

*Atlantic States Marine Fisheries Commission*

**ADDENDUM III TO THE INTERSTATE FISHERY MANAGEMENT  
PLAN FOR SPINY DOGFISH**



*ASMFC Vision Statement:*

*Healthy, self-sustaining populations for all Atlantic coast fish species or successful restoration well in progress by the year 2015.*

**April 2011**

## **1.0 Introduction**

This Addendum dissolves the Southern Region (NY – VA) allocation established in Addendum II and sets state shares for New York, New Jersey, Delaware, Maryland, Virginia, and North Carolina. Northern Region states, from Maine through Connecticut will continue to share 58% of the annual quota. Final measures also address overage payback, quota transfer, quota rollovers, possession limits, and a three-year reevaluation of final measures. Specific management measures are listed in *Section 3.0 Management Measures*.

The final measures were approved by the Spiny Dogfish & Coastal Sharks Management Board (Board) during their meeting on March 22, 2011.

## **2.0 Management Program**

### ***2.1 Statement of the Problem***

The regional allocation system established in Addendum II (58% of the coastwide quota to Maine - Connecticut; 26% to New York – Virginia, and 16% to North Carolina) provides limited flexibility for states to modify their spiny dogfish possession limits to maximize benefit to their fishermen. Most states set a daily 3,000 pound possession limit for the entire fishing season and, as a result, landings since 2007 reflect fish availability rather than market demand or price.

States in the Southern Region expressed interest in lowering daily possession limits when demand and value are low and increasing them when demand and value are higher. Under the regional allocation system established in Addendum II, if a state (with the exception of North Carolina) voluntarily lowers its trip limit, that state's fishermen will be disadvantaged through reduced access to the regional quota—because other states will continue to fish at the daily 3,000 pound possession limit and harvest the regional quota. All states within a region would need to set the same daily possession limit to effectively control landings through possession limits. Individual state quotas allow states to set possession limits at lower levels without their fishermen losing access to quota.

Additionally, some fishermen in the Southern Region commented that the regional allocation established in Addendum II is not consistent across all of the Southern Region states.

The Atlantic States Marine Fisheries Commission (ASMFC) uses state shares to allocate the commercial quota for summer flounder, bluefish, black sea bass, scup, and striped bass.

### ***2.2 Background***

Under Addendum II, the annual quota is allocated to three regions: Northern, Southern, and North Carolina. The Northern Region includes states from Maine – Connecticut and receives 58% of the quota. The Southern Region includes states from New York – Virginia and receives 26% of the quota. North Carolina is allocated 16%. The final measures in Addendum II are a hybrid of options included in Draft Addendum II for Public Comment, which proposed to allocate the annual quota regionally rather than seasonally, and Draft Addendum III (2008) for Public Comment which proposed state allocations.

Draft Addenda II & III (2008) were developed to preserve the historic regional allocation of quota because the previous seasonal allocation proved ineffective in maintaining historical landings when possession limits were increased to 3,000 pounds and fishermen began targeting spiny dogfish. The

northernmost states were able to harvest the majority of the quota and the fishery closed before dogfish migrated to some of the southernmost states. The Board agreed that regional allocation would more effectively preserve historical landings and also allocated 16% to North Carolina because of its geographic disadvantage under a May 1 – April 30 fishing season. Fishermen in North Carolina did not have the same opportunity to land spiny dogfish because the dogfish are not available to them until November/December when most of the quota has already been landed.

The Board has set maximum possession limits of 3,000 pounds since 2007 and set the annual quota at 6 million pounds in 2006/2007 & 2007/2008, 8 million pounds in 2008/2009, 12 million pounds in 2009/2010, 15 million pounds for 2010/2011, and 20 million pounds for 2011/2012.

### **2.3 Landings**

There are three main sources of landings data for spiny dogfish: 1) landings used in the 2002 FMP, 2) NMFS Northeast Fisheries Science Center Database (NEFSC), and 3) Atlantic Coastal Cooperative Statistics Program (ACCSP) data warehouse. The Spiny Dogfish Technical Committee (TC) reviewed data sources over a series conference calls and consider the following compilation of landings to be the most accurate. A summary of each data source follows.

*1981 – 2001: NMFS unpublished weighout and NC Trip Ticket Landings used in the 2002 FMP*  
Landings included in the original FMP were examined by the TC prior to being included in the 2002 FMP and the seasonal allocation (May – October 57.9%, November – April 42.1%) was based on these landings (average of 1990 – 1997). A 2002 TC report explains how they applied a 5% ratio to the North Carolina landings based on the percentage of smooth dogfish landings to total dogfish landings, and recommended using the NMFS weighout data for all other states. These landings were used for 1981 – 2001 because they were closely examined by the TC in 2002, they are consistent with the previous approach, and they do not deviate significantly from current ACCSP or NEFSC landings for those years.

