

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

The Westin Crystal City
Arlington, Virginia
Hybrid Meeting

February 4, 2025

Approved May 5, 2025

TABLE OF CONTENTS

Call to Order, Chair Pat Geer1

Approval of Ageda1

Approval of Proceedings from October 24, 2024.....1

Public Comment1

Consider Addendum VII on Atlantic Sturgeon Bycatch Reduction for Final Approval1

 Review Public Comment Summary3

 Review Advisory Panel Report3

 Consider Final Approval of Addendum VII3

Revise Specifications for the 2025/2026 Fishing Year4

Adjournment7

INDEX OF MOTIONS

1. **Approval of agenda** by consent (Page 1).
2. **Approval of Proceedings of October 24, 2024** by consent (Page 1).
3. **Move to adopt Draft Addendum VII to the Spiny Dogfish management plan with Option 2: Prohibit Overnight Soaks for Specified Times and Areas for State Spiny Dogfish Permits with an implementation date effective May 1, 2025** (Page 3). Motion by Mike Luisi; second by Eric Reid. Motion passes by unanimous consent (Page 4).
4. **Move to amend the spiny dogfish commercial quota to 9,338,770 pounds for the 2025/2026 fishing year consistent with that adopted by the Mid-Atlantic and New England Fishery Management Councils pending approval by NOAA Fisheries** (Page 6). Motion by John Clark; second by Mike Luisi. Motion passes by unanimous consent (Page 7).
5. **Move to adjourn** by consent (Page 7).

ATTENDANCE

Board Members

Megan Ware, ME, proxy for Pat Keliher (AA)	Jesse Hornstein, NY, proxy for M. Gary (AA)
Rep. Allison Hepler, ME (LA)	Emerson Hasbrouck, NY (GA)
Renee Zobel, NH, proxy for C. Patterson (AA)	Joe Cimino, NJ (AA)
Doug Grout, NH (GA)	Jeff Kaelin, NJ (GA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Adam Nowalsky, NJ, proxy for Sen. Gopal (LA)
Nichola Meserve, MA, proxy for D. McKiernan (AA)	John Clark, DE (AA)
Ray Kane, MA (GA)	Roy Miller, DE (GA)
Rep. Jennifer Armini, MA (LA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Jason McNamee, RI (AA)	Michael Luisi, MD, proxy for L. Fegley (AA)
David Borden, RI (GA)	Pat Geer, VA, proxy for Jamie Green (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Chris Batsavage, NC, proxy for K. Rawls (AA)
Matt Gates, CT, proxy for Justin Davis (AA)	Allison Murphy, NMFS
Bill Hyatt, CT (GA)	

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

Ex-Officio Members

Brian Scott, Law Enforcement Committee Rep.

Staff

Bob Beal	Madeline Musante	Jeff Kipp
Toni Kerns	James Boyle	Kurt Blanchard
Tina Berger	Katie Drew	

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; Tuesday, February 4, 2025, and was called to order at 11:25 a.m. by Chair Pat Geer.

CALL TO ORDER

CHAIR PATRICK GEER: Good morning, everybody, my name is Pat Geer. I am the Administrative Proxy for the Commonwealth of Virginia; I am your chairman today. To my right is James Boyle; who is the FMP Coordinator. On the phone we have Brian Scott from New Jersey, who is the Law Enforcement representative, and we have Kurt Blanchard somewhere in the room, who is also Law Enforcement, he's waiting back there, who is the LE Coordinator for ASMFC.

APPROVAL OF AGENDA

CHAIR GEER: First item on the agenda is for Board Consent the approval of the agenda. Are there any changes or modifications to the agenda? Hearing none; the agenda is approved by consent.

APPROVAL OF PROCEEDINGS

CHAIR GEER: Approval of the proceedings from the annual meeting in October 2024. Are there any modifications or additions or edits to the proceedings? Hearing none; carried by consent.

PUBLIC COMMENT

CHAIR GEER: We will now have Public Comment. Is there any Public Comment from the audience to start with? James is running to the back of the room. Is there anybody online who wants to have public comment, hearing none. All right we have two items on the agenda today, Final Consideration for Addendum VII, which is the Atlantic Sturgeon Bycatch Reduction for Final Approval, and Revision of the Specifications for the 2025/2026 Fishing Year.

Those are the ones we have, and I'm waiting for James to sit down, because he's up on the agenda. We're going to start off with Item Number 4, which is the Draft Addendum VII. James, you have the floor.

