

Atlantic States Marine Fisheries Commission

Spiny Dogfish Management Board

October 29, 2019

8:00 - 9:30 a.m.

New Castle, New Hampshire

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 (*C. Batsavage*) 8:00 a.m.
2. Board Consent 8:00 a.m.
 - Approval of Agenda
 - Approval of Proceedings from August 2019
3. Public Comment 8:05 a.m.
4. Consider Addendum VI for Final Approval **Final Action** 8:15 a.m.
 - Review Options and Public Comment Summary (*K. Rootes-Murdy*)
 - Consider Final Approval of Addendum VI
5. Review and Revise (If Needed) 2020/2021 Specifications 9:00 a.m.
(*K. Rootes-Murdy*) **Possible Action**
6. Consider Approval of 2019 FMP Review and State Compliance 9:15 a.m.
(*K. Rootes-Murdy*) **Action**
7. Elect Vice-Chair (*C. Batsavage*) **Action** 9:25 a.m.
8. Other Business/Adjourn 9:30 a.m.

The meeting will be held at Wentworth by the Sea, 588 Wentworth Road, New Castle, NH; 603.422.7322

Sustainable and Cooperative Management of Atlantic Coastal Fisheries

MEETING OVERVIEW

Spiny Dogfish Management Board

October 29, 2019

8:00– 9:30 a.m.

New Castle, New Hampshire

Chair: Chris Batsavage (NC) Assumed Chairmanship: 10/19	Technical Committee Chair: Scott Newlin (DE)	Law Enforcement Committee Representative: Moran
Vice Chair: VACANT	Advisory Panel Chair: VACANT	Previous Board Meeting: August 2019
Voting Members: ME, NH, MA, RI, CT, NY, NJ, DE, MD, VA, NC, NMFS, USFWS (13 votes)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from August 2019

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 must sign in at the beginning of the meeting. 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 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 Draft Addendum VI for Final Approval (8:15 – 9:00 a.m.) Action
<p>Background</p> <ul style="list-style-type: none"> • Due to the lack of a Spiny Dogfish Board in May 2019, the Policy Board recommended the Board initiate an addendum to consider allowing commercial quota transfers between regions to enable full utilization of the coastwide quota • In August, the Board approved the draft addendum for public comment (Briefing Materials) • Public comment period was open from August 22 through September 23. Public Hearings were held in NH, RI, and via webinar. (Briefing Materials)
<p>Presentations</p> <ul style="list-style-type: none"> • Review of management options and public comment by K. Rootes-Murdy
<p>Board actions for consideration at this meeting</p> <ul style="list-style-type: none"> • Select management options • Approve final document

5. Review and Revise (If Needed) 2020/2021 Specifications (9:00 – 9:15 a.m.) Possible Action

Background

- In October 2018, the Board set multi-year specifications for spiny dogfish for the 2019-2021 fishing seasons.
- Earlier this month the Mid-Atlantic Fishery Management Council met to review and consider the 2020 fishing year specifications and made no changes.

Board actions for consideration at this meeting

- Adjust 2020 fishing year specifications (if needed)

6. Consider Approval of 2019 FMP Review and State Compliance (9:15 – 9:25 a.m.) Action

Background

- State compliance reports are due July 1.
- The Plan Review Team reviewed each state report and drafted the 2019 FMP Review. **(Briefing Materials)**

Presentations

- Overview of the 2019 Fishery Management Plan Review by K. Rootes-Murdy

Board actions for consideration at this meeting

- Accept the 2019 Fishery Management Plan Review and approve *de minimis* requests

7. Elect Vice-Chair

8. 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), Lee Paramore (NC), Conor McManus (RI), Greg Hinks (NJ), Angel Willey (MD), Matt Gates (CT), Kathy Sosobee (NOAA), Michael Frisk (NY), Matt Cieri (ME), Kirby Rootes-Murdy (ASMFC)

Draft Proceedings of the Spiny Dogfish Management Board Meeting
August 2019

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

The Westin Crystal City
Arlington, Virginia
August 7, 2019

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 Meeting
August 2019

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INDEX OF MOTIONS

1. **Approval of agenda** by consent (Page 1).
2. **Approval of proceedings of October 2018 by consent** (Page 1).
3. **Move provisional approval of Draft Addendum VI for public comment subject to inclusion of the overage forgiveness option and to scope on the concept of eliminating the federal commercial trip limit to be replaced by the state trip limits (NC-NY) and northern region trip limit** (Page 9). Motion by David Borden; second by Emerson Hasbrouck. Motion amended.
4. **Move to amend to strike quota forgiveness from this motion** (Page 14). Motion by Megan Ware; second by Bryan Plumlee. Motion carried (Page 14).

Main Motion as Amended

Move provisional approval of Draft Addendum VI for public comment subject to the addition of scoping on the concept of eliminating the federal commercial trip limit to be replaced by the state trip limits (NC-NY) and northern region trip. Motion carried (Page 15).

5. **Motion to adjourn** by consent (Page 15).

ATTENDANCE

Board Members

Sen. David Miramant, ME (LA)	Emerson Hasbrouck, NY (GA)
Megan Ware, ME, proxy for P. Keliher (AA)	Joe Cimino, NJ (AA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Russ Allen, NJ, proxy for T. Fote (GA)
Kevin Sullivan, NH, proxy for D. Grout (AA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
G. Ritchie White, NH (GA)	Stewart Michels, DE, proxy for D. Saveikis (AA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Roy Miller, DE (GA)
Dan McKiernan, MA, proxy for D. Pierce (AA)	Phil Langley, MD, proxy for Del. Stein (LA)
Raymond Kane, MA (GA)	Mike Luisi, MD, Administrative proxy
Eric Reid, RI, proxy for S. Sosnowski (LA)	Robert Brown, MD, proxy for R. Dize (GA)
Jason McNamee, RI (AA)	Sen. Monty Mason, VA (LA)
David Borden, RI (GA)	Rob O'Reilly, VA, proxy for S. Bowman (AA), Chair
Sen. Craig Miner, CT (LA)	Bryan Plumlee, VA (GA)
Justin Davis, CT (AA)	Michael Blanton, NC, proxy for Rep. Steinburg (LA)
Bill Hyatt, CT (GA)	Chris Batsavage, NC, proxy for S. Murphey (AA)
Adam Nowalsky, NJ, proxy for Sen. Andrzejczak (LA)	Mike Ruccio, NMFS
Maureen Davidson, NY, proxy for J. Gilmore (AA)	

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

Ex-Officio Members

Staff

Robert Beal	Max Appelman
Toni Kerns	Dustin Colson Leaning
Kirby Rootes-Murdy	

Guests

Heather Corbett, NJ DFW	Brad Stevens, Univ. of MD
Arnold Leo, E. Hampton, NY	John Whiteside, SFA

The Spiny Dogfish Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia; Wednesday, August 7, 2019, and was called to order at 10:40 o'clock a.m. by Chairman Robert O'Reilly.

CALL TO ORDER

CHAIRMAN ROBERT O'REILLY: My name is Robert O'Reilly, and I'm the Chair of the Spiny Dogfish Management Board. We have a fairly short time period today. After my welcome here to you, I wanted to say bon matin, je suis Robert, in order of all the French lessons I had to take through life, and so good morning.

APPROVAL OF AGENDA

CHAIRMAN O'REILLY: I am asking the Board about the agenda. Are there any changes to the agenda? Seeing none the agenda stands.

APPROVAL OF PROCEEDINGS

CHAIRMAN O'REILLY: Concerning the approval of the proceedings from October, 2018, are there any changes or deletions? To give you a very brief refresher that meeting a year ago, we spoke about the stock assessment update.

Jason Didden from the Mid-Atlantic Council gave a presentation. We also had discussions, which are still going on about the federal trip limit. Also there was a setting of the 2019 to '21 specifications. It can't be ignored that there has been a 60 percent decrease in the coastwide quota in a four year period.

It can't be ignored that there was a situation where some states are worried that perhaps the coastwide quota will be met. That is a little over 20 million pounds, and I think in the 2016/17 season it was about 25 million pounds, so that can happen. The main concern there is if the coastwide quota shuts down that can affect the marketing even more so than the market has already been challenged over the years.

I wanted to mention that.

PUBLIC COMMENT

CHAIRMAN O'REILLY: At this time is there any public comment on matters that are not on the agenda? I see none so we'll proceed forward.

CONSIDER DRAFT ADDENDUM VI FOR PUBLIC COMMENT

CHAIRMAN O'REILLY: The main situation today for us to consider is Draft Addendum VI going out for public comment. Kirby Rootes-Murdy will present that information to you now.

MR. KIRBY ROOTES-MURDY: This is an outline of my presentation. I'm going to go through an overview of the document, kind of how we got here, statement of the problem, background information, and the management options that are included, what the Board action is for consideration today, and take any questions from you.

As part of the overview, just a reminder of how we got here today, in May of this year the Policy Board directed the Spiny Dogfish Board to initiate an addendum to allow unused quota to be transferred between the northern region states to the states that have a state-specific allocation. The motion also specified that the Addendum would allow for quota overage forgiveness, similar to the language in the summer flounder, scup and black sea bass FMP. In response to this motion the Spiny Dogfish Plan Development Team drafted this Addendum with the following recommendations.

To consider a more general approach to allowing quota transfers that include a region, not just from the northern region states to southern states, and the second is to discard the concept of an overage forgiveness, due to the complications presented by the existing unused quota rollover provisions.

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

But the complication is that, with this FMP, it currently allows that up to 5 percent of a state or region's unused allocation can be rolled over to the next fishing year if the stock is rebuilt. That is above the biomass target. In that situation when we have a rebuilt stock, the annual accounting could become very challenging.

In instances where a jurisdiction is willing to transfer quota, and planning to roll over additional quota, as well as in situations where that jurisdiction receives additional quota and rolls over that quota as well. For those reasons the Plan Development Team recommended not including it in this Addendum.

In terms of the statement of the problem, the FMP currently allows only quota transfers between states with an individual state quota. Regions cannot currently transfer quota. Full utilization of the coastwide quota may not be possible for the 2019 fishing year, due to this quota transfer limitation.

The quota for this fishing year 2019 has been reduced to approximately 46 percent from the previous year's fishing quota, based on the 2018 stock assessment update. What could happen is that some states may have to close their fishery early, while other parts of the coast, regions, may have unused quota that might not be able to be transferred to those states.

Some background regarding this FMP. The fishery for spiny dogfish operates on a fishing year of May 1 through April 30. The Commission has a complementary fishery management plan to the federal joint fishery management plan between the Mid-Atlantic Council and the New England Fishery Management Council.

We've had a number of addenda that specifies how quota provisions work, what the allocations are. But the most recent one that outlines what the current quota allocations are,

are laid out in Addendum III. It established the northern region of Maine through Connecticut, and state-specific allocations for the states of New York through North Carolina.

It also specifies the payback provision of quota overages. Right now if a state or region goes over their quota in a given fishing year, that amount of overage is then deducted from the following year's allocation to that state or region. Up on the screen is also what the allocations are that have been in place since 2011. In terms of the commercial fishery for spiny dogfish, landings along the Atlantic coast follow a seasonal migration that coincides with the resources movement across the coast throughout the year. In recent years the highest proportion of landings in the northern region has occurred during the months of July, August, and September. For the states of New York through North Carolina, nearly all landings occur from November through April.

The fishery in the northern region is largely concluded by November, just as the fishery in the southern part of this range ramps up. In terms of the total commercial landings, they've tracked closely with the coastwide quota for most of the first 12 years of quota management, from fishing year 2000 up to 2011, after which landings plateaued while the quota continued to increase.

You can really see that from about 2012 onward, until about 2018. Landings during 2012 to 2018 averaged 20.93 million pounds, while the coastwide quota averaged 42 million pounds. For fishing year 2019, the coastwide quota has been reduced to 20.52 million pounds to avoid overfishing the stock amidst declining biomass.

Over the last three years, less than half of the cumulative coastwide quota has been landed, though similar landings in 2019 would achieve nearly 100 percent of that newly reduced quota level. Please note that the commercial landings

we have for 2018 are preliminary, and they change.

For this Addendum, we have one management issue currently and two management options to deal with that. The first is status quo for adjusting the quota transfer provisions. Under a status quo scenario Option 1 there would be no change. Quota transfers would still only be allowed between states with an individual quota.

Option 2 would allow quota transfers between all states and regions. Regions could participate in quota transfers through mutual agreement of each state in the region. How this would work is that each state's Administrative Commissioner or proxy would have to agree in writing to this transfer. The same provisions we have in place for the state transfer rules between New York through North Carolina would also apply.

Transfers do not permanently affect allocation, and quota management and accountability are based on that transfer adjusted quota in a given fishing year. An additional component of this option is that all transfers could occur during the fishing year, and up to 45 days after the end of the fishing year.

The idea here being that if you get close to the end of the fishing year, and a state decides to close due to concern about an overage, or another state goes over their quota and finds out after the fishing year has ended that there would be a grace period of up to 45 days, for those states to get the transfer needed to cover their overage.

For Board action today this Board should consider whether to add or adjust the current draft options. The other consideration is whether to approve this document for public comment. If approved, final approval of the document would likely occur at the Annual Meeting in October. With that I'll take any questions.

CHAIRMAN O'REILLY: Questions for Kirby. Adam.

MR. ADAM NOWALSKY: Where do we stand as a Board, given that we were given a directive from the Policy Board to draft an addendum with two items in it? The PDT came back and said one is not practical. Because the PDT said so we disregard what the Policy Board directed us to do? I would just like some clarification on where we stand as a Board, given that we were given such specific direction.

MR. ROOTES-MURDY: Thanks Adam for that question. Just as context, this topic came up during the Policy Board and based on some preliminary advice from staff, the thinking was including a quota forgiveness policy similar to summer flounder, or to scup and black sea bass excuse me, would be beneficial in dealing with the potentially reduced quotas in future years.

When we went back and looked at what that FMP outlines and how it compares to spiny dogfish FMP, as I noted earlier in my presentation this could present some real challenges in trying to do accounting annually, and those situations were really close, or if the resource is above the biomass target and rebuilt. It's a recommendation from the PDT. That is where it stands currently.

CHAIRMAN O'REILLY: Follow up, Adam.

MR. NOWALSKY: That would leave us as a Board to make a decision today whether we want to go forward with this Addendum without that provision, based on the advice of the PDT, but contradicting what we were asked to do by the Policy Board. But if we were to go back and say we would like an option drafted for forgiveness, is that something the PDT could come forward with in a future revision?

MR. ROOTES-MURDY: Yes.

CHAIRMAN O'REILLY: Okay other questions? Excuse me, David Borden.

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MR. DAVID V. BORDEN: I have a comment Mr. Chairman; if not appropriate I'll hold off.

CHAIRMAN O'REILLY: Any specific questions for Kirby concerning what he outlined and the two options? Mike Luisi.

MR. MICHAEL LUISI: Kirby, you may have said this but I may have missed it. Are the transfer provisions here one directional? Is it just from the northern region to the states, or can it go the other way as well?

MR. ROOTES-MURDY: It can go both ways. That was the recommendation of the PDT, and that is how we drafted up the option.

CHAIRMAN O'REILLY: Are there other questions specific to the options that were presented right now? If not, David Borden.

MR. BORDEN: I'll make this quick, Mr. Chairman. I support the action. To Adam's point, I would like to see that concept included, and in the spirit of trying to solicit more public input, I think it would be beneficial to include the concept of elimination of the federal trip limit. I know there was a subcommittee at the Mid-Atlantic, Mr. Chairman that you served on that dealt with that issue.

One of the dilemmas on the federal trip limit is there are four parties that are actually involved in that. We are just one of the parties, and we don't control federal regulations on the trip limit. I think it would be beneficial if in fact we included that concept in the document, and solicited public input up and down the states.

I spoke to both Dan and Jason about this concept, and I think that the two states would be willing to assist the Commission staff in preparing an alternative for inclusion in the document. I would propose we include that and Adam's concept in the document, and authorize it to go out to public hearing.

CHAIRMAN O'REILLY: Okay so I will get some feedback from Kirby in a second. But one of the things the Mid-Atlantic Council has stated is they have this on their list, and it is relatively low is the way it was described by Jason Didden. However, if there is enough interest coming back on this item with the federal trip limit, it can be brought up in 2020.

