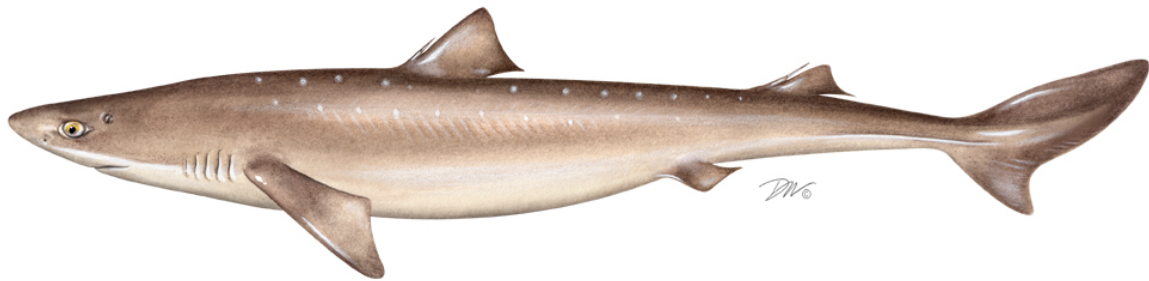


Atlantic States Marine Fisheries Commission

**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

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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.

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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

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

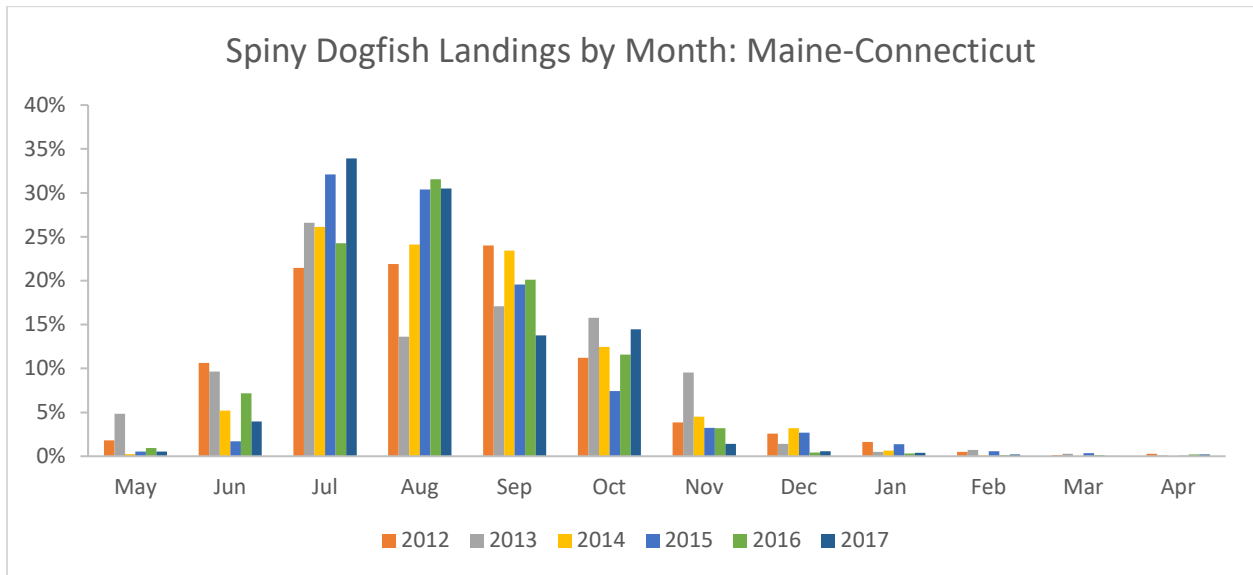


Figure 1. Proportion of Landings by Month for Maine–Connecticut, FYs 2012–2017. Source: ACCSP 2019.

