

# Atlantic States Marine Fisheries Commission

## Spiny Dogfish Management Board

October 30, 2014  
12:45 – 1:45 p.m.  
*Mystic, Connecticut*

### 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 (*M. Gibson*) 12:45 p.m.
2. Board Consent 12:45 p.m.
  - Approval of Agenda
  - Approval of Proceedings from August 2014
3. Public Comment 12:50 p.m.
4. Review 2015/2016 Spiny Dogfish Specifications 1:00 p.m.
  - Fishery Performance Report (*J. Didden*)
  - Spawning Stock Biomass and Reference Point Update (*P. Rago*)
5. Consider 2014 Spiny Dogfish FMP Review and State Compliance 1:15 p.m.  
(*M. Hawk*) **Action**
6. Spiny Dogfish Draft Addendum V for Final Approval **Final Action** 1:20 p.m.
  - Review Options and Public Comment Summary (*M. Hawk*)
  - Technical Committee Report (*S. Newlin*)
  - Advisory Panel Report (*M. Hawk*)
  - Consider final approval of Addendum V
7. Rhode Island Alternative Management Proposal **Action** 1:30 p.m.
  - Review of Rhode Island Proposal (*E. Schneider*)
  - Technical Committee Report (*S. Newlin*)
  - Consider Approval of Rhode Island's Proposal
8. Other Business/Adjourn 1:45 p.m.

The meeting will be held at:  
The Mystic Hilton, 20 Coogan Boulevard, Mystic, Connecticut 06355 (860) 572.0731

# MEETING OVERVIEW

**Spiny Dogfish Management Board Meeting**  
**Thursday, October 30, 2014**  
**12:45 – 1:45 p.m.**  
**Mystic, Connecticut**

Chair: Mark Gibson (RI) Assumed Chairmanship: 10/12	Vice Chair: David Borden (RI)	Law Enforcement Committee Representative: Moran
Spiny Dogfish Technical Committee Chair: Scott Newlin (DE)	Spiny Dogfish Advisory Panel Chair: Vacant	Previous Board Meeting: August 6, 2014
Voting Members: ME, NH, MA, RI, CT, NY, NJ, DE, MD, VA, NC, NMFS, USFWS (13 votes)		

## 2. Board Consent

- Approval of Agenda
- Approval of Proceedings from August 6, 2014

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. Review 2015/2016 Spiny Dogfish Specifications (1:00 - 1:15 p.m.)

### Background

- Spiny Dogfish Board set specifications for 2013-2015

### Presentations

- Fishery performance report by J. Didden
- Spiny dogfish stock status update report by P. Rago

<b>5. Consider 2014 Spiny Dogfish FMP Review and State Compliance (1:15 – 1:20 p.m.) Action</b>
<b>Background</b> <ul style="list-style-type: none"> <li>• Compliance reports for spiny dogfish were due July 1, 2013</li> <li>• PRT reviewed the reports and compiled the FMP review</li> </ul>
<b>Presentations</b> <ul style="list-style-type: none"> <li>• FMP Review and state compliance by M. Hawk (<b>Briefing CD</b>)</li> </ul>
<b>Board actions for consideration at this meeting</b> <ul style="list-style-type: none"> <li>• Approve FMP Review and state compliance</li> <li>• Approve <i>de minimis</i> requests</li> </ul>

<b>6. Spiny Dogfish Draft Addendum V for Final Approval (1:20 - 1:30 p.m.) Final Action</b>
<b>Background</b> <ul style="list-style-type: none"> <li>• Draft Addendum V proposes a fins-naturally-attached policy for spiny dogfish (<b>Briefing CD</b>). It was approved for public comment in August.</li> <li>• Public comment was gathered in September (<b>Briefing CD</b>).</li> <li>• The Technical Committee and Advisory Panel reviewed the draft addendum on October 17 (<b>Supplemental Materials</b>).</li> </ul>
<b>Presentations</b> <ul style="list-style-type: none"> <li>• Overview of options and public comment summary by M. Hawk.</li> <li>• Advisory Panel report by M. Hawk; Technical Committee report by S. Newlin, Chair;</li> </ul>
<b>Board actions for consideration at this meeting</b> <ul style="list-style-type: none"> <li>• Select management options and implementation dates.</li> <li>• Approve final document.</li> </ul>

<b>7. Rhode Island Alternative Management Proposal (1:30 - 1:45 p.m.) Action</b>
<b>Background</b> <ul style="list-style-type: none"> <li>• Rhode Island submitted an alternative management proposal for spiny dogfish</li> <li>• The Technical Committee reviewed the proposal on October 17 (Supplemental material)</li> </ul>
<b>Presentations</b> <ul style="list-style-type: none"> <li>• Overview of the proposal by E. Schneider (Supplemental materials)</li> <li>• Technical committee report by S. Newlin</li> </ul>
<b>Board actions for consideration at this meeting</b> <ul style="list-style-type: none"> <li>• Accept Rhode Island’s alternative management proposal</li> </ul>

**8. Other Business/Adjourn**

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

**Crowne Plaza - Old Town  
Alexandria, Virginia  
August 6, 2014**

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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## INDEX OF MOTIONS

1. **Approval of agenda by consent** (Page 1).
2. **Approval of proceedings of May 2014 by consent** (Page 1).
3. **Move to approve Draft Addendum V for public comment** (Page 2). Motion by Terry Stockwell; second by Rick Bellavance. Motion carried (Page 2).
4. **Move to increase the trip limit to 5,000 pounds in the northern region effective September 8, 2014** (Page 3). Motion by Doug Grout; second by Terry Stockwell. Motion carried (Page 5).
5. **Motion to adjourn by consent** (Page 5).

**\* ATTENDANCE**

**Board Members**

Terry Stockwell, ME, proxy for P. Keliher (AA)	Lance Stewart, CT (GA)
G. Ritchie White, NH (GA)	Rep. Craig Miner, CT (LA)
Doug Grout, NH (AA)	James Gilmore, NY (AA)
Rep. Sarah Peake, MA (LA)	Tom Fote, NJ (GA)
David Pierce, MA, proxy for P. Diodati (AA)	Adam Nowalsky, NJ, proxy for
Bill Adler, MA (GA)	Asm. Sgt. Andrzejczak (LA)
Mark Gibson, RI, proxy for B. Ballou (AA)	John Clark, DE, proxy for D. Saveikis (AA)
Rick Bellavance, RI, proxy for Sen. Sosnowski	Tom O'Connell, MD (AA)
(LA)	Bill Goldsborough, MD (GA)
David Simpson, CT (AA)	Rob O'Reilly, VA, proxy for J. Bull (AA)

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

**Ex-Officio Members**

**Staff**

Robert Beal  
Toni Kerns

Marin Hawk

**Guests**

Michael Pentony, NMFS  
Raymond Kane, CHOIR  
Sonja Fordham

Leo Arnold  
John Whiteside, Sustainable Fisheries Assn.  
Chris Zeman, NJ, MAFMC

**\* Original Sign-In Sheet not available.  
Names listed here are general recall as  
provided by M. Hawk**

The Spiny Dogfish Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Crowne Plaza Hotel Old Town, Alexandria, Virginia, August 6, 2014, and was called to order at 3:30 o'clock p.m. by Chairman Mark Gibson.

### **CALL TO ORDER**

CHAIRMAN MARK GIBSON: I'll bring the Spiny Dogfish Board to order. This is the meeting of the Spiny Dogfish Board. My name is Mark Gibson of Rhode Island; and I'm the board chair. The first issue is the agenda; and under other business we'd like to add a report from NOAA Fisheries on the dogfish possession limits.

You will remember that there was a discrepancy or a divergence between the two councils on the recommendation for the possession limit; and, of course, the commission is at 4,000 pounds. I believe there has been a decision made by NOAA Fisheries on the federal possession limits; so we'd like a report from NOAA Fisheries on that.

Is there anything else to add or change in the agenda? Seeing none; is there any objection to approving the agenda as modified? Seeing none; the agenda stands approved with that addition.

### **APPROVAL OF PROCEEDINGS**

CHAIRMAN GIBSON: We next have proceedings from our May 2014 session. Are there any requests for edits to those proceedings?

Seeing none; is there any objection to approving those proceedings as presented? Seeing none; the proceedings are approved.

### **PUBLIC COMMENT**

CHAIRMAN GIBSON: The next item is the opportunity for public comment on items that are not on the agenda. No one signed up and I'm seeing no one indicating a wish to speak to the board.

### **DRAFT ADDENDUM V FOR PUBLIC COMMENT**

CHAIRMAN GIBSON: Now we'll move right to Draft Addendum V which we're considering for public comment; and we'll turn to Marin.

MS. MARIN HAWK: This presentation is very brief. Draft Addendum V; today we are considering approving it for public comment. Here is the process. Back in May is when this addendum was developed. As I just mentioned, we review the addendum today and the board approves it for public comment.

Then it goes out to public comment and public hearings, which would be this fall; and then in October we would come back and consider it for final approval. Just a little background; the Shark Conservation Act of 2010 requires all sharks except smooth dogfish be landed with fins naturally attached; and our Spiny Dogfish FMP allows processing at sea as spiny dogfish with a maximum fin-to-carcass ratio of 5 to 95.

The problem with this is that key goal of the Spiny Dogfish FMP is to maintain consistency between federal and state management of the species. Addendum V was initiated to address these inconsistencies. There are two options and just one issue. Option A is status quo; fins of spiny dogfish may be removed at sea. If fins are removed, the corresponding carcasses must be retained. The ratio of the wet weight of fins to dressed weight of carcasses on board the vessel cannot exceed 5 to 95.

Option 2, which is the fins naturally attached policy; removing any fin of spiny dogfish at sea is prohibited, including the tail. Any spiny dogfish must be landed with fins naturally attached to the corresponding carcass. Gutting and processing fish at sea is permitted so long as the fins remain attached by a portion of uncut skin.

If this is approved for public comment, as I mentioned, we would have a 30-day public comment period, hold public hearings in the states that would like public hearings, and reconsider this for final approval in October. That's my presentation.

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The Board will review the minutes during its next meeting



CHAIRMAN GIBSON: Does anyone on the board wish to comment on the draft addendum before we entertain a motion to move it out for public hearing? I don't see anybody who wants to comment. Would somebody like to make that motion? Terry.

**MR. TERRY STOCKWELL: Mr. Chair, because we're all running late, I move to approve Draft Addendum V for public comment.**

CHAIRMAN GIBSON: Seconded by Rick Bellavance. Any board discussion on the motion? Is there any objection to the motion? **Seeing none; the motion carries unanimously.**

### **REPORT FROM NOAA FISHERIES ON DOGFISH POSSESSION LIMITS**

CHAIRMAN GIBSON: Okay, under the item we added, NOAA Fisheries, could you speak to us about the possession limit?

MR. MICHAEL PENTONY: As indicated and as you know, as I spoke at the last meeting of the board, we published a proposed rule trying to find a place between the two councils. The Mid-Atlantic Council had recommended a 4,000 pound possession limit for spiny dogfish as part of 2014 and '15 specifications. The New England Council had recommended no possession limit or unlimited catch of spiny dogfish.

We proposed unlimited mainly in an attempt to garner as many comments as possible to inform a decision at either end of the spectrum or somewhere in between. As you all recall, this board considered a motion to increase the commission's possession limit to 7,000 pounds and it failed for lack of super majority; but there was clearly some interest among the state representatives for at least a modest increase in the possession limit.

Actually for a proposed rule on dogfish specifications, we received quite a number of comments on that proposed rule. The final rule will publish on Friday. It has already filed so it is public, but it will publish on Friday, so you can find it in the Federal Register. It is effective

on September 8. In that final rule, we are increasing the quotas for 2014 and '15 consistent with the recommendation of the council and increasing the possession limit from 4,000 pounds per trip to 5,000 pounds per trip.

CHAIRMAN GIBSON: Are there any questions from the board for NOAA Fisheries? Seeing none; we already have a 4,000 pound possession limit. It is my understanding that we wouldn't revisit that until February for the quota specifications – possession limit specifications in February of 2015. When does the federal limit take effect?

MR. PENTONY: September 8.

MR. DAVID V. BORDEN: Mr. Chairman, I'll make this really brief. The problem that this sets up is once again we end up with a disconnect between the state and the federal regulations. The addendum we just approved for public hearing; one of the goals is to make consistent state and federal regulations. It's an awkward position.

We had this vote at the last meeting and I won't go back and regale anyone with the agony of the vote. If anyone that voted on the negative side of that vote or abstained on that vote was willing to change their position, then we could make a motion to increase the possession limit to 5,000 pounds and have consistent regulations. Thank you.

CHAIRMAN GIBSON: I'm not sure we have time on the agenda nor does the agenda contemplate a substantive action or reconsideration of that. I'm not seeing anybody – Walter.

REPRESENTATIVE WALTER A. KUMIEGA, III: Would it be out of order or out of policy to include that in the addendum that we just voted – to reconsider the addendum and include that?

MS. TONI KERNS: The board can change their specification that they set; and because you're not in the same meeting, you don't need the person that was on the prevailing side. You can just revisit your quota or your trip limit. You have the ability to set trip limits through board

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action so it doesn't be through the addendum process. If it's the will of the board to change the trip here today, then it is a possibility.

CHAIRMAN GIBSON: Mike, you said this becomes effective in September. David Pierce.

DR. DAVID PIERCE: It was my understanding that the state of Rhode Island is putting together a proposal regarding trip limits. I thought that was going to be offered up today; but apparently you're not quite ready; so I assumed that you were going to bring it forward at our annual meeting. Therefore, it makes sense to me to wait on trip limits until the annual meeting when Rhode Island will have a proposal to bring forward and then we can discuss that.

I would not want to make a change in the limit today and then make another change in the limit or the approach in a month and a half of so. That would be my suggestion; that the board wait until Rhode Island offers up what it is preparing and then we can discuss that. Of course, at that time we get the input from the processors, from the fishermen up and down the coast, and they'll be made aware ahead of time of what might happen as opposed to a relatively small increase that frankly isn't worth the effort to go through in terms of regulatory changes and the like. That would be my suggestion, Mr. Chairman. I know that you and David Borden and others are working on this, so I'd like to see what you're going to be presenting.

CHAIRMAN GIBSON: Yes, certainly this decision complicates the viability of our proposal given that we were talking about an aggregate weekly limit, which would now be precluded with the exception of state fishermen. I certainly like that advice that Rhode Island certainly needs some more time to think about how we should react to that. I would be very nervous about the board jumping into this issue right now again. It is up to the board, though. John, you wanted to speak to this.

MR. JOHN CLARK: Mr. Chair, I just had a quick question. I just wanted to make sure that we're just talking about the states that are covered by the possession limits in the plan and

that's Maine through Connecticut, correct, that you're –

MS. HAWK: The northern region has a trip limit that is 4,000; so this would be yes.

MR. ROB O'REILLY: I know based on last April when there was a conference call, well attended by industry, that the 5,000 is probably not even a middle ground, but it's getting close. I know in Virginia the struggle right now is even a little different than the federal/state imbalance. It is a situation where in order to gain harvesters, you need something more than 4,000.

I'd be in favor of waiting until October, but I think we all had a pretty good discussion about just what is involved in terms of moving forward. The situation in Virginia, from what I understand, is one where you have to entice the harvesters a little bit to make sure you can get the product on top of all the other situations that we know about.

MR. DOUGLAS E. GROUT: I just want to make the point that it was more than just Rhode Island that was interested in having an increase in the trip limit here. While I respect the fact that Rhode Island is trying to put together a proposal, we're not trying to put together a proposal. We would just like to be able to have a 5,000 trip limit.

We were hoping higher, but even 5,000 pounds will help because as was put together in public comment for us, right now a 4,000 pound trip at the prices they were getting is not economically viable, particularly during the winter when there is not other species associated with that trip. I would like to at least try right now to see if we can increase trip limit to 5,000 pounds. **I'm going to make a motion to increase the trip limit to 5,000 pounds; and if I can get a second.**

CHAIRMAN GIBSON: Is there a second to that motion; Terry Stockwell. I'm advised that this will require a two-thirds majority roll call vote. The motion is to increase the trip limit to 5,000 pounds in the northern region. Motion by Mr. Grout; seconded by Mr. Stockwell. Rick.

MR. RICK BELLAVANCE: Mr. Chairman, I just had one quick question. Is it something that would be important to put a time of effectiveness on that to coincide with the federal action or just leaving it the way it is?

MR. GROUT: I could go either way. I think we could make it effective right now. Okay, for the purpose of remaining consistent with our federal counterparts, we'll have it effective September 8.

CHAIRMAN GIBSON: Are there any other comments on the motion? David Borden.

MR. BORDEN: Mr. Chairman, rather than have all of us repeat what we did at the last meeting, I would suggest that we limit the debate here and allow for like a one-minute caucus or a two-minute caucus so we can talk to a few people and then call the question. Thank you.

CHAIRMAN GIBSON: I'm going to go to the audience given that this is sort of an unexpected outcome of the board meeting for me anyway. Does anyone in the audience wish to comment on this motion? Yes, sir.

MR. JOHN WHITESIDE: Attorney John Whiteside representing the Sustainable Fisheries Association, who are the three processors in Massachusetts still doing spiny dogfish. We would be in support of the 5,000 pound trip limit whether it was at this point or at the next meeting.

CHAIRMAN GIBSON: Anyone else wish to comment? Seeing none; I'll go back to the board; have you had enough time to discuss this? Representative Peake.

REPRESENTATIVE SARAH K. PEAKE: I'd just like to support the comments made by my colleague earlier. I think we're going to have a more comprehensive discussion over trip limits in October and rather than nibble away at it now and then look at something perhaps larger with the Rhode Island Proposal in October, I think we should let sleeping dogs lie – every pun intended – for now and just take this up at the October meeting. Thank you.

CHAIRMAN GIBSON: Anyone else from the board? Dave Borden.

MR. BORDEN: Just so everyone is clear, the context of the Rhode Island discussions is to come up with a conservation equivalency proposal that operates within the context of whatever trip limit is in place. If this board authorizes 4,000 pounds, we're going to try to craft a Rhode Island Proposal around that or if it's 5,000 pounds we're going to craft a proposal around 5,000 pounds. They're really separate issues. Thank you.

CHAIRMAN GIBSON: Okay, I'm going to have Marin call the roll. Is there any objection to the motion? Yes, there is.

MS. HAWK: Maine.

MAINE: Yes.

MS. HAWK: New Hampshire.

NEW HAMPSHIRE: Yes.

MS. HAWK: Massachusetts.

MASSACHUSETTS: No.

MS. HAWK: Rhode Island.

RHODE ISLAND: Yes.

MS. HAWK: Connecticut.

CONNECTICUT: Yes.

MS. HAWK: New York.

NEW YORK: Yes.

MS. HAWK: New Jersey.

NEW JERSEY: Yes.

MS. HAWK: Delaware.

DELAWARE: Yes.

MS. HAWK: Maryland.

MARYLAND: Yes.

MS. HAWK: Virginia.

VIRGINIA: Yes.

MS. HAWK: North Carolina. (No response)  
U.S. Fish and Wildlife Service.

U.S. FISH AND WILDLIFE SERVICE:  
Abstain.

MS. HAWK: NOAA Fisheries.

NATIONAL MARINE FISHERIES SERVICE:  
Yes.

**CHAIRMAN GIBSON: The motion carries  
ten yes, one no, one abstain, one absent.**

#### **ADJOURNMENT**

CHAIRMAN GIBSON: Anything else to come  
before this board? Motion made to adjourn and  
seconded by everybody. We are adjourned.

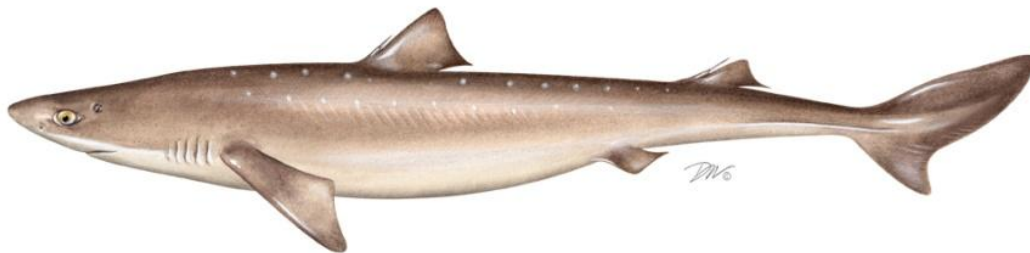
(Whereupon, the meeting was adjourned at 3:50  
o'clock p.m., August 6, 2014.)

— — —

**2014 DRAFT REVIEW OF THE  
ATLANTIC STATES MARINE FISHERIES COMMISSION  
FISHERY MANAGEMENT PLAN FOR**

**SPINY DOGFISH**  
*(Squalus acanthias)*

2013/2014 FISHING YEAR



**Spiny Dogfish Plan Review Team**

Dr. Gregory Skomal, Massachusetts Department of Marine Fisheries  
Tina Moore, North Carolina Department of Environment and Natural Resources  
Marin Hawk, Atlantic States Marine Fisheries Commission, Chair

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- I. Status of the Fishery Management Plan
- II. Status of the Stock and Assessment Advice
- III. Status of the Fishery
- IV. Status of Research and Monitoring
- V. Status of Management Measures and Issues
- VI. Implementation of FMP Compliance Requirements for 2009
- VII. Recommendations of the Plan Review Team
- VIII. References

DRAFT

## I. Status of the Fishery Management Plan

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

### a) Goals and Objectives

The Interstate Fishery Management Plan for Spiny Dogfish (FMP) established the following goals and objectives.

#### 2.2. GOALS

*The goal of the Interstate Fishery Management Plan for Spiny Dogfish is:  
“To promote stock rebuilding and management of the spiny dogfish fishery in a manner that is biologically, economically, socially, and ecologically sound.”*

#### 2.3 OBJECTIVES

*In support of this goal, the following objectives are recommended for the Interstate FMP:*

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

### b) Fisheries Management Plan Summary

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

In August 2000, ASMFC took emergency action to close state waters to the commercial harvest, landing, and possession of spiny dogfish when the federal waters closed in response to the quota being fully harvested. With the emergency action in place, the Commission had time to develop an interstate FMP, which prevented the undermining of the federal FMP and prevented further overharvest of the coastwide spiny dogfish population. Needing additional time to complete the interstate FMP, the ASMFC extended the emergency action twice through January 2003. During that time, the majority of spiny dogfish landings were from state waters because states had either no possession limits or less conservative possession limits than those of the federal FMP. The Interstate FMP for Spiny Dogfish was approved by ASMFC in November 2002 and was implemented for the 2003-2004 fishing year. In general, the ASMFC and Council FMP's strive to promote stock rebuilding and management of the spiny dogfish fishery in a manner that is biologically, economically, socially, and ecologically sound.

Both the ASMFC and Council FMP's established an annual quota that gets allocated seasonally between two periods (57.9% from May 1 to October 31 and 42.1% from November 1 to April 30). The seasonal periods can have separate possession limits that are specified on an annual basis. Both the Council and ASMFC FMP's also include paybacks for quota overages, allow for a five percent quota rollover once the stock is rebuilt, and allow for up to 1,000 spiny dogfish to be harvested for biomedical supply.

In November 2005, the Spiny Dogfish and Coastal Sharks Management Board approved Addendum I to the Interstate FMP for Spiny Dogfish. Addendum I provides the Board with the authority, but not the requirement, to establish spiny dogfish specifications (quota and possession limits) for up to five years. The Mid-Atlantic and New England Fishery Management Councils took similar action under Framework 1, recommending the adoption of multi-year management measures without the requirement of annual review to NOAA Fisheries for final approval. Framework 1 to the federal Spiny Dogfish FMP, which will allow the specification of commercial quotas and other management measures for up to five years, became effective February 21, 2006.

Addendum II, approved October 2008, established regional quotas in place of the FMP's seasonal allocation. Under Addendum II, the annual quota is divided regionally with 58% allocated to the states of Maine to Connecticut, 26% allocated to the states of New York to Virginia, and the remaining 16% allocated to North Carolina. The Board allocated a specific percentage to North Carolina because spiny dogfish are not available to their fishermen until late into the fishing season when most of the quota has already been harvested. The North Carolina allocation will allow fishermen and processors to plan fishing operations based on a specific amount of dogfish. Regional overage paybacks were also included in Addendum II to maintain



the conservation goals of the plan. Any overage of a region and/or state quota is subtracted from that region/state the subsequent fishing year.

The Commission's Spiny Dogfish and Coastal Sharks Management Board (Board) approved Addendum III to the Interstate Fishery Management Plan for Spiny Dogfish (Addendum III) in March 2011. Addendum III did not apply to the 2009/2010 fishing season and was not effective until the 2011/2012 fishing season. The Addendum divided the southern region annual quota of 42% into state-specific shares. It also allowed for quota transfer between states, rollovers of up to five percent, state-specified possession limits, and includes a three-year reevaluation of the measures. The Addendum's provisions apply only to states in the southern region (New York through North Carolina) and do not modify the northern region allocation. The states of Maine to Connecticut continue to share 58% of the annual quota as specified in Addendum II.

Addendum IV to the Interstate Fishery Management Plan for Spiny Dogfish (Addendum IV) was approved in August 2012. This Addendum addressed the differences in the definitions of overfishing between the NEFMC, MAFMC and the ASMFC. The Board adopted the fishing mortality threshold to be consistent with the federal plan. Overfishing is defined as an F rate that exceeds the  $F_{threshold}$ . The  $F_{threshold}$  is defined as  $F_{MSY}$  (or a reasonable proxy thereof) and based upon the best available science. The maximum fishing mortality threshold ( $F_{MSY}$ ) or a reasonable proxy may be defined as a function of (but not limited to): total stock biomass, Spawning Stock Biomass (SSB), total pup production, and may include males, females, both, or combinations and ratios thereof which provide the best measure of productive capacity for spiny dogfish. This definition is consistent with the federal Spiny Dogfish FMP. Currently  $F_{MSY} = 0.2439$ .

Draft Addendum V is currently out for public comment. It considers a fins-naturally-attached policy for spiny dogfish to ensure consistency with the Shark Conservation Act of 2010, which prohibits the removal of all sharks (except smooth dogfish) at-sea. The Spiny Dogfish Board will consider Draft Addendum V for final approval at the October 2014 meeting in Mystic, Connecticut.

## II. Status of the Stock and Assessment Advice

***Please note: fishing mortality rates and projections regarding the stock size could not be determined for the 2013/2014 fishing season due to a lack of data. The Northeast Fishery Science Center bottom trawl survey was not able to sample strata in the mid-Atlantic region due to mechanical problems.***

Overfishing definition:  $F_{target} = 0.244$ ; allows for the production of 1.5 female pups per female that will recruit to the spawning stock biomass (SSB).

$F_{threshold} = 0.325$ ; allows for the production of one female pup per female that will recruit to the SSB.

Overfished Definition:  $SSB_{target} = 159,288$  mt (351 million pounds); level of biomass that would maximize recruitment to the population (100% SSBmax).

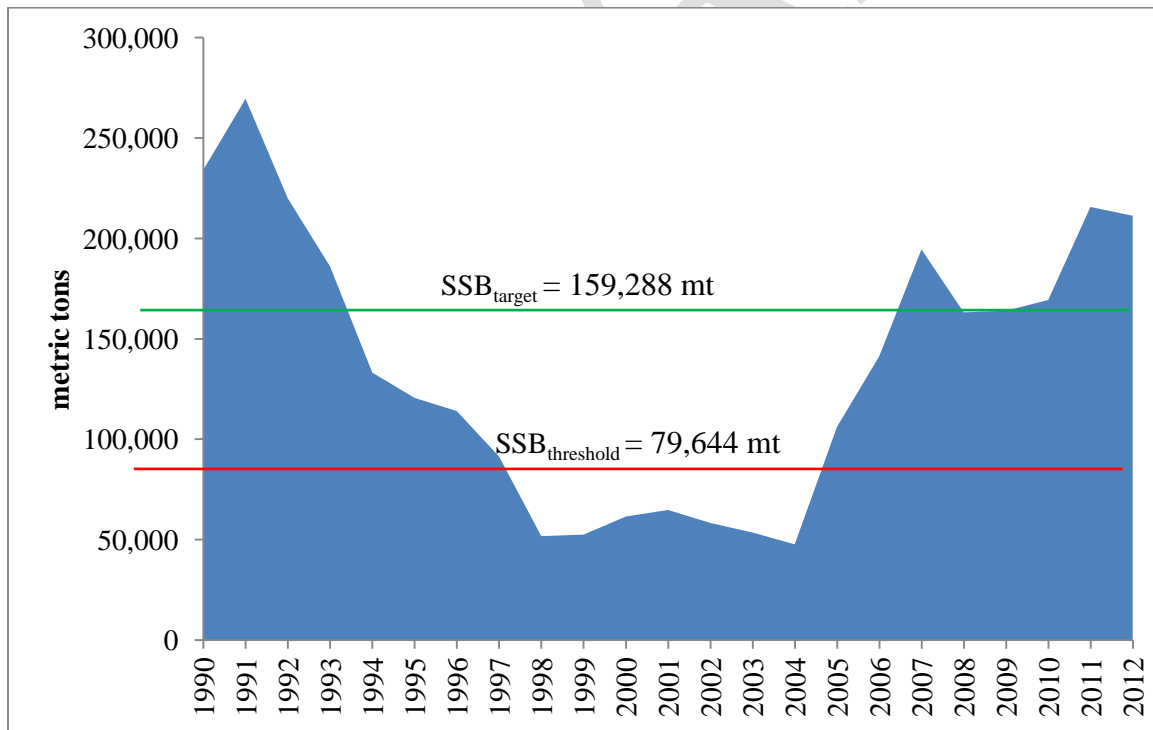
$$SSB_{threshold} = 79,644 \text{ mt (175 million pounds); 50\% of SSBmax}$$

*Spiny dogfish are not overfished and overfishing is not occurring:*

Spiny dogfish was declared ‘rebuilt’ in 2008 when SSB exceeded the target for the first time since the ASMFC began managing spiny dogfish in 2002. Prior to the ‘rebuilt’ status, quotas were based on the short term target  $F_{rebuild} = 0.11$ . The FMP allows for quotas based on  $F_{target}$  (as opposed to the more conservative  $F_{rebuild}$ ) “once the mature female portion of the spawning stock has reached the target”.

The most recent estimates of SSB are from the NEFSC Update on the Status of Spiny Dogfish in 2013 and Projected Harvests at the Fmsy Proxy and Pstar of 40% report. The 2013 NEFSC report estimates that SSB continued to exceed the target in 2013 (for the fifth year in a row) at 211,372 metric tons. The 2014 NEFSC spring bottom trawl survey did not collect adequate data to update the SSB estimates for the most recent year.

The NEFSC report also provides the most recent estimate of F. F was 0.15 in 2012 and has been consistently below the fishing mortality target in recent years. As such, spiny dogfish are not overfished and overfishing is not occurring. Unfortunately, record low pup production from 1997 to 2003 has left a recruitment deficit that will cause SSB to drop soon. The amplitude of this drop increases as fishing mortality increases and still occurs when fishing mortality is hypothetically zero.



**Figure 1: Spiny dogfish spawning stock biomass, 1990 – 2012. Source: NEFSC Update on the Status of Spiny Dogfish in 2013 and Projected Harvests at the Fmsy Proxy and Pstar of 40%.**

**Table 1: Spawning stock biomass and fishing mortality in the spiny dogfish fishery, 1990 – 2013. Source: NEFSC Update on the Status of Spiny Dogfish in 2013 and Projected Harvests at the Fmsy Proxy and Pstar of 40%.**

Year	Female SSB (mt)	F rate
1991	234,229	0.082
1992	269,624	0.177
1993	220,002	0.327
1994	186,132	0.465
1995	133,264	0.418
1996	120,664	0.355
1997	114,091	0.234
1998	91,458	0.306
1999	51,821	0.289
2000	52,562	0.152
2001	61,552	0.109
2002	64,844	0.165
2003	58,376	0.168
2004	53,625	0.474
2005	47,719	0.128
2006	106,180	0.088
2007	141,351	0.09
2008	194,616	0.11
2009	163,256	0.113
2010	164,066	0.093
2011	169,415	0.114
2012	215,444	0.149
2013	211,372	--

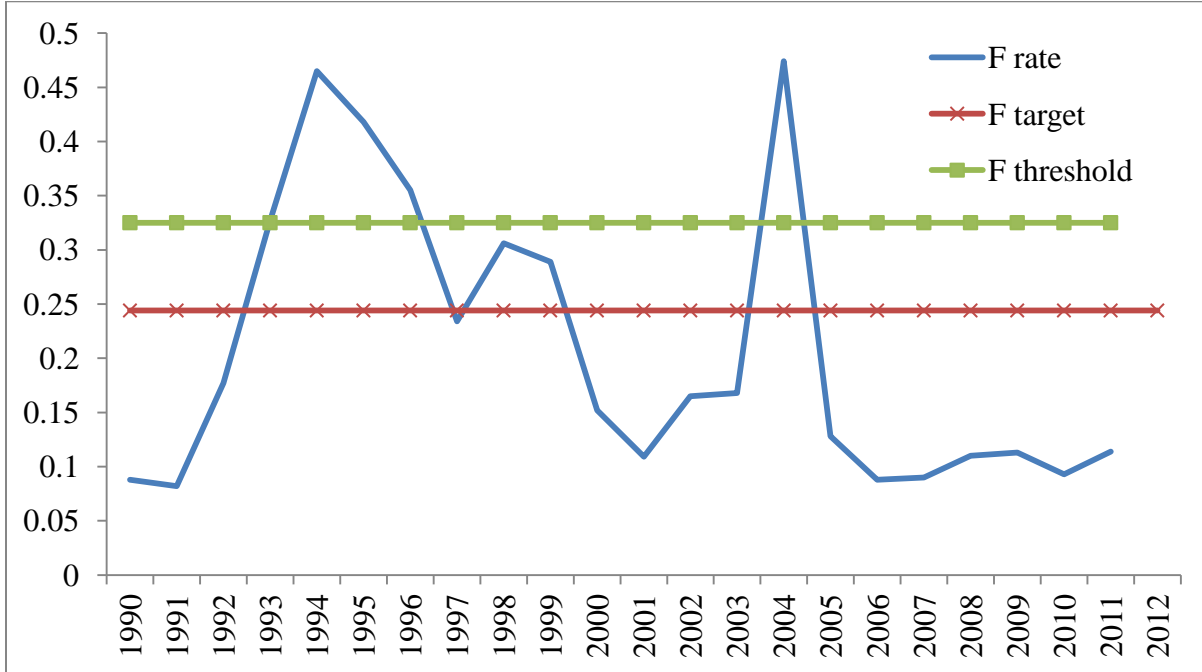


Figure 2: Fishing mortality rates in the spiny dogfish fishery, 1990 – 2012. Source: NEFSC Update on the Status of Spiny Dogfish in 2013 and Projected Harvests at the Fmsy Proxy and Pstar of 40%.

