

# Atlantic States Marine Fisheries Commission

## Spiny Dogfish Management Board

*August 3, 2023*

*8:30 – 9:00 a.m.*

*Hybrid Meeting*

### Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

1. Welcome/Call to Order (*N. Meserve*) 8:30 a.m.
2. Board Consent 8:30 a.m.
  - Approval of Agenda
  - Approval of Proceedings from February 2023
3. Public Comment 8:35 a.m.
4. Review Progress on Mid-Atlantic and New England Fishery Management Councils' Joint Action on Monkfish and Dogfish Fisheries to Reduce Atlantic Sturgeon Bycatch (*C. Ferrio*) 8:45 a.m.
5. Consider Approval of Fishery Management Plan Review and State Compliance for the 2021-2022 Fishing Year (*J. Boyle*) **Action** 8:50 a.m.
6. Other Business/Adjourn 9:00 a.m.

The meeting will be held at The Westin Crystal City, 1800 Richmond Highway, Arlington, VA; 703.486.1111, and via webinar; click [here](#) for details.

## MEETING OVERVIEW

**August 3, 2023**  
**8:30 – 9:00 a.m.**  
**Hybrid Meeting**

Chair: Nichola Meserve (MA) Assumed Chairmanship: 10/21	Technical Committee Chair: Scott Newlin (DE)	Law Enforcement Committee Representative: Baker (MA)
Vice-Chair: Pat Geer (VA)	Advisory Panel Chair: Vacant	Previous Board Meeting: February 1, 2023
Voting Members: ME, NH, MA, RI, CT, NY, NJ, DE, MD, VA, NC, NMFS (12 votes)		

### 2. Board Consent

- Approval of Agenda
- Approval of Proceedings from February 1, 2023

**3. Public Comment** – At the beginning of the meeting public comment will be taken on items not on the agenda. Individuals that wish to speak at this time should use the webinar raise your hand function and the Board Chair will let you know when to speak. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance, the Board Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

<p><b>1. 4. Review Progress on Mid-Atlantic and New England Fishery Management Councils’ Joint Action on Monkfish and Dogfish Fisheries to Reduce Atlantic Sturgeon Bycatch (8:45-8:50 a.m.)</b></p>
<p><b>Background</b></p> <ul style="list-style-type: none"> <li>• In response to the 2021 Biological Opinion and 2022 Action Plan to Reduce Atlantic Sturgeon Bycatch in Federal Large Mesh Gillnet Fisheries, a joint FMAT/PDT of the New England and Mid-Atlantic Fisheries Management Councils formed to develop a range of alternatives to reduce sturgeon bycatch in the Monkfish and Spiny Dogfish Fisheries.</li> </ul>
<p><b>Presentations</b></p> <p>2. Review Progress and Timeline Updates on the Mid-Atlantic and New England Fishery Management Councils’ Joint Action on the Spiny Dogfish Fishery to Reduce Atlantic Sturgeon Bycatch by C. Ferrio</p>

<p><b>5. Consider Fishery Management Plan Review and State Compliance for the 2021-2022 Fishing Year (8:50-9:00 a.m.) Action</b></p>
<p><b>Background</b></p>

- State Compliance Reports were due on July 1, 2022.
- The Plan Review Team reviewed each state report and compiled the annual FMP Review (Supplemental Materials).

**Presentations**

- Overview of the FMP Review Report by J. Boyle

**Board Actions for Consideration**

- Approve FMP Review for 2021-2022 fishing year, state compliance reports, and *de minimis* requests

**6. Other Business/Adjourn**

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

**The Westin Crystal City  
Arlington, Virginia  
Hybrid Meeting**

**February 1, 2023**

These minutes are draft and subject to approval by the Spiny Dogfish Management Board.  
The Board will review the minutes during its next meeting.

