

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

**Webinar
January 25, 2022**

Approved February 1, 2023

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Move to substitute to set the northern region (ME through CT) state waters trip limit for FY 2022 equal to the trip limit in federal waters approved by NOAA fisheries (Page 4). Motion to substitute approved by unanimous consent (Page 5).

Main Motion as Substituted
Move to set the Northern Region (ME through CT) state waters trip limit for FY 2022 equal to the trip limit in federal waters approved by NOAA Fisheries. Motion approved by unanimous consent (Page 5).
4. **Move to nominate Capt. Rick Bellavance to the Spiny Dogfish Advisory Panel** (Page 5). Motion by Jason McNamee; second by Matt Gates. 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)
Cheri Patterson, NH (AA)	Peter Clarke, NJ, proxy for T. Fote (GA)
G. Ritchie White, NH (GA)	John Clark, DE (AA)
Nicola Meserve, MA, proxy for D. McKiernan (AA)	Roy Miller, DE (GA)
Raymond Kane, MA (GA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Rep. Sarah Peake, MA (LA)	Mike Luisi, MD, Administrative proxy
Conor McManus, RI, proxy for J. McNamee (AA)	Russell Dize, MD (GA)
David Borden, RI (GA)	David Sikorski, MD, proxy for Del. Stein (LA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Pat Geer, VA, Administrative proxy
Matt Gates, CT, proxy for J. Davis (AA)	Bryan Plumlee, VA (GA)
Rob LaFrance, CT, proxy for B. Hyatt (GA)	Shanna Madsen, VA proxy for Sen. Mason (LA)
John Maniscalco, NY, proxy for J. Gilmore (AA)	Chris Batsavage, NC, proxy for K. Rawls (AA)
Emerson Hasbrouck, NY (GA)	Cynthia Ferrio, NMFS
John McMurray, NY, proxy for Sen. Kaminsky (LA)	

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

Staff

Robert Beal	James Boyle	Kirby Rootes-Murdy
Toni Kerns	Emilie Franke	Sarah Murray
Tina Berger	Chris Jacobs	Caitlin Starks
Kristen Anstead	Jeff Kipp	Deke Tompkins
Maya Drzewicki		

Guests

Jeff Amorello	Lorena de la Garza, NC DENR	Hannah Novotny, Whiteside
Pat Augustine, Coram, NY	Lewis Gillingham, VMRC	Adam Nowalsky, Port Republic, NJ
Rick Bellavance	Jim Gilmore, NY (AA)	Jill Ramsey, VMRC
Alan Bianchi, NC DENR	Jay Hermsen, NOAA	Kathy Rawls, NC (AA)
Francis Blount	Matthew Heyl, NJ DEP	Tara Scott, NOAA
Jeff Brust, NJ DEP	Harry Hornick, MD DNR	David Stormer, DE DFW
Merry Camhi, WCS	Jesse Hornstein, NYS DEC	Craig Weedon, MD DNR
John Clark, DE (AA)	Bill Hyatt, CT (GA)	John Whiteside, Whiteside
Jesica Daher, NJ DEP	Jeff Kaelin, Lund's Fisheries	Angel Wiley, MD DNR
Dave Daly, DNE Consulting	Kurt Karwacky	Kate Wilke, TNC
Laura Deighan, NOAA	Jake LaBelle, WCS	Logan Williams
Jason Didden, MAFMC	Chip Lynch, NOAA	Steven Witthuhn
Sarah Ferrara, MA, Leg. proxy	Jason McNamee, RI (AA)	Chris Wright, NOAA
Cynthia Ferrio, NOAA	Kim McKown, NYS DEC	Erik Zlokovitz, MD DNR
Anthony Friedrich, SGA	Steve Meyers	
John Gans, TRCP	Brandon Muffley, MAMFC	
Marty Gary, PRFC	Allison Murphy, NOAA	

The Spiny Dogfish Management Board of the Atlantic States Marine Fisheries Commission convened via webinar; Tuesday, January 25, 2022, and was called to order at 4:30 p.m. by Chair Nichola Meserve.

CALL TO ORDER

CHAIR NICHOLA MESERVE: Welcome all to the January 25, 2022 Spiny Dogfish Management Board meeting, which I'll call to order. My name is Nichola Meserve, I'm proxy for the Administrative Commissioner from Massachusetts, and I'm joined by staff lead, Kirby, here today. I want to thank Chris Batsavage, the outgoing Chair of the Spiny Dogfish Board, for his leadership the last two years.

APPROVAL OF AGENDA

CHAIR MESERVE: Move on to the agenda, we have the enviable position of the last meeting of the last meeting of the day. Are there any Board members that would like to make any changes or additions to the agenda? Not seeing any hands, so we will consider the Agenda for January 25 approved by consent.

