

MR. DAVID GELFMAN: I'm Dave Gelfman. I'm a commercial dogfish fisherman. I fish out of Chatham, Massachusetts. I want to comment. I'm not sure if it is favorable or unfavorable. There are a few points that I want you to think about because you talked about them in your science and in your preliminary discussion. One thing, the male/female marketing; so they don't want the males at the processors. They don't want them. We target females. Right now we're actually having a difficult time catching them.

I think from a science point of view – this is my own observation, but I suspect that your stock assessment is incorrect and that there is more males than females; so you might be overly optimistic about your overall quotas. This goes back to your daily catch limit ideas in that 5,000 pounds a day might be worth holding onto for a while, because I don't think your science is fully complete.

From a pragmatic standpoint, most of us in Chatham fish out of relatively small points, under 50 feet. Some of us, myself included, 5,000 pounds is pretty much a maximum load. If there is downward pressure on the price due to increased landings, it will become uneconomical

for some of us who are already participating to continue participating.

The guys who are complaining that it is not economical for them to participate yet; I'm not sure what their justification is over our participation. Roughly speaking, I would encourage 7,000 as opposed to anything more; but the fact of the matter is you have changed the daily catch limit several times in very short order, which for some people has had adverse consequences.

Some people are now looking at bigger boats and maybe they're not going to get a big enough boat. Another consideration that may or may not apply is gear type. We're fishing mostly with tub-trawl gear, which is hooked gear. If the price goes down, the cost of the bait doesn't go down. That is another reason why our fishery is fragile and might actually not be able to go anymore.

CHAIRMAN GIBSON: Sir, can I ask you to kind of summarize whether your position is for or against this motion.

MR. GELFMAN: Please keep the limit at 5,000 pounds; don't go over seven.

CHAIRMAN GIBSON: Thank you. Anyone else in the audience like to comment on this motion?

Please, only a couple of minutes apiece; we're well into the Policy Board's time slot at this point.

MR. TED PLATZ: I'll be brief. I'm Ted Platz from Newport, Rhode Island; primarily a monk fisherman. We do some dogfishing in the summer in Rhode Island. Typically our problem is a trucking problem. I'm one of the few Rhode Islanders that does bring in dogfish because I own my own refrigeration truck; so I can run them at cost and make it work.

Most of these guys cannot. The dealers price dogfish down and disincite the fishermen to go after them. That is why Rhode Island has a hard time landing dogfish between our monkfish seasons in the spring and fall. That is what Dave

Borden is talking about when he is talking about what is driving the bus. That is our reality.

If you're trucking fish from Point Judith to New Bedford, your trucker is going to want twelve cents a pound, anyway, and it doesn't leave much. I recognize our proposal isn't going to go anywhere, it seems. So regarding the landing limit, what I've said it before and I'll say it again; if you go up too fast on the dogfish limit, you're going to erode the price structure. If we land 7,000 pounds at twenty cents or we can land 5,000 pounds at thirty cents, at 7,000 pounds we're doing more work and we have more gear overhead and we're making the same or less money.

You're trying to do us a favor and you're really not. We saw this in the monkfish fishery when the limits went up way too fast about ten years ago. I would advocate 6,000 pounds. I know it is well-intentioned. This is totally consistent with my comments on this from the conversation last winter. We need to protect price structure.

We need to build markets; and the way you build the markets and protect price structure is you make gradual incremental increases in your landing limit. We just bumped up to five. I think it would be safe to go to six; but I think seven you're pushing it. Then if the price drops, it is kind of like a seesaw, the picture collapses.

We don't want to drop the price; so I would encourage you to rethink seven, go to six, we revisit it in a year and a half or two years, and then we go to seven. Markets love stability; and when we go up too fast we erode market stability and we're going to erode the price and fishermen are going to work harder for the same money; and that is not a positive development. Thank you.

CHAIRMAN GIBSON: Thank you, Ted. Anyone else wishing to comment on this motion?

MR. LUTHER BATES: My name is Luther Bates. I'm a commercial dog fishermen out of Chatham. I am also a graduate of Cornell University in economics. I'd like to state my preference to maintain the existing 2015

specifications. We have an objective to ensure a sustainable fishery for the next five to ten years and not just capture an immediate opportunity.

The biomass I directly observed contains a reduced amount of targeted large females. As such, I would urge the commission to use caution with any specification adjustments to allow adequate time for direct observation of the fishery's status.