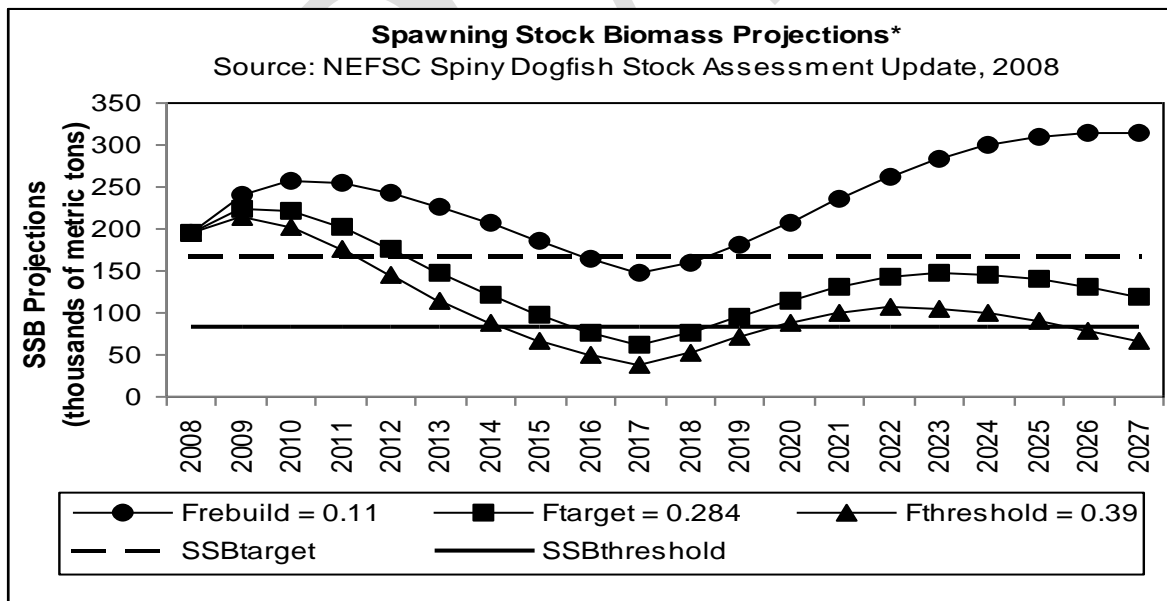


Figure 3: Spawning stock biomass (SSB) projections for the spiny dogfish fishery, 2008-2027. Source: NEFSC Update on the Status of Spiny Dogfish in 2010 and Initial Evaluation of Harvest Strategies.

### III. Status of the Fishery

#### *Specifications*

The spiny dogfish commercial fishery runs from May 1 – April 30. The coastwide quota was set at 30 million pounds with a maximum of 4,000 pound possession limits for the 2013/2014 fishing season (May 1, 2013 – April 30, 2014).

#### *Quotas*

Prior to adjustments for overages and rollovers in the 2012/2013 fishing season, the 2013/2014 40.8 million pound coastwide quota was allocated with 23,688,360 pounds (58%) to states from Maine – Connecticut (Northern Region), 1,105,593 pounds (2.707%) to New York, 3,121,962 pounds (7.644%) to New Jersey, 365,944 pounds (0.896 %) to Delaware, 2,417,846 pounds (5.920%) to Maryland, 4,408,894 pounds (10.795%) to Virginia and the remaining 5,732,583 pounds (14.036%) to North Carolina. Addendum II specifies that when the quota allocated to a region or state is exceeded in a fishing season, the amount over the allocation will be deducted from the corresponding region or state in the subsequent fishing season. The overages for the 2012/2013 season (Northern region, New Jersey, and Virginia) are outlined in Table 2.

**Table 2: Regional quotas for May 1, 2013 - April 30, 2014 fishing season.**

<b>Region/State</b>	<b>2013/2014 Quotas</b>	<b>2012/2013 Overages (-) and Rollovers (+)</b>	<b>2013/2014 Adjusted Quotas</b>
<b>Northern</b>	23,688,360	+1,035,126	23,912,773
<b>New York</b>	1,105,593	+48,312	1,153,905
<b>New Jersey</b>	3,121,962	+136,422	3,258,384
<b>Delaware</b>	365,944	+15,991	381,935
<b>Maryland</b>	2,417,846	+105,654	4,601,552
<b>Virginia</b>	4,408,894	+192,658	1,153,905
<b>North Carolina</b>	5,732,583	+250,500	3,258,384

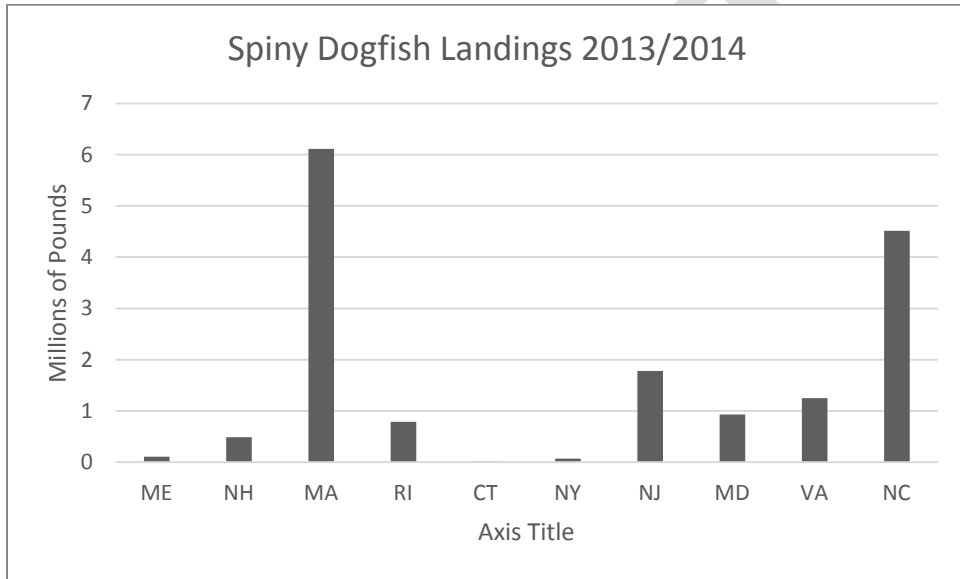
Commercial landings totaled 11,853,700 pounds during the 2013/2014 fishing season (Table 3). The underharvest reflects the market conditions for this year. Massachusetts (6,113,317 pounds), North Carolina (4,516,474 pounds), and Virginia (1,250,148 pounds) had the most significant commercial landings during the 2013/2014 fishing season.

**Table 3: Commercial landings of spiny dogfish on the Atlantic coast, 2013/2014 fishing year. Source: State compliance reports and ACCSP Data Warehouse.**

<b>State Landed</b>	<b>Pounds</b>
ME	106,559
NH	488,126

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MA	6,113,317
RI	789,334
CT	10,370
NY	69,811
NJ	1,780,199
DE	*
MD	932,210
VA	1,250,148
NC	4,516,474
<b>Total</b>	<b>16,056,548</b>



**Figure 4: Commercial landings of spiny dogfish on the Atlantic coast, 2013/2014. Source: State compliance reports and ACCSP Data Warehouse.**

Recreational landings of spiny dogfish on the Atlantic coast for the 2013/2014 fishing year remained insignificant at 81,570 pounds. This is less than 1% of total landings of spiny dogfish.

Canadian landings have averaged about 77 mt per year since 2009. Estimates of Canadian landings for 2013 are not yet available.

**Table 4: Landings of spiny dogfish off the Atlantic coast by Canada and foreign fleets, 1991-2013.**

<b>Year</b>	<b>Canada (mt)</b>	<b>Foreign Fleets (mt)</b>	<b>Total (mt)</b>
1991	307	234	541
1992	868	67	935
1993	1,435	27	1462
1994	1,820	2	1822
1995	956	14	970
1996	431	236	667
1997	446	214	660
1998	1,055	607	1662
1999	2,091	554	2645
2000	2,741	402	3143
2001	3,820	677	4497
2002	3,584	474	4058
2003	1,302	643	1945
2004	2,362	330	2692
2005	2,270	330	2600
2006	2,439	10	2449
2007	2,384	31	2415
2008	1,572	131	1703
2009	113	82	195
2010	6	127	133
2011	124	143	267
2012	65	137	202
2013	NA	61	NA

Total dead discards were 5,010 metric tons (11,045,046 pounds) in 2013. Total dead discards have been between 4,000 and 6,000 metric tons since 1996 (Table 5) despite significant management changes and large fluctuations in annual landings.

**Table 5: Dead discards (metric tons) in the spiny dogfish commercial fishery on the Atlantic coast of the United States, 1981-2013. Source: NEFSC 2014 Status Report for Spiny Dogfish in 2013.**

Year	Otter trawl	Sink gill net	Scallop dredge	Line gear	Total dead discards
1981	18,180	1,608	na	na	19,847
1982	21,455	1,336	na	na	22,861
1983	21,094	1,213	na	na	22,415
1984	19,813	1,475	na	na	21,373
1985	16,677	1,362	na	na	18,232
1986	15,873	1,465	na	na	17,575
1987	14,525	1,459	na	na	16,195
1988	14,476	1,540	na	na	16,190
1989	14,143	1,608	na	na	16,020
1990	17,121	1,819	na	na	19,174
1991	9,661	3,309	24	10	13,274
1992	16,309	1,786	620	65	18,983
1993	8,642	2,944	157	4	11,969
1994	6,954	866	542	na	8,556
1995	8,499	2,019	284	na	10,932
1996	4,701	1,167	91	na	6,025
1997	3,352	698	149	na	4,366
1998	2,634	590	90	na	3,435
1999	3,843	602	31	na	4,581
2000	1,364	1,405	11	na	2,917
2001	2,460	2,161	23	na	5,063
2002	2,770	1,499	44	402	5,049
2003	1,927	1,624	77	0	4,225
2004	4,150	1,209	40	50	6,146
2005	3,758	1,001	11	118	5,589
2006	3,886	1,011	10	13	5,688
2007	4,058	1,540	45	7	6,510
2008	2,802	1,459	178	26	5,088
2009	3,505	1,462	273	84	5,897
2010	2,782	716	147	51	4,081
2011	3,270	849	170	36	4,787
2012	3,344	888	324	17	4,848
2013	3,448	932	95	4	5,010



Total commercial landings in 2013 are estimated to be greater than 95% female. Females composed an average of 92% of commercial catch since 2003 (NEFSC Update 2013).

#### **IV. Status of Research and Monitoring**

Under the Interstate Fishery Management for Spiny Dogfish, the states are not required to conduct any fishery dependent or independent studies. The Interstate FMP requires an annual review of recruitment, spawning stock biomass, and fishing mortality. The annual review relies heavily on the NEFSC's spring trawl survey data to determine the annual status of the stock. States are encouraged to submit any spiny dogfish information collected while surveying for other species. Research and monitoring information from state reports follows. States that are did not include research/monitoring information in their reports are not listed below. Please see individual reports for more information.

##### *Maine*

The spring portion of the 2013 Maine-New Hampshire Inshore Trawl Survey was conducted in the near shore waters of the Gulf of Maine. A total of 158 spiny dogfish were collected, 76 females and 82 males were caught. Males ranged from 28 to 79 cm and the females 26 to 83 cm. This was the highest number of dogfish for a spring survey since it began in 2001.

The fall portion of the 2013 Trawl survey saw 40 dogfish. There were 23 males at lengths ranging from 34 cm to 82 cm. A total of 17 females were sampled at lengths ranging between 26 and 73 cm, numbers were distributed fairly evenly within the ranges for both sexes. This was the lowest number for a fall survey since it began in 2000.

##### *Delaware*

Delaware has two fisheries independent surveys that have the potential for taking spiny dogfish. A 30-foot bottom trawl that is deployed monthly in Delaware Bay at nine fixed stations from March through December. This survey has been conducted annually since 1990, and before that from 1966-1971 and 1979-1984 using essentially the same gear type. A total of 55 spiny dogfish was taken in 2013 in 90 tows, with the majority taken in November (24) with the others being taken in April (15), May (3) and December (13). Spiny dogfish catches per tow and catch per nautical mile since 1966 are included in Table 1. Sex-based indices were generated at the request of the ASMFC and show variance without any definable trend (Tables 2 and 3). Note that sex-specific data are not available prior to 1990. The second fishery independent survey that has the potential for taking spiny dogfish is the 16-foot bottom trawl which is deployed monthly at 39 fixed stations in Delaware River and Delaware Bay and at 12 fixed stations in Delaware's Inland Bays. This survey is conducted from April through October. This gear includes a 0.5-inch mesh liner in the cod end of the trawl and it targets primarily juvenile fishes. There were no spiny dogfish taken with this gear in 2013 from either the Delaware Bay or Delaware's Inland Bays in the 16 foot trawl.

##### *North Carolina*

The NCDMF initiated a fisheries independent gill net survey in 2001 and expanded its coverage in 2008 to include the Cape Fear River and the near shore (0-3 miles) Atlantic Ocean from New River Inlet south to the South Carolina state line. The objective of this project is to provide annual, independent, relative abundance indices for key estuarine species in the near shore

Atlantic Ocean, Pamlico Sound, Pamlico, Pungo, Neuse, and Cape Fear Rivers. These indices can also be incorporated into stock assessments and used to improve bycatch estimates, evaluate management measures, and evaluate habitat usage. Results from this project will be used by the NCDMF and other Atlantic coast fishery management agencies to evaluate the effectiveness of current management measures and to identify additional measures that may be necessary to conserve marine and estuarine stocks. Developing fishery independent indices of abundance for target species allows the NCDMF to assess the status of these stocks without relying solely on commercial and recreational fishery dependent data. The survey employs a stratified random sampling design and utilizes multiple mesh gill nets (3.0 inch to 6.5 inch stretched mesh, by ½ inch increments). A total of 33 spiny dogfish, 2 male and 31 female, were caught in the Pamlico Sound portion of the independent gill net study from May 2013 to mid-March 2014.

In the near shore Atlantic Ocean sampling, 873 individual spiny dogfish were captured from May 2013 to mid-March 2014, 290 in December, 25 in February and 558 in March. A total of 25 males, 843 females and 5 unknown spiny dogfish were sampled. It should be noted that the 2014 independent gill net data is preliminary from January through mid-march.

#### *South Carolina*

The SCDNR's on-going nearshore bottom longline survey program documents the annual presence of spiny dogfish in South Carolina's nearshore coastal waters, typically beginning in mid-November. Relative abundance and residence time of spiny dogfish along the coast in general may be related to winter water temperatures along the east coast, with colder winters resulting in larger spiny dogfish populations and longer residence times in South Carolina waters than in more moderate temperature years. Adult females, many being pregnant, seem to make up a majority of the fish taken by sampling gear in this program, suggesting that South Carolina waters may play a role as valuable over-wintering grounds for this species.

### **V. Implementation of FMP Compliance Requirements**

The mandatory components of the Interstate Fishery Management Plan are:

- States must close the fishery when the commercial quota is projected to be harvested in their region. (*4.1.2 Semi-Annual Quota Allocation of FMP*)
- Possession limits cannot exceed the maximum specified by the Board during the annual specification setting process. (*4.1.2.1 Annual Process for Setting Fishery Specifications of FMP*)
- States may issue exempted fishing permits for the purpose of biomedical supply not to exceed 1,000 spiny dogfish per year. States must report the amount of dogfish harvested under special permits annually. (*4.1.6 Biomedical Supply of FMP*)
- Up to 1,000 spiny dogfish may be taken for biomedical harvest per year.
- Finning is prohibited. (*4.1.7 Prohibition of Finning of FMP*)
- State permitted dealers must report weight weekly. (*4.1.4 Data Collection and Reporting Requirements of FMP*)
- States must report weight weekly to NMFS. (*4.1.4.2 Quota Monitoring of FMP*)

#### *Scientific/Educations Permits*

Seventy-two scientific or educational collection permits were issued in North Carolina in 2013. Scientific or educational collection reports, due December 1<sup>st</sup>, cover the period of November 15<sup>th</sup>

of the previous year to November 14<sup>th</sup> of the current reporting year. It should be noted, not all 2013 issued permits have submitted catch reports and 2014 reports are not due until December 1, 2014. Of these seventy-two permits only nine reported shark catches. Three permits, using trawl gear, reported catching a total of 80 spiny dogfish, 41 were released alive and 39 were kept for age and diet studies.

## VII. PRT Recommendations

### *State Compliance*

New York, Connecticut and Georgia did not submit compliance reports. Georgia was removed from the Spiny Dogfish Board in 2014. All other states with a declared interest in the management of spiny dogfish have submitted reports, and have regulations in place that meet or exceed the requirements of the Interstate Fisheries Management Plan for Spiny Dogfish.

### *De Minimis*

The ASMFC Interstate Fisheries Management Program Charter defines *de minimis* as “a situation in which, under the existing condition of the stock and scope of the fishery, conservation, and enforcement actions taken by an individual state would be expected to contribute insignificantly to a coastwide conservation program required by a Fishery Management Plan or amendment” (ASMFC 2000).

Under the Spiny Dogfish FMP, a state may be granted *de minimis* status if a state’s commercial landings of spiny dogfish are less than 1% of the coastwide commercial total. If a state meets this criterion, the state will be exempt from biological monitoring of the commercial spiny dogfish fishery. All states, including those granted *de minimis* status, will continue to report any spiny dogfish commercial or recreational landings within their jurisdiction.

When the spiny dogfish Interstate FMP was implemented in 2003, Maine, Delaware, South Carolina, Georgia, and Florida were granted *de minimis* status. To achieve *de minimis* status the FMP requires, “a state’s commercial landings of spiny dogfish to be less than 1% of the coastwide commercial total.” When given *de minimis* status, a state is exempted from biological monitoring of the commercial spiny dogfish fishery, but must continue to report both commercial and recreational spiny dogfish landings. In 2014, Georgia, South Carolina and Florida were removed from the Spiny Dogfish Board.

Delaware is requesting *de minimis* status for the 2014/2015 fishing season and meet the FMP requirements for achieving this status (**Error! Reference source not found.**). The PRT recommends granting *de minimis* status.

**Table 8: State-by-state compliance with the Interstate Fishery Management Plan for Spiny Dogfish.**

	<b>Report Submitted (Due July 1)</b>	<b><i>De Minimis</i> Request</b>	<b>Biomedical Permit Harvest</b>	<b>Finning Prohibition</b>	<b>Possession limit</b>
<b>Maine</b>	Yes	No	No	Yes	4,000 lb
<b>New Hampshire</b>	Yes	No	No	Yes	4,000 lb
<b>Massachusetts</b>	Yes	No	No	Yes	4,000 lb
<b>Rhode Island</b>	Yes	No	No	Yes	4,000 lb
<b>Connecticut</b>	No	No	No	Yes	4,000 lb
<b>New York</b>	No	No	No	Yes	4,000 lb
<b>New Jersey</b>	Yes	No	No	Yes	4,000 lb
<b>Delaware</b>	Yes	Yes, recommended	No	Yes	4,000 lb
<b>Maryland</b>	Yes	No	No	Yes	4,000 lb
<b>Virginia</b>	Yes	No	No	Yes	4,000 lb
<b>North Carolina</b>	Yes	No	No	Yes	8,000 lb or 10,000 lb (varied during season)
<b>South Carolina*</b>	Yes	NA	NA	NA	NA
<b>Georgia*</b>	No	NA	NA	NA	NA
<b>Florida*</b>	Yes	NA	NA		

\*South Carolina, Georgia and Florida were removed from the Spiny Dogfish Board in 2014.

### **Research Priorities**

- Determine area, season, and gear specific discard mortality estimates coast wide in the recreational, commercial, and non-directed (bycatch) fisheries. (SR 88)
- Monitor the level of effort and harvest in other fisheries as a result of no directed fishery for spiny dogfish. (SR 88 )

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- Characterize and quantify bycatch of spiny dogfish in other fisheries. (SR 88)
- Increase observer trips to document the level of incidental capture of spiny dogfish during the spawning stock rebuilding period. (SR 88)
- Conduct a coast wide tagging study to explore stock structure, migration, and mixing rates. (2010 TRAC, SR 88)
- Standardize age determination along the entire East Coast. Conduct an ageing workshop for spiny dogfish, encouraging participation by NEFSC, NCDMF, Canada DFO, other interested agencies, academia, and other international investigators with an interest in dogfish ageing (US and Canada Pacific Coast, ICES). (SR 88)

### References

NEFSC. 2013. Update on the Status of Spiny Dogfish in 2013 and Projected Harvests at the Fmsy Proxy and Pstar of 40%. Report to MAFMC SSC September 17, 2013. 51 p.

NEFSC. 2014. Update of Landings and Discards of Spiny Dogfish in 2014. Report to MAFMC SSC September 17, 2014. 19 p.

Special Report No. 88 of the Atlantic States Marine Fisheries Commission. 2008. Prioritized research needs in support of interjurisdictional fisheries management.

< <http://www.safmc.net/Portals/0/FEP/AppendAFEPVolIVInterResNeeds08.pdf> >

TRAC (Transboundary Resource Assessment Committee) Spiny Dogfish Review Proceedings. 2010.

< <http://www.mar.dfo-mpo.gc.ca/science/TRAC/trac.html> >

**State of Maine**  
**Spiny Dogfish Compliance Report**  
**May 2013 – April 2014 Fishing Year**

*May 15, 2013*

In accordance with the Spiny Dogfish Fishery Management Plan, the following report is submitted.

**I. Introduction:**

Historically, spiny dogfish have supported a major commercial fishery with principal ports of landings in Rockland, Boothbay Harbor and Portland. From 1976 to 2002, landings ranged from 257 pounds in 2001 to 6,365,648 pounds in 1990. Landings declined rapidly from the 1990 peak year to less than 35,000 pounds in 1999. During the height of the fishery, the dogfish harvest occurred principally from May through October with less than 2% of landings occurring before May 1 and less than .05% of landings occurring after November 1. Annual landings closely reflected fishing year landings and particularly Period I landings.

There was an increase of commercial spiny dogfish landings in Maine from 2004 to 2006 and a decrease in landings in 2007 and 2008. In 2009, the landings increased to 573,823 pounds and in 2010 they decreased again to 228,646 pounds. In 2011, landings were 349,166 pounds with a value of \$74,849. For 2013, dealers reported 106,610 pounds with a value of \$17,945. Commercial harvesters reported 107,132 kept pounds and 866,322 discarded pounds. 2013 data were combined from Federal and State data sources. All 2013 commercial landings are preliminary and subject to change.

The spiny dogfish possession limit was increased to 4,000 pounds, effective April 16, 2013, which is consistent with specifications set by the Spiny Dogfish & Coastal Sharks Management Board for the 2013/2014, 2014/2015, and 2015/2016 fishing seasons.

**II. Request for *de minimis*:** The State of Maine does not request *de minimis* status.

**III. Previous year's fishery and management program:**

a) **Activity and results of fishery dependent monitoring (provide general results and references to technical documentation).**

None

**b) Activity and results of fishery independent monitoring (provide general results and references to technical documentation).**

*2013 DMR Inshore Trawl Survey:*

The spring portion of the 2013 Maine-New Hampshire Inshore Trawl Survey was conducted in the near shore waters of the Gulf of Maine. A total of 158 spiny dogfish were collected, 76 females and 82 males were caught. Males ranged from 28 to 79 cm and the females 26 to 83 cm. This was the highest number of dogfish for a spring survey since it began in 2001.

The fall portion of the 2013 Trawl survey saw 40 dogfish. There were 23 males at lengths ranging from 34 cm to 82 cm. A total of 17 females were sampled at lengths ranging between 26 and 73 cm, numbers were distributed fairly evenly within the ranges for both sexes. This was the lowest number for a fall survey since it began in 2000.

**c) Copy of regulations that were in effect, including a reference to the specific compliance criteria as mandated in the FMP.**

For the 2013/2014 fishing season, Maine regulations specified a maximum possession limit of 4,000 pounds and DMR opened and closed the fishery consistent with ASMFC specifications. The following regulations were in place.

*Chapter 50 Spiny Dogfish and Coastal Sharks*

*50.01 Definitions*

1. “Coastal Sharks” means for the purpose of these regulations ~~any~~ the following species of shark caught in Maine’s territorial waters: sand tiger, bigeye, whale, basking, white, dusky, bignose, Galapagos, night, reef, narrowtooth, Caribbean sharpnose, smalltail, silky, Atlantic angel, longfin mako, bigeye thresher, sharpnose sevengill, bluntnose sixgill, sandbar and bigeye sixgill sharks.

2. “Finning” means the act of taking a spiny dogfish, porbeagle or other coastal shark, removing the fins, and returning the remainder of the spiny dogfish, porbeagle or other coastal shark to the sea.

3. “Spiny dogfish” means the genus and species *Squalus acanthias*.

4. “Porbeagle shark” means the genus and species *Lamna nasus*,

*50.02 Harvest, Possession and Landing Restrictions*

*A. Spiny Dogfish*

*When the annual Atlantic States Marine Fisheries Commission quota for spiny dogfish is reached it shall be unlawful to fish for, take, have in possession or land spiny dogfish taken from Maine territorial waters. Persons shall be informed by public notice in a newspaper with statewide circulation when the annual quota for spiny dogfish taken from Maine territorial waters has been reached. This is in accordance with the annual quota established by the Atlantic States Marine Fisheries Commission.*

*(1) Exception*

*(a) This rule shall not apply to vessels or individuals who harvest or possess dogfish for research or biomedical use, provided such vessels or individuals have a permit from the Commissioner of Marine Resources.*

*(b) Any person may fish for, take, possess, or transport one dogfish per day provided that the dogfish is for personal use only.*

*(2) Spiny Dogfish Trip Limit*

*Effective May 1, 2013, it is unlawful to harvest, land or possess more than 4,000 pounds of spiny dogfish per calendar day or 24-hour period when Maine territorial waters are not closed to the taking of dogfish in accordance with Chapter 50.02(A).*

*B. Porbeagle shark*

*(1) The commercial harvest of porbeagle sharks is prohibited in Maine's territorial waters.*

*(2) When the quota for porbeagle shark is reached in federal waters it shall be unlawful to fish for, take, have in possession or land porbeagle shark in Maine. Persons shall be informed by public notice in a newspaper with statewide circulation when the annual quota for porbeagle shark taken from federal waters has been reached. This is in accordance with the Interstate Fisheries Management Plan for Atlantic Coastal Sharks established by the Atlantic States Marine Fisheries Commission.*

*C. Coastal Sharks*

*The take of Coastal Sharks, as defined in Chapter 50.01(1), is prohibited in Maine's territorial waters.*

*50.03 Spiny Dogfish Endorsement for Dealers, License for Harvesters, Reporting Requirements and Quota*

*A. Harvester License and Dealer Endorsement*

*(1) Commercial harvesters must obtain a Commercial Pelagic and Anadromous Fishing License in order to participate in this fishery.*

*(2) Wholesale license-holders must obtain a dogfish buying endorsement before April 15th in order to participate in this fishery.*



*B. Reporting: See Chapter 8. Future license or endorsements will be dependent upon reporting compliance.*

*C. Quota: Fishing for spiny dogfish is subject to the annual quota specified by the ASMFC and NMFS Spiny Dogfish specifications. The annual quota is established annually by May 1st for the fishing year.*

#### *50.04 Shark, Dealers*

*A. Dealer permit requirement*

*Maine Wholesale license-holders who purchase Coastal sharks or porbeagle shark must obtain a federal dealer permit.*

#### *50.10 Finning Prohibited*

*Finning is prohibited in Maine territorial waters. Vessels that land spiny dogfish, porbeagle or coastal sharks must have the head, fins and tails attached naturally to the carcass through landing. The porbeagle, coastal shark or dogfish may be bled.*

### *Chapter 8 Landings Program*

#### *Chapter 8.10 Dealer Reporting*

*G. Spiny Dogfish*

*Any Primary Buyer shall report to the Department's Landings Program. Reports required in this section must be submitted electronically to DMR using an approved electronic format, such as the Standard Atlantic Fisheries Information System (SAFIS), file uploading, or Trip Ticket software. The reporting week begins on Sunday at 0001 hrs (12:01 AM) local time and ends Saturday at 2400 hrs (12:00 midnight). Reports must be submitted by midnight Tuesday, three days after the end of each reporting week. Dealers who want to make corrections to their trip-level reports may do so for up to 3 business days following submission of the initial report. If a correction is needed more than 3 business days following the submission of the initial trip-level report, the dealer must contact DMR directly to request an extension of time to make the correction.*

*Dealers must provide the following information:*

- 1. Dealer ID*
- 2. Trip start date*
- 3. Landing date*
- 4. Harvester ID*
- 5. Vessel ID (Hull ID)*
- 6. Gear Type*
- 7. Species, market size and grade*
- 8. Quantity and unit*
- 9. Disposition*

10. *Price per unit*
11. *Port landed*

#### *Chapter 8.20 Harvester Reporting*

##### *L. Spiny Dogfish*

*All Maine licensed dogfish harvesters must report daily fishing information for spiny dogfish that are landed in Maine, to the Department, according to written instructions on forms provided by the Department. Fishing vessel trip reports must include the following information:*

1. *Commercial license number and harvester name;*
2. *Vessel state registration number and vessel name;*
3. *Date/time sailed and landed;*
4. *Number of crew (including captain);*
5. *Gear fished;*
6. *Quantity and size of gear;*
7. *Number of sets;*
8. *Hours at sea;*
9. *Fishing time;*
10. *Latitude/longitude (or loran bearings);*
11. *Species*
12. *Pounds of all species landed or discarded;*
13. *Disposition;*
14. *Port and state landed;*
15. *Dealer name and license number sold to;*
16. *Signature of harvester;*
17. *Any other information or instructions deemed necessary.*

**d) Harvest broken down by commercial (by gear type where applicable) and recreational, and non-harvest losses (when available).**

*Commercial harvest:* For 2013, dealers reported 106,610 pounds with a value of \$17,945. Commercial harvesters reported 107,132 kept pounds and 866,322 discarded pounds. 2013 data were combined from Federal and State data sources. All 2013 commercial landings are preliminary and subject to change.

*Recreational harvest:* Based on the NOAA MRIP preliminary catch time series data for 2013, the total number of spiny dogfish harvested (A + B1) by recreational fishermen in Maine was 930 with a PSE of 34.1.

**e) Review of progress in implementing habitat recommendations (if applicable).**

Not applicable.

#### **IV. Planned Management Programs for the Current Fishing Year:**

- a) **Summarize regulations that will be in effect for the current fishing year.**  
Regulations will continue as last year. When the Northern Region fishery for spiny dogfish is closed, the public will be informed by public notice in a newspaper of statewide circulation. The 2014/2015 possession limit is set at 4,000 pounds maximum.
- b) **Copy of current regulations if different from III**  
  
Not different
- c) **Summarize monitoring programs that will be performed.**  
In order to track the commercial landings of spiny dogfish taken from territorial waters, dealer and harvester reporting regulations are required in accordance with the DMR Landings Program and the Atlantic Coastal Cooperative Statistics Program.
- d) **Highlight any changes from the previous year.**

The spiny dogfish possession limit was increased to 4,000 pounds, effective April 16 2013, which is consistent with specifications set by the Spiny Dogfish & Coastal Sharks Management Board for the 2013/2014, 2014/2015, and 2015/2016 fishing seasons.

#### **V. Plan Specific Requirements:**

*Dogfish collected for research under a DMR Special License*

In 2013, no dogfish were harvested under the authority of a special license for research.

# **Spiny Dogfish Compliance Report for the May 2013 through April 2014 Fishing Year**

**Submitted by the State of New Hampshire**

## **I. Introduction**

- a. Summary of the year: highlight any significant changes in monitoring, regulations or harvest.

The 2013 season for spiny dogfish opened July 1, 2013 in state waters with a 4,000 pound trip limit. There were no other significant changes to monitoring or harvest in 2013.

## **II. Request for *de minimis*, where applicable.**

New Hampshire does not request *de minimis*.

## **III. Previous year's fishery and management programs**

- a. Activity and results of fishery dependent monitoring (provide general results and references to technical documentation).

There was no fishery dependent monitoring for spiny dogfish.

- b. Activity and results of fishery independent monitoring (provide general results and references to technical documentation).

There was no fishery independent monitoring for spiny dogfish in New Hampshire waters.

- c. Copy of regulations that were in effect, including a reference to the specific compliance criteria as mandated in the FMP.

Fis 603.19 Dogfish.

(a) No person shall take, land or possess spiny dogfish in state waters whenever the state has been notified by the Atlantic States Marine Fisheries Commission (ASMFC) that the state quota has been taken.

(b) During any time period for which dogfish is closed as specified in (a) or (c), dogfish shall:

- (1) Only be taken by angling;

(2) Be for personal use only; and

(3) Not be sold.

(c) The open season for taking dogfish in state waters shall be July 1 through April 30. The executive director may revise the opening of the season by up to 2 months depending on the quotas set by the ASMFC.

(d) Finning shall be prohibited. "Finning" means the taking of spiny dogfish, removing the fins, and returning the remainder of the spiny dogfish to the sea.

(e) The executive director shall set trip limits up to 7,000 pounds depending on the quotas and trip limits set by the ASMFC.

(f) Any person who is not a permitted federal dealer, shall report each week the following information consistent with the minimum data requirements of the Standard Atlantic Fisheries Information System (SAFIS):

(1) Name of processor, primary dealer, or properly licensed person;

(2) The dealer's or processor's wholesale marine species or commercial saltwater license number;

(3) Week of reporting period;

(4) Commercial harvester's trip start date;

(5) Vessel name;

(6) State of vessel registration and number or coast guard number;

(7) Commercial harvester's first name, last name, date of birth, and license number;

(8) Number of trips for commercial harvester per day;

(9) Species purchased;

(10) Number or pounds of species purchased;

(11) Disposition of species purchased;

(12) Ex-vessel value or price of purchased species;

(13) Port, county and state where species were landed;

- (14) Date species unloaded from commercial harvester's vessel;
- (15) Grade and market size of purchased species;
- (16) Gear used to harvest species; and
- (17) Dated signature of dealer or processor, signed subject to the penalties for unsworn false statements under RSA 641:3.

(g) The reporting week shall be Sunday through Saturday. Reports shall be received by Tuesday of the following week.

Commercial Harvest

No mobile gear is allowed in New Hampshire state waters (RSA 211:49).

The Standard Atlantic Fisheries Information System (SAFIS) indicated that for the months of May 2013 through April 2014, 488,126 pounds of dogfish were landed.

<b>GEAR</b>	<b>2013 (live lbs)*</b>
Gill nets	368,518
Trawls	119,608

\*Preliminary landings values  
+Confidential

Recreational Harvest

The Marine Recreational Fisheries Statistics Survey (MRFSS) of the National Marine Fisheries Service (NMFS) records show that recreational harvest in New Hampshire state waters amounted to 632 spiny dogfish in 2013.

Non-harvest Losses

Impingements at the Seabrook Power Station in Seabrook, NH for May 1, 2013 through April 30, 2014 have not been released. There were no reported impingements of spiny dogfish in 2012.

- e. Review of progress in implementing habitat recommendations.

This is not applicable for New Hampshire.

**IV. Planned management programs for the current fishing year.**

- a. Summarize regulations that will be in effect for the current fishing year (May 1, 2013 through April 30, 2014).

Fis 603.19 Dogfish.

(a) No person shall take, land or possess spiny dogfish in state waters whenever the state has been notified by the Atlantic States Marine Fisheries Commission (ASMFC) that the state quota has been taken.

(b) During any time period for which dogfish is closed as specified in (a) or (c), dogfish shall:

- (1) Only be taken by angling;
- (2) Be for personal use only; and
- (3) Not be sold.

(c) The open season for taking dogfish in state waters shall be July 1 through April 30. The executive director may revise the opening of the season by up to 2 months depending on the quotas set by the ASMFC.

(d) Finning shall be prohibited. "Finning" means the taking of spiny dogfish, removing the fins, and returning the remainder of the spiny dogfish to the sea.

(e) The executive director shall set trip limits up to 7,000 pounds depending on the quotas and trip limits set by the ASMFC.

(f) Any person who is not a permitted federal dealer, shall report each week the following information consistent with the minimum data requirements of the Standard Atlantic Fisheries Information System (SAFIS):

- (1) Name of processor, primary dealer, or properly licensed person;
- (2) The dealer's or processor's wholesale marine species or commercial saltwater license number;
- (3) Week of reporting period;
- (4) Commercial harvester's trip start date;
- (5) Vessel name;
- (6) State of vessel registration and number or coast guard number;
- (7) Commercial harvester's first name, last name, date of birth, and license number;
- (8) Number of trips for commercial harvester per day;
- (9) Species purchased;

- (10) Number or pounds of species purchased;
- (11) Disposition of species purchased;
- (12) Ex-vessel value or price of purchased species;
- (13) Port, county and state where species were landed;
- (14) Date species unloaded from commercial harvester's vessel;
- (15) Grade and market size of purchased species;
- (16) Gear used to harvest species; and
- (17) Dated signature of dealer or processor, signed subject to the penalties for unsworn false statements under RSA 641:3.

(g) The reporting week shall be Sunday through Saturday. Reports shall be received by Tuesday of the following week.

