

Atlantic States Marine Fisheries Commission

Spiny Dogfish Management Board

February 4, 2025
10:45 – 11:45 a.m.

Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

- | | |
|--|------------|
| 1. Welcome/Call to Order (<i>P. Geer</i>) | 10:45 a.m. |
| 2. Board Consent | 10:45 a.m. |
| • Approval of Agenda | |
| • Approval of Proceedings from October 2024 | |
| 3. Public Comment | 10:50 a.m. |
| 4. Consider Addendum VII on Atlantic Sturgeon Bycatch Reduction for Final Approval (<i>J. Boyle</i>) Final Action | 11:00 a.m. |
| • Review Public Comment Summary | |
| • Review Advisory Panel Report | |
| • Consider Final Approval of Addendum VII | |
| 5. Revise Specifications for the 2025/2026 Fishing Year (<i>J. Boyle</i>) Final Action | 11:30 a.m. |
| 6. Other Business/Adjourn | 11:45 a.m. |

The meeting will be held at The Westin Crystal City (1800 Richmond Highway, Arlington, VA; 703.486.1111) and via webinar; click [here](#) for details.

MEETING OVERVIEW

Spiny Dogfish Management Board

February 4, 2025

10:45 – 11:45 a.m.

Chair: Pat Geer (VA) Assumed Chairmanship: 1/24	Technical Committee Chair: Scott Newlin (DE)	Law Enforcement Committee Rep: Brian Scott (NJ)
Vice Chair: Joe Cimino (NJ)	Advisory Panel Chair: Vacant	Previous Board Meeting: October 24, 2024
Voting Members: ME, NH, MA, RI, CT, NY, NJ, DE, MD, VA, NC, NMFS (12 votes)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from October 2024

3. Public Comment – At the beginning of the meeting, public comment will be taken on items not on the agenda. Individuals that wish to speak at this time must sign-in at the beginning of the meeting. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance, the Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

4. Consider Addendum VII on Atlantic Sturgeon Bycatch Reduction for Final Approval (11:00 - 11:30 a.m.) Final Action

Background

- In August 2024, the Board initiated a draft addendum to consider complementary action to reduce sturgeon bycatch in the state spiny dogfish fisheries.
- The Board approved Draft Addendum VII for public comment in October 2024. Public hearings were held for the general public, NJ, MD, and VA (**Briefing Materials**).
- The Advisory Panel met via webinar on January 16th to provide recommendations regarding Addendum VII (**Supplemental Materials**).

Presentations

- Overview of options and public comment summary by J. Boyle

Board Actions for Consideration

- Select management options and implementation dates
- Approve final document

5. Revise Specifications for the 2025/2026 Fishing Year (11:30 - 11:45 a.m.) Final Action

Background

- In January 2024, the Board approved the following motion: Move to approve FY2024-2026 spiny dogfish specifications: commercial quota 2024-2025 be set at 10,699,021 pounds; 2025-2026 be set at 10,972,394 pounds; 2026-2027 be set at 11,223,720 pounds consistent with those adopted by the Mid-Atlantic Fishery Management Council pending their approval by NOAA Fisheries.
- In December 2024, after considering revised projections, the Mid-Atlantic and New England Fishery Management Councils recommended a revised commercial quota of 9,338,770 pounds for the 2025/2026 fishing year (**Briefing Materials**).

Presentations

- Review Revised Council-Recommended Federal Quota for the 2025/2026 Fishing Year by J. Boyle

Board Actions for Consideration

- Approve revised specifications for the 2025/2026 fishing year

6. Other Business/Adjourn

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

**The Westin
Annapolis, Maryland
Hybrid Meeting**

October 24, 2024

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

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1. **Approval of agenda** by consent (Page 1).
2. **Approval of Proceedings of August 2024** by consent (Page 1).
3. **Move to approve Draft Addendum VII for Public Comment, as amended today** (Page 3). Motion Mike Luisi; second by John Clark. Motion accepted by unanimous consent (Page 3).
4. **Move to amend the spiny dogfish commercial quota to 10,249,260 pounds for the 2024/2025 fishing year** (Page 7). Motion made by Mike Luisi; second by Nichola Meserve. Motion accepted without opposition (Page 7).
5. **Move to adjourn** by consent (Page 7).

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ATTENDANCE

Board Members

Megan Ware, ME, proxy for Pat Keliher (AA)	Joe Cimino, NJ (AA)
Cheri Patterson, NH (AA)	Adam Nowalsky, NJ, proxy for Sen. Gopal (LA)
Doug Grout, NH (GA)	Jeff Kaelin, NJ (GA)
Nichola Meserve, MA, proxy for D. McKiernan (AA)	John Clark, DE (AA)
Sarah Ferrara, MA, proxy for Rep. Armini (LA)	Roy Miller, DE (GA)
Ray Kane, MA (GA)	Michael Luisi, MD, proxy for L. Fegley (AA)
Jason McNamee, RI (AA)	Russ Dize, MD (GA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Pat Geer, VA, proxy for Jamie Green (AA)
David Borden, RI (GA)	Sen. Danny Diggs, VA (LA)
Matt Gates, CT, proxy for Justin Davis (AA)	Chris Batsavage, NC, proxy for K. Rawls (AA)
Bill Hyatt, CT (GA)	Chad Thomas, NC, proxy for Rep. Wray (LA)
Marty Gary, NY (AA)	Allison Murphy, NMFS
Emerson Hasbrouck, NY (GA)	

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

Ex-Officio Members

Chris Baker, Law Enforcement Committee Rep.

Staff

Bob Beal	Caitlin Starks	Katie Drew
Toni Kerns	Jeff Kipp	Jainita Patel
Tina Berger	Tracy Bauer	Emilie Franke
Madeline Musante	James Boyle	Chelsea Tuohy

The Spiny Dogfish Management Board of the Atlantic States Marine Fisheries Commission convened in the Capitol Ballroom via hybrid meeting, in-person and webinar; Thursday, October 24, 2024, and was called to order at 9:00 a.m. by Chair Pat Geer.

CALL TO ORDER

CHAIR PATRICK GEER: Good morning, everybody, and welcome to the Spiny Dogfish Management Board. My name is Pat Geer, I am the Administrative Proxy for the Commonwealth of Virginia. To my left is Chris Baker, he is from Massachusetts, he is the Law Enforcement Committee representative, and to my right is James Boyle, who is our fisheries management Plan Development person.

APPROVAL OF AGENDA

CHAIR GEER: First order of business today is Approval of the Agenda. Are there any changes, modifications or additions to the agenda? Hearing none; the agenda is approved by consent.

APPROVAL OF PROCEEDINGS

CHAIR GEER: Approval of the proceedings from the August, 2024 meeting. Are there any changes to the minutes, proceedings? Additions, edits, anything? Hearing none; they are approved by consent.

PUBLIC COMMENT

CHAIR GEER: Next is Public Comment. Has anybody signed up for public comment for items that are not on the agenda today? Okay, we have one person online, Mr. Fletcher.

MR. JAMES FLETCHER: I would like to bring the Council or the Commission a problem of the machinery needed to cut small dogfish, and the lack of funding to do the research to do it. It was built by MIT in the eighties, and if there is anybody on the Commission that would have any thought process to help, either Rob Bits at MIT or Jason Didden with Mid-Atlantic Council

could use any help to do that. With the sturgeon situation wanting smaller fish, this equipment is definitely needed. Thank you for your time. James Fletcher, United National Fishermen’s Association.

CONSIDER THE APPROVAL OF DRAFT ADDENDUM VII FOR PUBLIC COMMENT ON THE ATLANTIC STURGEON BYCATCH REDUCTION MEASURES

CHAIR GEER: Thank you, Mr. Fletcher, for your comments. Is there anybody else who wants to comment? Anybody else online? Not seeing anybody in the room, let’s move on to Item Number 4. Consider the Approval of Draft Addendum VII for Public Comment on the Atlantic Sturgeon Bycatch Reduction Measures. This has already gone through the Mid-Atlantic Council and the New England Fisheries Management Council, and this is just coming up, developing equivalent overnight soak restrictions, so I’ll turn it over to James at this time.

MR. JAMES BOYLE IV: Here is the process to this point. The Board initiated the development of Draft Addendum VII at the August meeting, and the goal for today is to approve the document for public comment. After a public comment period and hearing from November until January, the Board would then consider final approval at the winter meeting in February. As a quick reminder of the background. In August, NOAA Fisheries published a proposed rule that corresponds to recommendations from the Mid-Atlantic and New England Fishery Management Councils to implement overnight soak prohibitions for certain gillnet mesh sizes in specific times and areas to reduce sturgeon bycatch.

The areas include both federal and state waters, and one objective of the spiny dogfish FMP is to strive for complementary management, which led to the initiation of this addendum to implement corresponding measures for harvesters that do not have a federal permit and only fish in state waters. Based on the requirements of the 2021 Biological Opinion that began the federal process, the Final Rule and 30-day implementation period for federal action is expected before the end of 2024.

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The Proposed Rule would establish a prohibition on overnight soaks, which is defined as, from 8:00 p.m. to 5:00 a.m. within three polygons, as shown in the figures on the slide. For federal spiny dogfish permit holders specifically. The New Jersey area is shown in purple, and the blue polygons from north to south are the Delaware and Maryland area, and the Virginia area, respectively.

The PDT in the Addendum maintain this naming convention for consistency, but wants to make a note that the Delaware and Maryland area is adjacent to, but does not overlap with Delaware state waters, so Delaware is not included in the discussion of the action. In the New Jersey area the prohibition would be for the months of May and November for mesh sizes between 5 and 10 inches, and in the Delaware and Maryland and the Virginia areas it would last from November through March, for mesh sizes between 5.25 and 10 inches.

Here is a breakdown of how each of the affected states permit for dogfish. New Jersey issues licenses by gear, and has a general gillnet permit for drift, anchored and state gillnets. Maryland has a tiered system, where different permits are allowed to harvest spiny dogfish at different trip limits, so a general finfish license for harvest of 1,000 pounds of spiny dogfish.

If the harvester also has a striped bass permit, then they can take 2,500 pounds of spiny dogfish, and a spiny dogfish specific permit holder can harvest a maximum of 10,000 pounds. Virginia issues permits-by-species and has a spiny dogfish specific limit. There are three options in the proposed management program of the Addendum.

There are three options in the proposed management program of the Addendum. Option 1 is the status quo, where spiny dogfish harvesters that do not have a federal permit and fish only in state waters may continue to soak gillnets at the specified mesh sizes overnight in the state waters portions of the

bycatch reduction areas. Option 2 would apply complementary overnight soaks to species-specific state spiny dogfish permit holders.

This option is consistent with the proposed rule from federal action, in that it applies the new measures to spiny dogfish specific permits. However, due to Maryland's tiered permit system, there are striped bass and finfish permit holders that do not also possess a spiny dogfish state permit, may continue to harvest spiny dogfish at reduced trip limits within the Maryland state waters portion of the Maryland and Delaware bycatch reduction area. In Jersey they would not have to take any action, because they do not issue species-specific permits for spiny dogfish. However, they do already require any person or vessel that possesses for sale or attempts to sell spiny dogfish, to possess a federal permit. If they have a federal permit they will be already captured by the federal action.

Option 3 would prohibit all spiny dogfish harvest via overnight soaks for the specified mesh sizes, times and areas, regardless of permit. This option is distinct from Option 2 in that it would not result in any allowances for spiny dogfish to be harvested in state waters portions of the bycatch reduction areas that is inconsistent with the federal rules, but presents some greater enforcement challenges in the language.

In conversations with the Law Enforcement Committee, I had yesterday, they recommended just one change to the document, to confirm that while Option 3 eliminates directed harvest that would otherwise be permitted under Option 2, it does present additional enforcement challenges. The Board action to consider today is to approve the Addendum for public comment as modified today, if the Board wishes to include the edit from the LEC or make any additional modifications. With that I am happy to take any questions.

CHAIR GEER: Thank you, James, are there any questions for James at this time? Megan.

MS. MEGAN WARE: I just had a question of the difference between Actions 2 and 3. It sounds like

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in Option 2 no overnight soak for those specific spiny dogfish permit holders, so they are taking the nets out of the water. Option 3, it doesn't sound like those nets are coming out of the water, it's just no harvest from that that are still in the water. Is that correct?

MR. BOYLE: Yes, this is something that came up at Law Enforcement yesterday as well. It seems more of an incentive structure that because they cannot possess or harvest spiny dogfish, if they are spiny dogfish directed harvesters then theoretically, they wouldn't put the nets in the areas at the time, and see if they can keep that catch. If you are not a spiny dogfish directed harvester, then you could call that catch, for example.

MS. WARE: Okay, I would be curious if that meets what the objectives were in the BiOp. I understand it was just for federal permit holders, but I guess I have some questions about that, but that's okay. Thank you.

CHAIR GEER: Any other questions for James? Toni.

MS. TONI KERNS: Pat, I think just to Megan's question. I think the intention is for the state to then implement regulations that would force that that we're not telling you all in the document how to write those regulations.

CHAIR GEER: Thank you for that clarification. Any other questions? Not seeing any; any other comments or discussion? I'm not hearing any of that, so I guess we're looking for a motion. Mr. Luisi.

MR. MICHAEL LUISI: **I move to approve Draft Addendum VII for Public Comment as amended today.**

CHAIR GEER: We have a second by John Clark. Is there any discussion on the motion? Okay, I'll read the motion in. **Move to approve Draft Addendum VII for Public Comment as amended** today, motion by Mr. Luisi, seconded

by Mr. Clark. Is there any objection to this motion? Seeing none; **the motion is accepted.** That was quick.

CONSIDER REVISING 2024/2025 FISHING YEAR QUOTA

CHAIR GEER: Moving on to Item Number 5 is to Consider Revising 2024/2025 fishing year quota. We might have to take a possible action on this, and we received a letter, and James, I think it was on October 7, describing what the concerns are with bycatch overages from last year, and so James has a quick presentation on that as well.

MR. BOYLE: Yes, we can jump right into this one as well. In response to an Emergency Rule by NOAA Fisheries. As you all recall, the Board approved a state quota for the current 2024/2025 fishing year of 11,331,747 pounds. After the Emergency Rule was published, NOAA Fisheries finalized the 2023 and 2024 catch data, including landings and discards.

This data revealed estimated discards were higher than what was anticipated, and resulted in an overage of 1,082,487 pounds of the ACL. In September, NOAA Fisheries extended the Emergency Rule for the remainder of the fishing year, and through that rule applied the payback of the overage by deducting the overage amount from the current 2024/2025 quota.

This action resulted in a new federal quota of 10,249,260 pounds. Please note, this is slightly different than the preliminary estimate provided in the memo in the meeting materials, but this is the final number from the Final Rule. From preliminary landings estimates, every state and jurisdiction are able to utilize the maximum of the 5 percent rollover provision.

Only New York and New Jersey did not express interest in rolling over quota from last year. If the other states and jurisdictions still choose to utilize the rollover provision, there is an additional 538,467 pounds added to the state coastwide quota. If the Board does not adjust the quota to

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match the federal quota, then including that rollover, the difference between the state quota and the federal quota is potentially 1,620,954 pounds.

If the Board does adjust to the federal quota but still use the rollover provision, then the difference between the federal and state quotas will be the amount of the rollover, that 538,000 pounds. The possible implications of this, if the state coastwide quota is greater than the federal quota there is the possibility that if landings are projected to exceed the federal quota, then federal waters will be closed, and current federal permit holders will not be able to land dogfish, while harvesters with only state permits in state waters may continue to harvest.