APPROVAL OF PROCEEDINGS

CHAIR MESERVE: We also have the Proceedings from the Board's last meeting in October, 2021.

Do any Board members have revisions to the minutes from the October, 2021 meeting? Again, no hands, so we will also consider the minutes from October 2021 approved by consent. Regarding the agenda, I will just note that this is the agenda that was in the supplemental materials, as opposed to the main materials, which removed the election of a Vice-Chair, which will take place at the next Board meeting.

PUBLIC COMMENT

CHAIR MESERVE: Instead, we'll move on to Public Comment. This is for any items that are not on the agenda today.

Members of the public can raise their hand, or if you're just on the phone, speak up. If you have any comment on items not on the agenda today.

CONSIDER POSTPONED MOTIONS FROM OCTOBER, 2021 MEETING

CHAIR MESERVE: Seeing no hands, we can move on to Item 4, which is to Consider the Postponed Motions from the October, 2021 Meeting. These revolve around the setting of the northern region state waters trip limits, and I'm going to turn to Kirby for a quick recap of the Board's considerations at the last meeting, and some of that background information. Go ahead, Kirby, when you're ready.

MR. KIRBY ROOTES-MURDY: As noted by Nichola, during the Board's last meeting in October, the Board was considering the action by the Mid-Atlantic Council, which had voted to increase the federal commercial trip limit from 6,000 pounds to 7,500 pounds. That change in the trip limit was in response to quota underutilization, as well as analysis that Mid-Atlantic Council staff had undertaken that had indicated that while increasing the trip limit may increase the landings, it would not negatively affect the resource, nor market price.

With that information in mind, the Board met and reviewed that action by the Mid-Atlantic Council. The other considerations this Board discussed were how the New England Fishery Management Council would act. As you all are aware, the species is jointly managed between the Mid-Atlantic and New England Fishery Management Council.

It was unclear if the New England Council was going to recommend the same motion that the Mid had recommended. The other concern was around the timing of this potential change. There had been some indication that the change in the trip limit in federal waters could be done sooner than for the fishing year 2022, which would start in May of this year.

Then the last was whether if there had been a difference between what the New England Council and the Mid had recommended, what NOAA would choose to implement if there was difference between those two. Those were some of the main

points. The Board, as many of you remember, moved to first consider a motion to set at least a 7,500-pound trip limit in the northern regions for the fishing year 2022, contingent on NOAA Fisheries adopting at least that level for federal waters.

If at least a 7,500-pound trip limit is not approved in federal waters, then the 6,000-pound trip limit would remain in place. As you guys remember there was then a motion to substitute, and that motion read, to set the northern region trip limit in state waters for the fishing year 2022 equal to the trip limit in federal waters approved by NOAA Fisheries. Given back and forth discussion, the Board moved to postpone these motions following that meeting.

Today, I wanted to just note that after that meeting the New England Council voted to increase the commercial federal trip limit to 7,500 pounds, which is consistent with the Mid-Atlantic Council's recommendation. Additionally, for this Board's understanding, both bodies are supporting the pursuit of a framework adjustment to develop additional changes to the trip limit if warranted, pending the results of the research track assessment that should be completed later this summer.

For this afternoon the Board is to consider the postponed motions for adjusting the commercial trip limit in the northern region state waters for fishing year 2022. I'll just note that if needed, the postponed motions could be withdrawn with the majority support of the Board, as they are property of the Board now, and a new motion could be put forward. With that I'll take any questions, Madam Chair. Thanks.

CHAIR MESERVE: We'll look for questions for Kirby for the information he has presented. I'll start, I have one that would be directed towards NOAA Fisheries if Cynthia is here. I was hoping she could provide us any clarity on the timing of the Services proposed, or more importantly maybe the Final Rule, and what the effective date for the potential trip limit increase would

be for federal waters. It may help us to understand whether our motions are adequate, or we might be better served with a new motion.

MS. CYNTHIA FERRIO: I'm here and can respond.

CHAIR MESERVE: Yes, that would be great. Thank you, Cynthia.

MS. FERRIO: Yes, we have the proposed rule based on the both Council's recommendations, almost ready to go. We're expecting publication of the proposed rule and subsequent comment period probably early mid-February, so expecting it very soon. As of right now, just the way things are shaking out, because we are doing it through the Federal Rule through the specifications action for the 2022 specifications.

It's basically projected to be effective for the start of the fishing year in May. But if folks think that it would be desirable to have an earlier effective time, for example upon publication of the Final Rule, which will likely be, I'm ball-parking, but probably with the proposal coming out in February, Final Rule will probably be late March, early April-ish, so you would gain maybe a couple weeks to a month at most. It would be effective upon publication.