**Note:** The 2014 season for spiny dogfish will begin July 1, 2014 in state waters with a 4,000 pound trip limit.

b. Summarize monitoring programs that will be performed.

No planned monitoring programs are planned for the current fishing year.

c. Highlight any changes from the previous year.

Refer to IV a above. There were no changes from the previous year.

## **V. Plan specific requirements**

Indicate the number of spiny dogfish exempted fishing permits issued in the previous fishing year, the actual amount (in numbers of fish and pounds) collected under each exempted fishing permit, as well as any other pertinent information (i.e. sex, when and how the spiny dogfish were collected). The report should also indicate the number of exempted fishing permits issued for the current fishing year.

New Hampshire issues scientific permits. There were no permits issued for the current fishing year (May 1, 2013 through April 30, 2014).



**Commonwealth of Massachusetts  
Division of Marine Fisheries**



**SPINY DOGFISH**

**Compliance Report to the Atlantic States Marine Fisheries Commission**

**Fishing Year: May 1, 2013 through April 30, 2014**

July 1, 2014

## I. Introduction

The Commonwealth of Massachusetts complied with all elements of the ASMFC Spiny Dogfish Management Plan during the May 1, 2013 through April 30, 2014 fishing year (FY 2013). The “Northern Region” (Maine through Connecticut) was allocated 58% of the 40.841 million pound coastwide ASMFC annual quota, or 23,688,360 pounds. Pursuant to the ASMFC Spiny Dogfish Management Board’s action in October 2012, Massachusetts increased its commercial trip limit from 3,000 lbs to 4,000 lbs.

## II. Request for *de minimis*, where applicable

Not applicable.

## III. Previous calendar year’s fishery and management program

### a. Fishery dependent monitoring

Massachusetts requires any person/vessel commercially fishing for spiny dogfish to hold a commercial fishing permit with a regulated fishery endorsement and to report landings monthly. *Marine Fisheries* employs a comprehensive trip-level harvester reporting program, which meets the standards established by the Atlantic Coastal Cooperative Statistics Program (ACCSP). These reports must include the date of harvest, trip start time and duration, port, gear type, harvest location, disposition, quantity, and dealer name and permit number (if sold). In order to renew permits, permit holders must submit for all months, regardless of whether they fished commercially during a month or not. In addition, all primary buyers in Massachusetts are required to report weekly their purchases of any marine species from fishermen. Information collected from dealers is consistent with ACCSP standards.

In 2013, *Marine Fisheries* issued 1,009 spiny dogfish endorsements. Commercial landings for FY 2013 were 6,113,317 lbs according to dealer reports and 5,681,254 lbs according to harvester reports (preliminary data). These landings represent a greater than 50% reduction from FY 2012 landings, driven by a drastic drop in market demand (particularly the European market).

### b. Fishery independent monitoring

None.

### c. Regulations

See regulations enacted in the Code of Massachusetts Regulations (CMR, Attachment 1) and by specification, as announced in *Marine Fisheries* Advisories (Attachment 2). These apply to the commercial harvest of spiny dogfish; Massachusetts has no recreational regulations specific to spiny dogfish.

During 2013, for the second year, *Marine Fisheries* authorized an experimental short-soak gillnet dogfish fishery to occur in the October – November groundfish closure in Upper Cape Cod Bay and Massachusetts Bay to capitalize on remaining dogfish quota. An existing exemption to the groundfish time/area closure allows longlining for dogfish; the experimental fishery essentially extended that exemption to include short-soak gillnetting (no overnight sets, vessels to remain within one mile) by letter of authorization. The experimental fishery was announced via a *Marine Fisheries* Advisory (Attachment 2). While participation and additional dogfish landings were limited, the program was deemed successful as it provided additional access without causing a quota overage or regulatory discard problem.

d. Harvest

Table 1. Massachusetts commercial spiny dogfish landings (pounds) for FY 2013, by gear; data are preliminary. (Source: state and federal vessel trip reports)

Gillnet	3,048,114
Hook	2,464,215
Trawl	168,925
<b>Total</b>	<b>5,681,254</b>

According to NOAA Fisheries' Office of Science and Technology, recreational anglers caught 203,464 spiny dogfish during FY 2013 (Wave 3, 2013 through Wave 2, 2014), of which 172 spiny dogfish were harvested and 203,292 (or 99.9%) released.

**IV. Planned management programs for the current calendar year**

- a. Summarize regulations that will be in effect  
See regulations enacted in the Code of Massachusetts Regulations (CMR, Attachment 1) and by specification, as announced in *Marine Fisheries* Advisories (Attachment 2). These apply to the commercial harvest of spiny dogfish; Massachusetts has no recreational regulations specific to spiny dogfish.
- b. Summarize monitoring programs that will be performed  
Status quo.
- c. Highlight any changes from the previous year  
Status quo. Consistent with ASMFC action, *Marine Fisheries* maintained the 4,000-lb commercial trip limit for FY 2014 (Attachment 2). Assuming ample quota will again be available, *Marine Fisheries* plans to re-authorize the short-soak gillnet experimental fishery for dogfish during October and November in the groundfish closure in Upper Cape Cod Bay and Massachusetts Bay. This fishery may be added as a second regulatory exemption to the closure in the future.

**V. Plan specific requirements**

Biomedical harvest of spiny dogfish collected under exempted fishing permits: None.

## Attachment 1: Code of Massachusetts Regulations

### 322 CMR 6.35 Spiny Dogfish Management

(1) Definitions For the purposes of 322 CMR 6.35;

- (a) Spiny Dogfish means that species known as *Squalus acanthias*.
- (b) Spiny Dogfish Commercial Quota means allowable commercial landings established by the Director each year. For 2000, the quota is 7,000,000 lbs.
- (c) Night means the time between 1/2 hour after sunset to 1/2 hour before sunrise during the period March 1 through October 31, or from 6:00 p.m. to 6:00 a.m. during the period November 1 through the last day of February.
- (d) Finning means the act of taking a spiny dogfish, removing the fins, and returning the remainder of the spiny dogfish to the sea.

(2) Permit A regulated fishery Special Permit issued by the Director shall be:

- (a) required of all commercial fishermen taking or landing spiny dogfish from waters under the jurisdiction of the Commonwealth; and
- (b) carried by the holder at all times when catching, taking, possessing, or selling spiny dogfish taken from waters under the jurisdiction of the Commonwealth; and
- (c) displayed forthwith on demand by any Environmental Police Officer or other official authorized to enforce 322 CMR 6.35;

(3) Dealer Authorization It is unlawful for dealers without written authorization from the Director to purchase spiny dogfish from commercial fishermen.

(4) Dealer Reporting Dealers shall report all purchases of spiny dogfish by phone and in writing based on schedules established and on forms to be provided by the Division.

(5) Possession Limit

(a) Declaration of Annual Specifications. The Director may, by declaration, establish and adjust the manner and times of taking spiny dogfish, and the legal size limits, numbers and/or quantities of spiny dogfish to be taken as prescribed by M.G.L. c. 130 § 17A and specified by the Atlantic States Marine Fisheries Commission (ASMFC).

(b) Declaration Process. Annual specifications shall not be effective until:

- (a) a notice has been filed with the Massachusetts Register;
- (b) a notice has been published by at least one local newspaper;
- (c) a copy of the notice has been emailed via the Marine Fisheries Listserv and posted on the Division's website; and
- (d) a two-week comment period has been conducted by the Division; and
- (e) it has been approved by a majority of the members of the Massachusetts Marine Fisheries Advisory Commission.

(6) Commercial Quota It is unlawful for commercial fishermen to land or possess spiny dogfish when the Commonwealth's spiny dogfish quota has been reached.

(7) Prohibitions

- (a) It is unlawful for any fisherman to fin dogfish. Fins removed at sea must be retained, landed at the same time and in the same location with carcasses, and not exceed a maximum 5% fin to carcass ration, by weight.



The Official Website of the Executive Office of Energy and Environmental Affairs

## Energy and Environmental Affairs

EEA Home > Agencies > Department of Fish & Game > Marine Fisheries > Marine Fisheries Notices > Declaration of Annual Spiny Dogfish Specifications

DEVAL PATRICK  
GOVERNOR

TIM MURRAY  
LIEUTENANT GOVERNOR

RICHARD K. SULLIVAN, JR.  
SECRETARY

MARY B. GRIFFIN  
COMMISSIONER

### Media Contact

Commonwealth of Massachusetts  
Division of Marine Fisheries  
251 Causeway Street, Suite 400  
Boston, MA 02114  
(617) 626-1520  
Fax (617) 626-1509  
Email: [marine.fish@state.ma.us](mailto:marine.fish@state.ma.us)

For Immediate Release - April 05, 2013

## Director's Declaration of Annual Spiny Dogfish Specifications

For the 2013/2014 commercial spiny dogfish fishery, the Atlantic States Marine Fisheries Commission's (ASMFC) Spiny Dogfish Board approved a 23.69 million pound quota and 4,000 pound trip limit for the Northern Region (ME-CT). On April 4, 2013 the Massachusetts Marine Fisheries Advisory Commission approved the Division of Marine Fisheries (*Marine Fisheries*) proposed commercial specifications for spiny dogfish. Pursuant to 322 CMR 6.35, the Director hereby declares the following annual specifications:

1. Beginning May 1, 2013 it shall be unlawful for any commercial vessel or commercial permit holder to possess or land in excess of 4,000-lbs. of spiny dogfish per trip or per calendar day, whichever is longer; and
2. Once the Director has determined that the northern states' allocation (58%) of the ASMFC-approved quota has been reached, it shall be unlawful for commercial fishermen to land or possess any spiny dogfish.

For more information regarding the commercial spiny dogfish fishery please visit our website ([www.mass.gov/marinefisheries](http://www.mass.gov/marinefisheries)) or call the Division of Marine Fisheries at 617-626-1520.



Paul J. Diodati  
Director

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DEVAL PATRICK  
GOVERNOR

RICHARD K. SULLIVAN JR.  
SECRETARY

MARY B. GRIFFIN  
COMMISSIONER

For Immediate Release - September 09, 2013

## Announcement for Experimental Short-Soak Gillnet Fishery for Spiny Dogfish

The Massachusetts Division of Marine Fisheries is authorizing an experimental fishery to allow a "short-soak" gillnet fishery for spiny dogfish during the October 1 – November 30 groundfish closure in Cape Cod Bay and Massachusetts Bay from Plymouth to Marblehead (defined at 322 CMR 8.12(2)). Current regulations prohibit groundfish fishing during this time and area with an exemption for longlining for dogfish. To capitalize on remaining quota and allow a continuation of current fishing practices, this experimental fishery will allow the use of sink gillnets set for short soaks (a few hours) for dogfish.

Eligible fishermen and vessels are those whose state permits already have a gillnet endorsement and are up to date with their trip-level reporting of landings. Participation conditions and monitoring requirements will be established by a Letter of Authorization issued by the Director to the permit holder. Nets fished in the special access area may not be left overnight and vessels must remain within 1 mile of their nets at all times in the area.

The Division may place at-sea observers aboard participating vessels. Consequently, vessels must be up to date with all required safety equipment, including but not limited to: immersion suits/PFDs, throwable floatation device, life rafts (where required), first aid material, distress signals, fire extinguishing equipment, and radio. If regulatory discards become problematic, permits may be further conditioned to: (1) restrict fishing from certain areas, (2) modify fishing gear, or (3) end access.

For more information about this experimental fishery or to enroll, please send DMF by fax or email a request to participate with the following information:

- Your name
- DMF Permit ID
- Vessel name, length, and registration number (or documentation number)
- Port you intend to fish from

The fax number is 617-626-1509 or contact Kerry Allard at [kerry.allard@state.ma.us](mailto:kerry.allard@state.ma.us) or 617-626-1633.



**Paul J. Diodati**  
Director

### Media Contact

Commonwealth of Massachusetts  
Division of Marine Fisheries  
251 Causeway Street, Suite 400  
Boston, MA 02114  
(617) 626-1520  
Fax (617) 626-1509  
Email: [marine.fish@state.ma.us](mailto:marine.fish@state.ma.us)

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Paul J. Diodati  
Director

## *Commonwealth of Massachusetts*

### Division of Marine Fisheries

251 Causeway Street, Suite 400

Boston, Massachusetts 02114

(617)626-1520

fax (617)626-1509



Deval Patrick  
Governor

Richard K. Sullivan, Jr.

Secretary

Mary B. Griffin  
Commissioner

May 1, 2014

### **Director Declares 4,000 lb 2014/2015 Spiny Dogfish Trip Limit**

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Pursuant to 322 CMR 6.35, the Director hereby declares the following:

- 1. Beginning May 1, 2014 it shall be unlawful for any commercial vessel or commercial permit holder to possess or land in excess of 4,000-lbs. of spiny dogfish per trip or per calendar day, whichever is longer; and**
- 2. Once the Director has determined that the northern states' allocation (58%) of the ASMFC-approved quota has been reached, it shall be unlawful for commercial fishermen to land or possess any spiny dogfish.**

For the 2014/2015 commercial spiny dogfish fishery, the Atlantic States Marine Fisheries Commission's (ASMFC) Spiny Dogfish Board approved a 28.65 million pound quota and 4,000 pound trip limit for the Northern Region (ME-CT). On April 30, 2014 the Massachusetts Marine Fisheries Advisory Commission approved the Division of Marine Fisheries (*Marine Fisheries*) recommended 4,000 pound daily commercial trip limit specification for spiny dogfish.

For more information regarding the commercial spiny dogfish fishery please visit our website ([www.mass.gov/marinefisheries](http://www.mass.gov/marinefisheries)) or call the Division of Marine Fisheries at 617-626-1520.



Rhode Island  
Department of Environmental Management

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DIVISION OF FISH AND WILDLIFE

3 Fort Wetherill Road  
Jamestown, RI 02835

TEL 401 423-1920  
FAX 401 423-1925

TO: Marin Hawk, ASMFC Spiny Dogfish FMP Coordinator

FROM: Eric Schneider, Principal Biologist

DATE: July 1, 2014

SUBJECT: Rhode Island Spiny Dogfish Annual Compliance Report for the 2013 Fishing Year

Attached please find Rhode Island's spiny dogfish annual compliance report for the 2013 fishing year.

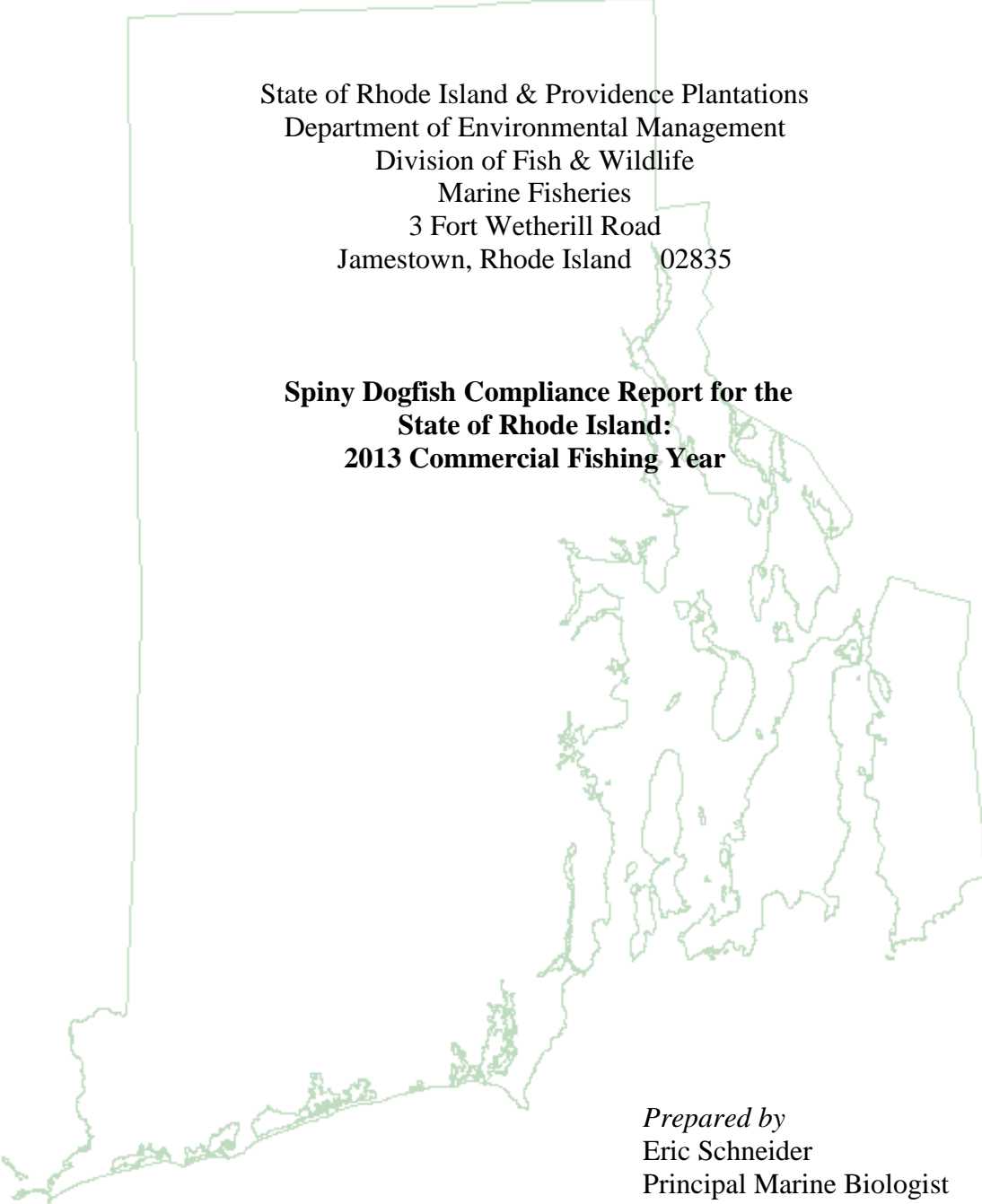
Please contact me at 401.423-1933 or via email at [Eric.Schneider@dem.ri.gov](mailto:Eric.Schneider@dem.ri.gov) if you have questions or need additional information.

Thank you.

cc: M. Gibson  
J. McNamee

Attachment: RI\_Spiny\_Dogfish\_Compliance\_Report\_for\_2013FY\_20140701.docx





State of Rhode Island & Providence Plantations  
Department of Environmental Management  
Division of Fish & Wildlife  
Marine Fisheries  
3 Fort Wetherill Road  
Jamestown, Rhode Island 02835

**Spiny Dogfish Compliance Report for the  
State of Rhode Island:  
2013 Commercial Fishing Year**

*Prepared by*  
Eric Schneider  
Principal Marine Biologist  
RIDFW Marine Fisheries

Date Submitted: July 1, 2014



# Rhode Island Spiny Dogfish Annual Compliance Report for the 2013 Fishing Year (May 1 2013 to April 30, 2014)

## I. Request for *de minimis*, where applicable.

The state of Rhode Island does not wish to apply for *de minimus* status.

## II. Previous calendar year's fishery and management program:

- A. Report total landings for the previous fishing year in the commercial and recreational sectors. Please place any confidential data in red. Any confidential data will be removed prior to releasing the report to the public.
- In accordance with the Addendum III to the Interstate Fishery Management Plan for Spiny Dogfish and Rhode Island regulations:
    - i. Beginning 12:01 AM on May 1, 2013 the commercial possession limit for spiny dogfish increased to 4,000 lbs/vessel/day, thereby opening the commercial fishery for the 2013 fishing year.
    - ii. Consistent with ASMFC Northern Region management actions the RI commercial spiny dogfish fishery did not close and remained open for the entire 2013 fishing year because the Northern Region quota was not harvested prior to April 30, 2014.
  - Commercial landings data collected by the Standard Atlantic Fisheries Information System (SAFIS) as of 6/26/2014 indicate 789,334 lbs of spiny dogfish were landed in Rhode Island during the 2013 fish year (May 1, 2013 – April 30, 2014), with an estimated commercial value of \$128,551.
  - Recreational harvest data collected by the NMFS, Fisheries Statistics Division via the Marine Recreational Information Program (MRIP) estimated 122 lbs of spiny dogfish were harvested between May of 2013 and February of 2014. This is the most recent data available as of June 27, 2014.
- B. Report harvest for scientific, educational or biomedical research use for the previous year.
- Removed for confidentiality.

## III. Planned management programs for the current calendar year

- A. Summarize any changes from previous years. Please highlight the changes.
- The only change to occur during the 2013 fishing year was an increase in the possession limit from 3,000 to 4,000 lbs per vessel per day. This went into effect May 1, 2013. A copy of the regulations that were in effect during the entire 2013 follows:

Rhode Island Marine Fisheries Regulations (Active May 1, 2013 to April 30 2104)

Part VII – Minimum Sizes of Fish/Shellfish

7.15 Spiny dogfish

7.15.1 Commercial Season and Possession Limits – The commercial season shall extend from May 1 until April 30 of the following year. RI is currently designated as a state that is part of the Northern region. A Northern region quota for spiny dogfish will be established annually and shall be the most recent allocation by the Atlantic States Marine Fisheries Commission (ASMFC) and/or the Secretary of the U.S. Department of Commerce as published in the Federal Register, which is currently set at 58% of the coastwide quota. It shall be unlawful to possess aboard or land from a vessel, in any one calendar day, more than ~~3,000~~ **4,000** pounds of spiny dogfish. When notified that the quota in the Northern region has been harvested, or projected to be harvested, as determined by the National Marine Fisheries Service or the Atlantic States Marine Fisheries Commission, the Division of Fish and Wildlife shall file a notice with the Office of the Secretary of State prohibiting the commercial landings, harvest and possession of spiny dogfish in state waters for the remainder of the designated period.

(a) The Division is hereby authorized to enter into agreements with the other Northern Region States for the purpose of establishing seasons and possession limits governing the taking of spiny dogfish. Pursuant to the authority of Part III Section 3.2.1, the Division is further authorized to adjust season(s) and possession limits governing the taking of spiny dogfish as may be deemed necessary to comply with said agreements. The Division will consult with the Rhode Island state-water spiny dogfish fishers prior to negotiating the subject agreements.

7.15.2 Prohibition of Finning – Finning is defined as the act of taking a spiny dogfish, removing the fins, and returning the remainder of the spiny dogfish to the sea. Finning spiny dogfish shall be prohibited in all state waters. Vessels that land spiny dogfish must land fins in proportion to carcasses, with a maximum 5% fin to carcass ratio, by weight. Fins may be removed at sea, but the corresponding carcass must be retained. All fins and carcasses must be landed at the same time and in the same location.

**RIMF REGULATIONS [Penalty – Part 3.3 (RIGL 20-1-16)]**

- B. Summarize monitoring programs that will occur and results from the previous year.
- Fishery dependent monitoring is unchanged from previous years and is limited to port sampling and at-sea observers. None of these efforts are directed at dogfish and although we expect both programs to continue we do not expect them to capture any spiny dogfish.
  - Fishery independent monitoring is limited to dogfish taken in the RI Division of Fish & Wildlife, Marine Fisheries Section monthly and seasonal trawl survey.

Year	Time Period	Fish Name	Number of Tows	All stations Combined	
				Total Weight	Total Number Caught

2013	MAY	Spiny Dogfish	13	4.9	2
2013	JUL	Spiny Dogfish	13	1.7	1
2013	OCT	Spiny Dogfish	13	1.9	1
2013	NOV	Spiny Dogfish	13	3.0	1
2013	Fall Seasonal	Spiny Dogfish	43	0	0
2014	Spring Seasonal	Spiny Dogfish	43	0	0

**IV. Law Enforcement Reporting Requirements**

A. Please include in this section any law enforcement issues that occurred in the previous calendar year. If nothing substantial happened, you may omit this section.

- We are unaware of any substantial law enforcement issues from the 2013 fishing year.

# New Jersey Annual Compliance Report For Spiny Dogfish



FOR FISHING YEAR

# 2013



NEW JERSEY DIVISION OF  
**Fish and Wildlife**

NJ Bureau of Marine Fisheries

Report prepared by Gregory Hinks, Biologist

Nacote Creek Research Station, Port Republic, NJ

Submitted to the Atlantic States Marine Fisheries Commission as a requirement of  
the Interstate Fisheries Management Plan for Spiny Dogfish

**I. REQUEST FOR DE MINIMUS STATUS, WHERE APPLICABLE**

New Jersey has not requested *de minimus* status from the requirements outlined within the Interstate Fishery Management Plan (Addendum I) for Spiny Dogfish.

**II. PREVIOUS CALENDAR YEAR'S FISHERY**

**a. Recreational Landings**

Total estimated harvest (MRIP A+B1) of the recreational Spiny Dogfish fishery yielded 19,700lbs in 2013 mostly from party boat fishermen.

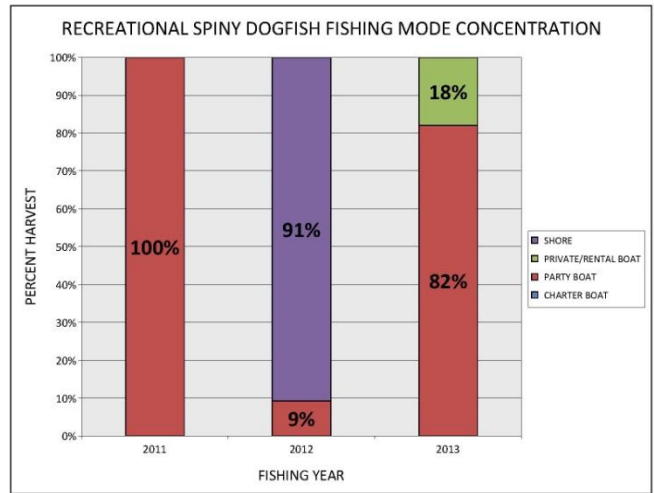
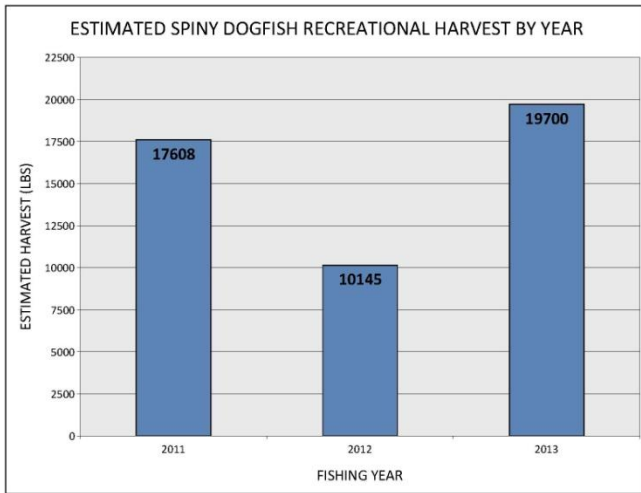


Figure 1. See Figure 3 for information regarding harvest estimates reliability. Data Source: NOAA Marine Recreational Information Program

Figure 2. Data Source: NOAA Marine Recreational Information Program

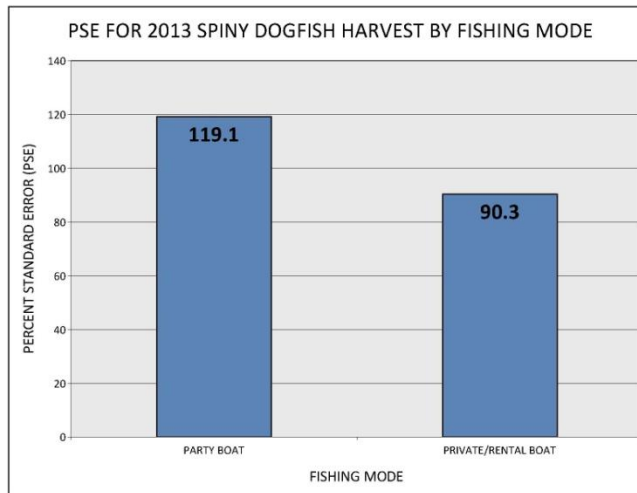


Figure 3. Data Source: NOAA Marine Recreational Information Program

NOTE: Estimates should be viewed with increasing caution as PSEs increase beyond 25. Large PSEs – those above 50 – indicate high variability around the estimate and therefore low precision. Estimates with large PSEs should be viewed cautiously.

- b. Commercial Harvest: Confidential data removed from report.
  
- c. Scientific and Educational Harvest
  - No permits were issued in 2013 for the harvest of Spiny Dogfish for scientific or educational purposes.

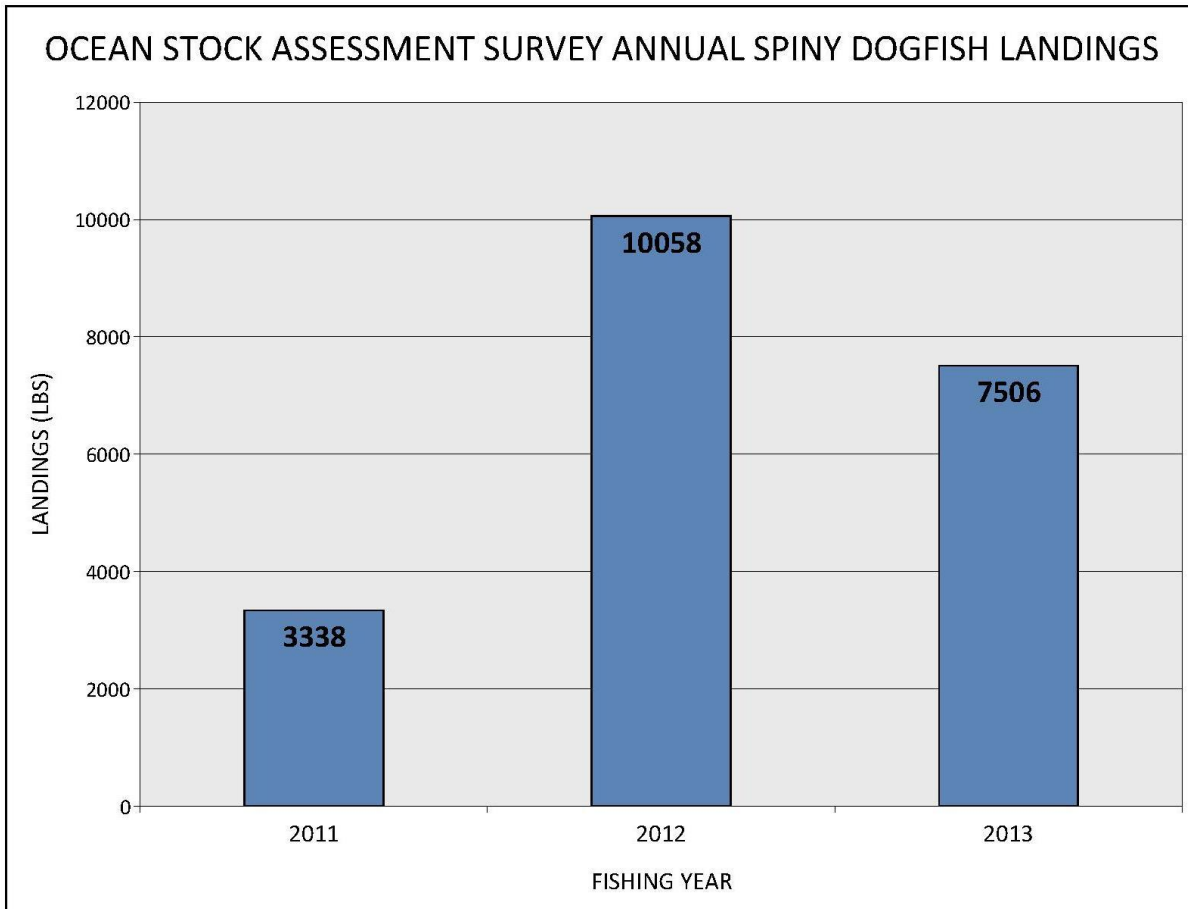
**III. FISHERY MANAGEMENT PROGRAMS**

a. There have been no changes to the current management program for the New Jersey Spiny Dogfish fishery.

b. Fishery-independent monitoring programs

New Jersey does not currently conduct any fishery-independent monitoring programs for Spiny Dogfish, but does receive a significant number of Spiny Dogfish from the State’s Ocean Stock Assessment Survey. The Survey landed approximately 7,506lbs of Spiny Dogfish in 2013.

Spiny Dogfish samples collected from the New Jersey Ocean Stock Assessment Survey are collected by a 30-meter otter trawl every January, April, June, August, and October since 1989. Tows are approximately 1 nautical mile and are performed via a stratified random sampling design. Latitudinal strata are identical to those used by the National Marine Fisheries Service groundfish survey. Longitudinal boundaries are defined by the 18-30, 30-60, and 60-90 foot isobaths. Spiny Dogfish are sorted by gender, cumulatively weighed, and measured by total length in centimeters.



**IV. LAW ENFORCEMENT REPORTING REQUIREMENTS**

New Jersey law enforcement officials have reported one violation of a commercial overage for Spiny Dogfish.





**State of Delaware**  
**Spiny Dogfish 2013 Annual Compliance Report**  
**July 1, 2014**

**I. Request for *de minimis*.**

- a. On December 12, 2002, Delaware first applied for and received permission to be classified as *de minimis* for purposes of compliance with the Spiny Dogfish Plan. Commercial landings for Delaware in 2013 were less than 1% of the coast-wide commercial total. Delaware hereby requests that this *de minimis* classification continue in 2014.

**II. Previous calendar year's fishery**

- a. Delaware did not reach its state commercial quota of 365,944 pounds in 2013. The Marine Recreational Information Program (MRIP) lists 1,442 spiny dogfish weighing 8,652 lbs. as being recreationally harvested in Delaware in 2013 (catch types A+B1).
- b. There was no harvest for scientific, educational or biomedical research in 2013. Delaware received no applications for research permits in 2013 and expects none to be received in 2014.

**III. Planned management programs for the current calendar year**

- a. On August 11, 2013, Delaware revised its spiny dogfish regulation to increase daily commercial possession limit from 3,000 to 10,000 pounds. Delaware has no planned management changes for 2014.
- b. Delaware has two fisheries independent surveys that have the potential for taking spiny dogfish. A 30-foot bottom trawl that is deployed monthly in Delaware Bay at nine fixed stations from March through December. This survey has been conducted annually since 1990, and before that from 1966-1971 and 1979-1984 using essentially the same gear type. A total of 55 spiny dogfish was taken in 2013 in 90 tows, with the majority taken in November (24) with the others being taken in April (15), May (3) and December (13). Spiny dogfish catches per tow

and catch per nautical mile since 1966 are included in Table 1. Sex-based indices were generated at the request of the ASMFC and show variance without any definable trend (Tables 2 and 3). Note that sex-specific data are not available prior to 1990. The second fishery independent survey that has the potential for taking spiny dogfish is the 16-foot bottom trawl which is deployed monthly at 39 fixed stations in Delaware River and Delaware Bay and at 12 fixed stations in Delaware's Inland Bays. This survey is conducted from April through October. This gear includes a 0.5-inch mesh liner in the cod end of the trawl and it targets primarily juvenile fishes. There were no spiny dogfish taken with this gear in 2013 from either the Delaware Bay or Delaware's Inland Bays in the 16 foot trawl.

#### **IV. Law Enforcement Reporting Requirements**

- a. Delaware did not have any law enforcement issues that occurred in the previous calendar year.

Table 1. Spiny dogfish relative abundance indices from 30-foot trawl sampling in the Delaware Bay.

