

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

Richard B. Robins, Jr.
Chairman

Lee G. Anderson
Vice Chairman

800 North State Street, Suite 201
Dover, Delaware 19901-3910
Tel: 302-674-2331
Toll Free: 877-446-2362
FAX: 302-674-5399
www.mafmc.org

Christopher M. Moore, Ph.D.
Executive Director

MEMORANDUM

DATE: April 13, 2011
TO: Joint Spiny Dogfish Committee
FROM: Jim Armstrong
SUBJECT: Action Alternatives for Amendment 3

Provided below are potential action alternatives and brief commentary for consideration under the issues in Amendment 3 with comments provided through staff and FMAT discussion.

1. Research Set Aside (RSA).

Alternatives:

- no action
- allow RSA up to 3% of commercial quota

The spiny dogfish FMP was not in place when the RSA program was developed. Other Mid-Atlantic Council FMPs include a provision that allows up to 3% of the TAL to be set aside for research purposes. The addition of an RSA provision to the FMP would not obligate set-asides of or up to that amount, but would grant the Councils the option of specifying set asides up to that amount. In terms of the number of alternatives, it appears that two (no action, allow RSA up to 3%) would be adequate since the "up to" part satisfies the concept of an adequate "range".

2. Allocation of the commercial quota. (*See attachments*)

Alternatives:

- no action,
- same regional allocation scheme as ASMFC
- specification of coastwide quota with no spatial/temporal allocation

There are a few scenarios that could result in conflict between the Commission and federal plans, including "no action". These scenarios essentially consist of differences in the plans allowing potential closure in one jurisdiction while the other is open.

3. EFH.

Alternatives

- No action (essentially not acceptable b/c 5 year review is overdue)
- Updated definitions

Geographic extent of EFH for juveniles and adults will be defined by survey data mapped at several different "densities" (average numbers caught per tow in indiv ten minute squares of latitude and longitude, or as frequency of occurrence)... Impact analysis will be tied to description of gear impacts of spiny dogfish fishery and impacts of other fisheries on spiny dogfish EFH. Intend to follow approach taken in SMB Amendment 11 which is. NEFSC Trawl Survey, NEAMAP, state survey will provide data.

4. Rollover of management measures in subsequent fishing year.

Alternatives

- no action
- allow

Impact analysis not really discussed – essentially an administrative action with negative administrative impacts associated with the no action alternative.

5. Limited access. (*See attachment*)

Alternatives:

- no action
- many possible action alternatives

The FMAT needs the Committee and AP to more comprehensively characterize the purpose and need for a limited access dogfish fishery before alternatives can be developed. For example, how is the purpose/need affected by the fact that a large amount of the fishery occurs in state waters and their regulations have historically diverged from ours? It should be noted to the Committee that the FMAT was informed that the Committee's original intent was not to have an open access permit but, that in light of increased discards in non-permitted vessels, there could still be consideration of an open access permit. For the AP, we wanted feedback from processors on what level of quota works for them, if there is an interest in processing a larger amount of males, is there interest in trawl-caught dogfish?

It is important to give industry notice of how qualifications may be considered but we do not necessarily need to use a control date. The existing control date (May 1, 1998) should to be updated regardless (updating the control date will be helpful to eliminate any confusion that may arise due to the current control date set before the FMP was implemented). The number of active permits over time should be examined. There are important stanzas in the management history of spiny dogfish. It will be necessary to anticipate a potential interaction with the Commission's plan.

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MEMORANDUM

DATE: April 13, 2011
TO: Joint Spiny Dogfish Committee
FROM: Jim Armstrong
SUBJECT: Considerations in Identifying Action Alternatives for Spiny Dogfish Quota Allocation

Below is a brief discussion (prepared by NERO staff members of the Amendment 3 FMAT) regarding potential impacts and issues that should be considered in developing action alternatives for the allocation of the commercial spiny dogfish quota.

Spiny Dogfish Quota Allocation Scenarios – Amendment 3

*Note: As of their Winter-Spring 2011 meeting, the ASMFC has adopted Addendum III which established state specific quota allocations for NY – NC and maintained regional allocation for ME – CT. The potential exists for state-specific quota allocation to be further developed by the ASMFC. (See attachments)

Alternative 1: No Action

Federal: Period 1 and 2 allocation

ASMFC: Regional allocation and/or state-specific allocation

Considerations:

1. When the allocations in state and Federal waters are the same (i.e. 12 M lb in 2009), the two Federal period closures do not occur around the same time as the three possible regional closures, which has led to much confusion among permit holders in various states regarding whether or not they are able to land spiny dogfish.
2. When the allocations in state and Federal waters are different (i.e., FY 2008: 8 M lb in state waters and 4 M lb in Federal waters) and:
 - a. ASMFC quota is higher: Vessels with Federal permits drop their open access Federal permits to fish in state waters. If a limited access program is implemented, vessels that qualify for a limited access permit will not be able to drop their permits to fish in state waters once the Federal fishery closes in a given fishing year (i.e., the permit would be permanently relinquished).

- b. Federal quota higher: If a region or state announces a closure, Federal permit holders may land spiny dogfish in other states that remain open if they can obtain a permit for that state, should the states' regulations allow.

Alternative 2: Coast-wide allocation of Federal quota

Federal: Coast-wide allocation

ASMFC: Regional allocation and/or state-specific allocation

Considerations

1. State and federal quota are the same: States will close each region/state as the quota is filled, and the Federal fishery will close when the total coast-wide quota is filled.
2. When the allocations in state and Federal waters are different and:
 - a. ASMFC quota higher: This could cause the Northern states to utilize the entire Federal quota before the spiny dogfish move south in the winter and southern states fully harvest their fisheries. This would cause vessels in southern states to relinquish their Federal permits and fish only in state waters if the Federal permit remains open access. If a limited access program is implemented, vessels that qualify and are issued limited access permits would not be permitted to land spiny dogfish for the remainder of the FY unless they permanently relinquished their Federal permit.
 - b. Federal quota higher: If a region or state announces a closure, Federal permit holders may land spiny dogfish in other states that remain open if they have a permit for that state, should the states' regulations allow.

Alternative 3: Adopt the allocation scheme of ASMFC

Federal: Regional or state-specific allocation

ASMFC: Regional and/or state-specific allocation

Considerations:

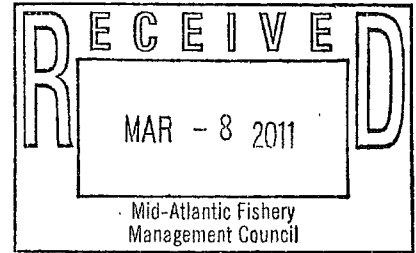
1. State and federal quota are the same: Ideally, closures would occur at the same time if the allocation schemes were the same in Federal and state waters. Currently, because the ASMFC applies overages/paybacks to regions (and assuming this continues under a state-specific allocation), the ultimate allocations of a given region/state are slightly different between state and Federal waters, even under the same total commercial quota. This difference will be minimized if accountability measures are implemented under the MAFMC's Omnibus Amendment which apply overages from one FY to the following FY.
2. When the allocations in state and Federal waters are different and:
 - a. ASMFC quota higher: Vessels with both state and Federal permits drop their open access Federal permits to fish in state waters. If a limited access program is implemented, vessels that qualify for a limited access permit will not be able to drop their permits to fish in state waters once the Federal fishery closes in a given fishing year (i.e., the permit would be permanently relinquished).
 - b. Federal quota higher: If a region or state announces a closure, Federal permit holders may land spiny dogfish in other states that remain open if

they can obtain a permit for that state, should the states' regulations allow.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
55 Great Republic Drive
Gloucester, MA 01930-2276

MAR - 4 2011



Chris Vonderweidt
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N
Arlington, VA 22201

Attn: Comments on Spiny Dogfish Addendum III

Dear Chris:

My staff has reviewed the Atlantic States Marine Fisheries Commission's Draft Addendum III to the Interstate Fisheries Management Plan (IFMP) for Spiny Dogfish (Draft Addendum III). Draft Addendum III proposes to allocate state-specific annual quotas to states from New York through North Carolina, as well as allow for quota transfers, payback of overages, and state-specified possession limits. This action also includes a process for a 3-year re-evaluation of the proposed measures.