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## INDEX OF MOTIONS

1. **Approval of agenda** by Consent (Page 1).
2. **Approval of Proceedings from January 25, 2022** by Consent (Page 1).
3. **Move to adopt a 12-million-pound commercial quota for the 2023/2024 fishing year (May 1-April 30) for spiny dogfish, with a 7,500-pound trip limit for the Northern Region, consistent with the actions of the Mid Atlantic Fishery Management Council and New England Fishery Management Council** (Page 5). Motion by John Maniscalco; second by Raymond Kane. Motion approved by consent (Page 5).
4. **Move to nominate Pat Geer as Vice-Chair of the Spiny Dogfish Board** (Page 5). Motion by Chris Batsavage; second by Joe Cimino. Motion carried (Page 5).
5. **Motion to adjourn** by Consent (Page 5).

## ATTENDANCE

### Board Members

Megan Ware, ME, proxy for P. Keliher (AA)	Joe Cimino, NJ (AA)
Rep. Allison Hepler, ME (LA)	Peter Clarke, NJ, proxy for T. Fote (GA)
Cheri Patterson, NH (AA)	Adam Nowalsky, NJ, proxy for Sen. Gopal (LA)
Doug Grout, NH (GA)	John Clark, DE (AA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Roy Miller, DE (GA)
Nicola Meserve, MA, proxy for D. McKiernan (AA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Lynn Fegley, MD, (AA, Acting)
Jason McNamee, RI (AA)	Russell Dize, MD (GA)
David Borden, RI (GA)	Pat Geer, VA, proxy for J. Green (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Chris Batsavage, NC, proxy for K. Rawls (AA)
Justin Davis, CT (AA)	Jerry Mannen, NC (GA)
Bill Hyatt, CT GA)	Chad Thomas, NC, proxy for Rep. Wray (LA)
John Maniscalco, NY, proxy for B. Seggos (AA)	Jay Hermsen, NMFS
Emerson Hasbrouck, NY (GA)	

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

### Ex-Officio Members

Scott Newlin, Technical Committee Chair

### Staff

Robert Beal	Tracey Bauer	Chris Jacobs
Toni Kerns	Kurt Blanchard	Jeff Kipp
Madeline Musante	James Boyle	Caitlin Starks
Tina Berger	Pat Campfield	

### Guests

Mike Armstrong, MA DMF	Emily Gilbert, NOAA	Thomas Newman
Pat Augustine, Coram, NY	Lewis Gillingham, VMRC	Molly Ogren, RI DEM
Rob Beal, ME DMR	Willy Goldsmith, Pelagic Strategies	Michael Pierdinock
Alan Bianchi, NC DENR	Kurt Gottschall, CT DEEP	Nicole Pitts, NOAA
Delayne Brown, NH F&G	Melanie Griffin, MA DMF	Marisa Ponte, NC DENR
Jeff Brust, NJ DEP	Jay Hermsen, NOAA	Jill Ramsey, VMRC
Mike Celestino, NJ DEP	Matthew Heyl, NJ DEP	Zach Schuller, NYS DEC
Caitlin Craig, NYS DEC	Harry Hornick, MD DNR	Chris Scott, NYS DEC
Jesica Daher, NJ DEP	Jesse Hornstein, NYS DEC	Ethan Simpson, VMRC
Jason Didden, MAFMC	Kris Kuhn, PA F&B	Somers Smott, VMRC
Phil Edwards, RI DEM	Brooke Lowman, VMRC	Beth Versak, MD DNR
Lynn Fegley, MD (AA)	Mike Luisi, MD DNR	Craig Weedon, MD DNR
Glen Fernandes	David McCarron, NEFMC	John Whiteside
Cynthia Ferrio, NOAA	Joshua McGillt, VMRC	Tim Wildman, CT DEEP
Jared Flowers, GA DNR	Dan McKiernan, MA DMF	Josh Winger, NC DENR
Marty Gary, PRFC	Kevin McMenamin, Annapolis, MD	
Matt Gates, CT DEEP	Steve Meyers	

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Draft Proceedings of the Spiny Dogfish Management Board Hybrid Meeting  
February 2023

The Spiny Dogfish Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia, via hybrid meeting, in-person and webinar; Wednesday, February 1, 2023, and was called to order at 1:30 p.m. by Chair Nichola Meserve.