<b>Year</b>	<b>Number of Tows</b>	<b>Number per Nautical Mile</b>	<b>Weight per Nautical Mile</b>	<b>Kilogram per Tow</b>	<b>Number per Tow</b>
1966	56	1.22169	0	0	1.33036
1967	75	1.5873	0	0	1.66667
1968	49	0.85576	0	0	1.04082
1969	42	1.06563	0	0	1.16667
1970	35	1.76499	0	0	2.05714
1971	39	0.56475	0	0	0.84615
1979	99	0.14646	0	0	0.17172
1980	93	0.10423	0	0	0.08602
1981	98	0.0744	0	0	0.11224
1982	40	0	0	0	0
1983	38	0	0	0	0
1984	45	0.10101	0	0	0.11111
1990	61	1.16502	0	0	1
1991	72	1.05036	0	0	1.15278
1992	89	1.461	0	0	1.51685
1993	83	0.82618	0	0	0.90361
1994	71	1.58475	0.18893	0.20352	1.66197
1995	88	0.10973	0.24364	0.27727	0.125
1996	76	0.53585	1.08404	1.10658	0.55263
1997	89	0.66296	1.19513	1.35663	0.75281
1998	80	1.89426	2.82046	3.1195	2.05
1999	87	0.38017	1.0014	1.0277	0.3908
2000	90	0.29519	0.82066	0.83644	0.3
2001	90	0.33839	0.90901	0.91819	0.34444
2002	68	0.16551	0.36203	0.38941	0.17647
2003	63	0.38661	0.96688	0.90921	0.36508
2004	90	0.36697	0.96659	1.02044	0.38889
2005	90	0.09654	0.25717	0.26356	0.1
2006	90	0.41587	1.13927	1.18333	0.43333
2007	90	0.83748	2.60025	2.69378	0.86667
2008	90	1.14511	3.40923	3.44889	1.15556
2009	90	1.89624	5.86758	5.90289	1.91111
2010	90	0.76526	2.36648	2.37067	0.76667
2011	90	1.02612	2.85127	2.84544	1.02222
2012	90	1.04369	3.08340	3.06678	1.03333
2013	90	0.61586	1.64199	1.63633	0.61111

Table 2. Female spiny dogfish relative abundance indices from DE DFW 30-foot trawl sampling in the Delaware Bay.

<b>Year</b>	<b>Number of Tows</b>	<b>Number per Nautical Mile</b>	<b>Geometric Mean</b>	<b>Upper Confidence Interval (97.5%)</b>	<b>Lower Confidence Interval (97.5%)</b>	<b>Total Number of Females Caught</b>
1990	61	0.4262	0.1275	0.2782	-0.005	26
1991	72	0.8333	0.2702	0.4735	0.095	60
1992	89	1.3034	0.2271	0.4221	0.0589	116
1993	83	0.6627	0.2019	0.3594	0.0627	55
1994	71	1.338	0.3747	0.6557	0.1413	95
1995	88	0.0682	0.0346	0.0792	-0.008	6
1996	76	0.3421	0.1415	0.2604	0.0338	26
1997	89	0.3727	0.1709	0.2904	0.0624	33
1998	80	0.925	0.2554	0.4541	0.0838	74
1999	87	0.2644	0.1314	0.2287	0.0418	23
2000	90	0.1889	0.0913	0.1662	0.0211	17
2001	90	0.2333	0.0902	0.1761	0.0106	21
2002	68	0.1618	0.0777	0.1617	-3E-04	11
2003	63	0.1587	0.0634	0.1483	-0.015	10
2004	90	0.1667	0.078	0.1504	0.0102	15
2005	90	0.0556	0.028	0.0687	-0.011	5
2006	90	0.3222	0.1276	0.2327	0.0314	29
2007	90	0.4333	0.1569	0.2835	0.0429	39
2008	90	1.0333	0.3957	0.6176	0.2042	93
2009	90	1.6333	0.4397	0.7088	0.213	147
2010	90	0.5778	0.2412	0.3946	0.1047	52
2011	90	0.6667	0.2716	0.4338	0.1278	60
2012	90	0.8840	0.3100	0.5055	0.1399	79
2013	90	0.4111	0.1667	0.2897	0.0554	37

Table 3. Male spiny dogfish relative abundance indices from DE DFW 30-foot trawl sampling in the Delaware Bay.

<b>Year</b>	<b>Number of Tows</b>	<b>Number per Nautical Mile</b>	<b>Geometric Mean</b>	<b>Upper Confidence Interval (97.5%)</b>	<b>Lower Confidence Interval (97.5%)</b>	<b>Total Number of Males Caught</b>
1990	61	0.1312	0.0465	0.1241	-0.026	8
1991	72	0.3194	0.0939	0.2053	-0.007	23
1992	89	0.2135	0.0827	0.1671	0.0044	19
1993	83	0.241	0.0747	0.1647	-0.008	20
1994	71	0.3239	0.1394	0.2576	0.0323	23
1995	88	0.0568	0.032	0.072	-0.006	5
1996	76	0.1974	0.0761	0.1595	-0.001	15
1997	89	0.3802	0.1423	0.2565	0.0385	33
1998	80	1.125	0.3552	0.5981	0.1492	90
1999	87	0.1264	0.0722	0.1348	0.0132	11
2000	90	0.1	0.0259	0.0794	-0.025	9
2001	90	0.1111	0.0649	0.1214	0.0113	10
2002	68	0.0147	0.0103	0.031	-0.01	1
2003	63	0.1746	0.0991	0.1881	0.0167	11
2004	90	0.1556	0.0615	0.1309	-0.004	14
2005	90	0.0444	0.028	0.0616	-0.005	4
2006	90	0.1111	0.0568	0.1137	0.0028	10
2007	90	0.1333	0.0534	0.116	-0.006	12
2008	90	0.1222	0.0628	0.1239	0.005	11
2009	90	0.2778	0.1024	0.1982	0.0143	25
2010	90	0.1889	0.0756	0.1501	0.0058	17
2011	90	0.3556	0.1122	0.2204	0.0136	32
2012	90	0.1494	0.0852	0.1512	0.0229	13
2013	90	0.2000	0.0925	0.1745	0.0163	18

**Maryland's 2013 Spiny Dogfish (*Squalus acanthias*) Compliance Report to the Atlantic States Marine Fisheries Commission**

**I. Request for *de minimis*, where applicable.**

a. No *de minimis* status requested.

**II. Previous calendar year's fishery**

a. **Report total landings for the previous fishing year in the commercial and recreational sectors.**

**i. Commercial**

Removed (confidential).

**ii. Recreational**

Maryland recreational landings from the NMFS Recreational Fisheries Statistics website (<http://www.st.nmfs.noaa.gov/recreational-fisheries/access-data/run-a-data-query/index>) reported no observed or reported harvest of Spiny Dogfish for May 2013 through April 2014 for the Time Series Query, although 2014 Wave 2 preliminary estimates are not yet available (Personal communication from the National Marine Fisheries Service, Fisheries Statistics Division. June 20, 2014).

b. **Report harvest for scientific, educational or biomedical research use for the previous year.**

There was no harvest for scientific, educational or biomedical research for the previous year.

**III. Planned management programs for the current calendar year**

a. **Summarize any changes from previous years.**

There are currently no planned changes to the current fishery from previous years.

b. **Summarize monitoring programs that will occur and results from the previous year's monitoring program.**

Dogfish will be counted and measured when present in the catch during limited biological sampling at sea. Zero Spiny Dogfish were encountered in 2013 offshore sampling.



# *COMMONWEALTH of VIRGINIA*

*Marine Resources Commission  
2600 Washington Avenue  
Third Floor  
Newport News, Virginia 23607*

Molly Joseph Ward  
Secretary of Natural Resources

John M.R. Bull  
Commissioner

June 30, 2014

## **MEMORANDUM**

**TO:** Marin Hawk, Spiny Dogfish Fishery Management Plan Coordinator  
Atlantic States Marine Fisheries Commission

**FROM:** Rachael Maulorico, Fisheries Management Division  
Virginia Marine Resources Commission

**SUBJECT:** Virginia's 2014 Compliance Report for Spiny Dogfish

The attached document describes Virginia's spiny dogfish landings and management program for the 2013/2014 fishing year.

Please contact me at 1-757-247-2244 if you need additional information regarding this report.

## **SPINY DOGFISH COMPLIANCE REPORT**

### **I. Introduction**

Commercial landings estimates for the 2013/2014 fishing season (May 1, 2013 through April 30, 2014) are preliminary, to date, and final landings estimates will be available once the data are verified and duplicates are removed (Table 1). The current estimate of Virginia's 2013/2014 commercial landings of spiny dogfish is 1,250,148 pounds.

In 2013 the Marine Recreational Information Program (MRIP) recorded 120 individual spiny dogfish harvested recreationally in Virginia waters (PSE = 58.9). The 2011 harvest of 4,937 spiny dogfish has been the largest recreational harvest since the 1993 Marine Recreational Fishing Statistic Survey (MRFSS) estimate of 7,350. The number of spiny dogfish released alive (Type B2) in Virginia's 2013 recreational harvest was 19,931 (PSE =43.6) (Table 2). Note that recreational fishery statistical estimates, for Virginia's recreational spiny dogfish fishery, have low precision, resulting from the limited numbers of spiny dogfish available for sampling from anglers.

### **II. Request for *de minimis*, where applicable**

The Commonwealth of Virginia does not wish to apply for *de minimis* status.

### **III. Previous calendar year's fishery and management program**

#### **a. Activity and results of fishery-dependent monitoring (provide general results and references to technical documentation).**

##### **1. Commercial**

There are currently no fishery-dependent sampling programs in Virginia that target spiny dogfish for collection from the commercial fishery.

##### **2. Recreational**

Beginning in 2010 the MRIP was initiated to provide improved recreational fishing estimates based on angler intercepts. The estimates for MRIP are available from 2004 through 2013. In 2013, MRIP estimated a harvest of 120 fish (A+B1) that totaled 658 pounds and estimated 19,931 fish that were released alive (B2). Type A+B1 harvest based on MRIP estimates range from a low in 2012 of zero fish, to a high in 2011 of 4,937 fish (Table 2). The intercept component of the MRIP program interviews anglers to collect demographic information and individual catch data.

#### **b. Activity and results of fishery-independent monitoring (provide general results and references to technical documentation).**

There are currently no fishery-independent surveys in Virginia that observe sufficient quantities of spiny dogfish to adequately monitor species trends.



**c. Copy of regulations that were in effect, including a reference to the specific compliance criteria as mandated in the FMP.**

A copy of Chapter 4 VAC 20-490-10 et seq., “Pertaining to Sharks”, that was in effect for the 2013/2014 fishing year is provided in Appendix A.

**1. Commercial**

Chapter 4 VAC 20-490-10 et seq. “Pertaining to Sharks”, requires that all spiny dogfish harvested from state or federal waters, for commercial purposes, must be sold to a federally permitted dealer. These dealers must provide weekly written reports to VMRC of daily landings of any spiny dogfish bought.

All vessels landing seafood in Virginia for commercial purposes must possess a Seafood Landing License, unless the vessel owner possesses a current Virginia Commercial Fisherman Registration License. All registered commercial fishermen and holders of seafood landing licenses are required to report daily harvest from Virginia tidal and federal waters to the VMRC on a monthly basis, with the report due on the 5<sup>th</sup> day of the following month. All licensed seafood buyers are required to use a certified scale for determining the weight of fish, shellfish, or marine organisms that are regulated by a harvest weight limit or quota, possession weight limit, or landing weight limit.

According to Virginia regulations, it is unlawful to place, set, or fish a longline in Virginia’s tidal waters (see Section 30 of Chapter 4 VAC 20-490-10 et seq., Appendix A). Virginia regulations define a longline as any fishing gear that is set horizontally (either anchored, floating, or attached to a vessel), consists of a mainline or groundline greater than 1,000 feet in length, with multiple leaders (gangions) and hooks, and is retrieved by hand or mechanical means. Virginia also prohibits the practice of finning (see Section 50 of Chapter 4 VAC 20-490-10 et seq., Appendix A).

Addendum III to the Interstate Fishery Management Plan for Spiny Dogfish divides the southern region quota (New York through North Carolina), or 42% of the coast-wide quota, into state-specific shares. Virginia received 10.80% of the annual coast-wide quota for May 1, 2013, through April 30, 2014, or 4,408,894 pounds. No state specific quota adjustments were issued by the ASMFC to Virginia for the 2013/2014 season.

The National Marine Fisheries Service (NMFS) establishes the annual quotas and possession limits of spiny dogfish harvested from federal waters. The quota is allocated between two periods within the fishing year (May 1 through April 30 of the following year). Period 1 (May 1 through October 31) is allocated 57.9% of the quota and 42.1% of the quota is

allocated to Period 2 (November 1 through April 30 of the following year). A vessel possession limit of 4,000 pounds of spiny dogfish was set for both quota periods by the state of Virginia. Once it has been announced that the federal quota has been harvested, it is illegal to possess aboard a vessel or land in Virginia any spiny dogfish harvested from federal waters (see Section 42 of Chapter 4 VAC 20-490-10 et seq., Appendix A).

In 2009, Virginia created a limited entry permit for the harvest of spiny dogfish, at the request of industry, to prevent overcapitalization in the fishery. Harvesters qualified for permits if they met minimum historical landing requirements of spiny dogfish. In 2012, a total of 107 permits were authorized, and the number of spiny dogfish permits was capped at that level for that year. In 2013 the eligible permits were further reduced to 88. Transferability is only permitted for situations involving military deployment, incapacitation, or death of the permittees.

## **2. Recreational**

Recreational fishing for spiny dogfish in Virginia is not constrained by size restrictions, possession limits, or seasons. Virginia prohibits the practice of finning (see Section 50 of Chapter 4 VAC 20-490-10 et seq., Appendix A).

### **d. Harvest broken down by commercial (by gear type where applicable) and recreational, and non-harvest losses (when available).**

#### **1. Commercial**

Commercial landings data characterizing harvest from state waters were obtained through the VMRC mandatory reporting database, while information on harvest from federal waters is provided by the NMFS. Both federal and state harvest data, for the 2013/2014 fishing season, are represented as preliminary and final data will be available once they are verified and the duplicates removed.

The current estimate of Virginia's 2013/2014 commercial landings of spiny dogfish is 1,250,148 pounds. Since 2003, the majority of spiny dogfish landed in Virginia have been harvested from state waters (Table 1).

#### **2. Recreational**

In 2013, the MRIP estimated that 29 spiny dogfish were landed (Type A+B1) in Virginia by recreational anglers (Table 2). The MRIP estimate of the number of spiny dogfish that were caught in state waters and released alive (Type B2) in 2012 was 19,763 fish.

**IV. Planned management programs for the current calendar year**

**a. Summarize regulations that will be in effect. (copy of current regulations if different from III c).**

**1. Commercial**

Regulations governing license and reporting requirements for the landing of seafood in Virginia, by commercial vessels, will continue to be in effect in 2014. Commercial harvest and landings of spiny dogfish in Virginia will continue to be monitored through the VMRC mandatory reporting system.

**2. Recreational**

Virginia anglers will continue to be required to possess a license to take or catch finfish for recreational purposes in 2014. Virginia anglers that are exempt from possessing a license and above age-15 are required to register with the Virginia Fisherman Identification Program. There are no plans to impose size, possession, or season restrictions on Virginia's recreational fishery for spiny dogfish. The MRIP program will continue to serve as the primary source of recreational fisheries statistics for Virginia. The MRIP intercept interview and headboat survey records will be processed to summarize any spiny dogfish observed and sampled from Virginia's marine recreational fisheries in 2014.

**b. Highlight any changes from the previous year.**

On October 31, 2013 the ASMFC Spiny Dogfish and Coastal Sharks Management Board approved spiny dogfish quotas for the 2014/2015 and 2015/2016 fishing seasons. The Virginia quota for the 2014/2015 fishing season will be 5,329,492 pounds (42 of Chapter 4 VAC 20-490-10 et seq. (Appendix B)) and the 2015/2016 fishing season will be 5,463,565 pounds of spiny dogfish.

**V. Plan Specific Requirements**

**a. Indicate the number of spiny dogfish exempted fishing permits issued in the previous fishing year, the actual amount (in numbers of fish and pounds) collected under each exempted fishing permit, as well as any other pertinent information (i.e., sex, when and how the spiny dogfish were collected). The report should also indicate the number of exempted fishing permits issued for the current fishing year.**

No spiny dogfish exempted fishing permits were issued in 2013. As of June, none have been issued in 2014.

## **VI. References**

ASMFC (Atlantic States Marine Fisheries Commission). 2002. Interstate fishery management plan for spiny dogfish. ASMFC, Fishery Management Report No. 40, Washington, D.C. 128 p.

ASMFC (Atlantic States Marine Fisheries Commission). 2012. Addendum IV to the interstate fishery management plan for spiny dogfish. ASMFC, Washington, D.C. 7 p.

Table 1. Annual estimates of spiny dogfish commercial landings in Virginia, by harvest area, 1994 through 2013 fishing years. A fishing year is defined as May 1 through April 30 of the following year.

Fishing Year	State Waters	Federal Waters	Total pounds
1994	63,098	203,602	266,700
1995	19,495	528,074	547,569
1996	420,976	2,478,213	2,899,189
1997	383,648	3,100,300	3,483,948
1998	302,313	4,345,963	4,648,276
1999	191,495	1,142,710	1,334,205
2000	645	50	695
2001	--	--	2,251
2002	1,786	3,023	4,809
2003	224,238	240	224,478
2004	12,360	.	12,360
2005	21,207	2,420	23,627
2006	1,805,569	895,952	2,701,521
2007	1,949,584	520,406	2,469,990
2008	1,917,811	503,316	2,421,127
2009	1,214,179	222,162	1,436,341
2010	975,988	554,100	1,530,088
2011	1,365,638	897,564	2,263,202
2012	1,758,515	1,446,929	3,205,444
2013*	1,100,394	149,754	1,250,148

-- Confidential Data

\* 2013 Data are preliminary

Table 2. Annual estimates of the number of spiny dogfish landed (Type A+B1), in Virginia, by recreational anglers, or released alive (Type B2), from all areas combined, 1994 through 2013.

Total Harvest (Type A + B1)					Released Alive (Type B2)	
Year	Number	PSE (Number)	Weight (lb)	PSE	Number	PSE (Number)
2004	1,432	98.5	9,871	98.7	23,245	70.4
2005	511	76.4	2,541	74.7	4469	64.1
2006	166	103.2	1,316	103.2	56,637	50.4
2007	13	112	83	112	27,796	31.4
2008	15	74.8	139	75.8	21,069	34.7
2009	30	21.6	174	10.2	39,287	30.2
2010	66	87.4	442	85.4	8,367	63.7
2011	4,937	74.4	35,695	74	12,048	59.4
2012	0	.	0	.	3,188	98.9
2013	120	58.9	658	58.9	19,931	43.6

## **APPENDIX A.**

Copy of the Virginia Marine Resources Commission's regulation for the fishing of sharks (including spiny dogfish) that were in effect for the 2013/2014 fishing year.

### **VIRGINIA MARINE RESOURCES COMMISSION**

#### **"PERTAINING TO SHARKS"**

#### **CHAPTER 4VAC20-490-10 ET SEQ.**

#### **PREAMBLE**

This chapter establishes gear restrictions, a possession limit, and limitations on the taking and landing of sharks, and prohibits the transfer of any spiny dogfish limited entry permit. This chapter is promulgated pursuant to the authority contained in § 28.2-201 of the Code of Virginia.

This chapter amends and re-adopts, as amended, previous chapter 4VAC20-490-10 et seq. which was promulgated April 23, 2013 and made effective on May 1, 2013. The effective date of this chapter, as amended, is July 1, 2013.

#### **4VAC20-490-10. PURPOSE.**

The purpose of this chapter is to ensure the conservation of shark resources, by preventing overfishing by commercial and recreational fisheries, and to control the practice of finning.

#### **4VAC20-490-20. DEFINITIONS.**

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise.

“Agent” means any person who possesses the Commercial Fisherman Registration License, fishing gear license, or fishing permit of a registered commercial fisherman in order to fish that commercial fisherman's gear or sell that commercial fisherman's harvest.

"*Carcass length*" means that length measured in a straight line from the anterior edge of the first dorsal fin to the posterior end of the shark carcass.

“*COLREGS line*” means the COLREGS Demarcation Line, as defined in the Code of Federal Regulations (33 CFR 80.510 Chesapeake Bay Entrance, VA).

“*Commercial shark fisherman*” means any commercial fisherman permitted to land or possess sharks (excluding spiny dogfish) that has landed and sold one pound of shark or more (excludes spiny dogfish) in that calendar year (January 1 through December 31).

“*Commercially permitted nonsandbar large coastal shark*” means any of the following species:

Blacktip, *Carcharhinus limbatus*  
Bull, *Carcharhinus leucas*

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Copy of the Virginia Marine Resources Commission's regulation for the fishing of sharks (including spiny dogfish) that were in effect for the 2013/2014 fishing year.

### **Great hammerhead, *Sphyrna mokarran***

Lemon, *Negaprion brevirostris*  
Nurse, *Ginglymostoma cirratum*  
Scalloped hammerhead, *Sphyrna lewini*  
Silky, *Carcharhinus falciformis*  
Smooth hammerhead, *Sphyrna zygaena*  
Spinner, *Carcharhinus brevipinna*  
Tiger, *Galeocerdo cuvier*

“Commercially permitted pelagic shark” means any of the following species:

Blue, *Prionace glauca*  
Oceanic whitetip, *Carcharhinus longimanus*  
Porbeagle, *Lamna nasus*  
Shortfin mako, *Isurus oxyrinchus*  
Thresher, *Alopias vulpinus*

“Commercially permitted small coastal shark” means any of the following species:

Atlantic sharpnose, *Rhizoprionodon terraenovae*  
Blacknose, *Carcharhinus acronotus*  
Bonnethead, *Sphyrna tiburo*  
Finetooth, *Carcharhinus isodon*

“Commercially prohibited shark” means any of the following species:

Atlantic angel, *Squatina dumeril*  
Basking, *Cetorhinus maximus*  
Bigeye sand tiger, *Odontaspis noronhai*  
Bigeye sixgill, *Hexanchus nakamurai*  
Bigeye thresher, *Alopias superciliosus*  
Bignose, *Carcharhinus altimus*  
Caribbean reef, *Carcharhinus perezii*  
Caribbean sharpnose, *Rhizoprionodon porosus*  
Dusky, *Carcharhinus obscurus*  
Galapagos, *Carcharhinus galapagensis*  
Longfin mako, *Isurus paucus*  
Narrowtooth, *Carcharhinus brachyurus*  
Night, *Carcharhinus signatus*  
Sand tiger, *Carcharias taurus*  
Sevengill, *Heptranchias perlo*  
Sixgill, *Hexanchus griseus*  
Smalltail, *Carcharhinus porosus*  
Whale, *Rhincodon typus*  
White, *Carcharodon carcharias*



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"*Control rule*" means a time-certain date, past, present or future, used to establish participation in a limited entry fishery and may or may not include specific past harvest amounts.

"*Dressed weight*" means the result from processing a fish by removal of head, viscera, and fins, but does not include removal of the backbone, halving, quartering, or otherwise further reducing the carcass.

"*Finning*" means removing the fins and returning the remainder of the shark to the sea.

"*Fork length*" means the straight-line measurement of a fish from the tip of the snout to the fork of the tail. The measurement is not made along the curve of the body.

"*Large mesh gill net*" means any gill net having a stretched mesh equal to or greater than 5 inches.

"*Longline*" means any fishing gear that is set horizontally, either anchored, floating or attached to a vessel, and that consists of a mainline or groundline, greater than 1,000 feet in length, with multiple leaders (gangions) and hooks, whether retrieved by hand or mechanical means.

"*Movable gill net*" means any gill net other than a staked gill net.

"*Permitted commercial gear*" means rod and reel, handlines, shark shortlines, small mesh gill nets, large mesh gill nets, pound nets, and weirs.

"*Recreational shore angler*" means a person not fishing from a vessel nor transported to or from a fishing location by a vessel.

"*Recreational vessel angler*" means a person fishing from a vessel or transported to or from a fishing location by a vessel.

"*Recreationally permitted shark*" means any of the following species:

Atlantic sharpnose, *Rhizoprionodon terraenovae*

Blacknose, *Carcharhinus acronotus*

Blacktip, *Carcharhinus limbatus*

Blue, *Prionace glauca*

Bonnethead, *Sphyrna tiburo*

Bull, *Carcharhinus leucas*

Finetooth, *Carcharhinus isodon*

Great hammerhead, *Sphyrna mokarran*

Lemon, *Negaprion brevirostris*

Nurse, *Ginglymostoma cirratum*

Oceanic whitetip, *Carcharhinus longimanus*

Porbeagle, *Lamna nasus*

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Scalloped hammerhead, *Sphyrna lewini*  
Shortfin mako, *Isurus oxyrinchus*  
Smooth Dogfish, *Mustelus canis*  
Smooth hammerhead, *Sphyrna zygaena*  
Spinner, *Carcharhinus brevipinna*  
Thresher, *Alopias vulpinus*  
Tiger, *Galeocerdo cuvier*

“*Recreationally prohibited shark*” means any of the following species:

Atlantic angel, *Squatina dumeril*  
Basking, *Cetorhinus maximus*  
Bigeye sand tiger, *Odontaspis noronhai*  
Bigeye sixgill, *Hexanchus nakamurai*  
Bigeye thresher, *Alopias superciliosus*  
Bignose, *Carcharhinus altimus*  
Caribbean reef, *Carcharhinus perezii*  
Caribbean sharpnose, *Rhizoprionodon porosus*  
Dusky, *Carcharhinus obscurus*  
Galapagos, *Carcharhinus galapagensis*  
Longfin mako, *Isurus paucus*  
Narrowtooth, *Carcharhinus brachyurus*  
Night, *Carcharhinus signatus*  
Sand tiger, *Carcharias taurus*  
Sandbar, *Carcharhinus plumbeus*  
Sevengill, *Heptranchias perlo*  
Silky, *Carcharhinus falciformis*  
Sixgill, *Hexanchus griseus*  
Smalltail, *Carcharhinus porosus*  
Whale, *Rhincodon typus*  
White, *Carcharodon carcharias*

“*Research only shark*” means any of the following species:

Sandbar, *Carcharhinus plumbeus*

“*Shark shortline*” means a fish trotline that is set horizontally, either anchored, floating or attached to a vessel, and that consists of a mainline or groundline, 1,000 feet in length or less, with multiple leaders (gangions) and no more than 50 corrodible circle hooks, whether retrieved by hand or mechanical means.

“*Small mesh gill net*” means any gill net having a stretched mesh less than 5 inches.

“*Smooth Dogfish*” means any shark of the species *Mustelus canis*.

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Copy of the Virginia Marine Resources Commission's regulation for the fishing of sharks (including spiny dogfish) that were in effect for the 2013/2014 fishing year.

"*Spiny dogfish*" means any shark of the species *Squalus acanthias*.

### **4VAC20-490-30. GEAR RESTRICTIONS.**

- A. It shall be unlawful for any person to place, set, or fish any longline in Virginia's tidal waters.
- B. It shall be unlawful for any person to place, set, or fish any shark shortline in Virginia's tidal waters with more than 50 hooks. All hooks must be corrodible circle hooks. In addition, any person aboard a vessel fishing shortlines must practice the protocols and possess the federally required release equipment, for pelagic and bottom longlines, for the safe handling, release and disentanglement of sea turtles and other non-target species; all captain and vessel owners must be certified in using handling and release equipment.
- C. It shall be unlawful for a person to possess more than two shark shortlines on board a vessel.
- D. It shall be unlawful for any person fishing recreationally to take any shark using any gear other than handline or rod and reel.
- E. It shall be unlawful for any person fishing for commercial purposes to possess any shark caught by means other than permitted commercial gear.
- F. Any commercial shark fisherman fishing for sharks shall check all of his large mesh gill nets at least once every two hours.

### **4VAC20-490-35. [Repealed]**

### **4VAC20-490-40. RECREATIONAL CATCH LIMITATIONS.**

- A. Recreational fishing vessels are allowed a maximum possession limit of one recreationally permitted shark, excluding smooth dogfish, per trip, regardless of the number of people on board the vessel. In addition, each recreational vessel angler may possess one bonnethead and one Atlantic sharpnose per trip. The possession aboard a vessel of more than one recreationally permitted shark, excluding smooth dogfish, or the possession of more than one Atlantic sharpnose shark or one bonnethead shark, per person, shall constitute a violation of this regulation. When fishing from any boat or vessel where the entire catch is held in a common hold or container, the possession limits for Atlantic sharpnose shark or bonnethead shark shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish, plus one additional recreationally permitted shark. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limits.
- B. A recreational shore angler is allowed a maximum possession limit of one recreationally permitted shark, excluding smooth dogfish, per calendar day. In addition a recreational

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shore angler may harvest one additional bonnethead and one additional Atlantic sharpnose per calendar day. The possession of more than one recreationally permitted shark, excluding smooth dogfish, or the possession of more than one bonnethead and one Atlantic sharpnose, by any person, shall constitute a violation of this regulation.

- C. It shall be unlawful for any person to possess any recreationally prohibited shark.
- D. It shall be unlawful for any person to possess any recreationally permitted shark landed under the recreational catch limitations described in this section that is less than 54 inches fork length except Atlantic sharpnose, bonnethead, finetooth, blacknose, and smooth dogfish.
- E. It shall be unlawful for any person to take, harvest, land, or possess any blacktip, bull, great hammerhead, lemon, nurse, scalloped hammerhead, smooth hammerhead, spinner or tiger shark from May 15 through July 15 of any calendar year.
- F. All sharks must have heads, tails and fins attached naturally to the carcass. Anglers may gut and bleed the carcass as long as the head and tail are not removed. Filleting any shark is prohibited, until that shark is offloaded at the dock or on shore.

### **4VAC20-490-41. COMMERCIAL CATCH LIMITATIONS.**

- A. It shall be unlawful for any person to possess on board a vessel or to land in Virginia more than 33 commercially permitted nonsandbar large coastal sharks in one twenty-four hour period. The person who owns or operates the vessel is responsible for compliance with the provisions of this subsection.
- B. It shall be unlawful for any person to fillet a shark, until that shark is offloaded at the dock or on shore, except smooth dogfish as provided in subsection C of this section. A licensed commercial fisherman may eviscerate and remove the head of any shark, but the tail and all fins of any shark, except smooth dogfish as provided in subsection C of this section, shall remain naturally attached to the carcass through landing. The fins of any shark, except smooth dogfish, may be partially cut but some portion of the fin shall remain attached, until the shark is landed.
- C. From July 1 through the end of February, commercial fishermen may process smooth dogfish at sea, except the first dorsal fin shall remain attached naturally to the carcass until landed. From March 1 through June 30, commercial fishermen may completely process smooth dogfish at sea prior to landing.
- D. It shall be unlawful to possess, on board a vessel, or to land in Virginia any species of shark, after NOAA Fisheries has closed the fishery for that species in Federal waters.

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- E. There are no commercial trip limits or possession limits for smooth dogfish or sharks on the lists of commercially permitted pelagic species or commercially permitted small coastal species.
- F. Except as described in this section, it shall be unlawful for any person to take, harvest, land, or possess in Virginia any blacktip, bull, great hammerhead, lemon, nurse, scalloped hammerhead, silky, smooth hammerhead, spinner or tiger shark from May 15 through July 15. These sharks may be transported by vessel, in Virginia waters, during the closed season provided the sharks were caught in a legal manner consistent with federal regulations outside Virginia waters and:
  - 1) The vessel does not engage in fishing, in Virginia waters, while possessing the above species; and
  - 2) All fishing gear aboard the vessel is stowed and not available for immediate use.
- G. It shall be unlawful for any person to retain, possess or purchase any commercially prohibited shark or any research only shark, except as provided in subsection I of this section.
- H. All sharks harvested from state waters or federal waters, for commercial purposes, shall only be sold to a federally permitted shark dealer.
- I. The commissioner may grant exemptions from the seasonal closure, quota, possession limit, size limit, gear restrictions and prohibited species restrictions. Exemptions shall be granted only for display or research purposes. Any person granted an exemption for the harvest of any shark for research or display shall report the species, weight, location caught and gear used for each shark collected within 30 days. Any person granted a permit to possess any shark for research or display shall provide the commissioner, on an annual basis, information on the location and status of the shark throughout the life of the shark.

## **4VAC20-490-42. SPINY DOGFISH COMMERCIAL QUOTA AND CATCH LIMITATIONS.**

- A. For the 12-month period of May 1, 2013, through April 30, 2014, the spiny dogfish commercial landings quota shall be limited to 4,408,894 pounds.
- B. It shall be unlawful for any person to take, possess aboard any vessel or land in Virginia any spiny dogfish harvested from federal waters for commercial purposes after it has been announced that the federal quota for spiny dogfish has been taken.
- C. It shall be unlawful for any person to take, possess aboard any vessel or land in Virginia

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more than 3,300 pounds of spiny dogfish per day for commercial purposes.

- D. It shall be unlawful for any person to harvest or to land in Virginia any spiny dogfish for commercial purposes after the quota specified in subsection A of this section has been landed and announced as such.
- E. Any spiny dogfish harvested from state waters or federal waters, for commercial purposes, shall only be sold to a federally permitted dealer.
- F. It shall be unlawful for any buyer of seafood to receive any spiny dogfish after any commercial harvest or landing quota described in this section has been attained and announced as such.

### **4VAC20-490-43. LIMITED ACCESS CONTROL RULE.**

At such time the status of shark stocks or their fisheries warrant the establishment of a limited access program for participation in the commercial fishery for sharks, a control rule may be enacted that limits participation in the commercial fisheries for sharks to those individuals who participated in that fishery on and before December 31, 2004. The control rule may also include eligibility requirements based on past harvest amounts.

### **4VAC20-490-44. SPINY DOGFISH LIMITED ENTRY FISHERY PERMIT AND PERMIT TRANSFERS.**

- A. It shall be unlawful for any person to take, catch, possess, or land any spiny dogfish without first having obtained a Spiny Dogfish Limited Entry Fishery Permit from the Marine Resources Commission. Such permit shall be completed in full by the permittee who shall keep a copy of that permit in his possession while fishing for or selling spiny dogfish. Permits shall only be issued to Virginia registered commercial fishermen meeting either of the criteria described in subdivision 1 or 2 of this subsection:
  - 1. Shall have documentation of (i) harvest from a movable gill net for an average of at least 60 days from 2006 through 2008, (ii) a minimum harvest of one pound of spiny dogfish at any time from 2006 through 2008, and (iii) harvest of at least one pound of spiny dogfish from May 1, 2010, through April 30, 2012, in the Commission's mandatory harvest reporting system, except that federal dealer reports to the Standard Atlantic Fisheries Information System can satisfy the one pound harvest requirement, for May 1, 2010 through April 30, 2012.
  - 2. Shall have documentation of (i) harvests that total greater than 10,000 pounds of spiny dogfish in any one year from 2006 through 2008, and (ii) harvest of at least one pound of spiny dogfish from May 1, 2010, through April 30, 2012, in the Commission's mandatory harvest reporting system, except that federal dealer

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reports to the Standard Atlantic Fisheries Information System can satisfy the one pound harvest requirement, for May 1, 2010 through April 30, 2012.

- B. Any smooth dogfish or unidentified dogfish documented on Virginia mandatory reporting forms as harvested during the months of November through February 2006 through 2008 shall be classified as spiny dogfish when determining eligibility for a Spiny Dogfish Limited Entry Fishery Permit as described in subdivisions A 1 and A 2 of this section.
- C. It is unlawful to transfer any Spiny Dogfish Limited Entry Fishery permit after November 23, 2009.
- D. The use of agents in the spiny dogfish fishery is prohibited.
- E. The commissioner or his designee may grant exceptions to the prohibition against transfers of the Spiny Dogfish Limited Entry Fishery Permit as described in subsection C of this section to any individual who meets any of the following criteria:
  - 1. Demonstrates a significant hardship on the basis of health and provides the commissioner documentation, by an attending Physician, of the medical condition.
  - 2. Demonstrates a significant hardship on the basis of a call to active military duty and provides the commissioner an explanation, in writing, and copy of the military orders for active duty.
  - 3. Documents the retirement or death of the immediate family member permitted for the spiny dogfish limited entry fishery and possessing a legal Commercial Fisherman Registration License.

