

**December 2010 Motions
Virginia Beach, VA
December 14-15, 2010**

1

Summer Flounder Recreational Management Measures for 2011

Move conservation equivalency for 2011 summer flounder fishery with a non-preferred coastwide measure consisting of an 18.5 inch TL minimum fish size, 2 fish possession limit, and an open season from May 1 through September 30, 2011. In addition, the precautionary default measure consisting of a 20.0 inch TL minimum fish size, 2 fish possession limit, and an open season from May 1 through September 30, 2011.

Council: Munden/deFur (14/4/1)

Board: Munden/Augustine (8/0/1/1) passed by show of hands

Motion carries

Scup recreational Management Measures

Move NOAA and the MRFSS program provide a wave data report that explains the assumptions, extrapolations, and methodologies regarding the final catch data.

Zeman/no second

Motion fails

Move that states MA through NJ adopt a 9" minimum TL, 10 fish possession limit, and a 30 day bonus season with 30 fish bag limit for all anglers with no closed season. For all other states an 8" minimum TL, 10 fish possession limit with no closed season.

Board: Simpson/Augustine

Council: Augustine/Zeman

Motion

Substitute motion to reconsider 2011 Scup TAL.

Board: Augustine/Munden (9/0/1/0)

Council: Pate/Munden (18/0/1)

Motion carries

Substitute becomes main motion.

Board: 9/0/1

Council: 18/0/1

Motion carries

Move to increase 2011 TAL to a level associated with a 5.74 million pound recreational harvest limit, and maintain status quo recreational management measures in federal and state waters.

Council: Pate/Anderson (17/0/1)

Board: Augustine/Munden (9/0/1/0)

Motion carries

Black Sea Bass Recreational Management Measures for 2011

Move to recommend status quo for the 2011 recreational black sea bass fishery in the waters of the EEZ and to direct ASMFC staff to initiate an addendum to the Summer Flounder, Black Sea Bass, and Scup Fishery Management Plan that will address the regional imbalance in the recreational black sea bass fishery and will provide regional and /or state specific allocation scenarios that include season, size limits, and possession limits by area for 2011.

Board: Luisi/Augustine

Council: Luisi/Augustine

Move to table above motion.

C King/Anderson (18/0)

B Augustine/Munden 10/0/0

Motion carries

Move to recommend status quo for the 2011 recreational black sea bass fishery in the waters of the EEZ. Direct ASMFC staff to initiate an addendum to the Summer Flounder, Black Sea Bass, and Scup Fishery Management Plan that will address the regional imbalance in the recreational black sea bass fishery and will provide regional and /or state specific allocation scenarios that include season, size limits, and possession limits by area for 2011.

Augustine

No second

Motion fails

Move to adopt a 13" minimum fish size, 25 fish possession limit, open season from 7/1 to 10/1 and 11/1 - 12/31.

Council: Augustine/Kray

Board: Augustine/Cole

Substitute above motion to adopt a 13" minimum fish size, 10 fish possession limit, and an open season of 5/30 - 9/5 and 11/1 - 12/31.

Board: Pierce/Luisi (5/13/1)

Council: King/Schafer

Motion fails

Amend to adopt the following coastwide measures for black sea bass; 13" minimum fish size, 25 fish possession limit, open season from 7/1 to 10/1 and 11/1 - 12/31.

These measures will remain in effect until such time that the ASMFC approves an addendum to the summer flounder, scup, black sea bass plan that evaluates and approves regional specifications for black sea bass that achieve the necessary reduction in fishing mortality for 2011, at which time management measures in Federal waters will revert to status quo.

Board: Augustine/Luisi (5/4/0/1)

Council: Pate/Kray (16/1/1)

Motion carries

Amended motion becomes main motion.

Council: 17/2/1

Board: motion carries by show of hands.

