

PROCEEDINGS OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
SPINY DOGFISH AND COASTAL SHARK MANAGEMENT BOARD

Crowne Plaza - Old Town
Alexandria, Virginia
February 6, 2014

Approved May 2014

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ATTENDANCE

Board Members

Terry Stockwell, ME, proxy for P. Keliher (AA)	Roy Miller, DE (GA)
Stephen Train, ME (GA)	Tom O'Connell, MD (AA)
Rep. Walter Kumiega, ME (LA)	Bill Goldsborough, MD (GA)
Doug Grout, NH (AA)	Russell Dize, MD, proxy for Sen. Colburn (LA)
Jocelyn Cary, MA, proxy for Rep. Peake (LA)	Rob O'Reilly, VA, proxy for J. Bull (AA)
Robert Ballou, RI (AA)	Bill Cole, NC (GA)
Mark Gibson, RI, Administrative proxy	Louis Daniel, NC (AA)
James Gilmore, NY (AA)	Patrick Geer, GA, proxy for Rep. Burns (LA)
Pat Augustine, NY (GA)	Spud Woodward, GA (AA)
Chris Zeman, NJ, proxy for T. Fote (GA)	Jim Estes, FL, proxy for J. McCawley (AA)
Tom Baum, NJ, proxy for D. Chanda (AA)	Margo Schulze-Haugen, NMFS
Bernie Pankowski, DE, proxy for Sen. Venables (LA)	Wilson Laney, USFWS
John Clark, DE, proxy for D. Saveikis (AA)	

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

Ex-Officio Members

Staff

Robert Beal	Marin Hawk
Toni Kerns	Melissa Yuen

Guests

Dan McKiernan, MA DMF	Michael Pentony, NMFS
Russ Allen, NJ DFW	

The Spiny Dogfish and Coastal Sharks Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Crown Plaza Hotel Old Town, Alexandria, Virginia, February 6, 2014, and was called to order at 12:30 o'clock p.m. by Chairman Mark Gibson.

CALL TO ORDER

CHAIRMAN MARK GIBSON: Okay, I'm going to call the Coastal Sharks and Dogfish Board into session. My name is Mark Gibson from the state of Rhode Island; and I'm the Board Chair. I guess before I go to this agenda, we have a left-over item from the last board, a recognition award. Leroy.

MR. LEROY YOUNG: We have a presentation we would like to make. I tried to make it at the previous board meeting; but I think Dr. Daniel must have had a premonition because he ran out of the room. Anyway, we've been wanting to officially congratulate Dr. Daniel for his new role as the chair of ASMFC.

Pennsylvania has fewer ASMFC species than I think any other state. For example, we have no weakfish, we have no red drum, we have no croaker, we have no sea bass or we have no sharks. We're not on this board. That might be why we sit in the back of the room all the time; I'm not sure. We do have a lot of species in Pennsylvania, and we really like our fish.

We're certain that Dr. Daniel likes our fish, too, because he has said so to us. In recognition of Dr. Daniel's new role as chair and appreciation for his concern for Pennsylvania species, on behalf of the Commonwealth of Pennsylvania we'd like to make this presentation. If Lou could join us here at the back of the room, I would ask Loren to assist me.

MR. LOREN W. LUSTIG: With your permission, Mr. Chairman, I would like to mention some of you know that I've served many years as an environmental educator; and so I understand the conclusions of our very young children in the Commonwealth; for example,

kindergarteners and the first graders. I did really an unscientific poll, but it is still a poll of what is to be considered the most precious fish as identified by those kindergarteners.