If that is something you would like to shoot for, I would suggest participating in the public comment period when the proposed rule publishes, and requesting earlier effectiveness, rather than just the start of the fishing year. That is an option. But that is kind of where we are time wise, I can go further into that if there are further questions.

CHAIR MESERVE: Thank you, Cynthia, are there any other questions, either to Kirby's slides or to the timing of the Federal Rule? Okay, I'm not seeing any hands. I think at this point I would like to ask if Kirby or Maya could bring up the two postponed motions, as they are essentially brought back onto the table, and we can take them up.

That brings us to the substitute motion, is what is in play right now, which was to move to substitute to set the northern region, Maine through Connecticut state waters trip limit for FY-2022 equal to the trip limit in federal waters approved by NOAA Fisheries.

Inherent in this motion is that the northern region limit would not be increased until May 1, provided that NOAA Fisheries finalizes the rule on time for that. Is there any Board discussion on that or desire to amend this motion, or we can always move to a vote on it if there is no discussion? Emerson Hasbrouck.

MR. EMERSON C. HASBROUCK: I'm a little unclear moving forward. If we were to support the substitute motion, that means that the increase in the trip limit would not go into effect until the Final Rule is implemented by NOAA. But if we support the main motion instead, states can go ahead and increase their trip limit as soon as they want to, or as soon as they are able to. Is my interpretation correct, or am I incorrect?

CHAIR MESERVE: Both the main motion and the substitute motion include FY-2022 in them, so my interpretation would be that we would be beholden to May 1 for the state waters trip limits to be changed, unless either of these motions are changed.

MR. HASBROUCK: Thank you.

CHAIR MESERVE: Are there any other thoughts on the motion? I think that it may help with the state's rulemaking process if we have a date certain. I know in Massachusetts we'll be gearing up to make a rule change, or already are gearing up to make a rule change. You know having the certainty of the May 1 date would be of some benefit to the state rulemaking process.

MR. ROOTES-MURDY: Okay, you've got a couple hands in the queue, it looks like, Chris Batsavage and then Ray Kane.

CHAIR MESERVE: All right, Chris, to you.

MR. CHRIS BATSAVAGE: Just trying to remember from the meeting back in October. I think it seems that the substitute motion is a little less prescriptive than the main motion, if it was the desire of the New England states to

have a state waters trip limit that was the same as the federal waters trip limit.

Then in terms of whether to have this implemented on May 1 or sooner, I guess the question for the New England states, since this really applies to them, is there much benefit to having this before May 1, considering the availability of dogfish in state waters that time of year, versus maybe in the summertime when the fishery is a little more active.

CHAIR MESERVE: Thank you for that, Chris. Maybe there will be some other northern region states that will want to opine on that. But I'll turn to Ray Kane next.

MR. RAYMOND W. KANE: The way I'm reading these motions, we're dependent on NOAA Fisheries, and when will their rulemaking process be done, so that we in fact can start the season on May 1?

CHAIR MESERVE: Thank you for the question, Ray. Cynthia indicated that they can aim for May 1 for that effective date, or if there were comment from the states during the public comment process on the proposed rule, it's possible that it could be upon the publication of the Final Rule, which would be in late March to early April, potentially.

MR. KANE: Okay, well my concern is that moving to a 7,500-pound trip limit, that it does open on May 1, not being dependent on NOAA, because we know how things can get bogged down with NOAA.

CHAIR MESERVE: It doesn't sound like there is a concern that it would be after May 1, at this point, as Cynthia presented.

MR. KANE: Okay, thank you, Madam Chair. Also, wouldn't this be a coastwide trip limit, both the northern and southern region?

CHAIR MESERVE: No, just the northern region has a uniform maximum trip limit set by the ASMFC, because they have a regional quota. The other states have their unique state-specific quotas, and set the trip limit as they see fit. Of course, when the ASMFC sets the northern region limit it's still

the state's option whether or not to go up to that limit or not, or something more conservative.

MS. TONI KERNS: Nichola, I don't know if you're able to see, are you seeing the hands?

CHAIR MESERVE: I'm not seeing the hands, so why don't you go ahead, Toni.

MS. KERNS: Okay, you have Megan Ware, followed by Cheri Patterson.

CHAIR MESERVE: Thank you. Megan, go ahead.

MS. MEGAN WARE: Just to answer the question I think that Chris Batsavage posed to the northern states. My preference would be to start on May 1. I think it gives all states the same start date for this change, and it would create parity between state and federal waters for enforcement, so I see some advantages there.

CHAIR MESERVE: Okay, thank you, Megan, Cheri Patterson.

MS. CHERI PATTERSON: Thank you, Madam Chair. I agree with Megan. The northern region really does not harvest a lot between January and May 1, so I would prefer just to see some continuity occur between federal and state waters. Thanks.