### **4VAC20-490-45. [Repealed]**

### **4VAC20-490-46. SPINY DOGFISH MONITORING REQUIREMENTS.**

- E. Any Virginia seafood buyer purchasing spiny dogfish shall provide written reports to the Marine Resources Commission of weekly landings for each registered commercial fisherman to include that commercial fisherman's registration license number and exact weight of the spiny dogfish landed, in pounds, until it is projected and announced that 80% of Virginia spiny dogfish quota has been landed.
- F. When it has been projected and announced by the Marine Resources Commission that 80% of the Virginia spiny dogfish quota has been landed, each Virginia seafood buyer shall call the Marine Resources Commission's interactive voice recording system on a daily basis to report the daily landings for each registered commercial fisherman to include the commercial fisherman's registration license number and exact weight of

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spiny dogfish landed, in pounds, until it is projected and announced that the Virginia spiny dogfish quota has been landed and the fishery closed.

**4VAC20-490-47. CONTROL DATE**

The Marine Resources Commission hereby establishes April 30, 2011, as the control date for management of all spiny dogfish licenses and fisheries in Virginia. The harvest of any spiny dogfish or the participation by any individual in any Virginia spiny dogfish fishery after the control date will not be considered in the calculation of spiny dogfish rights should further entry limitations be established. Any individual entering the spiny dogfish fishery after the control date may forfeit any right to future participation in the spiny dogfish fishery should further entry limitation be established.

**4VAC20-490-50. FINNING.**

It shall be unlawful for any person to engage in finning.

**4VAC20-490-60. [Repealed]**

**4VAC20-490-70. PENALTY.**

As set forth in §28.2-903 of the Code of Virginia, any person violating any provision of this chapter shall be guilty of a Class 3 misdemeanor, and a second or subsequent violation of any provision of this chapter committed by the same person within 12 months of a prior violation is a Class 1 misdemeanor.

\* \* \* \* \*



## **APPENDIX B.**

Copy of the Virginia Marine Resources Commission's regulation for the fishing of sharks (including spiny dogfish) that will be in effect for the 2014/2015 fishing year.

### **PREAMBLE**

This chapter establishes gear restrictions, a possession limit, and limitations on the taking and landing of sharks, and prohibits the transfer of any spiny dogfish limited entry permit. This chapter is promulgated pursuant to the authority contained in § 28.2-201 of the Code of Virginia.

This chapter amends and re-adopts, as amended, previous chapter 4VAC20-490-10 et seq. which was promulgated February 25, 2014 and made effective on March 1, 2014. The effective date of this chapter, as amended, is June 1, 2014.

### **4VAC20-490-10. PURPOSE.**

The purpose of this chapter is to ensure the conservation of shark resources, by preventing overfishing by commercial and recreational fisheries, and to control the practice of finning.

### **4VAC20-490-20. DEFINITIONS.**

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise.

*“Agent”* means any person who possesses the Commercial Fisherman Registration License, fishing gear license, or fishing permit of a registered commercial fisherman in order to fish that commercial fisherman's gear or sell that commercial fisherman's harvest.

***“Carcass length”* means that length measured in a straight line from the anterior edge of the first dorsal fin to the posterior end of the shark carcass.**

***“COLREGS line”* means the COLREGS Demarcation Line, as defined in the Code of Federal Regulations (33 CFR 80.510 Chesapeake Bay Entrance, VA).**

*“Commercial shark fisherman”* means any commercial fisherman permitted to land or possess sharks (excluding spiny dogfish) that has landed and sold one pound of shark or more (excludes spiny dogfish) in that calendar year (January 1 through December 31).

*“Commercially permitted aggregated large coastal shark”* means any of the following species:

Blacktip, *Carcharhinus limbatus*  
Bull, *Carcharhinus leucas*  
Lemon, *Negaprion brevirostris*  
Nurse, *Ginglymostoma cirratum*  
Silky, *Carcharhinus falciformis*  
Spinner, *Carcharhinus brevipinna*  
Tiger, *Galeocerdo cuvier*

*“Commercially permitted blacknose shark”* means any of the following species:

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Blacknose, *Carcharhinus acronotus*

“Commercially permitted hammerhead shark” means any of the following species:

### **Great hammerhead, *Sphyrna mokarran***

Scalloped hammerhead, *Sphyrna lewini*

Smooth hammerhead, *Sphyrna zygaena*

“Commercially permitted nonblacknose small coastal shark” means any of the following species:

Atlantic sharpnose, *Rhizoprionodon terraenovae*

Bonnethead, *Sphyrna tiburo*

Finetooth, *Carcharhinus isodon*

“Commercially permitted pelagic shark” means any of the following species:

Blue, *Prionace glauca*

Oceanic whitetip, *Carcharhinus longimanus*

Porbeagle, *Lamna nasus*

### **Shortfin mako, *Isurus oxyrinchus***

Thresher, *Alopias vulpinus*

“Commercially prohibited shark” means any of the following species:

Atlantic angel, *Squatina dumeril*

Basking, *Cetorhinus maximus*

Bigeye sand tiger, *Odontaspis noronhai*

Bigeye sixgill, *Hexanchus nakamurai*

Bigeye thresher, *Alopias superciliosus*

Bignose, *Carcharhinus altimus*

Caribbean reef, *Carcharhinus perezii*

Caribbean sharpnose, *Rhizoprionodon porosus*

Dusky, *Carcharhinus obscurus*

Galapagos, *Carcharhinus galapagensis*

Longfin mako, *Isurus paucus*

Narrowtooth, *Carcharhinus brachyurus*

Night, *Carcharhinus signatus*

Sand tiger, *Carcharias taurus*

Sevengill, *Heptranchias perlo*

Sixgill, *Hexanchus griseus*

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Smalltail, *Carcharhinus porosus*

Whale, *Rhincodon typus*

White, *Carcharodon carcharias*

"Control rule" means a time-certain date, past, present or future, used to establish participation in a limited entry fishery and may or may not include specific past harvest amounts.

"Dressed weight" means the result from processing a fish by removal of head, viscera, and fins, but does not include removal of the backbone, halving, quartering, or otherwise further reducing the carcass.

"Finning" means removing the fins and returning the remainder of the shark to the sea.

"Fork length" means the straight-line measurement of a fish from the tip of the snout to the fork of the tail. The measurement is not made along the curve of the body.

"Large mesh gill net" means any gill net having a stretched mesh equal to or greater than 5 inches.

"Longline" means any fishing gear that is set horizontally, either anchored, floating or attached to a vessel, and that consists of a mainline or groundline, greater than 1,000 feet in length, with multiple leaders (gangions) and hooks, whether retrieved by hand or mechanical means.

"Movable gill net" means any gill net other than a staked gill net.

"Permitted commercial gear" means rod and reel, handlines, shark shortlines, small mesh gill nets, large mesh gill nets, pound nets, and weirs.

"Recreational shore angler" means a person not fishing from a vessel nor transported to or from a fishing location by a vessel.

"Recreational vessel angler" means a person fishing from a vessel or transported to or from a fishing location by a vessel.

"Recreationally permitted shark" means any of the following species:

Atlantic sharpnose, *Rhizoprionodon terraenovae*

Blacknose, *Carcharhinus acronotus*

Blacktip, *Carcharhinus limbatus*

Blue, *Prionace glauca*

Bonnethead, *Sphyrna tiburo*

Bull, *Carcharhinus leucas*

Finetooth, *Carcharhinus isodon*

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### **Great hammerhead, *Sphyrna mokarran***

Lemon, *Negaprion brevirostris*  
Nurse, *Ginglymostoma cirratum*  
Oceanic whitetip, *Carcharhinus longimanus*  
Porbeagle, *Lamna nasus*  
Scalloped hammerhead, *Sphyrna lewini*  
Shortfin mako, *Isurus oxyrinchus*  
Smooth Dogfish, *Mustelus canis*  
Smooth hammerhead, *Sphyrna zygaena*  
Spinner, *Carcharhinus brevipinna*  
Thresher, *Alopias vulpinus*  
Tiger, *Galeocerdo cuvier*

“Recreationally prohibited shark” means any of the following species:

Atlantic angel, *Squatina dumeril*  
Basking, *Cetorhinus maximus*  
Bigeye sand tiger, *Odontaspis noronhai*  
Bigeye sixgill, *Hexanchus nakamurai*  
Bigeye thresher, *Alopias superciliosus*  
Bignose, *Carcharhinus altimus*  
Caribbean reef, *Carcharhinus perezii*  
Caribbean sharpnose, *Rhizoprionodon porosus*  
Dusky, *Carcharhinus obscurus*  
Galapagos, *Carcharhinus galapagensis*  
Longfin mako, *Isurus paucus*  
Narrowtooth, *Carcharhinus brachyurus*  
Night, *Carcharhinus signatus*  
Sand tiger, *Carcharias taurus*  
Sandbar, *Carcharhinus plumbeus*  
Sevengill, *Heptranchias perlo*  
Silky, *Carcharhinus falciformis*  
Sixgill, *Hexanchus griseus*  
Smalltail, *Carcharhinus porosus*  
Whale, *Rhincodon typus*  
White, *Carcharodon carcharias*

“Research only shark” means any of the following species:

Sandbar, *Carcharhinus plumbeus*

“Shark shortline” means a fish trotline that is set horizontally, either anchored, floating or attached to a vessel, and that consists of a mainline or groundline, 1,000 feet in length or less, with multiple leaders (gangions) and no more than 50 corrodible circle hooks, whether retrieved by hand or mechanical means.

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"*Small mesh gill net*" means any gill net having a stretched mesh less than 5 inches.

"*Smooth Dogfish*" means any shark of the species *Mustelus canis*.

"*Spiny dogfish*" means any shark of the species *Squalus acanthias*.

### **4VAC20-490-30. GEAR RESTRICTIONS.**

- A. It shall be unlawful for any person to place, set, or fish any longline in Virginia's tidal waters.
- B. It shall be unlawful for any person to place, set, or fish any shark shortline in Virginia's tidal waters with more than 50 hooks. All hooks must be corrodible circle hooks. In addition, any person aboard a vessel fishing shortlines must practice the protocols and possess the federally required release equipment, for pelagic and bottom longlines, for the safe handling, release and disentanglement of sea turtles and other non-target species; all captain and vessel owners must be certified in using handling and release equipment.
- C. It shall be unlawful for a person to possess more than two shark shortlines on board a vessel.
- D. It shall be unlawful for any person fishing recreationally to take any shark using any gear other than handline or rod and reel.
- E. It shall be unlawful for any person fishing for commercial purposes to possess any shark caught by means other than permitted commercial gear.
- F. Any commercial shark fisherman fishing for sharks shall check all of his large mesh gill nets at least once every two hours.

### **4VAC20-490-35. [Repealed]**

### **4VAC20-490-40. RECREATIONAL CATCH LIMITATIONS.**

- A. Recreational fishing vessels are allowed a maximum possession limit of one recreationally permitted shark, excluding smooth dogfish, per trip, regardless of the number of people on board the vessel. In addition, each recreational vessel angler may possess one bonnethead and one Atlantic sharpnose per trip. The possession aboard a vessel of more than one recreationally permitted shark, excluding smooth dogfish, or the possession of more than one Atlantic sharpnose shark or one bonnethead shark, per person, shall constitute a violation of this regulation. When fishing from any boat or vessel where the entire catch is held in a common hold or container, the possession limits

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for Atlantic sharpnose shark or bonnethead shark shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish, plus one additional recreationally permitted shark. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limits.

- B. A recreational shore angler is allowed a maximum possession limit of one recreationally permitted shark, excluding smooth dogfish, per calendar day. In addition a recreational shore angler may harvest one additional bonnethead and one additional Atlantic sharpnose per calendar day. The possession of more than one recreationally permitted shark, excluding smooth dogfish, or the possession of more than one bonnethead and one Atlantic sharpnose, by any person, shall constitute a violation of this regulation.
- C. It shall be unlawful for any person to possess any recreationally prohibited shark.
- D. It shall be unlawful for any person to possess any recreationally permitted shark landed under the recreational catch limitations described in this section that is less than 54 inches in fork length except as described in subdivisions 1 and 2 of this subsection:
  - 1. It shall be unlawful for any person to possess any recreationally caught great hammerhead, scalloped hammerhead, or smooth hammerhead shark that is less than 78 inches in fork length.
  - 2. Atlantic sharpnose, bonnethead, finetooth, blacknose, and smooth dogfish sharks are exempt from the recreational size limit described in this subsection.
- E. It shall be unlawful for any person to take, harvest, land, or possess any blacktip, bull, great hammerhead, lemon, nurse, scalloped hammerhead, smooth hammerhead, spinner or tiger shark from May 15 through July 15 of any calendar year.
- F. All sharks must have heads, tails and fins attached naturally to the carcass. Anglers may gut and bleed the carcass as long as the head and tail are not removed. Filleting any shark is prohibited, until that shark is offloaded at the dock or on shore.

### **4VAC20-490-41. COMMERCIAL CATCH LIMITATIONS.**

- A. It shall be unlawful for any person to possess on board a vessel or to land in Virginia more than a combined total of 36 commercially permitted aggregated large coastal sharks and commercially permitted hammerhead sharks in one twenty-four hour period. The person who owns or operates the vessel is responsible for compliance with the provisions of this subsection.
- B. It shall be unlawful for any person to fillet a shark, until that shark is offloaded at the dock or on shore, except smooth dogfish as provided in subsection C of this section. A licensed commercial fisherman may eviscerate and remove the head of any shark, but the tail and

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all fins of any shark, except smooth dogfish as provided in subsection C of this section, shall remain naturally attached to the carcass through landing. The fins of any shark, except smooth dogfish, may be partially cut but some portion of the fin shall remain attached, until the shark is landed.

- C. Virginia licensed commercial fishermen may completely process smooth dogfish at sea prior to landing, except that it shall be unlawful for anyone to land or possess on board any vessel any amount of processed smooth dogfish whereby the total weight of fins exceeds 12 percent of the total dressed weight of any smooth dogfish.
- D. It shall be unlawful to possess, on board a vessel, or to land in Virginia any species of shark, after NOAA Fisheries has closed the fishery for that species in Federal waters.
- E. There are no commercial trip limits or possession limits for smooth dogfish or sharks on the lists of commercially permitted pelagic species, commercially permitted non-blacknose species or commercially permitted blacknose species.
- F. Except as described in this section, it shall be unlawful for any person to take, harvest, land, or possess in Virginia any blacktip, bull, great hammerhead, lemon, nurse, scalloped hammerhead, silky, smooth hammerhead, spinner or tiger shark from May 15 through July 15. These sharks may be transported by vessel, in Virginia waters, during the closed season provided the sharks were caught in a legal manner consistent with federal regulations outside Virginia waters and:
  - 1) The vessel does not engage in fishing, in Virginia waters, while possessing the above species; and
  - 2) All fishing gear aboard the vessel is stowed and not available for immediate use.
- G. It shall be unlawful for any person to retain, possess or purchase any commercially prohibited shark or any research only shark, except as provided in subsection I of this section.
- H. All sharks harvested from state waters or federal waters, for commercial purposes, shall only be sold to a federally permitted shark dealer.
- I. The commissioner may grant exemptions from the seasonal closure, quota, possession limit, size limit, gear restrictions and prohibited species restrictions. Exemptions shall be granted only for display or research purposes. Any person granted an exemption for the harvest of any shark for research or display shall report the species, weight, location caught and gear used for each shark collected within 30 days. Any person granted a permit to possess any shark for research or display shall provide the commissioner, on an annual basis, information on the location and status of the shark throughout the life of the shark.

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### **4VAC20-490-42. SPINY DOGFISH COMMERCIAL QUOTA AND CATCH LIMITATIONS.**

- A. For the 12-month period of May 1, 2014, through April 30, 2015, the spiny dogfish commercial landings quota shall be limited to 5,329,492 pounds.
- B. It shall be unlawful for any person to take, harvest, or possess aboard any vessel or to land in Virginia any spiny dogfish harvested from federal waters for commercial purposes after it has been announced that the federal quota for spiny dogfish has been taken.
- C. It shall be unlawful for any person to take, harvest, or possess aboard any vessel or to land in Virginia more than 4,000 pounds of spiny dogfish per day for commercial purposes.
- D. It shall be unlawful for any person to harvest or to land in Virginia any spiny dogfish for commercial purposes after the quota specified in subsection A of this section has been landed and announced as such.
- E. Any spiny dogfish harvested from state waters or federal waters, for commercial purposes, shall only be sold to a federally permitted dealer.
- F. It shall be unlawful for any buyer of seafood to receive any spiny dogfish after any commercial harvest or landing quota described in this section has been attained and announced as such.

### **4VAC20-490-43. LIMITED ACCESS CONTROL RULE.**

At such time the status of shark stocks or their fisheries warrant the establishment of a limited access program for participation in the commercial fishery for sharks, a control rule may be enacted that limits participation in the commercial fisheries for sharks to those individuals who participated in that fishery on and before December 31, 2004. The control rule may also include eligibility requirements based on past harvest amounts.

### **4VAC20-490-44. SPINY DOGFISH LIMITED ENTRY FISHERY PERMIT AND PERMIT TRANSFERS.**

- A. It shall be unlawful for any person to take, catch, possess, or land any spiny dogfish without first having obtained a Spiny Dogfish Limited Entry Fishery Permit from the Marine Resources Commission. Such permit shall be completed in full by the permittee who shall keep a copy of that permit in his possession while fishing for or selling spiny



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dogfish. Permits shall only be issued to Virginia registered commercial fishermen meeting either of the criteria described in subdivision 1 or 2 of this subsection:

3. Shall have documentation of (i) harvest from a movable gill net for an average of at least 60 days from 2006 through 2008, (ii) a minimum harvest of one pound of spiny dogfish at any time from 2006 through 2008, and (iii) harvest of at least one pound of spiny dogfish from May 1, 2010, through April 30, 2012, in the Marine Resources Commission's mandatory harvest reporting system, except that federal dealer reports to the Standard Atlantic Fisheries Information System can satisfy the one pound harvest requirement, for May 1, 2010, through April 30, 2012.
  4. Shall have documentation of (i) harvests that total greater than 10,000 pounds of spiny dogfish in any one year from 2006 through 2008, and (ii) harvest of at least one pound of spiny dogfish from May 1, 2010, through April 30, 2012, in the Marine Resources Commission's mandatory harvest reporting system, except that federal dealer reports to the Standard Atlantic Fisheries Information System can satisfy the one pound harvest requirement, for May 1, 2010, through April 30, 2012.
- B. Any smooth dogfish or unidentified dogfish documented on Virginia mandatory reporting forms as harvested during the months of November through February 2006 through 2008 shall be classified as spiny dogfish when determining eligibility for a Spiny Dogfish Limited Entry Fishery Permit as described in subdivisions A 1 and A 2 of this section.
- C. It is unlawful to transfer any Spiny Dogfish Limited Entry Fishery permit after November 23, 2009.
- D. The use of agents in the spiny dogfish fishery is prohibited.
- E. The commissioner or his designee may grant exceptions to the prohibition against transfers of the Spiny Dogfish Limited Entry Fishery Permit as described in subsection C of this section to any individual who meets any of the following criteria:
1. Demonstrates a significant hardship on the basis of health and provides the commissioner documentation, by an attending Physician, of the medical condition.
  2. Demonstrates a significant hardship on the basis of a call to active military duty and provides the commissioner an explanation, in writing, and copy of the military orders for active duty.
  3. Documents the retirement or death of the immediate family member permitted for the spiny dogfish limited entry fishery and possessing a legal Commercial Fisherman Registration License.

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Copy of the Virginia Marine Resources Commission's regulation for the fishing of sharks (including spiny dogfish) that will be in effect for the 2014/2015 fishing year.

### **4VAC20-490-45. [Repealed]**

### **4VAC20-490-46. SPINY DOGFISH MONITORING REQUIREMENTS.**

- A. Any Virginia seafood buyer purchasing spiny dogfish shall provide written reports to the Marine Resources Commission of weekly landings for each registered commercial fisherman to include that commercial fisherman's registration license number and exact weight of the spiny dogfish landed, in pounds, until it is projected and announced that 80% of Virginia spiny dogfish quota has been landed.
  
- B. When it has been projected and announced by the Marine Resources Commission that 80% of the Virginia spiny dogfish quota has been landed, each Virginia seafood buyer shall call the Marine Resources Commission's interactive voice recording system on a daily basis to report the daily landings for each registered commercial fisherman to include the commercial fisherman's registration license number and exact weight of spiny dogfish landed, in pounds, until it is projected and announced that the Virginia spiny dogfish quota has been landed and the fishery closed.

### **4VAC20-490-47. CONTROL DATE**

The Marine Resources Commission hereby establishes April 30, 2011, as the control date for management of all spiny dogfish licenses and fisheries in Virginia. The harvest of any spiny dogfish or the participation by any individual in any Virginia spiny dogfish fishery after the control date will not be considered in the calculation of spiny dogfish rights should further entry limitations be established. Any individual entering the spiny dogfish fishery after the control date may forfeit any right to future participation in the spiny dogfish fishery should further entry limitation be established.

### **4VAC20-490-50. FINNING.**

It shall be unlawful for any person to engage in finning.

### **4VAC20-490-60. [Repealed]**

### **4VAC20-490-70. PENALTY.**

As set forth in §28.2-903 of the Code of Virginia, any person violating any provision of this chapter shall be guilty of a Class 3 misdemeanor, and a second or subsequent violation of any provision of this chapter committed by the same person within 12 months of a prior violation is a Class 1 misdemeanor.

ASMFC Interstate Fishery Management Plan for Spiny Dogfish

North Carolina Annual Spiny Dogfish Compliance Report 2013/14

July 2014



NC Department of Environment and natural Resources

Division of Marine Fisheries

PO Box 769

Morehead City, NC 28557

## **I. Introduction**

North Carolina spiny dogfish landings for the 2013/14 fishing season totaled 4,516,474 pounds. Landings increased by 1,505,516 pounds from the 2012/13 landings of 3,010,958 pounds. The Atlantic States Marine Fisheries Commission (ASMFC) quota for the 2013/14 fishing year was set at 40.8 million pounds and North Carolina was allocated 5,732,583 pounds. The spiny dogfish fishery in North Carolina is most active during harvest period II (November 1-April 30). There is a small fishery, from Browns Inlet south, which typically opens before the larger commercial fishery, from Browns Inlet north, with 800 pound trip limits. The harvest allowance from Browns Inlet south is intended to allow a portion of the quota to be harvested for research and educational purposes. The trip limit, from Browns Inlet north, set by North Carolina in state waters, was 8,000 pounds starting January 1, 2014 and increased to 10,000 pounds effective February 1, 2014 until the season closed on April 30, 2014.

## **II. *De minimis* status**

North Carolina does not request *de minimis* status for the 2014/15 fishing year.

## **III. 2013/14 Spiny Dogfish Fishery and Management Program**

### **A. Activity and Results of Fishery Dependent Monitoring**

Fishery dependent sampling of North Carolina commercial fisheries has been ongoing since 1982 (conducted under Title III of the Interjurisdictional Fisheries Act and funded in part by the US Department of Commerce, National Marine Fisheries Service). Predominate fisheries sampled included the ocean gill net, estuarine gill net, ocean trawl, long haul seine/swipe net, beach seine and pound net fisheries. The ocean gill net fishery is responsible for the majority of the spiny dogfish landings in North Carolina.

Preliminary fishery dependent data from January to March 2014 estimates that 1,736 individual spiny dogfish from 51 commercial trips were sampled by North Carolina Division of Marine Fisheries (NCDMF) staff (Table 1). A total of 812, 544, and 380 individual spiny dogfish were sampled in January, February and March, respectively (Table 2). Of the 51 trips sampled, 49 (94%) were from the ocean gill net fishery. The remaining two trips were from the estuarine gill net fishery. Individual lengths were collected in millimeters (mm) from 1,679 female spiny dogfish; fork length ranged from 470 mm to 997 mm and averaged 783 mm. Total length for females ranged from 650 mm to 1,065 mm and averaged 881 mm (Table 3). Individual lengths were collected from 57 male spiny dogfish; fork length ranged from 624 mm to 780 mm and averaged 696 mm. Total length ranged from 690 mm to 844 mm and averaged 781 mm. Fork lengths for both males and females ranged from 470 mm to 997 mm and averaged 780 mm. Total length for both males and females ranged from 650 mm to 1,065 mm and averaged 878 mm. Dependent data through April 2014 are currently being processed by data management and entered into the NCDMF biological database, therefore the

number of individuals sampled and average lengths are not finalized and are subject to change for the 2013/14 fishing year.

Table 1. Preliminary North Carolina spiny dogfish fishery dependent monitoring for the 2013/14 fishing year by month, gear, number of trips sampled, sum of trip weight (lb), sum of sample weight (lb) and number of individuals sampled.

Year	Month	Gear	# Trips Sampled	Sum of Trip Wgt. (lb)	Sum Sample Wgt. (lb)	# Indv. Sampled
2014	January	O. Gill Net	23	120,866	5,095	812
2014	February	O. Gill Net	15	83,514	3,232	541
2014	February	E. Gill Net	2	46	21	3
2014	March	O. Gill Net	11	71,192	2,337	380
Total			51	275,618	10,685	1,736

Table 2. Preliminary North Carolina spiny dogfish fishery dependent monitoring for the 2013/14 fishing year by month, gear, sex and number of individuals sampled

Year	Month	Gear	Sex	# Indv. Sampled
2014	January	O. Gill Net	Male	19
			Female	793
			All	812
2014	February	O. Gill Net	Male	19
			Female	522
			All	541
2014	February	E. Gill Net	Male	0
			Female	3
			All	3
2014	March	O. Gill Net	Male	19
			Female	361
			All	380
Total			Male	57
			Female	1,679
			All	1,736

Table 3. Preliminary North Carolina spiny dogfish fishery dependent monitoring for the 2013/14 fishing year by gear, sex, number of individuals sampled, minimum, maximum and average fork length (FL) and total length (TL)

Gear	Sex	# Indv. Sampled	Min. FL (mm)	Max FL (mm)	Avg. FL (mm)	Min TL (mm)	Max TL (mm)	Avg. TL (mm)
O. Gill Net	Male	57	624	780	696	690	844	781
	Female	1,676	470	997	783	650	1,065	881
	All	1,733	470	997	781	650	1,065	879
E. Gill Net	Male	0	0	0	0	0	0	0
	Female	3	778	797	788	800	895	859
	All	3	778	797	788	800	895	859
Total	Male	57	624	780	696	690	844	781
	Female	1,679	470	997	783	650	1,065	881
	All	1,736	470	997	780	650	1,065	878

#### B. Activity and Results of Fishery Independent Monitoring

The large vessel Cooperative Winter Tagging Cruise for Atlantic Striped Bass and Affiliated Species that typically collects data on spiny dogfish captured in each tow did not occur in 2013/14 fishing year due to lack of funding, therefore there is no data to report.

The NCDMF initiated a fisheries independent gill net survey in 2001 and expanded its coverage in 2008 to include the Cape Fear River and the near shore (0-3 miles) Atlantic Ocean from New River Inlet south to the South Carolina state line. The objective of this project is to provide annual, independent, relative abundance indices for key estuarine species in the near shore Atlantic Ocean, Pamlico Sound, Pamlico, Pungo, Neuse, and Cape Fear Rivers. These indices can also be incorporated into stock assessments and used to improve bycatch estimates, evaluate management measures, and evaluate habitat usage. Results from this project will be used by the NCDMF and other Atlantic coast fishery management agencies to evaluate the effectiveness of current management measures and to identify additional measures that may be necessary to conserve marine and estuarine stocks. Developing fishery independent indices of abundance for target species allows the NCDMF to assess the status of these stocks without relying solely on commercial and recreational fishery dependent data. The survey employs a stratified random sampling design and utilizes multiple mesh gill nets (3.0 inch to 6.5 inch stretched mesh, by ½ inch increments). A total of 33 spiny dogfish, 2 male and 31 female, were caught in the Pamlico Sound portion of the independent gill net study from May 2013 to mid-March 2014 (Table 4). Fork length for males ranged from 656 mm to 672 mm and averaged 664 mm. Total length for males ranged from 743 mm to 764 mm and averaged 754 mm. Total length for females ranged from 646 mm to 961 mm and averaged 859 mm. Fork length for females ranged from 562 mm to 854 mm and averaged 760 mm. Fork length for both males and females ranged from 562 mm to 854 mm and averaged 754 mm. Total length for both males and females ranged

from 646 mm to 961 mm and averaged 852 mm. There were no catches of spiny dogfish recorded from the Cape Fear River sampling areas.

In the near shore Atlantic Ocean sampling, 873 individual spiny dogfish were captured from May 2013 to mid-March 2014, 290 in December, 25 in February and 558 in March. A total of 25 males, 843 females and 5 unknown spiny dogfish were sampled (Table 5). Total length for males ranged from 560 mm to 783 mm and averaged 676 mm. Total length for females ranged from 619 mm to 957 mm and averaged 782 mm. Total length for unknown ranged from 750 mm to 845 mm and averaged 779 mm. Fork length was not collected from the near shore Atlantic Ocean sampling. It should be noted that the 2014 independent gill net data is preliminary from January through mid-march.

Table 4. Preliminary North Carolina spiny dogfish fishery independent monitoring from the Pamlico Sound for the 2013/14 fishing year by sex, number of individuals, minimum, maximum and average fork length (FL) and total length (TL)

Area	Sex	# Indv. Sampled	Min. FL (mm)	Max. FL (mm)	Avg. FL (mm)	Min. TL (mm)	Max. TL (mm)	Avg. TL (mm)
Pamlico Sound	Male	2	656	672	664	743	764	754
Pamlico Sound	Female	31	562	854	760	646	961	859
Pamlico Sound	All	33	562	854	754	646	961	852

Table 5. Preliminary North Carolina spiny dogfish fishery independent monitoring from the near shore Atlantic Ocean for the 2013/14 fishing year by sex, number of individuals, minimum, maximum and average total length (TL)

Area	Sex	# Indv. Sampled	Min. TL (mm)	Max. TL (mm)	Avg. TL (mm)
Ocean	Male	25	560	783	676
Ocean	Female	843	619	957	782
Ocean	Unknown	5	750	845	779
Ocean	All	873	560	957	779

### C. Spiny Dogfish Regulations for 2013/14

#### **NORTH CAROLINA FISHERIES RULES FOR COASTAL WATERS, 15A NCAC 3M .0505 - SHARK**

The Fisheries Director may, by proclamation, impose any or all of the following restrictions in the shark fishery:

- (1) Specify size;
- (2) Specify seasons;
- (3) Specify areas;
- (4) Specify quantity;
- (5) Specify means/methods; and
- (6) Require submission of statistical and biological data.

*History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.4;  
Eff. January 1, 1991;  
Amended Eff. September 1, 1991.*

Under the proclamation authority cited above, the NCDMF Director issued a proclamation in 2002 that prohibited shark finning. The proclamation addressed the specific compliance criteria as mandated in the FMP. The proclamation had no expiration date and remains in effect.

Proclamation FF-63-2013 – Opened the North Carolina waters South of Browns Inlet to the harvest of spiny dogfish effective December 1, 2013. No commercial fishing operation may possess more than 800 pounds of spiny dogfish per day.

Proclamation FF-65-2013 - Dealer Permit effective January 1, 2014. This proclamation required a Spiny Dogfish Dealer Permit for the purchase of more than 100 pounds of spiny dogfish per day per commercial fishing operation.

Proclamation FF-67-2013 – Opened the North Carolina waters North and South of Browns Inlet to the harvest of spiny dogfish on January 1, 2014 to January 30, 2014. North of Browns Inlet no commercial fishing operation may possess more than 8,000 pounds of spiny dogfish per day. South of Browns Inlet no commercial fishing operation may possess more than 800 pounds of spiny dogfish per day.

Proclamation FF-8-2014 – Opened the North Carolina waters North and South of Browns Inlet to the harvest of spiny dogfish on February 1, 2014 to February 28, 2014. North of Browns Inlet no commercial fishing operation may possess more than 10,000 pounds of spiny dogfish per day. South of Browns Inlet no commercial fishing operation may possess more than 800 pounds of spiny dogfish per day.

Proclamation FF-16-2014 – Opened the North Carolina waters North and South of Browns Inlet to the harvest of spiny dogfish on February 28, 2014 to April 30, 2014. North of Browns Inlet no commercial fishing operation may possess more than 10,000 pounds of spiny dogfish per day. South of Browns Inlet no commercial fishing operation may possess more than 800 pounds of spiny dogfish per day.



The following is a summary of the management measures for the 2013/14 North Carolina spiny dogfish fishery.

### Commercial Fishery

In accordance with, or as authorized under Fisheries Rule 15A NCAC 3M .0503, the following management measures were implemented in the commercial fishery for spiny dogfish during the 2013/14 fishing season:

Season: The season opened on December 1, 2013 for Browns Inlet south and for Browns Inlet North on January 1, 2014. The season for spiny dog fish officially closed on April 30, 2014.

Possession Limit: Daily harvest limits were 8,000 pounds and increased to 10,000 pounds from Browns Inlet North and 800 pounds from Browns Inlet South. The different harvest limits were intended to allow a portion of the quota to be harvested for research and educational purposes.

#### D. Spiny Dogfish Harvest by Commercial, Recreational and Non-Harvest Losses

The commercial harvest of spiny dogfish in North Carolina during the 2013/14 fishing season totaled 4,516,474 pounds (Table 6). These data are preliminary and subject to change. Commercial landings cannot be reported by gear type because the NCDMF confidentiality policy specifies that if the data are derived from fewer than three fishers or dealers, the data is confidential and cannot be distributed to outside sources (North Carolina General Statute 113-170.3(c)). Confidential data can only be released in a summarized format that does not allow the user to track landings or purchases to any individual (North Carolina Commercial Finfisheries Statistics, NCDMF, 2004).

In 2013, a total of 334 spiny dogfish weighing 515 pounds, and with a mean length of 544 millimeters (Table 7), were observed in the Marine Recreational Information Program (MRIP). Another, 2,657 spiny dogfish were reported as released alive. The 2013 information is final for May through December but is preliminary estimate without 2014 data. Estimates have an extremely high proportional standard error (PSE).

The NCDMF does not have estimates of non-harvest losses of spiny dogfish. The 2006 Northeast Regional Stock Assessment Workshop (SAW-43) provided discard estimations based on discards recorded by the NMFS observer program and the Massachusetts Division of Marine Fisheries (MADMF) discard data. NMFS observer data included trips from North Carolina vessels. Observed trips were categorized by targeted species and gear groups. Discard ratios were estimated for each gear group. Predominant gear group types included trawls, gill nets, and hook and line. Discard estimates were updated in the NEFSC update paper on the status of spiny dogfish in 2013 and projected harvests at the Fmsy proxy and Pstar of 40% distributed for pre-dissemination peer review. Discard estimates for 2010 through 2012 have remained relatively the same, 10,584 pounds, 12,264 pounds and 11,626 pounds.

Table 6. North Carolina commercial harvest by year, month (bi-monthly), area, gear, number of trips and landings (lb) from May 1, 2013 to April 30, 2014

Data Status	Year	Month	Area	Gear	# Trips	Landings (lb)
Final	2013	Nov/Dec	Ocean	Gill Net Set, < 5 in. mesh	18	4,100
Preliminary	2014	Jan/Feb	Ocean	Gill Net (drift)	1	*
				Gill Net Set, < 5 in. mesh	88	238,953
				Gill Net Set, >= 5 in. mesh	444	2,521,180
				Trolling	1	*
Preliminary	2014	Mar/Apr	Ocean	Fish Pot	1	*
				Gill Net Set, < 5 in. mesh	87	192,479
				Gill Net Set, >= 5 in. mesh	257	1,519,323
				Trolling	1	*
				Flounder Trawl	1	*
Final	2013	May/Dec	Estuarine		0	0
Preliminary	2014	Jan/Apr	Estuarine	Gill Net Set, >= 5 in. mesh	48	3,617
				Gill Net Set, < 5 in. mesh	*	*
Preliminary	2013/14	Total	All		955	4,516,474

\*confidential information

Table 7. Marine Recreational Information Program (MRIP) catch time series by wave for North Carolina spiny dogfish.