The Commission's Draft Addendum III provides several alternatives to establish state specific allocations for the commercial spiny dogfish fishery in the southern region (Issue 1). As you are aware, in Federal waters spiny dogfish are managed by both the Mid-Atlantic and New England Fishery Management Councils (Councils) and, under the Council plan, the annual quota is divided into two Seasonal allocation periods: Period I (May 1 – Oct. 31) receives 58% of the annual quota; and Period II (Nov. 1 – April 30) is allocated 42% of the annual quota. The Councils are currently developing Amendment 3 to the Spiny Dogfish Fishery Management Plan (Amendment 3), which is attempting to address allocation inconsistencies by considering alternative allocation systems in Federal waters. Commission action at this time to establish state specific allocations could lead to further inconsistencies between spiny dogfish management in state and Federal waters. Instead, I urge the Commission to work with both Councils on the development of Amendment 3 to resolve the inconsistent approaches to quota allocations in state and Federal waters, and to not adopt state specific allocations at this time.

The Commission's Spiny Dogfish IFMP includes a provision that the implementation of a quota underage could be considered by the Commission once the spawning stock has rebuilt. Although NOAA's National Marine Fisheries Service (NMFS) has declared the spiny dogfish stock rebuilt at this time, other information should be considered with respect to determining the current condition of the spiny dogfish stock. Although an increase in the population is expected over the next few years, the low pup production from 1997 through 2003 is expected to result in a decline in spawning stock biomass (SSB) when these fish recruit into the SSB (approximately 2017). Another potentially



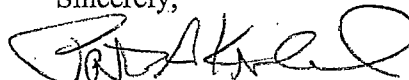
important factor is that the current survival rate for pups may be less than historic levels due to reduced maternal size and a skewed male-to-female sex ratio. I urge the Commission to keep these aspects of the stock in mind as it makes its final decision in adopting this action and to keep in mind that previous and future inconsistencies in the state and Federal FMPs are likely to have prolonged the timeframe for stock recovery, are confusing for fishermen, and create administrative burden.

Although the cap for the proposed rollover provisions in Draft Addendum III identified in Issue 3 is limited to 5 percent of the annual coastwide quota, including such a measure in the Spiny Dogfish IFMP could have implications for the fishery in Federal waters, as there is no quota underage rollover provision in the Federal FMP. The Mid-Atlantic Fishery Management Council has adopted an Omnibus Amendment that, if approved, would set annual catch limits (ACLs) and accountability measures (AMs) for a number of federally managed species, including spiny dogfish. An overage of the Federal ACL due to rolled-over quota allocations in state waters could possibly trigger the proposed AM outlined in the Council's Omnibus Amendment. This would require quota deductions in Federal waters to account for these overages. In turn, this would result in inconsistencies in the quotas set in both state and Federal waters.

Allowing individual states to set various possession limits as identified in Issue 5, without a maximum cap put in place by the Commission, could also lead to inconsistencies between spiny dogfish management in state and Federal waters. Both the Commission and the Councils have adopted the same possession limit (i.e., 3,000 lb/trip) in the last few fishing years, and states have had the ability to set possession limits up to this amount. Allowing for states to set possession limits above the current maximum cap set by the Commission and the Councils could result in further confusion among vessel owners with both state and Federal permits about what they are able to land, and reduces the enforceability of the trip limit. I recommend that the Commission continue to set a maximum possession limit cap and allow states to set a limit up to that amount. The Commission and the Councils should continue to work together to set consistent possession limits through the specifications setting process.

I appreciate both the Commission's continued work on the management of spiny dogfish in state waters and your consideration of the points outlined above in your decision-making process regarding whether or not to adopt this addendum.

Sincerely,



Patricia A. Kurkul
Regional Administrator

cc: Dr. Christopher Moore, MAFMC Executive Director



Atlantic States Marine Fisheries Commission

NEWS RELEASE

Working towards healthy, self-sustaining populations of all Atlantic coast fish species, or successful restoration well in progress by the year 2015

FOR IMMEDIATE RELEASE
March 23, 2011

PRESS CONTACT: Tina Berger
(703) 842-0740

ASMFC Spiny Dogfish & Coastal Sharks Board Approves Addendum III *State-Specific Spiny Dogfish Shares Established for Southern Region*

Arlington, VA – The Commission’s Spiny Dogfish and Coastal Sharks Management Board (Board) approved Addendum III to the Interstate Fishery Management Plan for Spiny Dogfish (Addendum III). The Addendum divides the southern region annual quota of 42% into state-specific shares (see table below). It also allows for quota transfer between states, rollovers of up to five percent and state-specified possession limits, and includes a three-year reevaluation of the measures. The Addendum’s provisions apply only to states in the southern region (New York through North Carolina) and do not modify the northern region allocation. The states of Maine to Connecticut will continue to share 58% of the annual quota as specified in Addendum II.

Southern Region State Shares. Quota allocation differs slightly from specific options presented in the draft addendum and are based on needs of states in the southern region with a consideration of historic landings.

	NY	NJ	DE	MD	VA	NC
Percent of Annual Coastwide Quota	2.707%	7.644%	0.896%	5.920%	10.795%	14.036%
Allocation for 2011/2012 Fishing Season (in pounds) Based on 20 Million Pound Coastwide Quota	541,400	1,528,800	179,200	1,184,000	2,159,000	2,807,200

Addendum III was initiated to give the southern states greater control of their spiny dogfish fisheries through state-specific quotas and to achieve consistent allocation for all states in the southern region. The southern region’s previous allocation was established in Addendum II, which set a regional allocation with 26% of the annual quota to New York through Virginia and 16% to North Carolina. States were interested in lowering daily possession limits when demand and value are low and increasing them when demand and value are greatest—but the southern region allocation did not allow them (with the exception of North Carolina) to do so without having less access to the regional quota.

Copies of Addendum III will be available on the Commission’s website at www.asmfc.org under Breaking News by the end of March. For more information, please contact Chris Vonderweidt, FMP Coordinator, at cvonderweidt@asmfc.org or (703) 842-0740.

PR11-14

The Atlantic States Marine Fisheries Commission was formed by the 15 Atlantic coastal states in 1942 for the promotion and protection of coastal fishery resources. The Commission serves as a deliberative body of the Atlantic coastal states, coordinating the conservation and management of nearshore fishery resources, including marine, shell and anadromous species.