That has already been established by the Mid-Atlantic Council, and Kirby may have some ideas as to whether these are just concepts or information that are included as subsets within the fact that there is a main item here, which is to allow these regional transfers. I would have to ask him for his guidance there.

MR. ROOTES-MURDY: Yes I'll take a stab at it. David, can you clarify whether you're looking to have an option in this document that outlines a situation where we maintain that federal trip limit versus not having a federal trip limit? I ask because as you stated, again the Commission doesn't set the federal trip limit that is set by the Mid-Atlantic Council and the New England Fishery Management Council's recommendations to GARFO. It would not actually be an option if that was to be proposed that the Commission could enact this or make any changes to it.

MR. BORDEN: My response to that is and actually I talked to Dan a little bit about this. At this stage all we're trying to do is gather public input on this. I think the Work Group and the Chair can correct this if this is wrong, specifically the Mid Group that discussed this concept the other day. One of their conclusion was they wanted to go out to their constituents and seek input on this, and this is a perfect opportunity to do it.

If we're going to circulate a document, we simply include that concept. Then we get all the input from the processors in all the states, fishermen. Then that information is then used to inform future positions as a Commission. I'm not looking for a regulatory action in here as

much as I'm looking for, include the concept and solicit the public input on it.

CHAIRMAN O'REILLY: Toni Kerns.

MS. TONI KERNS: David, I just want to summarize what I think I heard you saying, to make sure that we would capture it correctly. That we are seeking public input on a recommendation to NOAA Fisheries, the Mid-Atlantic Council and the New England Fishery Management Council to eliminate the federal trip limit to allow for the individual state trip limits, or a region trip limit to enforce the quota systems that we have established, or maintain the quota systems.

MR. BORDEN: That's correct, well stated.

CHAIRMAN O'REILLY: Eric Reid.

MR. ERIC REID: Yes I think it's actually pretty good timing, because the basis for this action is to maximize the use of quota. If you were to question the public on would you use more quota if there was no federal trip limit? That is an easy way to get that ask in the document, because that is the basis as to how do we use more quota, and if that's one way to use more quota than is transferred, the numbers are going to look a little different.

CHAIRMAN O'REILLY: Mike Luisi.

MR. LUISI: I certainly support the concept and getting that public feedback will be important. Based on what you said Rob, regarding where this is currently sitting on the Council's priority. That feedback may become very important in October and December of this coming year, or talking with the Executive Committee about priority setting for 2020. I think it's a good idea.

CHAIRMAN O'REILLY: Joe Cimino.

MR. JOE CIMINO: Poor choice of seating, thank you Mr. Chair. Just for the record, I think with what we saw today on some of these slides, I

might respectively disagree with Eric on the timing, since with a 60 percent cut in the quota we are looking at a time where we might be reaching the quota as things are. I just want to put that caution out there.

CHAIRMAN O'REILLY: Stew Michels.

MR. STEWART MICHELS: That is a good point about reaching the quota, but I was wondering. This won't slow up development of this measure will it?

MR. ROOTES-MURDY: It's a good question, and the wheels in my head are turning right now, in trying to make sense of what the specific language we would include in this document, based on the discussion today, and how this progresses. It could potentially change our time table, but we kind of need to see how this Board discussion plays out.

CHAIRMAN O'REILLY: Okay I recognize there are comments in the back, but we're going to go through a couple more at the Board, and then I'll come out there if you have a burning comment that's fine. Jason.

DR. JASON McNAMEE: It's to that last point. I guess as we were discussing this I thought, since in particular with the last thing that David brought up. We're not asking for a regulatory action. I was thinking, this might be one where we could turn around so Dan and I could turn around some language quickly that we could then vet through e-mail, sort of a straw poll, rather than having to recycle back on it. There is just an idea, because I also don't want to delay the action, and I thought that might be a mechanism.

CHAIRMAN O'REILLY: Toni Kerns.

MS. KERNS: The Boards have in the past conditionally approved documents, so you could approve the document as today with the addition of the option for overage forgiveness, we'll just call that for now, as well as the

recommendation for NOAA Fisheries and the Councils. We could then send that document out to you, ask for a quick turnaround approval, and then send it out for public comment.

I would just remind everybody that this is a document that we were hoping the states would do the majority of the public comment for, and not have hearings where you needed staff, because it was just a simple issue. We didn't set aside money in the budget to do hearings for spiny dogfish this year. We can find some ways to cover some hearings if we need to, but just to keep that in mind.

CHAIRMAN O'REILLY: Mike Ruccio.

MR. MIKE RUCCIO: I would welcome Jason's suggestion. I'm a little, concerned is probably not the right word, but I would like to see language on this. I understand this has been a concern for the states for a number of years, and they've wanted to try to get traction into either modifying or rescinding the federal trip limit.

But I think the way that Toni had kind of characterized this more as how would regions or states structure trip limits, as opposed to going out and scoping on removing the federal trip limit, because it seems there is a disconnect there in terms of the authorities. I mean it's nice to ask that but that is the purview of the Councils to have to deal with.

The phrasing of it I think can be done in a way that gets at what people are looking for, but still kind of contains it within what's appropriate for the Commission to go out and get more public input on. As Chairman Luisi said, I think that can be valuable this fall as the Councils are setting the priorities that there is a good response to that. I welcome it, I would like to see that language, and if we can do that outside of this meeting quickly, and not delay the timing that sounds preferable.

CHAIRMAN O'REILLY: Chris Batsavage.

MR. CHRIS BATSAVAGE: Speaking to the option that the PDT didn't recommend including in this Addendum. Again that thing with the reasons Kirby stated I agree with, especially with the timing that we're looking at is my understanding. In order for this to be in place for this fishing year, this has to go for a final approval at the annual meeting to allow time, if there is any excess quota in the northern region to be available to transfer to the southern regions. If there is any little hiccup in that time table that may not be feasible for this year, and I think this year is the most critical, with the 46 percent reduction. I guess if staff has concerns on trying to hash that option out in the document, and getting it to this time period. I guess something the Board really needs to consider, as far as whether that's worth doing.

CHAIRMAN O'REILLY: Kirby has a comment here.

MR. ROOTES-MURDY: Just to clarify. We are in the current fishing year right now, 2019. That is going to run through April 2020. Whether the Board decides to take action on this document at the Annual Meeting or the February meeting in 2020, it would still be within the same fishing year. I think that's one thing I just want to clarify. Then on what to include in the document, we've heard about the additional language regarding the federal trip limit.

That would definitely be something. If this Board is interested including that I want that to be made clear, so we can start drafting that up. Then the other is regarding a point that Adam brought up. If there is no objection to including an option on quota forgiveness, then that would likely be another issue item. But I want to make sure that that is clear, stated on the record that you all are interested in having that also included in this document.

CHAIRMAN O'REILLY: Dan.

MR. DANIEL MCKIERNAN: I apologize, I'm kind of thinking as I'm going here, and talking to

David before the meeting started. But I think there could be some unintended consequences, because the southern states or the states below, I guess Connecticut, they have state-by-state quotas. It makes sense for those states to have whatever trip limit they want.

But is this a precursor? I guess I'm asking this of my colleagues from Rhode Island. Is this a precursor to having state-by-state quotas in the northeast or New England, because I think fishermen may demand that if they see different trip limits in the two states, but fishing on a common quota? I know this is complicated, and it is kind of late minute, last breaking stuff. But I'm getting a little squirrely about the unintended aspects of this.

CHAIRMAN O'REILLY: Okay I'm glad we started early. I will look to your colleagues to maybe provide some information. I can tell you David Borden indicated there had been a call that Kirby posted, among states from New York to North Carolina last week. It wasn't completely clear, but there was definitely support on removing the federal trip limit.

David Borden also a day before that call, and I understand he had some tremendous computer problems going on, but he did provide us with a document that sort of outlined some of the information you're asking about, Dan. If it's okay I will turn to David.

MR. BORDEN: I'll just answer Kirby's question, or the question I am not proposing state-by-state quotas in the north.

CHAIRMAN O'REILLY: Okay, are we satisfied with the questions and the comments? I did have someone standing up in the back. I'll allow just a brief question or comment, whichever you have. I can't see who you are back there, but come on up. I couldn't see you back there that far, John.

ATTORNEY JOHN WHITESIDE: Good morning, Attorney John Whiteside of Sustainable

Fisheries Association. I kind of wanted to just wrap up a couple things. I really want to stress the comment that was made a short time ago about the timing is critical on this that any comments and other aspects of what's been discussed over the last 20 minutes.

If it's delayed past the October meeting that is really going to have an impact, potentially a really negative impact on allowing the southern states to achieve their quota, even if there is excess quota in the north that hasn't been landed. That is really something I just wanted to bring forward to the Commission, and stress that if there are comments related to federal trip limits, if that's broken apart from this that will be something I would be fully in support of. Breaking those two things apart, and let this go forward to allow the southern states to maximize the quota.

CHAIRMAN O'REILLY: Okay thanks, John. Any other comments before we tackle the three items that Kirby has outlined? We're looking at if there is going to be new language, I know that Jason had offered to do that with staff and help out. Then Toni Kerns has suggested that that could be distributed prior to it going out for public comment.

Adam rightly has some interest in the procedure on the forgiveness, and so that is something that has to be considered. I hope someone is getting busy writing down a motion, and then the third item of course are the two options, status quo or allow region-to-region transfer. Mike Luisi asked a good question.

The transfer can work in either direction. Keep in mind that if there is a transfer that it's going to require north to south, which last meeting we heard is by December something could occur, or earlier. Then each state in the northern region, Connecticut to Maine would be signing off on that; good chance to get familiar with everyone all at once. Those are the three issues, and I'll look to see how

someone wants to be creative here. Ritchie White.

MR. G. RITCHIE WHITE: On one of the issues I would ask Adam, and certainly I always support the process, so I appreciate Adam bringing it up. I guess a question Adam; do you think that the Policy Board if they had had the PDT information would have still required two options?

MR. NOWALSKY: Well I'm flattered that you think I could think for the Policy Board, but no way could I answer that. There is no way I could answer that.

MR. WHITE: Follow up.

CHAIRMAN O'REILLY: Certainly, Ritchie.

MR. WHITE: I mean you have a big chunk of the Policy Board here right now. I think it's something that we should decide today. I guess I favor not including that in this document, and if it comes back with something that we have to address in the future, we would have a new document, because clearly we're not going to be able to solve the trip limit in this document either to solve it. I mean we can get information. That would be my take.

CHAIRMAN O'REILLY: I'm looking over at Toni.

MS. KERNS: It's the pleasure of the Board. I wasn't 100 percent, having a small conversation when Kirby went over part of this. The rollover provision is a slightly complicated issue. One, because it's only allowed when the stock is not overfished and overfishing is not occurring, and the second complication to the issue is that the rollover provision is only in our plan.

If we actually enacted the rollover provision then we would have a different quota than what the federal government would have in place, because they do not allow rollover provisions. One thing that Kirby and I had talked about originally, when we were trying to

figure out whether or not the PDT should leave this in the document or not is we could say; well in years that the rollover provision cannot be enacted you could do the forgiveness, in the years that it could that that forgiveness provision does not come into play.

You could leave, which this gets very complicated, leave the 5 percent that could go to the states, but any other quota could be put into the forgiveness provision that was still on the table. But again, I think it's up to this Board, because this Board didn't meet that is why we took up the action at the Policy Board level before.

It wasn't necessarily that the Policy Board was coming down on this Board; it's just that we didn't have a Dogfish Board Meeting, and it was an issue that was important to members of this Board. They asked to have it on the Policy Board agenda last time. There are a couple ways that we could creatively address this provision, or we could wait and address it at a later date.

I don't know when we would have it on the agenda. I mean there is this complicating factor though that if it ever does come into play you would have a different quota. That is something that the Board would actually have to think about is if they wanted to have a different quota than that of our federal partners.

CHAIRMAN O'REILLY: I'll get right to you, Megan. I certainly remember the last time that there was a little bit of getting sideways on different quotas, and that it resulted in the following meeting, coming back to make sure there wasn't a sideways situation between quotas. I certainly remember that. I just don't know, Adam whether this is something that could be a work in progress. Is it something that the Board could work on itself later on as an addendum? In other words, what type of timeline do you see for this being settled? Adam.

MR. NOWALSKY: Joe could speak more to this, but I'll just say that there is interest in this provision from New Jersey. I spoke from both that perspective, as well as just asking the question we were tasked to do something, now we're saying we're not doing it. What is the implication of it?

I think Toni cleared that up some in saying well because the Dogfish Board didn't meet there were enough members here. That is why it came from the Policy Board. I think I'm comfortable that we addressed that aspect of it on the record. The question now comes, is there enough interest in other states to have the forgiveness provision here? Do states think it's an issue that needs to be in here, and does it warrant a review of those proposals to come back to the Board for review before we send this document out, or could we limit it to the suggestions that Toni made, or some subset of the suggestions, such as status quo as an option for forgiveness, and an option where forgiveness is only allowed where the rollover provision is not enacted.

I think I heard her state those two. I think that would be a step in the right direction, and it sounds like that would not need to go back to the PDT. It sounds like something I'm clear enough on what those options would be that they could go in the document. The document could be provisionally approved today, circulated for final review by the Board, and then go out to public comment. But it would ultimately be the will of the Board. I would support that direction on the issue of the forgiveness, if the will of the Board allows that today.

CHAIRMAN O'REILLY: Megan.

MS. MEGAN WARE: I'm just wondering if overage forgiveness and transfers are somewhat duplicative in what they're trying to achieve. If I was a state with an overage, and there was an overage forgiveness, and then we approve this transfer provision, I would ask for

a transfer from another state. I think there are multiple ways to address that overage. I'm wondering if we need both of those passed.

CHAIRMAN O'REILLY: I'm going to ask for a motion. David Borden.

MR. BORDEN: I would like to move, if the staff wants to put that up I'll go slowly, because I haven't written it out. **I will move provisional approval of the Draft for public hearing purposes, subject to the inclusion of the provision that Toni just characterized, and the inclusion of a concept of eliminating the federal trip limit.** If I get a second to this I will comment so the record is clear on this last point.

MR. ROOTES-MURDY: Dave, will you give us a minute to try to take that and put it into a motion, because there was some referencing to previous discussion.

CHAIRMAN O'REILLY: Okay, we'll have a pause.

MR. ROOTES-MURDY: Yes, we're going to need that I think read into the record, but just to be clear with this motion. We do currently have state and regional trip limits in place for state waters.

CHAIRMAN O'REILLY: David Borden how does that read to you? Does that capture?

MR. BORDEN: Mr. Chairman that is fine with me. **I just want to make sure it reflects the point that Toni has made on the issue of the overage forgiveness.** I think what she characterized was two options there; so that this is orderly I'll make that as a motion that can be perfected by additional discussion. If I get a second then I would suggest discussion on it.

CHAIRMAN O'REILLY: You'll have friendly amendments is what you're suggesting, okay. Emerson Hasbrouck, are you seconding it?

MR. EMERSON HASBROUCK: I'll second that motion.

CHAIRMAN O'REILLY: Okay so we have a motion and a second. Ritchie White.

MR. WHITE: I'm trying to understand this, David. The process will be that the Technical Committee or PDT will draft the language for the forgiveness option that we will see by e-mail, but we won't see it at a meeting. I'm afraid I'm not comfortable with that.

CHAIRMAN O'REILLY: Stew Michels.

MR. MICHELS: I'm trying to understand the overage forgiveness option, ultimately would that result in a recommendation to NOAA, I mean as I understand it that is inconsistent with the Federal Plan.

MR. ROOTES-MURDY: The original idea and I think this is what people are still grabbing onto, was the quota forgiveness policy that's in place for scup and black sea bass. Under that we have the state allocations in the Commission's Plan. In a situation where the coastwide quota is not exceeded, if there is a state allocation where that quota had been exceeded, so long as the coastwide has not been exceeded it is forgiven. That is the concept that as staff we've been working under in terms of what was directed by the Policy Board.

CHAIRMAN O'REILLY: Dan McKiernan.

MR. MCKIERNAN: As I mentioned earlier, I'm really uncomfortable having state trip limits, but I do favor regional trip limits. I wouldn't support this motion unless the reference to state trip limits were taken out, because if we don't have state-by-state allocations, and we have regional quota, then we need the same trip limits. I want to eliminate state trip limits, I want regional trip limits. I want Rhode Island and us to have the same trip limits if we go forward with this.