#### *2002 – 2006: NEFSC Landings<sup>1</sup>*

Landings from NEFSC database for 2002 – 2006 include recent landing updates discovered due to the implementation of groundfish sectors<sup>2</sup> and these updates are not included in other data sources. As such, NEFSC landings are considered to be more accurate for these years.

#### *2007 – 2009: ACCSP Data Warehouse Landings*

ACCSP landings from 2007 onward are considered to be the most accurate data source because the ACCSP found and fixed inaccuracies during a spring 2010 audit, As such, the ACCSP landings are considered to be the most accurate for 2007 onward.

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<sup>1</sup> The TC recommended using ASSCP data warehouse for North Carolina for 2002 – 2009 because the landings have been audited by NC DMF and the sector updates only apply to states in the northeast.

<sup>2</sup> Several groundfish captains turned in previously unreported dogfish landings when applying for sectors and the NEFSC database was updated to reflect the new landings.

**Table 1. State landings New York – North Carolina 1988 – 2009. Source: 2002 FMP, NEFSC, and ACCSP. \*\*\*Landings not shown to protect confidentiality of participant(s).**

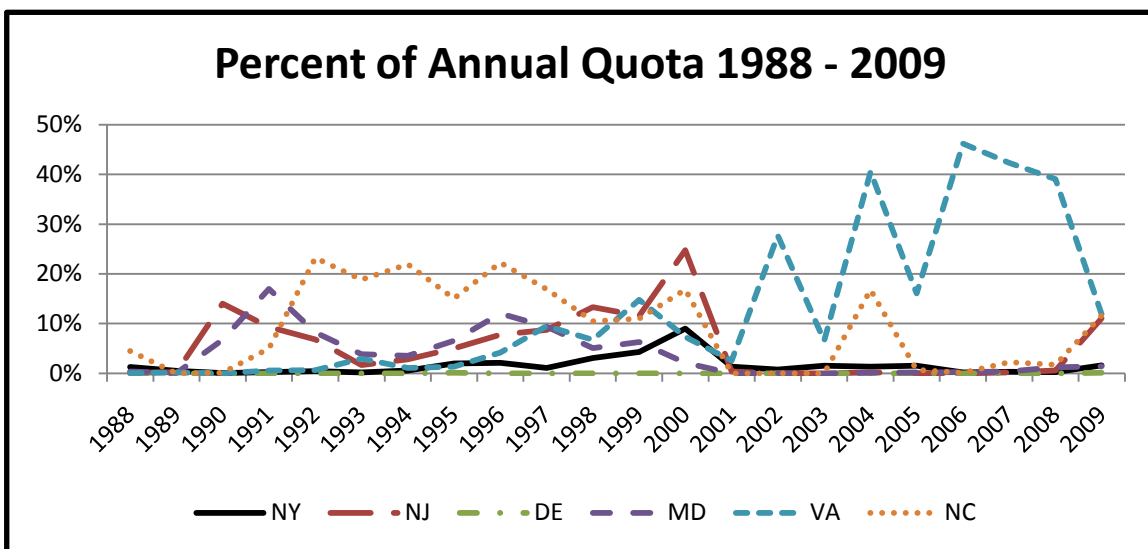
	NY	NJ	DE	MD	VA	NC <sup>3</sup>	Total Coastwide	Data Source
1988	86,243	10,141	0	23,523	3,373	301,768	6,735,542	FMP Landings
1989	48,280	22,575	0	3,549	19,092	0	9,903,020	
1990	18,166	4,544,004	0	2,181,812	6,636	41,446	32,474,890	
1991	77,271	2,715,631	5,710	4,939,242	173,964	1,463,221	29,049,112	
1992	155,666	2,534,590	0	3,063,294	229,101	8,634,923	37,164,817	
1993	95,392	769,996	0	1,795,899	1,367,791	8,806,064	46,771,518	
1994	237,087	1,129,854	0	1,428,630	447,450	8,873,801	40,436,880	
1995	933,723	2,379,972	62,900	3,117,403	651,012	7,174,803	47,592,585	
1996	1,245,749	4,632,137	0	7,151,026	2,483,038	13,210,735	59,359,721	
1997	488,724	3,950,032	0	4,227,432	4,274,881	7,608,426	45,034,113	
1998	1,456,519	6,305,288	1,905	2,398,994	3,190,135	4,961,379	47,428,917	
1999	1,452,710	3,924,618	414	2,134,023	5,017,933	3,718,628	33,862,195	
2000	1,901,906	5,222,164	***	449,696	1,544,689	3,549,939	21,108,274	
2001	66,652	17,149	***	***	126,242	***	4,907,483	
2002	49,818	948	0	2,339	1,783,956	***	4,747,199	NEFSC
2003	38,354	0	***	506	164,106	***	2,359,242	
2004	42,843	6,675	0	4,631	1,261,459	522,554	2,104,281	
2005	42,882	900	***	5,626	438,492	18,865	2,312,323	
2006	13,761	***	***	20,559	3,679,439	11,574	5,224,884	
2007	21,172	12,483	***	24,867	2,814,742	149,543	6,651,120	ACCSP
2008	21,372	50,359	***	113,539	3,564,263	158,727	9,108,980	
2009	192,875	1,341,577	14,347	169,057	1,448,167	1,416,362	12,156,849	