1050 N. Highland St. – Suite 200A-N – Arlington, V.A. 22201
(703) 842-0740 (phone) (703) 842-0741 (fax) www.asmfc.org

Draft Addendum for Public Comment.

Atlantic States Marine Fisheries Commission

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



ASMFC Vision Statement:

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

January 28, 2011

Draft Addendum for Public Comment.

Draft Addendum for Public Comment.

Public Comment Process and Proposed Timeline

In November 2010, the Spiny Dogfish & Coastal Sharks Management Board (Board) approved a motion to initiate the development of an addendum to the Interstate Fishery Management Plan (FMP) for Spiny Dogfish to consider state-by-state quota allocation for states from New York through North Carolina.

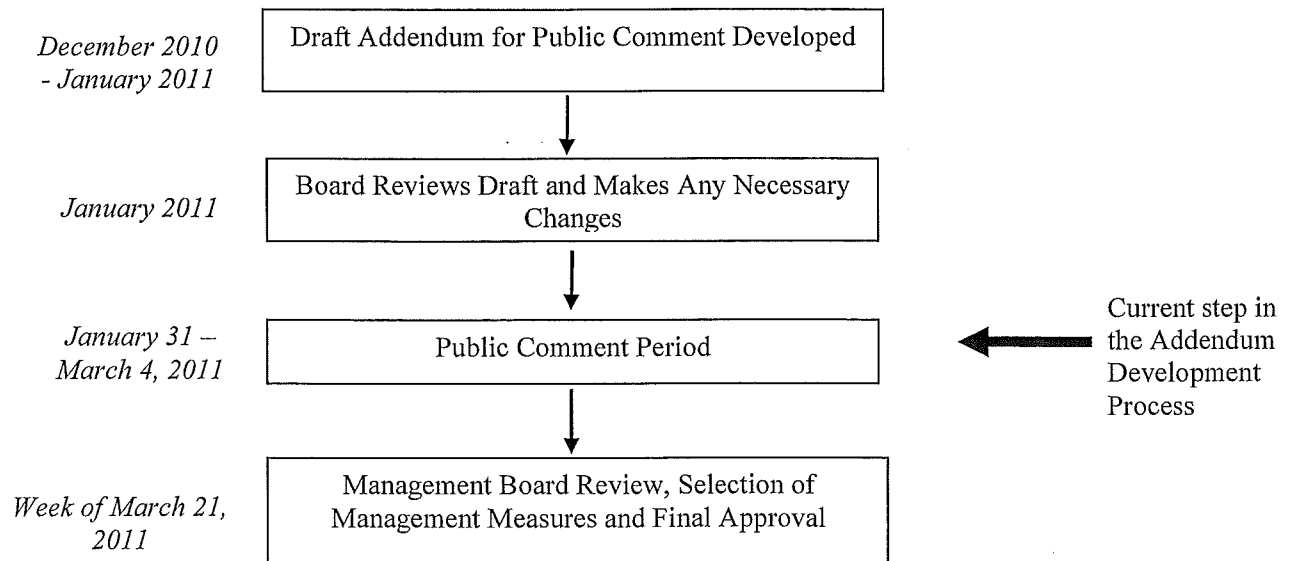
This draft addendum presents background on the Atlantic States Marine Fisheries Commission's (ASMFC) management of Spiny Dogfish, the addendum process and timeline, and a statement of the problem. This document also provides options of spiny dogfish management for public consideration and comment.

The public is encouraged to submit comments regarding this document during the public comment period. Comments will be accepted until **5:00 pm (EST) on March 4, 2011**. The Board will be considering final action on this addendum during the week of March 21, 2011 at the ASMFC Winter Meeting.

Comments may be submitted by mail, email, or fax. If you have any questions or would like to submit comment, please use the contact information below.

Mail: Chris Vonderweidt
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N
Arlington VA. 22201

Email: cvonderweidt@asmfc.org
(Subject: Addendum III)
Phone: (703) 842-0740
Fax: (703) 842-0741



Draft Addendum for Public Comment.

1.0 Introduction

At its November 2010 meeting, the Spiny Dogfish & Coastal Shark Management Board (Board) approved a motion to initiate the development of Addendum III to the Interstate Fishery Management Plan for Spiny Dogfish. The motion specified options to allocate 42% of the annual quota to states from New York through North Carolina; allow for quota transfer, payback of overages, allow for state specified possession limits; and include a three year reevaluation of the measures.

The Final Draft for Public Comment was approved by the Board via fax poll in January 2011.

2.0 Management Program

2.1 *Statement of the Problem*

The current management system provides limited flexibility for the states to modify their spiny dogfish regulations to maximize benefit to their fishermen. Most states set a daily 3,000 pound possession limit for the entire fishing season and as a result, landings since 2007 reflect the fish availability rather than market demand or price. Some states have expressed interest in lowering daily possession limits when demand and value are low and increasing them when demand and value are higher. Under the current system, if a state (with the exception of North Carolina) voluntarily lowers its trip limit, that state's fishermen will be disadvantaged through reduced access to the regional quota. If a state voluntarily lowers its possession limit, other states will continue to fish at the daily 3,000 pound possession limit and harvest the regional quota. All states within a region would need to set the same daily possession limit to effectively control landings through possession limits. Individual state quotas could allow a state to set possession limits at lower levels without its fishermen losing out on part of the quota.

Additionally, some fishermen in the southern region have commented that the allocation is not consistent across all of the southern region states. This document includes options that would alter North Carolina's current allocation to establish a common allocation approach from New York through North Carolina.

The ASMFC uses state shares to allocate the commercial quota for summer flounder, bluefish, black sea bass, scup, and striped bass.

2.2 *Background*

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

Draft Addenda II & III (2008) for Public Comment were developed to preserve the historic regional allocation of quota as the previous seasonal allocation proved ineffective when possession limits were increased to 3,000 pounds and fishermen began targeting spiny dogfish. The more-northern states were able to harvest the majority of the quota and the fishery closed before dogfish migrated to some of the southernmost states. The Board agreed that regional allocation was most appropriate and also allocated 16% to North Carolina because of its geographic disadvantage under a May 1 – April 30 fishing season.

Draft Addendum for Public Comment.

Fishermen in North Carolina do not have the same opportunity to land spiny dogfish because the dogfish are not available to them until November/December when most of the quota has already been landed.

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

2.3 Landings

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

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

2002 – 2006: Northeast Fisheries Science Center Landings¹

Landings from the Science Center database for 2002 – 2006 include recent landing updates discovered due to the implementation of groundfish sectors² and these updates are not included in other data sources. As such, Science Center landings are considered to be more accurate for these years.

2007 – 2009: Atlantic Coastal Cooperative Statistics Program (ACCSP) data warehouse landings
ACCSP landings from 2007 onward are considered to be the most accurate data source because the ACCSP found and fixed inaccuracies during a spring 2010 audit. As such, the ACCSP landings are considered to be the most accurate for 2007 onward.

¹ The TC recommended using ACCSP data warehouse for North Carolina for 2002 – 2009 because the landings have been audited by NC DMF and the sector updates only apply to states in the north east.

² Several groundfish captains turned in previously unreported dogfish landings when applying for sectors and the Science Center update their database to reflect the new landings.

Draft Addendum for Public Comment.

