

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

**The Harborside Hotel
Bar Harbor, Maine
October 24, 2016**

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2. **Approval of proceedings of February 2016 by consent** (Page 1).
3. **Move to adopt the 2017 commercial quota of 39,099,717 pounds, which is consistent with the commercial quota recommended by the Mid-Atlantic Fishery Management Council to NOAA Fisheries, and a 6,000 pound trip limit for the Northern Region** (Page 2). Motion by Terry Stockwell; second by Eric Reid. Motion passes unanimously (Page 2).
4. **Move to approve the 2016 Spiny Dogfish FMP Review and state compliance, and *de minimis* status for Delaware in 2016**. Motion adopted by consensus (Page 5).
5. **Motion to adjourn** by consent (Page 6).

ATTENDANCE

Board Members

Terry Stockwell, ME, proxy for P. Keliher (AA)	Tom Fote, NJ (GA)
Doug Grout, NH (AA)	John Clark, DE, proxy for D. Saveikis (AA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Roy Miller, DE (GA)
G. Ritchie White, NH (GA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Rep. Sarah Peake, MA (LA)	Rachel Dean, MD (GA)
David Pierce, MA (AA)	Ed O'Brien, MD, proxy for Del. Stein (LA)
William Adler, MA (GA)	Mike Luisi, MD, proxy for D. Blazer (AA)
David Borden, RI (GA)	Rob O'Reilly, VA, proxy for J. Bull (AA)
Eric Reid, RI, proxy for S. Sosnowski (LA)	Cathy Davenport, VA (GA)
Dave Simpson, CT (AA)	Kyle Schick, VA, proxy for R. Stuart (LA)
Lance Stewart, CT (GA)	Chris Batsavage, NC, proxy for B. Davis (AA)
Steve Heins, NY, proxy for J. Gilmore (AA)	Doug Brady, NC (GA)
Adam Nowalsky, NJ, proxy for R. Andrzejczak (LA)	Wilson Laney, USFWS
Tom Baum, NJ, proxy for D. Chanda (AA)	Peter Burns, NMFS

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

Ex-Officio Members

Staff

Robert Beal	Max Appelman
Toni Kerns	Amy Hirrlinger

Guests

Derek Orner, NOAA	Colleen Giannini, CT DEEP
Harold Mears, NMFS	Matthew Gates, CT DEEP
Kelly Denit, NMFS	Katie Westfall, Environmental Defense Fund
Alan Risenhoover, NMFS	Doug Christel, MA F&G
Tim Sartwell, NMFS	Pat Augustine, Coram, NY
Kim McKown, NYS DEC	Arnold Leo, E. Hampton, NY
Rich Wong, DE DFW	Ray Kane, CHOIR
Kevin Sullivan, NH F&G	

The Spiny Dogfish Management Board of the Atlantic States Marine Fisheries Commission convened in the Statesbury Grand Ballroom of the Bar Harbor Club, Harborside Hotel, Bar Harbor, Maine, October 24, 2016, and was called to order at 1:25 o'clock p.m. by Chairman David V. Borden.

CALL TO ORDER, APPROVAL OF AGENDA AND PROCEEDINGS

CHAIRMAN DAVID V. BORDEN: **Welcome, call to order, approval of agenda and proceedings from February, 2016 meeting had technical difficulties. The agenda and proceedings were approved.**

PUBLIC COMMENT

CHAIRMAN BORDEN: Public comment, we allow individuals to speak on behalf of important issues that do not appear on the agenda. No one signed up on the attendance sheet.

Is there anyone in the audience who would like an opportunity to address the board on issues that did not appear on the agenda? No hands up again.

REVIEW AND SET FISHERY SPECIFICATIONS FOR THE 2017-2018 SEASON

CHAIRMAN BORDEN: We are going to proceed with Item 4 on the agenda, which is a review and set the specifications. Just for everyone's edification, this is a two-part action, which will be required. One is to set the actual quota, and the second is to set the trip limit. I've asked the staff to develop some language that we can look at after the presentation. Max.

REVIEW MID-ATLANTIC FISHERY MANAGEMENT COUNCIL 2016-2018 SPECIFICATIONS RECOMMENDATION

MR. MAX APPELMAN: I'll try to get us back on schedule. I'll get through this pretty quickly. If you were at the Mid-Atlantic Council meeting earlier this month, a lot of this information and some of the slides are taken straight from that

presentation. For new members around the table and any public listening in, this is a jointly managed species; managed jointly with the Mid-Atlantic and New England Councils. The Interstate FMP is complementary to that federal plan.