I am so pleased that they overwhelmingly agree with Dr. Daniel that that fish is our beloved – not brook trout, not musky, not even smallmouth bass. It is indeed our beloved bluegill. Recognizing that fact, the Pennsylvania Fish and Boat Commission saw fit on a recent cover of our magazine, the Pennsylvania Angler and Boater, to in a sense honor Dr. Daniel by presenting perhaps his favorite fish also, the bluegill. Without further ado, Dr. Daniel. (Applause)

DR. LOUIS B. DANIEL, III: The next meeting I'm going to bring this picture of me. I was about seven years old and it was the first fish I ever caught in my life on a cane pole. I had a Mohawk haircut that my dad had given me right after the "Last of the Mohicans aired on Masterpiece Theater. I cut that fish open and stuffed him with cotton and nailed him to a board because my dad had a mounted bass. I put it in my room in my closet. (Laughter) About a week later my momma found it; so bluegills are my favorite fish, too. Thank you very much.

APPROVAL OF AGENDA

CHAIRMAN GIBSON: Okay, we'll get to our business at hand. The first order of business is approval of the agenda. Is there any request for additions? Dave Borden.

MR. DAVID V.D. BORDEN: Mr. Chairman, I would like about two minutes to discuss spiny dogfish and some of the actions of the New England Council and the Mid-Atlantic Council.

CHAIRMAN GIBSON: Yes; I know we have a letter that we just passed out regarding that; so without objection, at the end of the session we will take that up under other business. It will be a very brief agenda item. Is there anything else on the agenda? Is there any objection to

approving the agenda as just modified? Seeing none; that stands approved.

APPROVAL OF PROCEEDINGS

Proceedings from October 2013 Annual Meeting, which I was not at and thank you to my vice-chair, Adam, for taking care of that session, are there any comments or requests for edits on the proceedings from the annual meeting? Seeing none; is there any objection to approving those proceedings as presented? Okay, by consent, those stand approved.

PUBLIC COMMENT

Are there any public comments on issues not on the agenda, recognizing that we have added a brief spiny dogfish discussion? Seeing none; we will move right into the Coastal Sharks FMP Review. Marin.

COASTAL SHARKS FMP REVIEW AND STATE COMPLIANCE REPORTS

MS. MARIN HAWK: This is the 2013 Coastal Sharks FMP Review and State Compliance. It is a very brief presentation. These are the commercial landings by species groups. The large coastal sharks landed 425,612 pounds; and this was a slight decrease from 2011. For small coastal shark species in 2011, landings were – I have a mistake.

Well, I will give the correct numbers and tell you landings, but the small coastal shark landings were a 10 percent increase from the 2011 landings. The Atlantic pelagic species of sharks landings were 314,084 pounds, which is similar to previous years. That is in the commercial sector.

For the recreational sector approximately 444,007 fish were harvested, which is a slight decrease from 2011. Small coastal sharks comprised the majority of this harvest, representing 75 percent of landings. There are no specific surveys aimed at coastal sharks and there are no requirements for that in the FMP.

However, five surveys encountered sharks in 2012.

Of these surveys, there were trends in two of them; and those trends were in Delaware and South Carolina. Sand tiger shark catch per mile remained high. Sandbar and smooth dogfish catches continued to increase and was the highest recorded CPUE of large coastal sharks in the South Carolina Gillnet Survey. The time series is since 1998.

The PRT reviewed all the state compliance reports and all states that submitted reports had regulations consisted with the FMP. In a previous version of the FMP, which you had, Florida had not submitted a compliance report. However, I have since received that report. Connecticut has not yet submitted a report. Other than that, everyone is in compliance. Thank you, Mr. Chairman.

CHAIRMAN GIBSON: Are there any questions for Marin on that report? Dave, do you want to address the board on that issue?

MR. DAVID SIMPSON: Apologize and beg for your forgiveness; so what do we owe you, a spiny dogfish report or coastal sharks plan report?

MS. HAWK: Coastal sharks.

MR. PATRICK AUGUSTINE: I would consider making a motion to find them out of compliance, but I don't think I will. Are you ready for a motion to approve the review?

CHAIRMAN GIBSON: I think we are unless there are any questions or other comment from the board on the report. I see none; go ahead.

MR. AUGUSTINE: Mr. Chairman, move to approve the Coastal Shark FMP Review and state compliance as presented today.

CHAIRMAN GIBSON: Is there a second; Rick Bellavance. Discussion on that motion? Is

there any opposition to the motion? Pat Augustine.