MR. ROOTES-MURDY: You do.

MR. MCKIERNAN: We do now. But I don't want Rhode Island and Massachusetts to have different trip limits after this is enacted, fishing on a common quota.

CHAIRMAN O'REILLY: Go ahead, Kirby. We're moving off in some directions right now. It's okay.

MR. ROOTES-MURDY: Just to clarify what the FMP currently is versus what this motion is proposing. We currently have state-by-state trip limits, all right. The Board specifies what the regional trip limit is. They can do it annually and they can specify it up to multiple years. Unless this motion I think is perfected to exclude state or regional trip limits, you currently have those things in place and that would continue.

MR. MCKIERNAN: Even in New England where there is a regional quota, there is state trip limits option?

MR. ROOTES-MURDY: Yes. Each of the states set their own trip limits, right. For example, some states like Maine set a trip limit that's actually lower than what the regional trip limit is, because that is their preference.

MR. MCKIERNAN: To continue my argument. Unless I'm guaranteed that with the elimination of the federal trip limit that we're going to have the same trip limits in our region, because we're fishing on a common quota, then I will oppose this motion.

CHAIRMAN O'REILLY: May I come back to you, Megan? Mike Ruccio had his hand up.

MR. RUCCIO: I'm a little uncomfortable with the language as it stands on the portion regarding the federal commercial trip limit. Again I think I understand what the objective is, but there has already been a recommendation to the Councils to consider rescinding that trip limit. As I understood it what the function here

is, is to scope on if there is support for either state or regional trip limits and possibly what those might be in the absence of the federal trip limit, which I think is a little bit different ask than making the recommendation again.

I want to see if that is kind of consistent with how people are viewing this, because I think as it's worded it's redundant to conversation that has already occurred regarding the disposition of the federal trip limit. I think that is known. I'm trying to get at how this is different than what has already occurred, relative to eliminating the federal trip limit.

CHAIRMAN O'REILLY: I too thought that really the situation was to have this federal trip limit issue move ahead a little faster than where it's destined to be right now, and get to, it's going to take at least two framework meetings is what I understand. I thought that was the intent of what we were talking about earlier to draw emphasis on the need to consider the federal trip limit a little more quickly than maybe it's planned right now. Megan, you did have your hand up.

MS. WARE: Maybe this is a little bit of what Mike was saying. I was having a sidebar over here. But I guess my question to David is; are you looking to have a recommendation to NOAA in the Addendum, or are you looking to, I'll say scope on the issue, and if it's the latter. I'll look to Toni.

But I think in one of the Herring Days-Out Addendum there was an issue that didn't have management alternatives, but it was just an open ended question that was part of the public comment. I'm wondering if that would be an avenue to take in this instance, to just have an open-ended question in the Addendum to get feedback.

CHAIRMAN O'REILLY: David, your name came up.

MR. BORDEN: To answer Megan's question. I think the intent is to scope on it. This goes back to the point that Mike Ruccio made. If we change the language on the third line there, if we were to change the language and include some language that we would scope the concept, it might be clearer. Scope on the concept of eliminating the federal trip limit, does that allay the concerns, in other words this body has other than an advisory role, we have no role in setting the federal trip limit. We can just provide advice. If you do what I'm suggesting here, all you are going to do is get advice, consolidate the advice, and that would inform a future position that's all. It's not a regulatory action.

CHAIRMAN O'REILLY: Emerson, does the modification sit well with you?

MR. HASBROUCK: Yes, I'm fine with that.

CHAIRMAN O'REILLY: Chris Batsavage.

MR. CHRIS BATSAVAGE: I think that clarification works for that. I had some similar thoughts that Megan had regarding the overage forgiveness that it seems like that could already be done in the Plan by having 45 days to balance the books, for lack of a better term. But I'm okay with including this in the Addendum, only if staff thinks that we could do all of this and have it ready for final action at the Annual Meeting.

CHAIRMAN O'REILLY: Mike Luisi.

MR. LUISI: I'm just wondering if we just started out with something really simple and then just complicated it, you know made it too complicated. I'm trying to think through the connectivity with the Council on this. Whether it might be another direction that we take here today, to go forward with the document as Kirby presented it, but have this Board write a memo.

Write a letter which could be direct to both the New England and Mid-Atlantic Councils,

suggesting that they elevate this on their list of priorities for 2020. We take this whole thing up in a 2020 action rather than complicating what was a very simple document, just a thought.

CHAIRMAN O'REILLY: We have two suggestions, one the transferability is still there. Does that sort of mitigate the situation with such a low coastwide quota that we're in? I guess secondly Mike Luisi's suggestion, which might carry as much weight, I don't know. I would need to have some comments on that because we have sort of complicated the initial situation from where we left off last time at the Board, so comments on either of those suggestions. Stew.

MR. MICHELS: Just to point out that I believe the Board suggested such action last year of the Councils, and that ultimately didn't happen this year.

CHAIRMAN O'REILLY: Go ahead.

MR. ROOTES-MURDY: I'll pass it off to Toni, because she wants to answer.

MS. KERNS: I just want to clarify. I think from what I heard from Adam, and to keep it simple in terms of overage forgiveness it would just be one option, to allow for overage forgiveness in the years that we do not enact the quota rollover. Am I correct in that is what you said, Adam?

MR. NOWALSKY: That was what I suggested, but I did not make this motion. But that was what I said and support that way forward.

MS. KERNS: I think that that is something that we could easily add to the document. I think the background of the document has the information that they are ready, and for the transfers this coincides with that same type of information, so they could just be one simple option in the document to be added.

MR. ROOTES-MURDY: I can follow up and just clarify. There would be an additional two

options, status quo and one that will allow this. You could be in a situation if both of those are selected, where the resource is not rebuilt but the quota forgiveness is in place. The other would be when the resource is rebuilt then the quota forgiveness is not allowed, but you can have the 5 percent rollover, just to make sure that this potential option is clear to me and staff.

CHAIRMAN O'REILLY: Is there further comment or discussion on the motion? Chris Batsavage.

MR. BATSAVAGE: Just to clarify from staff and Toni's comments about this should be a pretty straightforward option for overage forgiveness. That basically means that the document can be ready for final action by the Annual Meeting in October, right?

MR. ROOTES-MURDY: Yes.

CHAIRMAN O'REILLY: Mike Ruccio.

MR. RUCCIO: Just for my own clarification before we presumably vote on this. Will we see language on how the forgiveness will function? Because I'm not clear on how the 5 percent relates to potential quota disconnects, and that is obviously of concern to me. If it's as simple as when the criteria are triggered it functions as black sea bass and scup does now, and we would be on level terms in terms of quota.

That is a perfect description for me, I get that. If it's something different I'm going to have to kind of dig into it and understand it, I think before we not necessarily here, but if we're looking at the language. We might have concerns about that. I just want to be forthright about that.

CHAIRMAN O'REILLY: I think Kirby outlined the same situation, but Toni is here too. But my understanding is that yes it would be a situation if the coastwide quota is not met then that is what they're looking forward to. I think that that is what the situation is now. We're in a

very tough season coastwide quota wise, so I understand where this all came from. But if Toni or Kirby has anything to add that's fine.

MS. KERNS: Kirby said this before, but I want to make sure everybody heard it that quota forgiveness would be tied to the status of the stock then, because the 5 percent rollover is only allowed when the stock is rebuilt, so quota forgiveness would not be applied then during a rebuilt resource, because we could potentially use the quota rollover. Is that what you were getting at, Adam? I just want to make sure that that is clear to everybody.

MR. NOWALSKY: I don't think I was providing clarification on that point. I think I would have to defer to you as staff with the expertise in what the Plan calls for to explain; this is the implication of that decision, and then the Board. I appreciate; again I'm flattered you keep coming back to me. But this is a Board motion. This is a Board action.

MS. KERNS: I think from a staff perspective it would be the cleanest and easiest way to address quota forgiveness. If the Board then wants to reconsider quota rollover at any point in time, due to its incompatibility with the federal plan then you could consider that in the future.

CHAIRMAN O'REILLY: Ritchie White, and Megan after that.

MR. WHITE: Would it be possible to write out that option now, take a ten minute recess so that we can see it? I'm uncomfortable with this coming out in an e-mail, and then if somebody is uncomfortable with some wording or something then you're stuck with it.

CHAIRMAN O'REILLY: Yes. Megan, did you have something?

MS. WARE: Yes. Maybe Ritchie has solved that but I'm a little concerned that we're moving really quick on this one issue of overage

forgiveness, and I don't want us to rush into something that maybe isn't fully thought out. I was going to maybe make a motion to amend to strike that. If Adam you want to open up another addendum to address that and maybe rollovers, I'm happy to consider that. But I think it might be a little short for this. I'm happy to defer to the Board if you guys want to see draft language in ten minutes, or I can make a motion.

CHAIRMAN O'REILLY: Let the writing begin, and we'll just have a few minutes to go over that. Ritchie White has had concerns all throughout, so I think it's worthwhile, and maybe for some others who haven't spoken up to see what it would look like, rather than wait for the e-mail. Thank you. We have a ten minute break, and we're still on time so all is well. Be back by 11:50.

(Whereupon a recess was taken.)

CHAIRMAN O'REILLY: Okay the Spiny Dogfish Management Board is back in session. Kirby is going to give you some information.

MR. ROOTES-MURDY: Based on the Board's discussion, we have drafted out what the potential language that could be included in the Addendum, based on the idea of including a quota overage forgiveness similar to scup and black sea bass. In the Summer Flounder, Scup, Black Sea Bass Plan, Addendum XX on Pages 3 and 4 have language about how a state overage of their quota, but the coastwide quota has not been exceeded is included in there.

The concept is generally simple. That is if you are over your state quota but the coastwide quota has not been exceeded, there is a forgiveness. There is then also a reconciliation process that allows for those states that have the underage to pool their underage together to cover effectively the overage. We have a table in that Addendum that lays out how that math works out. We've tried to perfect the language that is taken from that Addendum, for

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The Board will review the minutes during its next meeting.

this Board's consideration today to be specific regarding the status of the resource. If the stock is above the biomass target, then this quota overage forgiveness would not be allowed. That is some clarifying comments on the language that has been drafted and included on the board currently.

CHAIRMAN O'REILLY: Questions, Megan.

MS. WARE: This is I think a lot to be putting into a document right now without fully thinking it through. **I'm going to make the motion to amend to strike overage forgiveness from this Addendum.**

CHAIRMAN O'REILLY: Okay, we'll wait for that to appear. We have a motion; move to amend to strike quota forgiveness from this Amendment by Megan Ware. Do we have a second? Okay Bryan Plumlee seconds the motion. Okay discussion on the motion, keep in mind we are time challenged at this point, but no one is going to chase me down afterwards.

I don't see any hands, so we're going to call the question. I want to take about 30 seconds to caucus. Is that enough time? Let's do 30 seconds. **Okay I'm going to read the motion again for the record. Move to amend to strike quota forgiveness from this motion, which is the motion above. Could I have a show of hands for all those who are in support of the motion?**

Opposed like sign. The motion carries 11 to 1. Are there any abstentions? I should have asked you that. Did anyone want to abstain? A little after the fact question. No that's good, my record is clean. Thank you. Okay that brings us back to the main motion. Has that been altered? You're working on the main motion. Mike Ruccio.

MR. RUCCIO: I know they are still working on the language, but just a question of whether or not there is any need to retain provisional approval with the removal of the overage

forgiveness. It's not the only concept within Addenda VI as we previously discussed. Is there still language that we anticipate seeing after the fact?

Because we've already modified the language on the federal trip limit, and clarified that that is just to be scoping on that concept. I don't think there is a regulatory component to that. But if I understand it we're voting on taking this out to public hearing now, right?

CHAIRMAN O'REILLY: I do understand. I look to Kirby for maybe some certainty.

MR. ROOTES-MURDY: Again, the motion on the board right now would only add language asking for feedback regarding the elimination of the federal trip limit.

MR. RUCCIO: Correct, but I think my question was whether or not provisional is still required.

CHAIRMAN O'REILLY: Provisional should go.

MR. RUCCIO: I thought that was predicated on us discussing overage forgiveness, and the need to have some language that would go out to the Board in the interim between now and whatever public scoping happens. I guess I'm asking if this is final approval for the scoping document.

CHAIRMAN O'REILLY: Toni Kerns.

MS. KERNS: It's a decision of the Board. It's not required regardless, but that was a contingency that the Board put on, on adding language to the document. They wanted to see it before it went back out. We would still send the additional language back out to the Board for your review. We would ask for a quick turnaround and then move forward. But if the Board wants to move in a different direction now that it's only this scoping information, then that is the prerogative of the Board.

MR. RUCCIO: Thanks for clarifying.

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

CHAIRMAN O'REILLY: I get the sense that this is okay. Is there anyone who has a problem with the way the motion is written right now, the writing of it? I don't think you need a caucus, so I'm just going to ask the question. **All those in favor of the motion please raise your hand. Keep your hands up for a second while I read it in the motion, don't let them down.**

Move provisional approval of Draft Addendum VI for public comment subject to the addition of scoping on the concept of eliminating the federal commercial trip limit to be replaced by the state trip limits (North Carolina-New York) and northern region trip limit. Okay that's good exercise. Kirby has counted, opposed like sign, abstentions. Seeing none, the motion carries unanimously, 12 to 0. Thank you very much. Is there any other business to come before the Board? The next person you see up here next time will be Chris Batsavage. Thank you very much.

MS. KERNS: Thank you, Rob.

ADJOURNMENT

CHAIRMAN O'REILLY: We are adjourned.

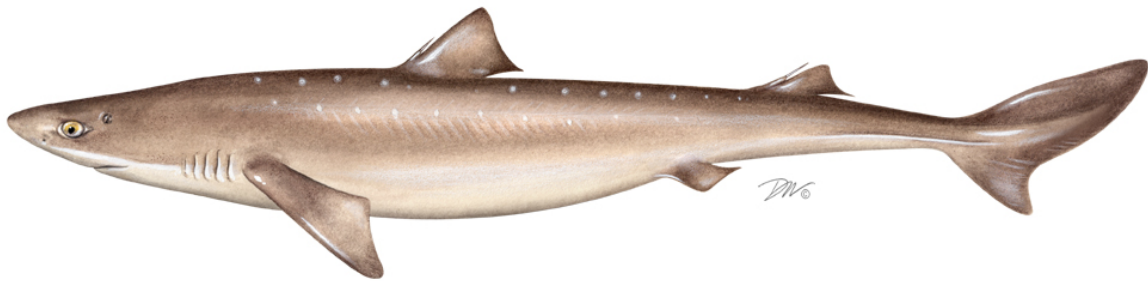
MS. KERNS: For those of you that haven't heard, Rob is retiring. I think that is what he was getting at there.

(Whereupon the meeting adjourned at 12:00 o'clock a.m. on August 7, 2019)

Atlantic States Marine Fisheries Commission

**DRAFT ADDENDUM VI TO THE SPINY DOGFISH INTERSTATE
FISHERY MANAGEMENT PLAN FOR PUBLIC COMMENT**

Commercial Management: Quota Transfers between Regions



August 2019



Sustainable and Cooperative Management of Atlantic Coastal Fisheries

Atlantic States Marine Fisheries Commission Seeks Your Input on Spiny Dogfish Management

The public is encouraged to submit comments regarding this document during the public comment period. Comments will be accepted until 5:00 p.m. EST on **September 23, 2019**. Regardless of when they were sent, comments received after that time will not be included in the official record.

You may submit public comment in one or more of the following ways:

1. Attend public hearings held in your state or jurisdiction.
2. Mail, fax, or email written comments to the following address:

Kirby Rootes-Murdy
1050 North Highland St., Suite 200 A-N
Arlington, VA 22201
Fax: (703) 842-0741
comments@asmfc.org (subject line: Spiny Dogfish Draft Addendum VI)

You may also refer comments to your state's members on the Spiny Dogfish Management Board or Spiny Dogfish Advisory Panel; however, only comments submitted to the Commission or given at a public hearing will be included in the public comment summary presented to the Board. If you have any questions please call 703.842.0740.