Year	Wave	Observed Harvest		Reported Harvest		Released Alive		Harvest (A+B1) Total		Average Length	
		(A)	PSE	(B1)	PSE	(B2)	PSE	Weight (lb)	PSE	(mm)	PSE
2013	May/June	0	0	0	0	212	100.8	0	0	0	0
2013	Jul/Aug	334	90.5	0	0	0	0	515	90.5	544	128
2013	Nov/Dec	0	0	0	0	2,445	79.3	0	0	0	0
Total	All	334		0		2,657		515		544	

#### **IV. Planned Management Programs for the Current Fishing Year**

##### **A. Summary of Regulations that will be in Effect for the Current Fishing Year**

The spiny dogfish quota for the 2013/14 fishing year was 40.8 million pounds and the trip limit was set at 8,000 pounds beginning January 1, 2014 and increased to 10,000 pounds effective February 1, 2014. The ASMFC Spiny Dogfish and Coastal Sharks Management Board approved spiny dogfish quotas for the 2013/14, 2014/15, and 2015/16 fishing seasons (May 1-April 30). The quota is divided regionally with 58% allocated to the states of Maine to Connecticut, 28% allocated to the states of New York to Virginia, and the remaining 14% allocated to North Carolina. States from New York through North Carolina are authorized to establish possession limits as best meets their state needs.

North Carolina Fisheries Rule 15A NCAC 3M .0505 gives the NCDMF director proclamation authority to set seasons and harvest limits for spiny dogfish. A North Carolina Spiny Dogfish Dealer Permit is required to purchase more than 100 pounds of spiny dogfish per day per fishing operation and permitted finfish dealers are required to submit daily landings reports to NCDMF. Additionally, commercial landings will be monitored through the North Carolina Trip Ticket Program.

##### **B. Summary of Monitoring Programs That Will Be Performed**

Monitoring programs will be the same as in the previous fishing year. Spiny dogfish, when encountered, will be sampled during IJFA sampling of the sink net, winter trawl, estuarine gill net fisheries and NCDMF independent gill net surveys. Spiny dogfish will continue to be sampled on the Cooperative Striped Bass Tagging Cruise if funding is acquired.

##### **C. Changes from the Previous Year**

No changes are anticipated in the North Carolina spiny dogfish management program in 2014/15.

#### **V. Plan Specific Requirements**

From May 1, 2014 through April 30, 2014 there were 96 participants landing 4,516,474 pounds of spiny dogfish from 955 individual trips. Seventy-two scientific or educational collection permits were issued in North Carolina in 2013. Scientific or educational collection reports, due December 1<sup>st</sup>, cover the period of November 15<sup>th</sup> of the previous year to November 14<sup>th</sup> of the current reporting year. It should be noted, not all 2013 issued permits have submitted catch reports and 2014 reports are not due until December 1, 2014. Of these seventy-two permits only nine reported shark catches. Three permits, using trawl gear, reported catching a total of 80 spiny dogfish, 41 were released alive and 39 were kept for age and diet studies.

South Carolina  
Spiny Dogfish Fishery and Management Program  
Compliance Report for the Year 2013



**DNR**

1 July 2014

Prepared by: Bryan Frazier  
Marine Resources Research Institute  
Marine Resources Division  
South Carolina Department of Natural Resources

## **I. INTRODUCTION**

Spiny dogfish, *Squalus acanthias*, is a seasonal resident in South Carolina coastal waters, occurring with any abundance primarily in winter months in nearshore shallows and around inner-shelf hard bottom habitats. The South Carolina Department of Natural Resources (SCDNR) has no specific spiny dogfish management program or targeted data collection efforts in place for these sharks at this time. No significant changes occurred in 2013 in the state's monitoring, regulatory or harvest activities related to spiny dogfish.

## **II. REQUEST FOR *de minimis***

South Carolina had no documented commercial and minimal recreational landings of spiny dogfish during 2013. In accordance with the ASMFC Interstate Fishery Management Program Charter and Section 4.3.3 of the ASMFC Interstate Fishery Management Plan for Spiny Dogfish (November 2002), the state of South Carolina requests *de minimis* status for the spiny dogfish fishery.

## **III. 2013 SPINY DOGFISH FISHERY AND MANAGEMENT PROGRAM**

### **A. Fishery Dependent Monitoring:**

Fishery dependent data is collected through the Marine Recreational Information Program (MRIP), the South Carolina State Finfish Survey (SFS), and a SCDNR-managed mandatory trip reporting system for licensed charter boat operators. Commercial landings and effort are monitored through logbooks and trip tickets. All commercial shark landings must be sold to federally licensed commercial shark dealers.

### **Recreational Monitoring:**

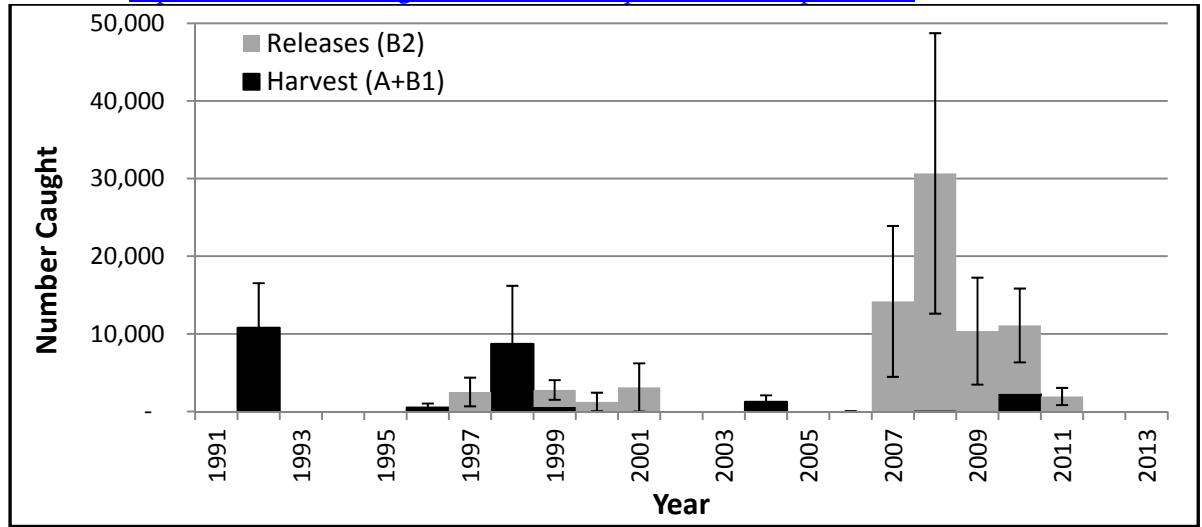
As the coastal population increases in South Carolina, angler pressure on all species of estuarine and coastal fish has increased. Anglers as well as charter captains have increasingly targeted coastal sharks for sport. The majority of these encounters remain catch and release, although a segment is retained for consumption.

**MRIP Data** – Limited data are available on catches of spiny dogfish in South Carolina with no data reported for several years. Recent trends show an increase in catches of spiny dogfish, however there have been no reported catches since 2011 (Figure 1).

**SFS Data** – The SFS is a fishery dependent survey designed to collect catch and effort data of selected species taken by private boat anglers in either South

Figure 1. Estimated catches of spiny dogfish from the MRIP data set. Total catch ( $\pm$  SE), capture and release (B2), and harvest numbers (A+B1) are reported.

Data from: <http://www.st.nmfs.noaa.gov/st1/recreational/queries/catch/snapshot.html>

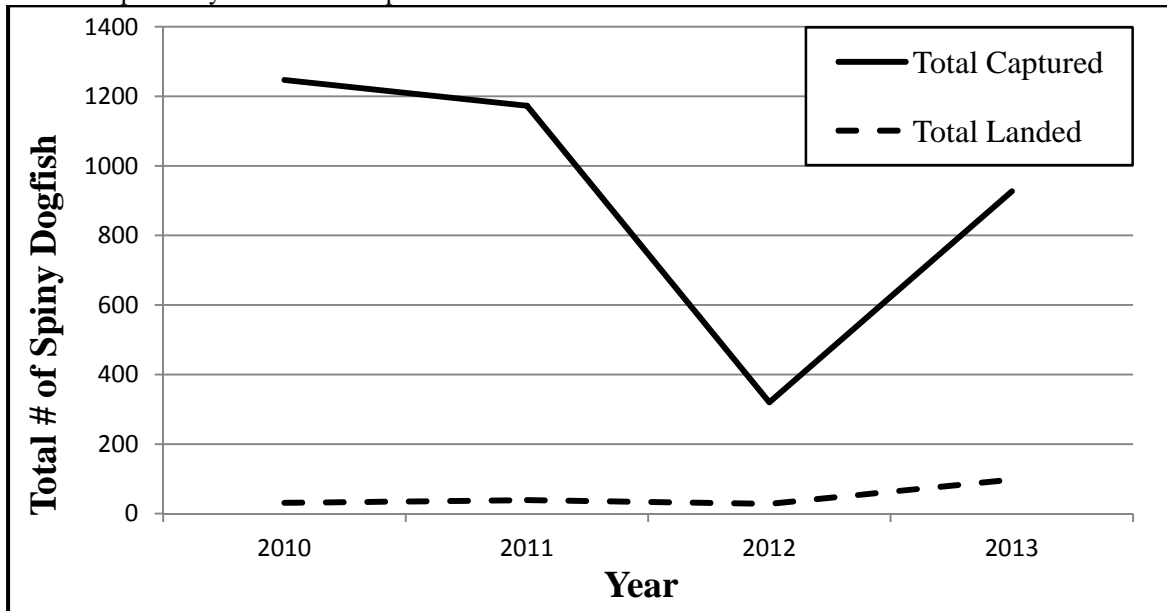


Carolina or adjacent federal waters, other fishing modes (shore based angling) are not sampled by this survey. Historically, very few anglers have been interviewed that captured or harvested spiny dogfish (Table 1). The SCDNR began collecting data for the MRIP program in 2013, and only operates the SFS survey in January and February. No spiny dogfish were recorded during these months.

Table 1. South Carolina State Finfish Survey (SFS) spiny dogfish data. Total number of interviews, number of interviews with spiny dogfish reported, total catch and number harvested by interviewed parties.

Year	Total # Interviews	# Interviews With Spiny Dogfish Caught	Total Catch	Harvested
1997	1080	4	67	
1998	1669	2	18	
1999	2302	0		
2000	1968	0		
2001	1981	0		
2002	2239	1	2	2
2003	2821	0		
2004	2984	0		
2005	2297	0		
2006	2377	2	2	
2007	2285	0		
2008	2391	0		
2009	1995	2	8	
2010	1876	0		
2011	2009	0		
2012	1945	0		
2013	250	0		

Figure 2. Charter boat trip reporting data. Total number of spiny dogfish captured and landed by year as reported by charter boat captains.



**Charter Boat Trip Reporting** – A mandatory component for participants of the charter boat fishery in South Carolina is a trip reporting system. Data collected includes, effort, species targeted, species encountered and species captured. Prior to 2010, data from smooth and spiny dogfish were reported together as dogfish. In 2010 changes were made to the reporting system that required species specific reporting. Consequently, only data from 2010 to 2013 is included in this report (Figure 2). A total of 927 spiny dogfish were captured in 2013, with 98 (769 lbs.) harvested. Total number of spiny dogfish captured was greater than the 320 spiny dogfish reported as captured the previous year. The number reported as landed was the largest since species specific landings were recorded. A colder than average winter may have led to greater abundance of spiny dogfish in 2013.

**Commercial Monitoring:**

All shark catch is required to be sold to a licensed federal dealer, and landings and effort are monitored through the use of logbooks, federal observers and trip tickets. No commercial landings were reported in 2013.

**B. Fishery Independent Monitoring:**

The SCDNR’s on-going nearshore bottom longline survey program documents the annual presence of spiny dogfish in South Carolina’s nearshore coastal waters, typically beginning in mid-November. Relative abundance and residence time of spiny dogfish along the coast in general may be related to winter water temperatures along the east coast, with colder winters resulting in larger spiny dogfish populations and longer residence times in South Carolina waters than in more moderate temperature years. Adult females, many being pregnant, seem to make up a majority of the fish taken by sampling gear in this program, suggesting

that South Carolina waters may play a role as valuable over-wintering grounds for this species. (SCDNR POC: frazierb@dnr.sc.gov)

**C. Spiny Dogfish Regulations in Effect:**

No state regulations are in effect in South Carolina related specifically to spiny dogfish. However, limits, closures, and requirements pertaining to shark fishing in general provided by federal regulations are considered the law of the state of South Carolina except where specific state legislation is enacted. The following sections from Title 50 of South Carolina Code apply:

**SECTION 50-5-2725.** Shark catch limits; boat or vessel permit to take sharks for commercial purposes; equipment requirements and prohibitions.

(A) Except as provided in this chapter, the size, catch, bag, and possession limits, fishing period closures, and requirements pertaining to the taking, release, landing, sale, purchase, trade, or barter of sharks or shark parts prescribed by those federal regulations implemented under the Fishery Conservation and Management Act (PL 94-265) and pertaining to the Fishery Management Plan for Atlantic tuna, swordfish, and sharks are declared to be the law of this State and apply in state waters; provided, however, no federal recreational angling permit or federal charter boat/head boat permit is required for the taking or possession of sharks in the waters of this State. In state waters size, catch, bag, and possession limits pertain to individual fishermen when no vessel is utilized.

(B) An annual permit must be obtained from the department for a boat or vessel before it takes sharks for commercial purposes in state waters. Permits granted under this section do not include income requirements but may include requirements for fishing times, periods, areas, gear, and equipment, catch limitations and reporting, and other conditions the department may determine to be necessary for management or regulatory purposes. In addition to department conditions, the use of gill nets to harvest sharks is prohibited in state waters at all times, and when taken by gill net, all sharks must be released immediately.

**SECTION 50-5-2730.** Federal fishing regulations declared to be law of State.

Unless otherwise provided by law, any regulations promulgated by the federal government under the Fishery Conservation and Management Act (PL 94-265) or the Atlantic Tuna Conservation Act (PL 94-70) which establishes seasons, fishing periods, gear restrictions, sales restrictions, or bag, catch, size, or possession limits on fish are declared to be the law of this State and apply statewide including in state waters.

**D. Spiny Dogfish Harvest**



No directed commercial fishery occurs in South Carolina for this species, and no commercial landings were reported in 2013. Incidental catch does occur frequently in winter months by recreational anglers fishing at coastal fishing piers and from boats on inner-shelf hard bottom habitats. MRIP estimated no harvest for 2013. Ninety-eight (769 lbs) spiny dogfish were reported as landed by recreational fisherman fishing aboard charter vessels in 2013.

**E. Habitat Recommendations – Not applicable.**

**IV. PLANNED SPINY DOGFISH MANAGEMENT PROGRAMS FOR 2014**

**A. Regulations in Effect for 2014:**

No regulatory changes are anticipated for spiny dogfish in 2014.

**B. Monitoring programs that will be performed:**

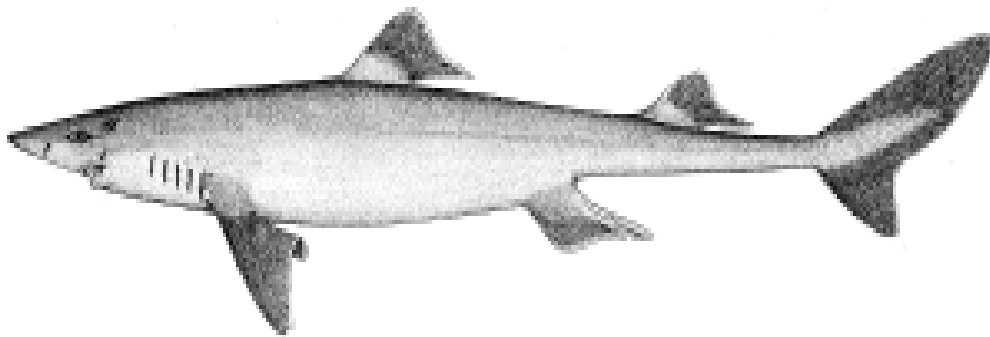
No new programs dedicated to the monitoring of spiny dogfish are planned. Data related to the presence and movement of spiny dogfish in South Carolina's coastal waters will continue to be collected as this species is encountered within the context of existing fishery dependent or fishery independent programs conducted by the SCDNR.

**C. Changes from the Previous Year:**

None

**V. PLAN SPECIFIC REQUIREMENTS – Not applicable.**

**The 2014 Atlantic States Marine Fisheries Commission Compliance Report for  
spiny dogfish, *Squalus acanthias*, on Florida's Atlantic coast**



**Joseph Munyandorero  
Florida Fish and Wildlife Conservation Commission  
Florida Fish and Wildlife Research Institute  
St. Petersburg, Florida**

**June 4, 2014**

## I. INTRODUCTION

Spiny dogfish, *Squalus acanthias*, are found in all temperate and subtropical oceans and seas (Froese and Pauly 2000). In the northwest Atlantic, they range from Labrador to Florida where they are considered to be a unit stock (Sosebee and Rago 2006). On the US Atlantic coast, recreational and commercial catches of spiny dogfish are important for Mid-Atlantic and North Atlantic states.

The Florida Fish and Wildlife Conservation Commission (FWC) regulates the fishing of sharks and rays under Chapter 68B-44.008, Florida Administrative Code (F.A.C.). These regulations prohibit harvest, possession, purchase, sale, or exchange of spiny dogfish, which have been declared and designated "a protected species" to prevent them from becoming endangered. The objective of this report is to update the Atlantic States Marine Fisheries Commission (ASMFC) on the response of the recreational and commercial fisheries in 2013-2014 to the above regulations.

The commercial and recreational fisheries operating on Florida's Atlantic coast do not target spiny dogfish. As a result, there were neither landings nor catches of spiny dogfish on Florida's east coast during the 2013-2014 fishing season. All fishermen who operated on Florida's Atlantic coast during the 2013-2014 fishing season were in compliance with the regulations stipulated in CH 68B-44.008, F.A.C. Historical records on the recreational fishery for the species are given in Table 1.

## II. REQUEST FOR *de Minimis*

The FWC requests continuation of Florida's *de minimis* status for the spiny dogfish fishery.

## III. PREVIOUS CALENDER YEAR'S FISHERY AND MANAGEMENT PROGRAM

### A. Activity and Results of Fishery Dependent Monitoring Program

#### Commercial Fishery

Description of the 2013-2014 Fishery, Trip Limit, Quota Compliance, and Size Limits

N/A

#### Recreational Fishery

Description of the 2013-2014 Fishery

The recreational fishery data for spiny dogfish on the Atlantic coast of Florida (Table 1) came from the website of the National Marine Fisheries Service

([http://www.st.nmfs.noaa.gov/recreational-fisheries/access-data-run-a-data-query/queries/index](http://www.st.nmfs.noaa.gov/recreational-fisheries/access-data/run-a-data-query/queries/index)). Landings/catches were only made in 1989, 2005, and 2006. All spiny dogfish caught in 1989 and 2006 were released alive. In 2005, the number of released dogfish represented 99.3% of the total number of dogfish caught (Table 1). No landings and catches were reported since 2007. All anglers operating on Florida's Atlantic coast during the 2013-2014 fishing season complied with the regulations stipulated in CH 68B-44.008, F.A.C.

#### Size Limits and Bag Limits

N/A

#### **Head boat Fishery**

During 1981-2013, head boat landings of spiny dogfish on Florida's Atlantic coast were reported in 2005, 2010, and 2011 and consisted of 16, 8, and one specimen, respectively, weighing 50 pounds, 48 pounds, and 1 pound.

#### Size limits and Bag limits

N/A

#### **B. Activity and Results of Fishery Independent Monitoring Program**

The Florida Fish and Wildlife Research Institute's Fishery Independent Monitoring program does not collect spiny dogfish on the Atlantic coast.

#### **C. Copy of regulations that were in effect, including a reference to the specific compliance criteria as mandated in the FMP**

**CHAPTER 68B-44 SHARKS AND RAYS** (source: <http://www.myfwc.com/fishing/saltwater/regulations/rules-by-species/>; <http://www.myfwc.com/fishing/saltwater/regulations/history/q-z/>).

- 68B-44.002 Definitions
- 68B-44.003 Bag Limit Applicable to State Waters, Gear Restriction
- 68B-44.004 Landing in Whole Condition; Transit Through State Waters
- 68B-44.005 Commercial Harvest of Sharks: Federal Permit Required
- 68B-44.006 Commercial Season; Season Closure; Prohibition of Sale
- 68B-44.007 Size Limit Applicable to State Waters
- 68B-44.008 Prohibited Species; Prohibition of Harvest, Landing, and Sale

### **68B-44.002 Definitions.**

As used in this rule chapter:

(1) "Finned" means one or more fins are no longer naturally attached to the body of the shark. A shark with fins naturally attached, either wholly or partially, is not considered finned.

(2) "Fork Length" means the length of a fish as measured from the most forward point of the head to the rear center edge of the tail.

(3) "Harvest" means the catching or taking of a marine organism by any means whatsoever, followed by a reduction of such organism to possession. Marine organisms that are caught but immediately returned to the water free, alive, and unharmed are not harvested.

(4) "Harvest for commercial purposes" means the taking or harvesting of a marine organism for purposes of sale, barter, trade or exchange or with intent to sell, barter, trade or exchange.

(5) "Land," when used in connection with the harvest of marine organisms, means the physical act of bringing the harvested organism ashore.

(6) "Ray" means any species of the Order Rajiformes, or any part thereof.

(7) "Shark" means any of the following species or any part thereof:

(a) Large coastal species:

1. Blacktip shark - *Carcharhinus limbatus*.
2. Bull shark - *Carcharhinus leucas*.
3. Nurse shark - *Ginglymostoma cirratum*.
4. Spinner shark - *Carcharhinus brevipinna*.

(b) Small coastal species:

1. Atlantic sharpnose shark - *Rhizoprionodon terraenovae*.
2. Blacknose shark - *Carcharhinus acronotus*.
3. Bonnethead - *Sphyrna tiburo*.
4. Finetooth shark - *Carcharhinus isodon*.

(c) Pelagic species:

1. Blue shark - *Prionace glauca*.
2. Oceanic whitetip shark - *Carcharhinus longimanus*.
3. Porbeagle shark - *Lamna nasus*.
4. Shortfin mako - *Isurus oxyrinchus*.
5. Thresher shark - *Alopias vulpinus*.

(d) Smooth Dogfish - any species of the Genus *Mustelus*.

*Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History-New 4-8-92, Amended 1-1-98, Formerly 46-44.002, Amended 1-19-10, 3-21-10, 1-1-12.*

### **68B-44.003 Bag Limit Applicable to State Waters; Gear Restriction.**

(1) No person shall harvest in or from the waters of the state more than one shark per day; provided, however, that the possession of more than two sharks

harvested from state waters aboard any vessel with two or more persons is prohibited.

(2) The harvest or attempted harvest of any shark in or from state waters is prohibited except by use of hook and line gear.

(3) The harvest of any shark, within the waters of the state, by or with the use of any multiple hook in conjunction with live or dead natural bait is prohibited.

(4) Snagging (snatch hooking) of shark in or from state waters is prohibited.

*Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History-New 4-8-92, Amended 1-1-98, Formerly 46-44.003, Amended 1-19-10.*

#### **68B-44.004 Landing in Whole Condition; Transit Through State Waters.**

(1) All sharks harvested from State of Florida waters shall be landed in a whole condition. Except as provided for in subsection (2), the possession, while in or on the waters of the state, on any public or private fishing pier, or on a bridge or catwalk attached to a bridge from which fishing is allowed, of any shark that has had the head removed, been divided, filleted, ground, skinned, finned, or had the caudal (tail) fin removed is prohibited. Mere evisceration or "gutting" of such fish or slicing the base of the caudal fin to bleed the carcass as long as the caudal fin remains attached before landing is not prohibited.

(2) The landing requirements contained in this section, possession and bag limit restrictions contained in Rule 68B-44.003, F.A.C., and the prohibited species contained in Rule 68B-44.008, F.A.C., shall not apply to lawful commercial harvest in federal waters when such harvest is transported directly through state waters with gear appropriately stowed. Transit shall be direct, continuous and expeditious from the place where lawful harvest occurred to the place where the vessel is regularly docked, moored, or otherwise stored or to the place of the licensed wholesale dealer where the catch is to be sold. For the purpose of this section appropriately stowed means a longline may be left on the drum if all gangions and hooks are disconnected and stowed below deck. Hooks cannot be baited. All buoys must be disconnected from the gear; however buoys may remain on deck. A rod and reel must be stowed securely. Terminal gear (i.e., hooks, leaders, sinkers, flashers, or baits) must be disconnected and stowed separately from the fishing apparatus. Sinkers must be disconnected from the down rigger and stowed separately. Gillnets must be rolled, folded, or otherwise properly and securely stowed in sealed containers or compartments so as to make their immediate use as fishing implements impracticable.

*Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History-New 4-8-92, Amended 2-14-94, 1-1-98, Formerly 46-44.004, Amended 10-15-07, 1-19-10.*

**68B-44.005 Commercial Harvest of Sharks: Federal Permit Required.**

(1) No person shall harvest sharks in or from the waters of the state for commercial purposes or sell any shark harvested from such waters unless such person is in possession of a valid federal annual vessel permit for sharks issued pursuant to 50 C.F.R. § 635.4 or written authorization of such harvest or sale from the Regional Director of the National Marine Fisheries Service pursuant to 50 C.F.R. § 635.32.

(2) A harvester required to hold the federal annual vessel permit for sharks pursuant to subsection (1) may only sell to a holder of a valid federal Atlantic shark dealer permit pursuant to 50 C.F.R. § 635.4.

(3) No wholesale dealer, as defined in Section 379.362(1), F.S., shall purchase sharks, or any part thereof, unless such dealer is in possession of a valid federal Atlantic shark dealer permit. No wholesale dealer shall purchase sharks, or any part thereof without confirming that the seller possesses a valid Florida saltwater products license and the federal licenses and permits specified in subsection (1). This subsection applies only when a shark, or any part thereof is sold, exchanged, bartered, distributed, or landed for the first time.

*Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History-New 4-8-92, Amended 2-14-94, Formerly 46-44.005, Amended 10-15-07, 1-19-10.*

**68B-44.006 Commercial Season; Season Closure; Prohibition of Sale.**

(1) All persons harvesting sharks for commercial purposes shall have a season that begins on January of each year and continues through December 31, unless closed earlier pursuant to subsection (2).

(2)(a) If at any time the harvest of any species of large or small coastal sharks, or pelagic sharks for commercial purposes in waters of the federal Exclusive Economic Zone (EEZ) adjacent to Florida waters is closed, corresponding state waters shall be closed to commercial harvest of the species affected by the federal closure, from the date of such closure until federal waters are reopened to the commercial harvest of such species.

(b) If at any time the harvest of any species of large or small coastal sharks, pelagic sharks, or smooth dogfish are closed in state waters of the Atlantic Ocean for commercial purposes by the Atlantic States Marine Fisheries Commission, Florida State waters of the Atlantic Ocean from the Florida-Georgia border to the border between Miami-Dade and Monroe Counties shall be closed from the date of such closure until the Atlantic States Marine Fisheries Commission reopens the fishery to the commercial harvest. For purposes of this section the border between Miami-Dade and Monroe Counties is defined as a line beginning on the east coast of Florida at the mainland at 25°20.4' N. lat, proceeding due east.

(c) During the period of any state waters closure pursuant to paragraph (a) or (b), the harvest, possession, or landing for commercial purposes, or the sale,

purchase, or exchange, of any species to which the closure applies, is prohibited. These prohibitions shall not apply to trade in shark carcasses or fins that were harvested, offloaded, and purchased, sold, or exchanged prior to the closure. The burden shall be upon any person possessing such shark carcasses or fins to establish the chain of possession from the initial transaction after harvest by appropriate receipt(s), bill(s) of sale, or bill(s) of lading. Failure to maintain such documentation or failure to promptly produce such documentation at the request of any duly authorized law enforcement officer shall constitute a violation of this rule.

*Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History-New 4-8-92, Amended 2-14-94, 1-1-98, Formerly 46-44.006, Amended 7-1-03, 1-19-10.*

**68B-44.007 Size Limit Applicable to State Waters.**

No person shall harvest in or from the waters of the State of Florida at any time, or unnecessarily destroy, any shark of fork length less than 54 inches, with the exception of:

- (1) Atlantic sharpnose shark - *Rhizoprionodon terraenovae*.
- (2) Blacknose shark - *Carcharhinus acronotus*.
- (3) Blacktip shark - *Carcharhinus limbatus*.
- (4) Bonnethead - *Sphyrna tiburo*.
- (5) Finetooth shark - *Carcharhinus isodon*.
- (6) Smooth Dogfish - any species of the Genus *Mustelus*.

*Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History-New 1-19-10.*

**68B-44.008 Prohibited Species; Prohibition of Harvest, Landing, and Sale.**

(1) No person shall harvest, possess, land, purchase, sell, or exchange any or any part of these species:

- (a) Atlantic angel shark (*Squatina dumeril*).
- (b) Basking shark (*Cetorhinus maximus*).
- (c) Bigeye sand tiger (*Odontaspis noronhai*).
- (d) Bigeye sixgill shark (*Hexanchus nakamurai*).
- (e) Bigeye thresher (*Alopias superciliosus*).
- (f) Bignose shark (*Carcharhinus altimus*).
- (g) Caribbean reef shark (*Carcharhinus perezii*).
- (h) Caribbean sharpnose shark (*Rhizoprionodon porosus*).
- (i) Dusky shark (*Carcharhinus obscurus*).
- (j) Galapagos shark (*Carcharhinus galapagensis*).
- (k) Great hammerhead - *Sphyrna mokarran*.
- (l) Lemon shark - (*Negaprion brevirostris*).
- (m) Longfin mako (*Isurus paucus*).



- (n) Narrowtooth shark (*Carcharhinus brachyurus*).
- (o) Night shark (*Carcharhinus signatus*).
- (p) Sandbar shark (*Carcharhinus plumbeus*).
- (q) Sand tiger (*Carcharias taurus*).
- (r) Scalloped hammerhead - (*Sphyrna lewini*)
- (s) Sevengill shark (*Heptranchias perlo*).
- (t) Silky shark (*Carcharhinus falciformis*).
- (u) Sixgill shark (*Hexanchus griseus*).
- (v) Smalltail shark (*Carcharhinus porosus*).
- (w) Smooth hammerhead - (*Sphyrna zygaena*).
- (x) Tiger shark - (*Galeocerdo cuvier*).
- (y) Whale shark (*Rhincodon typus*).
- (z) White shark (*Carcharodon carcharias*).
- (aa) Largetooth sawfish (*Pristis pristis*).
- (bb) Smalltooth sawfish (*Pristis pectinata*).
- (cc) Spiny dogfish (*Squalus acanthias*).
- (dd) Manta ray (species of the genus *Manta* and *Mobula*).
- (ee) Spotted eagle ray (*Aetobatus narinari*).

(2) The prohibitions on harvest shall not apply to lawful harvest in federal waters when such harvest is transported directly through state waters with gear appropriately stowed. Transit shall be direct, continuous and expeditious from the place where lawful harvest occurred to the place where the vessel is regularly docked, moored, or otherwise stored or to the place of the licensed wholesale dealer where the catch is to be sold. For the purpose of this section appropriately stowed means a longline may be left on the drum if all gangions and hooks are disconnected and stowed below deck. Hooks cannot be baited. All buoys must be disconnected from the gear; however buoys may remain on deck. A rod and reel must be stowed securely. Terminal gear (i.e., hooks, leaders, sinkers, flashers, or baits) must be disconnected and stowed separately from the fishing apparatus. Sinkers must be disconnected from the down rigger and stowed separately. Gillnets must be rolled, folded, or otherwise properly and securely stowed in sealed containers or compartments so as to make their immediate use as fishing implements impracticable.

*Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History-New 4-8-92, Amended 1-1-98, Formerly 46-44.008, Amended 7-1-03, 3-9-06, 1-19-10, 3-21-10, 1-1-12.*

#### **D. Harvest broken down by commercial and recreational and non-harvest losses**

N/A for commercial harvest. See Table 1 for recreational landings/catches in numbers and weight.

#### E. Review of Progress in Implementing Habitat Recommendations

N/A

#### IV. PLANNED MANAGEMENT PROGRAMS FOR THE CURRENT YEAR

No changes to the current management program are planned for the current year.

#### V. LITTERATURE CITED

Froese, R., Pauly, D., 2000. FishBase 2000: Concepts, Design and Data Sources. ICLARM, Los Banos, Laguna, Philippines. 344 p (see also FishBase database: <http://www.fishbase.org>).

Sosebee, K. and P. Rago 2006. Status of Fisheries Resources off Northeastern US - Spiny Dogfish (<http://www.nefsc.noaa.gov/sos/spsyn/op/dogfish>).

Table1 - Estimated recreational catches, releases, total harvest, and landings in numbers and weight (pounds) for spiny dogfish on Florida's Atlantic Coast, 1989-2012. Type A = Claimed fish. Type B1 = Harvested fish (not seen), and Type B2 = fish released alive.

Year	Type A (Numbers)	Type B1 (Numbers)	Type B2 (Numbers)	Type A+B1 (Numbers)	Type A+B1 (Pounds)	Type A+B1+B2 (Numbers)
1989	0	0	2,177	0	0	2,177
2005	389	0	63,122	389	2,441	63,511
2006	0	0	532	0	0	532
2007	0	0	0	0	0	0
2008	0	0	0	0	0	0
2009	0	0	0	0	0	0
2010	0	0	0	0	0	0
2011	0	0	0	0	0	0
2012	0	0	0	0	0	0
2013	0	0	0	0	0	0



**Mid-Atlantic Fishery Management Council**

800 North State Street, Suite 201, Dover, DE 19901-3910

Phone: 302-674-2331 | Toll Free: 877-446-2362 | FAX: 302-674-5399 | [www.mafmc.org](http://www.mafmc.org)

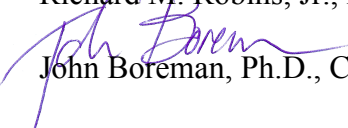
Richard B. Robins, Jr., Chairman | Lee G. Anderson, Vice Chairman

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

## MEMORANDUM

**DATE:** 25 September 2014

**TO:** Richard M. Robins, Jr., MAFMC Chairman

**FROM:**  John Boreman, Ph.D., Chair, MAFMC Scientific and Statistical Committee

**SUBJECT:** Report of the September 2014 Meeting of the MAFMC SSC

The SSC met in Baltimore, MD, on 17-18 September 2014 for the main purpose of reviewing the ABC recommendations made previously for Spiny Dogfish. The SSC also received updates on development of a “rumble strip” approach for setting multi-year ABCs, the white paper on forage species being developed for the Council, and plans for the upcoming National SSC meeting in Honolulu. The meeting agenda is attached (Attachment 1).

A total of 11 SSC members were in attendance during the discussion of the Spiny Dogfish ABC (Attachment 2), which constituted a quorum. Also in attendance were staff from the NMFS Northeast Fisheries Science Center, Council members and staff, ASMFC staff, and representatives from the fishing industry and general public.

All documents cited in this report can be accessed via the MAFMC SSC website (<http://www.mafmc.org/ssc-meetings/2014/september-17-18-2014>).

### Spiny Dogfish

The SSC reviewed the following information relevant to the status of Spiny Dogfish:

- MAFMC Staff. 2014. 2014 Spiny Dogfish fishery performance report. Mid-Atlantic Fishery Management Council. 2 pp.
- Armstrong, J. 2014. Staff memorandum to Chris Moore, dated 10 September 2014, entitled: “Review of Spiny Dogfish Management Measures for 2015.” 11 pp.
- Rago, P., and K. Sosebee. 2014. Update of landings and discards for Spiny Dogfish in 2014. Northeast Fisheries Science Center. 19 pp.

Paul Rago (NEFSC staff) and Jim Armstrong (MAFMC staff) provided the SSC with updates on catch and discards of Spiny Dogfish in 2013 and the fishery performance. Due to mechanical problems the NEFSC was unable to sample critical strata in the Mid-Atlantic region during the spring bottom trawl survey in 2014. Therefore, it was not possible to update population abundance estimates in 2014, nor was it possible to provide updated estimates of fishing mortality rates or conduct projections of stock

size under varying fishing mortality rates.