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<sup>3</sup> North Carolina landings from ACCSP Data Warehouse from 2002 - 2009

**Table 2. Percent landings New York – North Carolina 1988 – 2009. Source: 2002 FMP, NEFSC, and ACCSP.**

	NY	NJ	DE	MD	VA	NC
1988	1.3%	0.2%	0.0%	0.3%	0.1%	4.5%
1989	0.5%	0.2%	0.0%	0.0%	0.2%	0.0%
1990	0.1%	14.0%	0.0%	6.7%	0.0%	0.1%
1991	0.3%	9.3%	0.0%	17.0%	0.6%	5.0%
1992	0.4%	6.8%	0.0%	8.2%	0.6%	23.2%
1993	0.2%	1.6%	0.0%	3.8%	2.9%	18.8%
1994	0.6%	2.8%	0.0%	3.5%	1.1%	21.9%
1995	2.0%	5.0%	0.1%	6.6%	1.4%	15.1%
1996	2.1%	7.8%	0.0%	12.0%	4.2%	22.3%
1997	1.1%	8.8%	0.0%	9.4%	9.5%	16.9%
1998	3.1%	13.3%	0.0%	5.1%	6.7%	10.5%
1999	4.3%	11.6%	0.0%	6.3%	14.8%	11.0%
2000	9.0%	24.7%	0.0%	2.1%	7.3%	16.8%
2001	1.4%	0.3%	0.0%	0.0%	2.6%	0.0%
2002	0.8%	0.0%	0.0%	0.0%	27.7%	0.0%
2003	1.5%	0.0%	0.0%	0.0%	6.5%	0.0%
2004	1.4%	0.2%	0.0%	0.1%	40.5%	16.8%
2005	1.6%	0.0%	0.0%	0.2%	16.1%	0.7%
2006	0.2%	0.0%	0.0%	0.3%	46.2%	0.1%
2007	0.3%	0.2%	0.0%	0.4%	42.3%	2.2%
2008	0.2%	0.6%	0.0%	1.2%	39.0%	1.7%
2009	1.6%	11.0%	0.1%	1.4%	11.9%	11.7%



**Figure 1. Percent landings New York – North Carolina 1988 – 2009.**

### 3.0 Management Program

This Addendum establishes state shares for New York, New Jersey, Delaware, Maryland, Virginia, and North Carolina (*Section 3.1 State Shares*); and includes measures for overages (*Section 3.1 State Shares*), quota transfers (*Section 3.2 State Quota Transfer*), rollovers (*Section 3.3 Quota Rollovers*), and possession limits (*Section 3.4 Possession Limits*). In addition, the measures in this Addendum will expire in three years but can be extended by Board action (*Section 3.5 Three Year Reevaluation of Measures*).

The regional allocation for states from Maine through Connecticut established in Addendum II is not modified by this Addendum. 58% of the coastwide annual quota is allocated regionally to Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut. In addition, these states cannot exceed the maximum possession limit set by the Board annually<sup>4</sup>.

### 3.1 State Shares

This Addendum replaces *Section 4.0 Management Program* of Addendum II with the following language:

The coastwide quota, as determined by the annual specification process described in *Section 4.1.2.1* of the Interstate FMP for Spiny Dogfish shall be allocated as follows in Table 3:

**Table 3. Percent allocation of the coastwide annual quota.**

Northern Region	Southern Region, 42% of Coastwide Annual Quota					
	<i>NY</i>	<i>NJ</i>	<i>DE</i>	<i>MD</i>	<i>VA</i>	<i>NC</i>
58%	2.707%	7.644%	0.896%	5.920%	10.795%	14.036%

Landings that occur in Maine, New Hampshire, Massachusetts, Rhode Island and Connecticut will be counted against the Northern Region quota. Landings that occur in New York, New Jersey, Delaware, Maryland, Virginia, and North Carolina will be counted against each states individual quota.

