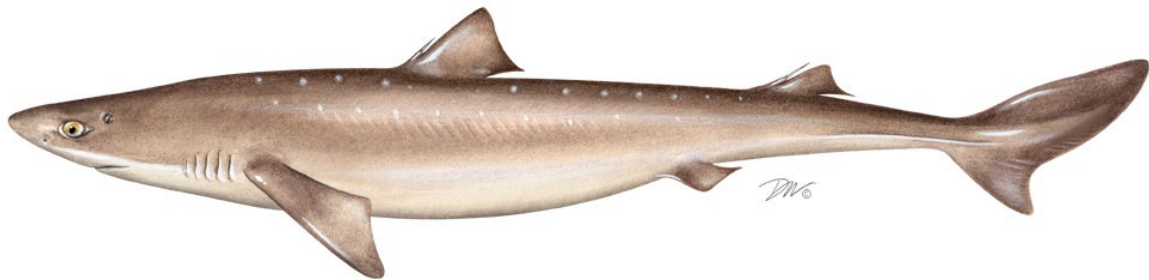


# ***Atlantic States Marine Fisheries Commission***

## **ADDENDUM VII & TECHNICAL ADDENDUM 1 TO THE SPINY DOGFISH INTERSTATE FISHERY MANAGEMENT PLAN**

### ***Commercial Management: Atlantic Sturgeon Bycatch***



**Approved February 2025  
Revised by Technical Addendum I  
May 2025**



*Sustainable and Cooperative Management of Atlantic Coastal Fisheries*

## 1. INTRODUCTION

The Atlantic States Marine Fisheries Commission (ASMFC) is responsible for managing spiny dogfish (*Squalus acanthias*) 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), with the MAFMC taking the lead for federal management. 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 August 2024 meeting, ASMFC’s Spiny Dogfish Management Board approved the following motion:

*Move to initiate an addendum to maintain consistency between the Spiny Dogfish FMP and the recommended alternatives of Spiny Dogfish Framework Adjustment 6.*

As a result, this addendum establishes equivalent overnight soak restrictions to those enacted in Spiny Dogfish Framework Adjustment 6 for harvesters that possess state spiny dogfish permits but do not possess a federal spiny dogfish permit.

## 2. OVERVIEW

### 2.1 Statement of the Problem

In August 2024, NOAA Fisheries published a proposed rule (*Federal Register* notice [89 FR 65576; August 12, 2024](#)) to approve and implement Spiny Dogfish Framework Adjustment 6, as recommended by the MAFMC and NEFMC. Once approved, the rule implemented area-based gear requirements in the spiny dogfish gillnet fishery to reduce bycatch of Atlantic sturgeon for harvesters that possess a federal spiny dogfish permit. However, harvesters that do not possess a federal spiny dogfish permit and only fish in states waters would not be captured by the action. Because the specific areas included for additional management span state and federal waters, this addendum implements corresponding measures for state-only permit holders to maintain consistency between the federal and interstate FMPs.

### 2.2 Background

#### 2.2.1 Spiny Dogfish Framework Adjustment 6

The coastwide Atlantic sturgeon population is made up of five distinct population segments, all of which are listed as threatened or endangered under the Endangered Species Act (ESA). Section 9 of the ESA prohibits the take, including incidental, of endangered species, which is

defined as “to harass, harm, pursue, hunt, shoot, capture, or collect, or to attempt to engage in any such conduct.” However, exceptions may be granted to incidental take through an Incidental Take Statement (ITS) or an incidental take permit. An ITS provides the maximum permissible level of incidental take, reasonable and prudent measures to reduce takes, and other terms and conditions, all of which are required to maintain compliance with the ESA.

In response to a Biological Opinion from May 2021 that found potential adverse effects on Atlantic sturgeon through the authorization of several FMPs, including spiny dogfish, NOAA Fisheries developed an Action Plan with recommendations to reduce Atlantic sturgeon bycatch in federal large-mesh gillnet fisheries by 2024. The Councils used the Action Plan recommendations to develop Spiny Dogfish Framework Adjustment 6, which recommended prohibiting overnight gillnet soaks within certain spatial and temporal hotspots of sturgeon bycatch. The [Final Rule](#) approving the Framework Adjustment was published on December 18<sup>th</sup>, 2024, with the measures scheduled to be implemented on May 1, 2025.

The hotspots were determined through observer bycatch data from 2017-2019 and 2021-2022, excluding 2020 due to low observer coverage. Three areas were identified to have the greatest incidence of interactions: one off of the coast of New Jersey (Figure 1) and two off the coasts of Delaware, Maryland and Virginia (Figure 2).