Commission's Process and Timeline

May 2019	ISFMP Policy Board Tasks Staff to Develop Draft Addendum VI
May – July 2019	Staff Develops Draft Addendum VI for Public Comment
August 2019	Spiny Dogfish Board Reviews Draft Addendum VI and Considers Its Approval for Public Comment
August – September 2019	Board Solicits Public Comment and States Conduct Public Hearings
October 2019	Board Reviews Public Comment, Selects Management Options and Considers Final Approval of Addendum VI
TBD	Provisions of Addendum VI are Implemented

Draft Addendum VI for Public Comment

1. INTRODUCTION

The Atlantic States Marine Fisheries Commission (ASMFC) is responsible for managing spiny dogfish (*Squalus acathias*) in state waters (0–3 miles from shore) under the authority of the Atlantic Coastal Fisheries Cooperative Management Act, and has done so through an interstate fishery management plan (FMP) since 2003. The states of Maine through North Carolina have a declared interest in the fishery and are responsible for implementing management measures consistent with the interstate FMP.

Spiny dogfish is managed in federal waters (3–200 miles from shore) through a joint FMP of the Mid-Atlantic Fishery Management Council (MAFMC) and the New England Fishery Management Council (NEFMC). These two councils make recommendations on management to the National Oceanographic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries), which is responsible for implementing management based on the input from the two councils and per the requirements of the Magnuson-Stevens Fishery Conservation and Management Act.

At its May 2019 meeting, the ASMFC's Interstate Fisheries Management Program Policy Board approved the following motion:

Move to direct the Spiny Dogfish Management Board to initiate an Addendum to allow unused quota allocated to the northern states collectively to be transferred in the second half of the fishing year to the states that have state-specific allocations. This action is intended to promote full utilization of the overall commercial quota. It is intended that these proposed transfers shall only be allowed if there is unanimous consent among the northern states regarding the timing and the amount. Also, the Board shall include quota overage forgiveness language similar to that in Addendum XX of the Summer Flounder, Scup, and Black Sea Bass FMP where in the event the overall annual quota of black sea bass and scup (during the summer) among the states is not exceeded, then individual state overages are forgiven.

At its August 2019 meeting, the Spiny Dogfish Management Board agreed with the Plan Development Team's recommendations to: 1) consider a more general approach to allowing quota transfers that include a region (e.g., not just from northern states to southern states); and 2) discard the concept of quota overage forgiveness due to the complications presented by the existing provision for unused quota rollover. In addition, the Management Board voted to include a scoping question on the concept of eliminating the federal commercial trip limit.

Accordingly, this draft document considers options to add quota transfer abilities for multi-jurisdictional regions for the commercial spiny dogfish fishery along the U.S. Atlantic coast, and seeks public input on the merits of having both state and federal commercial trips limits and whether to recommend to federal managers the elimination of the federal commercial trip limit in favor of state/regional commercial trip limit management.

Draft Addendum VI for Public Comment

2. OVERVIEW

2.1 Statement of the Problem

Interstate management of the spiny dogfish commercial fishery includes both state-specific and regional shares of the coastwide quota. At present, quota transfers are only possible between states with individual state quotas, whereas regions have not been granted the authority to donate or receive quota via transfers. Consequently, regions are unable to share in the benefits of quota transfers, which include assisting in the full utilization of the coastwide quota and avoiding quota payback requirements for unintended quota overages. This situation may be exacerbated during the 2019–2020 fishing year due to a 46% reduction in the coastwide quota. If landings in the 2019-2020 fishing year remain status quo, the coastwide quota would not be exceeded but some states could face an early quota closure.

2.2 Background

2.2.1 *Quota Management*

The spiny dogfish commercial fishery operates on a May 1–April 30 fishing year (FY; e.g., FY 2019 refers to 5/1/2019 to 4/30/2020). The Federal FMP includes an annual coastwide quota, the amount of which is specified by the Councils and Commission and implemented by NOAA Fisheries. Since the implementation of the Federal FMP in 2000 (MAFMC and NEFMC, 1999) and the Interstate FMP in 2003 (ASMFC, 2002), the coastwide quota has been allocated in several variants of seasonal and regional quotas.

In 2011, under Addendum III (ASMFC, 2011), the interstate FMP established regional (ME–CT) and state-specific (NY, NJ, DE, MD, VA, and NC) allocations of the coastwide quota, which remain in place (Table 1). States have the responsibility to close the spiny dogfish commercial fishery in their state once their (state or regional) quota has been reached. Addendum III also authorized quota transfers, but only for states with individual quotas. State-to-state quota transfers were common practice for other Commission-managed species at the time, and a process for quota transfers involving a region was not considered.

Table 1. Spiny Dogfish Allocations since 2011

	Northern Region (ME-CT)	NY	NJ	DE	MD	VA	NC
Allocation	58%	2.707%	7.644%	0.896%	5.92%	10.795%	14.036%

2.2.2 *Commercial Fishery*

U.S. commercial spiny dogfish landings along the Atlantic coast follow the seasonal migration of spiny dogfish. In recent years, the highest proportions of landings in the northern region (ME–CT) have occurred during the months of July, August, and September (Figure 1). For the states of New York to North Carolina, nearly all landings occur from November through April (Figure

Draft Addendum VI for Public Comment

2). The fishery in the northern region is largely concluded by November, just as the fisheries to the south ramp up.

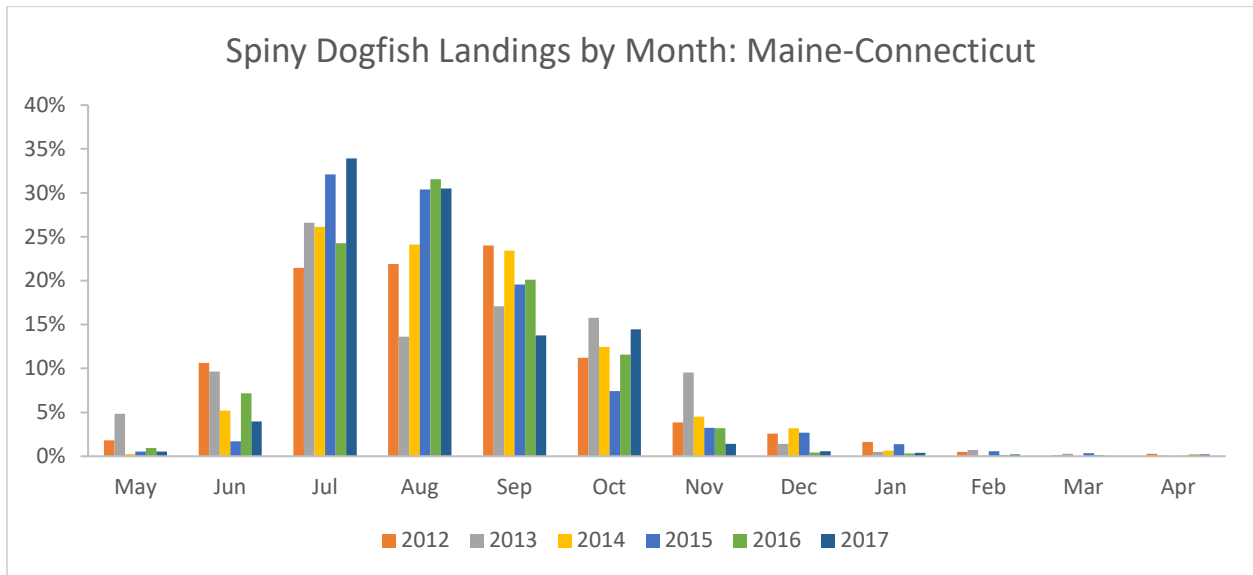


Figure 1. Proportion of Landings by Month for Maine–Connecticut, FYs 2012–2017. Source: ACCSP 2019.

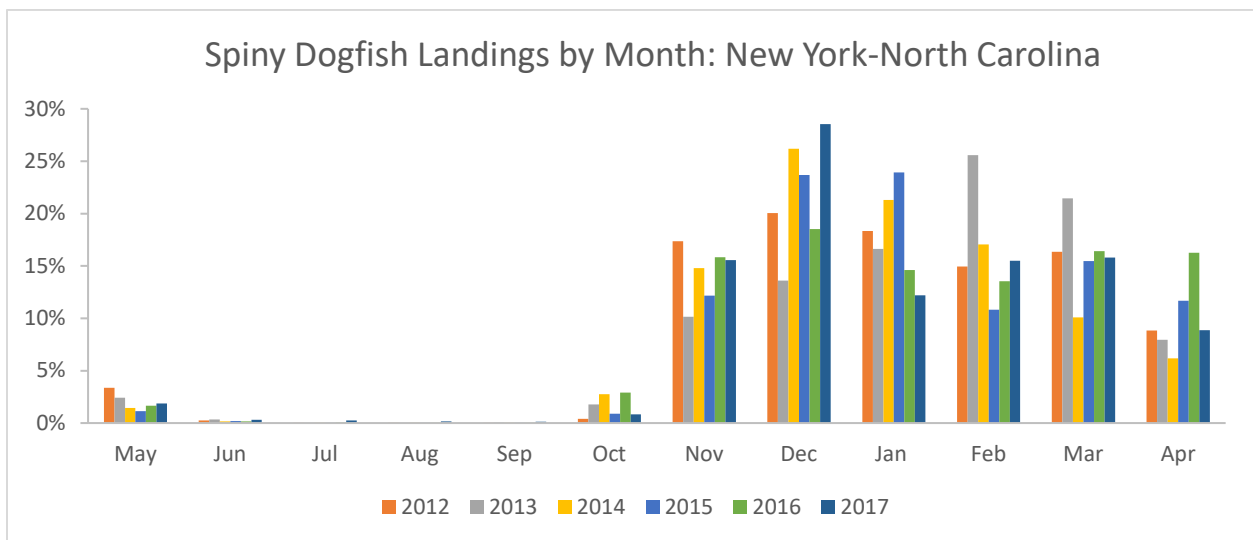


Figure 2. Proportion of Landings by Month for New York–North Carolina, FYs 2012–2017. Source: ACCSP 2019.

Total commercial landings closely tracked the coastwide quota for most of the first 12 years of quota management (FY 2000–FY 2011), after which the landings plateaued while the quota continued to increase (Figure 3). Landings during FY 2012–FY 2018¹ averaged 20.93 million

¹ Commercial landings for FY2018 are preliminary and subject to change.

Draft Addendum VI for Public Comment

pounds, while the coastwide quota averaged 42.02 million pounds. For FY2019, the coastwide quota has been reduced to 20.52 million pounds to avoid overfishing the stock amidst declining biomass (NEFSC, 2018). Over the last three years (FY2016–2018), less than half of the cumulative coastwide quota has been landed, though similar landings in FY2019 would achieve nearly 100% of the newly reduced quota level.

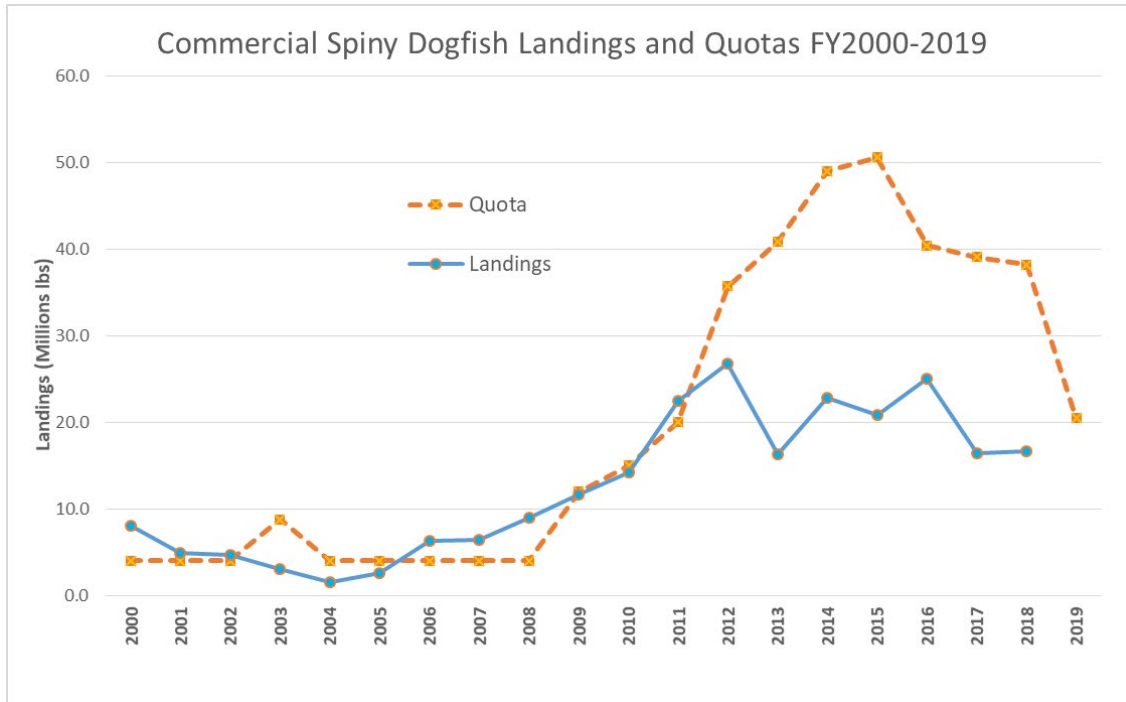


Figure 3. Coastwide Landings and Quotas FY2000-2019. Source: Unpublished NOAA dealer reports

At a more local level, fishery performance relative to quotas varies both among states/regions and year-to-year within a state/region. During the last three years (FYs 2016–2018), the percent of annual quota used by a state or region ranges from 0% to 94%, and up to 118% exclusive of transfers (Table 2). Only Virginia has had consistently high landings compared to available quota, notably including FY 2018 when a quota transfer was necessary to avoid an early closure of the state’s fishery. While more variable, the fisheries of the northern region, New Jersey, and Maryland have demonstrated the capacity to land a majority of their quota on a single year basis. North Carolina’s landings are significant, yet the fishery has taken less than half the state’s available quota in each of the last three years. New York’s and Delaware’s landings qualify for *de minimis* status.

While only Virginia’s landings in FY 2018 (and FYs 2016 and 2017) would exceed its FY 2019 quota, three additional states/regions (ME–CT, NJ, and MD) had landings in at least one of the last three years that would surpass their FY 2019 quotas. These trends suggest that there may not be enough quota among the states with state-specific quotas to satisfy all their fisheries, while it’s possible the northern region could have unused quota to share.

Draft Addendum VI for Public Comment

Table 2. State/Regional Spiny Dogfish Quota and Percentage of Quota landed from FY 2016 to 2018. FY 2019 included for comparison. Source: FY 2016-2017 State data for ME-DE; VA-NC from ACCSP 2019. MD FY 2016-2019 and all state FY 2018 from Preliminary NOAA Quota Monitoring Reports.

State/Region	FY 2016		FY 2017		FY 2018		FY 2019
	Quota [^]	Landings	Quota	Landings	Quota	Landings ^{^^}	Quota
		% of Quota		% of Quota		% of Quota	
ME-CT	24,876,989	15,758,302	22,677,836	10,807,726	22,153,577	8,471,582	11,903,243
		63.34%		47.66%		38.24%	
NY	1,161,069	40,692	1,058,429	48,212	1,033,961	46,487	555,716
		3.50%		4.56%		4.50%	
NJ	3,278,616	2,853,557	2,988,782	1,860,862	2,919,689	1,271,966	1,568,900
		87.04%		62.26%		43.57%	
DE	384,307	150	350,333	0	342,235	0	183,893
		0.04%		0.00%		0.00%	
MD	2,539,169	2,378,766	2,314,703	550,536	2,261,193	719,676	1,214,957
		93.68%		23.78%		31.83%	
VA	4,630,122	3,605,861	4,220,814	2,530,376	6,123,239	4,870,717	2,215,484
		77.88%		59.95%		79.54%*	
NC	6,020,231	418,860	5,488,036	757,279	3,361,166	1,367,414	2,880,640
		6.96%		13.80%		40.68%	
Coastwide	42,890,503	25,056,188	39,099,717	16,541,575	38,195,060	16,747,942	20,522,832
		58.42%		42.31%		43.85%	

[^]FY 2016 Quotas include 5% Quota Rollover

^{^^}2018 Landings are preliminary and subject to change

*Virginia's final quota for FY 2018 includes a 2 million pound transfer from North Carolina; Virginia's FY 2018 landings represent 118% of its initial quota level.