MR. AUGUSTINE: In all seriousness, is it a real issue for Connecticut to prepare this – for the record, I think he may have a problem with staffing or something, but it might be helpful for us to get it on the record.

CHAIRMAN GIBSON: Well, we don't have a report from Connecticut. I don't think it is a particularly urgent issue, but let's see what Dave has to say about timing of when he thinks he could produce that.

MR. AUGUSTINE: That was the question; because if he does it, we might just say, gee, we don't have time and we're not going to do one year. I just don't want to leave it hanging out there. I do know he has some staffing problems; so if he wants to respond to it, I can come up there and be a consultant to him.

MR. SIMPSON: I'm not going to give Pat an excuse to do or not do anything; so we will have that within a couple of weeks.

CHAIRMAN GIBSON: Very good; so can we approve this report conditional on the receipt of the Connecticut report? Is there any opposition to that motion and that understanding? ***Seeing none; the report is approved conditioned on Connecticut supplying their needed element.*** Next is state proposals for Addendum III. Marin.

**STATE PROPOSALS FOR ADDENDUM III PLAN
DEVELOPMENT TEAM REPORT**

MS. HAWK: These are the implementation plans for Addendum III to the Coastal Sharks FMP. If you recall, this addendum was approved in October 2013; and it will be implemented by March 1, 2014. States submitted their plans by January 6, 2014, and the PRT reviewed their implementation plans and have the following recommendations.

Two elements of compliance; the first is that states show that they can follow NOAA's openings and closures for the following groups; the aggregated large coastal sharks, hammerhead, blacknose, non-blacknose, small coastal sharks and pelagic species. Most states already had that in place so that was pretty easy.

The second element of compliance was enforcing minimum recreational size limits of 78 inches for all hammerhead shark species. Those species are smooth hammerhead, scalloped hammerhead and great hammerhead sharks. As I said, for the quotas and possession limits, all states have the ability to follow NOAA Fisheries openings and closures by March 1, 2014; so all states are in compliance for that element.

Most states demonstrated that they have the ability to increase their recreational size limit for hammerheads by March 1, 2014. Rhode Island just indicated that they would not be able to have that in place until May 1st; but that is not a concern since the sharks don't exist in their waters until after that date, so we're not too worried about that.

Maine and New Hampshire also requested de minimis for Addendum III since the sharks addressed in this addendum don't occur their state waters. The PRT and technical committee recommend granting de minimis to Maine and New Hampshire. The general recommendations from the PRT are to improve the implementation plans for all states and just confirm the compliance during the next FMP Review and also to approve Maine's and New Hampshire's de minimis requests. Thank you, Mr. Chairman.

CHAIRMAN GIBSON: Are you ready to make a motion? Hang on a minute; I just wanted to speak to Rhode Island's matter. This is simply a sequencing of our public hearing docket. We have 30-day notice responsibilities, 20 days following promulgation for them to become in effect.

We had a large set of public hearings to digest this past fall and early winter; so they got backed up. I agree the PRT that this is not really an issue, but we'll see if there are any comments from the board. Are there any questions for Marin on that report? Okay, I guess we're ready for you, Pat.

MR. AUGUSTINE: I would move to approve the recommendations of the PRT, state implementation plans for Addendum III and giving the states of Maine and New Hampshire de minimis status.

CHAIRMAN GIBSON: Is there a second to that; seconded by Bill Adler. State proposals for Addendum III. My understanding is move to approve the state implementation plans for Addendum III. That motion was made by Pat Augustine and seconded by Bill Adler. Discussion on that motion? Is there any objection to the motion? *Okay, no objection, that's approved by unanimous consent.*

The next issue; I am a little bit ill-formed on this having missed the last meeting; so I'm only familiar with it insofar as it is written in the proceedings from the St. Simons Island meeting. I'm going to need some help with this. When I first read it, I got a little queasiness about regulations being out of sync between state and federal agencies and so forth. Marin, lead us through that and then we will see what the pleasure of the board is, where we go with it.