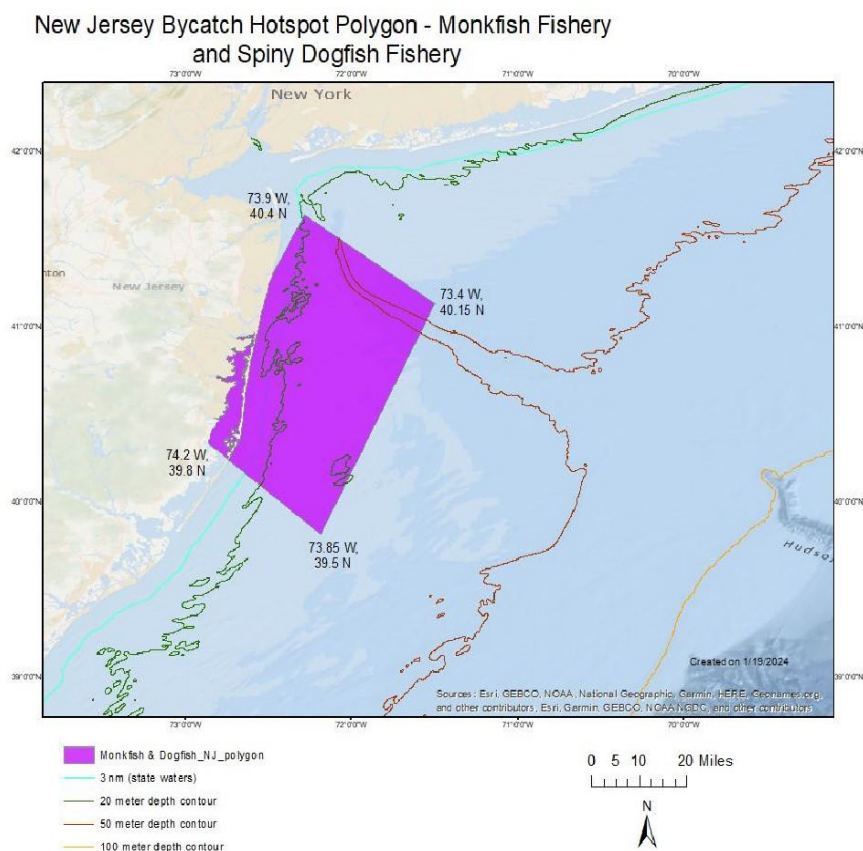


Figure 1. New Jersey Atlantic Sturgeon Bycatch Reduction Area from Spiny Dogfish Framework Adjustment 6.

Delaware, Maryland, Virginia Bycatch Hotspot Polygons -  
Spiny Dogfish Fishery Only

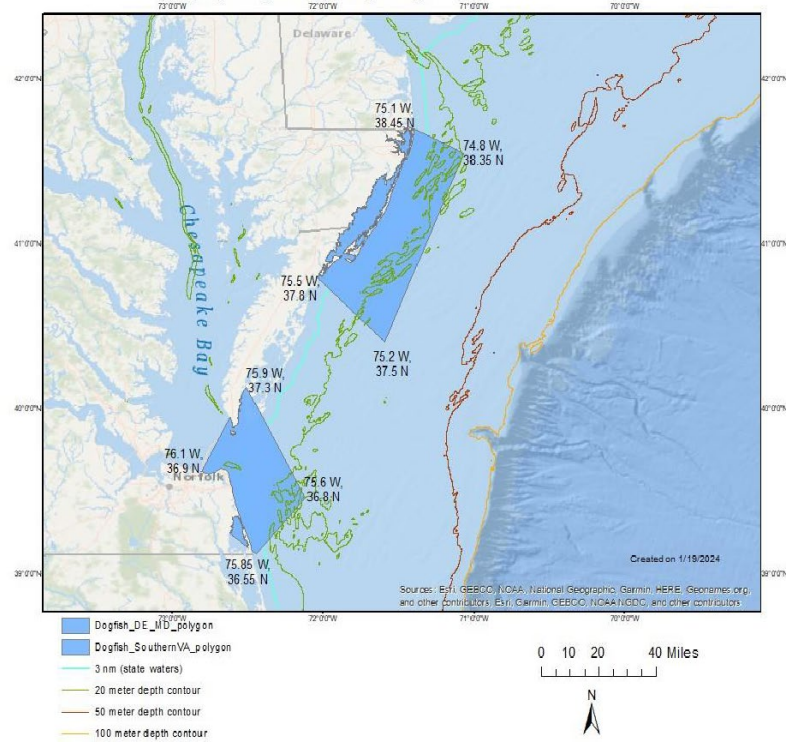


Figure 2. Delaware, Maryland, and Virginia Atlantic Sturgeon Bycatch Reduction Areas from Spiny Dogfish Framework Adjustment 6.

