

Atlantic States Marine Fisheries Commission

Spiny Dogfish Management Board

January 25, 2022

4:30 – 5:00 p.m.

Webinar

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*) 4:30 p.m.
2. Board Consent 4:30 p.m.
 - Approval of Agenda
 - Approval of Proceedings from October 2021
3. Public Comment 4:35 p.m.
4. Consider Postponed Motions from October 2021 (*N. Meserve*) **Final Action** 4:45 p.m.

Main Motion
Move to set at least a 7500-pound trip limit in the Northern Region (ME through CT) for FY2022 contingent upon NOAA Fisheries adopting at least a 7500-pound trip limit for federal waters. If at least a 7500-pound trip limit is not approved in federal waters, then the 6,000-pound trip limit will remain in the Northern Region.

Motion to Substitute
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.

Motion to Postpone
Motion to postpone action around the state waters trip limits for FY2022 until the ASMFC Winter Meeting.
5. Review and Populate Advisory Panel Membership 4:50 p.m.
(*T. Berger*) **Action**
6. Elect Vice-Chair (*N. Meserve*) **Action** 4:55 p.m.
7. Other Business/Adjourn 5:00 p.m.

MEETING OVERVIEW

Spiny Dogfish Management Board

January 25, 2022

4:30 - 5:00 p.m.

Webinar

Chair: Nichola Meserve (MA) Assumed Chairmanship: 10/21	Technical Committee Chair: Scott Newlin (DE)	Law Enforcement Committee Representative: Pat Moran (NJ)
Vice-Chair: Vacant	Advisory Panel Chair: Vacant	Previous Board Meeting: October 21, 2021
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 October 21, 2021

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.

4. Consider Postponed Motions (4:45 - 4:50 p.m.) Final Action

Background

- In October, the Mid-Atlantic Fishery Management Council (MAFMC) recommended to NOAA Fisheries to increase the federal commercial trip limit to 7,500 pounds. The decision was made based on analysis from MAFMC staff that indicated increasing the trip limit to that level would not have negative impact on the resource or markets.
- Later in October the Board considered the motion by the MAFMC but postponed action on the commercial trip limit in state waters until after the New England Fishery Management Council (NEFMC) met in December. The Board postponed the following motions from the October 2021 meeting:

Main Motion

Move to set at least a 7500-pound trip limit in the Northern Region (ME through CT) for FY2022 contingent upon NOAA Fisheries adopting at least a 7500-pound trip limit for federal waters. If at least a 7500-pound trip limit is not approved in federal waters, then the 6,000-pound trip limit will remain in the Northern Region.

Motion to Substitute

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.

Motion to Postpone

Motion to postpone action around the state waters trip limits for FY2022 until the ASMFC Winter Meeting.

- In December, the NEFMC voted to recommend increasing the federal commercial trip limit to 7,500 pounds.
- The postponed motions from the Board's October meeting are back on the table.

Board Actions for Consideration

- Consider action on postponed motion

5. Review and Populate Advisory Panel Membership (4:50 - 4:55 a.m.) Action

Background

- There is one new nomination to the Spiny Dogfish Advisory Panel- Captain Rick Bellavance, a commercial rod and reel fisherman and charter/party boat captain from Rhode Island (**Briefing Materials**)

Presentations

- Nominations by T. Berger

Board Actions for Consideration

- Approve Spiny Dogfish Advisory Panel nominations

6. Elect Vice-Chair Action

7. Other Business/Adjourn

Spiny Dogfish

Activity level: Low

Committee Overlap Score: low (some overlaps with Coastal Sharks)

Committee Task List

- TC – July 1st: Annual compliance reports due

TC Members: Scott Newlin (DE, TC Chair), Tobey Curtis (NOAA), Jason Didden (MAFMC), Lewis Gillingham (VA), Greg Skomal (MA), Mike Frisk (NY), David Behrigner (NC), Conor McManus (RI), Matt Heyl (NJ), Angel Willey (MD), Matt Gates (CT), Kathy Sosobee (NOAA), Michael Frisk (NY), Kirby Rootes-Murdy (ASMFC)

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

**Webinar
October 21, 2021**

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

Draft Proceedings of the Spiny Dogfish Management Board Webinar
October 2021

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INDEX OF MOTIONS

1. **Approval of agenda** by Consent (Page 1).
2. **Approval of Proceedings from October 2020** by Consent (Page 1).
3. **Main Motion**
Move to set at least a 7500-pound trip limit in the Northern Region (ME through CT) for FY2022 contingent upon NOAA Fisheries adopting at least a 7500-pound trip limit for federal waters. If at least a 7500-pound trip limit is not approved in federal waters, then the 6,000-pound trip limit will remain in the Northern Region (Page 5). Motion by Ray Kane; second by Cheri Patterson.

Motion to Substitute
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 8). Motion by Matt Gates; second by Megan Ware. Motion postponed.

Motion to Postpone
Move to postpone action around the state waters trip limits for FY2022 until the ASMFC 2022 winter meeting (Page 12). Motion by Megan Ware; second by Dave Borden. Motion carried (Page 15).
4. **Move to accept the FMP Review and state compliance reports for the spiny dogfish 2020/2021 fishing year and *de minimis* requests from New York and Delaware** (Page 16). Motion by Shanna Madsen; second by Nichola Meserve. Motion carried (Page 16).
5. **Motion to adjourn** by Consent (Page 18).

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ATTENDANCE

Board Members

Megan Ware, ME, proxy for P. Keliher (AA)	Emerson Hasbrouck, NY (GA)
Cheri Patterson, NH (AA)	Joe Cimino, NJ (AA)
G. Ritchie White, NH (GA)	Peter Clarke, NJ, proxy for T. Fote (GA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Adam Nowalsky, NJ, proxy for Asm. Houghtaling (LA)
Nicola Meserve, MA, proxy for D. McKiernan (AA)	John Clark, DE (AA)
Raymond Kane, MA (GA)	Roy Miller, DE (GA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Conor McManus, RI, proxy for J. McNamee (AA)	Mike Luisi, MD, proxy for B. Anderson (AA)
David Borden, RI (GA)	Russell Dize, MD (GA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Shanna Madsen, VA proxy for B. Plumlee (GA)
Matt Gates, CT, proxy for J. Davis (AA)	Chris Batsavage, NC, proxy for K. Rawls (AA)
Bill Hyatt, CT (GA)	Jerry Mannen, NC (GA)
Sen. Craig Miner, CT (LA)	Cynthia Ferrio, NMFS
John Maniscalco, NY, proxy for J. Gilmore (AA)	

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

Staff

Robert Beal	Pat Campfield	Kirby Rootes-Murdy
Toni Kerns	Maya Drzewicki	Sarah Murray
Laura Leach	Emilie Franke	Caitlin Starks
Lisa Carty	Jeff Kipp	Deke Tompkins
Tina Berger	Savannah Lewis	

Guests

Karen Abrams, NOAA	Jay Hermsen, NOAA	Tamara O'Connell, MD DNR
Pat Augustine, Coram, NY	Helen T. Heumacher, US FWS	Michelle Passerotti, NOAA
Alan Bianchi, NC DENR	Matthew Heyl, NJ DEP	Willow Patten, NC DENR
Jeff Brust, NJ DEP	Carol Hoffman, NYS DEC	Bill Post, SC DNR
Thomas Burrell, PA F&B	Jesse Hornstein, NYS DEC	Jill Ramsey, VMRC
Heather Corbett, NJ DEP	Asm. Eric Houghtaling, NJ (LA)	Kathy Rawls, NC (AA)
Nick Couch, DE DFW	Jacob Jaskiel	Tara Scott, NOAA
Justin Davis, CT (AA)	Chris Kellogg, NEFMC	Somers Smott, VMRC
Lennie Day	Adam Kenyon, VMRC	David Stormer, DE DFW
Andrea Didden	Rob LaFrance, Quinnipiac Univ	Marek Topolski, MD DNR
Jason Didden, MAFMC	Wilson Laney	Scott Curatolo-Wagemann
Lynn Fegley, MD DNR	Chip Lynch, NOAA	Mike Waine, ASA
Marty Gary, PRFC	Dan McKiernan, MA (AA)	John Whiteside
Pat Geer, VMRC	Kim McKown, NYS DEC	Angel Wiley, MD DNR
Lewis Gillingham, VMRC	Steve Meyers	Chris Wright, NOAA
Michael Ginex	Mike Millard, US FWS	Jordan Zimmerman, DE DFW
Sonny Gwinn	Brandon Muffley, MAMFC	Renee Zobel, SC DNR
Hannah Hart, FL FWC	Allison Murphy, NOAA	
Doug Haymans, GA (AA)	Lindsey Nelson, NOAA	

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The Spiny Dogfish Management Board of the Atlantic States Marine Fisheries Commission convened via webinar; Thursday, October 21, 2021, and was called to order at 10:15 a.m. by Chair Chris Batsavage.