Additionally, this would create an incentive for harvesters to drop their federal permits once federal waters were closed for the remainder of the fishing year, and reacquire them at the beginning of the following fishing year. In that case, any overage of the federal ACL would be deducted from a future fishing year. The Board action for consideration today is to revise the 2024/2025 coastwide quota to 10,249,260 pounds to match the federal quota. Since this action would be revising a final action that the Board took, it would require two-thirds majority of the Board, and with that I am happy to take any questions.

CHAIR GEER: Any question for James? Eric Reid.

MR. ERIC REID: You said that the overage would be deducted from a future year, is it the next year or is it to be any year?

MR. BOYLE: I believe the language, if Alli has any additional thoughts, but I believe the language is that it is as soon as possible, or something to that affect, so it's not definitive if it's the next year or following year.

CHAIR GEER: I had that same question, Eric. Mike Luisi.

MR. LUISI: James, on the slide that you presented, the implication slide. I think what you're referencing in that implication slide is what we have talked about for years, which is when there is a difference between the federal and state quotas and the state quotas are higher than the federal quotas, that we could find ourselves in a constant loop of overharvesting based on federal rules that continually just whittle away at whatever that federal quota is.

Because if we continue to harvest more than the federal limits then the federal quota eventually just over time disappears, it just goes away, because of the overharvest. That is a situation that I know we have had discussions around this table, not just for spiny dogfish, but for other species that we really, our intention is to try to maintain consistency between the states and the federal waters.

Does your final, the slide you presented at the end, where the possible action that we need to take today. My question directly is, if we were to consider revising to the 10,249,260 number, that puts us back in line with the federal quota, so that are we pulling ourselves out of that loop that we are right now in? Does it assist with that tightening the difference between the two quotas? I know that is a long way of asking a simple question, but I'm still catching up from a late-night last night.

MR. BOYLE: It does make the difference smaller if the states use the rollover provision. If no state chooses to rollover, then changing it to this number would make it exactly the same. If the Board changed it to this number and the states rollover, then the difference is either that 538,000 number, or if New York/New Jersey changed their minds it would be that 600,000 number that was on the previous slide.

MR. LUISI: Okay, with that, I don't know, Mr. Chairman, you said there were motions prepared. I would be willing to make that motion to close the gap to the degree that we can today. Whenever

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you're ready for that, I know that others might have questions.

CHAIR GEER: Well, I saw a couple other hands. I saw John's hand go up.

MR. JOHN CLARK: I was just curious again, because if I recall this issue kind of developed because the only processor of dogfish that needs a certain minimum amount of product to make it worthwhile. Would this new quota meet the minimums required?

CHAIR GEER: I'm not sure what that minimum is right now, but Ray Kane.

MR. RAYMOND W. KANE: I believe you're talking about Sea Trade, John, and they are requiring 10 million pounds. They say they can't operate with less than that.

CHAIR GEER: In a sense even doing the federal amount would meet that. Are there any other? Adam Nowalsky.

MR. ADAM NOWALSKY: Thanks, I apologize if I missed this, but we're proposing 10,249,360 today, which is a different number than what was in the memo. What was the reason for that change today?

MR. BOYLE: There was just a couple, there is less than 2,000-pound difference in the Excel sheet I was working off of, and the Final Ruling came out in the Federal Register. That was just the difference. There was a 10,251 in the memo, and this 10,249 and change in the final number.

CHAIR GEER: Are there any other questions?

MR. DAVID V. BORDEN: I was just wondering, the discards that were referenced are taking place in which fisheries at which time of year, and is anything being done to reduce those? It's two questions.

MR. BOYLE: From some data I've seen, it is in the primarily the big jumps in the estimate came from the Gulf of Maine and Southern New England large mesh trawl.

CHAIR GEER: To your second part, does anybody know if any actions are being taken? Does anybody know? No. Okay. David.

MR. BORDEN: I mean the four slots makes a little apprehensive. We've got a problem; we're not addressing the problem. If the problem continues, then as Mike Luisi said, we're going to be in the cycle of constantly reducing the targeted fishery, and not really addressing the problem. At some point I think we should have a discussion, not today, but at a subsequent meeting perhaps with the Councils on what is being done to address it. That's all, maybe some common-sense alternatives that we could use, so that we don't close down the directed fishery.

CHAIR GEER: Agreed. Chris Batsavage.

MR. CHRIS BATSAVAGE: Yes, the Mid-Atlantic Dogfish Committee, joint committee with New England talked about the discard estimate and how to account for that in future years, and it was pointed out that with the quotas for fisheries that are targeted with large mesh trawls, are less now than when we got the discard estimates before. Presumably, there will be less effort, which could reduce the discards in that manner. But that is an indirect way of maybe predicting what could happen. But it doesn't get to your concern about directly addressing the discard problem.

CHAIR GEER: Thank you, Chris. Are there any other comments or questions? Seeing none; does anybody have a motion? Mr. Luisi.

MR. LUISI: Yes, I'm happy to make this motion. I think as long as those numbers are the same, are those the right numbers, James?

CHAIR GEER: That's what we need to check on.

MR. LUISI: Okay, it looks different. I don't know why.

MR. BOYLE: Yes, that is the same as the federal quota, but if the states choose to rollover, then the state quota would in effect be higher than that. That is the federal quota right now. I guess the question is to clarify, for me also as we keep track of the landings. Do the states who expressed interest in rolling over still want to do that, just to confirm for me.

CHAIR GEER: Emerson.

MR. EMERSON C. HASBROUCK: Maybe we could change the wording of that to say the base commercial quota. I don't know if that helps to address the problem if states decide that they want to roll it over that is on top of the base commercial quota, isn't it?

CHAIR GEER: Toni.

MS. KERNS: Just to explain. In the FMP the rollover is automatic. We cannot force states to not rollover, but states can voluntarily choose to not rollover. We would just adjust the individual states quota if they so choose to rollover, and we would bump that up. It's still the coastwide quota, but if you want to write base that is also fine.

CHAIR GEER: We do not have to include that amount in the motion, okay. I see your point if the maker of the motion wants to change this to the new federal quota or something along those lines. You thinking? Mr. Luisi.

MR. LUISI: Yes, I mean I haven't made the motion yet, I'm just trying to make sure that we get this right. We've got one chance to make it right. In thinking about, so if I had to weigh whether or now. If states were all over the quota, we go over by half a million pounds. There is a difference now of half a million pounds, and the state would have a higher quota than the federal quota by half a million pounds.

That's the situation that I think we're all trying not to have happen. For me and the state of Maryland, to maintain the federal quota at the state level, to keep us equal and even means that we can't rollover some small amount of spiny dogfish from a previous year. I would be inclined to say for our state that we would opt out of the rollover, to get it to be close. But if all the other states decide they're going to do the rollover anyway, then I'm going to jump onboard with that too. I think it's almost like we have to have that conversation first, to determine how impactful not rolling over the quota is to the other states, before we decide on what that total number is, so maybe we can have that conversation first before I throw myself on this motion.

CHAIR GEER: Nichola.

MS. NICHOLA MESERVE: I think that given the current landings in the northern region, which is 58 percent of the quota, and we're projecting to be very well below that. Like I'm not concerned about the disparity that exists from the rollover. When we talk about in the northern region.

Rolling over that quota would maybe just allow us to transfer a little bit more to southern states earlier on, without worrying about bumping up against our quota if there were some late season landings. I think based on current quota utilization, the fear of the disparity from rollover doesn't really exist.

CHAIR GEER: Eric.

MR. REID: I'll be brief. I agree with them and Ms. Meserve. It's really about the fisheries performance. We are under performing now, so I think the risk is not all that great, to be honest with you.

CHAIR GEER: New Jersey and New York, since you did not state that you were going to rollover, is that still your stand, New York? That was New Jersey and New York. What other states? I think Virginia was probably going to potentially consider it. A thumbs up, Marty, does not constitute a yes.

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MR. MARTIN GARY: Yes.

CHAIR GEER: Thank you, Marty. Any other states, Connecticut?

MR. HYATT: We're in the region with the northern states, go along with them.

CHAIR GEER: Some of the states are definitely considering it, Mike.

MR. LUISI: That's great, there is no reason to make this a big issue. If we're going to make a motion here, I want to make sure that I'm getting the advice from you, Mr. Chairman and staff that the number is the number. Whatever number needs to be up there to account for the rollover. I can't do any math or anything in my head right now, and I've given my staff the last ten minutes to let me know if I'm going down a really bad path, and that hasn't happened.

CHAIR GEER: I'm doing the same thing.

MR. LUISI: I'm inclined to keep things moving forward, but is this the right number that we need to do here for today.

MR. BOYLE: This is the federal quota.

MR. LUISI: Okay, then I would **move to amend the spiny dogfish commercial quota to 10,249,260 pounds for the 2024/2025 fishing year.**

CHAIR GEER: Do I have a second to the motion? Let's go with Nichola. Is there any discussion on this motion? Any other questions? This takes a two-thirds vote, correct? Let me read the motion in. **Move to amend the spiny dogfish commercial quota to 10,249,260 pounds for the 2024/2025 fishing year.** Motion by Mr. Luisi, seconded by Ms. Meserve.

This requires a two-thirds vote. Is there anyone in opposition to this motion? Hearing none; **the motion is accepted.**

ADJOURNMENT

CHAIR GEER: Is there anything else on the agenda? Anything else anybody wants to bring up? I'm not hearing anything, do we have a motion, anything else? Doug.

MR. DOUGLAS E. GROUT: Motion to adjourn.

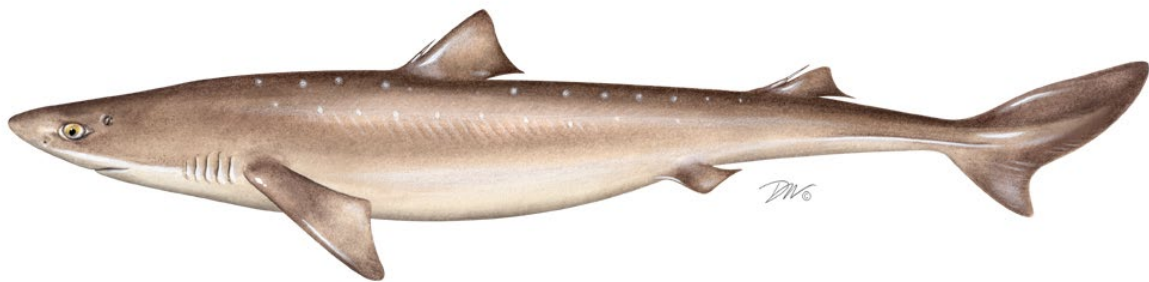
CHAIR GEER: Motion to adjourn.

(Whereupon the meeting adjourned at 9:30 a.m. on October 24, 2024)

Atlantic States Marine Fisheries Commission

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

Commercial Management: Atlantic Sturgeon Bycatch



October 2024



Sustainable and Cooperative Management of Atlantic Coastal Fisheries

Draft Document for Public Comment

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 **11:59 p.m. EST on January 3, 2024**. 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 pertinent to your state or jurisdiction.
2. Refer comments to your state’s members on the [Spiny Dogfish Board](#) or [Spiny Dogfish Advisory Panel](#), if applicable.
3. Mail, fax, or email written comments to the following address:

James Boyle
Fishery Management Plan Coordinator
Atlantic States Marine Fisheries Commission
1050 North Highland St., Suite 200 A-N
Arlington, VA 22201
Fax: (703) 842-0741
comments@asmfc.org (subject line: Spiny Dogfish Draft Addendum VII)

If you have any questions, please contact James Boyle at jboyle@asmfc.org or 703.842.0740.

Commission’s Process and Timeline	
August 2024	Spiny Dogfish Board Tasks Staff to Develop Draft Addendum VII
August – October 2024	Staff Develops Draft Addendum VII for Board Review
October 2024	Spiny Dogfish Board Reviews Draft Addendum VII and Considers Its Approval for Public Comment
November 2024 – January 2025	Board Solicits Public Comment and States Conduct Public Hearings
February 2025	Board Reviews Public Comment, Selects Management Options and Considers Final Approval of Addendum VII
TBD	Provisions of Addendum VII are Implemented

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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, the Addendum proposes options to establish equivalent overnight soak restrictions proposed 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. If approved, the rule would implement 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 state waters would not be captured by the action. Because the specific areas proposed for additional management span state and federal waters, action is needed to implement 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).

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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 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 the coast of New Jersey (Figure 1) and two off the coasts of Delaware, Maryland and Virginia (Figure 2).

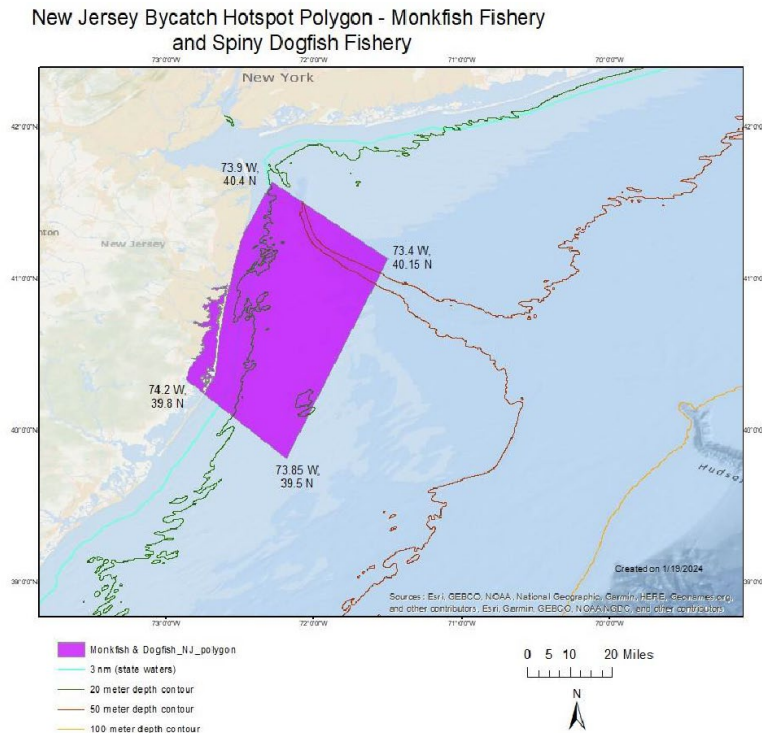


Figure 1. New Jersey Atlantic Sturgeon Bycatch Reduction Area from Spiny Dogfish Framework Adjustment 6.