3. PROPOSED MANAGEMENT PROGRAM

This addendum considers modifying the current quota transfer provisions as outlined in *Section 3.2: State Quota Transfers* of Addendum III to the Interstate Fishery Management Plan for Spiny Dogfish.

Quota Transfers Options:

Option 1: Status Quo

Under this option, the quota transfer provisions as outlined in Section 3.2 of Addendum III remain unchanged. Quota transfers are allowed only for states with an individual (not regional) quota.

Option 2: Allow Quota Transfers between all states and regions

Under this option, quota transfer is allowed between all states and regions. This alternative adds the ability for a region to participate in a quota transfer through the mutual agreement of each state in the region. Specifically, the Administrative Commissioner (or proxy) from each

Draft Addendum VI for Public Comment

state in the region must agree to the transfer in writing. The Executive Director or designated ASMFC staff will review and approve all transfer requests before the quota transfer is finalized.

As with transfers between states, transfers involving regions do not permanently affect the shares of the coastwide quota. Agreements for transfer of quota are to be forwarded to the Board through Commission staff. Once a quota transfer is finalized, quota management for the year (i.e., quota closures and overage accountability) is based on the transfer-adjusted quota amount. All quota transfers must occur within 45 days of the end of the fishing year.

4. PUBLIC SCOPING QUESTION

NOAA Fisheries annually establishes a federal commercial trip limit as a requirement for vessels with a federal spiny dogfish permit. As part of the annual federal specification process, both Councils make recommendations to NOAA Fisheries on what the federal commercial trip limit should be for the upcoming fishing year. As part of the Commission's FMP, the states of NY-NC annually establish commercial trip limits for state permit holders and the Commission's Spiny Dogfish Board establishes a regional trip limit for the states of ME-CT. For vessels fishing with both a state and federal permit, the more restrictive trip limit must be followed regardless of where they are fishing. As part of the Commission's FMP, the states set commercial trip limits to achieve their annual state and regional quotas. The Commission does not establish the federal commercial trip limit, but it can make recommendations to the Councils and NOAA Fisheries on this management measure during the federal specifications process.

The Commission is seeking scoping comments on the following question:

Should the Commission recommend that the federal commercial trip limit be eliminated and replaced by the state-by-state trip limits where they exist (NY-NC) and a regional trip limit where it exists (Northern Region of ME-CT)?

As part of scoping public comment on this question, it is important for the public to understand that the Commission would only be making a recommendation to the Councils and NOAA Fisheries. If the Councils decided to evaluate eliminating the federal commercial trip, it would likely require a framework management action which would be developed over the course of at least two Council meetings. If the Councils and NOAA Fisheries ultimately chose to eliminate the federal commercial trip limit, this action would be effective no earlier than FY2021.

5. COMPLIANCE SCHEDULE

If the existing spiny dogfish management plan is revised by approval of this draft addendum, the measures would be effective immediately.

Draft Addendum VI for Public Comment

6. LITERATURE CITED

Atlantic States Marine Fisheries Commission (ASMFC). 2002. Interstate Fishery Management Plan for Spiny Dogfish. 107p.

Atlantic States Marine Fisheries Commission (ASMFC). 2011. Addendum III to the Interstate Fishery Management Plan for Spiny Dogfish. 7p.

Mid-Atlantic Fishery Management Council (MAFMC) and New England Fishery Management Council (NEFMC). 1999. Spiny Dogfish Fishery Management Plan. NOAA Award No. NA57 FC0002. 292 pp.

Northeast Fisheries Science Center (NEFSC). 2018. Update on the Status of Spiny Dogfish in 2018 and Projected Harvests at the Fmsy Proxy and Pstar of 40%. Report to the Mid Atlantic Fishery Management Council (MAFMC) Scientific and Statistical Committee (SSC) August 31, 2018. 82 pages.



Atlantic States Marine Fisheries Commission

1050 N. Highland Street • Suite 200A-N • Arlington, VA 22201
703.842.0740 • 703.842.0741 (fax) • www.asmfc.org

MEMORANDUM

TO: Spiny Dogfish Management Board

FROM: Kirby Rootes-Murdy, Senior FMP Coordinator

DATE: October 1, 2019

SUBJECT: Public Comment Summary on Spiny Dogfish Draft Addendum VI

The following pages represent a draft summary of all comment received by ASMFC on Spiny Dogfish Draft Addendum VI as of 5:00 PM (EST) on September 23, 2019 (closing deadline).

A total of 7 written comments were received on Draft Addendum VI. These included two organizations and the remainder from commercial fishermen and concerned citizens. Three public hearings were held in two jurisdictions, one virtually (webinar). Six individuals are estimated to have attended the hearings.

There were few comments provided specific to the proposed options and scoping question in Draft Addendum VI. Two individuals and one organization (Sustainable Fisheries Association) indicated their support for Option 2: Allow Quota Transfers between all states and regions. Reasons cited in support of this option were an interest in fully utilizing the coastwide quota and allowing all jurisdictions to benefit from quota transfers. One individual representing the New Hampshire Commercial Fishermen's Association supported Option 1: Status Quo. No reasons were cited.

Few comments were received on the public scoping question regarding should the Commission recommend to the Councils and NOAA Fisheries that the federal commercial trip limit be eliminated and replaced by state and regional trip limits. The Commission does not establish the federal commercial trip limit, but it can make recommendations to the New England and Mid-Atlantic Fishery Management Councils and NOAA Fisheries on this management measure during the federal specifications process. As part of the Commission's public comment process, the public was encouraged to provide comments on this question to help inform future recommendations from the Commission to the Councils and NOAA Fisheries on the management of spiny dogfish in federal waters.

One individual supported maintaining the federal trip limit and another individual supported recommending elimination of the federal trip limit. Reasons cited in support of recommending maintaining the federal trip limit focused on concern about flooding the market. Eliminating the federal trip limit may lead to states setting higher trip limits which might lead to more landings,

M19-76

ultimately resulting in a lower price per pound. They indicated that regardless of the market incentives, fishermen would likely fish at a higher trip limit if allowed. Additionally, the individual noted concern that although states manage the commercial fishery using a quota system, eliminating the federal trip limit may result in a 'derby' fishery.

Reasons cited in support of recommending eliminating the federal trip limit focused on challenges the market currently poses to the fishery, specifically, that it's not economical to make fishing trips when the trip limit is low and price per pound is also low. Other points of concern included that the current federal trip limit constrains the states from collectively achieving the annual coastwide quota and results in high discard rates. Lastly, the individual noted that allowing the states the same flexibility to set trip limits similar to how state quotas are managed in the summer flounder, scup, and black sea bass FMP would likely work well.

The New England Fishery Management Council expressed a number of concerns about the Commission's process in collecting public comment on the scoping question regarding eliminating the federal trip limit. It stated that it was not appropriate for the Commission to seek public comment on this question as the topic is not currently under development for changes in management by either the New England or Mid-Atlantic Fishery Management Councils. Additionally, it was noted that the Addendum does not identify a problem that needs to be addressed by a change in the possession limit and cited concern that the Commission's process for collecting public comment on this topic is too limited given there were only two public hearings and a public hearing webinar.

In addition to comments specific to the proposed management in Draft Addendum VI, the following general comments were also provided:

<ul style="list-style-type: none">• Individual who regularly does bottom fishing around Block Island has seen high abundance of spiny dogfish and wants Addendum VI to be as liberal as possible to allow the biomass to be maximally harvested.
<ul style="list-style-type: none">• Individual stated he/she does not want full utilization of the quotas. Instead, wants the quota cut by 50% immediately in all regions.
<ul style="list-style-type: none">• Individual who gillnet fishes for spiny dogfish and is in favor of shifting state quota transfers to other states in an effort to achieve a better price.

- Individual takes issue with the NEFSC trawl survey; states that 80% of the female population are not surveyed by the trawl gear due it being off the bottom and 90% of the male population are not in the survey area. Indicates that management is based on incorrect science, which has led to lower quotas and has forced the closing of processing plants in the south. The reduced quotas created a market opening in Europe for other countries producing dogfish. The individual wants information on the amount of spiny dogfish imported into the U.S. and requests that ASMFC Staff be required to provide import data. The individual indicates that ASMFC must comply with Article 1 Section 1 of the Commission's Compact to prevent physical waste by mandating an industrial use for spiny dogfish. Additionally, the individual wants to do away with Draft Addendum VI and require a processing plant be opened in North Carolina or Virginia with supplemental funding from NOAA NMFS, the Regional Councils, and ASMFC. Requests that the ASMFC and MAFMC research how to rename spiny dogfish rather than completing Draft Addendum VI. States that historical dogfish in 1890s (biomass) comprised 17% of the biomass (target); in 2016, (biomass) comprised 80% of biomass target. Reiterates need to stop development of Draft Addendum VI

Summaries of the public hearings can be found next and are ordered from north to south. This is then followed by letters sent by organizations and letters sent by individuals.

Draft Addendum VI to the Spiny Dogfish Interstate Fishery Management Plan New Hampshire Public Hearing

September 3, 2019

Urban Forestry Center

Portsmouth, NH

Commissioners: Doug Grout and Cheri Patterson (NH FG)

5 participants

3.1 Quota Transfers Options

- 1 individual, representing the NH Commercial Fishermen's Association, supported Option 1: Status quo.
- The New England Fishery Management Council (NEFMC) currently has no position on Quota Transfers Options.

Public Scoping Question

- The NEFMC opposes ASMFC's process in garnering comments for an unclear problem and circumvents the Council public process with which the fishing industry has a large voice in determining whether the federal FMPS' possession limits of dogfish be eliminated. Written statement from the NEFMC is attached for the record.

**Draft Addendum VI to the Spiny Dogfish Interstate Fishery Management Plan
Rhode Island Public Hearing**

September 16, 2019

Narragansett RI

Staff: Conor McManus and Scott Olszewski (RIDEM DMF)

Commissioners: Jason McNamee (RIDEM DMF) and David Borden (AOLA)

Summary: The hearing was held, but no one from the public attended to provide comments on the issues at hand.

Draft Addendum VI to the Spiny Dogfish Interstate Fishery Management Plan

Public Hearing Webinar

September 18, 2019

1 Participant

Staff: Kirby Rootes-Murdy (ASMFC)

Other: Chris Batsavage (NC DMF), Nichola Meserve (MA DMF), Jason Didden (MAFMC)

3.1 Quota Transfer Options → 1 supports Option 2: Allow Quota Transfer between all states and regions

- 1 individual indicated their preference for Option 2: Allow Quota Transfer between all states and regions. Reason cited was that states should not be penalized if they close their fishery early and that available quota should be able to be transferred across the coast between states and regions. They also cited how quota transfers have been very effective and helpful in other fishery, such as for bluefish, and that extending this management tool for states and regions involved in the spiny dogfish fishery would be best.

Public Scoping Question

- 1 individual indicated their preference for not eliminating the federal trip limit. Reason cited was the current market conditions: there are only two fish processing facilities along the coast; the price per pound is currently low; and while there is interest in trying to catch a higher trip limit, there is concern that would further lower the price. Another dynamic is that while the trip limit could be raised, doing so might introduce smaller, lower quality fish into the market, which could potentially affect the price as well.

While the individual acknowledged there are state and regional quotas in place to constrain landings through the Commission's FMP, they expressed concern that a higher trip limit could result in a more 'derby' style fishery. Additionally, this individual believed that fishermen would fish at a higher trip limit even if it resulted in lower price per pound as result of 'flooding the market'. In summary, they expressed concern that eliminating the federal trip would create a scenario where spiny dogfish fishermen would be landing more fish for less money.

Good Evening. My name is Thomas Nies. I am the Executive Director of the New England Fisheries Management Council and I am here speaking on behalf of the Council.

The fishery for Spiny Dogfish in federal waters is managed by a fishery management plan that was adopted under the provisions of the Magnuson-Stevens Act (MSA). This is a joint fishery management plan of the Mid-Atlantic and New England Fishery Management Councils. The Mid-Atlantic Council is the lead Council for this FMP. Most spiny dogfish landings are harvested under the provisions of this FMP - we estimate that roughly 90 percent of dogfish landings are by federal permit holders.

The New England Council does not yet have a position on the quota transfer provisions that are being considered in Addendum VI to the Interstate Fisheries Management Plan for Spiny Dogfish. We are, however, concerned that this scoping hearing is seeking public comment on eliminating the federal FMP's possession limits. The Mid-Atlantic and New England Councils have not yet decided to pursue an action that would consider changes to the federal possession limit. It does not seem appropriate for ASMFC to ask a question about a management measure that is not yet under development at the same time as the Commission is seeking comments on a change to the ISFMP. We are concerned that this may confuse fishermen about the actions under development, and/or those fishermen who are not closely following the Commission process will not respond to the scoping question. The Addendum also does not identify a problem that needs to be addressed by a change in the possession limit, leaving unanswered what the rationale is for the proposal. Finally, only one option is presented for comment, suggesting a pre-determined response to an undefined problem.

The Spiny Dogfish Advisory Panel met via webinar on August 19, 2019 to develop a Fishery Performance Report. The purpose of that document is to provide the Scientific and Statistical Committee information about fishing effort, market trends, etc. During the course of that meeting, AP members briefly discussed the ASMFC idea to eliminate the federal trip limit and rely on states to set trip limits. Only two advisors voiced an opinion; both were against this suggestion. Some AP members expressed the concern that all fisherman's voices would not be accounted for in the ASMFC process. Given the limited number of scoping hearings that are being held, this is also a concern of the New England Council. It is our understanding that only two public hearings and one webinar are being held for a fishery that takes place from Maine to North Carolina.

In summary, the NEFMC prefers comments and suggestions on federal management be obtained through the Council process, not ASMFC scoping hearings on an unrelated action.



September 23, 2019

Kirby Rootes-Murdy
Senior Fishery Management Plan Coordinator
Atlantic States Marine Fisheries Commission
1050 N. Highland St, Suite A-N
Arlington, VA 22201

VIA EMAIL ONLY

Re: Comments to Spiny Dogfish FMP – Draft Addendum VI

Dear Kirby:

I am writing to you on behalf of the members of the Sustainable Fisheries Association (SFA) regarding the Spiny Dogfish Fishery Management Plan Draft Addendum VI.

The SFA supports Draft Addendum VI as it has been proposed to allow commercial quota to be transferred between all regions and states to enable the full utilization of the coastwide commercial quota and avoid quota payback for unintended quota overages.

Thank you for your consideration of and attention to this issue.

Sustainable Fisheries Association, Inc.

By

/s/

John F. Whiteside, Jr.

General Counsel

John@JWhiteside.com

Sustainable Fisheries Association, Inc.