The council is currently in the middle of a three-year-specification cycle. Up on the screen there is the reminder that the fishing season is from May 1st to April 30th. The commission is going one year at a time with this, so right now, we're looking at that middle time period, May 1, 2017 to April 30, 2018. That is the 2017 fishing season.

In September, the SSC met to review the 2016 data update and the APs Fishery Performance Report. Based on those materials, they saw no compelling evidence to change its ABC recommendations for the 2017 and 2018 fishing season. Also, in September, the Monitoring Committee met and reviewed that same information and made no changes to their previous recommendations either.

This is just a table of that multiyear specification cycle. Starting with the OFLs and ABCs up at the top there, working its way down through the commercial quotas at the bottom. Taking Canadian landings into account, management uncertainty, discards, recreational landings, and at the bottom there the commercial quota for the current fishing season is 40.4 million pounds, 2017 is 39.1 and for 2018 is 38.2 million pounds. You did see that there is a decreasing trend in the ABC and the quotas throughout that specification cycle, and that is based on information coming out of the latest stock assessment, which projected SSB to dip somewhat through 2019, before rebounding back up again. Just making a point that those findings did show us it will be climbing again after that specification cycle, and you could expect to see quota increases while during the next Specs cycle; but of course, that does depend on survey results and other fishery information.

This is a figure of the spring survey data, observed index values through time. This is the primary fishery independent data source going into stock assessment. The red dots are the observed values, the blue and green lines are the Kalman filter. You'll recall, last year, there was limited information coming from that spring survey, and the council directed or asked the Science Center to do some additional exploration of some smoothing options or smoothing techniques to address that missing data.

The Kalman filter is what came out of that process. It was also endorsed by the SSC. The big take-home from this figure, though, is that the survey value was up in the last year, in 2016; so no hiccups or cause for alarm there. This figure is showing commercial landings through time. The orange line is last year's landings, and the blue line is this year; up-to-date.

This was taken from the GARFO quota monitoring page just late last week. You can see that landings have been a little bit higher this year, compared to last. There was pretty steep trajectory there over the summer, and it seems like it has tapered off a little bit; but just pointing out that if this trajectory continues throughout the season, we could see some fishery closures this year.

A couple things to keep in mind when you look at that trajectory compared to last year, is there were some measures that went into place recently and are just starting to impact the fishery. One was a trip limit increase from 5,000 pounds to 6,000 pounds. That went into effect August 15th. Then the second thing here is a framework action taken at the councils that sort of clarifies this gray area, whether spiny dogfish and monkfish could be targeted on the same trip using different gears and different areas.

I'm not exactly sure how much this could impact effort, as more as it just clarifies something that has already been going on. A

few points from the Fishery Performance Report to just put on your radar here, is that demand continues to be a critical part of this fishery. It is characterized as a low price-per-pound fishery, so any little changes in that price can have big impacts on the participation in the fishery.

Another point is that most participants seem to want small incremental changes, if any, although there is a small group that wants to see some bigger trip limits to explore some other market possibilities. Then this last point here is getting at that there are still some marketing and regulatory issues discouraging interest.

In the southern regions, the lack of processors, and it just continues to be a road block to participation in that region. Then one more slide here, just put some topics on the horizon, some reoccurring topics that have been coming up. One is the AP and the Monitoring Committee continue to note the need for a benchmark assessment. There are a couple bullets here. This is not a comprehensive list by any means, but just some things that they've noted that they would like explored further in that benchmark, one is the survey sampling design, how we're surveying the population and is it adequate? Then the other reviewing some reproductive information that goes in the stock assessment that might be a little bit outdated, and see if we can improve that. Then this last bullet is, continue discussion about interest in a male-only fishery.

There was some thesis work done in collaboration with GARFO and Science Center staff that sort of suggests that this could be possible; that there are certain times of the year and in very specific areas where male-only harvest is a viable option. To wrap it all up, the Mid-Atlantic Council met October 5th. They reviewed this exact same information and recommended no changes to the previously recommended specifications.

That is 39.1 million pounds for 2017, the commercial quota, and 38.2 million pounds for the commercial quota in 2018 and the 6,000 pound trip limit. This is, again, just that same slide I showed you earlier of all those specifications. But I think this next slide, I'll keep this up on the screen once I finish here, but this is showing you the state specific and regional specific allocations based on those quotas. That concludes my presentation. I'll take any questions.

CHAIRMAN BORDEN: Any questions for Max? No hands up. Let me try to speed this along and ask, is there anyone at the table, any of the board members want to propose anything different than what the Mid-Atlantic Council proposed, anyone? Is there anyone in the audience that thinks we should consider? No hands up. Okay, we anticipated this. I asked the staff to prepare a joint motion on both of these. If you could put it up. Then I would ask someone to make this motion, please. Terry Stockwell.