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

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

³ North Carolina landings from ACCSP Data Warehouse from 2002 - 2009

Draft Addendum for Public Comment.

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

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

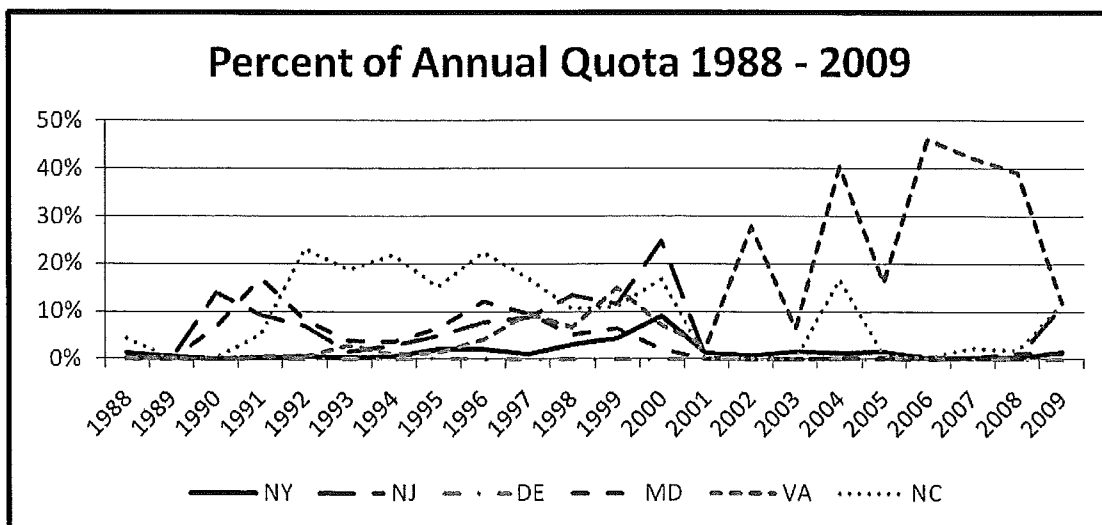


Figure 1. Percent landings New York – North Carolina 1988 – 2009.

Draft Addendum for Public Comment.

3.0 Management Options

ISSUE 1: State Shares

The following options apply to states from New York through North Carolina. States from Maine – Connecticut will continue to share their regional quota (58% of the annual quota) under all of the following options. Historical landings are defined as 1988 – 2002 and current landings are defined as 2003 – 2009. Percentages were calculated by taking the sum of a states landings for the time period divided by the sum of total landings for that time period (as opposed to taking the average of annual percentages). North Carolina retains their current 16% allocation under option A, B, C, and D. All states in a region split 25% of the regional allocation (26% or 42%) equally under options B, C, D, F, G, and H. The 25% equal allocation is intended to increase the quota for states without a significant landings history.

There are three important issues to consider while evaluating potential scenarios for establishing state specific allocations for the commercial spiny dogfish fishery in the southern region (New York - Virginia).

1. Historical participation in the spiny dogfish fishery was influenced in some states by management actions taken by NMFS/ASMFC.
2. Sporadic, spotty, and in the case of Delaware, a non-existent harvest history makes it difficult to determine an allocation scenario based on history only for all states.
3. Recent participation (last 5 years) in this fishery must not be overlooked as some states have been able to work within the management constraints to develop and expand their operations.

These options were developed to acknowledge historical landings while respecting the development of recent fisheries and provide some avenue for expansion to states that have had very limited participation in the commercial spiny dogfish fishery.

Option A. Status Quo. States from NY – VA will receive 26% and NC will receive 16% of the annual quota.

Option B. NC is allocated 16% of the annual quota; 6.5%⁴ of annual quota is allocated equally to NY – VA (1.3% each); and 19.5%⁵ of the annual quota is allocated with a fixed percentage of landings weighted 50% historic and 50% current.

Option C. NC is allocated 16% of the annual quota; 6.5%⁴ of annual quota is allocated equally to NY – VA (1.3% each); and 19.5%⁵ of the annual quota is allocated with a fixed percentage of landings weighted 75% historic and 25% current.

Option D. NC is allocated 16% of the annual quota; 6.5%⁴ of annual quota is allocated equally to NY – VA (1.3% each); and 19.5%⁵ of the annual quota is allocated with a fixed percentage of landings weighted 60% historic and 40% current.

⁴ 25% of the 26% NY - VA regional quota = 6.5%

⁵ 26% of the annual quota minus 6.5% allocated to all states in the region = 19.5%

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Option E. States NY – NC are allocated a fixed percent of 42% of the annual quota based on landings 1994 – 2000.

Option F. 10.5%⁶ of the annual quota is allocated equally to NY – NC (1.75% each); and 31.5%⁷ of the annual quota is allocated with a fixed percentage of landings weighted 50% historic and 50% current.

Option G. 10.5%⁶ of the annual quota is allocated equally to NY – NC (1.75% each); and 31.5%⁷ of the annual quota is allocated with a fixed percentage of landings weighted 75% historic and 25% current.

Option H. 10.5%⁶ of the annual quota is allocated equally to NY – NC (1.75% each); and 31.5%⁷ of the annual quota is allocated with a fixed percentage of landings weighted 60% historic and 40% current.

Table 3. Summary of Options A – H. Historic years = 1988 – 2002. Current years = 2003 – 2009.

Option	Regional Allocation (% of Coastwide Quota)	25% Equally to All States in a Region	Weighting of Remaining 75%
A	16% NC, 26% NY - VA	No	Status Quo
B	16% NC, 26% NY - VA	Yes	50% Historic, 50% Current
C	16% NC, 26% NY - VA	Yes	75% Historic, 25% Current
D	16% NC, 26% NY - VA	Yes	60% Historic, 40% Current
E	42% NY - NC	No	1994 - 2000
F	42% NY - NC	Yes	50% Historic, 50% Current
G	42% NY - NC	Yes	75% Historic, 25% Current
H	42% NY - NC	Yes	60% Historic, 40% Current

Table 4. State shares under Option A – H.

	NY	NJ	DE	MD	VA	NC
Option A	26% Shared					16%
Option B	2.3%	5.9%	1.3%	4.7%	11.8%	16.0%
Option C	2.6%	7.3%	1.3%	6.2%	8.6%	16.0%
Option D	2.5%	6.4%	1.3%	5.3%	10.5%	16.0%
Option E	2.6%	9.4%	0.0%	7.1%	6.0%	16.8%
Option F	2.9%	6.6%	1.8%	5.1%	15.6%	10.1%
Option G	3.1%	7.7%	1.8%	6.5%	10.6%	12.3%
Option H	2.9%	7.0%	1.8%	5.7%	13.6%	11.0%

⁶ 25% of the 42% NY - NC regional quota = 10.5%

⁷ 42% of the annual quota minus 10.5% allocated to all states in the region = 31.5%