CONSIDER ADDENDUM VII ON ATLANTIC STURGEON BYCATCH REDUCTION FOR FINAL APPROVAL

MR. JAMES BOYLE IV: In this presentation I want to start with a quick overview and recap of the process of Draft Addendum VII up until this point, then I'll move on to covering the contents of the Addendum, as well as comments from the public, AP, and a reminder of past comments in the Law Enforcement Committee. The goal of today's meeting is to choose the final options for implementation.

The Board initiated the development of Draft Addendum VII in August last year, and approved the draft for public comment in October. Public comments were accepted from early November through January 3rd of 2025, and summarized for the Board to consider for final approval at today's meeting. As a brief reminder of the background, a 2021 Biological Opinion and 2022 Action Plan required federal action to reduce Atlantic Sturgeon bycatch, and specifically highlighted the gillnet fisheries for both monkfish and spiny dogfish.

As a result, in August 2024, NOAA Fisheries published a proposed rule that corresponded to recommendations from the Mid-Atlantic and New England Fisheries Management Councils to prohibit overnight soaks for certain gillnet mesh sizes in specific times and areas to reduce sturgeon bycatch. These areas included both federal and state waters, and one objective of the Spiny Dogfish Fishery Management Plan is to strive for complementary management, which led to the initiation of this Addendum, to implement corresponding measures for harvesters that do not have a federal permit and only fish in state waters.

The Final Rule from NOAA Fisheries was published on December 18, and the Federal Spiny Dogfish

measures will be implemented on May 1, 2025. The Federal Rule prohibits overnight soaks, which is defined from 8:00 p.m. to 5:00 a.m. within three polygons, as shown in the figures, for federal spiny dogfish permit holders.

The New Jersey Area is shown in purple, and the blue polygons from north to south are the Delaware and Maryland Area and the Virginia Area, respectively. The PDT maintained this naming convention in the Addendum for consistency with the Federal Action, but note that the Delaware and Maryland Area is adjacent to, but does not overlap with Delaware state waters.

In the New Jersey Area, the prohibition is in place during the months of May and November for mesh sizes between 5 and 10 inches, in the Delaware and Maryland and the Virginia areas it lasts from November through March, for mesh sizes between 5.25 and 10 inches. However, some states have different permitting structures than the federal system.

Instead of using permits by species, New Jersey issues licenses by gear, and has a gillnet permit for their drift, anchored, and stake gillnets. Maryland has a tiered system, where different permits allowed to harvest spiny dogfish had different trip limits. A general finfish license permits harvest of 1,000 pounds of spiny dogfish. If a harvester also has a striped bass permit, they can take 2,500 pounds of spiny dogfish, and a spiny dogfish specific permit can harvest a maximum of 10,000 pounds. Virginia issues permit by species, and has a spiny dogfish specific permit.

There are three options in the proposed management program, Option 1 is the status quo, where spiny dogfish harvesters that do not have a federal permit and fish only in state waters may continue to soak their gillnets of those net mesh sizes overnight in the state waters portions of the bycatch reduction areas.

Option two would apply the overnight soak restrictions to state spiny dogfish permit holders. Therefore, since New Jersey does not have a spiny dogfish specific permit, they would not need to take any action. Additionally, as a note, New Jersey already requires harvesters to have a federal spiny dogfish permit if they are to possess spiny dogfish for sale, and federally permitted vessels will already be beholden to the rule published by NOAA Fisheries.

In Maryland and Virginia, Option 2 would apply the overnight soak prohibitions for the Delaware and Maryland and the Virginia areas for their state spiny dogfish permit holders. This means that in Maryland their striped bass and finfish permit holders that do not also possess a spiny dogfish permit, may continue to harvest spiny dogfish at reduced trip limits within the Maryland state waters of those bycatch reduction areas.

Option 3 is similar but with a slight wording change to prohibit all spiny dogfish harvest from overnight soaks for those mesh sizes, times and areas regardless of permit. This would look similar to the federal action as shown in the slide. Under this option for New Jersey, a gillnet between 5- and 10-inch mesh in May and November could not harvest spiny dogfish from an overnight soak within the New Jersey area. For Maryland and Virginia, a gillnet between 5.25- and 10-inch mesh from November through March could not harvest spiny dogfish from an overnight soak within those two areas. However, by not limiting the measure by permit type, this wording would cover the tiered system in Maryland by removing the ability for people to harvest spiny dogfish under the finfish or striped bass permits if again it was in those times and areas.