REVIEW OF WHITE PAPER ON COASTAL SHARKS SEASON AND POSSESSION LIMITS

MS. HAWK: And hopefully my presentation will clear some things up. If you will recall, back in October at the annual meeting the board directed the PDT to develop a white paper on season and possession limit options in response to repeated conversations that the board had on the opening for coastal shark species.

The PDT held a conference call and makes the following recommendations that are contained in this powerpoint. If you will just recall, the board follows the NOAA Fisheries that this is

subject to change under adaptive management. The issue is that the board has discussed and had issue with NOAA Fisheries proposed season opening dates at multiple board meetings.

The purpose of this is just to set a specific date that could help to streamline this process and eliminate these repeated conversations. The PDT discussed this and there are three different issues with choosing a set date that I just wanted to make sure the board was aware of. First, Florida fishermen have expressed concern with the January 1st opening date because at that time they're targeting other species and don't wish to switch to targeting shark species at that time.

In addition, there is a time area closure for bottom longline fishermen in federal waters off of North Carolina; and that is from January 1st to July 31st. Finally, the waters off of Virginia, Maryland, Delaware and New Jersey are closed from May 15th until July 15th. As Mark pointed out, if state and federal waters had different seasons, it would be difficult to manage, monitor and enforce.

In addition, some states allow federal permit holders to land sharks during a closed season; so it would be especially difficult to enforce. What the PDT has come up with to solve this problem is simply writing a letter to NOAA Fisheries, either one letter every year or a letter to represent multiple years, with an always "start after date", indicating that the Spiny Dogfish and Coastal Shark Management Board would not like the coastal sharks to open until after that date.

The PDT investigated which optimal date that might be; and so they used landings from 2008; and that was due to recent changes in management. They used those landings to determine what the most effective "always open after date" was. As you can imagine, the large coastal shark species are the only species group that presented a problem.

The other species groups; there is no problem with the January 1st opening date. The average season length from 2008 to 2012 for large coastal sharks is 151 days with three years, 2008, 2011 and 2012, reaching 80 percent of the quota. If you will recall, NOAA Fisheries closes the fishery when 80 percent of that quota is reached.

In order to prevent an early closure, this requires that an opening date by August 2nd at the latest. The board investigated how much this would disadvantage states if the season was not opened until June 1st, July 1st or August 1st, and that is what this table represents. As you can see, Florida is pretty much the only state that is severely affected if there is not an opening date until August 1st.

What the PDT has come up with is an “always open after” date of March 1st. I did have some discussions with technical committee representatives from Florida; and they didn’t think that this would significantly affect the Florida fishery because the sharks are still in the waters in Florida after March 1st, so they’re still available to those Florida fishermen.

The PDT recommends that the board send a letter to NOAA Fisheries each year or write one letter for multiple years requesting that March 1st is the “always open after” date. In addition, the other thing that the PDT discussed were adjustable possession limits. If you will recall, NOAA Fisheries has the option to adjust possession limits throughout the year although the FMP does not allow states to do that.

This was discussed in 2011 and it was determined that most states have the flexibility to address this without an addendum; but we just wanted to kind of check back in and see if that was still the case and if this was something we need to address. Thank you, Mr. Chairman.

CHAIRMAN GIBSON: For my understanding, the matter of writing a letter on the start date, a letter suffices, we don’t need to initiate an

action for that; is that staff’s and Bob’s understanding?

MS. HAWK: If I can clarify, NOAA Fisheries has a public comment period every year for the coastal shark specification; so we thought that during that public comment period is when we would submit the letter.

MR. AUGUSTINE: Marin, have you talked to NOAA about this or the HMS people to find out how much of a problem this will create; or if not, it will create or won’t create. Then let’s take the next step from there.

MS. HAWK: Yes; there are NOAA Fisheries representatives on the PDT; so they helped in developing this.

MR. AUGUSTINE: Can we ask them to respond, please?

CHAIRMAN GIBSON: Would NOAA Fisheries like to comment to Pat’s question.