CALL TO ORDER

CHAIR CHRIS BATSAVAGE: Good morning, everyone, I would like to call the Spiny Dogfish Management Board meeting to order. My name is Chris Batsavage, I'm the Administrative Proxy from North Carolina, and I'll be serving as Chair this morning.

APPROVAL OF AGENDA

CHAIR BATSAVAGE: I'll start off by Approval of the Agenda. Does anyone have any modifications to the agenda that was presented in the briefing materials?

MS. TONI KERNS: I have no hands raised.

CHAIR BATSAVAGE: Okay, then we will consider the agenda approved.

APPROVAL OF PROCEEDINGS

CHAIR BATSAVAGE: Next is Approval of the Proceedings from the October, 2020 Board meeting. Do any Board members have any modifications to the minutes from that meeting?

MS. KERNS: I have no hands raised.

CHAIR BATSAVAGE: Okay, then we will also consider those approved.

PUBLIC COMMENT

CHAIR BATSAVAGE: Next up is Public Comment. This is an opportunity for the public to comment on any issues related to Spiny Dogfish that are not on the agenda today. Toni, are there any hands up from the public to provide comment?

MS. KERNS: I do not have any hands raised.

REVIEW OF AN ANALYSIS ON SPINY DOGFISH TRIP LIMIT AND MARKET PRICE

CHAIR BATSAVAGE: Okay, moving right along, next item is a Review of an Analysis on Spiny Dogfish Trip Limit and Market Price. Today we have Jason Didden from the Mid-Atlantic Fishery Management Council to present some information on that. Good morning, Jason, and please begin whenever you're ready.

MR. JASON DIDDEN: This is Jason Didden, I'm a member of the Council staff for Spiny Dogfish. As a bit of a read up for some of the trip limit analysis, I'm going to roll through a little bit of background, because it helps set the scene for why the Council is looking at this. We're currently at an acceptable biological catch, just shy of 39 million pounds.

After discards mostly are accounted for, a little bit of median catch, just under 30-million-pound quota. That is the current fishing year, starts May 1, 2021, and also planned for 2022. The Council had set multi-year specs. For 2021, that ABC was associated with basically a one-third chance of overfishing. The lower more conservative, precautionary than the maximum risk of overfishing allowed by the Council, because the stock size as estimated was a bit below the target. With the Council's risk policy stock size slips below the target, the Council tolerates less and less chance of overfishing.

That was the estimated risk of overfishing for 2021, and then the SSC and Council extended that through the 2022 fishing year, since we have a research track assessment underway, and we're not getting another assessment for 2022, in particular. In terms of just broad management, its open access, requires a federal permit at the federal level, and the current federal trip limit is 6,000 pounds.

We didn't get like an assessment update. The Science Center did provide us with an update on the survey, no survey in 2020, but you can see that in

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2021 data point, more or less in between the '18 and '19 data points. Same thing with the Pup index that comes out of the same survey, our spring trawl Science Center Survey Pup Index, now also in between the two previous data points.

Landings since management. The landings kind of increase and catch up with the increase in the quota as the stock is rebuilt initially, but then notice in 2010 it just kind of lags out of the quota, and we have a stock assessment update that caused the lowering of the quota for the 2019 fishing year. Then the projections coming out of that the stock is floating back up. Those last two data points in orange are the 2021, 2022 quotas.

Landings for the 2020 fishing year were down a good bit from 2019. This is current fishing year, so the current fishing year has been lagging, even 2020 fishing year, which again that was down itself. Just dogfish prices, inflation adjusted to 2020 dollars. If there is a trend it depends on exactly where you start.

The last several years there has been a general uptrend, but one of the tasks that I have engaged in for the research track assessment ongoing, has been just doing some data cleaning. We had some issues with kind of misreported landings, like whole dogfish or gutted dogfish reported as fins, and then that gets expanded.

I saw a couple things that sort of caught my attention in some of the last couple years, which may affect that price information a bit, hopefully not a ton. But am doing some data, kind of sifting and cleaning as part of some kind of activities with the research track assessment. Our Advisory Panel creates our fishery performance report, FPR, each year.

Pretty much similar sentiments as previous years, flagging that markets and trip limits really serve to restrict landings in this fishery. They've

noted the continued erosion of participants. When you look at numbers of participants landing different amounts of fish each year, we've had a number of years of decline.

We've gotten input from some of the AP members that an increase in the trip limit to 10,000 pounds would help increase landings. Folks flag that if we go back quickly you can see that orange line, the end of the last fishing year, kind of flat line. It's normally when Virginia would be fishing, so that's an input that in the last fishing year Virginia had some diversion of participants to the shrimp fisheries, some oystering. Then we also got input from, not an AP member, but member of the public in Massachusetts that for this year the blueline, Massachusetts landings were lagging a bit.

Again, some people are shifting into other fisheries. It seemed like there were some availability issues with warm water, not finding dogfish in the normal spots, and some processors who wanted skates brought in along with dogfish, and if they couldn't provide the skates than the processors weren't interested in their dogfish.

We've kind of got a number of reasons for both the Virginia held off in the 2020 fishing year and the slow start in Massachusetts for the 2021 fishing year. The Advisory Panel continues to flag some science concerns, chief among them the Bigelow operations performance issues. The assessment to date has really been heavily dependent on this spring survey, and whether it's missed stations, (didn't catch), shifts in timing, my concern that that influences our ability to get a sense of where the dogfish population is headed.

Also, we've had recent research that looks at dogfish distribution beyond the survey area, also vertical distribution, and that kind of adds some uncertainty about what the trawl survey really means, in terms of dogfish. Then kind of continuing to flag that some kind of recent research on fecundity, in terms of how they're pupping just kind of raises concern among the AP of our ability to kind of know what is going on with dogfish.

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The SSC takes all that and they kind of just basically endorse staying in our status quo specifications. They noted that a data gap with the 2020 Spring Survey certainly increases uncertainty. But the way those indices and the biomass data points we looked at earlier are calculated, some of the 2021 missed stations would cause that data point to be an underestimate, because of how the expansion works. No changes from the SSC.

On the trip limit analysis itself, given that erosion of participation and requests by at least some parts of the AP over time, if you look at the trip limit issue. The Council had kind of flagged this as a task related to an executive order, to try to take a bit of a deeper dive in consultation with some staff at the Science Center that said one way to look at this is just look at how prices move during the last trip limit adjustments.

They looked at both the 2014 and 2016 trip limit changes, and there really didn't seem to be a whole lot of impact on prices, at least at the coastwide level. We have gotten some input at some meetings over the last couple of months that there may have been some kind of more regional, local reactions, in terms of prices, with some of the trip limit changes. But at least looking coastwide didn't see any drastic changes.

At the Committee level, National Marine Fishery Service flagged that it would be useful, at least for decision making, and certainly for NEPA analysis to have a bit of additional descriptive information on some recent trips. Between the Committee meeting and the Council meeting, we had a couple of analyses just to help folks get a sense of how the fishery is operating. These are the 2019 and 2020 fishing years, and there are 8,215 dots on this figure. A lot of them are together, so you just kind of get a blur. But you can see that that 6,000-pound trip limit, there aren't a lot of trips above that, and you can see how dark it gets near that line.

There are a lot of trips at or very close to that 6,000-pound trip limit.

These kinds of dots I just sorted them by date in the start of the 2019 fishing year on the left, and just moving through these two fishing years through time from left to right. Again, just to get a sense of how much of an impact, and what do trips look like. Again, there are over 8,000 dots on this map, to try to get a little more sense of the types of trips and what percent of landings those same 8,200 plus dots are now distorted from largest trip to smallest trip.