Motion carries

Executive Committee

Move to adopt revised travel and compensation section of the SOPPSs.
Robins for Committee - no objection
Motion carries

Move to amend the Summer Flounder, Scup, and Black Sea Bass plan to allow for spatial or regional management of the black sea bass recreational fishery.
Robins for Committee - no objection
Motion carries

Agreed by Consent (Executive Committee)

Agreed by consent to move forward with a Statement of Work to initiate a roadmap process regarding strategic planning and visioning.

Agreed by consent that scup allocation becomes a priority in 2011 with a January 31, 2011 deadline for Statement of Work. We will look for a contractor to facilitate this process for a bio-economic analysis for recreational/commercial allocation and move fish from the winter period to the summer period to improve the economic performance of the fishery.

Agreed by consent that the MAFMC should have a well-developed communication program that is strategic and integrated with the communication programs of the other Councils, NOAA Fisheries, ASMFC, and our member states. We will initiate action to recruit a dedicated Communications Specialist to manage the program. As we search for the right person to manage the program, we can begin working with contractors to develop a strategic communications plan and begin several projects to enhance our image and communication activities. An update will be provided to the Executive Committee at the February 2011 meeting.

Dogfish Motions

Move that the Research Set-Aside (RSA) provision be included in Amendment 3.
Munden for Committee - no objection
Motion carries

Move that the Commercial allocation alternatives consisting of options for:
 A. Seasonal Quota Allocation (Status Quo)
 B. Regional Quota Allocations
be included in Amendment 3.
Munden for Committee - no objection
Motion carries

Move that specifying the spiny dogfish quota and/or trip limits by sex not be included in Amendment 3.
Munden for Committee - no objection
Motion carries

Move that the limited access spiny dogfish permit be included in Amendment 3.

Munden for Committee - no objection
Motion carries

Move that the recreational spiny dogfish fishery not be included in Amendment 3.
Munden for Committee - no objection
Motion carries

Move that essential fish habitat designations be included in Amendment 3.
Munden for Committee - no objection
Motion carries

Move that the rollover of annual management measures be included in Amendment 3.
Munden for Committee - no objection
Motion carries

Business Session

Move to approve June 2010 and October 2010 minutes
Moved with no objection

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

#2

Richard B. Robins, Jr.
Chairman

Lee G. Anderson
Vice Chairman

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Dover, Delaware 19901-3910
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Christopher M. Moore, Ph.D.
Executive Director

October 15, 2010

Dr. Nancy Thompson
Science and Research Director
Northeast Fisheries Science Center
166 Water Street
Woods Hole, MA 02543-1026

Dear Nancy,

In its development of overfishing level (OFL) and allowable biological catch (ABC) recommendations for spiny dogfish this year, the Council's Scientific and Statistical Committee (SSC) observed some inconsistency between the existing F and biomass reference points for this stock (see attached SSC report). Specifically, the current F threshold, which represents the F_{msy} proxy, was found to result in a biomass well below B_{msy} and close to an overfished status within the projection timeframe. As such, the basis for the OFL applied by the SSC was the current F target (normally the basis for ABC). The Committee's recommendations during their review were limited to the projection scenarios on hand at the time. Consistency between the F and biomass reference points for spiny dogfish would allow for a less transitory OFL and ABC determination in future ABC determinations by the SSC. As such, the Council requests that an update of the F-based reference points for spiny dogfish be conducted some time before the SSC reconvenes in 2011 to discuss spiny dogfish OFL and ABC. It may be helpful to communicate with the SSC through its Chairman (John Boreman) as part of this exercise. Please contact me if you have any questions.