When the quota in the Northern Region, New York, New Jersey, Delaware, Maryland, Virginia, or North Carolina is projected to be reached, the commercial landing, harvest and possession of spiny dogfish will be prohibited in state waters of that region or state until the next fishing season begins. When the quota allocated to a region or state is exceeded in a fishing season, the amount over the allocation will be deducted from the corresponding region or state in the subsequent fishing season.

The Board set a 20 million pound quota for the 2011/2012 fishing season. Initial allocations (not adjusted for overages from the 2010/2011 fishing season) for the 2011/2012 fishing season are shown in Table 4.

<sup>4</sup> The Board set a 3,000 pound maximum possession limit for the 2011/2012 fishing season.

**Table 4. Allocations (in pounds) for the 2011/2012 fishing season based on the 20 million pound annual quota set by the Board. Quotas do not reflect overage paybacks from the 2010/2011 fishing season.**

Northern Region (ME – CT)	NY	NJ	DE	MD	VA	NC
11,600,000	541,400	1,528,800	179,200	1,184,000	2,159,000	2,807,200

The southern region state allocations are based on historic and recent landings as well as future needs of states. The final measures are within the range of the 8 quota allocation options included in Draft Addendum III for Public Comment. The Board felt that these allocations met the need of the greatest number of states better than any of the 8 options contained in the draft.

### 3.2 State Quota Transfer

This Addendum allows for quota transfer for states from New York – North Carolina. States in the Northern Region share 58% of the coastwide quota and do not have individual quotas necessary for transfers.

Two or more states, under mutual agreement, may transfer or combine their spiny dogfish quota. These transfers do not permanently affect the state-specific shares of the coastwide quota, i.e. the state-specific shares remain fixed. States have the responsibility to close the spiny dogfish commercial fishery in their state once the quota has been reached. The Executive Director or designated ASMFC staff will review all transfer requests before the quota transfer is finalized. Such agreements for state-by-state transfer of quota should be forwarded to the Board through Commission staff.

Once quota has been transferred to a state, the state receiving quota becomes responsible for any overages of transferred quota. That is, the amount over the final quota (that state’s quota plus any quota transferred to that state) for a state will be deducted from the corresponding state’s quota the following fishing season.

### 3.3 Quota Rollovers

The Interstate Fishery Management Plan for Spiny Dogfish (FMP) allowed for seasonal rollovers up to 5%, once the stock had rebuilt to the target spawning stock biomass (SSB). SSB exceeded the target in 2008 when the stock was declared ‘rebuilt’. This Addendum replaces *Section 4.1.2.4 Quota Rollovers* of the FMP with the following language:

A state or region may roll any unused quota from its final allocation (including transferred quota) from one fishing year to the next. The maximum total rollover may not exceed 5% of a state or regional allocation for the fishing year in which the under-harvest occurred. For example if a state’s final allocation is 1.5 million pounds and that state only lands 1 million pounds during the fishing season, the state may only roll 75,000 pounds (5%) into the subsequent fishing season.

### **3.4 Possession Limits**

The process for setting possession limits was established in *Section 4.1.2.1 Annual Process for Setting Fishery Specifications* of the FMP. The FMP allows the Board to set a possession limit for each semi-annual fishing period (Period I: May 1 – October 30; Period II November 1 – April 30) for one year. Addendum I modified the FMP to allow the Board to set possession limits for up to 5 years. Addendum II modified the FMP to replace the semi-annual fishing periods with a regional quota allocation.

This Addendum further modifies possession limit measures for spiny dogfish. Vessels in the Northern Region (Maine - Connecticut) may not land more than the Board-specified amount in any one twenty-four hour period or calendar day. States from New York through North Carolina are not bound by the Board-specified possession limit and may set possession limits as best meets their needs.

### **3.5 Three Year Reevaluation of Measures**

By default, the measures in this Addendum will expire after the 2013/2014 fishing season, unless the Board votes to extend them for a time certain or indefinitely. Once implemented, the Board will be able to review the performance of the fishery under this Addendum and can extend the provisions through Board action. If the Board wants to modify the provisions of this Addendum, a new addendum can be started at that time.

### **4.0 Compliance Schedule**

The provisions in this Addendum will begin on May 1, 2011 when the 2011/2012 fishing season begins.