Like some of the higher dots here, the highest ones there are now over on the left here. Kind of get a sense of these size trips. How much of total landings are represented by these different trip types? There are relatively few trips that are above 6,000 pounds and the states have higher trip limits, and vessels without a federal dogfish permit can fish in state waters. It's an open-access permit, so to some degree it can be picked up and dropped.

Larger trips are 4 percent of landings. Then trips between 5,800 pounds and 6,000 pounds, all these dots in here, probably about 3,000, there is a couple thousand dots in there. Close to the trip limit is over a third of landings. You think 5,800 pounds to 6,000 pounds, real close to trip limit. That's over a third of landings between 5,000 pounds and 5,800 pounds that's another 25 percent of landings.

Again, just a sense of, you have a large chunk of the landings fairly close to the trip limit. Again, exact same data, same 8,000 trips, kind of binning them, and you can see not so many trips on the right here, about 6,000 pounds, that's 4 percent of landings. Between 5,000 and 6,000 pounds, that's really the plurality of trips in the single biggest bin here.

We've got over 3,000 trips between 5 and 6,000 pounds, and they make over about two-thirds of the landings in that group. Again, just a sense of what types of trips are responsible for landings. I think it says provide a sense that trip limit is

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restricting, and you would expect some usage of an increased trip limit.

For the Monitoring Committee, we have two Ex-Officio industry members on the Monitoring Committee that recommended doubling of the trip limit to 12,000 pounds, to try to kind of get back to that somewhat higher participation level that we've seen in relatively recent history. Unless the Monitoring Committee has always kind of been more focused on, as long as we're sharing of the overall quota, the trip limits shouldn't be having a huge impact on stock size.

But the size of the change, if the Council wants to make a change, kind of dictates the process and the impacts associated with those, whether it's through a specifications or framework or an amendment, and what kind of NEPA analysis is necessary. But there was some input from the Ex-Officio industry members.

They requested that that 12,000-pound change be made rapidly, through an emergency rule, and kind of given the requirements for emergency rules, that seems like a not super feasible path. At the Council level, the Council didn't recommend any changes to specifications or quotas, but did recommend 25 percent increase to the federal trip limit, that would bring it up to 7,500 pounds. It's generally in line with the percentage changes for some of those other recent ones, and it becomes through specifications the target date of May 1 is kind of a target date when things occur through specifications.

Then the Council also voted to consider, when it meets again in December, whether or not to prioritize a framework for 2022 for additional modifications of the trip limit. Some of that discussion was also kind of noting that how the Council proceeds, it certainly takes action with a framework like that would likely depend on the results of the pending research track assessment.

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Then the New England Council will take up dogfish in December. Jointly managed with New England, if the Councils don't agree, NMFS has considerable flexibility to resolve that difference. That's it for me, thank you.

CHAIR BATSAVAGE: Thank you for the presentation, Jason. Does anyone have any questions on the presentation?

MS. KERNS: We have a hand from David Borden.

CHAIR BATSAVAGE: Go ahead, David.

MR. DAVID V. BORDEN: Jason, if industry members want to craft and submit alternatives for a different arrangement on trip limits, when would they have to submit it for the framework?

CHAIR BATSAVAGE: Jason.

MR. DIDDEN: The tentative goal for frameworks is that the Council comes out of the first framework meeting with the range of alternatives. It sounded like most likely the Council might pick something up and have a first framework meeting after at least a good sense of the results of the research tracks are known.

That's probably going to be, I think that's over the summer. It will just be really that first framework meeting, and folks can talk to their council members, certainly make comments at that meeting. On the Council's website we have like the dates for public comments, leading up to each council meeting, so folks would make comments leading up to that first council meeting when Framework Meeting 1 is on the agenda.

MR. BORDEN: If I might, Mr. Chairman. That's December '22 or are we talking '21?

MR. DIDDEN: I anticipate currently if the Council prioritizes such a framework, that it would take it up in late summer or fall of 2022 for 2021.

CHAIR BATSAVAGE: Any other questions?

MS. KERNS: You have no other hands.

**REVIEW AND POSSIBLY REVISE THE
2022 AND 2023 SPECIFICATIONS**

CHAIR BATSAVAGE: We'll move on to the next item, which is to Review and Possibly Revise the '22, '23 Specifications. It is kind of based on the information that Jason just provided, as far as the trip analysis and what the Mid-Atlantic Council chose when they met a couple weeks ago. Kirby has a presentation, I think, to go over, or at least information to go over this with us. Kirby.

MR. KIRBY ROOTES-MURDY: I do have a brief presentation. As Jason noted, the Mid-Atlantic Council recommended an increase in federal trip limit up to 7,500 pounds for the 2022 fishing season. They also, as he mentioned, are considering adding a framework adjustment to consider changes to the trip limit and the implementation plan, which they'll take up in December.

For the Board's consideration today, the Board can modify the northern region trip limit, and that's for the states of Maine through Connecticut for the 2022 fishing season. Previously the Board had set the trip limit at 6,000 pounds, and that's what the trip limit is currently for the region in this fishing season, 2021, the current. In terms of Board actions for consideration today, the Board could, as noted increase the northern region trip limit to be consistent with the Council's recommendation to NOAA.

The other consideration is whether if they pursue that, recommend other states to help the northern regions, New York through North Carolina implement trip limits that don't limit potential 7,500 pounds federal trip limit. That concludes my presentation, and I think the only other thing I would note is that if the Board wants to make changes to that northern region trip limit, they previously approve that by taking

a final action. We would either need a role call vote or agreement on the motion.

CHAIR BATSAVAGE: Any questions for Kirby?

MS. KERNS: I don't have any hands, Chris.

CHAIR BATSAVAGE: Kirby kind of laid out the options and considerations for the Board today, based on what the Mid-Atlantic Council did, as far as trip limits a couple weeks ago. But also keeping in mind that this is a jointly managed plan in federal waters with the Mid-Atlantic Council and New England Council, and New England will be meeting in December to set specifications.

Then from there NOAA Fisheries would ultimately then set the specifications based on input from both Councils in federal waters for next May. Just looking for some input, direction from the Board, as far as what they want to do in state waters, particularly for the New England states that currently are under a 6,000-pound trip limit.

MS. KERNS: I have Ray Kane.

CHAIR BATSAVAGE: Okay, Ray.

MR. RAYMOND W. KANE: I would like to put a motion forward. If you would like me to read it, I'll read it.

CHAIR BATSAVAGE: Yes, please.

MR. KANE: Move to set a 7500-pound trip limit in the Northern Region (Me through CT) for FY 2022 contingent upon NOAA Fisheries adopting a 7500-pound trip limit for federal waters. If a 7500-pound trip limit is not approved in federal waters, then the 6,000-pound trip limit will remain in the Northern Region. Thank you.

CHAIR BATSAVAGE: Thanks, Ray, do we have a second?

MS. KERNS: Cheri Patterson.

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CHAIR BATSAVAGE: It is seconded by Cheri Patterson. Any discussion on the motion?

MS. KERNS: I have Pat Geer.

CHAIR BATSAVAGE: Okay, Pat.

MR. PAT GEER: I just want to clarify. The states of New York through North Carolina are still allowed to increase their trip limit to 7,500 pounds?

CHAIR BATSAVAGE: Yes, they can, since the states can set their own trip limits. They do have the option of also increasing to 7,500 pounds, and I think it is also contingent upon what NOAA Fisheries adopts.

MR. GEER: Okay, thank you.

CHAIR BATSAVAGE: Any further questions?

MR. DIDDEN: This is Jason, I can't figure out the hand raise feature, but can I ask a question?

CHAIR BATSAVAGE: Oh yes, definitely.

MR. DIDDEN: If by some chance NOAA was able to implement a trip limit change a little bit early, would this motion not allow those states to follow suit?

CHAIR BATSAVAGE: Early meaning before the 2022 season?

MR. DIDDEN: Going through the specifications process, the target is May 1. If it happened to get done like two weeks early, and was effective two weeks early, would these states not be able to follow suit, if it happened to be effective a little bit early?