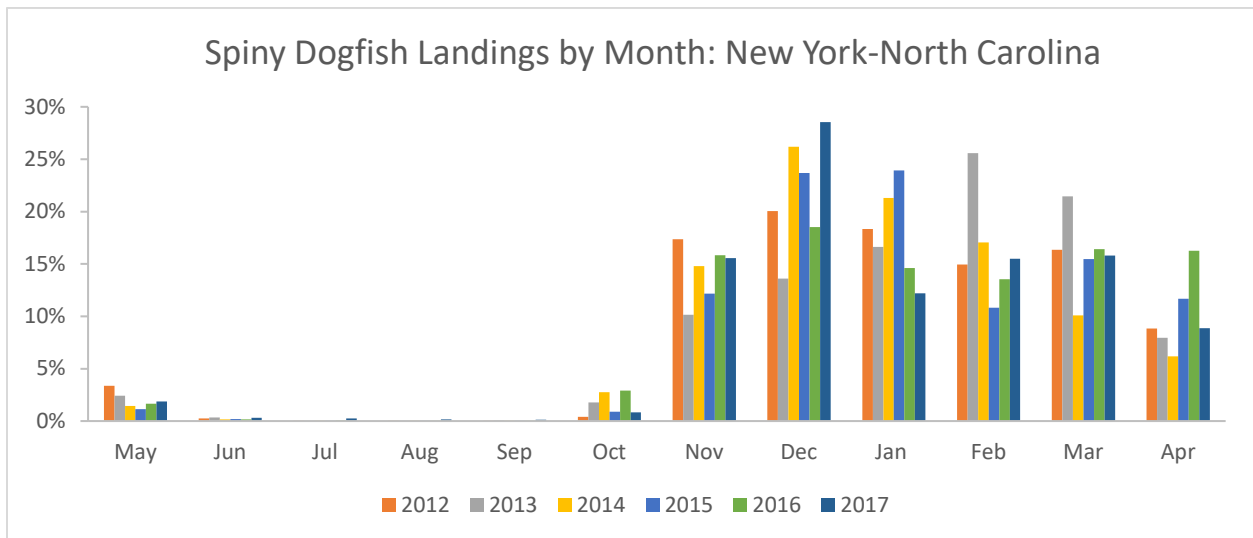


Figure 2. Proportion of Landings by Month for New York–North Carolina, FYs 2012–2017. Source: ACCSP 2019.

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.

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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.

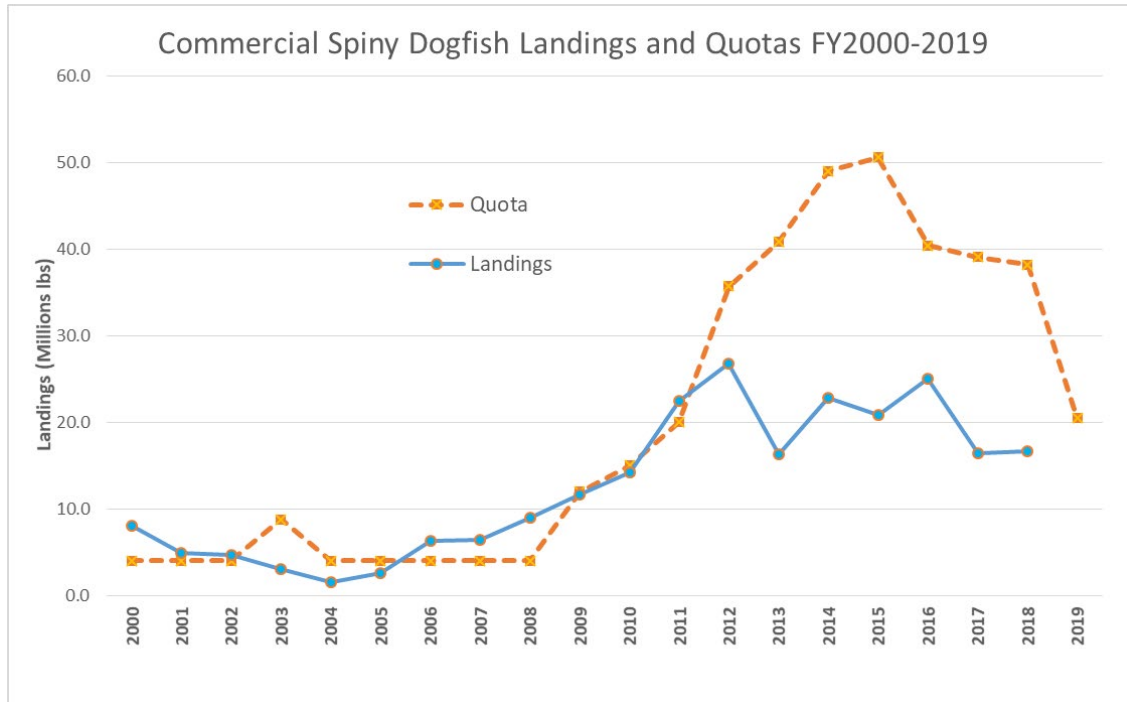


Figure 3. Coastwide Landings and Quotas FY2000-2019. Source: Unpublished NOAA dealer reports

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.

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

[^]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

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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.

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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.