Sincerely,

Rick Robins,
Chairman, Mid-Atlantic Fishery Management Council

CC: John Pappalardo, Dr. John Boreman



#3

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
 NATIONAL MARINE FISHERIES SERVICE
 Northeast Fisheries Science Center
 166 Water Street
 Woods Hole, MA 02543-1026

December 21, 2010

Rick Robins
 Chairman, Mid-Atlantic Fishery Management Council
 Suite 201
 800 N. State St
 Dover, DE 19901

Dear Rick,

In your letter dated 15 October 2010, you explained that the current F threshold for spiny dogfish, which represents the F_{msy} proxy, was found to result in a biomass well below B_{msy} and close to an overfished status within the projection timeframe. Thus, there is an inconsistency between the existing F BRP and biomass BRP for the dogfish stock. Your letter requested that an update of the F -based reference points for spiny dogfish be conducted some time before the MAFMC SSC reconvenes in 2011 to discuss spiny dogfish OFL and ABC.

The NEFSC will carry out the update of the dogfish F -based BRP, as requested. This can be completed before the MAFMC reconvenes to discuss the spiny dogfish OFL and ABC. We are suggesting that the SSC would be an appropriate peer review body for this analysis. Given that this stock is co-managed by the MAFMC and the NEFMC, with the MAFMC taking the lead, it may be appropriate to include a member of the NEFMC SSC on the peer review panel.

Following your suggestion, we communicated informally with both SSC chairs (John Boreman and Steve Cadrin), and they both indicated that it would be reasonable in this case to have the SSC serve as the peer review body. If this approach is adopted, we will have to work out the details on when the analysis needs to be completed, when the peer review would occur, etc.

Sincerely,

Nancy B. Thompson, Ph.D.
 Science and Research Director

cc: R. Merrick
 F. Serchuk
 J. Weinberg
 P. Rago
 P. Kurkul (NERO)
 J Boreman (MAFMC, SSC) ✓
 S Cadrin (NEFMC, SSC)
 J Pappalardo (NEFMC)



#4

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

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Christopher M. Moore, Ph.D.
Executive Director

MEMORANDUM

DATE: October 4, 2010

TO: Richard B. Robins, Jr., Chairman, Mid-Atlantic Fishery Management Council

FROM: /s/ John Boreman, Ph.D., Chairman, MAFMC Scientific and Statistical Committee

Subject: Report of September 2010 Meeting of the MAFMC Scientific and Statistical Committee

The Scientific and Statistical Committee (SSC) of the Mid-Atlantic Fishery Management Council (MAFMC) met on 21-22 September 2010 to review stock assessment information and develop acceptable biological catch (ABC) recommendations for spiny dogfish. Other business addressed during the meeting included an orientation session for new SSC members, and discussions related to the assessment and management strategy evaluation project being undertaken by the University of Maryland/CBL, advice to the MAFMC on 5-year research recommendations, the charge by the Council to establish an SSC Ecosystems Subcommittee, development of industry advisory panel reports to the SSC, the upcoming SAW/SARC schedule, and the planned joint workshop involving the NEFMC and MAFMC SSCs and the Northeast Fisheries Science Center.

ABC Recommendations for Spiny Dogfish

The development of ABC recommendations for spiny dogfish was undertaken during the afternoon of September 21st. A total of nine of the 16 SSC members were in attendance for this part of the agenda, which represented a quorum as defined by the SSC standard operating procedures. Also in attendance for the ABC discussion were representatives of the MAFMC, MAFMC staff, Northeast Fisheries Science Center (NEFSC) staff, and the public (see the attendance list, Attachment 1).

The MAFMC staff lead for dogfish, Jim Armstrong, described the assessment history, the most recent survey and landings information, and the basis for the most recent quota set by the MAFMC. The species lead for the Northeast Fisheries Science Center, Dr. Paul Rago, then provided additional comment. Finally, the public in attendance was then invited to comment, but only on scientific uncertainty issues for the species. Following this comment period, the SSC discussed selection of an ABC for the 2011 - 2015 fishing years. Once the discussion was completed, the SSC developed a preliminary consensus recommendation in response to each of the terms of reference provided by the MAFMC. The preliminary consensus recommendations were held in abeyance until after the October 1st webinar, which was scheduled in order to receive additional public comments; however, no member

of the public participated in the webinar, so the preliminary consensus recommendation became final.