CHAIR MESERVE: Okay, thank you, Cheri. I think that's what is achieved with the substitute motion. Are there any other hands, Toni?

MS. KERNS: I see no additional hands.

CHAIR MESERVE: I think we can turn to the substitute motion, if there is no desire to amend it. Do Board members need a moment to caucus on the substitute motion? If you do, please raise your hand.

MS. KERNS: I have no hands currently, still no hands.

CHAIR MESERVE: I will try this the easy way then, and ask if there is any opposition to the substitute motion.

MS. KERNS: I see no hands in opposition.

CHAIR MESERVE: Any abstentions?

MS. KERNS: No abstentions.

CHAIR MESERVE: Thank you, so we'll consider the motion to substitute approved unanimously, and that will become our main motion. We'll see if we can proceed in the same manner, with that as the main motion, to set the northern region, Maine through Connecticut state waters trip limit for FY-2022 equal to the trip limit in federal waters approved by NOAA Fisheries. Is there any opposition to the main motion?

MS. KERNS: Nichole, I don't know if he was wanting for opposition, but I didn't know if Ray Kane had a question. His hand did go up and went back down.

CHAIR MESERVE: Before we vote then, Ray, do you have a question?

MR. KANE: No, I see you moved that to the main motion, thank you very much. I was going to, never mind.

CHAIR MESERVE: Thanks, Ray.

MR. ROOTES-MURDY: just a point of clarity. I think given that it was substituted, it should now say move to set, as opposed to move to substitute to set, correct?

CHAIR MESERVE: Correct. This is now the main motion. I don't sense a need for caucus, given that it passed as a substitute, and is there any opposition to the motion?

MS. KERNS: I have no hands raised in opposition.

CHAIR MESERVE: Any abstentions to note?

MS. KERNS: No hands raised in abstention.

CHAIR MESERVE: Okay, thank you, Toni, we will consider the motion approved by unanimous

consent. That concludes, I believe Item 4 on the agenda, Kirby.

MR. ROOTES-MURDY: Correct.

**REVIEW AND POPULATE THE SPINY DOGFISH
ADVISORY PANEL**

CHAIR MESERVE: Okay, thank you, and we'll move to Number 5, and ask Tina Berger to present a nomination for the Spiny Dogfish Advisory Panel. Are you there, Tina?

MR. ROOTES-MURDY: Let's give her a second, if need be, we can get that up for you.

MS. KERNS: Kirby, why don't you just go ahead and get those names out there for the Board, if you have them.

MR. ROOTES-MURDY: Got it. Sure thing. There was one nomination sent forward, and that was for Captain Rick Bellavance, he's a commercial rod and reel fisherman, and charterboat captain from Rhode Island. His nomination was included in the briefing materials.

CHAIR MESERVE: Thank you, Kirby, is there a member of the Board that would like to make that motion?

MS. KERNS: We have Jason McNamee.

CHAIR MESERVE: And a second?

MS. KERNS: Matt Gates.

CHAIR MESERVE: Okay, thank you, Jason and Matt, is there any opposition to the motion to nominate Captain Rick Bellavance to the Spiny Dogfish Advisory Panel?

MS. KERNS: I don't see any hands in opposition.

CHAIR MESERVE: Great, we'll consider that approved by unanimous consent then as well. Congratulations to Rick.

OTHER BUSINESS

CHAIR MESERVE: That will bring us down to our last agenda item, which is Other Business, and I would just like to personally thank Kirby for his service, his dedication and professionalism, and attention to detail that he brings to all of his tasks as a Commission staff member, and we're going to miss him, and wish him well with his new position with USGS. Thank you, Kirby. Is there any other business to come before the Spiny Dogfish Board? I see Jason Didden's hand, why don't you go ahead, Jason?

MR. JASON DIDDEN: Hi there, thank you. I just wanted to highlight the Spiny Dogfish Research Track Assessment Working Group continues to meet, and is having a stakeholder workshop on February 15. It will be posted at least to the Mid-Atlantic Council's calendar. They're just looking to do outreach to fishery participants and interested parties about the approaches the assessment is taking, and get input from them. If people are interested, you will be able to find links to that soon, if not now on the Council's calendar, thank you.

CHAIR MESERVE: Thank you, Jason, for that important note. I'm sure the states can help advertise that as well as possible. Is there any other business to come before the Board today?

MS. KERNS: I don't see any other hands raised, Nichola.

ADJOURNMENT

CHAIR MESERVE: All right, thanks, Toni. Seeing none, is there a motion to adjourn? I see Ray's hand, and Cheri Patterson. Thank you, any opposition. Seeing none, the Board meeting is adjourned.

(Whereupon the meeting adjourned at 4:54 p.m. on Tuesday, January 25, 2022.)