678 State Road
Dartmouth, MA 02747
(508)991-3333

Kirby Rootes-Murdy

From: Comments
Sent: Friday, September 6, 2019 3:47 PM
To: Kirby Rootes-Murdy
Subject: FW: spiny dogfish draft addendum VI

Follow Up Flag: Follow up
Flag Status: Completed

From: Richard Pastore [mailto:rpengri@gmail.com]
Sent: Thursday, August 22, 2019 1:58 PM
To: Comments <comments@asmfc.org>
Subject: spiny dogfish draft addendum VI

I regularly bottom fish the waters around and south of block island ri. spiny dogfish are the biggest pain in the ass I've run into during my entire 69 years of fishing. not only are their numbers overwhelming when they're on the bite but they will suck down a squid bait in heartbeat out competing everything else around including cod, fluke,scup and black sea bass. additionally they perform their shark death spin when they're next to the boat and have an amazing ability to spear me with their caudal fin spike as they whip it around like an alligator when I'm trying to de-hook them. amendment VI should be as liberal as possible to allow the "biomass" aka "pain-in-the-ass" to be maximally harvested . PLEASE!
regards

Richard L. Pastore P.E.
RP Engineering, Inc
121 Suffolk Drive
North Kingstown, RI 02852
401 885 7255
www.RPENGRI.COM

Kirby Rootes-Murdy

From: Comments
Sent: Friday, September 6, 2019 3:47 PM
To: Kirby Rootes-Murdy
Subject: FW: Comment On Spiny Dogfish Management Proposal

Follow Up Flag: Follow up
Flag Status: Completed

From: jean public [mailto:jeanpublic1@gmail.com]
Sent: Saturday, August 24, 2019 12:40 PM
To: Comments <comments@asmfc.org>; PETA Info <info@peta.org>; The Pew Charitable Trusts <info@pewtrusts.org>; humanelines <humanelines@hsus.org>; INFORMATION@sierraclub.org
Subject: Re: Comment On Spiny Dogfish Management Proposal

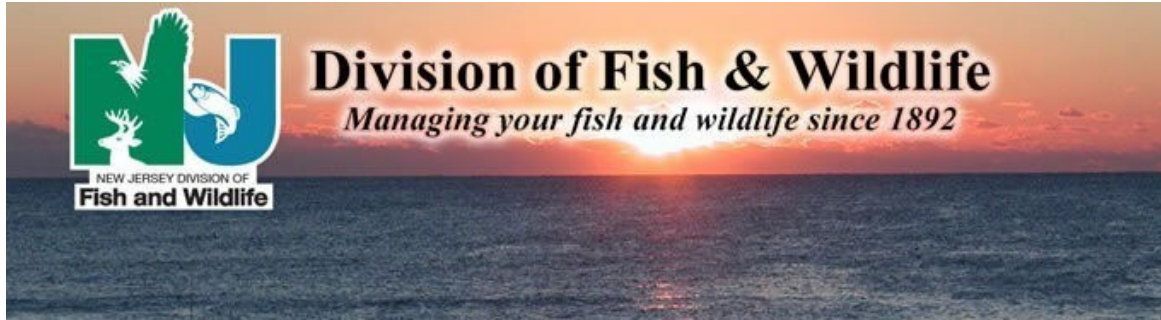
public comment on spiny dogfish overfishing plan

i do not want to enable full "utilization" of quotas. i want quota cut by 50% immediately in all regions. the overfishing going on per this sneaky asmfc organization, which is slanted to commercial fish profiteers and not working in the best interests of the entire american public citizenry. this is the first time i have ever seen anything allowed for the public to comment on anything this sneaky asmfc does. usually this sneaky slanted biased organization working only for commercial fish profiteers doesn't want the public to know what they do in secret. asmfc is a very sneaky closed organization. hard to find out anything about what they do. this comment is for the public record. please receipt. jean public jeanpublic1@gmail.com

To All Applicable Commercial Spiny Dogfish Fishermen: The Atlantic States Marine Fisheries Commission (ASMFC) has released draft addendum VI to the spiny dogfish fishery management plan for public comment. Public comments will be received and considered until September 23, 2019, at 5pm. Comments on the draft addendum should be submitted via email to comments@asmfc.org and should include the subject line, "Spiny Dogfish Draft Addendum VI", via fax to (703) 842-0741, or to the address: Kirby Rootes-Murdy 1050 N. Highland St, Suite A-N Arlington, VA 22201 A public hearing will be held online and by phone by the ASMFC on September 18th, 2019, at 6pm. To attend the hearing by phone, dial (888) 585-9008 and enter room number 853-657-937. To attend the online webinar, please visit <https://attendeegotowebinar.com/register/1750824234161238785>. The complete draft addendum can be found on the ASMFC website at <http://www.asmfc.org/aboutus/public-input>. Below is a summary of the proposed changes to the management plan: The Draft Addendum proposes allowing commercial quota to be transferred between all regions and states to enable the full utilization of the coastwide commercial quota and avoid quota payback for unintended quota overages. The Commission's FMP allocates the coastwide quota to the states of Maine-Connecticut as a regional allocation and to the states of New York-North Carolina as state-specific allocations. Currently, the FMP only allows quota transfers between states with individual allocations, with regions excluded from benefitting from quota transfers. The 2019-2020 coastwide quota was reduced by 46% due to declining biomass. If landings in the 2019-2020 fishing year remain the same as 2018-2019 landings, the coastwide quota may not be exceeded but some states could face early closures due to reaching their allocation and being unable to access available unused quota from the northern region through quota transfers. The Draft

Addendum also includes a scoping question on whether the federal commercial trip limit should be eliminated and replaced by state and regional trip limits. This issue is under consideration due to concern that the coastwide quota has been substantially underutilized over the past seven years and the federal commercial trip limit is viewed by some as an additional constraint on the fishery beyond the commercial trip limits implemented for state permit holders. The Commission does not establish the federal

On Fri, Aug 23, 2019 at 12:26 PM Division of Fish and Wildlife
<NJFishandWildlife@public.govdelivery.com> wrote:



Attend public hearing via phone or online

The Atlantic States Marine Fisheries Commission (ASMFC) has released Draft Addendum VI to the Spiny Dogfish Fishery Management Plan for public comment. A public hearing will be held online and by phone by the ASMFC on September 18 at 6:00 p.m.

Attend by phone: Call 888-585-9008 and enter room number 853-657-937

[Attend online](#)

[Complete draft addendum](#)

[Summary and comment instructions](#) (pdf)



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This email was sent to JEANPUBLIC1@GMAIL.COM using GovDelivery Communications Cloud on behalf of: New Jersey Department of Environmental Protection · 401 E. State St. · Trenton, NJ 08625



Kirby Rootes-Murdy

From: Comments
Sent: Friday, September 6, 2019 3:46 PM
To: Kirby Rootes-Murdy
Subject: FW: spiny dogfish draft addendum VI

Follow Up Flag: Follow up
Flag Status: Completed

From: Donald Miller [mailto:stickmanmiller@gmail.com]
Sent: Wednesday, August 28, 2019 9:33 AM
To: Comments <comments@asmfc.org>
Subject: spiny dogfish draft addendum VI

I Donald Miller am for the new management plan of the spiny dogfish of shifting state quota transfers to other states. I gill net out Barnegat Light N.J. , and yes we target the dogfish. We all are looking for a better price we need help there. Thank You. stickmanmiller@gmail.com

Kirby Rootes-Murdy

From: Comments
Sent: Thursday, September 19, 2019 10:20 AM
To: Kirby Rootes-Murdy
Subject: FW: dogfish comments & Re: James Sulikowski Arizonan do you have email & phone

I think I sent you this before but I'm not sure. This is the last one we received.

-----Original Message-----

From: James Fletcher [mailto:unfa34@gmail.com]
Sent: Friday, September 13, 2019 9:44 AM
To: JASON DIDDEN; Comments
Subject: dogfish comments & Re: James Sulikowski Arizonan do you have email & phone

ANY NEWS ON JAMES: IS IT POSSIBLE nmfs COMMERCE OR THE DEPARTMENT OF STATE ARRANGED A BETTER POSITION SO HIS EXPERTISE ON CHIPFISH WOULD DISAPPEAR?
WE NOW HAVE A DOGFISH PLAN THAT DOES NOT ACCOUNT FOR 80% OF FEMALE NOT SURVEYED BY TRAWL GEAR DUE TO BEING OFF BOTTOM & 90% OF MALE CHIP FISH DUE TO BEING IN NON SURVEYED AREA. ALSO A STATEMENT THAT 80% OF DOGFISH STOMACH CONTENT IS CTENOPHOREA IS TOTALLY INCORRECT.
PREVIOUS MANAGEMENT BASED ON INCORRECT SCIENCE CREATED LOWER QUOTAS & FORCED CLOSING OF PROCESSING PLANTS IN SOUTH.
LOWER QUOTAS BASED ON 80% INCORRECT [SCIENCE BASED ASSUMPTIONS} CREATED A MARKET OPENING IN EUROPE FOR IMPORTS FROM OTHER COUNTRIES PRODUCING DOGFISH.
INCORRECT SCIENCE MISSING 80% OF FEMALES & UNKNOWN PORTION OF MALES AS NO SURVEY IS CONDUCTED FOR MALES. CREATED A EXCUSE FOR CONSERVATION GROUPS TO REQUEST SHIPPING LINES NO LONGER ALLOW SHARK PRODUCTS TO BE SHIPPED BASED ON INCORRECT SCIENCE.
NO AGENCY HAS COME FORWARD WITH THE AMOUNT OF SHARK / DOGFISH PRODUCTS IMPORTED INTO U.S. IF ANY. ASMFC STAFF SHOULD BE REQUIRED TO PROVIDE IMPORT INFORMATION.
THE SCIENCE SET QUOTAS THAT CAUSED LOGISTIC PROBLEMS WHEN SHIPPING FROM SOUTH TO THE BLESSED NORTHERN PROCESSORS.
ASMFC MUST COMPLY WITH ARTICLE 1 SECTION 1 OF COMPACT PREVENT PHYSICAL WASTE BY MANDATING A INDUSTRIAL USE FOR DOGFISH OR RENAMING THE FISH SO AMERICAN CONSUMMERS WILL UTILIZE.
SCRAP DRAFT ADDENDUM VI
REQUIRE A PROCESSING PLANT BE OPENED IN N.C. OR VA WITH SUPPLEMENTAL FUNDS FROM NOAA NMFS COUNCIL & ASMFC MANDATED TO SUPPLY MONEY TO COMPENSATE THE PROCESSOR OR PROCESSORS.
ASMFC & COUNCIL SHOULD RESEARCH HOW TO RENAME THIS FISH RATHER THAN DOING ADDENDUM VI.
HISTORICALLY DOGFISH IN 1890'S COMPRISED 17% OF BIOMASS NOW 2016 ABOVE 80% OF BIOMASS IN OCEAN AND ASMFC PROPOSES QUOTA TRANSFERS INSTEAD OF RENAMING THE FISH FOR MARKET ACCEPTABILITY, SCRAP ADDENDUM VI focus instead on ASMFC RENAMING THE FISH TO CONSUMER ACCEPTABLE NAME. JAMES FLETCHER UNFA 123 APPLE RD MANNS HARBOR NC. 27953

On 8/19/2019 4:32 PM, Didden, Jason wrote:

> Not right now, but I just send him a facebook friend request so maybe soon.

>

> -----Original Message-----

> From: James Fletcher <unfa34@gmail.com>
> Sent: Monday, August 19, 2019 12:28 PM
> To: Didden, Jason <jdidden@mafmc.org>
> Subject: James Sulikowski Arizonan do you have email & phone

>
> Jason do you have any contact information? Where do we gain any science NOW? UP A SCIENCE CREEK & NO HONEST SCIENCE!
> DO Tagw show males stay off bottom more inshore than females?
>
> --
> James Fletcher
> United National Fisherman's Association
> 123 Apple Rd.
> Manns Harbor, NC 27953
> 252-473-3287
>

--
James Fletcher
United National Fisherman's Association
123 Apple Rd.
Manns Harbor, NC 27953
252-473-3287

Kirby Roots
ASMFC
1050 North Highland St., Suite 200 A-N
Arlington, VA 22201

Dear Mr. Roots

I have been a long term fisherman out of Rhode Island and have fished for 40 plus year in the monkfish, skate, black sea bass, summer flounder, lobster and scup fisheries. During that time I have also fished for dogfish commercially on a number of occasions. I was unable to attend the recent public hear and offer the following comments.

In regards quota transfers, I support option 2 provided all states mutually agree to the amount and timing. This a nothing more than common sense, - since you want to have a system that allows the full quota to be harvested annually.

The public scoping issues is more complex, but to be sure, I support RI and the other states recommending the elimination of the federal trip limit. The State of Rhode Island, Marine Fisheries staff, should have the flexibility to work with fishermen like myself, to craft state specific regulations that are tailored to our different circumstances. I have listened to a number of the advisory panel discussions over the years and am convinced that the federal trip limit constrains the ability to catch the annual quota, as well as supply enough product to attract buyers. Dogfish are a low value product (generally 15 cent a pound to the boats) which at a 6000 pound trip limit x .15 cent pound only generate \$900. This is an inadequate incentive to target dogfish especially when they move offshore and cost go up, which they do seasonally. It is also not economic for dealers to truck them to New Bedford, given the low trip limit and the fact that very few fishermen want to participate in the fishery, as it is way too much work to earn a few hundred dollars at best.

RI fishermen only have limited access to dogfish in State waters for a month or so in the spring and fall and in order to have a fishery we need to be able to target them in federal waters. Costs go up when you go that far and it is just not economic to chase them to gross \$900 a day. Discards have been significant in most years and could be reduced with higher trip limits.

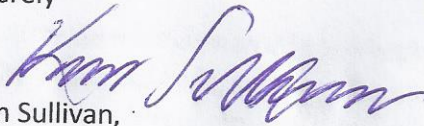
My last point relates to flexibility. States have different views on the preferred commercial trip limit for their respective jurisdictions, and the current one size fits all federal trip limit has proven limiting for many states leading to a substantial under-harvesting of the coastwide quota. States in the Mid Atlantic area have the ability to adjust their trip limit in state waters and address some of the concerns noted above for RI, and we should have the same options. Reason being, The States agencies have more flexibility to tailor their regulations to meet the individual state needs of their respective constituents. This concept works well in summer flounder, scup, and black seas bass fishery, and I have no doubt it will work well in dogfish.

So my response is yes your question : Should the Commission recommend that the federal commercial trip limit be eliminated and replaced by the state-by-state trip limits where they exist (NY-NC) and a regional trip limit where it exists (Northern Region of ME-CT)?c

I am happy to discuss by phone if needed. (401-935-8372)

Sincerely,

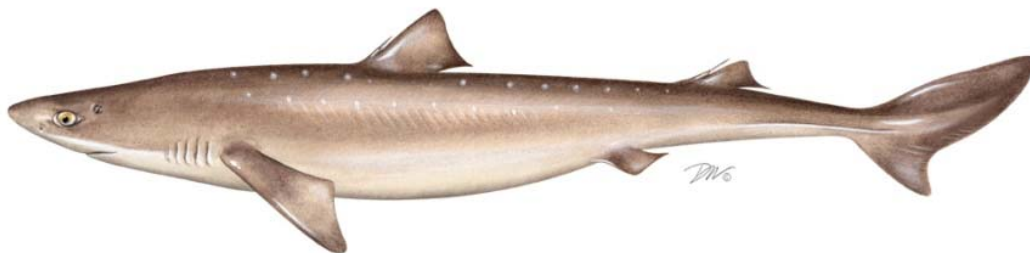
Kevin Sullivan,



2019 REVIEW OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
FISHERY MANAGEMENT PLAN FOR

SPINY DOGFISH
(Squalus acanthias)

2018/2019 FISHING YEAR



Spiny Dogfish Plan Review Team

Kirby Rootes-Murdy, Atlantic States Marine Fisheries Commission, Chair
Dr. Gregory Skomal, Massachusetts Division of Marine Fisheries
Tina Moore, North Carolina Department of Environmental Quality
Peter Burns, NOAA Greater Atlantic Regional Fisheries Office
Tara Scott, NOAA Fisheries Headquarters

Developed August 2019

Executive Summary

The Mid-Atlantic (MAFMC) and New England Fishery Management Councils (NEFMC) have managed spiny dogfish within the U.S. EEZ since 1999. The Atlantic States Marine Fisheries Commission (ASMFC) implemented a complementary Fishery Management Plan for state waters in 2002.

Spiny dogfish was declared rebuilt in 2008 when female SSB exceeded the target level for the first time since implementation of the Interstate FMP. Spiny dogfish are not overfished and overfishing is not occurring (NEFSC 2018). Female SSB was estimated to be 106,753 metric tons (253.84 million pounds) in 2018. In 2017, F on exploitable females was estimated to be 0.202 and has remained below the target level since 2005.

In 2018, total spiny dogfish harvest (commercial and recreational harvest) along the Atlantic coast was estimated at 16.92 million pounds (7,677 metric tons). U.S. commercial landings were estimated at 16.74 million pounds (7,597 metric tons). Atlantic coast landings from Canada were estimated at 45 metric ton (99,208 pounds). Landings from distant water fleets were estimated at 0 pounds. U.S. recreational harvest was estimated at 35 metric tons (77,168 pounds).

The commercial quota for the 2018/2019 season was 38.19 million pounds, and commercial landings for the 2018/2019 season were estimated at 16.74 million pounds. No regions or states exceeded their quota during the 2018/2019 season.

In 2018, all states have implemented management programs consistent with the Interstate FMP and Addendum I-V for Spiny Dogfish. New York and Delaware requested *de minimis* status for the 2019/2020 fishing season.