The following represents the final consensus responses by the SSC to the ABC terms of reference (TORs) provided by the MAFMC (TORs in italics):

Using information provided by August 30, 2010, the SSC will provide a written report that identifies the following for the upcoming fishing year(s):

1) *The materials considered by the SSC in reaching its recommendation;*

MAFMC [Mid-Atlantic Fishery Management Council]. 2010a. Spiny Dogfish ABC, Commercial Quota and Trip Limits for the 2011+ Fishing Years (Staff Memo to SSC, Spiny Dogfish MC). 7p.

MAFMC 2010b. Omnibus Amendment. (Amendment 13 to the Atlantic mackerel, squids, and butterfish fishery management plan; Amendment 3 to the bluefish fishery management plan; Amendment 2 to the spiny dogfish fishery management plan; Amendment 15 to the summer flounder, scup, and black sea bass fishery management plan; Amendment 16 to the surfclam and ocean quahog fishery management plan and Amendment 3 to the tilefish fishery management plan). 274p.

NEFSC [Northeast Fisheries Science Center]. 2006. Report of the 43rd Northeast Regional Stock Assessment Workshop (43rd SAW): 43rd SAW Assessment Report. CRD 06-25. 400p.

Rago, P. J. and K. A. Sosebee. 2010a. Update on the Status of Spiny Dogfish in 2010 and Initial Evaluation of Alternative Harvest Strategies. 35p.

Rago, P. J. and K. A. Sosebee. 2010b. Update on the Status of Spiny Dogfish in 2010 and Initial Evaluation of Alternative Harvest Strategies – Updates: 75% of $F_{\text{threshold}}$ Scenario and Probabilities of Exceeding Reference Points for Quotas of 15, 17, 19, and 21 M lb. 4p.

Rago, P. J. and K. A. Sosebee. 2010c. Biological Reference Points for Spiny Dogfish. Northeast Fisheries Science Center Reference Document 10-06. 52p.

2) *The level (1-4) that the SSC deems most appropriate for the information content of the most recent stock assessment, based on criteria listed in the most recent version of the proposed omnibus amendment;*

The 2010 Omnibus Amendment defines four levels into which assessments may be categorized (see Attachment 2). These levels recognize differences among assessments based on the extent to which the assessment expresses and quantifies the uncertainty in the overfishing limit (OFL) for the stock and the methods used to quantify the uncertainty. In the highest level (Level 1), the assessment fully characterizes uncertainty, and the distribution of OFL is calculated via a purely statistical routine within the assessment. In level 2 assessments, the uncertainty is not fully characterized and the distribution of OFL is estimated by ad hoc methods. Level 3 assessments are those that may provide a point estimate of OFL, but do not provide an estimate of the distribution of OFL and key sources of uncertainty are not adequately captured in the assessment. Finally, level 4 assessments do not provide any information on OFL.

In reviewing the material provided to it (#1 above), the SSC determined that the 2010 spiny dogfish assessment (Rago and Sosebee 2010a, 2010b, 2010c) should be considered a Level 3 assessment. The principal reasons for this categorization include the fact that no distribution of OFL was provided and that considerable uncertainties relating to stock size, and the relationship between pup

survival and the sex ratio in the stock and the size distribution of mature female dogfish were not fully incorporated into the OFL estimation.

Based on this categorization, the SSC is required to develop and adjust the OFL distribution to develop an ABC recommendation that applies to the Council's risk policy. If no objective approach to estimating the distribution of OFL can be determined a default value of the catch at 75% of F_{MSY} should be used as the foundation for OFL.