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

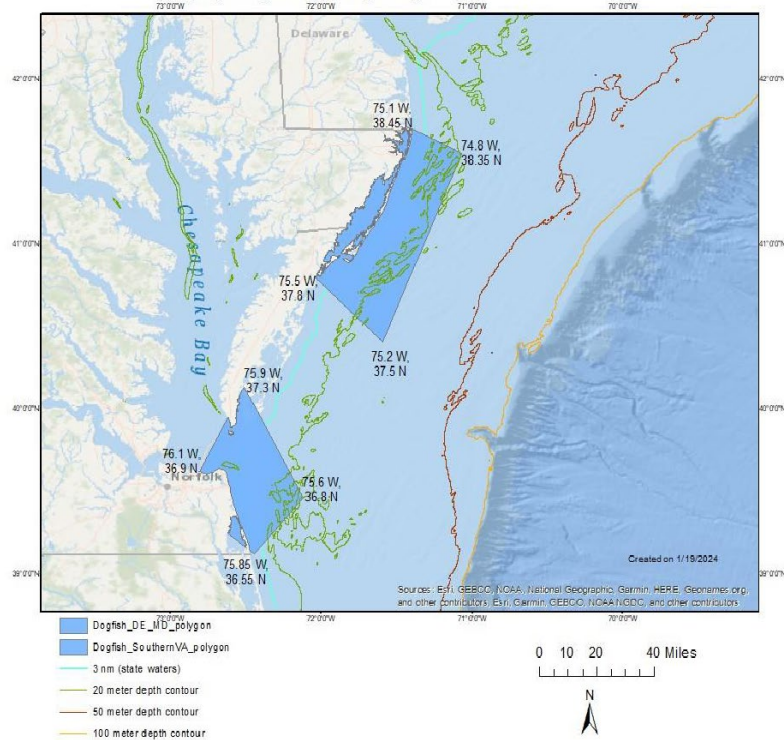


Figure 2. Delaware, Maryland, and Virginia Atlantic Sturgeon Bycatch Reduction Areas from Spiny Dogfish Framework Adjustment 6.

The New Jersey, Delaware and Maryland, and Virginia Atlantic Sturgeon Bycatch Reduction Areas would be 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°60' W
	38°21'N, 74°48' W
	37°30'N, 75°12' W
	37°48'N, 75°30' W
	38°27'N, 75°60' 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

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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

Within the New Jersey Atlantic Sturgeon Bycatch Reduction Area, the NOAA Fisheries' proposed rule would require federally permitted spiny dogfish vessels using roundfish gillnets (i.e., not tie-down gillnets) with a mesh size between 5 and 10 inches (12.7 to 25.4 cm) to remove nets from the water by 8:00 p.m. Eastern Time (ET) each day until 5:00 a.m. ET the following day from May 1 through May 31 and November 1 through November 30 of each year.

Delaware, Maryland, and Virginia Atlantic Sturgeon Bycatch Reduction Areas

Within the Delaware and Maryland and the Virginia Atlantic Sturgeon Bycatch Reduction Areas, the NOAA Fisheries' proposed rule would require federally permitted spiny dogfish vessels using roundfish gillnets (i.e., not tie-down gillnets) with a mesh size between 5.25 and 10 inches (13.34 to 25.4 cm) would need 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.

The proposed rule notes that implementation will occur 30 days after publication of the Final Rule, and the 2021 Biological Opinion requires bycatch reduction measures to be implemented before 2025.

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, the state does require a person or vessel to possess a federal spiny dogfish permit to possess spiny dogfish for sale, sell, or attempt to sell spiny dogfish (N.J.A.C. 7:25-18.12(g)1).

Table 1. Summary of permitting structure for affected states.

State	Permits that May Land Spiny Dogfish	Number of Permittees that use Gillnets	Other Gillnet Species in Permit
NJ	Gillnet	585	Shark, Large Skate, Smooth Dogfish, Bluefish
MD	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
VA	Spiny Dogfish	75	N/A

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3. PROPOSED MANAGEMENT PROGRAM

Consider Sturgeon Bycatch Reduction Measures

Option 1: Status Quo

All gillnet harvesters of spiny dogfish that do not possess a federal spiny dogfish permit and only harvest in state waters may continue to soak nets overnight in the state waters portion of the bycatch reduction areas.

Option 2: Prohibit Overnight Soaks for Specified Times and Areas for State Spiny Dogfish Permits

Under this option, states would take action to apply complementary measures to holders of species-specific Spiny Dogfish Permits, where applicable. This option is consistent with Framework Adjustment 6 in that it applies new measures according to permit held; however, because of differences in how states permit their harvesters, there will be some allowances for spiny dogfish to be harvested in the state waters portion of the bycatch reduction areas that is inconsistent with the federal rules, as identified herein.

New Jersey Atlantic Sturgeon Bycatch Reduction Area

New Jersey would not have to take action because it does not have a species-specific permit for spiny dogfish. However, due to New Jersey's permitting rules, any person or vessel selling spiny dogfish in the state would have to have a federal permit and follow the regulations in the bycatch reduction area, including state waters of the area.¹

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 between 5.25 and 10 inches (13.34 to 25.4 cm) would be 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 Sturgeon Bycatch Reduction Areas. No action would be required by Delaware because the bycatch reduction area does not overlap with its state waters. Note that Maryland allows the commercial harvest of spiny dogfish with reduced trip limits by holders of their Striped Bass Permit and Finfish Permit. Under this option, those permit holders would not be subject to the provisions of the bycatch reduction areas without also possessing a Spiny Dogfish Permit.

¹ "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.).

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Option 3: Prohibit Spiny Dogfish Harvest via Overnight Soaks for Specified Times and Areas

Note: This option was not reviewed by the full Spiny Dogfish Plan Development Team.

Under this option, states would take action to apply complementary measures to all spiny dogfish harvested from the bycatch reduction times/areas by the specified gillnet mesh sizes, regardless of the permit possessed by the harvester. This option is distinct from Option 2 in that it would not result in any allowances for spiny dogfish to be harvested in the state waters portion of the bycatch reduction areas that is inconsistent with the federal rules. However, enforcement will be more challenging under this option due to the need to identify when and where individual spiny dogfish were caught.

New Jersey Atlantic Sturgeon Bycatch Reduction Area

It would be prohibited to harvest or possess spiny dogfish caught using roundfish gillnets (i.e., not tie-down gillnets) with a mesh size between 5 and 10 inches (12.7 to 25.4 cm) that were left in the water for any portion of the time period between 8:00 p.m. ET each day and 5:00 a.m. ET the following day from May 1 through May 31 and November 1 through November 30 of each year within the New Jersey Atlantic Sturgeon Bycatch Reduction Area.

Delaware, Maryland, and Virginia Atlantic Sturgeon Bycatch Reduction Areas

It would be prohibited to harvest or possess spiny dogfish caught using roundfish gillnets (i.e., not tie-down gillnets) with a mesh size between 5.25 and 10 inches (13.34 to 25.4 cm) that were left in the water for any portion of the time period between 8:00 p.m. ET each day and 5:00 a.m. ET the following day from November 1 through March 31 each year within the Delaware and Maryland and the Virginia Atlantic Sturgeon Bycatch Reduction Areas. No action would be required by Delaware because the bycatch reduction area does not overlap with its state waters.

4. COMPLIANCE SCHEDULE

The Spiny Dogfish Management Board would need to determine a compliance schedule when considering approval of the draft Addendum.

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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.



Atlantic States Marine Fisheries Commission

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MEMORANDUM

TO: Spiny Dogfish Management Board

FROM: James Boyle, FMP Coordinator

DATE: January 21, 2025

SUBJECT: Public Comment Summary on Addendum VII

The following is an overview of all comments received by ASMFC on Addendum VII to the Spiny Dogfish Fishery Management Plan as of January 3, 2025 (closing deadline).

No written comments were received regarding Draft Addendum VII. Three public hearings were held from December 11-December 18, 2025, all via webinar. Four individuals attended one of the hearings; the other two hearings did not have any public attendees.

The following summary of the Maryland and Virginia hearing serves as a summary of all of the public comments received.

Spiny Dogfish Addendum VII Public Hearings

Maryland and Virginia Hearing

December 18, 2024

4 Public Participants

Staff: James Boyle (ASMFC), Tracey Bauer (ASMFC), Pat Geer (VA Commissioner Proxy)

Hearing Overview

- All commenters were in favor of Option 1: Status Quo and/or decreasing the range of mesh sizes included in the overnight soak prohibition within the Virginia bycatch reduction area to 5.5"-10" from 5.25"-10".

Poll Results

- **Option 1: 3**
- **Option 2: 0**
- **Option 3: 0**

Public Comment Summary

Tyler Rowe

- Supports Option 1: Status Quo
- Concerned that prohibiting overnight soaks for 5.25" mesh would be detrimental to commercial fishers and that continued reductions are putting the fishery at risk.

Todd Janeski

- Concerned about the impact to commercial fishers who need to change nets to under the 5.25" mesh to continue overnight soaks.
- Spoke to industry members who prefer Option 1: Status Quo

Mark Sandford

- Would prefer the minimum mesh size that is prohibited to soak overnight be 5.5" rather than 5.25".

Mid-Atlantic Fishery Management Council

December 2024 Council Meeting
December 10-12, 2024
Annapolis, MD

MOTIONS

December 10, 2024

Black Sea Bass 2025 Recreational Management Measures

Move to adopt conservation equivalency for 2025 recreational black sea bass management with status quo measures. Status quo non-preferred coastwide measures are: 15 inch minimum size, 5 fish possession limit, and May 15 – September 8 open season. Status quo precautionary default measures are: 16 inch minimum size, 2 fish possession limit, and June 1 – August 31 open season.

Council: Luisi/Grist (18/2/0)

Board: Luisi/Grist (9/1/1/0)

Motion carries

Recreational Sector Separation and Catch Accounting Amendment

Move to approve the draft scoping document/public information document as modified today for public comment in early 2025.

Board: Hasbrouck/Reid (motion carries by consent)

Council: Luisi/Beckwith (motion carries by consent)

Motion carries

Spiny Dogfish 2025 Specifications

The Council recommends that fishing year 2025 OFL=ABC for spiny dogfish at 7,626 metric tons, and follow Table 2 from the November 27, 2024 MAFMC Staff Memo for all other specifications

Gwin/Grist

Motion carries (18/1/0)

December 11, 2024

Atlantic Surfclam and Ocean Quahog Species Separation Requirements Amendment

Move to select Revised Alternative 5, as described in the staff memo (Increased Observer Coverage and Self-reported Discards; Mixed Trips Sort at Dealer with NOAA Authorized Catch Monitors) as the preferred alternative.

Hughes/Cimino

Motion carries by consent



Mid-Atlantic Fishery Management Council

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P. Weston Townsend, Chairman | Michael P. Luisi, Vice Chairman

Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: November 27, 2024
To: Dr. Chris Moore
From: Jason Didden, staff
Subject: Spiny Dogfish Specifications – Staff Recommendation

Per the Mid-Atlantic Fishery Management Council's (Council) request, during a November 20, 2024 meeting, the Council's Scientific and Statistical Committee (SSC) confirmed that an Acceptable Biological Catch (ABC) with a 50% chance of overfishing would result from setting the ABC equal to the overfishing level (OFL) catch. An assessment-generated OFL catch estimate generally has a 50% chance of leading to some degree of overfishing (and a 50% chance of resulting in a fishing mortality rate below overfishing). For spiny dogfish in 2025, the OFL = 7,626 metric tons (MT).

However, the SSC also reported that the previously provided ABCs (7,031 MT for 2025 based on a single year or 7,230 MT if kept constant for 2025 and 2026) were based on the Council's P* risk policy and represent the best scientific information available. The SSC highlighted that simulation studies (e.g. Wilberg et al 2015) conducted for the Council demonstrated that fishing at the OFL with no buffer for scientific uncertainty performs poorly with respect to risk of overfishing, and is likely inconsistent with National Standard 1.

In resolving the dilemma presented by the above SSC meeting outcome, staff also considered several issues related to Magnuson-Stevens Act (MSA) provisions and the spiny dogfish assessment/projections:

MSA Provisions:

1. The Magnuson-Stevens Act (MSA) states that the term "optimum", with respect to the yield from a fishery, means the amount of fish which—
 - (A) will provide the greatest overall benefit to the Nation, particularly with respect to food production and recreational opportunities, and taking into account the protection of marine ecosystems;
 - (B) is prescribed as such on the basis of the maximum sustainable yield from the fishery, as reduced by any relevant economic, social, or ecological factor;
2. The MSA states that "overfishing" and "overfished" mean a rate or level of fishing mortality that jeopardizes the capacity of a fishery to produce the maximum sustainable yield on a continuing basis.

3. National Standard 1 of the MSA states: (1) Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield.
4. National Standard 2 of the MSA states: Conservation and management measures shall be based upon the best scientific information available.
5. The MSA instructs the SSC shall provide its Council ongoing scientific advice for...decisions, including recommendations for ABC, preventing overfishing, ...
6. The MSA instructs that fishery management plans shall establish a mechanism for specifying annual catch limits...at a level such that overfishing does not occur...
7. The MSA instructs Councils to develop annual catch limits for each of its managed fisheries that may not exceed the fishing level recommendations of its SSC...

Spiny Dogfish Assessment/Projections and Prior Simulation Studies:

1. The 2023 spiny dogfish assessment estimated the stock to be approximately at its target in 2022 and, while projections are inherently uncertain, projected an increase to 113% of its target by 2026 even fishing at the OFL. The increase is primarily due to a period of improved recruitment during several years both before and after 2012, which creates an atypical and counterintuitive trend of a stock increasing above and beyond its target biomass even if fishing occurs at the OFL.
2. Lower recent growth and productivity have decreased the recent/current biomass target and sustainable yield estimates for spiny dogfish. In retrospect for example, we now think that the commercial quota in 2016 was set several times too high given our current understanding of what productivity was at that time. Growth and productivity are uncertain and related research is underway. If assessments of growth and productivity change, the target biomass will change in the next assessment (2027), which would also affect catch projections.
3. The approximately 1,900 MT of additional estimated/projected catches from 2022-2025 beyond the 2023 assessment's projected OFLs had a negligible impact on the biomass projections (biomass still projected to have increased to 113% of its target in 2026). These additional catches were mostly from higher-than-expected discards. The increasing projected biomass despite exceeding the OFLs¹ is largely due to: the period of better recruitment noted above, the mixed male/female nature of catches (male catch doesn't affect the biomass much), and the still large (if reduced and relatively unproductive) current total biomass of spiny dogfish - total female biomass of 321,000 MT and total male biomass of 407,000 MT in 2022.
4. The prior simulation studies noted by the SSC indicating OFL catches lead to failure to avoid overfishing did not consider short-term OFL-sized catches restricted to only when a stock was at or above its target (like spiny dogfish is estimated to be currently).
5. A higher ABC in 2025 will lead to a higher catch assumption for 2025 when 2026/2027 projections are run in 2025. A higher 2025 catch assumption will slightly

¹ Since MSA defines overfishing as a rate that "jeopardizes the capacity of a fishery to produce the maximum sustainable yield on a continuing basis" it's not clear to staff that overfishing as defined in the MSA could ever occur while a stock is at the same time increasing further above its target, but this is a bigger question beyond the scope of the current decision.

reduce ABCs for 2026/2027. Alternatively, a lower 2025 catch assumption will lead to slightly higher ABCs for 2026/2027.

Staff Recommendation

Given the above considerations, staff recommends splitting the difference between the previous P* based averaged 2025 ABC of 7,230 MT and the OFL of 7,626 MT: i.e. **an ABC of 7,428 MT**. This ABC would provide some additional quota while preserving a small degree of scientific uncertainty buffer and is more consistent with the Council’s risk policy with a maximum probability of overfishing of 49%. Considering the effects of recent catch adjustments on the estimated and/or projected biomasses, the effect of this change on stock biomass should be likewise negligible. Also, setting a slightly lower ABC in 2025 will likely marginally increase the projected ABCs for 2026/2027 (because stock size will be projected slightly higher).

Staff also recommends utilizing the discard approach previously recommended by the Spiny Dogfish Committee in September 2024, of setting aside the midpoint of:

- 1) the 2019-2023 average of fishing year discards: 3,699 MT, and
- 2) applying the 2022 discard ratio (37.4% - assessment terminal year updated) to the U.S. ABC: 2,777 MT.