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I. Status of the Fishery Management Plan

<u>Date of FMP Approval:</u>	November 2002
<u>Amendments</u>	None
<u>Addenda</u>	Addendum I (November 2005) Addendum II (October 2008) Addendum III (April 2011) Addendum IV (August 2012) Addendum V (October 2014)
<u>Management Unit:</u>	Entire coastwide distribution of the resource from the estuaries eastward to the inshore boundary of the EEZ
<u>States with Declared Interest:</u>	Maine – North Carolina
<u>Active Boards/Committees:</u>	Spiny Dogfish Management Board, Advisory Panel, Technical Committee, and Plan Review Team

In 1998, NMFS declared spiny dogfish overfished and initiated the development of a joint fishery management plan (FMP) between the Mid-Atlantic (MAFMC) and New England Fishery Management Councils (NEFMC) in 1999. NMFS approved the Federal Fishery Management Plan (FMP) in September 1999, but implementation did not begin until May 2000 at the start of the 2000/2001 fishing year.

In August 2000, the Atlantic States Marine Fisheries Commission (Commission) took emergency action to close state waters to the commercial harvest, landing, and possession of spiny dogfish when Federal waters closed in response to the quota being fully harvested. With the emergency action in place, the Commission had time to develop an interstate FMP, which prevented the undermining of the Federal FMP and further overharvest of the coastwide spiny dogfish population. Needing additional time to complete the interstate FMP, the Commission extended the emergency action twice through January 2003. During that time, the majority of spiny dogfish landings were from state waters because states had either no possession limits or less conservative possession limits than those of the Federal FMP.

The Commission approved the Interstate FMP for Spiny Dogfish in November 2002 (first implemented for the 2003-2004 fishing year). In general, the Interstate FMP (“FMP”) for spiny dogfish complements the Federal FMP. The goal of the FMP is “to promote stock rebuilding and management of the spiny dogfish fishery in a manner that is biologically, economically, socially, and ecologically sound.” In support of this goal, the FMP established the following objectives:

1. Reduce fishing mortality and rebuild the spawning stock biomass to prevent recruitment failure and support a more sustainable fishery.
2. Coordinate management activities between state, Federal, and Canadian waters to ensure complementary regulations throughout the species range.
3. Minimize the regulatory discards and bycatch of spiny dogfish within state waters.
4. Allocate the available resource in a biologically sustainable manner that is equitable to all the fishers.
5. Obtain biological and fishery related data from state waters to improve the spiny dogfish stock assessment that currently depends upon data from the Federal bottom trawl survey.

The original Interstate and Federal FMPs established an annual quota that was allocated via fixed percentages between two seasonal periods: 57.9% to Period I (May 1st to October 31st) and 42.1% to Period II (November 1st to April 30th). When the quota allocated to a period is exceeded, the amount over the allocation is deducted from the same period in the subsequent fishing year. The periods could have separate possession limits that were specified on an annual basis. The FMPs also allowed for a five percent rollover of the annual coastwide quota once the stock is rebuilt, and allows each state to harvest up to 1,000 spiny dogfish for biomedical supply or scientific research.

In November 2005, the Spiny Dogfish and Coastal Sharks Management Board (Board) approved Addendum I to the Interstate FMP for Spiny Dogfish. Addendum I provides the Board with the flexibility to establish spiny dogfish specifications (quota and possession limits) for up to five years. The MAFMC and the NEFMC took similar action under Framework 1 (providing flexibility to adopt specifications for up to five years without the requirement of annual review and approval by NOAA Fisheries), which became effective February 2006.

In October 2008, the Board approved Addendum II, which established regional quotas in place of the FMPs semi-annual period allocation¹. Under the addendum, 58% of the annual quota was allocated to the states of Maine to Connecticut (Northern region), 26% was allocated to the states of New York to Virginia (Southern region), and the remaining 16% was allocated to North Carolina. The Board allocated a specific percentage to North Carolina because spiny dogfish are not available to their fishermen until late into the fishing season when most of the quota has already been harvested. The addendum also implemented accountability measures whereby any overage of a regional or state quota would be deducted from the corresponding region/state in the subsequent fishing year.

In March 2011, the Board approved Addendum III, which was implemented prior to the 2011/2012 fishing year. The addendum divided the combined Southern region and the North Carolina quotas from Addendum II (i.e., 42% of the annual coastwide quota) into state-specific shares (Table 2) for those states of New York – North Carolina. Also, the addendum permits

¹ The seasonal allocation scheme was eliminated from the Federal FMP in August, 2014.

those states to implement possession limits that best suits their needs, and allows for quota transfer (states in the Northern region continue to implement the Federal possession limit as well as continue to share 58% of the coastwide quota and thus do not have individual quotas necessary for transfers). Lastly, the addendum allows for rollovers of up to five percent of that state or regions final allocation. The Board has continued to implement the allocation percentages described in Addendum III, and may revisit those allocations at any time through the adaptive management process (e.g., an addendum).

In August 2012, the Board approved Addendum IV. This Addendum addressed the differences in the definitions of overfishing between the NEFMC, MAFMC, and the ASMFMC. The Board adopted the fishing mortality (F) threshold to be consistent with the Federal plan. Overfishing is defined as an F rate that exceeds the $F_{threshold}$. The $F_{threshold}$ is defined as F_{MSY} (or a reasonable proxy thereof) and based upon the best available science. The maximum fishing mortality threshold (F_{MSY}) or a reasonable proxy may be defined as a function of (but not limited to): total stock biomass, spawning stock biomass (SSB), or total pup production, and may include males, females, both, or combinations and ratios thereof, which provide the best measure of productive capacity for spiny dogfish. Currently $F_{MSY} = 0.2439$ which is that level of F that allows for the production of 1.5 female pups per female that will recruit to the spawning stock biomass.

In October 2014, the Board² approved Addendum V. The addendum mandates that all spiny dogfish must be landed with fins-naturally-attached to the corresponding carcass (i.e., the removal of any fin of spiny dogfish at-sea in state waters is prohibited). The addendum modified the FMP to maintain consistency with the Shark Conservation Act of 2010, which prohibits the removal of all shark fins (except smooth dogfish) at-sea.

In May 2019, the ISFMP Policy Board directed the Board to initiate an addendum to allow for quota transfers between the northern region and southern states (NY-NC). In August, the Board approved Draft Addendum VI for public comment. The draft addendum proposes allowing commercial quota to be transferred between all regions and states to enable the full utilization of the coastwide commercial quota and avoid quota payback for unintended quota overages. The Board will consider final action on the addendum in October.

II. Status of the Stocks

Stock size estimates (e.g., female SSB) for spiny dogfish rely heavily on fishery-independent data collected during the NEFSC spring bottom trawl survey. Due to mechanical problems, the 2014 survey was unable to sample strata in the mid-Atlantic region. As a result, the 2015 assessment update for spiny dogfish was unable to produce reliable estimates of stock size for

² In May 2014, the Spiny Dogfish and Coastal Shark Management Board became two independent management boards. Accordingly, from this date forward, the "Board" only refers to the Spiny Dogfish Management Board. Also in 2014, the Board and Commission approved South Carolina's, Georgia's and Florida's request to be removed from the requirements of the FMP due to minimal reported catches of spiny dogfish and with the understanding that their interest in the FMP may be reconsidered if catch and/or landings increase.

2014, as well as stock size projections utilized for annual specifications. Accordingly, at the direction of the MAFMC and the Science and Statistical Committee (SSC), the NEFSC examined alternative methods to smooth out the effects of the missing 2014 survey data on projected estimates of SSB, F, and other stock status indicators (NEFSC 2015b). A Kalman filter approach was ultimately chosen as the best method to smooth out the effects of the missing data, and to project SSB forward. In 2016, while all core survey strata were completed, the survey was delayed and the effects of the delay in survey timing on the abundance indices are unknown (NEFSC 2017). In 2017 and 2018, the survey was completed on time and all core strata were surveyed.

Based on results of the 2018 stock assessment update, and in comparison to the biological reference points below, spiny dogfish are not overfished and overfishing is not occurring (NEFSC 2018). The MAFMC’s SSC recommended not applying the kalman filter to the three year moving average of 2016-2018 given the survey data were available and gap filling was not needed. Spiny dogfish was declared rebuilt in 2008 when female SSB exceeded the target level for the first time since implementation of the Interstate FMP. Female SSB has remained above the threshold level and was estimated to be 106,753 metric tons (253.84 million pounds) in 2018 (Table 1 and Figure 1). In 2017, F on exploitable females was estimated to be 0.202 and has remained below the target level since 2005 (Table 1 and Figure 2).

	Female Spawning Stock Biomass (SSB)	Fishing Mortality (F)
Target	$B_{msy} Proxy = SSB_{max}$ (the biomass that results in the maximum projected recruitment) = 106,753 metric tons	There is no F target defined for management use at this time
Threshold	$\frac{1}{2}$ of $SSB_{max} = 79,644$ metric tons	$F_{msy} Proxy = 0.244$

The next benchmark stock assessment for spiny dogfish is tentatively scheduled for spring 2022. In the interim, in order to inform fishery specifications, the NEFSC will conduct annual data updates to summarize the most recent information on the status of spiny dogfish. The 2018 assessment update utilizes catch and landings data from 1982-2017, and NEFSC spring survey data from 1968-2017 (as noted, the survey was incomplete in 2014 and the 2016 survey was delayed). From 2009-2015, female SSB estimates based on area swept by NEFSC bottom trawl during spring surveys were above the target-level (NEFSC 2017). The 2016 estimate increased, while the 2017 estimate decreased; in 2018 the estimate decreased further from 2017. It is important to note that these estimates from the assessment update are not based on outputs of the stochastic assessment model and cannot be directly compared to the SSB targets and thresholds.

III. Status of the Fishery

In the U.S., majority of spiny dogfish commercial fisheries operate in state waters targeting aggregations of large females. As a result, an estimated 83% of the commercial landings (2018)

are comprised of females, which is consistent with the long-term pattern (NEFSC 2019).

In 2018, total landings along the Atlantic coast were estimated at 16.92 million pounds (7,677 metric tons) which is a 14% decrease relative to 2017 and below average for the time series (Table 2). In 2018, U.S. commercial landings were estimated at 16.74 million pounds (7,597 metric tons). Atlantic coast landings from Canada were significant from the early 1990s to the mid-late 2000s (hovering around 4.5 million pounds or 2,000 metric tons). In 2018, landings from Canada were estimated at 99,208 pounds (45 metric tons), which is more in line with the short term trend (Table 2). In 2018, landings from distant water fleets were estimated at 0 pounds. Recreational harvest is estimated via the Marine Recreational Information Program (MRIP). NOAA Fisheries has implemented improvements to the MRIP survey methodology for estimating recreational catch. A multi-year transition of the methods was completed in 2018, requiring the catch estimates for 1981–2017 to be calibrated for comparison to all subsequent years' estimates. In 2018, recreational harvest (A + B1) of spiny dogfish on the Atlantic coast was estimated at 21,468 fish or an estimated 77,162 pounds³ (54 metric tons) which is a 73% reduction relative to 2017 (Table 2). Landings estimates for the U.S. commercial and recreational sectors, Canada, and distant water fleets are detailed in Table 2.

In 2018, total dead discards from the U.S. commercial and recreational sectors were estimated at 6.95 million pounds (3,154 metric tons), which is a 17% decrease relative to 2017 (Table 3). Recreational releases (B2, or fish caught by recreational anglers and released back to the water) were estimated at 8.2 million pounds (3,726 metric tons). Applying a 20% post-release mortality rate (NEFSC 2019), 2018 recreational dead discards were estimated at 1,642,883 pounds (745 metric tons), which is a 4% increase relative to 2017 levels (1,572,335 pounds). Commercial dead discards for U.S. fisheries are estimated by multiplying total discards by gear-specific mortality rates (NEFSC 2018). In 2018, U.S. commercial dead discards were estimated at 5.31 million pounds (2,409 metric tons), with the largest proportion attributed to otter trawls (82%).

IV. Status of Management Measures and Issues

Specifications

The spiny dogfish commercial fishery runs from May 1-April 30. The coastwide quota for the 2018/2019 season was set at 38.19 million pounds. For the northern region, the maximum possession limit was set at 6,000 pounds. Possession limits for states of New York-North Carolina vary by state and are detailed in Table 6.

Quotas

Per Addendum III, 58% of the annual quota is allocated to the northern region (states from Maine-Connecticut), and the remaining 42% is allocated to the states of New York-North Carolina via fixed percentages. Table 4 details 2018/2019 commercial quotas by region and state. Addendum III also specifies that 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

³ Assuming the average weight of landed and discarded spiny dogfish is 5.12 pounds or 2.5 kilograms.

corresponding region or state in the subsequent fishing season. All regions and states harvested within their quota the previous fishing year, therefore no deductions were applied to 2018/2019 quotas. While transfers are allowed under Addendum III, they have been uncommon in recent years. For fishing year 2018 Virginia received a commercial quota transfer of two million pounds that prevented a potential overage of their state quota. Additionally, Addendum IV allows states and regions to roll over 5% of its allocation from the previous fishing year when the stock is above the biomass target; given the stock projection in 2017 indicates that the stock was below the biomass target, no quota was eligible for rollover (Table 4). According to the NOAA Quota Monitoring Data, commercial landings from the 2018/2019 fishing year were estimated at 16.74 million pounds (7,597 metric tons), which is approximately 43% of the coastwide quota and a 1.2% decrease relative to the previous season (Table 4). Massachusetts (31%), Virginia (19%), and New Jersey (5%) accounted for the majority of commercial landings by weight (Table 4).

From 2000-2011, the U.S. spiny dogfish commercial fishery, for the most part, had fully utilized its quota (MAFMC 2017a). However, in recent years (2012-present), the commercial fishery has significantly underutilized its quota. The MAFMC Advisory Panel (2019) noted that markets are critical for stimulating fishing activity and that the low level of harvest relative to the quota in recent years is primarily due to low price per pound and effort, not biomass. Vessels generally have no problem catching their limits. Being such a low value fishery (hovering around \$0.20/pound in most recent 10-years; MAFMC 2018), even a small increase in price could stimulate fishing activity. Participation in the fishery has been further discouraged due to general public sentiment regarding sharks and shark fins which has created regulatory issues (e.g., foreign and domestic import and shipping bans) and other barriers to the market (e.g., the species common name dissuades many consumers).

V. Status of Research and Monitoring

Under the Interstate FMP for Spiny Dogfish, the states are not required to conduct any fishery dependent or independent studies. The Interstate FMP requires an annual review of recruitment, spawning stock biomass, and fishing mortality, which relies heavily on the NEFSC's spring trawl survey data. However, states are encouraged to submit any spiny dogfish information collected while surveying for other species. Table 5 details state implemented fishery-independent monitoring information relative to spiny dogfish compiled from annual state compliance reports. Please see individual reports for more information.

Exempted Fishing Permits (scientific/education permits)

States may issue exempted fishing permits for the purpose of biomedical supply, educational, or other scientific purposes. In 2018, North Carolina issued 46 exempted fishing permits for scientific collection not specific to spiny dogfish. Of these permits, three reported interactions with spiny dogfish and all were released.

VI. Annual State Compliance

The following lists the specific compliance criteria that a state or jurisdiction must implement in order to be in compliance with the Interstate FMP for Spiny Dogfish (*Section 5.1*):

1. States are required to close state waters to the commercial landing, harvest and possession of spiny dogfish for the duration of the seasonal period when the commercial quota is projected to be harvested in their state or region.
2. States are required to report landings weekly to NOAA Fisheries
3. Dealer permits issued pursuant to state regulations must submit weekly reports showing at least the quantity of spiny dogfish purchased (in pounds), the name, and permit number of the individuals from whom the spiny dogfish were purchased.
4. States in the northern region are required to implement possession limits as determined through the annual specification process.
5. States may issue exempted fishing permits for the purpose of biomedical supply not to exceed 1,000 spiny dogfish per year.
6. State regulations must prohibit “finning” as described in Addendum V.