**CALL TO ORDER**

CHAIR NICHOLA MESERVE: If Dogfish Board members can please take their seats, we're going to get started and call the February 1st Spiny Dogfish Management Board meeting to order. My name is Nichola Meserve from Massachusetts. I'm joined up from by Caitlin Starks, the FMP Coordinator for ASMFC, and also virtually we have Jason Didden; the Mid-Atlantic Council staff, who will be helping us with some information for our specification setting action item.

**APPROVAL OF AGENDA**

CHAIR MESERVE: You have before you an agenda for today. Are there any modifications to the agenda? Seeing none; we'll consider that approved by consent.

**APPROVAL OF PROCEEDINGS**

CHAIR MESERVE: We also have minutes from our last meeting in January of 2022. Are there any revisions to the minutes? Seeing none; we will consider those approved, and move on to Public Comment.

**PUBLIC COMMENT**

CHAIR MESERVE: This is a time for public comment on items that are not on the agenda. Is there anyone that would like to make comment in the room or virtually, any hands? No hands for public comment.

**SET 2023/2024 SPECIFICATIONS**

CHAIR MESERVE: We will move on to the setting of the 2023/2024 specifications. This is a final action item, but first we will receive a

presentation from Jason, and Caitlin as well. When you're ready, Jason, go ahead.

MR. JASON DIDDEN: Looking at 2023 spiny dogfish specifications. I'm going to run through basically the materials that the Councils focused on, leading into their setting of specifications. Currently we're at an ABC of about 17.5 thousand metric tons. That is really built off of the 2018 assessment. It leads to almost a 30-million-pound quota, and that is kind of what we're operating under right now.

On the federal side it's an open-access fishery, 7500-pound federal trip limit. It was changed last May. Then we have the regional and state quotas in trip limits that you all set. We just wrapped up a research track assessment. It was well reviewed from a methods perspective. But landings trends are down, the indices are down. That usually doesn't end well.

I mean the biomass trends since 2012, I believe is down. I think in 2019 the terminal year of the assessment, it wasn't overfished, but it's more or less headed in that direction. We'll get a 2023 management track assessment. That will determine stock status in future ABCs. We're not using the research track assessments for that. We'll wait until we update the data for the management track assessments. If I had to bet, I would bet we'll either be overfished or close to overfished when that comes around, given landings.

The indices have been trending down in the subsequent years. The assessment went through '19, then we got '20, '21, '22, and again, the indices with the landings were not real positive in those update years, so we won't know until that gets done and reviewed, but it doesn't look great. Just backgrounds on the federal quota and in total landings.

Again, the landings tracked up with the increasing quotas during the rebuilding period. But since 2012 have been overall trending down below the quota, except were pretty close in 2019. Just dogfish prices in 2021 dollars. You can kind of see the

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erosion trend from 2008 to 2013. Then since 2013, fairly stable with a bit of an increase in real prices.

Just an update on where things stand roughly right now. We're at, you know still well below the quota trajectory. Landings had been tracking in 2022 fishing year, very similarly to 2021. Here 2022 is in blue. The last few weeks landings have increased a bit more than this same time last year, so we're a little bit above last year at this point.

These lines definitely preliminary, especially with a transition at NMFS To CAMS data processes for quota monitoring. But that is approximately where we are this year and last year. Again, the fishing year is a May 1 start. We've got some requests at the Council meetings for a little more info on like time of year landings for states.

Some of that kind of got into confidential data, but summarizing, you know just for background. Northern areas; Rhode Island, Massachusetts, New Hampshire, mostly Massachusetts. You have landings start in June, wrap up in early October, generally, and through all three of these areas, you know they start off low, they trail off low, and they're kind of strongest in the middle of these month periods.