Based on inspection of the catch and discard information, the SSC saw no compelling evidence to change its recommendation of **ABC = 28,310 mt** for 2015.

Following the ABC discussion, Mike Frisk summarized two journal articles recently published on the distribution of Spiny Dogfish off the Atlantic Coast as influenced by water temperature, climate, and other ecosystem factors:

Sagarese, S. R., M. G. Frisk, R. M. Cerrato, K. A. Sosebee, J. A. Musick, and P. J. Rago. 2014. Application of generalized additive models to examine ontogenetic and seasonal distributions of spiny dogfish (*Squalus acanthias*) in the Northeast (US) shelf large marine ecosystem. *Canadian Journal of Fisheries and Aquatic Sciences* 71.

Sagarese, S. R., M. G. Frisk, T. J. Miller, K. A. Sosebee, J. A. Musick, and P. J. Rago. 2014. Influence of environmental, spatial, and ontogenetic variables on habitat selection and management of spiny dogfish in the Northeast (US) shelf large marine ecosystem. *Canadian Journal of Fisheries and Aquatic Sciences* 71.

The authors found that significant nonlinear relationships between Spiny Dogfish and their environment or prey were common throughout the various dogfish stages and seasons. They also found that abundance estimates for dogfish, based on survey data, depended on environmental conditions (depth and bottom temperature) and ecological factors at the times of the surveys, such as squid abundances. There is quantitative evidence showing a north-south movement pattern for dogfish. Work is continuing on spatio-temporal interactions between Spiny Dogfish and commercial fisheries in the Northeast (US), the impact on survey metrics resulting from diel behavior, and the potential influence of climate change on availability of dogfish to the surveys.

## **Open Discussion with NEFSC**

Following the session on Spiny Dogfish, the SSC had an open discussion with lead scientists from the Northeast Fisheries Science. The purpose of the open discussion was to facilitate communications and understanding between the SSC and NEFSC, especially as they relate to development of ABC recommendations. Jason Didden led off the discussion by walking the group through the MAFMC's ABC control rule and associated risk policy.

The discussion group agreed that there does not appear to be a need for an immediate change to the process of setting ABCs. However, it may be useful to change how the levels are labeled and described, to reflect their intent and application more accurately.

The current practice of using a number-based classification system for applying the ABC control rule (i.e., Level 1, Level 2, Level 3, and Level 4) has led to confusion, since it wrongly implies a ranking in the quality of assessments. The purpose of the classification system is to guide how to determine the ABC, given the degree of scientific uncertainty in the forecast of the overfishing limit (OFL). Indeed, an assessment that more fully describes uncertainty may lead to a smaller or larger buffer depending on the actual scale of the uncertainty revealed by an assessment that better characterizes the uncertainty in the OFL.

An alternative basis for labeling the levels of the control rule was proposed that coincides with the current criteria for classification, but substitutes the numerical ranking with descriptors for how ABCs should be determined. For example, Level 1 could be labeled *Analytically-based ABC*; Level 2 could

become *Expert-based ABC*; Level 3 could become *Empirically-based ABC*; and Level 4 could become *Catch-Based ABC*.

The discussion group also suggested that a working group might be established under the auspices of the Northeast Regional Coordinating Council (NRCC) to: (1) compare and contrast application of ABC control rules in New England and the Mid-Atlantic regions; and (2) assess implications for regional management from results of management strategy evaluations (MSEs) of the ABC control rules.

## **Rumble Strip Approach to Setting Multi-year ABCs**

Mike Wilberg briefed the SSC on progress being made by the SUN Subcommittee, in cooperation with Brian Linton of the NEFSC, on development of a “rumble strip” approach to setting multi-year ABCs. The basic idea behind the rumble strip approach is that multiple indicators will be evaluated to determine if they are within a range that was expected when the multi-year ABCs were originally set; the analogy is that rumble strips alert drivers when they are going off the road. If indices are outside the bounds that were expected when ABCs were initially set, corrective action may be necessary. The rumble strip approach uses multiple indices to determine if a critical mass of information exists such that reevaluation is necessary. Each index is scored as zero or one depending on whether the value in a given year is within or outside the pre-set bounds, respectively. The overall score for a given year is the sum of the indicator scores across the indices for that year. If the overall score is greater than or equal to a pre-specified threshold, a re-evaluation of the available data for that stock is triggered. Changes will be made if the re-evaluation determines that corrective action is necessary.

Progress-to-date indicates that the approach developed so far appears to work reasonably well for some species but not for others. A full report on the rumble strip approach and SSC recommendations will be presented by the SUN Subcommittee at an upcoming MAFMC meeting (December 2014 or February 2015).

## **Forage Fish White Paper**

As an outgrowth of the forage fish workshop held last February in conjunction the MAFMC meeting in New Bern, NC, Ed Houde, Sarah Gaichas, and Rich Seagraves have been working on a white paper that will become supporting material as the MAFMC continues development of an ecosystem-based approach to management of the Mid-Atlantic fisheries. Ed and Rich walked the SSC through the current draft of the white paper and received several suggestions for its enhancement. The white paper will be revised based on comments received from the SSC at the meeting and through follow-up correspondence, and will be presented to the MAFMC at the October 2014 meeting.

## **National SSC V Workshop**

John Boreman and Rich Seagraves presented the latest draft of the proposed agenda for the upcoming National SSC V workshop. Under the overall theme of “Providing ABC specifications in the face of uncertainty: from data to climate and ecosystems,” two subthemes are: (1) setting ABCs in data poor/model resistant situations, and (2) incorporating variable and changing climate and ecosystem conditions (including spatial management and habitat considerations) into ABC specifications. The workshop will begin with a round robin that will address the current ABC specification process for the

eight SSCs. At this point, the workshop steering committee, which is composed of the eight SSC chairs and key council staff, are asking each SSC to submit topics that should be addressed at the workshop. The MAFMC suggests the following topics:

- Problems associated with sampling (monitoring) in relation to the ABC-setting process, including evaluation of ABC control rules;
- A comparison of ABC control rules across the SSCs, including commonalities, problems encountered, and successes;
- Linking the ABC control rules to emergent themes in the recent published literature and results of management strategy evaluations, particularly for model-challenged species; and
- A comparison of how SSCs are involved in the MSA requirement for councils to develop five-year research plans.

## **Other Business**

*Impact of Underfishing Quotas on ABC Recommendations:* Mark Holliday raised the question of how the SSC should handle multi-year ABC recommendations when fishing quotas are not fully achieved. This situation could be due to market conditions, availability of the stock to the fishing fleet, an overestimate of stock abundance, or other factors. Out-year ABCs recommended by the SSC are normally based on the assumption that the fishing quotas will be met each year. The SSC decided to ask the Council for guidance on whether or not this would be a worthwhile question for the SSC to pursue.

*SSC Retreat:* The SSC also discussed the benefits of having a meeting devoted to in-depth discussion of issues that underlie the ABC recommendations, such as applying ABCs to forage species and ABC performance evaluation. The optimal time for such a meeting would be following the next National SSC workshop (NSSC V), so the SSC could benefit from the materials presented and the conclusions drawn from the workshop.

*Meeting Venue:* Rich Seagraves informed the SSC that Council staff in charge of meeting arrangements has been generally dissatisfied with the Ascend Hotel group (Admiral Fell Inn and the Pier V) and is seeking guidance on alternative venues. The SSC wants to keep the meetings in or around Baltimore and asked Council staff to investigate other venues closer to the Inner Harbor and in Annapolis.

cc: SSC Members, Lee Anderson, Chris Moore, Rich Seagraves, Jim Armstrong, Jason Didden, Fred Serchuk, Paul Rago, Brian Linton

Mid-Atlantic Fishery Management Council  
Scientific and Statistical Committee Meeting  
September 17-18, 2014  
Agenda

Wednesday September 17, 2014

- 1:00 p.m. Review Multi-year ABC for spiny dogfish (Armstrong/Rago)
- 2:00 p.m. Open Discussion with NEFSC Leadership - MAFMC Risk Policy, Stock Assessment Tier Assignments, and Addressing MAFMC Research Needs (Didden/Seagraves)
- 5:30 p.m. Adjourn

Thursday September 18, 2104

- 9:00 a.m. SUN Subcommittee Report on Rumble Strip Analyses (Wilberg)
- 10:00 a.m. Review Forage Fish White Paper (Houde/Gaichas/Seagraves)
- 11:00 a.m. Topics for Fifth National SSC Workshop (Boreman)
- 12:00 p.m. Adjourn

MAFMC Scientific and Statistical Committee  
17-18 September 2014 Meeting  
Baltimore, MD

<u>Name</u>	<u>Affiliation</u>
<i>SSC Members in Attendance:</i>	
John Boreman (SSC Chairman)	North Carolina State University
Tom Miller (SSC Vice-Chair)	University of Maryland - CBL
Mike Wilberg	University of Maryland - CBL
Doug Lipton (9/17 only)	NMFS
Ed Houde	University of Maryland - CBL
Brian Rothschild	University of Massachusetts – Dartmouth
Rob Latour	VIMS
David Tomberlin (9/17 only)	NMFS Office of Science and Technology
Mark Holliday	NMFS Office of the Assistant Administrator
Mike Frisk	Stony Brook University
Wendy Gabriel	NMFS Northeast Fisheries Science Center
 <i>Others in attendance:</i>	
Rich Seagraves	MAFMC staff
Kiley Dancy (9/17 only)	MAFMC staff
Jim Armstrong (9/17 only)	MAFMC staff
Jessica Coakley (9/17 only)	MAFMC staff
Jose Montanez (9/17 only)	MAFMC staff
Jason Didden (9/17 only)	MAFMC staff
Chuck Adams (by phone, 9/17 only)	NMFS Northeast Fisheries Science Center
Gary Shepherd (by phone, 9/17 only)	NMFS Northeast Fisheries Science Center
Mark Terceiro (by phone, 9/17 only)	NMFS Northeast Fisheries Science Center
Brian Linton (by phone)	NMFS Northeast Fisheries Science Center
Jim Weinberg (9/17 only)	NMFS Northeast Fisheries Science Center
Paul Rago (9/17 only)	NMFS Northeast Fisheries Science Center
Greg DiDomenico	GSSA
Marin Hawk (9/17 only)	ASMFC staff
Elizabeth Silleck (9/18 only)	Pew Charitable Trust
Purcie Bennett-Nickerson (9/18 only)	Pew Charitable Trust
Jeff Kaelin	Lunds Fisheries and member, MAFMC
Justin Wilson (9/17 only)	University of Maryland - CBL
Cara Simpson (9/17 only)	University of Maryland - CBL
Charlie Wahl (9/17 only)	University of Maryland - CBL
Aimee Hoover (9/17 only)	University of Maryland - CBL
Suzan Shahrestani (9/17 only)	University of Maryland - CBL



# Update of Landings and Discards of Spiny Dogfish in 2014

Paul Rago and Katherine Sosebee  
Northeast Fisheries Science Center  
National Marine Fisheries Service

Mid Atlantic Fishery Management Council  
Scientific and Statistical Committee  
September 15, 2014  
Last Update: September 15, 2014

*This information is distributed solely for the purpose of pre-dissemination peer review. It has not been formally disseminated by NOAA. It does not represent any final agency determination or policy.*

## Executive Summary

The purpose of this report is to summarize the most recent information on the status of spiny dogfish (*Squalus acanthias*) in 2014. Due to mechanical problems the NEFSC spring bottom trawl survey in 2014 was unable to sample critical strata in the Mid-Atlantic region. For this reason, it was not possible to update population abundance estimates in 2014 nor was it possible to provide updated estimates of fishing mortality rates, or conduct projections of stock size under varying fishing mortality rates. This report summarizes total estimated catch of spiny dogfish in 2013 and compares it to catch projections from previous years.

US landings decreased about 31% from 10,660 mt in 2012 to 7,312 mt in 2013 (Table 1). US landings in 2013 were approximately equal to the 2008-12 average of 7,013 mt. Recreational landings and distant water fleet landings were negligible, totaling only 98 mt. Canadian landings were not yet available for 2013 but have averaged about 77 mt since 2009.

Recreational landings and discards were obtained from the Marine Recreational Information Program (MRIP) <http://www.st.nmfs.noaa.gov/recreational-fisheries/access-data/run-a-data-query/index>. In 2013 MRIP program transitioned to a new probability sampling design for estimating catch per unit effort. The sampling survey is known as the Access-Point Angler Intercept Program; potential effects of this new program on the estimates of spiny dogfish are not fully known. An analysis of the transition from Marine Recreational Fisheries Statistics Survey (MRFSS) to MRIP estimators for the period 2004 to 2011 revealed negligible differences (-7%) in landings and discard estimates (Rago and Sosebee, 2013). Over the past 5 years (2009-2013) recreational catch represents only about 4% of the total catch of spiny dogfish. As a source of total mortality, recreational catch can be considered negligible.

Total discards increased slightly from 11,626 mt in 2012 to 12,820 mt in 2013. The 2013 estimate is approximately equal to the average of the previous 5 years (12,901 mt). Similar patterns were observed for dead discards. Total dead discards have been relatively stable since 2000. There were no major changes in the discarding patterns among fleets. The ratio of dead discards to landings in 2013 increased slightly to 0.68. The slight decline in utilization of the spiny dogfish (i.e. landings/ catch) may be due to reduced markets in 2013.

Total catch estimates in 2013 were about 50% of the 2013 ABC of 24,709 mt

No survey abundance estimates could be computed in 2014 for spiny dogfish. The raw 3-yr average of female spawning stock biomass (SSB) swept area biomass in 2013 of 235,900 mt was about the same as the 241,000 mt in 2012. Pup production was the highest observed in the time series since 1968. Male biomass for 2013 in the 36 to 79 cm size range was the highest observed in the time series.

Female spawning stock biomass estimates from 2009 to 2013 exceeded the biomass reference point. Therefore, the stock was not overfished and was rebuilt in 2013. Stochastic model estimates of median female spawning stock biomass in 2013 was 211,372 mt (compared to 215,444 mt in 2012). The probability of stock size in 2013 being below the SSB target was less than 25%. The sampling distribution of SSB in 2013 suggested that the probability of SSB being below the SSB threshold is less than 3% (Rago and Sosebee, 2013). Since total catch in 2014 was only 12,420 mt, and natural mortality is thought to be low ( $M=0.092$  in the assessment model), the likelihood of a large decline in true abundance is thought to be low.

#### **A. Catch Trends**

1. This document summarizes the most recent information on spiny dogfish stock status catch data from 2013. Catch data include landings from US and distant water commercial fisheries, and US recreational landings. Canadian landings and discards were not yet available for 2013 when this report was prepared. Discard information includes discards from US commercial fisheries and US recreational fisheries. Estimates of dead discards are obtained by multiplying the total discards by the gear-specific discard mortality rates.
2. Total landings estimates are summarized in Table 1 and Fig. 1. US landings decreased about 31% from 10,660 mt in 2012 to 7,312 mt in 2013 (Table 1). US landings in 2013 were approximately equal to the 2008-12 average of 7,013 mt. Recreational landings and distant water fleet landings were negligible, totaling only 98 mt. Canadian landings were not yet available for 2013 but have averaged about 77 mt since 2009.
3. The estimates of recreational landings were updated for the period 2004 to 2011 (Table 2). The changes represent the application of an alternative estimator to the historical data collected under the Marine Recreational Fisheries Statistics Survey (MRFSS). The new program, known as the Marine Recreational Information Program (MRIP) is in the process of revising the historical data as well as advancing an improved sampling design for future surveys. Changes in the historical data bases were restricted to 2004 to 2011. To be clear, the re-estimation of recreational catch estimates for 2004 onward represents the application of a revised estimator to the historical

MRFSS data. The revised estimates are now consistent with the actual sampling collection program employed under MRFSS.

4. Differences between the recreational landings and discard estimates for 2004 to 2010 were relatively minor (Table 2). MRIP estimates of landings are about 18% lower than MRFSS. MRIP estimates of discards are about 7% lower (Fig. 2). In view of the small overall magnitude of the change and the minor contribution of recreational catch to the total removals, no historical adjustment of recreational catches was made. In 2011 the ratio of recreational catch to total catch was 3.3%. Hence changes of 18% and 7%, respectively, to recreational landings and discards would represent negligible changes to the historical catch series.
5. Recreational landings and discards were obtained from the Marine Recreational Information Program (MRIP) <http://www.st.nmfs.noaa.gov/recreational-fisheries/access-data/run-a-data-query/index>. In 2013 MRIP program transitioned to a new probability sampling design for estimating catch per unit effort. The sampling survey is known as the Access-Point Angler Intercept Program; potential effects of this new program on the estimates of spiny dogfish are not fully known. An analysis of the transition from Marine Recreational Fisheries Statistics Survey (MRFSS) to MRIP estimators for the period 2004 to 2011 revealed negligible differences (-7%) in landings and discard estimates (Rago and Sosebee, 2013). Over the past 5 years (2009-2013) recreational catch represents only about 4% of the total catch of spiny dogfish. As a source of total mortality, recreational catch can be considered negligible.
6. The precision of the recreational landings (A + B1) in 2013 was relatively poor with Proportional Standard Errors of 48.1 and 56.9% respectively (Table 2). The precision of the discarded dogfish estimates (B2) was much better at 11.9%
7. The primary sources of commercial discards are otter trawls (6,897 mt CV=7.2%) and sink gill nets (3,107 mt, CV=9.8%). Discards of spiny dogfish by scallop dredges (127 mt CV=9.5%) and long lines (37 mt, CV=48.3%) are negligible. (Table 3). Additional estimates of precision of discard estimates by gear and sex may be found in Appendix 1.
8. Total discards increased slightly from 11,626 mt in 2012 to 12,820 mt in 2013. The 2013 estimate is approximately equal to the average of the previous 5 years (12,901 mt) (Table 3). Similar patterns were observed for dead discards (Table 3). Application of mortality rates for trawl (50%), gillnet (30%), scallop dredge (75%), line gear (10%) and recreational (20%) resulted in a total dead discard estimate of 5,010 in 2013. Total dead discards have been relatively stable since 2000 (Fig. 2).
9. Total discards in US otter trawl fleet and sink gill nets in 2013 were about the same as in 2011 and 2013. (Table 3). The ratio of dead discards to landings in 2013 of 0.68 represents an increase from the previous two years (Table 4, Fig. 3). Discard rates as a fraction of total catch increased slightly in

2013 (Table 4, Fig. 3). The slight decline in utilization of the spiny dogfish (i.e. landings/ catch) may be due to reduced markets in 2013.

10. Biological samples collected by port agents are used to estimate size composition and sex ratios for spiny dogfish in landings (Table 5). Overall Landings are dominated by females, a trend that has persisted since the US EEZ fishery began (Fig. 4). Most fishing takes place near shore where females are more abundant. Despite the large increase in landings in 2011 the fraction of females in the landings (92%) was nearly equal to the landings fractions in the previous two years. In 2012 and 2013 the percent females in the landings exceeded 95% (Table 5). The average weights of female dogfish landed in 2012 and 2013 was about 5% higher than the average of the previous 5 years.
11. About 2.3 million female dogfish were landed in 2013; about 196 thousand male dogfish were landed. Since average weights have been relatively constant, the decline in catch numbers mirrors the trends in total landings biomass (Table 5).
12. The sex ratios of discarded fish are similarly dominated by females, but represent only 76% of total discards by weight (Table 6). This difference, compared to landings, is likely due to the much higher rate of discarding of male fish. On a numerical basis, about 52% of the dogfish caught in 2013 were landed (Tables 5 and 6). In contrast, only about 12% of male dogfish caught are subsequently landed.

## **B. Survey Indices**

1. Due to mechanical problems the NEFSC spring bottom trawl survey in 2014 was unable to sample critical survey strata in the Mid-Atlantic region. (Survey strata missing in 2014 were 01610-01680, 03320,03350,03380,03410,03440) For this reason it is not possible to compute a valid estimate of relative abundance for spiny dogfish in 2014. If the Bigelow is unable to conduct the spring bottom trawl survey in 2015 an analysis of the entire time series of truncated survey strata may be warranted.

## **C. Stochastic Estimates of Biomass and Fishing Mortality**

1. As noted in Section B.1, it was not possible to compute a consistent abundance index for 2014 due to the absence of sampling in critical Mid-Atlantic strata. The stochastic estimator of abundance could not be implemented for 2014.

## **D. Harvest Scenarios**

1. The absence of abundance estimates precluded any evaluation of updated harvest scenarios.

## **E. Logical Assessment of Potential Impacts of Catches in 2013 on Stock Status**

1. The absence of an abundance estimate for 2014 precludes a rigorous assessment of the effects of 2013 removals on stock status. However, the estimated total catch is only about 50% of the ABC for 2013. Female spawning stock biomass estimates from 2009 to 2013 exceeded the biomass reference point. Therefore, the stock was not overfished and was rebuilt in 2013. The stochastic model estimate of median female spawning stock biomass in 2013 was 211,372 mt (compared to 215,444 mt in 2012). The probability of stock size in 2013 being below the SSB target was less than 25%. The sampling distribution of SSB in 2013 suggested that the probability of SSB being below the SSB threshold is less than 3%. (Rago and Sosebee, 2013). Since total catch in 2014 was only 12,420 mt, (or 50% of the ABC) and natural mortality is thought to be low ( $M=0.092$  in the assessment model), the likelihood of a large decline in true abundance is also thought to be low.

#### F. Potential Indicators of Stock Status during Multi-year fishery management Quotas

Many of the potential stock status indicators rely on the survey indices and could not be estimated in 2014. These are denoted as NA in the following table.

<i>Potential Indicator</i>	<i>Metric</i>	<i>Evaluation</i>	<i>Reference</i>
Discards	Changes in ratio of discard to landings	Ratio has been steadily declining since 2004 suggesting more efficient utilization of the resource. This slight uptick in 2013 may be due to market conditions	Figure 3, Table 4
	Changes by gear type	Sink gill net discard rates have declined over time. Otter trawl discards have remained steady at about 3000 mt in last 5 years-	Table 3.
Survey Abundance Trends	Average Size of Mature females	Mean length of mature females has been increasing since 1999. Average size of mature females is still well below rates observed in mid 1980s.	NA in 2014
	Ratio of mature males to females	Ratio has decreased to between 3 to 4 from earlier ratios near 7. Expected ratio, based on growth and maturity rates should be about 2.	NA in 2014
	Recruitment	Recruitment indices have been steadily increasing in recent years	NA in 2014
	Pup Size	Average length of male and female pups have increased steadily from a low of 26 cm in 1997 to about 29 in last 3 years. Average size is approaching level observed in the 1980s.	NA in 2014
	Size composition	Sizes of mature females are increasing slightly; males are relatively unchanged. Size composition of sub adults is broadening and approaching distribution seen prior to major fisheries in 1990s.	NA in 2014

Commercial Landings	Average Size	Average weight of landed females of about 2.9 kg represents a slight increase in 2013.	Table 5
	Sex ratio	Landings remain dominated by females with no apparent trend.	Table 5 Fig. 4
	Changes in Canadian Landings	Landings remain low. Between 2009-12 landings have averaged about 77 mt compared to 2,166 mt in previous 4 year period.	NA in 2014
Forecast accuracy	Comparison of OFL and ABC predictions between assessments	Median ABC projections from the 2012 assessment with projections in this assessment are within 10 to 13% of each other. This assessment suggests slightly higher values.	NA in 2014

### G. References

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- Rago PJ and KA Sosebee. 2012b. Supplemental material for consideration of multi-year specifications for spiny dogfish with harvest rates corresponding to a Pstar of 40%. Report to MAFMC SSC September 23, 2012. 5 p.
- Rago PJ and KA Sosebee. 2012c. REVISED material for consideration of multi-year specifications for spiny dogfish with harvest rates corresponding to a Pstar of 40%: Correction for assumed catch in 2012 from 16,191 to 20,352 mt. Report to MAFMC SSC September 30, 2012. 9 p.

Rago PJ and KA Sosebee. 2013. Update on the Status of Spiny Dogfish in 2014 and Projected Harvests at the Fmsy Proxy and Pstar of 40%. Report to MAFMC SSC September 12, 2013. 51 p.

Rago, P. J., K. A. Sosebee, J. K. T. Brodziak, S. A. Murawski, and E. D. Anderson. 1998. Implications of recent increases in catches on the dynamics of Northwest Atlantic spiny dogfish (*Squalus acanthias*). *Fisheries Research* 39:165–181.

Table 1. Total spiny dogfish landings (mt, live) in NAFO Areas 2 to 6, 1962-2013

Year	United States		Canada	Distant Water Fleets	Total Landings	Year	United States		Canada	Distant Water Fleets	Total Landings
	Commer- cial	Recre- ational					Commer- cial	Recre- ational			
1962	235		0	0	235	1988	3,105	359	1	647	4,112
1963	610		0	1	611	1989	4,492	418	167	256	5,333
1964	730		0	16	746	1990	14,731	179	1,309	393	16,611
1965	488		9	198	695	1991	13,177	131	307	234	13,848
1966	578		39	9,389	10,006	1992	16,858	215	868	67	18,008
1967	278		0	2,436	2,714	1993	20,643	120	1,435	27	22,225
1968	158		0	4,404	4,562	1994	18,798	155	1,820	2	20,774
1969	113		0	9,190	9,303	1995	22,578	68	956	14	23,615
1970	106		19	5,640	5,765	1996	27,136	25	431	236	27,827
1971	73		4	11,566	11,643	1997	18,351	66	446	214	19,078
1972	69		3	23,991	24,063	1998	20,628	39	1,055	607	22,329
1973	89		20	18,793	18,902	1999	14,855	53	2,091	554	17,552
1974	127		36	24,513	24,676	2000	9,257	5	2,741	402	12,405
1975	147		1	22,523	22,671	2001	2,294	28	3,820	677	6,819
1976	550		3	16,788	17,341	2002	2,199	205	3,584	474	6,462
1977	931		1	7,199	8,131	2003	1,170	40	1,302	643	3,155
1978	828		84	622	1,534	2004	982	105	2,362	330	3,778
1979	4,753		1,331	187	6,271	2005	1,147	45	2,270	330	3,792
1980	4,085		660	599	5,344	2006	2,249	94	2,439	10	4,792
1981	6,865	1,493	564	974	9,896	2007	3,503	84	2,384	31	6,002
1982	5,411	70	389	364	6,234	2008	4,108	214	1,572	131	6,025
1983	4,897	67		464	5,428	2009	5,377	34	113	82	5,606
1984	4,450	91	2	391	4,935	2010	5,440	21	6	127	5,594
1985	4,028	89	13	1,012	5,142	2011	9,480	32	124	143	9,779
1986	2,748	182	20	368	3,318	2012	10,660	19	65	137	10,881
1987	2,703	306	281	139	3,429	2013	7,312	37	NA	61	7,410



Table 2. Summary of spiny dogfish landings and discard estimates based on Marine Recreational Information Program estimates. As in previous assessments, the average weight of landed discarded spiny dogfish is assumed to be 2.5 kg. Discard mortality is assumed to be 20%. The revised MRIP estimator was used for 2004 to 2013. Differences between MRFSS and MRIP were considered minor relative to total catch (ie Commercial landings and discards); no adjustments were made to historical recreational data.

Year	Catch in Numbers								Numbers		Weight (mt)			Estimates used in Previous assessments				Estimator
	Observed Harvest (A)	PSE	Reported Harvest (B1)	PSE	Released Alive (B2)	PSE	Total Catch A+B1+B2	PSE	Total Landings A+B1 (number)	Discards B2 (number)	Landings (A+B1) (mt)	Discards (B2) (mt)	Dead Discards (mt)	Landings (mt)	Discards (mt)	% dif Landings	% dif Discard	
1981	5,943	49.1	591,300	52.1	118,440	31.3	715,683	43.4	597,243	118,440	1493	296	59	1,493	59	0.0	0.4	MRFSS
1982	12,460	38.6	15,712	45.5	139,730	21.4	167,902	18.5	28,172	139,730	70	349	70	70	70	0.6	-0.2	MRFSS
1983	13,154	36.3	13,675	34.1	215,973	23.7	242,803	21.2	26,829	215,973	67	540	108	67	108	0.1	0.0	MRFSS
1984	9,606	48.1	26,918	45.1	169,574	35.1	206,099	29.6	36,524	169,574	91	424	85	91	85	0.3	-0.3	MRFSS
1985	5,495	47.7	30,172	38.3	385,745	41.8	421,412	38.4	35,667	385,745	89	964	193	89	193	0.2	-0.1	MRFSS
1986	11,598	26.5	61,688	22.8	474,930	17.7	548,216	15.6	73,286	474,930	183	1187	237	182	237	0.7	0.2	MRFSS
1987	14,286	44	108,171	28.9	422,387	21.6	544,844	17.8	122,457	422,387	306	1056	211	306	211	0.0	0.1	MRFSS
1988	46,068	30.6	98,002	19.8	350,410	24.4	494,480	18	144,070	350,410	360	876	175	359	175	0.3	0.1	MRFSS
1989	63,031	40.6	104,511	34.4	539,731	17.2	707,273	14.5	167,542	539,731	419	1349	270	418	269	0.2	0.3	MRFSS
1990	22,364	26.1	49,045	28.6	468,085	14.6	539,494	13	71,409	468,085	179	1170	234	179	234	-0.3	0.0	MRFSS
1991	30,459	21.9	21,884	22.7	539,883	13.5	592,227	12.4	52,343	539,883	131	1350	270	131	270	-0.1	0.0	MRFSS
1992	46,753	22.8	50,483	23.1	407,485	10.6	504,721	9.1	97,236	407,485	243	1019	204	215	204	11.6	-0.1	MRFSS
1993	23,350	21.6	24,535	30.8	444,077	15.5	491,963	14.1	47,885	444,077	120	1110	222	120	222	-0.2	0.0	MRFSS
1994	17,714	34	44,230	35.6	387,274	15.2	449,218	13.6	61,944	387,274	155	968	194	155	194	-0.1	-0.2	MRFSS
1995	15,447	31.2	11,583	37.2	261,465	11.5	288,496	10.7	27,030	261,465	68	654	131	68	131	-0.6	-0.2	MRFSS
1996	8,500	29.8	1,843	48.4	131,672	12.7	142,015	11.9	10,343	131,672	26	329	66	25	66	3.3	-0.2	MRFSS
1997	21,017	24.4	5,582	54.9	337,431	12.1	364,030	11.3	26,599	337,431	66	844	169	66	167	0.7	1.0	MRFSS
1998	14,831	28.7	9,445	78.2	243,988	13.2	268,264	12.4	24,276	243,988	61	610	122	39	122	35.7	0.0	MRFSS
1999	11,995	52.5	9,710	68.2	214,974	11.5	236,679	11.1	21,705	214,974	54	537	107	53	106	2.3	1.4	MRFSS
2000	1,773	46.6	271	89.5	276,258	16.3	278,302	16.2	2,044	276,258	5	691	138	5	137	2.2	0.8	MRFSS
2001	7,771	39.7	3,459	44.6	842,583	9.1	853,812	9	11,230	842,583	28	2106	421	28	420	0.3	0.3	MRFSS
2002	2,281	32.3	79,691	43.8	669,469	10.6	751,440	10.5	81,972	669,469	205	1674	335	205	335	0.0	-0.1	MRFSS
2003	8,314	36.2	7,560	33.9	1,199,490	8	1,215,364	7.9	15,874	1,199,490	40	2999	600	40	597	-0.8	0.5	MRFSS
2004	19,328	44.7	28,761	38.9	1,315,796	14.1	1,363,885	13.6	48,089	1,315,796	120	3289	658	105	698	12.7	-6.1	MRIP
2005	6,894	33.5	7,230	37.9	1,339,412	19.9	1,353,536	19.7	14,124	1,339,412	35	3349	670	45	702	-27.4	-4.8	MRIP
2006	7,592	40.1	24,221	65.7	1,420,564	11.6	1,452,377	11.4	31,813	1,420,564	80	3551	710	94	768	-18.2	-8.1	MRIP
2007	2,134	44.2	32,352	67.3	1,557,079	12.7	1,591,565	12.5	34,486	1,557,079	86	3893	779	84	860	2.6	-10.5	MRIP
2008	10,930	35.3	34,701	38	1,078,307	12.6	1,123,938	12.2	45,631	1,078,307	114	2696	539	214	623	-87.6	-15.6	MRIP
2009	6,155	40.3	10,929	31.9	1,031,866	13	1,048,951	12.8	17,084	1,031,866	43	2580	516	34	574	20.4	-11.3	MRIP
2010	2,270	34.4	4,158	60.3	790,412	20.7	796,840	20.6	6,428	790,412	16	1976	395	21	386	-30.7	2.3	MRIP
2011	5,742	42.6	7,063	48.6	924,891	14.8	937,696	14.6	12,805	924,891	32	2312	462	NA	NA	NA	NA	MRIP
2012	3,413	65.7	4,103	63.6	549,820	18	557,336	17.7	7,516	549,820	19	1375	275	NA	NA	NA	NA	MRIP
2013	7,381	48.1	7,294	56.9	1,061,125	11.9	1,075,800	11.8	14,675	1,061,125	37	2653	531	NA	NA	NA	NA	MRIP

Table 3. Estimated total discards of spiny dogfish (mt) from commercial and recreational US fisheries, 1981-2013. The values for otter trawl and gill net from 1981-1989 are hindcast estimates (see SARC 43)

Year	Total Discards						Assumed Discard Mortality Rate					Total Dead
	Otter Trawl	Sink Gill Net	Scallop Dredge	Line gear	Recreational	Total	0.50	0.30	0.75	0.10	0.20	
							Dead Discards					
						Otter Trawl	Sink Gill Net	Scallop Dredge	Line gear	Recreational		
1981	36,360	5,360	na	na	296	42,016	18,180	1,608	na	na	59	19,847
1982	42,910	4,454	na	na	349	47,713	21,455	1,336	na	na	70	22,861
1983	42,188	4,042	na	na	540	46,770	21,094	1,213	na	na	108	22,415
1984	39,625	4,918	na	na	424	44,967	19,813	1,475	na	na	85	21,373
1985	33,354	4,539	na	na	964	38,857	16,677	1,362	na	na	193	18,232
1986	31,745	4,883	na	na	1,187	37,815	15,873	1,465	na	na	237	17,575
1987	29,050	4,864	na	na	1,056	34,970	14,525	1,459	na	na	211	16,195
1988	28,951	5,132	na	na	876	34,959	14,476	1,540	na	na	175	16,190
1989	28,286	5,360	na	na	1,344	34,990	14,143	1,608	na	na	269	16,020
1990	34,242	6,062	na	na	1,170	41,474	17,121	1,819	na	na	234	19,174
1991	19,322	11,030	32	97	1,350	31,831	9,661	3,309	24	10	270	13,274
1992	32,617	5,953	827	650	1,019	41,066	16,309	1,786	620	65	204	18,983
1993	17,284	9,814	209	44	1,110	28,461	8,642	2,944	157	4	222	11,969
1994	13,908	2,887	723	na	968	18,486	6,954	866	542	na	194	8,556
1995	16,997	6,731	378	na	654	24,760	8,499	2,019	284	na	131	10,932
1996	9,402	3,890	121	na	329	13,742	4,701	1,167	91	na	66	6,025
1997	6,704	2,326	198	na	837	10,065	3,352	698	149	na	167	4,366
1998	5,268	1,965	120	na	610	7,963	2,634	590	90	na	122	3,435
1999	7,685	2,005	41	na	532	10,263	3,843	602	31	na	106	4,581
2000	2,728	4,684	14	na	685	8,111	1,364	1,405	11	na	137	2,917
2001	4,919	7,204	30	na	2,099	14,252	2,460	2,161	23	na	420	5,063
2002	5,540	4,997	58	4,015	1,673	16,283	2,770	1,499	44	402	335	5,049
2003	3,853	5,413	103	2	2,987	12,358	1,927	1,624	77	0	597	4,225
2004	8,299	4,031	53	497	3,490	16,370	4,150	1,209	40	50	698	6,146
2005	7,515	3,338	15	1,175	3,509	15,552	3,758	1,001	11	118	702	5,589
2006	7,773	3,369	14	131	3,840	15,126	3,886	1,011	10	13	768	5,688
2007	8,115	5,133	61	73	4,300	17,681	4,058	1,540	45	7	860	6,510
2008	5,604	4,864	237	260	3,115	14,080	2,802	1,459	178	26	623	5,088
2009	7,010	4,874	364	835	2,869	15,952	3,505	1,462	273	84	574	5,897
2010	5,564	2,385	196	509	1,930	10,584	2,782	716	147	51	386	4,081
2011	6,540	2,831	226	356	2,312	12,264	3,270	849	170	36	462	4,787
2012	6,687	2,959	432	172	1,375	11,626	3,344	888	324	17	275	4,848
2013	6,897	3,107	127	37	2,653	12,820	3,448	932	95	4	531	5,010

Table 4. Total landings, discards and total catch for spiny dogfish, 1989-2013.