As a reminder, the Law Enforcement Committee provided comment at the annual meeting and determined that while Option 3 eliminate directed harvest that would otherwise be permitted under Option 2, it does present additional enforcement challenges. No written comments were received regarding Draft Addendum VII.

REVIEW PUBLIC COMMENT SUMMARY

MR. BOYLE: Three public hearings were held from December 11 through December 18, 2024; all via webinar. Four individuals attended one of those hearings, which was intended for the Maryland and Virginia participants. The other two hearings did not have any public attendees. All commenters were in favor of Option 1, the status quo, and additional comments specified that their primary concern was with the mesh size.

Those commenters preferred increasing the minimum prohibited mesh size within the Virginia areas specifically, from 5.25 to 5.5 inches.

REVIEW ADVISORY PANEL REPORT

MR. BOYLE: The AP met via webinar on January 16 with two members present. During the meeting the discussion focused on concerns over the potential impacts to a subset of the Maryland striped bass fishery, and the members chose not to comment at the time, although in written comment after the meeting, one member did express support for Option 2. With that, I'm happy to take any questions.

CHAIR GEER: Thank you, James, are there any questions for James? Nichola Meserve.

MS. NICHOLA MESERVE: Just wondering if there has been any input from staff or from the Service, in terms of are, are both Options 2 and 3 viewed as being complementary? Is the Board pursuing its role, you know and providing complementary measures with either Option 2 or 3?

MR. BOYLE: Yes, in discussions with NOAA Fisheries, they expressed that both would be acceptable, Options 2 and 3, yes.

CHAIR GEER: Any other questions or comments? Hearing none; I guess I'm looking for a motion. Mr. Luisi.

CONSIDER FINAL APPROVAL OF ADDENDUM VII

MR. MICHAEL LUISI: James and I spoke a minute ago, and he said there was a motion prepared. I would like to **move to adopt Draft Addendum VII to the Spiny Dogfish Management Plan with Option 2: Prohibit Overnight Soaks for Specific Times and Areas for Spiny Dogfish Permits with an implementation date effective May 1, 2025.**

CHAIR GEER: Do I get a second to the motion? We'll go with Eric Reid. Mike, you didn't say the word state.

MR. LUISI: Let me put my glasses on and I'll read it off of my screen. **Move to adopt Draft Addendum VII to the Spiny Dogfish Management Plan with Option 2: Prohibit Overnight Soaks for Specified times and areas for State Spiny Dogfish Permits with an implementation date effective May 1, 2025.**

CHAIR GEER: Thank you very much, Mike. I have a second from Eric Reid. Any further discussion on the matter? Joe Cimino.

MR. JOE CIMINO: Yes, thank you, Mr. Chair. I support the motion, I support Law Enforcement's comments addressing conservation issues for another species, and that is Atlantic sturgeon. The states of New York, New Jersey and Delaware are working towards an incidental take permit for that species. I've said it on the record before, I just want to say it again, but you know there is going to be more to come, especially in New Jersey. This unfortunately doesn't go far enough, but it needs to be handled in a different place, so I support this motion.

CHAIR GEER: Any other comments? Yes, Allison.

MS. ALLISON MURPHY: I also support the motion, and just wanted to express my thanks to the Board for their willingness to work to close this loophole that the Council action may have created.

CHAIR GEER: Anyone else? All right, I'll read the motion in one more time. Move to adopt Draft

Addendum VII to the Spiny Dogfish Management Plan for Option 2: Prohibit Overnight Soaks for Specified times and areas for State Spiny Dogfish Permits with an implementation date effective May 1, 2025. Motion by Mr. Luisi, seconded by Mr. Reid. Since this is a final action, I am going to ask for a show of hands. **All those in favor, please raise your hand.**

MR. BOYLE: Rhode Island, Massachusetts, Connecticut, New York, New Jersey, NOAA Fisheries, North Carolina, Virginia, Maryland, Delaware, Maine, New Hampshire, Potomac River Fisheries Commission.

CHAIR GEER: Those opposed. Any abstentions, and null votes? Thank you for the formality, the motion carries unanimously. Thank you very much, do we need the number on that? It carried 13 to 0 to 0. Thank you very much for the formality on that, I appreciate that. Moving on to the next topic, which is the discussion on the revised commercial quota. James.