The trip limit moved up 5,000 just seven weeks ago. I don't believe that is an adequate time to observe the market, observe the fishery's condition and make an objective analysis and move forward.

We need consistency to implement our business models; and I'm concerned about the impact that this measure would have on an increased mortality rate in the industry. If we do have to go to 7,000 or any higher, even six, I would suggest a seasonal adjustment starting in December. Thank you.

CHAIRMAN GIBSON: I am going to go back to the board at this time. Addressing the audience; is there anybody in opposition to this motion who wants to speak?

MR. THEODORE LIGENZA: Theodore Ligenza. I would like to keep it at five. The reason I've taken the time to speak is because the fact of the matter is in the past, fifteen, twenty years, Chatham has landed the vast majority of dogfish and we will probably continue doing that. You've got to realize when you raise the limit, we have a shallow bar that is six feet deep at low water, and about ten years ago we lost two boats.

This summer we had another boat that was lost. It wasn't destroyed but it was sunk. That needs to be taken into consideration when you raise this limit you're putting the Chatham fishermen at danger. I would propose for a while, anyways, keeping it at five for that very reason there. I just cannot agree to go out because of the safety of my friends.

CHAIRMAN GIBSON: Is there anyone in support of the motion? If you're in support,

come up and speak to it. I will take someone in opposition after that and then I'm going to close the door on public comment.

MR. JOHN WHITESIDE: Attorney John Whiteside, representing the Sustainable Fisheries Association, the dogfish processors. Prior to coming to today's meeting, my clients had asked me to urge the commission to increase to a 10,000 pound daily trip limit and oppose the Rhode Island Proposal of whatever the weekly trip limit was of 28,000 a week. Given the arguments today and the proposal for 7,000 pounds, we would support that. I ask that the commission approve that on behalf of the members of the Sustainable Fisheries Association. Thank you.

MR. JOHN TUTTLE: John Tuttle, Chatman fisherman 37 years. I gave up a day's pay to come and see you today. I think that the 5,000 should stay for a while. We haven't had it in place that long to do a good analysis. I think that would be my feeling today,

CHAIRMAN GIBSON: I'll go back to the board and to the motion. Is there anymore board discussion on the motion? Are you ready to caucus on it? This will be a roll call vote.

(Whereupon, a caucus was held.)

CHAIRMAN GIBSON: Emerson,

MR. HASBROUCK: Mr. Chairman, did we resolve the issue of whether or not we need two-thirds of the board or two-thirds of the board present?

EXECUTIVE DIRECTOR BEAL: The rule states that it is two-thirds of all voting members of the board; so that is present or not. The good news is all of them are here. It means the same thing today, but the rule reads the full membership.

CHAIRMAN GIBSON: That means of thirteen, we need nine affirmative votes. Representative Peake.

REPRESENTATIVE PEAKE: A point of order question and for the lack of a better word, the

Rhode Island Proposal; was that a simple majority because we're not changing a trip limit or would that also require a two-thirds majority to carry?

EXECUTIVE DIRECTOR BEAL: Yes; that one is a simple majority since it is essentially a conservation equivalency proposal.

CHAIRMAN GIBSON: Let's call the roll.

MS. HAWK: Maine.

MAINE: Yes.

MS. HAWK: New Hampshire.

NEW HAMPSHIRE: Yes.

MS. HAWK: Massachusetts.

MASSACHUSETTS: Yes.

MS. HAWK: Rhode Island.

RHODE ISLAND: Yes.

MS. HAWK: Connecticut.

CONNECTICUT: Yes.

MS. HAWK: New York.

NEW YORK: Yes.

MS. HAWK: New Jersey.

NEW JERSEY: No.

MS. HAWK: Delaware.

DELAWARE: No.

MS. HAWK: Maryland.

MARYLAND: No.

MS. HAWK: Virginia. (No response) North Carolina.

NORTH CAROLINA: No.

MS. HAWK: U.S. Fish and Wildlife Service.

U.S. FISH AND WILDLIFE SERVICE:
Abstain.

MS. HAWK: National Marine Fisheries Service.

NATIONAL MARINE FISHERIES SERVICE:
Abstain.

CHAIRMAN GIBSON: **The motion fails for lack of a super majority.**

ADJOURNMENT

Is there any other business to come before the Dogfish Board? Seeing none; we stand adjourned.

(Whereupon, the meeting was adjourned at 2:45 o'clock p.m., October 30, 2014.)

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