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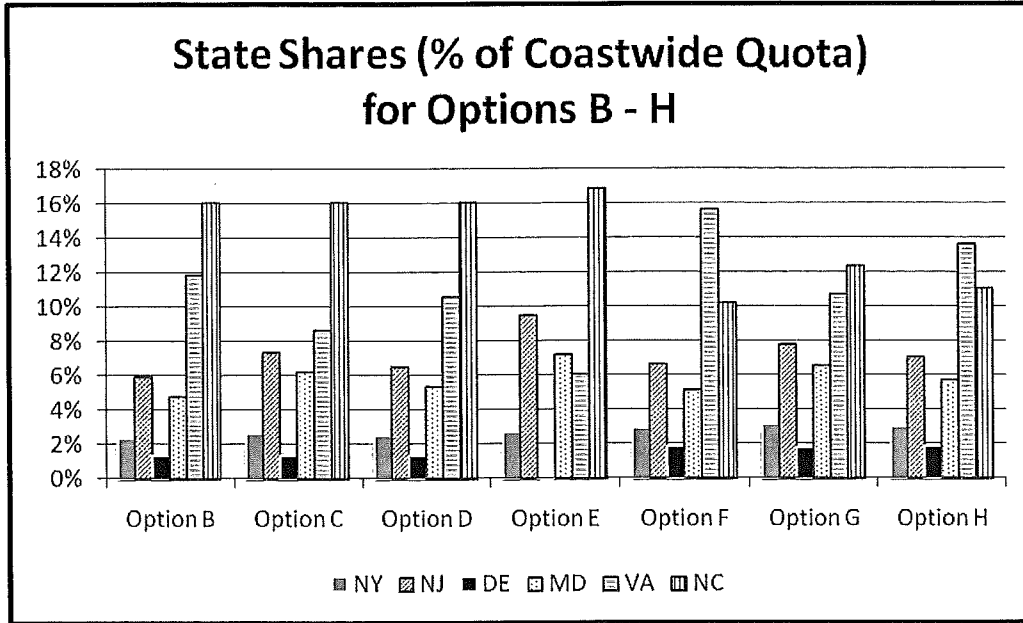


Figure 2. State shares under Options B – H.

Table 5. State quotas with a 20 million pound annual quota under Options A – H.

	NY	NJ	DE	MD	VA	NC
Option A	5,200,000					3,200,000
Option B	467,795	1,175,886	263,236	939,505	2,353,578	3,200,000
Option C	524,763	1,456,283	262,995	1,236,663	1,719,296	3,200,000
Option D	490,582	1,288,045	263,140	1,058,368	2,099,865	3,200,000
Option E	527,232	1,881,976	4,472	1,428,506	1,203,162	3,354,651
Option F	570,949	1,310,800	353,944	1,023,081	3,114,924	2,026,302
Option G	615,323	1,541,120	353,298	1,299,624	2,129,537	2,461,098
Option H	588,699	1,402,928	353,685	1,133,698	2,720,770	2,200,221

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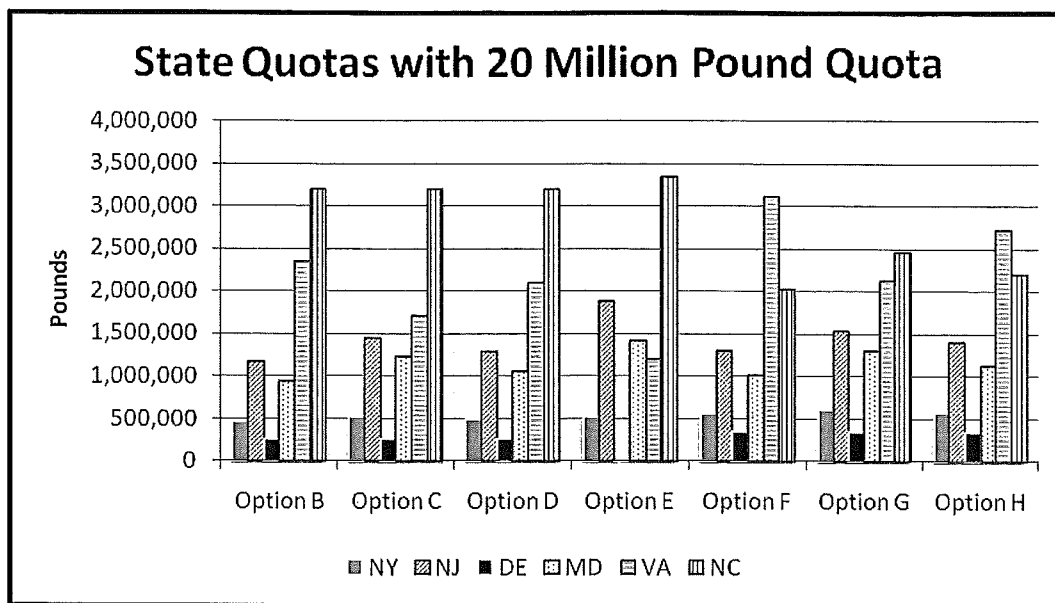


Figure 3. State quotas with a 20 million pound annual quota under Options B – H.

ISSUE 2. State Quota Transfer

The following options only apply to states from New York through North Carolina and only if the Board selects individual state quota options under *Issue 1 State Shares*.

Option A: No Transfer of Quotas

States may not transfer quota under this option.

Option B: Allow Transfer of Quotas

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

ISSUE 3: State Quota Rollover

The following options only apply to states from New York through North Carolina and only if the Board selects individual state quota options under *Issue 1 State Shares*.

The Spiny Dogfish FMP addresses rollovers based on a seasonal quota allocation as follows:

Quota Rollovers (4.1.2.3)

No portion of the annual coastwide quota may be rolled over until the stock has rebuilt to the target SSB. The Spiny Dogfish and Coastal Shark Management Board may consider implementing a rollover provision when the spawning stock has rebuilt to the target

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described in Section 2.6.1. When the mature female portion of the spawning stock has reached its target, quota rollovers shall be limited to 5% of the annual coastwide quota. By prohibiting rollovers during the rebuilding period, the plan preserves the intent to maintain the constant fishing mortality from year to year.

While the intent of the rollover provisions may be clear, specifics regarding state shares and rollover of quota are not specified. This section proposes measures to address rollovers under a state shares quota allocation system. Rollovers would result in an increase in the following year's annual quota.

The Board may select one or more of the following options.

Option A: Status Quo. State Quotas May Not Be Rolled Over

A state may not rollover any of its unused quota from one fishing year to the next.

Option B: Rollover of State Quota

A state may rollover any unused quota from its allocation under *Issue 1 State Shares* from one fishing year to the next. This option does not specify that *transferred* quota may be rolled over nor does it prohibit rollover of *transferred* quota.

Option C: Rollover of Transferred Quota

A state may rollover any unused transferred quota from one fishing year to the next. That is, if a state receives transferred quota, and does not harvest its final quota (that state's quota plus any quota transferred to that state) amount, the remaining amount will be added to the corresponding states quota the following year.

Option D: Transferred Quota May Not Be Rolled Over

A state may not rollover any unused transferred quota.

Option E: Maximum 5% Quota Rollover

The maximum total rollover may not exceed 5% of a states allocation for the fishing year in which the under harvest occurred.

ISSUE 4. Payback of Transferred Quota

The following options apply to states from New York through North Carolina and only if the Board selects individual state quota options under *Issue 1 State Shares*.

Addendum II specifies quota paybacks for regional or state quotas as follows.