CHAIR BATSAVAGE: I think based on the motion maybe not. I'll look to Toni on that, and it also may depend on the state's ability to go through their administrative processes to change trip limits in state waters, whether they would be able to do that before May 1st. But I'll just see

if Toni has any thoughts on that. Maybe if any of the northern states have thoughts as far as what they could do if this was an option to make the trip limit change before May 1st.

MS. KERNS: As the motion reads it's for Fishing Year 2022. We could revise the motion to change it, but as you said, I don't know the ability for all of the states to make a change fast enough that would make a difference if it was only two weeks early. But I guess it would depend on what NOAA was thinking. But while I'm speaking, I just want to let you know that I have Eric Reid, Mike Luisi and Ray Kane.

CHAIR BATSAVAGE: All right thanks, Eric.

MR. ERIC REID: If for some unknown reason New England were to approve a trip limit of let's say 8,000 or 9,000 pounds. This motion should probably read adopt a trip limit of at least 7,500 pounds, just in case. Because if its strictly 7,500 pounds and it goes to 7,600 pounds, the motion would not make the 6,000 pounds go away.

CHAIR BATSAVAGE: Thanks for bringing that up, Eric. I had kind of similar questions about that. You know if New England picked a trip limit that was different than 7,500, and then GARFO ultimately selected a trip limit kind of splitting the difference, whether it was higher or lower how this would work. I guess with that, if Cynthia could possibly provide some insight on that scenario Eric just gave, to see if this motion might need some modifying. Cynthia, if you don't mind.

MS. CYNTHIA McMANUS: Sure, yes. I think that might be a good modification, because yes, in the eventuality because we know that New England Council hasn't met yet. In the possibility that they do propose a different limit of potential federal trip limits. It comes back to the Agency as having the option to select any alternative that has not been rejected by either council.

Essentially that would give us the option to go with either. The potential does sit there, that we could

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go with a different one. We have been kind of talking internally about whether the fact that like the Mid didn't select a different number, does that count as an outright rejection, or how that works.

But essentially where we are right now, we're thinking that say, so the Mid proposed 7,500, if New England says like 9,000 for some reason, we would have the option to pick either. If that eventuality happened, I think it would probably be good to have some language that kind of better reflects essentially similar to what you have right now, with contingent on NOAA Fisheries adoption of a higher trip limit, maybe a little bit more flexible, just in case something different comes out of New England.

CHAIR BATSAVAGE: Thanks, Cynthia, I appreciate that explanation. Eric, I think you had, I guess a suggested modification to the motion, if you want to provide that now, then we see if Ray and Cheri are okay with maybe doing a friendly amendment.

MR. REID: Well, Mr. Chairman, you just have to put in either no less than or at least 7,500 pounds, however the maker and the seconder want to handle it. But that's a pretty simple adjustment.

CHAIR BATSAVAGE: Okay, we'll try adopting at least a 7,500-pound trip limit for federal waters. I don't know if we need to make a modification in the next sentence or not, or just there. Eric, is that getting to what you're suggesting, and I think is also in line with the information Cynthia just gave us, right?

MR. REID: Well, it's got to be in both sentences, Mr. Chairman, that would be my opinion.

CHAIR BATSAVAGE: Okay, that makes sense. Ray and Cheri, are you okay with this modification to the motion?

MR. KANE: Yes, Chris, I'm good with it.

MS. PATTERSON: Yes, I'm fine, thank you.

MS. KERNS: Chris, should it say at least a 7,500-pound trip limit for the first sentence as well, that first 7,500 pounds?

CHAIR BATSAVAGE: I think so, yes.

MS. KERNS: Then I have a follow up question, in terms of process. Then if NOAA does adopt a different trip limit, then would it be the intention of the Board for staff to come back and provide that trip limit, and do an e-mail vote to set a final trip limit if it is something higher than 7,500 pounds?

CHAIR BATSAVAGE: I think that would make the most sense. It's real hard to predict exactly what will ultimately happen. I mean yes, from staff's perspective, Toni, is that probably the easiest way to handle that, or would this really be up to the Board to decide how to proceed under that scenario?

MS. KERNS: I think that would be the easiest. Bob has his hand up, so he might have a different idea of direction, so I'm going to let him speak.

CHAIR BATSAVAGE: Yes, Bob, I appreciate any input.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Yes, just a thought. I think really what the states are trying to do here, and the northern states in particular, is just mirror the federal trip limit. With the numbers in here it kind of pins us in. You know maybe it's just simply a move to establish a northern region trip limit consistent with what NOAA establishes for FY22, and keep it at that. Who knows?

Maybe NOAA decides on 7,000 pounds, or NOAA decides on 9,000 pounds after they get New England input. I think all these multiple votes may be tricky. I think it's just, establish a northern region trip limit consistent with what NOAA establishes for FY22 if NOAA maintains a 6,000-pound trip limit, the northern region will maintain the 6,000-pound trip limit as well, something along

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those lines, or just say we're going to ride along with what NOAA does, and if NOAA doesn't change, we're not going to change either, so we can work on the wording if you want.

CHAIR BATSAVAGE: That makes a lot of sense, because again, say it's from a process standpoint and kind of allows for a lot of flexibility. I guess we could try modifying the motion that way. It changed it pretty substantively. I think we're trying to get to get to the same place either way. Would it be okay to just modify to that level, just kind of trying to follow parliamentary procedures as best as I can? I guess look for some guidance from staff on that, and then also see if Ray and Cheri are okay with what Bob is suggesting.

EXECUTIVE DIRECTOR BEAL: Chris, this is Bob again if I might. You know I think you're right, it is a pretty significant change to this motion, and there are a lot of details in this motion that would be modified. You know there are two ways out of this. One is a substitute motion, or the other is just to have the Board agree to withdraw this motion, because it is property of the Board now.

Then start all over. The third option is, you know Roberts Rules of Order really being stretched, which is modifying this one with the approval of Ray and Cheri. It's up to the group, but any of those are viable. I mean the idea is just to make sure we get the will of the Board captured in the motion.

CHAIR BATSAVAGE: Thanks, I guess we'll try this, hopefully this might be quick. Is there any objection by the Board to withdraw this motion and then start with a new motion as Bob suggested?

MS. KERNS: I have some hands up by Eric, Mike Luisi, and David Borden, and I don't know. They've been up, some of them have been up, so I don't know if that's what they are objecting

to or not. One went down. Eric and David, are you objecting?

MR. REID: If I might, Mr. Chair.

CHAIR BATSAVAGE: Yes.

MR. REID: My suggested language for of at least is in case New England should set a higher trip limit. If it is the will of the Board to set a trip limit at 7,500 pounds, that is what they should say. If you set a trip limit of at least 7,500 pounds it's pretty ambiguous. To me, I think that move to set a trip limit at 7,500 pounds is what the Board seems like it wants, and just let it go.

CHAIR BATSAVAGE: Okay. Anyone else with thoughts on how to proceed with this motion or possibly an alternative motion?

MS. KERNS: I have Matt Gates.

CHAIR BATSAVAGE: Hey, Matt.

MR. MATTHEW GATES: Hi, Chris, thank you for the opportunity to comment on this. I think what I was thinking of doing is making a substitute motion to do what Bob indicated, if that's helpful to you to move this along, in case that was the will of what the Board wanted was to set the limit the same as what the Feds will eventually approve, or if the will is to stick with the 7,500 pounds regardless then I won't bother.

CHAIR BATSAVAGE: I think at this point it would be appropriate to put up a substitute motion, then we can kind of debate both at one time, so Matt yes, if you're ready to offer one that would be great.

MR. GATES: Okay, I'll try, I'm doing it on the fly, so bear with me a little bit. I would move to set the Northern Region, Maine through Connecticut trip limit for FY2022 equal to the limit approved by NOAA Fisheries.

CHAIR BATSAVAGE: Matt, is that reading the way you would like to see it, I guess we're still crafting it

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here a bit. I'll let Maya finish up before letting you determine if this is what you would like. Do we have a second?

MS. KERNS: Megan Ware.

CHAIR BATSAVAGE: Okay, seconded by Megan Ware, and I guess for efficiencies sake, go ahead and take comments on the substitute motion and the first motion too, just to move things along. Toni, I know we had some other folks in the queue. Who do we have, I guess in order right now, to make sure I don't miss anybody?

MS. KERNS: Mike Luisi, David Borden and Adam Nowalsky, I think that is everybody that was in the queue.