The New Jersey, Delaware and Maryland, and Virginia Atlantic Sturgeon Bycatch Reduction Areas are delineated as all waters bounded by straight lines connecting the following coordinates in the order stated:

New Jersey Atlantic Sturgeon Bycatch Reduction Area	40°24'N, 73°54' W
	40°9'N, 73°24' W
	39°30'N, 73°51' W
	39°48'N, 74°12' W
	40°24'N, 73°54' W
Delaware and Maryland Atlantic Sturgeon Bycatch Reduction Area	38°27'N, 75°06' W
	38°21'N, 74°48' W
	37°30'N, 75°12' W
	37°48'N, 75°30' W
	38°27'N, 75°06' W
Virginia Atlantic Sturgeon Bycatch Reduction Area	37°18'N, 75°54' W
	36°48'N, 75°36' W
	36°33'N, 75°51' W
	36°54'N, 76°6' W
	37°18'N, 75°54' W

Note that the Delaware and Maryland Atlantic Sturgeon Bycatch Reduction Area does not overlap with Delaware state waters.

#### *New Jersey Atlantic Sturgeon Bycatch Reduction Area*

From May 1 through May 31 and November 1 through November 30 of each year, vessels issued a Federal spiny dogfish permit must remove gillnet gear with a mesh size equal to or greater than 5 inches (12.7 cm) and less than 10 inches (25.4 cm) from within the New Jersey Atlantic Sturgeon Bycatch Reduction Area from 8 p.m. eastern time each day through 5 a.m. eastern time the following day.

#### *Delaware, Maryland, and Virginia Atlantic Sturgeon Bycatch Reduction Areas*

From November 1 through March 31 of each year, vessels issued a Federal spiny dogfish permit must remove roundfish gillnets with a mesh size equal to or greater than 5.25 inches (13.3 cm) and less than 10 inches (25.4 cm) from the water within the Delaware and Maryland Atlantic Sturgeon Bycatch Reduction Area and the Virginia Atlantic Sturgeon Bycatch Reduction Area from 8 p.m. eastern time each day through 5 a.m. eastern time in the following day.

#### 2.2.2 State Permitting Approaches for Spiny Dogfish

Unlike federal management, states each use different permitting structures and some do not issue species-specific permits for spiny dogfish. Table 1 provides a summary of the permitting structures for New Jersey, Maryland, and Virginia. While New Jersey does not issue permits for spiny dogfish, due to New Jersey's permitting rules, any person or vessel selling spiny dogfish in the state must have a federal permit and follow the regulations in the bycatch reduction area, including state waters of the area.<sup>1</sup>

Table 1. Summary of permitting structure for affected states.

<b>State</b>	<b>Permits that May Land Spiny Dogfish</b>	<b>Number of Permittees that use Gillnets</b>	<b>Other Gillnet Species in Permit</b>
<b>NJ</b>	Gillnet	585	Shark, Large Skate, Smooth Dogfish, Bluefish
<b>MD</b>	Finfish (1,000 lb trip limit)	Unknown	Bluefish
	Striped Bass (2,500 lb trip limit)	52	Striped Bass
	Spiny Dogfish (10,000 lb trip limit)	25	N/A
<b>VA</b>	Spiny Dogfish	75	N/A

<sup>1</sup> "A person or vessel shall not possess for sale any spiny dogfish nor shall a person sell or attempt to sell spiny dogfish without a valid annual vessel permit for spiny dogfish issued by the National Marine Fisheries Service" (N.J.A.C. 7:25-18.12(g)1.).

### **3. MANAGEMENT PROGRAM**

#### **Prohibit Overnight Soaks for Specified Times and Areas for State Spiny Dogfish Permits**

##### *Delaware, Maryland, and Virginia Atlantic Sturgeon Bycatch Reduction Areas*

Harvesters that possess a Maryland Spiny Dogfish Permit or Virginia Spiny Dogfish Permit using roundfish gillnets (i.e., not tie-down gillnets) with a mesh size equal to or greater than 5.25 inches (13.3 cm) and less than 10 inches (25.4 cm) are required to remove nets from the water by 8:00 p.m. ET each day until 5:00 a.m. ET the following day from November 1 through March 31 each year within the state waters portion of the Delaware and Maryland and the Virginia Atlantic Sturgeon Bycatch Reduction Areas.

### **4. COMPLIANCE SCHEDULE**

Addendum VII is effective as of May 1, 2025.

### **5. LITERATURE CITED**

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

Fisheries of the Northeastern United States; Framework Adjustment 15 to the Monkfish Fishery Management Plan; Framework Adjustment 6 to the Spiny Dogfish Fishery Management Plan, 89 FR 65576 (August 12, 2024).

Mid-Atlantic Fishery Management Council (MAFMC) and New England Fishery Management Council (NEFMC). 2024. Joint Framework Action to Reduce Sturgeon Bycatch in Monkfish and Spiny Dogfish Fisheries. 209 pp.

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.