MS. MARGO B. SCHULZE-HAUGEN: This would be one of the things that we consider. We have a series of season opening criteria. Having kind of equitable distribution of fishing opportunities across the range is one of the things we look at. No, it would not be a problem. It is not a guarantee, but it would not be a problem.

MR. ROB O’REILLY: I guess I’m a little surprised at the March 1 date seeing the Mid-Atlantic states are really under a closure until July 15th. The resource is not available in March. I also thought that NOAA was going forward with a June 1 date, which at the time the June 1, although it is within the Mid-Atlantic closure, that at least gives better probabilities that there could be harvest in the Mid-Atlantic. The March 1 takes me by surprise.

CHAIRMAN GIBSON: Marin is going to respond.

MS. HAWK: I would just like to clarify the March 1 was just an arbitrary suggestion based on the preliminary analysis by the PDT. If the

board would like to discuss other “always open after” dates, then that is certainly okay.

MR. O'REILLY: A followup for NOAA I guess would be what did I see where June 1 was promoted as the start date? Was there something that NOAA put out about that?

MS. SCHULZE-HAUGEN: Yes, our final rule for this year. This is, as Marin indicated, an annual process. We go through specifications with proposed and final rule. We get a lot of comment on start dates from a variety of sectors; and so it is something we look at and set every year. You're correct; it is June 1st for this year.

CHAIRMAN GIBSON: Is there any other board discussion? Is the board in agreement that a letter would be written during the comment period? What was the other issue?

MS. HAWK: Rob, would you like to change the “always open after” date from March 1st to June 1st?

MR. O'REILLY: Virginia would; so, yes.

DR. DANIEL: North Carolina would as well for the same reasons. We don't have the Mid-Atlantic Closure but we have a closure off our coast until I believe now it is August 1st. We have no access to the fish until August 1st. We've kind of felt like July the 15th was what kind of kept me from blowing my top. So, June 1; I mean, there are going to be a lot of fish caught before we even have access to them. If we could get something in there; I would like to see it later than June 1, personally. In fact, I'll make a motion.

CHAIRMAN GIBSON: Hang on because I want to hear from Jim. Do you have a comment?

MR. JIM ESTES: I thought the options were that Marin talked about was that we could write a letter that covered several years or we could write a letter that covered on an annual basis. I would be perfectly comfortable at least on an

annual basis to look at that and see what happened.

CHAIRMAN GIBSON: Okay, it seems that we don't have agreement on a start date; so I think we'll probably need a motion to get somewhere on this. Louis.

DR. DANIEL: Well, first, I guess a question for Florida, because they're the outlier for the Mid-Atlantic states, and I include myself in there. I may be losing my mind, which is highly possible, but there was one issue where we were opening January 1 for half the quota and the middle part of the year for half the quota. That seemed to have been agreed to by industry. Am I correct there, Margo?

MS. SCHULZE-HAUGEN: I think maybe you're talking about the discussions we had before we were putting in the adaptive management criteria, which is what we look at. We were about a January 1 opening; we would monitor landings and if we saw that the quota was going to go before all the areas had availability, we could drop the trip limits to slow it down and then open them back up when the fish were more readily available coastwide. We did put those criteria in. As Marin indicated, we have no actually used them yet, but I think that is what you're remembering.

DR. DANIEL: That may be because I think industry supported that approach, which would have sort of split it 50/50. I'd prefer July 1, but I would like to know how Florida would respond to that before I make that in the form of a motion.

CHAIRMAN GIBSON: Jim, do you have a response for that?

MR. ESTES: July 1 a year at a time as I suggested.

DR. DANIEL: Then I will make that as a motion that we request to not open before July 1.

CHAIRMAN GIBSON: Could you remind us of the plan development team's thoughts on a later opening and the consequences of that?

MS. HAWK: Yes; the plan development team, I think the only state that we were concerned is Florida; so if Florida feels okay with that.

MR. ESTES: I saw that you made some estimates of what it would be if it was August 1st. For my curiosity so I can get back home and not have to leave again, what would it be for July 1st, the numbers?