CHAIR BATSAVAGE: Okay, Mike Luisi.

MR. MICHAEL LUISI: I don't really have a dog in the fight here with the Northern Region, but I understand where they are coming from. I think a motion to substitute would read a little more clearly if it would state that the Northern Region state waters trip limit for FY22 equaled to the federal waters trip limit approved by NOAA Fisheries.

I think it just clarifies what the states are doing, as compared with what NOAA Fisheries would approve in federal waters. It just may be more clear there. I also do have one other comment if you want to take that one first, I have another comment, based on what Pat Geer said earlier.

CHAIR BATSAVAGE: Matt and Megan, are you okay with that suggested modification by Mike?

MR. GATES: Yes, I appreciate that refinement to it, thank you.

MS. MEGAN WARE: Yes, fine here.

CHAIR BATSAVAGE: Yes, Mike, please continue with your comments.

MR. LUISI: My other comment is related to what Pat Geer brought up about the states of New York through North Carolina. I just want to make sure that we're still in the position where those states can set trip limits exceeding those of federal waters, and the fishermen who have federal permits would need to relinquish their permit in federal waters, in order to fish in state waters at a higher trip limit.

The reason I ask is that we currently in Maryland have a 10,000-pound trip limit in state waters. I just want to make sure that that is still a viable path forward, and that nothing has changed over the last couple years to limit state waters to that of federal waters.

CHAIR BATSAVAGE: I'm not aware of any changes, and this motion and the specifications in federal waters shouldn't impact that at all. Kirby, if I'm wrong please let me know. But again, I think what's set in state waters from New York to North Carolina still stands.

MR. LUISI: Okay, thanks, Chris.

CHAIR BATSAVAGE: Next up is David Borden.

MR. BORDEN: This will be quick. I support the substitute; I think it's simpler. I think it accomplishes what Ray and Cheri originally wanted to accomplish, and it avoids some of the difficulty that we might encounter, depending upon what NOAA does in federal waters. I support the substitute.

CHAIR BATSAVAGE: Next up is Adam Nowalsky.

MR. ADAM NOWALSKY: Where does this leave a possible disconnect between what we set at this Board, what New England does, and where the Mid-Atlantic was? I guess at the end of the day it's all going to come down to what NOAA approves, regardless. But are we in a position here that we potentially set ourselves up for a disconnect, where some other group has to reconsider something as well?

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CHAIR BATSAVAGE: That's a good question, Adam. I guess I'll go to Kirby to see if there is any disconnect with what we're doing today, compared to the specifications that will be set in federal waters. Kirby, do you have any thoughts on that?

MR. ROOTES-MURDY: Sorry, I was trying to help Maya with wordsmithing this a little bit, to be more clear. Adam, can you repeat the question one more time?

MR. NOWALSKY: I was just trying to get clarity on where this would potentially put us for a disconnect. What we've had at the recent Council meeting was a firm 7,500 number that was not an up to, it was not an at least, it was a preferred number that came out of the Council. We don't know what New England is going to do yet, we don't know what the Service is going to do yet. The original motion we had here today started with that matching firm 7,500 number. We've got the main motion now set to at least a number, and now we've got a potential substitute that says we're just going to match whatever NOAA Fisheries does. The specific question is, where does this leave us with the potential disconnect between management bodies, and would there need to be further action for that to get addressed by one of those management bodies moving forward?

MR. ROOTES-MURDY: Yes, thanks, Adam. My read of the substitute motion is it actually helps cover what this range of potentially different trip limits that the New England Council might offer, and what the Service ultimately implements, and allows for this Board not to have to come back and revisit what the trip limit is that's approved by the Service.

You know for example, at the winter meeting or having to do so just before the start of the 2022 fishing season. To me, the substitute motion aligns well with that, if that is the will of the Board. But to maybe your concern, if there is

interest in having a set 7,500-pound trip limit for just the northern region, then that's what you guys should discuss. I'll just note that Jason Didden is trying to raise his hand. But we have him listed as an organizer right now, so he is not able to do so. Mr. Chair, if you want to call on him, hopefully that might be helpful.

CHAIR BATSAVAGE: Yes, Jason, do you have anything to add on this point?

MR. DIDDEN: I was just going to add, it seems like this would allow the flexibility to resolve any disconnect that occurs between the two Councils.

CHAIR BATSAVAGE: Thanks, Jason, any other hands up from Board members?

MS. KERNS: I have Cynthia, well David Borden was first, then Cynthia and Nichola.

CHAIR BATSAVAGE: We'll go with Cynthia first. Cynthia.

MS. McMANUS: Yes, this is just quick clarification, just in case it wasn't clear. But maybe to just assuage any potential apprehension or fear that folks might have. But the Service is not, like say there is disconnect in what the Mid-Atlantic or New England do set for their recommendations.

The Service would not set like a third option or deviate from what has been recommended from either Council. We would just select from the alternative options that are set before us. It's not like there would be like a third thing that comes out, and then we kind of make a different decision, like between them or something.

Say it was like 7,500 and 9,000. We wouldn't pick 8,000, we would pick from one of the two options. It does kind of limit the potential other options that come out. It's really just, the uncertainty we have here is that New England hasn't met yet. We don't know what New England's recommendations are. That's really why we're not considering just the

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7,500 right now, because there is the potential that New England would do something else.

But the Service itself isn't going to propose something completely different. We're going to pick from what comes out of the Councils.

CHAIR BATSAVAGE: Thanks, Cynthia, that is very helpful to know how, just the decision process by GARFO on this. David, I'll come to you in a second. But first I'll go to Nichola.

MS. NICHOLA MESERVE: I do have a little bit of apprehension about the open-endedness of the substitute motion. I think the Mid-Atlantic Council selected 7,500 in a balance between desires for a much larger trip limit to fulfill the quota, and other concerns about decreased quality and the effect on price, and small boat competition that would come along with that much larger trip limit.

Not knowing what the New England Council might prefer, it just gives me a bit of pause where this could go. Knowing that the New England Council has in the past recommended a complete removal of the federal trip limit. You know I think I'm a bit more comfortable with the initial motion that would have mirrored the 7,500-pound trip limit recommended by the Council.

CHAIR BATSAVAGE: David.

MR. BORDEN: I'll pass, Mr. Chairman, the point has already been made.

CHAIR BATSAVAGE: Toni, any other hands up?

MS. KERNS: Two last hands, Joe Cimino and then Shanna Madsen.

CHAIR BATSAVAGE: Joe.

MR. JOE CIMINO: I just really appreciate Nichola's comments. A lot of folks from New Jersey were amongst those making those

comments, and I really do think that the Mid-Atlantic got to a very well-reasoned compromise at 7,500. That's why I still support the original motion.

CHAIR BATSAVAGE: Thanks, Joe, Shanna.

MS. SHANNA MADSEN: Pardon me if I missed this in the beginning of the presentation, but I guess I'm sort of confused procedurally why we wouldn't hold this meeting after the New England Council get a chance to meet, like why we wouldn't have this in February, and then we would have a clearer idea of what the path forward would be? I also wanted to say, I did appreciate Nichola's comments as well.

CHAIR BATSAVAGE: I know October is typically the time of the year that ASMFC sets specifications for spiny dogfish in state waters. I guess it's always a timing and order issue, where you have really three different management bodies setting specifications. I'll look to Kirby if he has anything in addition to add, to why now as opposed to January or February. I'll just see if Kirby has any additional thoughts.

MR. ROOTES-MURDY: I think you captured it well, Mr. Chair, that that is just how we would handle specifications in past years. But if there is concern or apprehension about moving forward with this at this point, this Board could delay taking action on this motion until after the New England Council meets. It's another option if that is what the Board desired.

CHAIR BATSAVAGE: That's true, we could always just defer this to the winter if that is the will of the Board. Toni, are there any other hands up before we call the question?

MS. KERNS: We just have Ray Kane, and I just want to make sure. If we do defer, we need to make sure that all the states would have time to implement a trip limit that late in the year.

CHAIR BATSAVAGE: Thanks, Toni, yes. That's a good point. The later we wait the less time it is for

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states to go through their administrative processes. Ray.