Section 4.1.2.2 Payback of Quota Overages

When the quota in any region or North Carolina is projected to be reached, the commercial landing, harvest and possession of spiny dogfish will be prohibited in state waters of that region or North Carolina until the end of the current fishing season. When the quota allocated to a region or North Carolina is exceeded in a fishing season, the amount over

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the allocation will be deducted from the corresponding region or North Carolina in the subsequent fishing season.

While the language in Addendum II could be applied to state dogfish shares, it is silent regarding payback of transferred quota. This section proposes options to manage overharvest of transferred quota.

Option A. Payback of Transferred Quota Overages by Receiving State

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

Option B. Payback of Transferred Quota Overages by Transferring State

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

ISSUE 5: Possession Limits

The following options apply to states from New York through North Carolina and only if the Board selects individual state quota options under *Issue 1 State Shares*.

The process for setting possession limits is established by *Section 4.1.5 Possession Limits* of the Spiny Dogfish FMP. The FMP allows the Board to set a possession limit for each semi-annual fishing period (Period I: May 1 – October 30; Period II November 1 – April 30) for one year. Addendum I modified the FMP to allow the Board to set possession limits for up to 5 years. Addendum II modified the FMP to replace the semi-annual fishing periods with a regional quota allocation.

Option A. Status Quo. Board specified possession limits.

The Board will continue to set a maximum possession limit that states may not exceed.

Option B. State-Specified Possession Limits.

A state may set possession limits as best meets that state's individual needs.

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ISSUE 6. Three year re-evaluation of state shares.

The following options apply to states from New York through North Carolina and only if the Board selects individual state quota options under *Issue 1 State Shares*.

The Board directed the Plan Development Team to include a three year reevaluation of state share percentages in this Addendum to allow states the opportunity to reconsider the measures.

Option A. No three year reevaluation.

Option B. Three year reevaluation of state shares.

By default, the measures in this Addendum will expire after three years of implementation, unless the Board votes to extend them for a time certain or make them permanent. Under this option, the Board will review the performance of the fishery under this Addendum and can extend the provisions through Board action. If the Board wants to modify the provisions of this Addendum, a new addendum can be started at that time.

4.0 Compliance Schedule

States must implement Addendum III according to the following schedule to be in compliance with the Spiny Dogfish FMP:

XXXXXX: States submit proposals to meet regional quota allocation provision.

XXXXXX: Management Board reviews and takes action on state proposals.

XXXXXX: States implement regulations to meet regional quota allocation provision.

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Appendix A.

Atlantic States Marine Fisheries Commission

Spiny Dogfish Technical Committee

December 9, 2010

Conference Call Summary

Present: Jim Armstrong (MAFMC), Eric Schneider (RI DFW), Kathy Sosebee (NEFSC), Russ Babb (NJ DEP), Matt Cieri (ME DMR), Clark Gray (NC DMF), Geoff White (ACCSP), Chris Vonderweidt (ASMFC Staff).

The Spiny Dogfish Technical Committee (TC) convened via phone conference to review landing sources and recommend the most appropriate data source to use to calculate state shares for Draft Addendum III. Three potential data sources could be used:

- 1) NMFS unpublished weighout data and North Carolina Trip Ticket reports that were used to calculate the seasonal quotas in the 2003 FMP;
- 2) Atlantic Coastal Cooperative Statistics Program (ACCSP) Data Warehouse; and
- 3.) Northeast Fishery Science Center (NEFSC) data base which is used in the assessment.

The TC reviewed the three data sources and could not make any recommendation during this call. Members of the TC held additional calls on January 5 and 10 allowing them to review the data and make final recommendations. The discussion from this call follows.

NMFS unpublished weighout data/North Carolina Trip Ticket Reports:

ASMFC Staff gave an overview of the combination of weighout/trip ticket landings used in the original FMP. The ASMFC FMP established two seasonal periods that were calculated using these landings for 1990 – 1997. The seasonal allocation was based on regional landings but aimed to use the migration patterns of spiny dogfish to allocate quota.

Staff also referenced a 2002 TC report that was distributed to the TC prior to the call. The 2002 TC report indicated that prior to 1988, commercial landings for spiny and smooth dogfish were lumped into a single category. After 1988 the separation of spiny and smooth dogfish landings improved but an unclassified category persisted. NMFS analyzed the unclassified category of landings for the 1998 stock assessment and the analysis found that for most states, the unclassified category was 100% spiny dogfish. North Carolina analyzed state landings prior to 1995 to determine the number of smooth dogfish in the unclassified category. When the ratio was applied to the landings prior to 1995, NC dogfish landings decreased by 5%.

Clark agreed to review the North Carolina landings to see how they were originally calculated and if they have changed.

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ACCSP Data Warehouse:

Following the overview of the ACCSP landings, Geoff White gave an overview of the ACCSP landings Data warehouse. The ACCSP data warehouse is a collection of dealer reports that are checked for accuracy but do not correct for dogfish that are reported as unclassified. Specifics and changes to the database are as follows:

1981 – 2006: This data represents what NMFS collated and submitted at the end of the year.

2007+: The Atlantic Coastal Cooperative Statistics Program (ACCSP) began consolidating data for ME – VA and SC – GA, and these years include federal and state reported landings. The majority of these landings are reported through the SAFIS online reporting system. NC landings are entered when NC DMR sends them to ACCSP, usually at the end of the year.

Summer 2009+: 'Unclassified dogfish' category was removed.

NEFSC Database:

Kathy Sosebee of the NEFSC presented an overview of the data used in the assessment, which includes all spiny dogfish and 'unclassified' dogfish landings in the Science Center database. The unclassified dogfish category has been found to be 95 – 100% spiny dogfish and as such all unclassified dogfish have been considered spiny dogfish for purposes of the assessment. The historic landings include the CANVASS database and the assessment uses whichever source is higher for a given year. Landings in the most recent years are from dealer reports and should be identical to the ACCSP Data Warehouse.

Discussion

The TC discussed the landings sources following the ACCSP and Science Center landings overviews. Prior to the call, staff had provided a comparison of the Science Center and SAFIS landings with annual differences by state by year. Of particular concern are 2007 Virginia landings which were 258,000 pounds greater in the ACCSP Warehouse. Geoff volunteered to look into the landings to see if he could determine the reasons for the differences. Generically, some of the difference can probably be attributed to timing. The Science Center receives a copy of new data nightly, and changes happen when audits occur or when data is uploaded from SAFIS to the ACCSP Data Warehouse.

The TC agreed to meet on January 5, 2011 at 9:00 a.m. to review updated landings information and try to determine the most appropriate landings source to use for Draft Addendum III.

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Appendix B.

Atlantic States Marine Fisheries Commission

Spiny Dogfish Technical Committee

January 5 & 10, 2010

Conference Call Summary

Present on January 5 Call: Jim Armstrong (MAFMC), Eric Schneider (RI DFW), Kathy Sosebee (NEFSC), Jack Musick (VIMS), Russ Babb (NJ DEP), Matt Cieri (ME DMR), Carrie Kennedy (MD DNR), Clark Gray (NC DMF), matt gates (CT DEP), Geoff White (ACCSP), Chris Vonderweidt (ASMFC Staff).

Present on January 10 Call: Clark Gray (NC DMF), Jack Musick (VIMS), Eric Schneider (RI DFW), Greg Skomal (MA DMF), Russ Babb (NJ DEP), Geoff White (ACCSP), and Chris Vonderweidt (ASMFC Staff).