Additionally, each state must submit a compliance report detailing its spiny dogfish fisheries and management program for the previous fishing year. Compliance reports are due annually on July 1st (Table 6) and must include at a minimum:

1. the previous fishing year’s fishery and management program including activity and results of monitoring, regulations that were in effect and harvest, including estimates of non-harvest losses;
2. the planned management program for the current fishing year summarizing regulations that will be in effect and monitoring programs that will be performed, highlighting any changes from the previous year; and
3. the number of spiny dogfish exempted fishing permits issued in the previous fishing year, the actual amount (in numbers of fish and pounds) collected under each exempted fishing permit, as well as any other pertinent information (i.e. sex, when and how the spiny dogfish were collected). The report should also indicate the number of exempted fishing permits issued for the current fishing year.

Under the Spiny Dogfish FMP, a state may request *de minimis* status if its commercial landings of spiny dogfish are less than 1% of the coastwide commercial total. If granted, the state is exempt from the monitoring requirements of the commercial spiny dogfish fishery for the following fishing year. However, all states, including those granted *de minimis* status, must continue to report any spiny dogfish commercial or recreational landings within their jurisdiction via annual state compliance reports. New York and Delaware have requested *de minimis* status for the 2019/2020 fishing season (Table 6).

VII. Plan Review Team Recommendations

Based on annual state compliance reports, the PRT determined that all states have implemented regulations that meet the requirements of the Interstate FMP for Spiny Dogfish and Addenda I-V. Also, New York and Delaware meet the requirements for *de minimis* status in the 2019/2020 fishing year.

Members of the PRT noted that states have improved in providing compliance reports that are standardized and uniform in format and should continue doing so moving forward. Additionally, the PRT indicated the need to continue monitoring the resource based on the results of the 2018 assessment update that indicated a recent declining trend in female SSB. The PRT expressed support for keeping spiny dogfish on the current assessment schedule (currently scheduled for benchmark stock assessment to be completed in 2022).

VIII. Research Recommendations

The following research priorities pertaining to spiny dogfish were identified in Special Report No. 89 (2013):

Fishery-Dependent Priorities

High

- Determine area, season, and gear specific discard mortality estimates coastwide in the recreational, commercial, and non-directed (bycatch) fisheries.
- Characterize and quantify bycatch of spiny dogfish in other fisheries.
- Increase the biological sampling of dogfish in the commercial fishery and on research trawl surveys.
- Further analyses of the commercial fishery is also warranted, especially with respect to the effects of gear types, mesh sizes, and market acceptability on the mean size of landed spiny dogfish.

Fishery-Independent Priorities

- Conduct experimental work on NEFSC trawl survey gear performance, with focus on video work to study the fish herding properties of the gear for species like dogfish and other demersal groundfish.
- Investigate the distribution of spiny dogfish beyond the depth range of current NEFSC trawl surveys, possibly using experimental research or supplemental surveys.
- Continue to analyze the effects of environmental conditions on survey catch rates.

Modeling / Quantitative Priorities

- Continue work on the change-in-ratio estimators for mortality rates and suggest several options for analyses.
- Examine observer data to calculate a weighted average discard mortality rate based on an assumption that the rate increased with catch size.

Life History, Biological, and Habitat Priorities

- Conduct a coastwide tagging study to explore stock structure, migration, and mixing rates.
- Standardize age determination along the entire East Coast. Conduct an ageing workshop for spiny dogfish, encouraging participation by NEFSC, NCDMF, Canada DFO, other interested agencies, academia, and other international investigators with an interest in dogfish ageing.
- Identify how spiny dogfish abundance and movement affect other organisms.

Management, Law Enforcement, and Socioeconomic Priorities

- Monitor the changes to the foreign export markets for spiny dogfish, and evaluate the potential to recover lost markets or expand existing ones.
- Update on a regular basis the characterization of fishing communities involved in the spiny dogfish fishery, including the processing and harvesting sectors, based upon Hall-Arber et al. (2001) and McCay and Cieri (2000).
- Characterize the value and demand for spiny dogfish in the biomedical industry on a state by state basis.
- Characterize the spiny dogfish processing sector

IX. References

Mid-Atlantic Fisheries Management Council (MAFMC). 2018. Spiny Dogfish Advisory Panel Information Document. Prepared by Jason Didden, Council Staff. 6 pages.

Mid-Atlantic Fisheries Management Council (MAFMC). 2018. Spiny Dogfish Advisory Panel Fishery Performance Report. 4 pages.

Northeast Fisheries Science Center (NEFSC). 2018. Update on the Status of Spiny Dogfish in 2018 and Projected Harvests at the Fmsy Proxy and Pstar of 40%. Report to the Mid Atlantic Fishery Management Council (MAFMC) Scientific and Statistical Committee (SSC) August 31, 2018. 82 pages.

Special Report No. 89 of the Atlantic States Marine Fisheries Commission. 2013. Research priorities and recommendations to support interjurisdictional fisheries management.

X. Tables

Table 1: Spiny dogfish female spawning stock biomass (SSB) in millions of pounds and fishing mortality (F) point estimates, 1991-2017. A Kalman Filter was applied to the 2015 point-estimate. Point-estimates from 1991-2014 via the Kalman filter were not available at the time of this report. Although the absolute values will change after the Kalman filter is applied, the time series trend is similar. Source: NEFSC 2018.

Year	Female SSB	F
1991	516	0.082
1992	594	0.177
1993	485	0.327
1994	410	0.465
1995	294	0.418
1996	266	0.355
1997	252	0.234
1998	202	0.306
1999	114	0.289
2000	116	0.152
2001	136	0.109
2002	143	0.165
2003	129	0.168
2004	118	0.474
2005	105	0.128
2006	234	0.088
2007	312	0.090
2008	429	0.110
2009	360	0.113
2010	362	0.093
2011	373	0.114
2012	476	0.149
2013	466	NA
2014	NA	0.214
2015	371	0.126
2016	257	0.211
2017	235	0.202

Table 2: Landings estimates (pounds) of spiny dogfish off the Atlantic coast by commercial fisheries of the United States, Canada, and foreign fleets, and U.S. recreational harvest, 1986-2018. All values in pounds. Source: NEFSC 2019 and MRIP.

Year	Canada	Distant Water Fleets	U.S. Commercial	U.S. Recreational	Total Landings
1986	44,092	811,300	6,057,436	520,290	7,433,119
1987	619,498	306,442	5,959,859	707,683	7,593,483
1988	2,205	1,426,389	6,845,658	767,208	9,041,460
1989	368,172	564,383	9,903,197	485,016	11,320,768
1990	2,885,848	866,416	32,475,331	473,993	36,701,588
1991	676,818	515,881	29,049,484	529,109	30,771,292
1992	1,913,610	147,710	37,165,286	381,399	39,608,005
1993	3,163,630	59,525	45,509,707	412,264	49,145,126
1994	4,012,408	4,409	41,441,357	321,875	45,780,049
1995	2,107,617	30,865	49,775,493	196,211	52,110,185
1996	950,191	520,290	59,823,640	59,525	61,353,646
1997	983,261	471,789	40,457,417	242,508	42,154,974
1998	2,325,874	1,338,204	45,476,080	79,366	49,219,525
1999	4,609,860	1,221,359	32,748,858	182,983	38,763,062
2000	6,042,863	886,257	20,407,500	8,818	27,345,439
2001	8,421,648	1,492,528	5,056,497	55,116	15,025,789
2002	7,901,358	1,044,990	4,847,674	789,254	14,583,275
2003	2,870,415	1,417,571	2,579,437	119,049	6,986,472
2004	5,207,312	727,525	2,164,011	787,049	8,885,898
2005	5,004,487	727,525	2,528,114	92,594	8,352,720
2006	5,377,068	22,046	4,957,360	163,142	10,519,616
2007	5,255,814	68,343	7,723,004	284,396	13,331,558
2008	3,466,368	288,805	9,057,020	520,290	13,331,778
2009	249,122	180,779	11,854,242	224,871	12,509,014
2010	13,228	279,987	11,993,133	26,455	12,312,803
2011	273,373	315,261	20,899,798	127,868	21,616,299
2012	143,300	302,033	23,501,249	99,208	24,045,790
2013		134,482	16,120,181	147,710	16,402,373
2014	119,049	68,343	23,481,408	238,099	23,906,899
2015	2,205	50,706	19,098,623	97,003	19,248,537
2016	81,571	52,911	26,669,288	310,851	27,114,621
2017	119,049	0	19,257,356	286,601	19,663,006
2018	99,208		16,747,942	77,162	16,924,312

Table 3: Total dead discards estimates (pounds) from the U.S. Atlantic coast spiny dogfish fishery by sector, 1981-2018. Commercial dead discards estimated via applying gear-specific mortality rates to discard estimates. Source: MRIP and NEFSC 2019.

Year	Commercial	Recreational (20% B2)	Total Dead Discards
1981	43,625,021	141,978	43,766,998
1982	50,245,935	177,692	50,423,628
1983	49,177,576	324,079	49,501,656
1984	46,931,730	1,096,137	48,027,867
1985	39,768,479	184,306	39,952,785
1986	38,222,379	622,144	38,844,523
1987	35,239,087	411,823	35,650,910
1988	35,307,210	601,420	35,908,630
1989	34,724,970	875,675	35,600,645
1990	41,754,621	830,701	42,585,322
1991	28,668,217	1,146,402	29,814,619
1992	41,401,992	577,170	41,979,161
1993	25,898,443	858,479	26,756,922
1994	18,435,804	654,331	19,090,135
1995	23,812,762	392,863	24,205,625
1996	13,136,779	205,030	13,341,809
1997	9,255,656	537,045	9,792,702
1998	7,305,008	460,325	7,765,333
1999	9,865,123	399,477	10,264,600
2000	6,128,182	370,376	6,498,558
2001	10,236,492	1,271,184	11,507,675
2002	10,392,799	1,099,664	11,492,464
2003	7,998,031	1,746,500	9,744,531
2004	12,011,321	2,982,410	14,993,731
2005	10,775,411	2,186,542	12,961,953
2006	10,847,557	2,574,996	13,422,553
2007	12,456,478	2,660,094	15,116,572
2008	9,843,805	2,442,719	12,286,524
2009	11,735,909	3,180,385	14,916,294
2010	8,146,291	2,134,513	10,280,804
2011	9,533,163	2,615,120	12,148,283
2012	10,081,275	1,903,028	11,984,303
2013	9,875,386	5,295,056	15,170,442
2014	10,657,861	7,724,988	18,382,849
2015	6,783,726	1,886,273	8,669,999
2016	7,122,686	4,001,826	11,124,513
2017	6,756,168	1,572,335	8,328,503
2018	5,310,158	1,642,883	6,953,041

Table 4: Commercial quotas and landings estimates in pounds for May 1, 2018 - April 30, 2019 by region and state. There was no adjust to quotas due to the biomass estimate was below the target. Due to confidentiality, NY-NC landings estimates have been redacted. Source: NOAA Quota Monitoring Page, week ending April 27, 2019.

State	Fixed Percent Allocation	Preliminary Quota	Adjusted Quota	Estimated Landings
Northern Region	58.00%	22,153,577	22,153,577	8,471,682
NY	2.71%	1,033,961	1,033,961	
NJ	7.64%	2,919,689	2,919,689	
DE	0.90%	342,235	342,235	
MD	5.92%	2,261,193	2,261,193	
VA	10.80%	6,123,239	6,123,239	
NC	14.04%	3,361,166	3,361,166	
Total	100%	38,195,822	38,195,822	16,747,942
% of quota harvested				43.8%
% diff. relative to previous fishing year (2017/2018 landings = 16,541,575 lbs.)				-1.2%

Table 5: State implemented fishery-independent monitoring programs that encounter spiny dogfish. Source: annual state compliance reports, 2018. Note: this list is not comprehensive.

Fishery-Independent Monitoring Programs That Encounter Spiny Dogfish	Number of Spiny Dogfish Encountered	Comments
ME-NH Inshore Trawl survey	27 (spring), 395 (fall)	decrease in both seasons from 2017
RI DFW, Monthly and seasonal trawl survey	13	decrease from 55 in 2017
CT Long Island Sound Trawl Survey	5	Spring; down from 2017
NJ Ocean Stock Assessment (trawl) Survey	1,891 lbs	significant decrease from 2017
DE Bay Bottom Trawl (30- and 16-foot)	51 (30-ft)	down from 2017, majority caught in November
NC DMF Gill Net Survey	20	increase from 2017

Table 6: State-by-state compliance with the Interstate Fishery Management Plan for Spiny Dogfish, 2018/2019 reporting period. Source: annual state compliance reports, 2018. ‘C’ is compliant; ‘NC’ is noncompliant.

State	Report Submitted (Due July 1)	De Minimis Request	Biomedical Permit Harvest	Finning Prohibition	Possession limit (pounds per trip)
Maine	C	No	No	C	5,000
New Hampshire	C	No	No	C	6,000
Massachusetts	C	No	No	C	6,000
Rhode Island	C	No	No	C	6,000
Connecticut	C	No	No	C	6,000
New York	C	Yes	No	C	5,000
New Jersey	C	No	No	C	6,000
Delaware	C	Yes	No	C	10,000 [#]
Maryland	C	No	No	C	up to 10,000*
Virginia	C	No	No	C	6,000
North Carolina	C	No	Yes	C	20,000

Maximum trip limit increased to 6,000 lbs following notification of the Federal trip limit increase. Specific implementation dates vary by state.

[#] It is unlawful for DE commercial fishermen to possess spiny dogfish taken from federal waters in excess of the federal possession limit

* MD – possession limits range from 1,000 lbs to 10,000 lbs depending on permit category

XI. Figures

Figure 1: Spiny dogfish spawning stock biomass, 1991 – 2018. Point-estimate for 2015 was derived via application of a Kalman filter. NEFSC 2018.

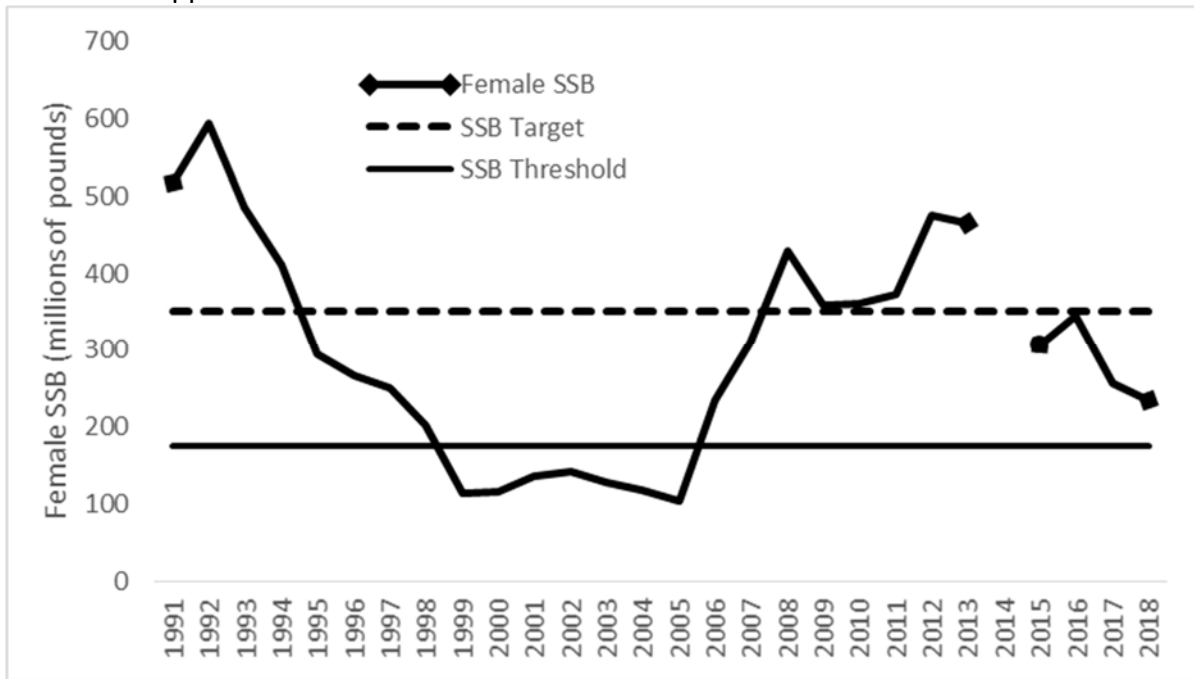


Figure 2: Fishing mortality rates in the spiny dogfish fishery, 1991 – 2017. Source: NEFSC 2018.