3) The level of catch (in weight) associated with the overfishing limit (OFL) based on the maximum fishing mortality rate threshold;

Management reference points should be compatible. A stock that is exploited at F_{MSY} should exhibit a biomass, albeit variable, close to B_{MSY} . For spiny dogfish the $F_{threshold} = F_{MSY\ proxy}$ estimate ($F = 0.325$) given in Rago and Sosebee (2010 a) was predicted to yield a long term, expected spawning stock biomass of 159,288 metric tonnes (mt). However in reviewing the material provided (Rago and Sosebee 2010a; Figure 3), the SSC noted that projections of SSB when fished at $F_{MSY\ proxy}$ forecast a declining pattern of biomass. These projections indicated that SSB would be below the $B_{MSY\ proxy}$ in five years, and decline thereafter almost reaching the $\frac{1}{2} B_{MSY\ proxy}$ (the overfished definition) after 20 years. **Based on this projected outcome, the SSC rejected the current $F_{MSY\ proxy}$ estimate ($F = 0.325$) because it was not compatible with B_{MSY} and thus not a suitable foundation for OFL.**

Available projections at a slightly lower F ($75\% F_{MSY\ proxy} = 0.244$) indicated an expected SSB after 20 years that occurred between the proxies for B_{MSY} and $\frac{1}{2} B_{MSY}$ (Rago and Sosebee 2010b; Figure 10). In reviewing other projections provided to it, the SSC noted that projections of SSB for $F = 0.207$ (the current target F) stabilized close to the proxy for B_{MSY} after 20 years. In discussions with the lead analyst for the Northeast Fisheries Science Center, the SSC determined that $F=0.207$ continued to achieved B_{MSY} over longer 30-year projections as well. **Accordingly, the SSC determined that $F = 0.207$ is currently the best-available basis for determining OFL.** From this determination, the OFL for one-, three-, and five-year planning horizons are:

For 2011:	20,267 mt
For 2011 - 2013:	20,267; 20,861; 20,865 mt
For 2011 - 2015:	20,267; 20,861; 20,865; 20,397; 19,701 mt

4) The level of catch (in weight) associated with the acceptable biological catch (ABC) for the stock based on one, three and five year planning horizons. The ABC will be selected based on the overfishing definition contained in the FMP and to reflect the level of scientific uncertainty inherent in the OFL such that the recommended ABC is less than or equal to the OFL and is consistent with the intent of the Act, and the National Standard 1 Guidelines;

The SSC evaluated the sources of uncertainty in the spiny dogfish assessment materials provided (Rago and Sosebee 2010a, 2010b and 2010c). The SSC determined that a natural log-scale standard deviation of 0.5 (approximately 50% coefficient of variation) is appropriate for biomass projections. No estimate of uncertainty was available for fishing rates in the material provided. The SSC determined that a similar level of uncertainty would be the best available estimate for the threshold rate of exploitation ($F_{MSY\ proxy}$). **Assuming that statistical error in estimates of biomass and threshold exploitation rate are independent, and that the overall level of uncertainty is log-normally distributed, the SSC recommends an overall level of uncertainty in OFL of $CV = 75\%$.**

The SSC considered the extent to which the unusual life history of spiny dogfish could potentially increase vulnerability to exploitation had been included in the assessment material. The SSC noted that

the assessment team had gone to considerable efforts to include important sources of uncertainty. However, the SSC also noted that key sources of uncertainty in recruitment related to the variation in pup size due to changes in the sex ratio in the stock and the body size of spawning females had not been included in projections. **Accordingly the SSC defined the stock as having an atypical life history for purposes of determining ABC.**

Based on the Councils' presumptive risk policy (MAFMC 2010b), the SSC determined that an appropriate buffer for scientific uncertainty would be to base ABC on the 35th percentile of a lognormally-distributed OFL with median OFL = 15,200 mt and a CV=75%. Calculations performed by the SSC indicate that this value is equal to 75% of the OFL. Accordingly, the SSC recommends the following ABCs based on one-, three-, and five-year planning horizons.