New Jersey/Maryland mostly late October to December, a little bit in the spring sometimes. Then Virginia is mostly late November to early April. Just kind of a sense of the transitioning through the year of where landings occur. Just trends in vessel participation. You can see that like landings themselves peaking out around 2012, so did vessel participation, and has been trailing off since then.

We have our Advisory Panel provide kind of commentary on their perspective on the preceding fishery year performance. They continue to flag that COVID-19 didn't have a huge impact on the dogfish fishery. But

demand was low before, and it's still low. It's been fairly stable. Their sense is that the market could support a bit more landings, if vessel participation and production increases, in terms of the markets that they are targeting. But again, landings have been fairly low.

Reasons for those landings that have been flagged by our AP include, there are better opportunities in other fisheries, like the oysters and shrimp in Virginia. There continues to be interest by some, but not all, to keep bumping the trip limit up to get more vessels participating. The Councils have kind of had trip limits on, you know as a topic of interest for a number of years. It's kind of been, you know I think any further increases beyond the 2022 increase to 7500, I think is kind of on hold, until we see the final results of the management track and have a better sense of what might be upcoming for spiny dogfish.

The Advisory Panel continues to provide input that they have a lot of concern about the science on spiny dogfish. They tend to focus on, is a survey covering where the dogfish are, and how has the survey been performing, in terms of when it leaves the dock, when it's hitting different areas. Does that create extra noise in the indices?

Then there has been some work on fish behavior in recent years that kind of have flagged some interesting findings about migration patterns in spiny dogfish, and time spent off the bottom. For the previous way we were assessing spiny dogfish, it was more or less a swept area biomass expansion, where the survey coverage and the fish behavior issues become really acute, because you're expanding up from the area.

You surveyed the total area to get a ballpark on biomass. The newest estimate and there are some backgrounders on this. The other week in New England and next week, the Mid, moving to a more standard analytical model, where the survey isn't the whole thing, it's just an index that the models tune into as it tries to replicate what is going on with spiny dogfish biomass and fishing mortality,

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and then the different observed data, whether it's catches or the survey.

We're kind of moving away from just depending on the survey to using the survey as a tuning index in kind of a more modern analytical assessment. We got some input from the AP, and got a lot of concern about just depending on the survey. In the dogfish assessment, Andy Jones at the Center did some neat CPUE work for the assessment, looking at both trawl observer data and study fleet data, to try to develop another index.

Kind of stealing that idea from them as kind of a quick check on the survey. Staff here, me, did a simple catch per observed trawl hour, after some filtering to remove really oddball tows or things like that. Saw a remarkably similar pattern as a trawl survey. I just included it through 2019 in my observer analysis, because of impacts from COVID.

But you'll see Andy's analysis kind of further follows the survey. It's not a random survey, it's looking at where people are fishing for other fish, really, and probably trying to avoid dogfish. While it's not stratified random design, the power here is you have thousands of observed tow-hours each year.

It remarkably followed the trend of the survey. The blue there is a spring survey three-year average line, and then I've got just a calculated observed spiny dogfish annual pounds per trawl hour, just from the observer data. As far as, you know kind of trying to look at these kinds of things that are a pretty tight trend. The correlation was quite high on that.

Again, I stopped in 2019, but Andy's work continued. His model was much fancier than what I had done. It integrated all observer data as study fleet data. The study fleet was less impacted by COVID, it kind of keeps, they have less data loss than the observer data through COVID. But you can kind of see the 2019 point where I left off and then his analysis kind of

continues downward trend after that in a similar fashion as you just saw with the survey. It was a little bit of kind of just a check that some other data sources were pointing to a similar trend, as we saw, with the survey.

You can see the spring survey continued on a downward, in a similar fashion as his analysis in the terminal years there, and again, a totally different way of looking at it. He was looking at just again, observed trawl data and then study fleet data that he has a way to combine, but kind of saw a similar trend.

Our SSC kind of looked at the available information and decided that it should then reduce the ABCs point. They looked at where biomass seemed to have kind of trended from '16, '17, '18 average to the '21 to '22 average. That was about a 40 percent decline, or about 11 percent per year over that time period in the spring trawl data.