MR. TERRY STOCKWELL: **I move to adopt the 2017 commercial quota of 39,099,717 pounds, which is consistent with the commercial quota recommended by the Mid-Atlantic Fishery Management Council to NOAA Fisheries, and a 6,000 pound trip limit for the northern region.**

CHAIRMAN BORDEN: Seconded by Eric. We had like four hands up simultaneously. We have a motion and a second on the table, any discussion on the motion? No hands up. Are you ready for the question? Since it is a final action, we have to do this by roll call. Max, can you read the roll, please.

MR. APPELMAN: Yes. Maine.

MR. STOCKWELL: Yes.

MR. APPELMAN: New Hampshire.

MR. DENNIS ABBOT: Yes.

MR. APPELMAN: Massachusetts.

MR. WILLIAM A. ADLER: Yes.

MR. APPELMAN: Rhode Island.

MR. ERIC REID: Yes.

MR. APPELMAN: Connecticut.

MS. MELISSA ZIOBRON: Yes.

MR. APPELMAN: New York.

MR. STEPHEN HEINS: Yes.

MR. APPELMAN: New Jersey.

MR. TOM BAUM: Yes.

MR. APPELMAN: Delaware.

MR. JOHN CLARK: Yes.

MR. APPELMAN: Maryland.

MR. MICHAEL LUISI: Yes.

MR. APPELMAN: Virginia.

MR. JOE CIMINO: Yes.

MR. APPELMAN: North Carolina.

MR. W. DOUGLAS BRADY: Yes.

MR. APPELMAN: U.S. Fish and Wildlife Service.

DR. WILSON LANEY: Yes.

MR. APPELMAN: National Marine Fisheries Service.

MR. PETER BURNS: Yes.

CHAIRMAN BORDEN: It's unanimous, motion passes.

**CONSIDER 2016 FISHERY MANAGEMENT PLAN
REVIEW AND STATE COMPLIANCE**

CHAIRMAN BORDEN: All right, next item on the agenda is to consider the Fishery Performance Report. Max.

MR. APPELMAN: Again, a very brief presentation here. This is an FMP review of the 2015 fishing year. Again, that is May 1st, 2015 through April 30, of 2016. A quick review of the latest stock status information, the latest info is coming from the 2015 stock assessment update. Based on those findings, spiny dogfish is not overfished and overfishing is not occurring.

In 2015, female SSB was estimated at just over 168,000 metric tons, which is above the target value, and fishing mortality was estimated at 0.21, which is similarly below the target value. This is a figure showing commercial landings versus the quota through time. You can see that there was a bit of a spike in the quota in 2012; whereas, landing sort of tapered off. Thoughts are these most likely are reflecting market conditions during that time. A quick summary of some harvest statistics in 2015, the commercial quota was 50.6 million pounds with a 5,000 pound trip limit for the northern region.

Commercial landings from the U.S. were estimated at 22 million pounds, and this is less than 50 percent of that quota; again, probably reflecting market conditions. A note here that all states and regions harvested within their quota allocations, and so no compliance issues there. Recreational landings were just over almost 87,000 pounds, and discards were estimated at 7.3 million pounds, which is actually a few million pounds lower compared to recent years.

This could be indicating improved utilization of the resource. The Plan Review Team reviewed all the state compliance reports, and based on those reports found that all states had implemented regulations consistent with the requirements of the interstate FMP in Addenda

I through V; however, the PRT does note that Connecticut did not meet the May 1, 2015 compliance schedule of Addendum V; that addendum requires fins to remain attached to the carcass through landing, and Connecticut just recently came into compliance with that addendum.

The last thing I have up here is a request for de minimis status by Delaware, the FMP states that de minimis status can be granted if their state landings are less than 1 percent of the commercial coastwide landings, and based on those estimates, Delaware does meet the requirements for de minimis status in 2016. That concludes my presentation, thank you.

CHAIRMAN BORDEN: Questions on the report, any questions? Yes; Dave Pierce.

DR. DAVID PIERCE: Yes, Max, you indicated that right now we're not overfishing dogfish. At the same time, on the report that you provided, it appears that we are a hairs breath under what would classify as overfishing. Do you have any information that would help us understand the significance of that; notably, the assessment information we have in hand, or updates that might be scheduled that will address this question. Have we got any preview of where we might find ourselves relative to overfishing or not?