For 2011: 15,200 mt
For 2011 - 2013: 15,200; 15,646; 15,649 mt
For 2011 - 2015: 15,200; 15,646; 15,649; 15,298; 14,776 mt

The SSC notes that recommendations for 2012 - 2013 may be underestimates. The projection at hand was intended to represent catch over time at $F = 0.207$. The reduction in catch from OFL to ABC is very closely approximated by a proportional reduction in 2011; however, the realized F under that reduction in 2011 will be less than 0.207. This means that more fish will be present in 2012 (and following years) than indicated in the initial projection, which assumed $F = 0.207$ in all subsequent years. The SSC recommends that the projection for 2012 - 2015 be updated for next year's specifications.

The SSC notes that no attempt has been made to include management uncertainty in these estimates.

5) If possible, the probability of overfishing associated with catches associated with the OFL and ABC recommendations (if not possible, provide a qualitative evaluation);

The SSC used a probability of overfishing equal to 35%, based on proposed risk policy contained in the Omnibus Amendment and the determination that spiny dogfish had an atypical life history.

6) The most significant sources of scientific uncertainty associated with determination of OFL and ABC;

Sources of uncertainty are explicitly addressed in the assessment model:

- Three-year running average of survey biomass (design-based variance) for males and females;
- Area swept-per-tow in the NEFSC trawl survey;
- Conversion coefficient for Bigelow CPUE to Albatross CPUE;
- Discard level and associated mortality by fishery; and
- Sampling distribution of biomass and fishing mortality based on integration of all input parameters.

Sources of uncertainty NOT addressed in the assessment model:

- Estimate of sex ratios in landings and discards;
- Mortality rates of discarded fish;
- Variance in gear catchability;
- Discards of dogfish in Canadian fisheries;

- Future Canadian landings;
- Changes in selectivity, particularly with more directed fisheries;
- Scaling of survey indices with landings;
- Changes in effort associated with changing regulations, especially for groundfish sectors; and
- The survey catchability coefficient (q-value).

Sources of uncertainty NOT incorporated in the projections characterizing stock status or evaluating harvest strategies:

- Biological reference points;
- 95% parametric confidence interval for 30.3 kg/tow is {10.98, 49.71} (scales to SSB_{max});
- Sex ratios of landings;
- Effects of male dogfish — high biomass, negligible F;
- Gear-specific differences;
- Pup survival; and
- Stock-recruit relationship.

7) A certification that the recommendations provided by the SSC represent the best scientific information available.

To the best of the SSC's knowledge, these recommendations are based on the best available scientific information.

Orientation Session

New members of the SSC participated in an orientation session during the morning of September 21st, where they were introduced to the Council decision-making process, the current status and issues for species managed by the Council, and the SSC's standard operating procedures and protocols.

Assessment and Management Strategy Evaluation Project

Mike Wilberg gave an update on the status of the Management Strategy evaluation Study being conducted by Drs. Wilberg and Miller at the University of Maryland/CBL. In August they hired post-doc John Weideman to work on the project. Drs. Wilberg and Weideman have been in contact with Paul Rago and Mark Terceiro at the NEFSC to coordinate development of the project with NEFSC assessment personnel. The focus of year one will be summer flounder because it is perhaps the most data rich stock in the MAFMC portfolio of managed species. Dr. Wilberg is also planning a meeting of the MSE Steering Committee in late October to discuss project development and execution. The oversight Committee will consist of SSC members, Council members, and staff, as well as NEFSC staff, and should insure that the study yields results applicable to assessment and management needs of the SSC and Council.

Five-year Research Priority Plan

Rich Seagraves gave an overview of the revisions to the current Council research priority plan recommended by Council staff. A specific concern is the inadequate coverage of Mid-Atlantic fisheries in the NMFS at-sea observer program. Poor observer coverage of Mid-Atlantic fisheries leads to high uncertainty about discard estimates which has ramifications for both specification of ABCs as well as determining if ACLs are exceeded in given year or specified time period. The SSC agreed that this should be highlighted, as well as the need for research to determine the mortality of discards by gear type. Bonnie McCay recommended that language be added to the general research need category