MS. HAWK: Florida would lose 32 percent of their landings based on the landings from 2008 to 2012.

CHAIRMAN GIBSON: Did you get that answer?

MR. ESTES: Yes, sir, thank you.

MS. HAWK: In my discussions with representatives from Florida, I just asked about March 1st. I didn't ask about July 1st.

CHAIRMAN GIBSON: Motion by Dr. Daniel; is there a second to that? Seconded by Rob O'Reilly. Okay, we have a motion to modify the PDT recommendation to June 1st. Any discussion on that motion? Yes, I thought it was July. Is it July or June, the motion?

DR. DANIEL: July 1.

CHAIRMAN GIBSON: July 1. Bob.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Just for clarification; this is just for one year; is that correct?

CHAIRMAN GIBSON: Yes; that is my understanding. Are there any other comments on the motion? This would be done via letter as we discussed earlier. This would be applicable for the 2015 fishing season. Move to not open the large coastal sharks fishery until July 1 for one year. Motion by Dr. Daniel and seconded by Mr. O'Reilly. Any comments on the motion?

Seeing none; do you need a few seconds to caucus?

(Whereupon, a caucus was held.)

CHAIRMAN GIBSON: Is the board ready to vote? Russ, do you have a question?

MR. RUSS ALLEN: This is to send a letter, correct?

CHAIRMAN GIBSON: It is to send a letter. It is about the date specified and requested in the letter.

MR. ALLEN: It doesn't quite say that in the motion.

CHAIRMAN GIBSON: Yes; it should say move to send a letter to the NOAA Fisheries requesting to not open the large coastal shark fishery until July 1st for one year. I think Marin said it was the fishing year 2015. All right, is the board ready to vote? **The motion is move to send a letter to NOAA Fisheries requesting to not open the large coastal sharks fishery until July 1 for one year (fishing year 2015). Motion by Dr. Daniel; seconded by Mr. O'Reilly.** Done caucusing; I'll call the question. All those in favor please raise your hand; any opposed. **It is unanimous; the motion carries.** Are there any other issues?

MS. SCHULZE-HAUGEN: Excuse me; can we do abstentions?

CHAIRMAN GIBSON: The Service abstains; thank you. Is there any other business on that agenda item? Okay, Mr. Borden, dogfish.

MR. BORDEN: Mr. Chairman, I will be very brief. I'm simply requesting that the May meeting we have a discussion of the possession limit on dogfish; schedule that on the agenda. The whole basis, so everyone understands, for the request is that the Mid-Atlantic Council and the New England Council have both recently taken positions on dogfish which are very different.

There was a lot of kind of passionate debate on all sides of the issue and I'm not going to repeat that at his point. The essence of it was the Mid-Atlantic Council stayed at 4,000 pounds in terms of the possession limit and the New England Council staked out the position that they did not want to have a possession limit.

Now, what happens from now on is that those recommendations will eventually go in an implementation package from each of the councils to the National Marine Fisheries Service; and it is my understanding that the National Marine Fisheries Service will have to pick one of those two options or maybe something in between, but that is up to them. I think we have a need to not only go back and review some of the arguments on both sides of the issue but possibly be in a position to comment on a proposed rule if NMFS puts it out with sufficient time for us to comment on.

CHAIRMAN GIBSON: Thanks, Dave. Is there any objection from the board to including the agenda item? Dave Pierce, do you want to speak to this?

DR. DAVID PIERCE: I have no objection except to say that indeed it is more controversial than I thought it ever would be; no possession limit for New England; 4,000 for the Mid-Atlantic Council, which is consistent with the current ASMFC position. I do agree with David because there is so much disagreement on this at the council level, why not schedule it for our next meeting and then afford an opportunity for fishermen and for dealers to know it is going to happen so they can weigh in.

There was no real input from fishermen or processors at either council meeting I don't think on this issue. It is a bit more complicated than most people appreciate, so it does deserve close attention, more discussion and some announcement as to the fact that it is going to be on the agenda to be discussed. You have already mentioned, Mr. Chairman, that we have

a letter from John Whiteside of the Sustainable Fisheries Association.