REVISE SPECIFICATIONS FOR THE 2025/2026 FISHING YEAR

MR. BOYLE: In January of last year, the Board approved quotas for the 2024/2025, 2025/'26 and '26/'27 fishing years consistent with those adopted at the time by the Mid-Atlantic Council, and pending approval by NOAA Fisheries. Therefore, if NOAA Fisheries enacts a different federal quota for '25/'26, then there is a trigger in the motion to negate the Board approved quota, and the Board would need to establish a new one.

For 2025 and '26, the current quota is 10,972,394 pounds. Higher revised catch estimates led to new projections in September of 2024, from the Council Science and Statistical Committee, that lowered the acceptable biological catch estimate and, consequently, the projected commercial quota. To mitigate potential socioeconomic impacts, the Councils

voted to suspend their Risk Policy and allow the Acceptable Biological Catch to be equal to the overfishing level and recommended that NOAA Fisheries approved those measures, which would establish a commercial quota of 9,338,770 pounds. NOAA Fisheries has not published a proposed rule as of today.

The Board action for consideration is to revise the 2025/2026 coastwide quota to 9,338,770 pounds to match the recommended federal quota. However, since NOAA Fisheries has not yet approved a different quota than the previously approved value by the Board, this action would be revising a final action and require a 2/3 majority of the Board. Additionally, the Board could choose to wait until the Final Rule is published, and potentially approve a new quota over e-mail before the start of the fishing year on May 1st. With that I am happy to take any questions.

CHAIR GEER: Any questions for James? Emerson Hasbrouck.

MR. EMERSON HASBROUCK: Thank you, James, for your presentation. I'm going to ask the question. I'm not sure if you are the person to answer it, but maybe somebody in this room can. We've heard from, I believe the only processor on the East Coast who process dogfish, that they need 10 million pounds to remain in business. Does anybody know how this change in quota is going to impact that company? Will there be a company to process dogfish, if they need 10 million pounds, and they go out of business?

CHAIR GEER: Nichola.

MS. MESERVE: As the home state of that processing facility, we've certainly heard their concerns with the reductions in the quota. I don't think I can provide a clear answer as to the future of the company. But I don't see that we have another option right here then to adopt the revised quota.

CHAIR GEER: Ray Kane.

MR. RAYMOND W. KANE: Yes, speaking of harvesters and some administrative people. There are plenty of dogfish still down off New England, but with the price the harvesters are being paid, it doesn't warrant the fuel consumption, boat time, crew. I think one of the ways around this would be for the buyers, the processors, and I won't name the one name that processes, paid the harvesters more money.

CHAIR GEER: David Borden.

MR. DAVID V. BORDEN: Just a follow up on Ray's observation. I would have a slightly different perspective on that. I think given what is going on with climate change at this point, at some point we need to revisit the whole scheme of how we manage this on trip limits, and maybe do two-day limits and that type of thing, so that we get some economic efficiency in the industry.

CHAIR GEER: I believe that was brought up in the public meetings in Virginia. Are there any other comments? Mike Luisi.

MR. LUISI: I've mentioned many times before when we've talked about spiny dogfish, that I think the complementary nature of the work between the Board, the Commission and the Councils is important. I would hope that this Board would maintain that consistency that we've had for years now, and provide it in establishing those complementary measures. I'm just wondering, I mean I'm comfortable in setting that and taking action today.

But I would be curious as to whether or not other members of the Board would like to wait to see what NOAA decides first, before we go ahead and accept the quota, only to maybe have something different occur, which would then, we would have to then revisit it, in order to be complementary with NOAA Fisheries on this and the Councils. I'm curious as to your thought, maybe Mr. Chairman, about do we take the action today or is it something we can

do over e-mail as was suggested in James's presentation?

CHAIR GEER: I believe we can do it through e-mail. If we had to, we could have another meeting in May. Well, we have to do it before that. We could do it by e-mail. Nichola.

MS. MESERVE: In thinking about Mike's comments, I think we might be able to save ourself that additional step if we were to approve it today, having observed the process and knowing kind of the extraordinary steps the Mid-Atlantic Council took to suspend its Risk Policy against the entire quota, which was initially suggested by NOAA Fisheries, the Regional Administrator at that meeting.

Unless some other lever is pulled to get a higher quota, and I don't really know what that is at this time, so I have some confidence in approving the quota now that we might not need to have that follow up meeting.

CHAIR GEER: Yes.