This midpoint gives a discard set aside for 2025 of 3,238 MT. These values allow deriving a commercial quota of 9.0 million pounds per Table 1 below, slightly higher than the 8.6 million pounds of landings in the 2023 fishing year. For reference, Table 2 on the next page provides the 2025 specifications if the ABC was set at the OFL (and also using the same midpoint discard approach).

Table 1. Staff Recommended 2025 Spiny Dogfish Specifications

Specifications	2025 (pounds)	2025 (mt)	Basis
OFL (from SSC)	16,812,432	7,626	SS3 Assessment/Projection
ABC (from SSC)	16,375,917	7,428	Staff Recommendation
Canadian Landings	8,818	4	2020-2022 Average
Domestic ABC	16,367,099	7,424	= ABC – Canadian Landings
ACL	16,367,099	7,424	= Domestic ABC
Mgmt Uncert Buffer	0.0%	0.0%	May depend on other set-asides
Amount of buffer	0	0	
ACT	16,367,099	7,424	= ACL - mgmt uncert buffer
U.S. Discards	7,138,560	3,238	Committee Mid-Point Approach
TAL	9,228,539	4,186	ACT – Discards
U.S. Rec Landings	244,713	111	19-23 avg
Comm Quota	8,983,827	4,075	TAL – Rec Landings

Table 2. 2025 Spiny Dogfish Specifications if ABC = OFL

Specifications	2025 (pounds)	2025 (mt)	Basis
OFL (from SSC)	16,812,432	7,626	SS3 Assessment/Projection
ABC (from SSC)	16,812,432	7,626	OFL
Canadian Landings	8,818	4	2020-2022 Average
Domestic ABC	16,803,614	7,622	= ABC – Canadian Landings
ACL	16,803,614	7,622	= Domestic ABC
Mgmt Uncert Buffer	0.0%	0.0%	May depend on other set-asides
Amount of buffer	0	0	
ACT	16,803,614	7,622	= ACL - mgmt uncert buffer
U.S. Discards	7,220,131	3,275	Committee Mid-Point Approach
TAL	9,583,483	4,347	ACT – Discards
U.S. Rec Landings	244,713	111	19-23 avg
Comm Quota	9,338,770	4,236	TAL – Rec Landings

The following documents are included to support Council action on this item:

SSC Report – Nov 2024: Regarding ABC=OFL Council motion – see Committee Reports

Council Staff Memo for Nov 2024 SSC Meeting

Spiny Dogfish Committee Sept 2024 Meeting Summary (with Committee recommendations)

Spiny Dogfish Monitoring Committee Sept 2024 Meeting Summary

2024 Staff Spiny Dogfish ABC recommendation memo to the SSC

2024 Spiny Dogfish Advisory Panel Fishery Performance Report

2024 Spiny Dogfish Fishery Information Document

Submitted Comments (including recent comments submitted for New England Fishery Management Council (NEFMC) meeting)

The September 2024 SSC meeting report detailing their risk-policy informed ABC recommendations (referenced in several of the above documents) may be found in the Council’s October 2024 briefing materials: <https://www.mafmc.org/s/1-Final-Report-of-SSC-for-Sept-2024.pdf>. The NEFMC will adopt 2025 spiny dogfish specifications on [December 4, 2024](#) and their outcome will be posted as supplemental material [here](#) as soon as possible.



Mid-Atlantic Fishery Management Council

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P. Weston Townsend, Chairman | Michael P. Luisi, Vice Chairman

Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: November 13, 2024
To: Scientific and Statistical Committee (SSC)
From: Jason Didden
Subject: Dogfish Acceptable Biological Catch (ABC)

The Council’s SSC will review the previously set and previously revised 2025 Acceptable Biological Catch (ABC) limit for spiny dogfish based on the following motion from the Council:

I move that the Council suspend the risk policy used to set the 2025 Spiny Dogfish specifications and task the SSC to calculate the $ABC=OFL^1$ using a 50% probability of overfishing. (Motion carried by unanimous consent.)

This motion of the Council resulted from the following sequence of events:

-In 2023 the Council set 2024-2026 spiny dogfish specifications including a 2025 ABC of 7,312 metric tons (MT) and a 2026 ABC of 7,473 MT.

-In September 2024, in response to updated projections using higher revised and/or updated catch information, the SSC lowered its 2025-2026 ABC recommendations in line with the Council’s risk policy (targets a 46% chance of overfishing for a stock just above its biomass target like spiny dogfish):

- Time-varying ABCs of 7,031 MT in 2025 and 7,446 MT in 2026, and
- A constant ABC of 7,230 MT for both years.

-To mitigate negative socioeconomic impacts, in October 2024 the Council voted to suspend its risk policy and instead request a 2025 ABC set at the OFL per the best scientific information available. This would be the catch at which there is a 50% chance of fishing mortality being above the overfishing threshold and a 50% chance of fishing mortality being below the overfishing threshold.

The NEFSC previously produced projections that identified the 2025 OFL catch level: 7,626 MT ([posted on the September 2024 meeting page](#)). Setting the 2025 $ABC=OFL$ would result in an increase of 595 MT from the time varying approach and a 396 MT increase associated with the constant ABC approach.

¹ OFL = Over-fishing Level

Updated 2026-2027 projections utilizing the final 2025 specifications will be run later in 2025 and presented to the SSC so that revised 2026 and new 2027 specifications can be set. The next Management Track assessment is scheduled for 2027 to inform 2028-2031 specifications (a four-year cycle).



Spiny Dogfish Committee Meeting Summary

September 19, 2024 - Webinar

Overview: The Joint¹ Spiny Dogfish Committee met on September 19, 2024 and developed recommendations for 2025 spiny dogfish specifications, detailed below under “Committee Specifications Motion/Recommendation Summary.” The regulations guiding these recommendations are detailed in 50 CFR 648.230-232, but generally involve ensuring that the Annual Catch Limit (ACL) is unlikely to be exceeded (ACL overages trigger pound-for-pound paybacks from a subsequent year). The MAFMC and NEFMC will meet in the coming months to consider the Committee’s recommendations. While the Councils set 2024-2026 specifications last year, new catch data and new projections led to this revisiting of 2025 specifications.

Committee Member Attendees: Sonny Gwin (Chair), Nichola Meserve (Vice-Chair), Dan Farnham, Skip Feller, Daniel Salerno, Michael Luisi (ex-officio), Joe Grist, Wes Townsend (ex-officio), Chris Batsavage, Jay Hermsen (NMFS), Rick Bellavance, Anna Beckwith, and Toni Kerns (ASMFC).

Other Attendees: Jason Didden, Aubrey Church, James Boyle, John Whiteside, Megan Ware, Pierre Juillard, Didden2, Bill Lucey, Chris Rainone, Corrin Flora, Dan McKiernan, David McCarron, Jameson Gregg, Jared Auerbach, Jason Boucher, Jerry Leeman, Laura Deighan, Sara Turner, Scott Curatolo-Wagemann, Sefatia Romeo Theken, Ted Platz, and Todd Janeski. Two attendees were only via phone numbers.

Background Discussion Summary

Jason Didden of MAFMC staff first provided an overview of: the spiny dogfish assessment; the Scientific and Statistical Committee’s (SSC) Acceptable Biological Catch (ABC) recommendations; the Advisory Panel’s (AP) Fishery Performance Report; and the Monitoring Committee’s recommendations. Several clarifying discussions preceded Committee deliberations including:

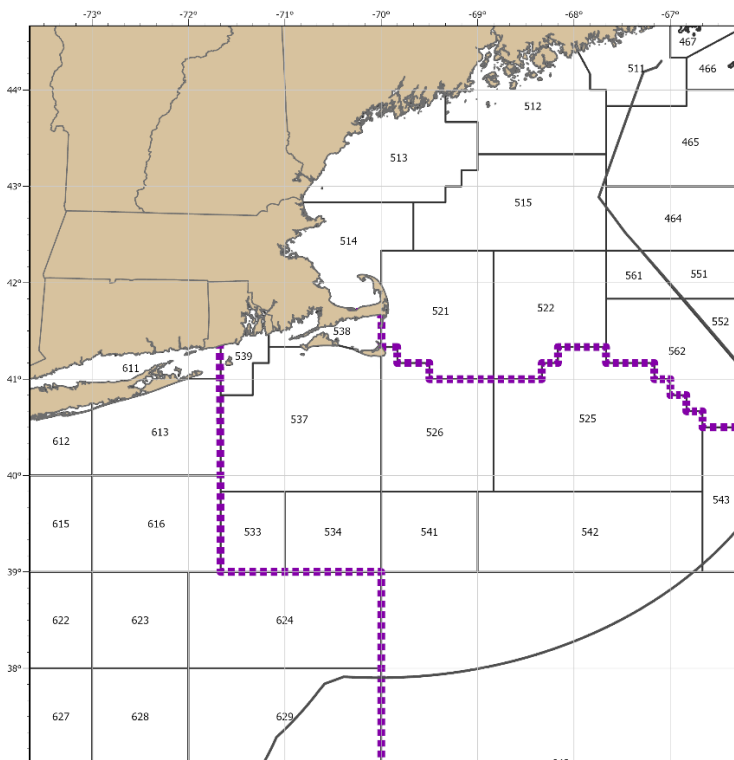
- Canadian and other survey information was evaluated but not included in the final assessment model, which uses the NMFS spring bottom trawl as an abundance index.

- The lower quotas compared to recent years are largely a result of the assessment estimating reduced productivity even though total biomass was about 728,000 MT (1.6 billion pounds) in 2022. Follow-up with NMFS Northeast Fisheries Science Center (NEFSC) staff indicated that the lower productivity is primarily tied to having fewer larger (e.g. 90cm+) females – that used to contribute more to higher stock yield and higher pup production.

¹ The federal spiny dogfish fishery is managed with a joint plan by the Mid-Atlantic Fishery Management Council (MAFMC, lead) and the New England Fishery Management Council (NEFMC).

-Lower landings by themselves do not lead the assessment model to conclude that there are fewer spiny dogfish. The model integrates survey trends, catches, and critically, the size composition of catches. The erosion of portside sampling, while mitigated by use of observer data and recent supplemental Council funding, will increase uncertainty by decreasing the accuracy of information about the size of landed catch – no long-term solution has been identified to staff on this sampling issue.

-The 2022 discard revision was mostly a result of the CAMS (NMFS’ new Catch Accounting and Monitoring System) transition and a computer coding error of assumed discard mortality rates (which are themselves uncertain and based on variety of shark research). CAMS estimates will also vary for at least six months as the underlying data are updated (state data can arrive especially late). The 2023 overage is primarily a result of just high discard estimates, not a revision. Staff requested recent CAMS discard information by area and gear type from NMFS staff so that recent trends can be examined. The three area bins staff requested are noted in the figure below and labeled north to south as Gulf of Maine, S. New England, and Mid-Atlantic (those labels may not match other usages of those terms but seemed useful for this task).



CAMS mesh categories are defined as large ≥ 4.00 inches, small < 4.00 inches; additionally, mesh ≥ 8.0 inches is classified as XL for gillnets. In the table below, all gillnets were combined give their relatively small amounts. “Other” contains a variety of gears given their small amounts. Most of the “Trawl – L and other” is large mesh but combined for data confidentiality concerns. Overall, trawls with mesh of 4+ inches across all

areas account for most dead spiny dogfish discards. Two big jumps in 2023 dead discards are highlighted in Table 1 below.

Table 1. Recent sources of dead commercial spiny dogfish discards.

Gulf of Maine						
Pounds Dead Discards						
Fyear		GILLNET	Other	TRAWL - L and other	TRAWL - S	Regional Total
2019		231,237	97,514	2,186,218	48,019	2,562,988
2020		122,518	7,625	1,533,632	58,508	1,722,283
2021		18,349	41,448	2,102,182	34,354	2,196,334
2022		202,108	36,226	1,904,577	39,714	2,182,625
2023		79,328	76,697	2,797,427	118,708	3,072,160
S. New England						
Pounds Dead Discards						
Fyear	DREDGE	GILLNET	other	TRAWL - L and other	TRAWL - S	Regional Total
2019	206,485	49,226	6,608	567,484	449,022	1,278,824
2020	4,299	19,447	2,193	346,922	513,594	886,456
2021	55,629	16,638	14,030	486,624	216,772	789,693
2022	50,503	27,862	1,144	599,225	115,165	793,899
2023	78,912	19,793	2,474	1,300,125	371,545	1,772,849
Mid-Atlantic						
Pounds Dead Discards						
Fyear	DREDGE	GILLNET	Other	TRAWL - L and other	TRAWL - S	Regional Total
2019	158,649	229,018	24,090	1,339,695	515,829	2,267,281
2020	386,558	214,926	19,267	2,399,753	889,305	3,909,809
2021	50,106	189,206	47,217	823,729	324,532	1,434,790
2022	68,259	139,911	22,261	2,354,591	345,690	2,930,712
2023	127,248	69,430	41,916	2,730,179	332,019	3,300,792

Gear Name	Discard Mortality Ratio
LONGLINE, BOTTOM	0.10
DREDGE, SCALLOP, SEA	0.75
GILL NET, FIXED OR ANCHORED, SINK, OTHER/NK SPECIES	0.30
TRAWL, OTTER, BOTTOM, FISH	0.50

Summary of other General Public Comments Provided During Background Discussion

- Industry does not see downward trends in either abundance or size of fish in landings, and noted heavier fish at given lengths in recent years.
- Managers and/or the SSC should visit the docks to see the productivity we see. Just 1% of total biomass isn't a reasonable catch amount.
- This is history repeating itself just like in 1999 – we are once again begging you not to put us out of business unnecessarily due to uncertain data and extrapolations and yo-yo management on quotas and trip limits.
- Other factors like predation and environmental changes are likely far bigger effects than harvest, and environmental changes are not being sufficiently accounted for in the trawl survey data or catch size data.
- The discard issue needs to be higher priority – reducing discards and/or getting better information on discard mortality.

Committee Specifications Motion/Recommendation Summary

The Committee passed the following two motions regarding specifications (#2 on next page):

1. I move that the Committee recommend that the Councils adopt revised 2025 specs as shown in table below:

Specifications	2025 (pounds)	2025 (mt)	Basis
OFL (from SSC)	16,812,432	7,626	SS3 Assessment/Projection
ABC (from SSC)	15,939,403	7,230	SSC / Risk Policy (avg ABC)
Canadian Landings	8,818	4	2020-2022 Average
Domestic ABC	15,930,584	7,226	= ABC – Canadian Landings
ACL	15,930,584	7,226	= Domestic ABC
Mgmt Uncert Buffer	0.0%	0.0%	May depend on other set-asides
Amount of buffer	0	0	
ACT	15,930,584	7,226	= ACL - mgmt uncert buffer
U.S. Discards	7,056,989	3,201	Midpoint 2022 ratio and 5-yr avg
TAL	8,873,596	4,025	ACT – Discards
U.S. Rec Landings	244,713	111	19-23 avg
Comm Quota	8,628,883	3,914	TAL – Rec Landings

Meserve/Salerno 9/0/1

Rationale for the motion included:

-This amount of discard set-aside uses the mid-point of a 5-year average and the accepted model-utilized proportion of discards. Using the midpoint of multiple reasonable approaches is a common method to deal with uncertainty.

-Trawl effort is likely to be lower in upcoming years considering summer flounder quotas and groundfish quotas (especially southern New England groundfish). Council staff will investigate likely upcoming trends before Council meeting.