The Spiny Dogfish Technical Committee (TC) convened via phone conference on January 5 and January 10, 2011, as follow up to the December 9, 2010 conference call. The TC held these calls to recommend the most accurate landings sources to use when calculating state shares in Draft Addendum III. The TC agreed on landings sources for landings classified as “spiny dogfish” during its January 5 call and agreed how to handle “unclassified dogfish” during the January 10 call. The following are consensus recommendations of the TC.

Landing Sources:

The TC recommends using landings from the 2003 FMP (unpublished NMFS weighout and NC Trip Ticket) for the years 1981 – 2001, Science Center landings for 2002 – 2006, and Atlantic Coastal Cooperative Statistics Program (ACCSP) landings for 2007 onward.

Landings included in the 2002 FMP were closely examined by the TC and the seasonal allocation (57.9% May – October, 42.1 November April) was based on these landings from 1990 – 1997. A 2002 report by the TC explains how it applied a 5% ratio to the NC landings based on the percentage of smooth dogfish to total dogfish landings and recommended using the NMFS weighout data for all other states. When compared to current NC Trip Ticket and ACCSP landings, the amounts change an insignificant amount. As such, the TC recommends continuing to use these landings for 1981 – 2001 because they were closely examined by the TC in 2002, they are consistent with the previous approach, and they do not deviate significantly from current ACCSP or Science Center landings for those years.

The TC recommends using Science Center landings for 2002 – 2006 because this data source includes recent landing updates discovered due to the implementation of groundfish sectors⁸ which are not yet included in the ACCSP landings. As such, Science Center landings are considered to be more accurate

⁸ Several groundfish captains turned in previously unreported dogfish landings when applying for sectors and the Science Center update their database to reflect the new landings.

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for these years. The only difference between ACCSP and the Science Center for 2002 - 2006 is that the ACCSP database does not currently include the sector updates.

The TC considers ACCSP landings from 2007 onward to be the most accurate data source because the ACCSP found and fixed inaccuracies during an audit done in spring 2010 and the Science Center had not refreshed their data to include this data at the time of the TC calls. As such, the ACCSP landings are the most accurate for 2007 onward.

The inconsistencies between ACCSP and Science Center landings are due to the timing between when audits and changes to landings are made (by a state, Science Center, ACCSP, NMFS, etc...) and when these changes are passed along or uploaded in a main database (ACCSP or Science Center). For spiny dogfish, ACCSP landings include changes that the Science Center has yet to include for 2007-2010 but the reverse is true for 2002-2006. The TC expects that the ACCSP and Science Center databases should align by summer 2011 when each database has uploaded the more accurate landings as mentioned above.

The one exception to the above recommendation is for North Carolina. The TC found that the Science Center database included some 'unclassified' dogfish for 2002 – 2006 but all dogfish landings were classified in the ACCSP Warehouse for those years. NC DMF audits their own landings and submits their final landings directly to ACCSP. In addition, groundfish sector updates would not apply to North Carolina landings. As such, the TC agrees that the ACCSP Data Warehouse is most accurate for North Carolina landings for 2002 – 2009.

Unclassified Dogfish

The final consideration for spiny dogfish landings is how to classify 'unclassified' dogfish. 'Unclassified' dogfish could be smooth or spiny dogfish depending on the season they were caught, trip amounts, state reporting requirements, and fishery. The TC discussed the most appropriate way to handle 'unclassified dogfish' by state as follows. The 'unclassified' category was removed in summer 2009.

Maine: 'Unclassified' dogfish are likely to be spiny dogfish because smooth dogfish rarely migrate north to Maine waters and smooth dogfish are not historically caught in Maine. As such, the TC recommends considering all 'unclassified dogfish' to be spiny dogfish for Maine.

New Hampshire: Similar to Maine, 'Unclassified' dogfish are unlikely to be smooth dogfish due to the migration patterns and lack of a smooth dogfish fishery in New Hampshire. Staff followed up with New Hampshire Fish & Game Department staff who agreed that 'unclassified' dogfish should be considered spiny dogfish. As such, the TC recommends considering all 'unclassified' dogfish to be spiny dogfish for New Hampshire.

In response to the data inquiry, New Hampshire has updated their database to reflect the absence of smooth dogfish landings (classification of unclassified as spiny dogfish) and the Science Center and ACCSP databases will include the reclassified landings soon.

Massachusetts: 2008 was the only year with unclassified dogfish for Massachusetts. The landings were brought in by one dealer, with the majority of trips landing 600 pounds and classified as 'dressed'. This

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data was conflicting, because fishermen typically ‘dress’ smooth and not spiny dogfish, but the smooth dogfish possession limit was 100 pounds while the spiny dogfish possession limit was 600 pounds during the time of year that the ‘unclassified’ dogfish were landed. MA DMF concluded, and the TC agreed, that these fish were almost certainly spiny dogfish that were incorrectly classified as ‘dressed’ because the trip limits, landing location, time of year, and participants all suggest they are spiny dogfish.

After reviewing the data inquiry, MA DMF has reclassified these landings and the Science Center and ACCSP databases will include the reclassified landings soon.

Rhode Island: ‘Unclassified dogfish’ made up only a small amount of landings in Rhode Island. The TC agrees that the amount of ‘unclassified’ dogfish in Rhode Island is so small, that it will have little or no impact when setting state shares under a 15 million pound quota.

With assistance from ACCSP, Rhode Island Division of Fish and Wildlife looked at some of the unclassified landings and found that at least 71% of the ‘unclassified’ landings are probably spiny dogfish and could not verify that any unclassified landings were smooth dogfish. The majority of ‘unclassified dogfish’ were caught in December and January when spiny are the primary dogfish caught off of Rhode Island, and 90 – 95 percent of dogfish landings in Rhode Island are spiny dogfish historically. Based on these findings and because ‘unclassified’ dogfish have been counted as spiny dogfish in the assessment, the TC recommends considering all ‘unclassified’ dogfish landings in Rhode Island as spiny dogfish.

Connecticut: There are no unclassified dogfish in Connecticut from 2002 onward, making the classification of ‘unclassified’ dogfish a non-issue in this state.

New York: There are very few ‘unclassified’ dogfish landings in New York. The TC agreed that the amount of ‘unclassified’ dogfish in New York is so low, that classifying these fish will not impact state shares under a 15 million pound quota. They agree that ‘unclassified’ dogfish in New York should be considered spiny dogfish to be consistent with recommendations for other states with miniscule amounts of ‘unclassified’ dogfish landings and how ‘unclassified’ dogfish have been classified in the past.

New Jersey: Similar to Rhode Island and New York, there were minimal ‘unclassified’ dogfish landings in New Jersey. The TC agreed that the amount is so low that classifying these dogfish will not impact state share percentages. They agree that ‘unclassified’ dogfish in New Jersey should be considered spiny dogfish to be consistent with recommendations for other states with miniscule amounts of ‘unclassified’ dogfish landings and the way ‘unclassified dogfish’ have been classified in the past.

Delaware: There are no unclassified dogfish in Delaware from 2002 onward, making the classification of ‘unclassified’ dogfish a non-issue in this state.