MR. KANE: I cannot support the substitute motion. In Jason's presentation earlier today, you know being part of the Commission, we've gone up incrementally in thousand-pound trip limits. Now I'm hearing talk about a 3,000-pound trip limit. We've been able to keep the price paid to harvesters in check by going up in small incremental increases, and I like what Joe Cimino had to say.

I was waiting for Jersey to come in, because I know they've got a small boat fleet down there also. I don't want to leave this open ended, so I would rather, if we could, address this in February, after we get a decision from the New England Council, personally. I went with the 7,500-pound trip limit that came out of the Mid. They deciphered; they've looked at this.

Now it's coming before New England in December. Can we not address this at the February meeting? That's my question. But I cannot support the substitute motion, because it's open ended, and as I said, we have kept the price in check by going up, increases have been incremental, thousand-pound trip limit increases. That's what I have to say, thank you.

CHAIR BATSAVAGE: I guess in terms of addressing this at the winter meeting, I think we would need a motion to postpone until then, or where we would take action now and then see what happens with New England, and then ultimately with GARFO. I mean if there is an interest to postpone this until the winter, I think now would be the time. If not, I think I'll just do one last check for comments, and then I'll allow time to caucus before we call the question.

MS. KERNS: Megan Ware had her hand up, and then Nichola Meserve and then Adam Nowalsky.

CHAIR BATSAVAGE: Okay, Megan.

MS. WARE: I'm going to move to postpone this discussion until the ASMFC winter meeting. I think we need a bit more information, and right now if either of these motions pass, as a state I wouldn't actually know what trip limits to be putting through our regulatory process, until we know what NOAA is going to implement. I don't think this should impact the state's regulatory processes.

CHAIR BATSAVAGE: Okay, we'll let Maya get that up on the board, motion to postpone.

MS. MAYA DRZEWICKI: Can you just repeat the rest of the motion, please?

MS. WARE: Yes, no worries, Maya. Move to postpone this discussion around the state waters trip limit for Fishing Year 2022 until the ASMFC winter meeting.

MS. KERNS: Matt Gates, are you seconding?

MR. GATES: I just had a point of order on this, if it's okay. I was kind of looking it up, and it says generally a motion to postpone is applied to a main motion. I'm not sure now you would handle that in this case. I'm not really against putting it off too much, but I'm not sure if postponing is the appropriate way to do it.

CHAIR BATSAVAGE: Thanks, I'll look to staff, as far as the appropriateness of a motion to postpone at this point.

MS. KERNS: I'm not aware of a rule that you're not allowed to postpone or table. I can't remember if table is the more appropriate word, but it's okay. I'm not aware of it being a problem for a substitute motion.

CHAIR BATSAVAGE: Thanks, Toni, next up I had on my list is Nichola.

MS. MESERVE: I would prefer that we act on this today, actually. I think that it sends a better signal to the New England Council our position on this, rather than just reacting to what they determine for

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the federal limit. I would rather reconsider our decision, if need be, but pick our stance on it now. I also did have a question about kind of timeline, based on some prior discussions with National Marine Fishery Service staff.

I was under the impression that a trip-limit increase much greater than 7,500 may delay the process, due to NEPA requirements and analysis. I think that was also a consideration in the Mid-Atlantic Council selection of 7,500 pounds, in order to do this by FY2022 or potentially a little bit sooner. You know something much larger than that would delay it. I think there is a lot of rationale, again, for 7,500 pounds. I think we're in a good position today to approve that motion to set that.

CHAIR BATSAVAGE: Yes, thanks, Nichola. Yes, it was stated during the Council meeting and the Dogfish Committee meeting by the Council that the higher trip limits would take more time, just through the process that NOAA Fisheries has to go through. Next up I have is Adam Nowalsky.

MS. KERNS: Chris, before you start with Adam, is it possible to get a second to this motion?

CHAIR BATSAVAGE: Oh yes, it would be good to get a second, wouldn't it? Kind of slipped my mind, sorry about that. Yes, is there a second on this motion, because we're debating something that hasn't been seconded yet.

MS. KERNS: Dennis, do you have your hand up as a second?

MR. DENNIS ABBOTT: I have a procedural question about that motion that you're looking for a second. My question would be, the motion says to postpone this discussion, it doesn't say anything about postponing the motions. If you're going to postpone the discussion, that means everybody is done talking and we go on to something else. I would go along with the previous speaker that says we should vote up and down on the substitute motion, and have a main motion.

At that point someone can make a motion to table or postpone or whatever. But you've got three motions and generally speaking, we were taught many times that you're only supposed to have two motions up on the table. That third motion isn't correct, and I think that you should handle this a little closer to normal parliamentary procedure, Mr. Chair.

CHAIR BATSAVAGE: I guess, well yes, should just see if there is a second to this motion before proceeding any further. Is there a second?

MS. KERNS: I have no hands in a second. Sorry, David Borden, are you raising your hand up as a second?

MR. BORDEN: Yes, and if I could comment, Mr. Chairman.

CHAIR BATSAVAGE: Yes.

MR. BORDEN: I'll second it. I think Dennis is making a correct point here that it should be a motion to postpone action not a discussion.

CHAIR BATSAVAGE: Yes, it's a good point. Megan, are you okay with that change?

MS. WARE: Yes, I think that is a good suggestion.

MS. KERNS: Now you have Adam Nowalsky.

CHAIR BATSAVAGE: Adam.

MR. NOWALSKY: I think I'm leaning towards Nichola's most recent comments, with regards to preferring to pick a number today that sends a message, and my support would be behind the fixed 7,500-pound number. However, if this motion to postpone were to go forward, would there be any merits for consideration to changing this to just say after the NEFMC meeting?

As opposed to waiting to the winter meeting, given our ability to conduct business virtually, and that the December New England Council meeting is

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relatively early in the month. Just wondering if there might be any benefit to conducting this Board meeting virtually to make a decision sooner versus later.

CHAIR BATSAVAGE: Thanks, Adam, I'll turn to staff to see if that's helpful or what we have is okay.

MS. KERNS: That's up to the Board. If the states need additional time to implement trip limits, then we could do that. But if meeting in January meets your state timeline, then I'm not sure it's necessary, unless there is another rationale for having it early.

CHAIR BATSAVAGE: Are there any hands up on that? If not, we are actually getting past our time. If there are no other hands, I think we'll maybe give two minutes to caucus on the motion to postpone, and then see where that leaves us. No other hands, Toni, then I guess we'll set the timer for two minutes.

MS. KERNS: I have one hand, Shanna Madsen.

CHAIR BATSAVAGE: Okay, Shanna.

MS. MADSEN: I have no dog in this fight, but I just wanted to point out that the main motion doesn't get to what Nichola is asking for either. To say that you're setting at least a 7,500-pound trip limit means that again, if the Northeast Council comes back with 9,000 pounds. I guess I'm confused as to how the main motion gets to what Nichola is now recommending as well. I just wanted to put that out there.

CHAIR BATSAVAGE: I guess we'll see, I guess if we get to that point, I guess we'll discuss that further if need be. Knowing that we're kind of in overtime right now, let's go ahead and just take two minutes to caucus, and we'll come back and vote on the motion to postpone action. Okay, two minutes is up, does anyone need any additional time, if so, please raise your

hand. Otherwise, I'll go ahead and call the question?

MS. KERNS: I don't have any hands for time.

CHAIR BATSAVAGE: Okay, so it's a motion to postpone action around the state waters trip limits for FY2022 until the ASMFC winter meeting. Motion by Ms. Ware, second by Mr. Borden. All those in favor, please raise your hand.

MS. KERNS: I believe the hands have settled. I have Maine, Connecticut, NOAA Fisheries, New York, Virginia, Maryland, New Hampshire, and Virginia.

MR. ROOTES-MURDY: Toni, I think you said Virginia twice.

MS. KERNS: I did, because two Virginia folks have their hands up, sorry about that.

MS. MADSEN: We're sorry about that, Toni.

MS. KERNS: I will put the hands down.

CHAIR BATSAVAGE: Is that 7 in favor?

MS. KERNS: Is that what I had, Kirby?

MR. ROOTES-MURDY: Yes.

CHAIR BATSAVAGE: all those opposed, please raised your hand.

MS. KERNS: I Have Mass, North Carolina and New Jersey.

CHAIR BATSAVAGE: Okay, that's 3 opposed, any null votes?