2. I Move to recommend that the Council request NOAA Fisheries to take emergency action to allow a higher quota through any possible approach given concerns related to national standard 8 of the Magnuson Stevens Act (MSA).

Meserve/Grist 8/0/2

Rationale for the motion included:

-We have very different and new unexpected circumstances given the 2022/2023 discard updates and the new approach to setting aside future discards, which create a very different new, reduced, and unexpected quota situation.

-The improved 2024 spring survey data point is also new information that can not be incorporated into the projections but is a new circumstance, potentially related to the higher recent discards.

Other business: Research priorities – it will be important to make sure that some of the current challenges being faced in this fishery make it into the updated Council research priorities.



Spiny Dogfish Monitoring Committee Meeting Summary

September 17, 2024 - Webinar

The Mid-Atlantic Fishery Management Council's (Council) Spiny Dogfish Monitoring Committee met on September 17, 2024 to develop recommendations for 2025-2026 specifications. The regulations guiding these recommendations are detailed in 50 CFR 648.230-232, but generally involve ensuring that the Annual Catch Limit (ACL) is unlikely to be exceeded – any ACL overages trigger pound-for-pound paybacks from a subsequent year.¹ A key theme (like previous years) was the tradeoff between maximizing the limited available quota versus avoiding ACL overages and paybacks that could be disruptive to future fishing years.

Monitoring Committee Attendees: Jason Didden, Angel Willey, Julia Livermore, Laura Deighan, David McCarron, Jason Boucher, John Whiteside, Nichola Meserve, and Chris Rainone.

Other Attendees: Sara Turner, Ted Platz, Anna Beckwith, Aubrey Church, Bill Mullis, Bob Blais, Chris Batsavage, Corrin Flora, Dvora Hart, Ed Mullis, Jeff Young, Jerry Leeman, and Pierre Juillard.

ABC and Assessment Discussion

Jason Didden began the meeting with a summary of the Council's Scientific and Statistical Committee's (SSC) Acceptable Biological Catches (ABCs) recommendation. The SSC provided ABCs for 2025/2026 of either: 7,230 metric tons (MT) for both years (an averaged approach) or 7,031 MT for 2025 and 7,446 MT for 2026. While the 2026 ABC is about the same as recommended last year, the 2025 ABC is 281 MT lower (0.62 million pounds).

The ABC reduction is primarily the result of re-running the terminal year of the assessment with a corrected (and 41% higher) 2022 discard estimate as well as the 2023 catch estimate being 21% higher than predicted (also because of higher discards). The higher catches reduce biomass slightly, which reduces the ABCs. In addition, NOAA set the 2024 ABC higher than was recommended by the Councils and the SSC, at 7,818 MT, so the effective reduction in ABC from 2024 to 2025 using the SSC's new averaged ABC would be 588 MT (1.3 million pounds). For this summary, the averaged ABC of 7,230 MT is used for working through examples, but if the varying annual ABCs are used, the resulting quota numbers would be slightly lower in 2025 and slightly higher in 2026 (the Council can use either approach).

¹ While so far appearing unlikely to affect landings in the 2024 fishing year ([given landings trends to date](#)), staff's calculations indicate that there was a 1.1 million pound ACL overage in the 2023 fishing year due to higher discards, and by early November NOAA will likely reduce the 2024 fishing year quota from 11.3 million pounds to about 10.2 million pounds as a result.

These ABCs result from the findings of the 2023 Management Track Stock Assessment, which was determined through peer review to constitute the best available scientific information, as well as the SSC’s application of the Council’s risk policy to have about a 46% chance of overfishing for a stock slightly above its target biomass (as spiny dogfish is estimated to be). The Council’s risk policy instructs the SSC to reduce the ABC from the overfishing level of catch (OFL – projected to be 7,626 MT in 2025), to account for scientific uncertainty and achieve the lower chance of overfishing. The Monitoring Committee discussed whether NOAA might be able to use its emergency rulemaking authority again to set the ABC at the full OFL – NOAA staff will review this question but generally the rationale for emergency action is that some unexpected circumstance has arisen that may take some time to address, so use of an emergency action is typically limited to one year for any particular recent/unforeseen event or recently discovered circumstance.

There were several questions from the public about the assessment at various times during the webinar, which are addressed here:

- The next assessment is scheduled for 2027. The 2027 assessment is unlikely to substantially change the trends up to 2022, but will provide information on whether our projections for after 2022 are realized. Projections are inherently more uncertain than estimates.
- Having discards be more than landings in 2023 isn’t logical? Staff noted that in 2023 landings decreased substantially and the discard estimate increased.
- How could we have been overfishing if we were not catching the quota? The assessment indicates that the productivity of the stock has declined and catch limits in recent years were too high. Staff noted that multiple data sources indicated status declines in the 2010s up to the terminal year of the assessment (2022) including the proportion of 90cm+ females in catches (in landings, discards, and surveys) and a decline in the size of females at maturity. The previous assessment used in the 2010s was also relatively simple, with extreme dependence on just the spring trawl survey.
- Increasing discards may be a sign of increasing biomass, but we’ve seen increasing male biomass already – the biomass and ABC issues are more related to mature females and their productivity.
- Where are most of the commercial discards coming from? Staff is following up with updated data, but staff’s understanding based on [Standardized Bycatch Reporting Methodology reports](#) is that most commercial discards come from trawl fisheries (mix of NE and Mid-Atlantic, large and small mesh). The assumed discard mortalities are uncertain and mostly based on review of various historical shark studies (see below).

Gear Name	Discard Mortality Ratio
LONGLINE, BOTTOM	0.10
DREDGE, SCALLOP,SEA	0.75
GILL NET, FIXED OR ANCHORED,SINK, OTHER/NK SPECIES	0.30
TRAWL,OTTER,BOTTOM,FISH	0.50
Recreational:	0.20

Several set-asides needed for calculating the commercial quota were straightforward. The Monitoring Committee recommended deducting 4 MT for Canadian landings and 111 MT for U.S. recreational landings, based on review of recent data (three-year average and five-year average, respectively).

Besides the lower ABCs, the set-aside for discards greatly affects the potential for reduced quotas. The approach used for the projection model last year mostly just applied the 2022 discard proportion of total catch forward with a small adjustment for biomass. After correcting for a 2022 discard estimation error, the discard ratio from 2022 is now 37.4%, which if applied directly to the new averaged ABC would mean setting aside 2,703 MT for discards. Staff noted several issues with this approach, despite it being deemed to constitute best available scientific information last year, including:

- 2019-2023 fishing year discards averaged 3,699 MT (ranged from a low of 2,939 MT in 2021 to a high of 4,304 MT in 2023).

- The ratio approach would suggest that as the ABC goes to zero, discards would go to zero along with landings, which doesn't make sense.

- We also now have 2023 data, which due to lower landings and higher discards had a 52.2% discard proportion of total catch.

Due to the generally stable 2019-2023 discards, the voting members of the Monitoring Committee concluded that using that 5-year average was a reasonable approach to determine how much to set aside for discards. However, even this higher set-aside could still lead to ACL overages and future paybacks if discards keep increasing and if the resulting quota of about 7.5 million pounds gets landed (see Table 1). While landings have generally been trending down since 2012 and 2024 landings are running below 2023's quota use path, landings have not been below 2023's 8.7 million pounds since 2007.

Given the previous use of the 2022 ratio to determine discard set asides and its designation as a best scientific approach last year, the Monitoring Committee noted 2,703 MT could be a potentially justifiable discard set aside. However, considering recent discard estimates, this approach would run a high chance of creating ACL overages and paybacks unless landings are below the resulting 9.7 million pound quota (see Table 2) and/or unless discards run lower than recent years' estimates.

The Monitoring Committee sees that these quotas may not be viable for industry, but could not see alternative approaches that would adhere to the legal/regulatory requirements of the Monitoring Committee and the Councils.

The non-voting industry members of the Monitoring Committee regarded the proposed ABCs, discard set-asides, and resulting quotas as not viable for continued existence of the last processor and indicated that maintaining the current quota was the only viable option to keep the industry going for at least one more year (waiting for a new assessment in 2027 to improve the situation won't help). They supported the concerns made in public comments about potential issues with the assessment-produced ABCs and impacts on the fishery, highlighting that the yo-yo management approach makes it impossible to maintain a sustainable fishery even if the dogfish

stock is at a good level. Changes in perceptions about dogfish abundance are likely being driven mostly by survey variability and/or environmental conditions that are not well accounted for in the current assessment.

Additional Public Comments:

- The jobs related to spiny dogfish processing, fishing, and widely varied support and dependent industries (from trucking to organic fertilizer/farming to international logistics) will disappear with a 7.5 million pound quota. We won't survive. There are 100s if not 1000s of jobs involved that impact a variety of east coast communities, including historically marginalized ethnicities.
- We won't be able to survive another year never mind until a 2027 assessment. The market will shift to other suppliers and we won't be able to re-enter markets if/when your data say catches can be increased.
- Recent catches, few of which are sampled by NOAA (but some are), have seen plenty of large females up to 100 cm. Your spreadsheets are not showing what the industry is seeing in terms of size of females, and numbers of pups. Recent data (e.g. 2024 landings) collected by NOAA should be considered in detail before cutting quotas. Industry has also been seeing heavier fish at any given length recently.
- Use of smaller mesh, and the pending smaller mesh requirement off Maryland/Virginia, will result in landings having less big females, which will bounce off the smaller mesh.
- We need to see if there are ways to reduce discards and/or get better information on discard mortality.

(See next page for draft specifications tables)

Table 1. Specifications using 5-year average for discard set-aside

Specifications	2025 (pounds)	2025 (mt)	Basis
OFL (from SSC)	16,812,432	7,626	SS3 Assessment/Projection
ABC (from SSC)	15,939,403	7,230	SSC / Risk Policy (avg ABC)
Canadian Landings	8,818	4	2020-2022 Average
Domestic ABC	15,930,584	7,226	= ABC – Canadian Landings
ACL	15,930,584	7,226	= Domestic ABC
Mgmt Uncert Buffer	0.0%	0.0%	May depend on other set-asides
Amount of buffer	0	0	
ACT	15,930,584	7,226	= ACL - mgmt uncert buffer
U.S. Discards	8,154,889	3,699	19-23 avg
TAL	7,775,695	3,527	ACT – Discards
U.S. Rec Landings	244,713	111	19-23 avg
Comm Quota	7,530,982	3,416	TAL – Rec Landings

Table 2. Specifications using 2022 ratio to apportion discards/landings

Specifications	2025 (pounds)	2025 (mt)	Basis
OFL (from SSC)	16,812,432	7,626	SS3 Assessment/Projection
ABC (from SSC)	15,939,403	7,230	SSC / Risk Policy (avg ABC)
Canadian Landings	8,818	4	2020-2022 Average
Domestic ABC	15,930,584	7,226	= ABC – Canadian Landings
ACL	15,930,584	7,226	= Domestic ABC
Mgmt Uncert Buffer	0.0%	0.0%	May depend on other set-asides
Amount of buffer	0	0	
ACT	15,930,584	7,226	= ACL - mgmt uncert buffer
U.S. Discards	5,959,088	2,703	2022 proportions
TAL	9,971,496	4,523	ACT – Discards
U.S. Rec Landings	244,713	111	19-23 avg
Comm Quota	9,726,783	4,412	TAL – Rec Landings



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P. Weston Townsend, Chairman | Michael P. Luisi, Vice Chairman

Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: September 9, 2024
To: Chris Moore
From: Jason Didden, staff
Subject: Staff recommends keeping original 2025 Spiny Dogfish ABC recommendation

The Council's Scientific and Statistical Committee (SSC) will review the previously set 2025 Acceptable Biological Catch (ABC) limit for spiny dogfish. Details on recent trends in the fishery, stock status, and Advisory Panel input can be found in the [other briefing materials for the September 2024 SSC meeting](#). As described below, updated catch data have lowered the projected 2025 ABC by approximately 4%, but a key abundance indicator doubled from 2022 to 2024, so staff recommends maintaining the original 2025 ABC of 7,312 metric tons (MT).

[Last year](#), the SSC recommended and the Council adopted a 2024 ABC of 7,135 MT and a 2025 ABC of 7,312 MT. These ABCs were based on applying the Council's risk policy in the assessment projection model, generating ABCs with about a 46% chance of overfishing each year. NOAA Fisheries implemented a 2024 ABC of 7,818 MT, right at the overfishing limit, so a 50-50 chance of overfishing. NOAA Fisheries cited a need "to establish allowable harvest levels for the spiny dogfish fishery to prevent overfishing while minimizing adverse economic impacts on fishing communities, using the best scientific information available."

While preparing for review of the 2025 specifications, several catch data/projection issues emerged:

1. 2022 catch: The 2023 assessment used under-estimated 2022 dead discards (mostly because of incorrect coding of discard mortality rates). The 2022 discards are now estimated to be 3,007 MT, (+41% or +873 MT more than the original 2,134 MT).
2. 2023 catch: The initial projection used an assumed catch of 7,788 MT for 2023 (2023's ABC), but the current 2023 catch estimate is 9,456 MT (+21% or +1,668 MT).
3. 2024 catch: The initial projection used an assumed catch of 7,135 MT for 2024 (the SSC's ABC), but NOAA Fisheries set the 2024 ABC at 7,818 MT.

To consider the impacts of these updated data, Council staff requested that NOAA Fisheries' Northeast Fisheries Science Center re-run the terminal assessment year with the corrected/higher 2022 discards/catch (#1 above) - to keep the process simple each discard fleet was scaled up equally to get to the corrected discard total. Then projections were re-calculated with the updated 2023 and 2024 catch information (#2 and #3 above).

Utilizing the Council's P* risk policy resulted in lower projected ABCs of 7,031 MT in 2025 and 7,446 MT in 2026 - the higher catches shrink the calculated biomasses by about one percent (but biomasses are still above the target).

Despite the lower projected ABCs, after reviewing all the available information and the Advisory Panel's input, **staff recommends maintaining the previously adopted 7,312 MT 2025 ABC for spiny dogfish**, because:

- The updated biomass projections are very similar to the previous projections even with the updated catch information.
- No new ABC-related issues were identified by the Advisory Panel.
- The spring mature female biomass index approximately doubled from 2022 to 2024 ([Data Update Figure 3](#)) but can't be integrated until the next assessment (currently scheduled for 2027).

From staff's perspective the higher 2024 biomass index, while not able to be used in an assessment, counterbalances any concerning effect of the updated/higher 2022/2023/2024 catches. Therefore, maintaining the SSC's original 2025 ABC (7,312 MT) seems reasonable. Because NOAA Fisheries implemented a higher 2024 ABC instead of what was recommended by the SSC, the original 2025 ABC will still lead to a quota reduction for 2025 compared to 2024¹. In addition, the higher recent discards may lead to higher set-asides for anticipated 2025 discards, lowering quotas further, and exacerbating socioeconomic effects for 2025 if the SSC lowers its original 2025 ABC recommendation.

¹ Staff also expects that about 492 MT (1.1 million pounds) will be deducted soon from the current 2024 fishing year quota due to a 2023 Annual Catch Limit (ACL) overage, but that quota deduction appears unlikely to affect landings/catches [given the landings trends so far in the 2024 fishing year](#).