Maryland: Less than 1,000 pounds of ‘unclassified’ dogfish were reported in Maryland in 2004 and all dogfish were classified in all other years. These landings all came in May and June when spiny dogfish are not typically caught in Maryland. Maryland DNR staff reviewed the “unclassified” landings and recommended considering them smooth dogfish. As such, the TC recommends classifying the ‘unclassified’ dogfish landings as smooth dogfish.

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Virginia: Virginia is the only state with a significant amount of 'unclassified dogfish' landings that could impact state shares. The TC agreed on a 2-tier approach using season first and then whether the fish were reported as 'dressed'. All landings from December – April 15 (or all of April if landings are only available at a monthly resolution) are expected to be spiny dogfish because smooth dogfish have migrated out of VA waters and fishermen typically only catch spiny dogfish during these months. The only month with landings of both spiny and smooth dogfish is November. The TC recommended considering all 'unclassified' dogfish that are 'dressed' as smooth dogfish and all whole dogfish as spiny dogfish for November.

North Carolina: There are no unclassified dogfish in North Carolina, making the classification of 'unclassified' dogfish a non-issue in this state.

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

Richard B. Robins, Jr.
Chairman

Lee G. Anderson
Vice Chairman

800 North State Street, Suite 201
Dover, Delaware 19901-3910
Tel: 302-674-2331
Toll Free: 877-446-2362
FAX: 302-674-5399
www.mafmc.org

Christopher M. Moore, Ph.D.
Executive Director

MEMORANDUM

DATE: April 13, 2011
TO: Joint Spiny Dogfish Committee
FROM: Jim Armstrong
SUBJECT: Considerations in Identifying Action Alternatives for Spiny Dogfish Limited Access

Purpose and Need

The FMAT has pointed out that a fundamental step in the Committee's development of alternatives for this issue will be to establish its "purpose and need". In other words, is there a problem or deficiency in the way the fishery is or will be operating that *needs* to be reduced or eliminated such that the *purpose* of this action would be to evaluate the limited access alternatives that would accomplish that?

Other suggested questions for this issue:

- Will limiting access to the spiny dogfish in the EEZ better ensure sustainable harvest of spiny dogfish in accordance with the MSA?
- Are there changes anticipated in the way the fishery will operate in the future that would make limiting access to the fishery beneficial?
- To what degree is the purpose and need for action under this issue biological, and to what degree socio-economic?
- How is the purpose and need for this amendment affected by the fact that a large percentage of spiny dogfish landings occur in state waters?
- Currently, vessels may relinquish their federal open access permit to fish in state waters when the EEZ is closed and then reacquire them once the EEZ opens back up. This cannot occur under a limited access permitting system. What are the biological and socio-economic implications of the current and alternative models?
- How and to what degree will regulatory discards increase or decrease if a limited access system replaces the current model?
- What will the likely economic cost/benefits be to limiting access to the fishery? To what degree are these costs/benefits fair and equitable?
- To what degree is safety at sea compromised under the existing open access permit?
- To the degree that a stable spiny dogfish market is desired, both at the harvester and processor levels, what is the Council's authority for achieving this end?

- Under the current open access permit system, the number of permitted harvesters of spiny dogfish (~3,000) is much greater than the number of active permits (~400). What biological and/or economic concerns does this raise?
- The existing control date for the spiny dogfish FMP is May 1, 1998. In establishing a new control date, how shall divergent regulations in the federal and interstate FMPs be addressed?

ISFMP

Throughout the development of Amendment 3, and especially under this and the quota allocation issue, it needs to be remembered that the operation of the spiny dogfish fishery in state jurisdictional waters falls under the purview of the ASMFC. The ability and authority for the ASMFC to develop management measures in the state water fishery is independent of the federal FMP (they are not joint plans) although the Councils and Commission enjoy an amicable relationship. To what degree, if any, should effort be directed in this amendment to bring about better consistency in the plans? How would the development of limited access in the federal plan affect plan consistency? To what degree does plan consistency, or the lack thereof, have biological or socio-economic impacts?

Limited Access Alternatives

Below is a fairly comprehensive list of limited access approaches taken from a NMFS online glossary of limited access terms. The Committee may wish to select a limited suite of approaches based on its desired objectives, or bring the entire list out to public hearings for "ground up" development of limited access alternatives.

Catch Share Program Not defined in MSA (Magnuson-Stevens Act). A catch share program is a generic term used to describe fishery management programs that allocate a specific percentage of the total allowable fishery catch or a specific fishing area to individuals, cooperatives, communities, or other entities. It includes more specific programs defined in statute such as Limited Access Privileges (LAP) and Individual Fishing Quotas (IFQ). It also includes Territorial Use Rights Fisheries (TURFs) that grant an exclusive privilege to fish in a geographically designated fishing ground. The recipient of a catch share is directly accountable to stop fishing when its specific share allocation is reached.

Dedicated Access Privilege (DAP) Not defined in MSA. Defined in the U.S. Commission on Ocean Policy Report as "...a novel form of output control whereby an individual fisherman, community, or other entity is granted the privilege to catch a specified percentage of the total allowable catch." Includes individual fishing quotas (IFQ), individual transferable quotas (ITQ), fishing community quotas, fishing cooperatives, and other geographically based programs that give an individual or group dedicated access to the fish within a specific area of the ocean.

Fishing Community [MSA 16 USC 1802(17)] A community which is substantially dependent on or substantially engaged in the harvest or processing of fishery resources to meet social and economic needs, and includes fishing vessel owners, operators, and crew and United States fish processors that are based in such community.

Fishing Cooperatives Not defined in MSA; defined under the Fishermen's Collective Marketing Act (FCMA) of 1934 (15 USC 521). A group comprised of "persons engaged in the fishing industry as fishermen, catching, collecting, or cultivating aquatic products, or as planters of aquatic products on public or private beds, that may act together in association, corporate or otherwise."

Individual Fishing Quota (IFQ) [MSA 16 USC 1802(23)] A Federal permit under a limited access system to harvest a quantity of fish, expressed by a unit or units representing a percentage of the total allowable catch of a fishery that may be received or held for exclusive use by a person. Such term does not include community development quotas as described in section 305(i).

Individual Transferable Quota (ITQ) Not defined in MSA. An individual fishing quota (IFQ) program where privileges can be transferred subsequent to initial allocations.

Limited Access System [MSA 16 USC 1802 (27)] A system that limits participation in a fishery to those satisfying certain eligibility criteria or requirements contained in a fishery management plan or associated regulation.

Regional Fishery Association [MSA 16 1802(14)] An association formed for the mutual benefit of members to meet social and economic needs in a region or sub-region; comprised of persons engaging in the harvest or processing of fishery resources in that specific region or sub-region or who otherwise own or operate businesses substantially dependent upon a fishery.

Sector Allocation Not defined in MSA. An exclusive assignment of some portion of the TAC to a group of two or more individuals holding permits in a fishery that have fulfilled Council eligibility and participation criteria, and have agreed to collaborate, voluntarily and for a specified period of time, in order to achieve a common set of objectives. The group may be organized around a particular gear type, species or geographic area with its purpose being the receipt of an exclusive privilege to fish.

Territorial Use Right Fishery Not defined in the MSA. A single fisherman (or firm, organized group, community, etc.) having an exclusive privilege to fish in a geographically designated fishing ground. [Note: Even though the term itself uses the word "right" the catch share programs in this policy are defined in terms of a granting of a privilege, not a property right.]