MR. APPELMAN: I think the best way for me to answer that is back to what the AP and MC have been noting that we really need another benchmark assessment. I think we're scheduled for an update in two years; next year is still a data update. I'm not super familiar with the assessment. I'm kind of relatively new to this species management plan in the assessment, but I can look into that a little bit more maybe, and get back to you.

DR. PIERCE: It's a great assessment. Paul Rego, Dr. Rego of the Northeast Fisheries Science Center has retired. He is the one who did so many magical things with spiny dogfish, such as the Kalman Filter. I just want to bring to the

attention of the board a potential problem that might affect us, actually for 2017 going into '18.

The Kalman Filter was used in a creative way in order to deal with the fact that the albatross, actually the Bigelow, the Bigelow was not able to survey important areas in the Mid-Atlantic area, southern New England area, where dogfish were expected to be abundant. Those survey stations were not accomplished; so we had a missing data point for 2014. We used a three-year-moving average to come up with the biomass estimates and also estimates of fishing mortality. My understanding is that in 2016, this year in the spring, there was about a month, maybe over a month delay in the spring survey. My fear is that we may find ourselves with some update that would indicate that we don't have 2014 information and we don't have 2016 information, so we have two years missing from a three-year-moving average.

This is just something we need to follow; I wanted to call it to Max's attention, in particular, since you now have this responsibility. There is a lot of history behind how this stock has been assessed, so that is just some information for the board's consideration; since as I said, we're a hairs breath, according to the figure in front of me here.

Figure 1 in the Review of the Interstate Plan, actually it's Figure 2. We're very close to the threshold, so if there was a problem with the 2016 spring survey relative to getting us a good indication of the biomass; that I continue to think is so very high, we may find ourselves suddenly with an update that will tell us that we are overfishing. Again, for Max's consideration.

MS. TONI KERNS: David, we talked about, at our last NRCC meeting, the schedule for all the assessments. There is a data update. We've been doing a lot of what I call rumble strips that we are going to actually run the model with new years of data. I can't remember off the top of my head if we actually got a benchmark assessment put onto the books, because of all

of the MRIP species that need to be looked at in 2018.

I've sent an e-mail over to Emily Gilbert, who keeps track of everything that we do at the NRCC meeting, to see how we revised that SAW/SARC schedule. I will let the board know at the Policy Board, likely, how we change that.

CHAIRMAN BORDEN: Max, did you want to respond further to Dr. Pierce?

MR. APPELMAN: I'm just looking at the same figure. The dashed line at the top there is actually the target line. We are getting close to the target, but overfished wouldn't occur until it hits the threshold line.

CHAIRMAN BORDEN: Any other questions on the report? Any objection to approving the report as presented, which would include granting Delaware de minimis status? Yes.

MELISSA ZIOBRON: I just had more of a comment. I didn't catch you in time before we moved on. In terms of the compliance, I think it would be very helpful for states if we were able to get a list of the compliance requirements and the corresponding implementation dates, and then the states could respond with the actions taken. I think it would have been helpful for us to have implemented ours in a more-timely manner.

CHAIRMAN BORDEN: Okay, thank you. We've heard the report. **There are no questions on the report, any objections to approving a report as submitted, which would include granting Delaware de minimis status. No objections? Then it is adopted with unanimous consent.** Is there any further business to come before the board? If not, the meeting is adjourned. Coastal Sharks will start in two minutes.

MS. KERNS: Emily just sent an e-mail, and we are doing just a data update, we're actually not doing an assessment update in 2017, and we do

not have anything on the books for dogfish in 2018 currently.

CHAIRMAN BORDEN: Terry Stockwell, you've got a point?

MR. STOCKWELL: Before you completely adjourn Spiny Dogfish, you and I had a sidebar conversation about potential for a working group prior to setting the specs next year.

CHAIRMAN BORDEN: Oh yes. Thank you for reminding me. I'll just make this really brief. There have been a number of suggestions. Michael has made suggestions in the past, Rob O'Reilly, Terry Stockwell, I think some of the Rhode Island delegation have made the same suggestion that we put together like a subcommittee to evaluate some of the suggestions that have been put forth in the Fishery Performance Report by the Mid-Atlantic Council.

The idea would be not necessarily to take any action on it; it would be to just work through some of those concepts in anticipation of next year. This is kind of a long range planning group. Those suggestions have been made by a fair number of people. Does anyone object to doing that? If there are no objections, then we'll circulate a memo. If individual states want to volunteer for it at that point, we'll do that. I see no hands up and no objections. Then we will do that.

ADJOURNMENT

CHAIRMAN BORDEN: That concludes the meeting, this portion of the board meeting.

(Whereupon the meeting adjourned at 1:50 o'clock p.m. on October 24, 2016.)