Spiny Dogfish AP Fishery Performance Report May 9, 2024

The Mid-Atlantic Fishery Management Council's (Council) Spiny Dogfish Advisory Panel (AP) met via webinar on May 9, 2024 to review the Spiny Dogfish Fishery Information Document and develop the following Fishery Performance Report. The primary purpose of this report is to contextualize catch histories for the Scientific and Statistical Committee (SSC) by providing information about fishing effort, market trends, environmental changes, and other factors. Trigger questions (see below) were posed to the AP to generate discussion of observations in the spiny dogfish fishery related to several themes below. Advisor comments described below are not necessarily consensus or majority statements.

Advisory Panel members attending: Roger Rulifson, Chris Rainone, Kevin Wark, Scott Curatolo-Wagemann, Sonja Fordham, and Mark Sanford.

Others attending: Jason Didden, Wes Townsend, Charles Solan, David McCarron, Nichola Meserve, and Sonny Gwin.

Trigger questions:

The AP was presented with the following trigger questions:

1. What factors have influenced recent catch (markets/economy, environment, regulations, other factors)?
2. Are the current fishery regulations appropriate? How could they be improved?
3. What would you recommend as research priorities?
4. What else is important for the Council to know?

Market/Economic Conditions

Artificially low quota and low quota expectations dampen demand. If you don't think you can maintain production you're not going to try. Hi fuel costs and typical dogfish prices also combine to keep landings low.

Similar market issues persist as with previous years – demand has been low but stable recently – the market could support more landings than in the most recent year if participation/production at the vessel level increases.

Southern fishermen have to ship to MA. There are no Southern processors – they were “burnt” by previous management and won't re-enter without quota stability on a decadal timeframe. Previous reports have noted not having a processor also depresses NY landings. High fuel costs add to trucking costs, which is a substantial issue for this fishery given the processing situation.

Better opportunities in other fisheries reduce spiny dogfish effort. For example, in Virginia in recent years, some fishermen have calculated that oysters and shrimp can be better opportunities. It's hard to attract/pay/retain a crew, often must fish solo. Any disruption to this fishery will exacerbate these issues and make it impossible to sustain participation.

Cornell has tried to expand domestic consumption of spiny dogfish and other undervalued/underutilized/lesser-known species through chefs' sampler events, underserved communities/foodbanks, etc. See <https://www.localfish.org/>.

Changing the name to Chip Fish would help with marketing/exports. We could sell these in the U.S. if we could change the name (like snakehead). Practical name-change challenges have been highlighted in the past.

Industrial uses could help develop a market for male dogfish. Developing industrial markets (e.g. fertilizer, processed export, or pharmaceutical/livers) requires a higher trip limit for trawlers. Expanding use of liver components could increase overall value – several outreach efforts have occurred to pharmaceutical companies with no interest expressed back.

Regarding the fin market – there are self-imposed bans by cargo lines that prohibit fin transport even from sustainable sources (i.e. this is beyond our control).

Environmental Conditions

Environmental conditions are always a factor in terms of dogfish distribution and availability to fishermen. Weather off Virginia was very poor during the typical 2023/2024 Virginia winter spiny dogfish season.

We see availability fluctuations in the spring and different behavior seasonally but no major overall abundance swings in recent years.

Condition of NC and MA inlets makes it very difficult to get product into some ports. NC trawl fishermen can't land spiny dogfish in VA due to state regulations. These issues exacerbate gentrification issues noted below.

Management Issues

New Jersey has had a lower 4,000-pound trip limit recently to control landings given the low quota (to extend the season) – this lowered landings versus if NJ had maintained a higher trip limit.

There's not enough high-perspective view of this fishery - you are going to eliminate it totally with further restrictions given the likely impacts on the last remaining processor. We need a holistic approach to keep the fishery functioning given the financial impacts of low trip limits (and low product value), and/or fishery closures. We are at a threshold where interest, and fishermen, will evaporate - don't say we didn't tell you what the results of further reductions would be. The AP has been warning about the impacts on infrastructure of management decisions that are destroying this fishery with rollercoaster-style management and resulting shoreside gentrification. Industry needs managers to improve their awareness of the impacts of

decisions. Loss of fish houses is a coast-wide issue – and the loss of infrastructure needs to be addressed to maintain a healthy fishery.

The artificially-low quota (flawed assessment and previous SSC decisions) broke the supply chain from the south, eliminating the primary southern fish house/buyer/packer. The new Virginia dealer was still spinning up during the 2023 fishing year.

Regulations (especially the trip limit) do not allow a male fishery. State regulations do not allow new fishermen to participate. The current regulations are geared to keep price up and production limited and do not allow industrial production.

There was some discussion in 2023 during the last AP meeting whether changes to state-by-state quotas should be considered - the overall consensus however was that allocation changes would be risky with the current quota situation and not warranted at this time.

Other Issues

Toward the end of the 2023 fishing year, the Massachusetts processor was moving their processing plant so dealers in general couldn't/wouldn't take much spiny dogfish.

Many advisors think the surveys are not representative of the biomass. Given the lack of an off-shelf survey and vertical water column usage by dogfish, we don't really know the population size. 1/10 of the needed area is surveyed. See Carlson AE, Hoffmayer ER, Tribuzio CA, Sulikowski JA (2014) The Use of Satellite Tags to Redefine Movement Patterns of Spiny Dogfish (*Squalus acanthias*) along the U.S. East Coast: Implications for Fisheries Management. PLoS ONE 9(7): e103384. <https://doi.org/10.1371/journal.pone.0103384>. Also see Garry Wright's thesis that concluded that the NEFSC trawl survey is not accurately representing spiny dogfish biomass.

Windfarm impacts will squeeze the fishery from the ocean-side and shoreside gentrification squeezes from the land-side – both are critical stressors in terms of fishery survival.

Allowing dogfish populations to increase has hurt all other fish populations. We need better calculations regarding consumption by dogfish of other fish.

You should account for the continual nature of embryo development/pupping in the assessment.

Bigelow performance issues are doing a disservice to all the fisheries and fishermen. The repeated failure of the Bigelow since 2014 to complete its mission in terms of not fishing at a consistent time seasonally and not achieving planned stations eliminates our ability to have good information about spiny dogfish abundance, given the dependence on the survey for spiny dogfish abundance trends. This compounds uncertainty concerns and the Bigelow performance degrades the credibility of the resulting information (both regarding individual years and interpreting the time series). We had 2/10 years of full surveys in a recent period. This affects all species' management. The timing of the survey is critical for spiny dogfish due to the observed migration patterns, and not sampling the same areas consistently reduces the meaningfulness of the resulting data. The Council should call in NEFSC's maritime operations manager to account for Bigelow performance issues.

In 2023 concern was voiced whether the NEFSC is continuing wire/net measurements to ensure survey consistency. Council staff asked NEFSC staff about this and received the following reply: The NEFSC bottom trawl survey monitors and validates all standard survey tows for consistent gear and vessel performance against a detailed set of performance criteria. If gear or vessel performance is outside of these standard criteria, abundance data would not be used in the calculation of survey indices. Some biological data, such as age samples, may still be used. [Please refer to the NEFSC Bottom Trawl Protocols for more information.](#)

Research Priorities

Research priorities will be reviewed separately, but the following issues were discussed and seem immediately relevant:

We need to utilize commercial fishermen more in developing indices of abundance (not just the Bigelow). Fishermen are losing trust in the process with constant changes and new models. The CPUE-type indices being developed for monkfish should be considered for dogfish.

Either cooperative or not, gillnet-based surveys would make more sense for spiny dogfish. Examine west-coast published research on abundance.

Consider vertical distribution research and corral-based depletion study – gillnet based work - Gary Wright thesis – East Carolina University.

East Carolina Univ has tagged 43,000+ spiny dogfish – trying to get graduate student to publish. Appears to be an availability gap from years 2-8/10 where if not caught in first few years fish are not caught for a number of years but then eventually show back up in commercial catches.

Why are people opting out of this fishery? Greying of the fleet? Costs? Other fisheries? We need to understand the vast drop in participation and what is projected for future trends.

eDNA and Baited Remote Underwater Vehicles (BRUV) should be explored for fisheries including spiny dogfish – especially since gillnets appear to have reduced CPUE in cold water.

Off the shelf sampling needs to occur to understand biomass. Why can't Bigelow do some deeper sampling? Could we send a drone to prospect/monitor?

From previous year for future review:

Updated bycatch mortality information could help us understand biomass trends.

Could there be electromagnetic energy being transferred to the trawl affecting survey catches?

Spiny dogfish fishing could have an environmental justice aspect as a low-priced seafood.

Explore using 3-D printing technology to improve “fillet” production from spiny dogfish.

Consider whether/how electro-fishing surveys could be used.

Research on squalamine from spiny dogfish livers for medical use could increase fishery value.

We should conduct research into the purposes of the horn/spine – is it offensive (weakening potential prey), or defensive?



Spiny Dogfish Fishery Information Document

May 3, 2024

This Fishery Information Document provides an overview of the biology, stock condition, management system, and fishery performance for spiny dogfish (*Squalus acanthias*) with an emphasis on recent data. Data sources for Fishery Information Documents are generally from unpublished National Marine Fisheries Service (NMFS) survey, dealer, vessel trip report (VTR), permit, Marine Recreational Information Program (MRIP), and Catch Accounting and Monitoring System (CAMS) databases and should be considered preliminary. For more resources, including previous Fishery Information Documents, please visit <http://www.mafmc.org/dogfish>.

Key Facts

- 2023 fishing year landings were about 36% lower than the previous year and 2023 landings were the lowest since 2007.
- The 2023 fishing year quota was about 12.0 million pounds (59% lower than 2022).
- 2024 specifications are pending but the Councils adopted spiny dogfish specifications for 2024-2026, including a 10.7-million-pound commercial quota for 2024.

Basic Biology

Spiny dogfish is the most abundant shark in the western north Atlantic and ranges from Labrador to Florida, being most abundant from Nova Scotia to Cape Hatteras, North Carolina. Migrations are believed to primarily occur in response to changes in water temperature. Spiny dogfish have a long life, late maturation, a long gestation period, and relatively low fecundity, making them generally vulnerable to depletion. Fish, squid, and ctenophores dominate the stomach contents of spiny dogfish collected during the Northeast Fisheries Science Center (NEFSC) bottom trawl surveys, but spiny dogfish are opportunistic and have been found to consume a wide variety of prey. More detailed life history information can be found in the essential fish habitat (EFH) source document for spiny dogfish at: <https://www.fisheries.noaa.gov/region/new-england-mid-atlantic#science>.¹

Status of the Stock

Based on the 2023 Management Track Assessment, the spiny dogfish stock was neither overfished nor experiencing overfishing in 2022. Despite being at relatively low historical abundance, the stock was slightly above its biomass target. However, reduced productivity has lowered sustainable catches.

Management System and Fishery Performance

Management

The Council established management of spiny dogfish in 2000 and the management unit includes all federal East Coast waters. Quotas are set based on the current science and Council’s risk policy to avoid overfishing and rebuild stocks if/when necessary.

Access to the fishery is not limited, but a federal permit must be obtained to fish in federal waters and there are various permit conditions (e.g. trip limit and reporting). There is a federal trip limit of 7,500 pounds (increased from 6,000 for the 2022 fishing year). Some states mirror the federal trip limit, but states can set their own trip limits. The annual quota has been allocated to states through the Atlantic States Marine Fisheries Commission (<http://www.asafc.org/species/spiny-dogfish>).

In April 2024 the Council took final action on a joint framework action with the New England Fishery Management Council (NEFMC) to reduce the bycatch of Atlantic sturgeon in the monkfish and spiny dogfish gillnet fisheries. For federal vessels targeting spiny dogfish, the Council approved overnight soak prohibitions during months of high sturgeon interactions within bycatch hotspot polygons in the New Jersey and Delaware, Maryland, and Virginia regions. In addition, they approved an exemption from the overnight soak prohibition for vessels using a mesh size less than 5.25 inches in the Delaware, Maryland, and Virginia hotspot polygons. For federal vessels targeting monkfish in state and federal waters, the Council approved a year-round low-profile gear requirement in the New Jersey bycatch hotspot polygon. The Council also agreed to write a letter to the Northeast Fisheries Science Center (NEFSC) observer program to recommend the development of a sturgeon tagging program for both live discards and dead discards for all the fisheries and gear types where sturgeon interactions occur. The NEFMC approved the same alternatives during their meeting the following week. The Councils will submit the framework to the Secretary of Commerce for review and rulemaking. Visit <https://www.mafmc.org/actions/sturgeon-bycatch-framework> for additional information and updates. Implementation is expected in late 2024 or early 2025.

Commercial Fishery (Recreational catch comprises a relatively low portion of fishing mortality)

Figure 1 and Table 1 illustrate spiny dogfish landings for the 2000-2023 fishing years relative to the quotas in those years. The Advisory Panel has previously noted that the fishery is subject to strong market constraints given weak demand. 2023 fishing year landings were about 36% lower than the previous year and 2023 landings were the lowest since 2007. Figure 2 provides inflation-adjusted spiny dogfish ex-vessel prices in “2023 dollars.”

Figure 3 illustrates preliminary landings from the 2023 and 2022 fishing years relative to the current quota. The last data point is typically the most incomplete.

Tables 2-4 provide information on landings in the 2021-2023 fishing years by state, season, and gear type. The seasonal periods were changed since the last document to maintain data confidentiality. Table 5 provides information on the numbers of participating vessels that have at least one federal permit. State-only vessels are not included, but the table should still illustrate overall trends in participation.