MS. KERNS: I Have 1 null vote, Rhode Island.

CHAIR BATSAVAGE: Okay, and any abstentions?

MS. KERNS: I have 1 abstention, Delaware.

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CHAIR BATSAVAGE: Okay, then the motion passes 7 to 3 to 1 to 1, if I'm correct on the vote count.

MS. KERNS: That's what we had.

MR. ROOTES-MURDY: Yes.

CHAIR BATSAVAGE: Yes, we'll then address this again in the winter, after we know what the New England Council decides on trip limits. I think that covers that agenda item.

**CONSIDER FISHERY MANAGEMENT PLAN
REVIEW AND STATE COMPLIANCE FOR THE
2020 FISHING YEAR**

CHAIR BATSAVAGE: Next up is to consider the Fishery Management Plan Review and State Compliance for the 2020 Fishing Year. Kirby is up for that. Kirby, or staff, do we have time to do that, or would it be better to handle that via an e-mail vote later? I'll leave that up to staff to determine, since we're running late.

MR. ROOTES-MURDY: I think we have a little flexibility as far as the next meeting and getting through this. I can quickly go through the presentation, and we just need a motion.

CHAIR BATSAVAGE: All right great, thanks. Please proceed.

MR. ROOTES-MURDY: I'll just give a brief overview of stock status, commercial landings and quota, state compliance, de minimis requests and PRT recommendations. This was already covered by Jason, but we don't have any update on the stock status from what was presented back in 2018.

As noted, we have a research track assessment scheduled for 2022, so that should meet early next year. Just a reminder of what the commercial season is. As we were just discussing, May 1 through April 30th, the quota for Fishing Year 2020 was 26.19 million pounds.

The trip limit for the northern region was 6,000 pounds, and the commercial landings were approximately 12.75 million pounds, which is a 30 percent decrease from Fishing Year 2019.

Recreational harvest and discards, the recreational harvest was about 236,000 pounds, which is an increase. But keep in mind that harvest estimate tends to be very low, this increase percentage is a little misleading. The discards also decreased from 2019 up to 1.7 million pounds. In terms of state compliance, the PRT reviewed all the state compliance reports in all regions and states harvested within their quota and states implemented regulations consistent with the FMP. New York and Delaware requested de minimis status and it was authorized based on the PRTs review. (Broken up).

Just in terms of the PRT recommendations requesting that the states be more clear in indicating where their landings are reported to, NOAA or SAFIS. The other note was exempted fishing permits. Currently the language in the FMP centers around biomedical research. There had not been really any exempted fishing permits issued in recent years for biomedical research. When there is a future management document, if the Board wants to consider revisiting what the exempted fishing permits are for, then it might be most helpful.

Then last, the PRT just noted that de minimis right now for this FMP is not necessarily providing those de minimis states with a tremendous amount of benefit, because they still have to report their landings out annually, and at least weekly reporting that is being done by those states to NOAA Fisheries. Those are the main points from the PRT for the Board's consideration today is to accept the FMP Review and state compliance reports for spiny dogfish Fishing Year 2020 through 2021, and de minimis requests from New York and Delaware. I'll take any questions.

CHAIR BATSAVAGE: Thanks, Kirby, any questions for Kirby?

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MS. KERNS: I have no hands.

CHAIR BATSAVAGE: Quick question, Kirby. Regarding the biomedical permits and then states reporting dogfish collected through scientific permits, which is totally different. Aside from any future Board action to expand what's required for reporting. Would it be better for those states just not to report those in the compliance reports if those permits are not specific to the biomedical industry?

MR. ROOTES-MURDY: No, we definitely still want (can't hear) permits before, for example educational purposes or other research, and yes that's helpful, because this is in addition many times to what the state is already harvesting for the commercial quota. We want that information; it's just really noting that this path of the FMP isn't really operating the way it has in the past, so things for the Board's consideration.

CHAIR BATSAVAGE: Great, I appreciate that. If there are no further questions, I'll look for a motion to approve the FMP Review, state compliance reports and de minimis requests.

MS. KERNS: I have Shanna.

CHAIR BATSAVAGE: Okay, Shanna.

MS. MADSEN: Thank you, Mr. Chair, I would like to move to accept the FMP Review and state compliance reports for the spiny dogfish 2020/2021 fishing year and de minimis requests from New York and Delaware.

CHAIR BATSAVAGE: Thanks Shanna, is there a second?

MS. KERNS: Nichola Meserve.

CHAIR BATSAVAGE: Seconded by Nichola. Any discussion on the motion?

MS. KERNS: No hands.

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

CHAIR BATSAVAGE: Okay, is there any objection to the motion?

MS. KERNS: I see no hands.

CHAIR BATSAVAGE: Then we'll consider this approved by consent.

UPDATE ON THE RESEARCH TRACK ASSESSMENT

CHAIR BATSAVAGE: Thank you, next up is an Update on the Research Track Assessment, and Conor McManus will be giving us an update on that. Conor, if you're ready, please go ahead.

MR. CONOR McMANUS: I'll be really quick here. I'm just going to give a quick update to where we are with the Spiny Dogfish Research Track Assessment. Just as a background, we initiated the group this past summer for spiny dogfish. Just for a bit of background, the Research Track Assessment and this relatively new framework for assessments is designed to evaluate new datasets that can be either used to inform the models or be used in the stock assessment models, of which then would be ultimately used in future management track assessments.

Our goal here is to improve the stock assessments for spiny dogfish, again evaluating new analytical techniques and such for the species, again with this then new model being available as needed in future management track assessments. The work group has been officially formed now, with members of the various entities listed here.

Again, we started this past summer and we are planned to go for peer review with the assessment in July of 2022. Thus far the working group has met three times. Mainly working through some of the initial data availability questions, reviewing the previous assessments, as well as the various recommendations in the past for research elements by both the Council and the SSC.

With the Research Track Assessment itself there are several new advancements that we're looking to take with it, with just some of them described here below. I think perhaps the biggest advancement would be trying to move from a more index-based approach that relies heavily on one survey index, which Jason spoke to earlier, being the spring Science Center trawl, and moving towards a more sophisticated framework or a model that incorporates the life history of the species, as well as perhaps other surveys and information.

The platform we're looking to use here is stock synthesis. Another major element that we're looking to update here is growth for the species. We have an effort to look at some of the spines, for spiny from some of the federal trawl surveys in the recent years, not just for comparison to go from older growth models, which are believed to be by many outdated, but get an update on the growth rates for the species for use in the model. But then also just to understand how growth may be changing with the environment over multiple decades. There has also been a lot of discussion over the distribution of spiny dogfish, both on and off the shelf, as well as the differences in movement seasonally over time by sex. We'll look at that in two different ways, one is looking at tagging data that has been collected by the Science Center through some of their cooperative research efforts, and to get a sense of changes in migration and distribution, also gives us a little bit of sense to as perhaps some of the stock structure for the species.

Then also, looking at more, again spatial distribution, abundance in distribution for both males and females, to get us an understanding of environmental drivers, and whether we may or may not see them in certain regions, such as state waters. One thing I wanted to address for the Board today is that we will also plan to engage stakeholders directly.

We have working group meetings that folks are allowed to attend, not just the working group members, but we also will have directed meetings with stakeholders to let them know on the process of the assessment, updates that we're making to provide clarity or background from the data that we're using in the assessment.

Also selected feedback on some research elements that they would like to see addressed in the assessment, if possible, as well as feedback on some different elements on the science that we would like to get some level of feedback on, or perspective on as we see it from the data. Stay tuned for that. I will be certainly reaching out to members of the AP for those notifications, but also the Board as interested. I think that's all I had for you, but I'm happy to take any questions.

CHAIR BATSAVAGE: Yes, interesting advances in this assessment compared to what's been done in the past, so I look forward to hearing more about the progress, and eventually seeing the results. Any questions for Conor?

MS. KERNS: One hand from David Borden.

CHAIR BATSAVAGE: David.

MR. BORDEN: Conor, there was a suggestion about trying to involve Canadian scientists in the discussion in another portion of the document. Will the Canadians be involved in this? I mean it is a transboundary stock, and it might make some sense to at least get one Canadian scientist involved in this. Thank you.

CHAIR BATSAVAGE: Conor.