They looked at what our ABC would have been in 2019, and kind of reduced it by the same amount, as a kind of way to approximate kind of a reduction, more or less, following the Council's risk policy. In the interim, while we're waiting the updated management information from the research track assessment.

That ABC is that 7,788 metric tons and is less than half of the previous ABCs. From ABC to Specs, the quota we dropped through small amounts for Canada and recreational landings, based on recent history. These are relatively small amounts compared to the ABC. Then discards are a bigger (muffled). Often in the past had to spend taking an average of recent discards, but we said, well, if we think the ABC should be going down, because abundance is going down.

If abundance is going down then so also discards, hopefully. The Monitoring Committee decided that it seemed reasonable to scale discards down by that same amount. It's a lot of uncertainty in this. It would be lower than all the previous estimates, but kind of matches, trying to match the trend that we're seeing in abundance trends.

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Again, a good bit of uncertainty in that discard set aside, and exceeding that ACL has consequences, maybe damage to the stock, but definitely paybacks. Those from any that occurred in 2023 overages, then the paybacks occur in 2025. Again, it's hard to predict the future, but we're really not anticipating higher quotas in those years, given the trends and the results of the assessment we've seen so far.

That kind of brings into the question, should there be some kind of management uncertainty buffer. The conclusion of the Monitoring Committee, as we kind of looked at the variability in landings and discards is that an 18 percent buffer. We did not think that there would be likely to be large overages.

But, with no buffer or minimal buffer, you know there is enough uncertainty, especially on the discard just random variation year to year, or trends, if the trends in abundance change. You could end up with an ACL overage if there is not buffer. Again, pros of bigger buffers, not going to damage the stock, and you're quite likely to avoid a big overage and not affect those out years, which while it's going to lower the quota now, it's going to end towards increasing stability. Of course, on the flip side, we got input that if landings get down much more than the most they could potentially be with our new ABCs.

There is basically one major processor left and if they exit the fishery, you know it's not clear who is going to process that catch, some either if not collapse, substantial disruption of the industry. Then if you have a big buffer and you're setting aside a lot of quota year to year, and like you're not going to be catching optimum yield.

Pros of smaller buffers, more likely to utilize the full ABC, catch optimum yield, and industry had provided input that if there is a quota around 12 million pounds, they say they can hold on for another year or two. But then again, if we do end up with an overage, potentially damage the

stock, and you're facing deductions for overages in the out years, when ABCs may even be smaller to start with.

Skipping kind of some of the staff recommendation stages and committee discussions. The Mid-Atlantic Council and New England went with a 0 percent buffer that leads to a 12-million-pound quota. Their rationale was that yes, there might be some higher risk of overage, primarily due to the uncertainty about expected discards, but industry very clearly stated they are willing to kind of tolerate that risk, due to the potential impact of the quota being so low.

Then they also, the Councils also kind of discussed that because, well, some of the barriers to the state's trade quota under the Commission system have been reduced in recent years. In order to catch that full 12 million pounds, you would have to have kind of very low friction quota transfers. That is not likely to occur perfectly.

It seemed unlikely that even with a 12-million-pound quota here that it would actually be caught. All states do trade, and try to trade the best they can. They don't want to trade so much away that they disadvantage their own folks. There is likely some kind of built-in buffer on that 12-million-pound quota, due to kind of the allocations through the Commission that there is a little extra buffering built in there.

This is kind of the range of buffers here. You know going down to that management uncertainty buffer in the middle, 0 percent, 5 percent, 13 percent, 18 percent. Everything above that is all the same, and then bigger buffer means smaller quota. The quota ranges kind of from 12 to about 9 million roughly here.

The Councils you know kind of evaluated the potential for underages, overages, input from industry, and went with that 0 percent management uncertainty buffer. We don't think that there necessarily will be a quota overage, an ACL overage with that, but certainly without a

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buffer there. There is new history of overages in this fishery.