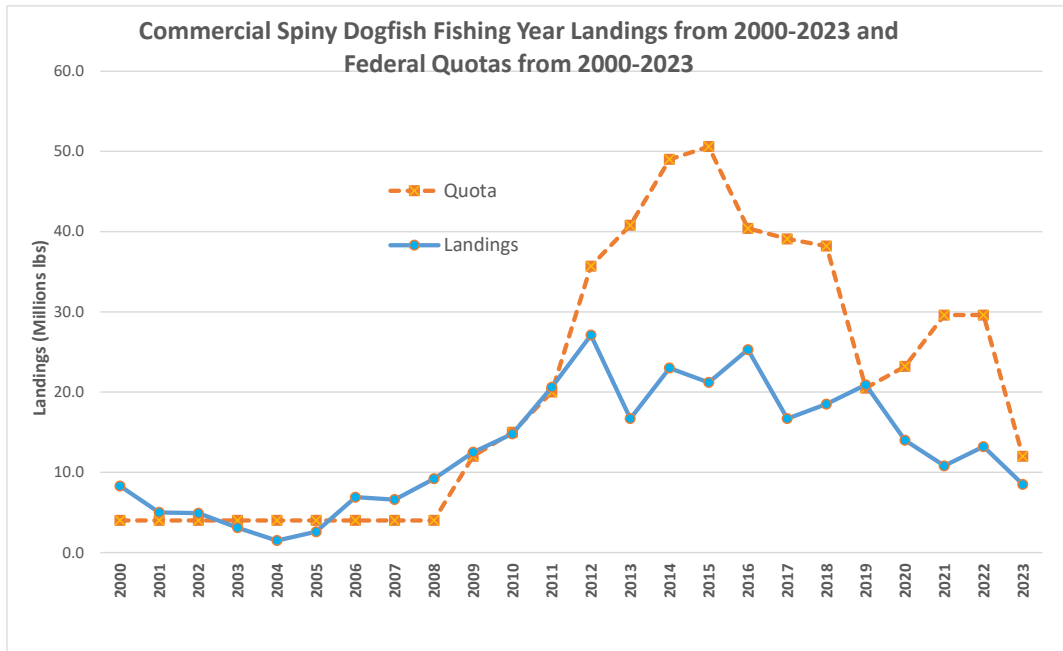


Figure 1. Annual spiny dogfish landings and federal quotas 2000-2023

Source: NMFS CAMS queried 5/1/2024 (likely some additional state landings for 2023 will be added)

Table 1. Annual spiny dogfish landings and federal quotas 2000-2023

Source: NMFS CAMS queried 5/1/2024 (likely some additional state landings for 2023 will be added)

Fishing year	Fed Quota (M lb)	Landings (M lb)
2000	4.0	8.3
2001	4.0	5
2002	4.0	4.9
2003	4.0	3.1
2004	4.0	1.5
2005	4.0	2.6
2006	4.0	6.9
2007	4.0	6.6
2008	4.0	9.2
2009	12.0	12.5
2010	15.0	14.8
2011	20.0	20.6
2012	35.7	27.1
2013	40.8	16.7
2014	49.0	23
2015	50.6	21.2
2016	40.4	25.3
2017	39.1	16.7
2018	38.2	18.5
2019	20.5	20.9
2020	23.2	14
2021	29.6	10.8
2022	29.6	13.2
2023	12.0	8.5

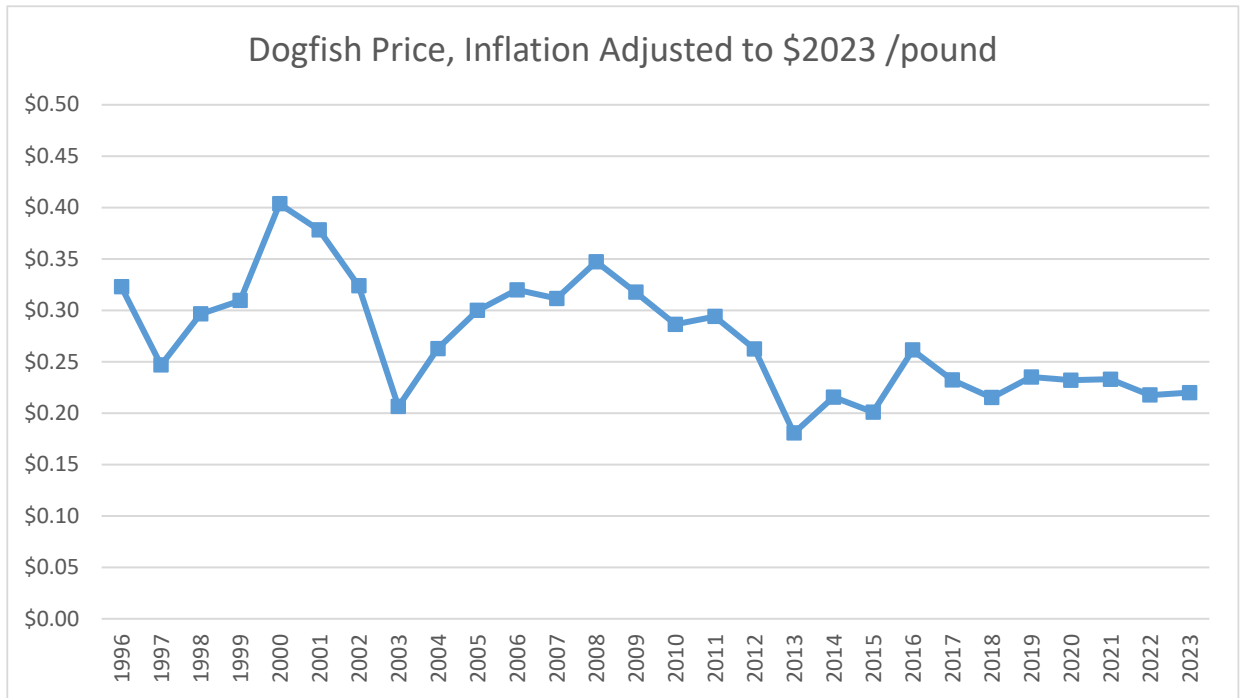


Figure 2. 1995-2023 fishing years' average prices of spiny dogfish in 2023 dollars per landed pound (adjusted to "2023 dollars" using the GDP deflator).
 Source: NMFS CAMS queried 5/2/2024

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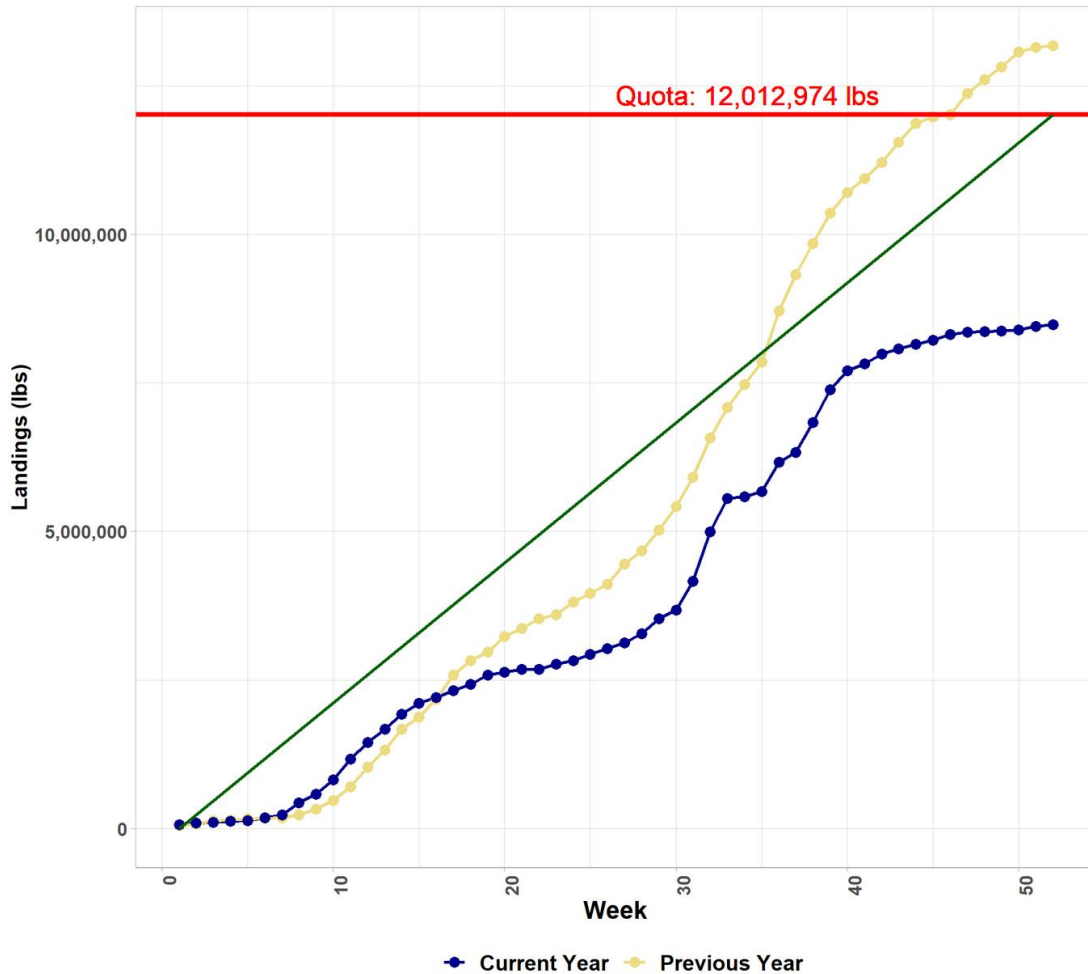


Figure 3. Preliminary Spiny dogfish landings; the 2023 fishing year (Starts May 1) is in blue (through May 2, 2024), and the 2022 fishing year is in yellow-orange.

Source: <https://www.fisheries.noaa.gov/new-england-mid-atlantic/commercial-fishing/quota-monitoring-greater-atlantic-region> .

Table 2. Commercial Spiny Dogfish landings (landed weight – millions of pounds) by state for 2021-2023 fishing years. Source: NMFS CAMS queried 5/2/2024

Year	MA	NJ	Other/CI (including VA)	Total
2021	3.9	1.6	5.3	10.7
2022	3.9	1.7	7.6	13.2
2023	2.8	0.8	4.9	8.5

Table 3. Seasonal Commercial Spiny Dogfish landings (landed weight – millions of pounds) for 2021-2023 fishing years. Source: NMFS CAMS queried 5/2/2024

Year	May-Oct	Nov-April	Total
2021	4.4	6.3	10.7
2022	4.2	8.9	13.2
2023	3.0	5.4	8.5

Table 4. Commercial Spiny Dogfish landings (landed weight – millions of pounds) by gear for 2021-2023 fishing years. NMFS CAMS queried 5/2/2024

Year	GILL NET, SINK	LONGLINE, BOTTOM	Other	Total
2021	8.8	1.0	0.8	10.7
2022	10.9	1.3	1.0	13.2
2023	6.6	1.2	0.7	8.5

Table 5. Participation in fishing years 2000-2023 by federally-permitted vessels. State-only vessels are not included. Source: NMFS unpublished dealer data pre 2021, CAMS data for 2021-2023 accessed 5/3/2024

YEAR	Vessels 200,000+	Vessels 100,000 - 199,999	Vessels 50,000 - 99,999	Vessels 10,000 - 49,999	Total with at least 10,000 pounds landings
2000	16	10	8	43	77
2001	4	12	10	33	59
2002	2	14	8	31	55
2003	4	5	3	17	29
2004	0	0	0	42	42
2005	0	0	1	67	68
2006	0	4	11	114	129
2007	1	2	21	72	96
2008	0	5	20	119	144
2009	0	11	42	166	219
2010	0	26	54	124	204
2011	1	48	73	135	257
2012	25	55	56	146	282
2013	10	27	45	87	169
2014	27	38	38	81	184
2015	31	33	36	59	159
2016	52	26	14	45	137
2017	28	27	24	32	111
2018	28	26	20	35	109
2019	29	25	21	29	104
2020	23	27	15	22	87
2021	15	27	12	28	82
2022	27	10	17	27	81
2023	14	15	13	22	64

References

¹ Stehlik, Linda. 2007. Essential Fish Habitat source document: Spiny Dogfish, *Squalus acanthias*, Life History and Habitat Characteristics. NOAA Technical Memorandum NMFS-NE-203; 52 p.

END OF DOCUMENT

From: [James Fletcher](#)
To: [Didden, Jason](#)
Subject: Re: 2025 Spiny Dogfish ABC - additional input?
Date: Sunday, August 25, 2024 2:44:20 PM
Attachments: [image001.png](#)

Any idea how for council or NMFS to provide Rob Vience funding to build cutting machines for Piere

Think HOW can cutters work without a steady supply of fish

How can Piere sell the smaller fish the sturgeon rules are going to catch ?

Will the Council EVER HAVE A MALE FISHERY? Cutting machines can make the male fishery profitable!

Request an exemption to vessel 165 ft rule for dogfish processor.

Request COUNCIL RENAME PLAN CHIPFISH OR CHIP FISH PLAN! *(INDUSTRY DESTROYED BY NMFS AND MAFM COUNCIL! WHO IS RESPONSIBLE FOR INDUSTRY DECLINE?)*

On 8/23/2024 4:27 PM, Didden, Jason wrote:

Greetings,

The [SSC will meet Wednesday, September 11, 2024 to review the 2025 Spiny Dogfish ABC](#). Last year the Council adopted 2024-2026 specifications but NMFS set 2024 specifications higher than the SSC or Council. It's still not clear what that means for next year – more to come on that soon.

We met earlier this year and created the Spiny dogfish Fishery Performance Report – it's available here: https://mafmc.squarespace.com/s/2024-Dogfish_FPR.pdf

Besides what you said earlier this year, is there any other input you want to add as the SSC is reviewing the 2025 Spiny Dogfish ABC? Please provide any additional input to me by Thursday August 29. For reference, here are the weekly landings so far this fishing year in case you wanted to provide any context on them:

https://www.greateratlantic.fisheries.noaa.gov/ro/fso/reports/h/dog/dog_coast_qm.html

Thanks,
Jason

Jason Didden
jdidden@mafmc.org
www.mafmc.org
(302) 526-5254 (direct)
(302) 397-1131 (cell)



CORRESPONDENCE

(to New England Fishery
Management Council)

From: Daniel Smith <ultimategamblecharters@gmail.com>

Sent: Saturday, November 23, 2024 12:07 PM

To: comments <comments@nefmc.org>

Subject: Spiney dogfish comment

I find it ridiculous the council is even considering a reduction in the spiney dogfish quota. These fish are a major nuisance for anyone fishing in New England.

It's almost impossible to groundfish without being overrun. It's also impossible have baits deeper than 50 feet for pelagics, without constant and unending harassment from hordes of dogfish! Baits like whole live bluefish that are getting killed by the bellies being eaten out of them by the dogfish.

Anyone who considers a reduction in the commercial quota is obviously not in touch with reality and the seriousness of the tremendous overpopulation of these fish.

The goal of the council should be increasing the take of these predators.

Respectfully,

Capt. Daniel Smith

From: Jaron Frieden <captainjaron@fishlucky7.com>
Sent: Saturday, November 23, 2024 9:49 AM
To: comments <comments@nefmc.org>
Subject: Spiney Dogfish

Please take this as a public comment for the proposed reduction in quota for Spiney Dogfish. I run a charter out of Boston and do my fair share of offshore charters. The amount of Spiney Dogfish that we encounter make fishing for tuna very difficult and this has only increased over the years. If your bait is anywhere near the bottom, it is likely be either bit off partially or in whole by a Spiney Dogfish. I am not sure where this data could reliably be coming from, but I do believe that if actions are taken to reduce the quota, fisherman will be questioning more than this data and there will be a loss of credibility as this proposition is utterly ridiculous.

Jaron J Frieden

US Coast Guard Licensed Captain

Lucky 7 Fishing Charters

781-710-1190

www.fishlucky7.com

Matt Fontaine <mattfishsmell@gmail.com>

Sent: Friday, November 22, 2024 6:53 PM

To: comments <comments@nefmc.org>

Subject: Spiny Dogfish Regs

- An example of comments that you should revise accordingly is set forth below.
- As a Captain that has fished for many years now, I find it hard to believe that there are reductions proposed to the spiny dogfish ABC in our waters. We have such a tremendous biomass of dogfish in our waters, worse than ever, that are destroying our gear, eating out bait and preying on our forage and juvenile fish in our waters.
- It's hard to believe that with pending cuts to the Atlantic cod ACL that any reductions in the spiny dogfish ABC is even on the table since they prey upon cod, forage and other species to the detriment of the resource.
- A reduction in the ABC will shut down the last seafood processor resulting in no directed commercial fishery to the detriment of the resource and the entire blue economy that relies on such to make a living.
- The disconnect between our observations on the water and the fall and spring fishery surveys is indicative of shifting stocks and changing timing and location of where they are found inconsistent with historical trends. As a result the surveys are not capturing the biomass we observe in our waters.
- Based on the details set forth above I adamantly recommend status quo and no change to the spiny dogfish ABC to protect the resource.

Thank You

Matthew J Fontaine

-

From: Noah <aries1973@yahoo.com>
Sent: Saturday, November 23, 2024 12:55 PM
To: comments <comments@nefmc.org>
Subject: Dog fish regulations

hello

I do not support a reduction in the spiney dogfish quota. These fish are the bane of existence for anyone fishing in New England.