MR. McMANUS: Thanks for your question, David. There are no Canadian scientists on the working group, but we are working with Canadian scientists in a couple of different facets. One is mainly trying to get survey information from those waters, to understand changes over time, and understanding how those compare to what we see in U.S. waters.

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Particularly in the fall, where we see some of the spiny dogfish in the survey perhaps aggregated more in the Gulf of Maine on slopes and shelves, and as well as looking at the other data streams that may help inform some of the analyses on sensitivity dependence, and again, understanding overall trends in the stock. While there is no membership on the working group from the Canadians, we are in correspondence with them. I will also note that we've also, in terms of the new model development we're also in conversations with the Northwest Fisheries Science Center on the model as it relates to Pacific spiny dogfish, which they've used this template in the past, but we're hopeful that we can help improve the assessment here using some more framework.

CHAIR BATSAVAGE: Any further questions for Conor?

MS. KERNS: No hands.

CHAIR BATSAVAGE: All right, great, thanks for the update, Conor, and look forward to hearing more about the assessment. That takes us to Other Business. Is there any other business to bring forward before we adjourn?

MS. KERNS: No hands.

ADJOURNMENT

CHAIR BATSAVAGE: Anyways, thanks for everyone's patience on getting through this information. We'll discuss this again in February, and I just want to say, I appreciated the opportunity to Chair this Board for the last two years, and special thanks to Kirby for helping me prepare for the meetings and keep me on track during the meetings. Nichola Meserve will serve as Chair for the next two years, and I look forward to her leadership. With that we're adjourned, thanks everyone.

(Whereupon the meeting adjourned at 11:35
a.m. on October 21, 2021.)

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The Board will review the minutes during its next meeting.



Atlantic States Marine Fisheries Commission

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MEMORANDUM

December 1, 2021

To: Spiny Dogfish Management Board
From: Tina Berger, Director of Communications
RE: Advisory Panel Nomination

Please find attached a new nomination to the Spiny Dogfish Advisory Panel – Captain Rick Bellavance, a commercial rod and reel fisherman and charter/partyboat captain from Rhode Island. Please review this nomination for action at the next Board meeting.

If you have any questions, please feel free to contact me at (703) 842-0749 or tberger@asmfc.org.

Enc.

cc: Kirby Rootes-Murdy

M21-09

SPINY DOGFISH ADVISORY PANEL

Bolded names await approval by the Spiny Dogfish Management Board

December 1, 2021

New Hampshire

Thomas Lyons (comm. gillnet)
653 Exeter Road
Hampton, NH 03842
Phone: 603.427.3428
tomrlyons@hotmail.com
Appt. Confirmed 10/22/18

Massachusetts

Doug Feeney (comm. hook & line/gillnet)
47 Barn Hill Road
Chatham, MA 02633
Phone: 774.994.0593
dougfeeney@comcast.net
Appt. Confirmed 10/22/18

John F. Whiteside Jr. (attorney who represents
4 seafood associations, seafood processors, and
ancillary businesses to the fishing and seafood
industries from Maine to Virginia)

678 State Road
Dartmouth, MA 02747
Phone (day): 508.991.333
Phone (eve): 508.246.2828
John@JWhiteside.com
Appt. Confirmed 10/22/18

Rhode Island

James B. Webber (rec)
5 St. Andrews Way
Barrington, RI 02806
Phone: (401)524-7652
Email: jerry02806@yahoo.com
Appt. Confirmed 2/20/06
Appt Reconfirmed 5/10
Appt. Reconfirmed 9/4/2020

**Captain Rick Bellavance (commercial rod and
reel/for-hire)**

**140 Jerry Lane
North Kingstown, RI 02852
Phone: 401.741.5648
rickbellavance@gmail.com**

New York

Merry Camhi (conservation)

National Audubon Society
100 W. Main St.
West Islip, NY 11730-2323
Appt. Confirmed 1/31/01
Appt. Confirmed 1/2/06
Appt Reconfirmed 5/10
Incorrect phone number

New Jersey

Marty Buzas (comm./longline & gillnet)
558 Shunpike Road
Cape May Courthouse, NJ 08210
Phone (day): (609)827-2626
Phone (eve): (609)465-5776
Email: MBEileenB@yahoo.com
Appt Confirmed 8/3/10
Confirmed participation 4/2014

Virginia

William Reid (comm gillnet)
4950 Cypress Point Cir Apt. 203
Virginia Beach, VA 23455-6868
Appt. Confirmed 1/31/01
Appt. Confirmed 1/2/06
Appt Reconfirmed 5/10
Incorrect phone number

Scott MacDonald (processor)
4401 Monmouth Castle Road
Virginia Beach, VA 23455
Phone: 757.287.3534
smacdonald7@cox.net
Appt. Confirmed 10/22/18

North Carolina

Chris Hickman (comm gillnet)
PO Box 476
Hatteras, NC 27943
Phone: 919/986-2217
bouttimefishing@yahoo.com
Appt. Confirmed 8/21/00
Appt. Confirmed 1/2/06
Appt Reconfirmed 5/10; 4/14; 8; 18

Vacancy – commercial

Nontraditional Stakeholder

Sonja Fordham

Shark Advocates International

c/o The Ocean Foundation

1990 M Street, NW

Suite 250

Washington, DC 20036 Phone: 202-436-1468

Email: sonja@sharkadvocates.org

Appt. Confirmed 5/19/06

Confirmed participation 4/2014

RI Party and Charter Boat Association

Commercial Fishing Center of RI

4. What kinds (species) of fish and/or shellfish has the nominee fished for during the past year?

STB, BLU, BSB, SCUP, SF

Spiny Dogfish, HMS, Tautog

Cod, Pollack, Hake, WF

5. What kinds (species) of fish and/or shellfish has the nominee fished for in the past?

STB, BLU, BSB, SCUP, SF

Spiny Dogfish, HMS, Tautog

Cod, Pollack, Hake, WF

FOR COMMERCIAL FISHERMEN:

1. How many years has the nominee been the commercial fishing business? 30 years

2. Is the nominee employed only in commercial fishing? yes _____ no X

3. What is the predominant gear type used by the nominee? Rod and Reel

4. What is the predominant geographic area fished by the nominee (i.e., inshore, offshore)? Inshore and offshore from Montauk NY to Marthas Vineyard MA out to 50 miles

FOR CHARTER/HEADBOAT CAPTAINS:

1. How long has the nominee been employed in the charter/headboat business? 30 years

2. Is the nominee employed only in the charter/headboat industry? yes _____ no X

If "no," please list other type(s) of business(es) and/occupation(s): _____

Fishing Consultant - Member New England Fishery Management Council

3. How many years has the nominee lived in the home port community? 53 years

If less than five years, please indicate the nominee's previous home port community.

FOR RECREATIONAL FISHERMEN:

1. How long has the nominee engaged in recreational fishing? _____ years
2. Is the nominee working, or has the nominee ever worked in any area related to the fishing industry? yes _____ no _____

If "yes," please explain.

FOR SEAFOOD PROCESSORS & DEALERS:

1. How long has the nominee been employed in the business of seafood processing/dealing? _____ years
2. Is the nominee employed only in the business of seafood processing/dealing?
yes _____ no _____ If "no," please list other type(s) of business(es) and/or occupation(s):

3. How many years has the nominee lived in the home port community? _____ years
If less than five years, please indicate the nominee's previous home port community.

FOR OTHER INTERESTED PARTIES:

1. How long has the nominee been interested in fishing and/or fisheries management? _____ years
2. Is the nominee employed in the fishing business or the field of fisheries management?
yes _____ no _____
If "no," please list other type(s) of business(es) and/or occupation(s):

FOR ALL NOMINEES:

In the space provided below, please provide the Commission with any additional information which you feel would assist us in making choosing new Advisors. You may use as many pages as needed.

Spiny Dog fish and Coastal SHarks are important to RI's charter/PARTY and commercial fishing industry. As someone who participates in these fisheries and As someone who is familiar with the commission's management process I feel I can be helpful to the AP. I understand the commitment necessary to be an AP member and I can meet that commitment.

Nominee Signature:  _____

Date: 1/6/2021

Name: **Rick Bellavance**

(please print)

COMMISSIONERS SIGN-OFF (not required for non-traditional stakeholders)

State Director

State Legislator

Governor's Appointee