MS. MURPHY: I just wanted to give everyone an update on where NOAA Fisheries is with the rulemaking. We've, I think received the recommendations from the New England and Mid-Atlantic Fishery Management Councils, and are developing a proposed rule currently. That is still in house under review. As is typical with administration changes, we're under a regulatory freeze, with no sense of kind of when we will be able to publish that rule. I don't have a great sense on when we might finalize a Final Rule for the Specs.

CHAIR GEER: I'm going to call on John Whiteside, who is an AP member at this time. John, you should be unmuted.

MR. JOHN F. WHITESIDE JR. ESQ: Yes, thank you, Mr. Chair. Yes, I'm on record both as AP and on the Monitoring Committee, and I represent East Coast Sea, the last dogfish processor for the last few years, saying that we need as many pounds as we

can get, and it's a very low margin fishery on all ends.

We were looking for 13 million, so never mind 10. The more that we can get the better, and try and hold to that and I'm monitoring on a regular basis, where landings are. We're doing the best we can. There is no hard number that I've been told, but it is something that is there, and it will be very, very difficult for someone to come in behind. It's a very limited market here for selling it. If there is any other direct question, please send it my way, otherwise thank you.

CHAIR GEER: Are there any questions for John? Not hearing any. I know in Virginia we went through that with our dealer retired. We had a single dealer retired and it took a fair amount of work and some grant money to get some of these up and running to do that, otherwise we would have no one to ship the product to Massachusetts for processing. John.

MR. JOHN CLARK: I'm just a little confused, based on what Allison said about the rulemaking right now. What happens if the rulemaking is delayed for months and months? Is the previous quota in effect until the new rules are put into place, in which case we probably should hold off taking action until we know?

CHAIR GEER: Allison.

MS. MURPHY: I believe for fishing year 2024, NOAA Fisheries published specifications under an Emergency Rule, so yes, the fishery has rollover of quota. But I believe it would go back to the 2023 fishing year's quota. I believe it was around 12 million pounds, but I will phone a friend, I'm getting a nod, so around 12 million pounds.

MR. CLARK: In other words, if we don't take action right now, and the rulemaking takes an extended period of time, then the quota is actually 12 million pounds. This is confusing.

CHAIR GEER: Okay, I had a lot of hands go up after that one. Let's start with Adam and then Nichola.

MR. ADAM NOWALSKY: Even though the federal quota would be at that level, this Board has already voted on a quota that is below this number on the board. We would want to, in order to remain complementary do something. That number though, to your point in waiting, may be even different than this number.

CHAIR GEER: Nichola.

MS. MESERVE: I just want to raise the prospect that even if there is a delayed implementation on NOAA's part, there could still be accountability measures, and they would come into place in the following year, for the quota, even if it was implemented at the right time, I think. That might be a risk that we don't want to take.

CHAIR GEER: Are there any other questions or comments? The decision today is whether or not to vote on this today or to delay it and do it over the e-mail or phone when we have NOAA's final recommendations. I can see both points of view, but it's up to the Board, if anyone has a preference on what to do. I mean we can approve this today. If NOAA comes back and it's two pounds different, we would still have to go ahead into a second vote. John.

MR. CLARK: In that case, I would be willing to make a motion to go ahead and approve the revised quota today. Then as you said, if we have to change it yet again, we can change it yet again.

CHAIR GEER: John, do you want to read this motion in?

MR. CLARK: Certainly. **Move to amend the Spiny Dogfish commercial quota to 9,338,770 pounds for the 2025/2026 fishing year, consistent with that adopted by the Mid-Atlantic and New England Fishery Management Councils, pending approval by NOAA Fisheries.**

CHAIR GEER: I have a second by Mike Luisi. **We have to have a 2/3 vote, but is there any objection or any further discussion on this? Hearing none; is there anybody online? Hearing nothing online. Hearing no further objections this is approved by consent, a unanimous decision.** We'll just wait and see what happens with NOAA with their Final Action, and we can do this through an e-mail is what we're saying.

ADJOURNMENT

CHAIR GEER: It will still require 2/3 vote, regardless what the change may be. Thank you very much for that. I think that is all we had on the agenda. Is there anything else to come up before this Board today? Hearing nothing, and I'm assuming everybody is hungry, I'll take a motion to adjourn. This meeting is adjourned, thank you very much, folks.

(Whereupon the meeting adjourned at 12:02 p.m. on Tuesday, February 4, 2025)