It's almost impossible to groundfish with bait or have baits deeper than 50 feet for pelagics, without constant and unending harassment from hordes of dogfish!

Anyone who considers a reduction in the commercial quota is obviously not in touch with reality and the seriousness of the tremendous overpopulation of these fish.

The goal of the council should be increasing the take of these voracious predators

Thanks

Noah Rosenbaum

Boston MA

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

From: Philip Torrance <torrancetrucking@aol.com>

Sent: Saturday, November 23, 2024 4:58 PM

To: comments <comments@nefmc.org>

Subject: Spiney Dog Fish Reduction - NO

Please do not reduce the quota for Spiney Dog Fish. The species is making it difficult for any other fish species to stay productive. Fishing has become a nightmare with being over run daily with Spiny Dog Fish as a primary catch species.

Respectfully,

Phil Torrance
Carver MA
F/v Flip-Out II

From: Riccardo Buzzanga <trinacriafishing@gmail.com>
Sent: Saturday, November 23, 2024 10:22 AM
To: comments <comments@nefmc.org>
Subject: Spiney Dogfish Quota

Dear Council Members

I write to you today to voice my vehement opposition to reducing the quota on Spiney Dogfish. I am the owner and captain of F/V Trinacria. We operate out of Boston Harbor's Commercial Wharf. I have been fishing the Gulf of Maine and Cape Cod Bay for over 50 Years and have personally witnessed the Invasion of Spiney Dogfish over that time. This past year we had over 100 Charter fishing trips in the Gulf of Maine from Jeffreys Ledge to the outer cape including Stellwagen Bank and everywhere in between. Most of our trips we encounter an endless onslaught of Spiney Dogfish. Our frequency of trips are most likely a larger sample of other metrics you may be using. This invasion worsens every year and the overpopulation can only be mitigated with proper management which should include higher quotas and incentives to harvest more of this nuisance species. Spiney Dogfish are voracious eaters and compete with our more important species such as Cod, Haddock, Pollack, Flounder and other groundfish. I urge you to not reduce this Quota!

I am available to anyone interested in discussing this further.

Captain Riccardo Buzzanga R.D.O.

F/V Trinacria

From: jeanne wyand <jwyand0213@gmail.com>
Sent: Sunday, November 24, 2024 7:40 AM
To: comments <comments@nefmc.org>
Subject: Dogfish quota

As a recreational fisherman in the waters off the coast of Massachusetts, I am more than a little surprised that the council is considering reducing the commercial dogfish quota. There a more dogfish out there than any other fish. And often times the only fish we catch are the dogfish. They have invaded the Black Sea bass grounds and the fluke grounds. Please do not destroy the grounds with your regulations. They are already compromised due the wind farms

**Jeanne Wyand
Mickey Finn
Westport Ma**

To whom it may concern,

I am writing to express my concerns regarding the proposed reduction in the quota for spiny dogfish. While I recognize the need for sustainable fisheries management, I urge you to consider the broader implications of such a reduction, particularly the potential negative impacts on both the fishing industry and the ecosystem.

Spiny dogfish are an important species in the marine ecosystem, serving as a predator and prey species that helps maintain balance. However, the current scientific data does not seem to support a drastic reduction in the quota at this time. Spiny dogfish populations have been relatively stable if not imploded in recent years, and while there are some fluctuations in your stock assessments, there is insufficient evidence to warrant a significant cut in the quota without more comprehensive review and data validation.

Further more I find it utterly ridiculous the council is even considering a reduction in the spiny dogfish quota. These fish are the bane of existence for anyone fishing in New England.

It's almost impossible to groundfish with bait or have baits deeper than 50 feet for pelagics, without constant and unending harassment from hordes of dogfish!

Anyone who considers a reduction in the commercial quota is obviously not in touch with reality and the seriousness of the tremendous overpopulation of these fish.

The goal of the council should be increasing the take of these voracious predators.

Captain Mike Guarino

Boston Harbor

on the 26' "Miss MnM"
Sent from my iPhone

To Rick Bellavance or Cate O'Keefe.

I have been a charter boat captain for 36 years and I am appalled that there are proposals to protect the spiny dogfish in our waters. The abundance of dogfish in our waters is a nuisance and they are destroying our gear. Some days it's impossible to even get bait in the water because the dogfish are eating all the small fish; cod, haddock, herring, mackerel, stripers, etc.

A reduction in the ABC will shut down the last remaining processor. This will result in no directed commercial fishery and impact the jobs on land and at sea.

I adamantly recommend status quo and no changes to the spiny dogfish ABC.

As the warming GOM continues, previous survey areas and old data are useless. I believe we need to change the locations where the surveys are being conducted.

In closing, there are so many other important fishing issues, that I can't believe we are talking about dogfish.

**Sincerely,
Captain Paul Diggins
Reel Pursuit Charters
Charlestown, MA 02129**

Final Motions
New England Fishery Management Council Meeting
December 3-5, 2024
Hotel Viking, Newport, RI
Hybrid meeting with remote participants

Wednesday, December 4, 2024

Spiny Dogfish Committee Report

1. Mr. Salerno moved and Ms. Griffin seconded:
that the New England Fishery Council recommends that Fishing Year 2025 OFL=ABC for spiny dogfish at 7,626mt, and follow Table 2 from the November 21, 2024 MAFMC Staff Memo for all other specifications.

Rationale:

The New England Council recommends following the Mid-Atlantic SSC's revised OFL and ABC for fishing year 2025 and the Spiny Dogfish Committee's recommendations for calculating discards.

Roll Call:

Yes: Mr. Aarrestad, Ms. Brawn, Ms. Odell, Mr. Hansen, Mr. Lucey, Ms. Patterson, Mr. Salerno, Ms. Ware, Ms. Griffin, Mr. Olszewski, Mr. Pappalardo, Mr. Pierdinock, Mr. Pentony, Mr. Platz, Mr. Smith, Mr. Tracy and Mr. Whelan

No:

Abstain:

The motion *carried* on a roll call vote (17/0/0).

Transboundary Management Committee Report

2. Mr. Salerno moved and Ms. Patterson seconded:
that the Council approve the Transboundary Management Guidance Committee's recommendations for United States/Canada total allowable catches (TACs) for 2025 as:
 - Eastern Georges Bank haddock at a TAC of 7,410 mt, and
 - Georges Bank yellowtail flounder at a TAC of 200 mt.

Roll Call:

Yes: Mr. Whelan, Mr. Pappalardo, Mr. Aarrestad, Ms. Patterson, Mr. Lucey, Ms. Odell, Ms. Ware, Mr. Hansen, Ms. Brawn, Mr. Salerno, Mr. Olszewski, Mr. Tracy, Ms. Griffin, Mr. Smith, Mr. Pierdinock, Mr. Pentony and Mr. Platz

No:

Abstain:

The motion *carried* on a roll call vote (17/0/0).



Mid-Atlantic Fishery Management Council

800 North State Street, Suite 201, Dover, DE 19901

Phone: 302-674-2331 | FAX: 302-674-5399 | www.mafmc.org

P. Weston Townsend, Chairman | Michael P. Luisi, Vice Chairman

Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: November 21, 2024
To: Dr. Chris Moore
From: Jason Didden, staff
Subject: Spiny Dogfish Specifications – Staff Recommendation

Per the Mid-Atlantic Fishery Management Council’s (Council) request, during a November 20, 2024 meeting, the Council’s Scientific and Statistical Committee (SSC) confirmed that an Acceptable Biological Catch (ABC) with a 50% chance of overfishing would result from setting the ABC equal to the overfishing level (OFL) catch. An assessment-generated OFL catch estimate generally has a 50% chance of leading to some degree of overfishing (and a 50% chance of resulting in a fishing mortality rate below overfishing). For spiny dogfish in 2025, the OFL = 7,626 metric tons (MT).

However, the SSC also reported that the previously provided ABCs (7,031 MT for 2025 based on a single year or 7,230 MT if kept constant for 2025 and 2026) were based on the Council's P* risk policy and represent the best scientific information available. The SSC highlighted that simulation studies (e.g. Wilberg et al 2015) conducted for the Council demonstrated that fishing at the OFL with no buffer for scientific uncertainty performs poorly with respect to risk of overfishing, and is likely inconsistent with National Standard 1.

In resolving the dilemma presented by the above SSC meeting outcome (the SSC Report was in draft form when this memo was created), staff also considered several issues related to Magnuson-Stevens Act (MSA) provisions and the spiny dogfish assessment/projections:

MSA Provisions:

1. The Magnuson-Stevens Act (MSA) states that the term "optimum", with respect to the yield from a fishery, means the amount of fish which—
 - (A) will provide the greatest overall benefit to the Nation, particularly with respect to food production and recreational opportunities, and taking into account the protection of marine ecosystems;
 - (B) is prescribed as such on the basis of the maximum sustainable yield from the fishery, as reduced by any relevant economic, social, or ecological factor;
2. The MSA states that "overfishing" and "overfished" mean a rate or level of fishing mortality that jeopardizes the capacity of a fishery to produce the maximum sustainable yield on a continuing basis.

3. National Standard 1 of the MSA states: (1) Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield.
4. National Standard 2 of the MSA states: Conservation and management measures shall be based upon the best scientific information available.
5. The MSA instructs the SSC shall provide its Council ongoing scientific advice for...decisions, including recommendations for ABC, preventing overfishing, ...
6. The MSA instructs that fishery management plans shall establish a mechanism for specifying annual catch limits...at a level such that overfishing does not occur...
7. The MSA instructs Councils to develop annual catch limits for each of its managed fisheries that may not exceed the fishing level recommendations of its SSC...

Spiny Dogfish Assessment/Projections and Prior Simulation Studies:

1. The 2023 spiny dogfish assessment estimated the stock to be approximately at its target in 2022 and, while projections are inherently uncertain, projected an increase to 113% of its target by 2026 even fishing at the OFL. The increase is primarily due to a period of improved recruitment during several years both before and after 2012, which creates an atypical and counterintuitive trend of a stock increasing above and beyond its target biomass even if fishing occurs at the OFL.
2. Lower recent growth and productivity have decreased the recent/current biomass target and sustainable yield estimates for spiny dogfish. In retrospect for example, we now think that the commercial quota in 2016 was set several times too high given our current understanding of what productivity was at that time. Growth and productivity are uncertain and related research is underway. If assessments of growth and productivity change, the target biomass will change in the next assessment (2027), which would also affect catch projections.
3. The approximately 1,900 MT of additional estimated/projected catches from 2022-2025 beyond the 2023 assessment's projected OFLs had a negligible impact on the biomass projections (biomass still projected to have increased to 113% of its target in 2026). These additional catches were mostly from higher-than-expected discards. The increasing projected biomass despite exceeding the OFLs¹ is largely due to: the period of better recruitment noted above, the mixed male/female nature of catches (male catch doesn't affect the biomass much), and the still large (if reduced and relatively unproductive) current total biomass of spiny dogfish - total female biomass of 321,000 MT and total male biomass of 407,000 MT in 2022.
4. The prior simulation studies noted by the SSC indicating OFL catches lead to failure to avoid overfishing did not consider short-term OFL-sized catches restricted to only when a stock was at or above its target (like spiny dogfish is estimated to be currently).
5. A higher ABC in 2025 will lead to a higher catch assumption for 2025 when 2026/2027 projections are run in 2025. A higher 2025 catch assumption will slightly

¹ Since MSA defines overfishing as a rate that "jeopardizes the capacity of a fishery to produce the maximum sustainable yield on a continuing basis" it's not clear to staff that overfishing as defined in the MSA could ever occur while a stock is at the same time increasing further above its target, but this is a bigger question beyond the scope of the current decision.

reduce ABCs for 2026/2027. Alternatively, a lower 2025 catch assumption will lead to slightly higher ABCs for 2026/2027.

Staff Recommendation

Given the above considerations, staff recommends splitting the difference between the previous P* based averaged 2025 ABC of 7,230 MT and the OFL of 7,626 MT: i.e. **an ABC of 7,428 MT**. This ABC would provide some additional quota while preserving a small degree of scientific uncertainty buffer and is more consistent with the Council’s risk policy with a maximum probability of overfishing of 49%. Considering the effects of recent catch adjustments on the estimated and/or projected biomasses, the effect of this change on stock biomass should be likewise negligible. Also, setting a slightly lower ABC in 2025 will likely marginally increase the projected ABCs for 2026/2027 (because stock size will be projected slightly higher).

Staff also recommends utilizing the discard approach previously recommended by the Spiny Dogfish Committee, of setting aside the midpoint of:

- 1) the 2019-2023 average of fishing year discards: 3,699 MT, and
- 2) applying the 2022 discard ratio (37.4% - assessment terminal year updated) to the U.S. ABC: 2,777 MT.

This midpoint gives a discard set aside for 2025 of 3,238 MT. These values allow deriving a commercial quota of 9.0 million pounds per Table 1 below, slightly higher than the 8.6 million pounds of landings in the 2023 fishing year. For reference, Table 2 on the next page provides the 2025 specifications if the ABC was set at the OFL (and also using the same midpoint discard approach).

Table 1. Staff Recommended 2025 Spiny Dogfish Specifications

Specifications	2025 (pounds)	2025 (mt)	Basis
OFL (from SSC)	16,812,432	7,626	SS3 Assessment/Projection
ABC (from SSC)	16,375,917	7,428	Staff Recommendation
Canadian Landings	8,818	4	2020-2022 Average
Domestic ABC	16,367,099	7,424	= ABC – Canadian Landings
ACL	16,367,099	7,424	= Domestic ABC
Mgmt Uncert Buffer	0.0%	0.0%	May depend on other set-asides
Amount of buffer	0	0	
ACT	16,367,099	7,424	= ACL - mgmt uncert buffer
U.S. Discards	7,138,560	3,238	Committee Mid-Point Approach
TAL	9,228,539	4,186	ACT – Discards
U.S. Rec Landings	244,713	111	19-23 avg
Comm Quota	8,983,827	4,075	TAL – Rec Landings

Table 2. 2025 Spiny Dogfish Specifications if ABC = OFL

Specifications	2025 (pounds)	2025 (mt)	Basis
OFL (from SSC)	16,812,432	7,626	SS3 Assessment/Projection
ABC (from SSC)	16,812,432	7,626	OFL
Canadian Landings	8,818	4	2020-2022 Average
Domestic ABC	16,803,614	7,622	= ABC – Canadian Landings
ACL	16,803,614	7,622	= Domestic ABC
Mgmt Uncert Buffer	0.0%	0.0%	May depend on other set-asides
Amount of buffer	0	0	
ACT	16,803,614	7,622	= ACL - mgmt uncert buffer
U.S. Discards	7,220,131	3,275	Committee Mid-Point Approach
TAL	9,583,483	4,347	ACT – Discards
U.S. Rec Landings	244,713	111	19-23 avg
Comm Quota	9,338,770	4,236	TAL – Rec Landings

The following documents are included to support Council action on this item:

SSC Report – Nov 2024 (pending): Regarding ABC=OFL Council motion

Council Staff Memo for Nov 2024 SSC Meeting

Spiny Dogfish Committee Sept 2024 Meeting Summary (with Committee recommendations)

Spiny Dogfish Monitoring Committee Sept 2024 Meeting Summary

SSC Report – Sept 2024: Spiny Dogfish ABCs

2024 Staff Spiny Dogfish ABC recommendation memo to the SSC

2024 Spiny Dogfish Advisory Panel Fishery Performance Report

2024 Spiny Dogfish Fishery Information Document

Submitted Comments