But with a little management uncertainty buffer or no management uncertainty buffer, it does increase the potential for ACL overages and future paybacks. But that is a recommendation of the Councils that draft environmental assessment for that is under review at GARFO with the NMFS folks right now. I think that's it; I'll take questions. Thank you.

CHAIR MESERVE: As I was saying, are there any questions for Jason on the material he presented? Seeing none; we'll move on to Caitlin, who has a couple slides to lead us into a discussion of the action that we need to take on the specifications.

MS. CAITLIN STARKS: Thank you, Madam Chair. We just have a couple quick slides here for the Board's consideration, as you consider the specifications for 2023/2024. If the Commission were to adopt the 12-million-pound quota, which would be consistent with what the Councils have done, it would result in these regional and state quotas shown in this table.

I did want to put these up, to make sure the Board is fully aware of what those would look like in the bottom row in bold. Then last year the Commission set the trip limit for the northern region to 7500 pounds for the 2022 to 2023 fishing year. That was consistent with the change that the Councils made to the federal trip limit.

That federal trip limit will remain 7500 pounds unless it's changed by the Commission. Because the Commission specified it was only for 2022 and 2023, the Commission would need to respecify the trip limit for 2023 and 2024. With that I can take any questions or lead into Board discussion.

CHAIR MESERVE: Are there any questions for Caitlin? If not, I think we would be best served by looking for a motion that would set the

quota and the northern region trip limit for fishing year 2023. Is there anyone prepared to do so? John Maniscalco.

**MR. JOHN MANISCALCO: I move to adopt the 12-million-pound commercial quota for 2023/2024 fishing year, May 1st through April 30th for spiny dogfish, with a 7500-pound trip limit for the northern region, consistent with the actions of the Mid-Atlantic Fishery Management Council and the New England Fishery Management Council.**

CHAIR MESERVE: Thank you, John, is there a second to that motion? Ray Kane. Is there any discussion from the Board on the motion? As this is a final action, is there any public comment? Seeing no hands; we'll see if we can do it the easy way. There is one hand, John Whiteside, go ahead.

MR. JOHN WHITESIDE: Many of you have already heard my comments at both the Mid-Atlantic and New England Council, and I support the 12-million-pound commercial quota for 2023/'24 and I urge you to do that for just a variety of reasons. Please, let's not let the last dogfish processor close. Thank you.

CHAIR MESERVE: **The easy way, is there any objection to the motion? Seeing none; we'll consider that approved by unanimous consent, and move on to the election of a Vice-Chair.**

#### **ELECT VICE-CHAIR**

CHAIR MESERVE: Is there anyone prepared to nominate a Vice-Chair for the Spiny Dogfish Board. Chris Batsavage.

**MR. CHRIS BATSAVAGE: I would like to move to nominate Pat Geer from the Commonwealth of Virginia as Vice-Chair of the Spiny Dogfish Board.**

CHAIR MESERVE: **Is there anyone that would like to second that motion? Joe Cimino, thank you, is there any objection to the motion? Seeing none; congratulations, Pat.** Is there any other business to come before the Spiny Dogfish Board today? Toni Kerns, please.

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MS. TONI KERNS: Just a reminder, and Jason mentioned it, but the research track assessment will be presented at the Mid-Atlantic Council meeting. Caitlin has the dates, and we will send a reminder e-mail at the beginning of next week for the link to the Council's webpage.

MS. STARKS: Yes, the Council presentation will be on Wednesday, February 8, they will start at 9:45 a.m. with bluefish, and then go into spiny dogfish. The meeting will end at 10:30 a.m., and we will resend the link to you all.

**ADJOURNMENT**

CHAIR MESERVE: Okay, thank you for that reminder, any other business to come before the Spiny Dogfish Board? I'll take a motion to adjourn then, Ray Kane, Russell Dize seconds. Any objection? Seeing none; the Spiny Dogfish Board is adjourned. Thank you.

(Whereupon the meeting adjourned at 1:58  
p.m. on Wednesday, February 1, 2023)