He represents the only processors involved in dogfish now. They're all in Massachusetts; just three of them. This is not exactly a widespread fishery in terms of processing capacity and limited markets. I won't go into the details except to say I have no objection to the suggestion by Mr. Borden.

MR. O'REILLY: I won't go too far in this either but it would be good to also – if there are any updates on any progress that is being made with Europe on the exports and the problems with the PCBs, that might have a little something to do with our discussions; so if there is some way to get information on that. I guess in the last Mid-Atlantic Council Meeting, the National Marine Fisheries Service indicated it was having dialogue, but I don't know to what extent or what has transpired.

MR. BORDEN: Mr. Chairman, I totally agree with David's point. Spiny dogfish is not on the agenda; so it would be inappropriate for us to take any action and that is the reason I suggested we defer it for the May meeting. I would make one suggestion – and I would defer to the board chair and the leadership of the commission – given the controversy that is involved here, we may want to invite some of the members of the New England Council Committee or the Mid-Atlantic Council Committee to at least join us in the dialogue. Thank you.

CHAIRMAN GIBSON: I can work with Bob on that and see what would be appropriate. I didn't want to go into too much discussion. The commission has already set its specifications for dogfish. Were we of a mind to try to change those, just outline for us, Bob, how difficult that would be.

EXECUTIVE DIRECTOR BEAL: It would be a super majority vote; two-thirds majority vote to do that. I think the difficult part may be more on the states' end. If the states have implemented

trip limits and they have got that process underway, it may be more difficult for them to reverse those processes.

DR. DANIEL: I was confused for a minute, but I do want to make sure it is clear – and if you said this, David, I’m sorry – this is just for New England Fishery. We don’t have trip limits for our fisheries south of –

CHAIRMAN GIBSON: We’re talking about the northern region; aren’t we?

DR. DANIEL: Yes, it is the northern region that has the 4,000 pound trip limit.

MR. BORDEN: To answer Louis’ question, that is what my intent is; but I would point out that because of the way the rules are written, the Mid-Atlantic states have state quotas; but because the federal rule trumps anyone with a federal permit, you have a 4,000 pound trip limit in place.

CHAIRMAN GIBSON: Seeing that there is consensus to have this as an agenda item at the spring meeting, we can have a more thorough discussion and invite parties that have been identified. Bill Adler.

MR. WILLIAM A. ADLER: This is on a different subject; is it okay now?

CHAIRMAN GIBSON: Different than the dogfish matter?

MR. ADLER: It is the dogfish. Once again, it does have to do with the marketing of it. I know that there was mention made at the last meeting by Mr. Pentony that the USDA was thinking of buying up dogfish for institutional food because it is MSC-certified, which the government has basically said you can’t buy any food or seafood that isn’t MSC-certified. Well, dogfish is but there is no market for it; so the USDA was going to buy up the dogs for institutional food service. I think it was in the last minutes of the meeting we had; and I wanted to know if that has actually happened. It was to basically establish a market right here.

CHAIRMAN GIBSON: We’re kind of off base relative to the original dogfish item, but, Mike, do you have a brief comment on that?

MR. MICHAEL PENTONY: Yes; my comments at the October meeting was that NMFS had received a request from industry to endorse their request to the USDA. I forget the specific provision of law where the USDA can certify certain products that are then put on a list; and then that list is essentially a source for largesse institutional buying of a product for prisons and school systems and things of that nature. We had received a request from industry to endorse their request. At the time we were still deliberating on that request and we remain to be deliberating on that request.

MR. ADLER: Section 32, I think they said of whatever.

ADJOURNMENT

CHAIRMAN GIBSON: Is there anything else on the dogfish question? Is there any other business to come before this board? Seeing none; is there a motion to adjourn? So moved and seconded by everyone. Thank you very much.

(Whereupon, the meeting was adjourned at 1:10 o’clock p.m. February 6, 2014.)