Year	Total Discard	Total Dead Discards (mt)	Total Landings (mt)	Dead Disc/Landings	Total Discard / Landings	Total Catch (mt)
1989	34,990	16,020	5,333	3.00	6.56	21,353
1990	41,474	19,174	16,611	1.15	2.50	35,785
1991	31,831	13,274	13,848	0.96	2.30	27,122
1992	41,066	18,983	18,008	1.05	2.28	36,991
1993	28,461	11,969	22,225	0.54	1.28	34,194
1994	18,486	8,556	20,774	0.41	0.89	29,330
1995	24,760	10,932	23,615	0.46	1.05	34,547
1996	13,742	6,025	27,827	0.22	0.49	33,852
1997	10,065	4,366	19,078	0.23	0.53	23,443
1998	7,963	3,435	22,329	0.15	0.36	25,764
1999	10,263	4,581	17,552	0.26	0.58	22,134
2000	8,111	2,917	12,405	0.24	0.65	15,321
2001	14,252	5,063	6,819	0.74	2.09	11,882
2002	16,283	5,049	6,462	0.78	2.52	11,510
2003	12,358	4,225	3,155	1.34	3.92	7,380
2004	16,370	6,146	3,778	1.63	4.33	9,925
2005	15,552	5,589	3,792	1.47	4.10	9,382
2006	15,126	5,688	4,792	1.19	3.16	10,480
2007	17,681	6,510	6,002	1.08	2.95	12,512
2008	14,080	5,088	6,025	0.84	2.34	11,113
2009	15,952	5,897	5,606	1.05	2.85	11,503
2010	10,584	4,081	5,594	0.73	1.89	9,675
2011	12,264	4,787	9,779	0.49	1.25	14,566
2012	11,626	4,848	10,881	0.45	1.07	15,729
2013	12,820	5,010	7,410	0.68	1.73	12,420

Table 5. Summary of estimated landings of US, Canadian and foreign fisheries by sex, 1982-2013. US recreational landings included. Estimated total weights based on sum of estimated weights from sampled length frequency distributions from port samples. Estimated weights computed for female as  $W = \exp(-15.025)^L \wedge 3.606935$  and males as  $W = \exp(-13.002) * L \wedge 3.097787$  with weight in kg and length in cm. "Samples" = number of measured dogfish.

Year	NMFS Biological Samples from Ports							Prorated Landings by Sex					
	Total Samples Males	Est Total Wt (kg) Males	Average Wt (kg) Males	Total Samples Females	Est Total Wt (kg) Females	Average Wt (kg) Females	Fraction Females by Weight	Total Landings (mt)	Est Landings (mt) of Males	Est Landings (mt) of Females	Number of Males Landed (000)	Number of Females Landed (000)	Total Numbers Landed (000)
1982	24	52.0	2.167	680	3015.7	4.435	0.9830	6234	106	6128	49	1382	1431
1983				610	2513.9	4.121	1.0000	5428	0	5428		1317	1317
1984	9	15.8	1.760	1499	6626.0	4.420	0.9976	4935	12	4923	7	1114	1120
1985	21	35.2	1.678	1657	6799.2	4.103	0.9948	5142	27	5116	16	1247	1263
1986	64	104.1	1.626	1165	4669.0	4.008	0.9782	3318	72	3246	44	810	854
1987	31	52.7	1.700	2000	7550.1	3.775	0.9931	3429	24	3406	14	902	916
1988	7	14.8	2.114	1764	7560.7	4.286	0.9980	4112	8	4104	4	957	961
1989	35	67.5	1.927	1375	5528.0	4.020	0.9879	5333	64	5269	33	1311	1344
1990	19	33.7	1.772	2230	8916.6	3.998	0.9962	16611	63	16549	35	4139	4174
1991	161	379.2	2.356	1518	5923.9	3.902	0.9398	13848	833	13015	354	3335	3689
1992	12	22.3	1.861	3187	12180.6	3.822	0.9982	18008	33	17975	18	4703	4721
1993	42	78.4	1.866	2773	9927.5	3.580	0.9922	22225	174	22051	93	6159	6253
1994	47	86.6	1.843	2092	6639.9	3.174	0.9871	20774	267	20507	145	6461	6606
1995	25	38.9	1.555	2266	6676.6	2.946	0.9942	23615	137	23479	88	7969	8056
1996	569	886.7	1.558	1662	4397.6	2.646	0.8322	27827	4669	23158	2996	8752	11749
1997	303	449.1	1.482	382	780.9	2.044	0.6349	19078	6966	12112	4700	5925	10625
1998	68	85.4	1.257	683	1434.5	2.100	0.9438	22329	1255	21073	999	10034	11033
1999	93	130.3	1.401	311	625.5	2.011	0.8276	17552	3026	14527	2160	7223	9382
2000	345	473.1	1.371	1921	3921.2	2.041	0.8923	12405	1335	11069	974	5423	6397
2001	12	17.1	1.422	215	456.5	2.123	0.9640	6819	246	6573	173	3096	3269
2002	1	1.3	1.279	278	752.5	2.707	0.9983	6462	11	6451	9	2383	2392
2003	34	48.3	1.421	966	2338.4	2.421	0.9798	3155	64	3091	45	1277	1322
2004	15	23.9	1.593	1180	3296.9	2.794	0.9928	3778	27	3751	17	1343	1360
2005	745	1018.7	1.367	2065	5196.0	2.516	0.8361	3792	622	3171	455	1260	1715
2006	646	924.4	1.431	4211	10382.9	2.466	0.9182	4792	392	4400	274	1785	2058
2007	507	720.7	1.421	2865	7514.8	2.623	0.9125	6002	525	5477	370	2088	2458
2008	236	342.0	1.449	2925	7973.8	2.726	0.9589	6025	248	5777	171	2119	2290
2009	472	696.6	1.476	3378	9161.6	2.712	0.9293	5606	396	5210	268	1921	2189
2010	821	1213.4	1.478	4963	14217.4	2.865	0.9214	5594	440	5154	298	1799	2097
2011	868	1109.9	1.279	4800	12786.8	2.664	0.9201	9779	781	8998	611	3378	3989
2012	213	371.8	1.746	3763	10727.9	2.851	0.9665	10881	365	10516	209	3689	3898
2013	450	736.7	1.637	5441	16258.3	2.988	0.9567	7410	321	7089	196	2372	2569
formula	A	B	C=B/A	D	E	F=E/D	G=E/(E+B)	H	I=(1-G)*H	J=G*H	K=I/C	L=J/F	M=K+L

Table 6. Summary of estimated discards of combined US fleets by sex, 1991-2013. Estimated total weights based on summation of estimated weights from sampled length frequency distributions. Estimated weights computed from length-weight regressions. Female  $W = \exp(-15.025)L^{3.606935}$ . Male  $W = \exp(-13.002)L^{3.097787}$  with weight in kg and length in cm. "Samples" = number of measured dogfish that were discarded. 2010 estimates based on fishing year rather than calendar year.

Year	NMFS Biological Samples of Discards from Observers							Total Dead Discards (mt)	Prorated Discards by Sex				
	Total Samples Males	Est Total Wt (kg) Males	Average Wt (kg) Males	Total Samples Females	Est Total Wt (kg) Females	Average Wt (kg) Females	Fraction Females by Weight		Est Discards (mt) of Males	Est Discards (mt) of Females	Number of Males Discarded (000)	Number of Females Discarded (000)	Total Numbers Discarded (000)
1991	376	463	1.231	894	2350	2.628	0.8355	13274	2184	11090	1775	4219	5994
1992	449	504	1.123	632	1090	1.724	0.6836	18983	6007	12976	5347	7526	12873
1993	57	62	1.087	130	414	3.184	0.8697	11969	1559	10410	1434	3270	4704
1994	207	207	1.001	747	1397	1.870	0.8708	8556	1105	7451	1104	3985	5090
1995	2191	2342	1.069	2384	3064	1.285	0.5668	10932	4735	6197	4431	4821	9251
1996	1643	1833	1.115	1370	2013	1.469	0.5234	6025	2871	3153	2574	2147	4721
1997	1359	1391	1.024	1427	2070	1.451	0.5980	4366	1755	2611	1714	1800	3514
1998	1289	1320	1.024	1463	1939	1.326	0.5951	3435	1391	2044	1359	1542	2901
1999	447	440	0.984	870	1808	2.078	0.8044	4581	896	3685	911	1773	2684
2000	423	568	1.343	1498	3207	2.141	0.8495	2917	439	2478	327	1157	1484
2001	650	842	1.295	2987	7377	2.470	0.8976	5063	518	4545	400	1840	2241
2002	1293	1819	1.407	5880	13899	2.364	0.8843	5049	584	4464	415	1889	2304
2003	4711	5367	1.139	12826	27210	2.121	0.8353	4225	696	3529	611	1664	2275
2004	10878	14480	1.331	28583	64771	2.266	0.8173	6146	1123	5023	844	2217	3060
2005	7470	9450	1.265	13024	28593	2.195	0.7516	5589	1388	4201	1098	1914	3011
2006	4512	5449	1.208	7041	14559	2.068	0.7277	5688	1549	4139	1283	2002	3284
2007	3955	5183	1.310	9830	24621	2.505	0.8261	6510	1132	5378	864	2147	3011
2008	3096	3969	1.282	6140	14857	2.420	0.7892	5088	1073	4015	837	1659	2496
2009	1719	2088	1.215	3083	6849	2.221	0.7664	5897	1378	4519	1134	2034	3169
2010	1634	2190	1.340	2086	4994	2.394	0.6952	4081	1244	2837	928	1185	2113
2011	2286	2920	1.278	2428	5864	2.415	0.6675	4787	1591	3196	1246	1323	2569
2012	734	1010	1.376	1384	3302	2.386	0.766	4848	1136	3712	825	1556	2381
2013	448	381	0.850	701	1210	1.725	0.761	5010	1200	3810	1411	2208	3620
formula	A	B	$C=B/A$	D	E	$F=E/D$	$G=E/(E+B)$	H	$I=(1-G)*H$	$J=G*H$	$K=I/C$	$L=J/F$	$M=K+L$

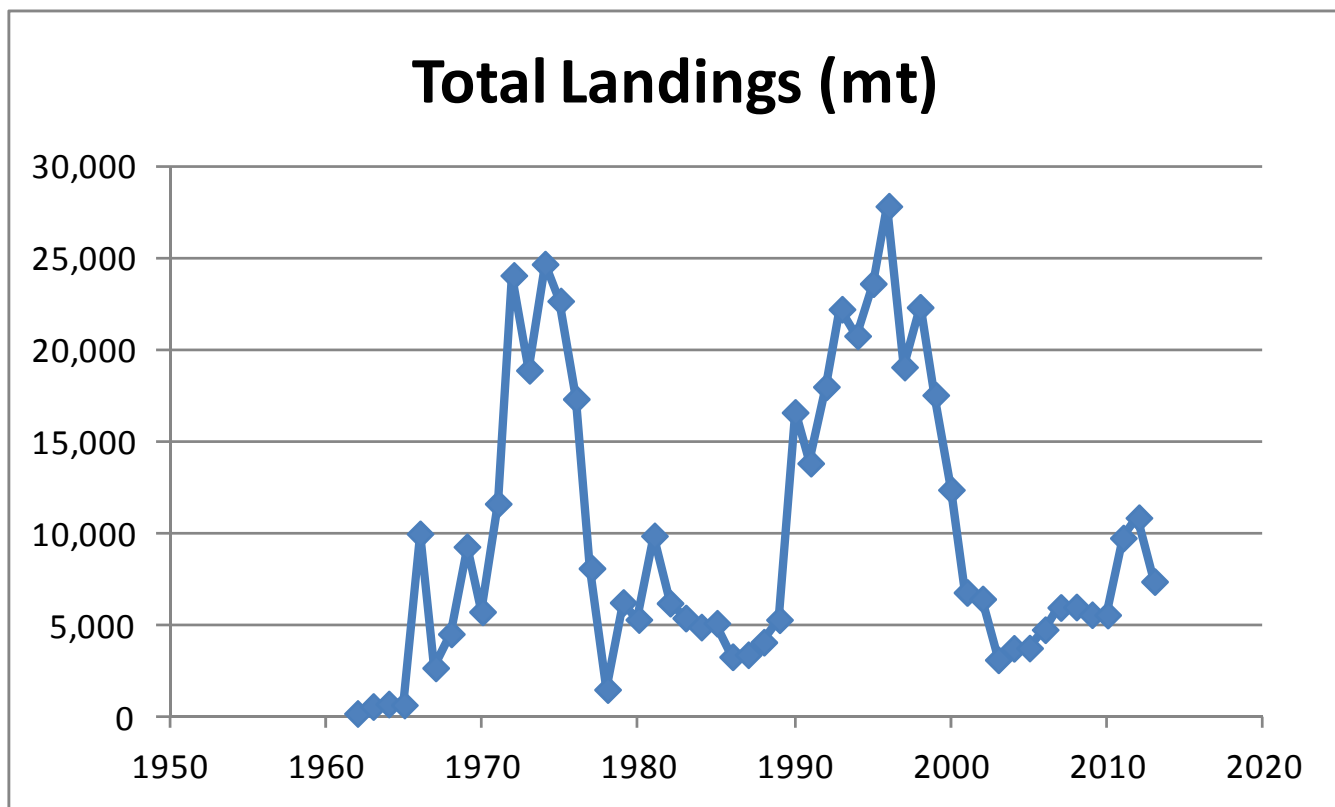


Figure 1. Estimated total landings (mt, live) of spiny dogfish in NAFO Areas 2 to 6, 1962-2013.

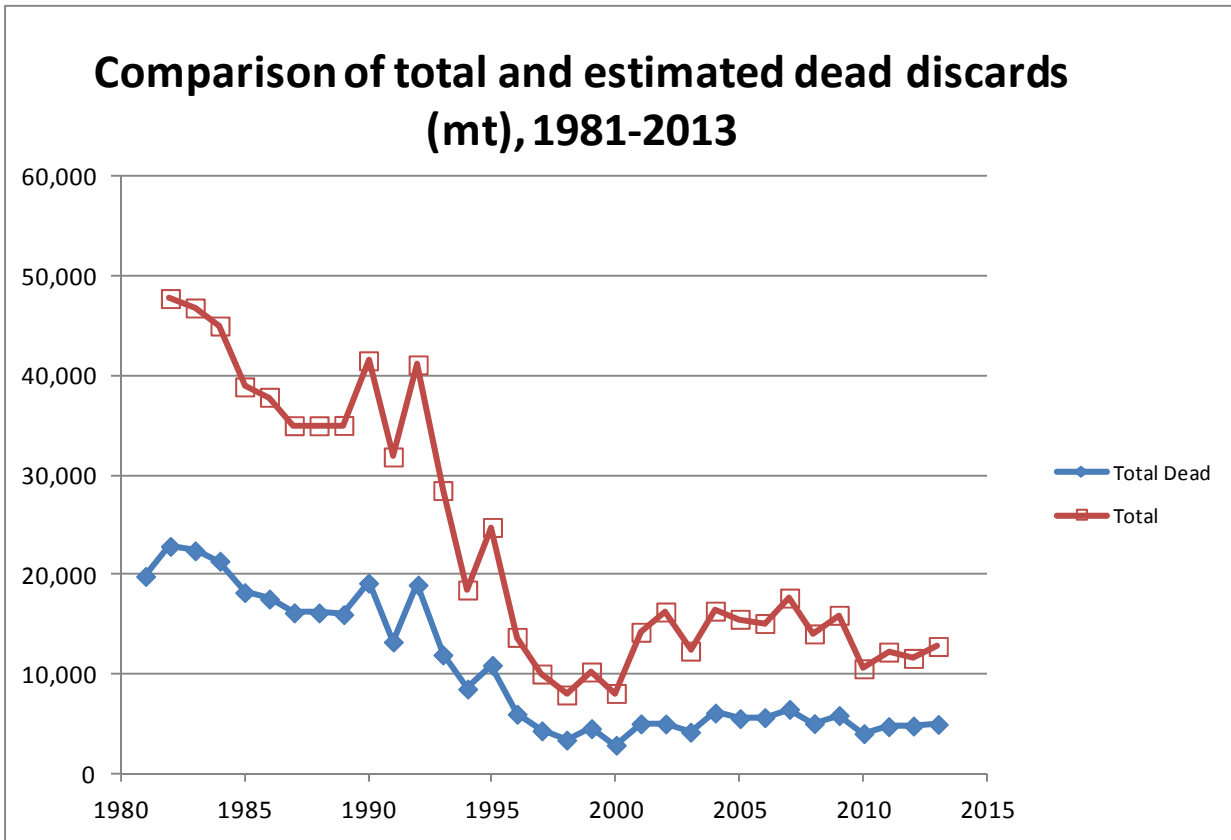


Figure 2. Estimated total and total dead discards in US, 1981-2013. Estimates for 1981 to 1989 are hindcast estimates rather than direct observations.

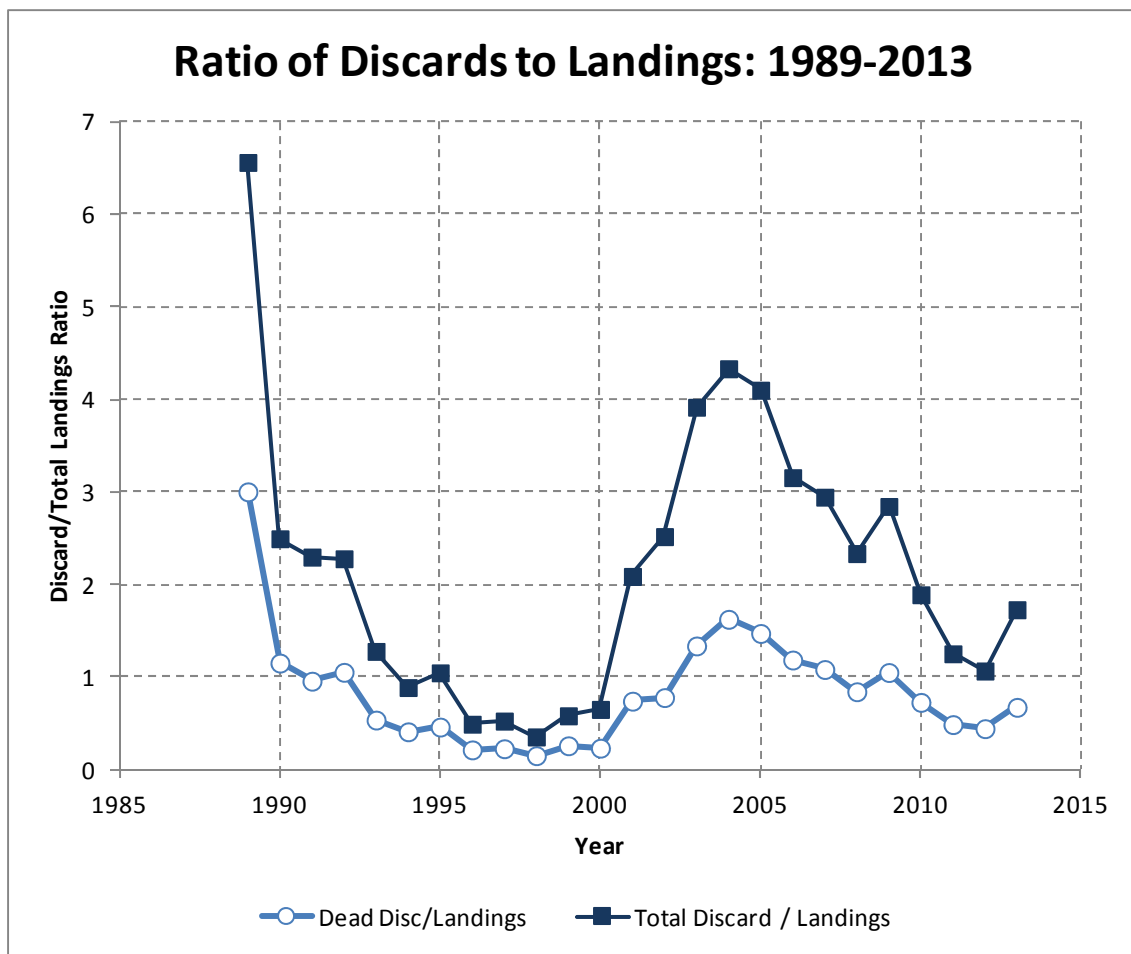


Figure 3. Trends in the ratio of total discards to landings and total dead discards to landings for spiny dogfish, 1989-2013.



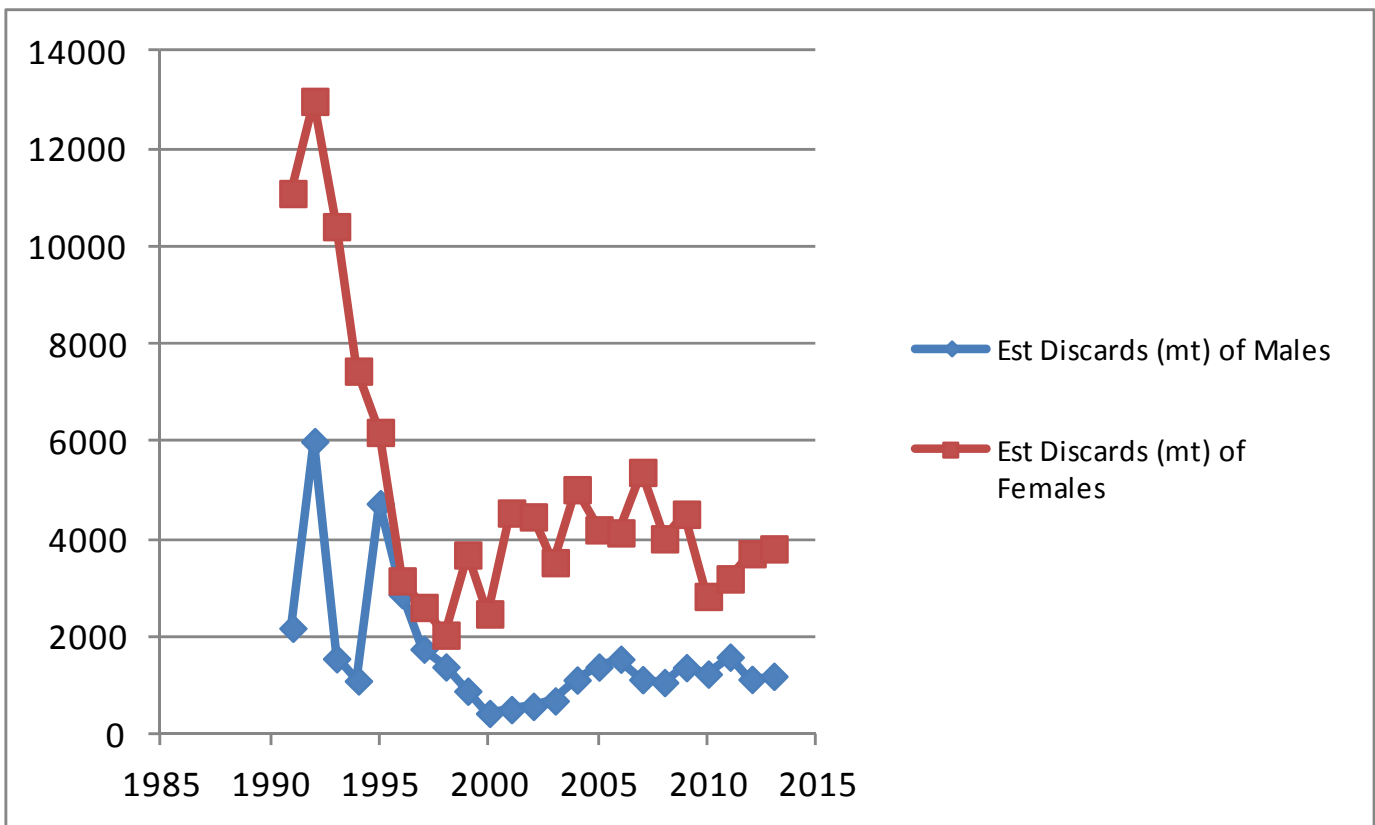
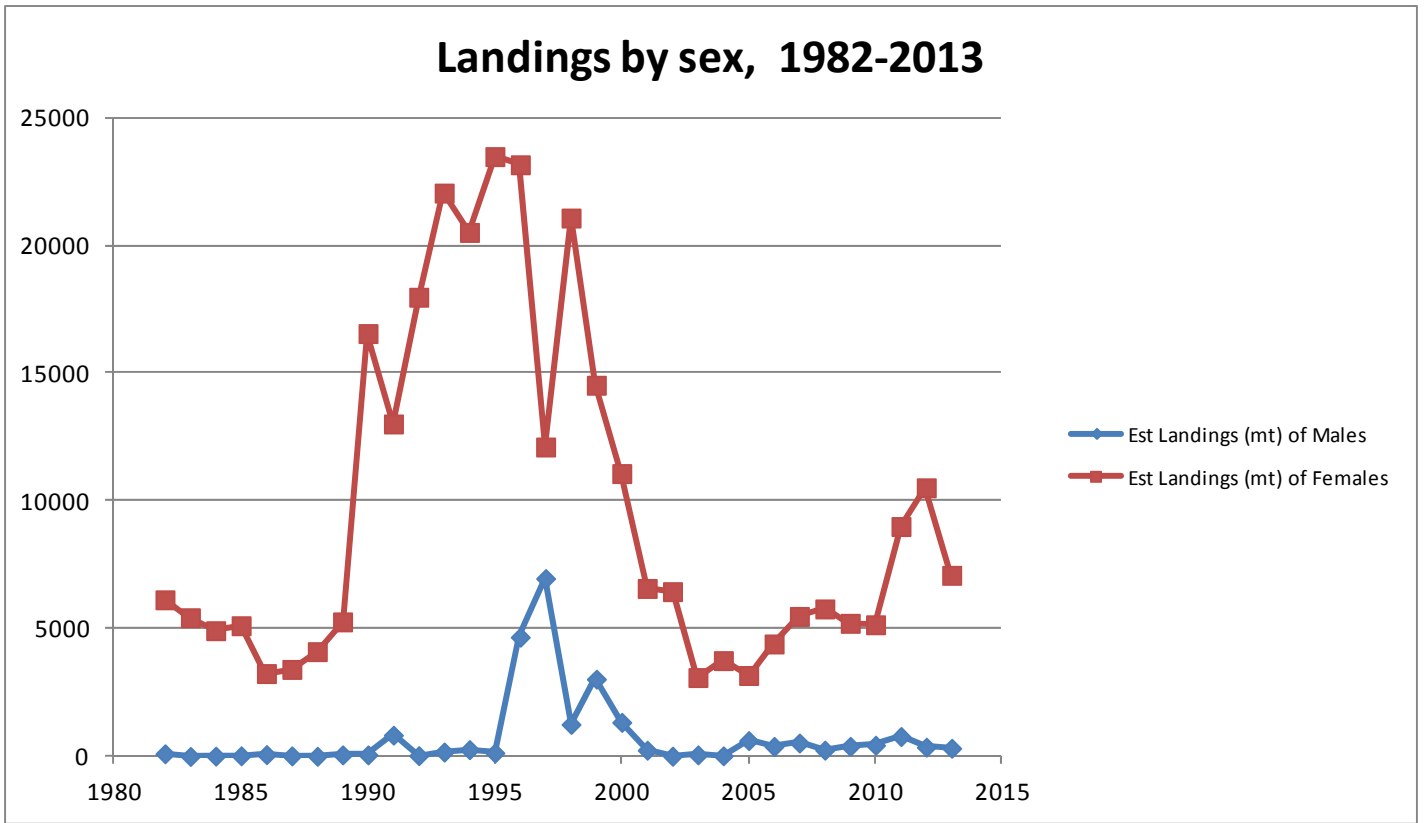


Figure 4. Estimated total landings(top) and total dead discards (bottom) in mt by sex, 1991-2013.

Appendix 1. Summary of total dead discards and standard errors for trawl, gill net and recreational discards for spiny dogfish by sex for 1990 to 2013.

Year	Trawl Discards (mt)				Gill Net Discards (mt)				Recreational Discards (mt)				Landings (mt)	
	Male		Female		Male		Female		Male		Female		Males	Females.
	Total	SE	Total	SE	Total	SE	Total	SE	Total	SE	Total	SE		
1990	7636.0	1918.55	9485.0	2382.9	256.0	65.12	1563.00	397.55	58.1	8.478	354.5	51.757	61.9	16378.1
1991	4309.0	843.49	5352.0	1047.6	466.0	54.53	2843.00	332.91	56.4	7.616	344.4	46.493	824.4	12878.6
1992	7274.0	1971.88	9034.0	2449.1	251.0	24.09	1535.00	147.10	58.9	6.242	359.5	38.108	32.5	17721.5
1993	3855.0	993.13	4788.0	1233.5	414.0	78.23	2530.00	477.57	48.1	7.456	293.7	45.516	173.0	21908.0
1994	3102.0	786.56	3852.0	976.9	122.0	36.74	744.00	224.31	49.0	7.444	299.0	45.445	266.3	20354.7
1995	2275.0	444.94	6224.0	1217.3	957.0	314.93	1062.00	349.68	90.0	10.356	100.0	11.498	137.0	23536.0
1996	1683.0	465.96	3018.0	835.9	599.0	181.61	568.00	172.39	53.4	6.839	50.7	6.492	4679.8	23213.2
1997	1716.0	566.41	1637.0	540.4	220.0	54.14	478.00	117.73	67.3	8.215	146.4	17.863	6941.6	12070.4
1998	1077.0	363.50	1558.0	525.9	239.0	69.66	351.00	102.48	65.1	8.593	95.8	12.642	1254.4	21059.6
1999	982.0	340.73	2860.0	992.3	117.0	31.19	485.00	129.44	30.9	3.586	128.3	14.884	3082.3	14798.7
2000	644.0	156.37	720.0	174.7	149.0	43.50	1256.00	367.38	13.3	2.191	112.1	18.503	543.8	11792.2
2001	428.0	68.78	2031.0	326.2	185.0	55.76	1977.00	596.91	38.1	3.464	407.5	37.079	242.3	6483.7
2002	533.0	168.91	2237.0	708.6	107.0	23.23	1392.00	301.06	40.5	4.291	524.5	55.601	114.7	5954.3
2003	524.0	101.64	1402.0	272.0	172.0	22.41	1452.00	189.62	67.3	5.455	569.8	46.150	63.1	3053.9
2004	1261.0	201.44	2888.0	461.3	127.0	11.85	1083.00	101.38	81.9	7.374	700.7	63.064	26.3	3623.7
2005	994.5	111.79	2762.9	310.6	192.6	24.29	808.89	102.03	125.4	15.053	526.9	63.229	488.4	2491.6
2006	790.8	88.89	2123.0	238.6	244.2	29.30	655.59	78.67	177.0	21.246	475.3	57.036	385.6	4330.3
2007	704.2	84.51	3353.0	376.9	290.5	34.86	1383.29	166.00	155.9	18.705	742.1	89.055	512.5	5339.9
2008	589.8	97.20	2212.2	364.6	307.1	55.13	1152.02	206.79	131.1	12.510	491.8	46.919	242.0	5652.1
2009	883.0	90.36	2895.0	296.4	361.0	52.52	1185.00	172.28	134.0	16.490	439.7	54.100	396.0	5201.0
2010	893.0	70.86	2036.0	161.6	234.0	23.19	533.00	52.89	118.0	13.130	268.7	29.950	440.0	5154.0
2011	1143.0	110.49	2296.0	222.0	294.0	15.27	591.00	30.67	154.0	22.440	309.0	45.070	781.0	8998.0
2012	859.0	77.80	2808.0	254.3	212.0	13.35	693.00	43.64	64.0	11.400	210.0	37.260	364.0	10516.5
2013	825.9	59.2	2622.1	188.0	223.2	21.9	708.8	69.5	127.2	15.1	403.8	48.1	321.0	7089.0



**Draft for Public comment.**

*Atlantic States Marine Fisheries Commission*

**DRAFT ADDENDUM V TO THE INTERSTATE FISHERY  
MANAGEMENT PLAN FOR SPINY DOGFISH**



*Vision: Sustainably Managing Atlantic Coast Fisheries*

**August 2014**

**Draft for Public comment.**

# Draft for Public comment.

## Public Comment Process and Proposed Timeline

In May 2014, the Atlantic States Marine Fisheries Commission's (ASMFC) Spiny Dogfish Management Board (Board) approved a motion to initiate the development of an addendum to the Interstate Fishery Management Plan (FMP) for Spiny Dogfish to consider changes to the FMP to maintain consistency with the Shark Conservation Act of 2010.

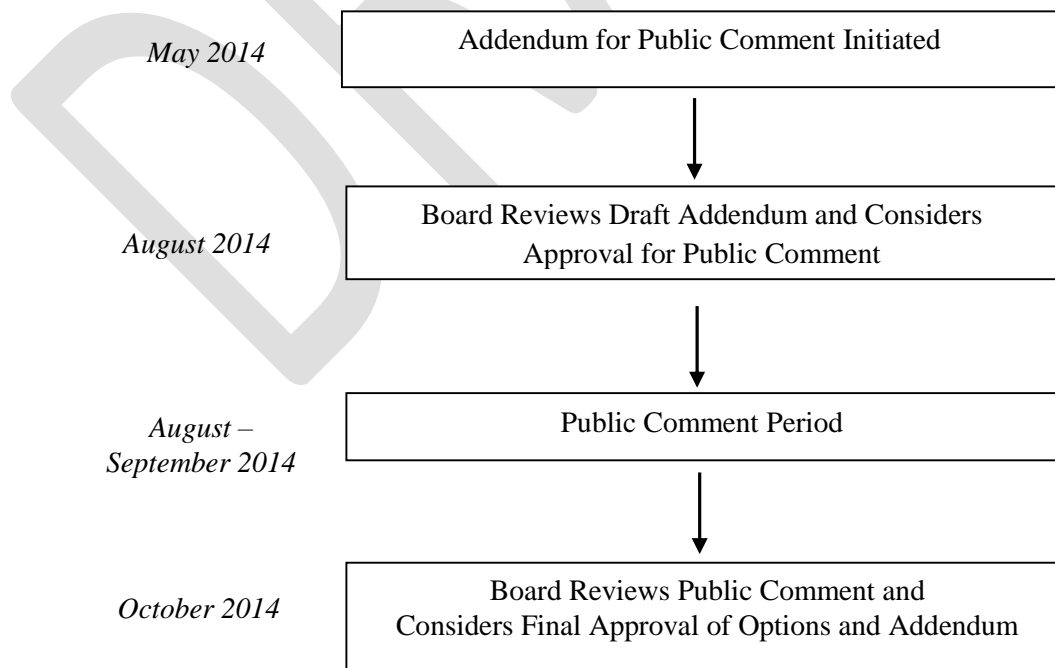
This draft addendum presents background on ASMFC's management of spiny dogfish, the addendum process and timeline, and a statement of the problem. This document also provides options of spiny dogfish management for public consideration and comment.

The public is encouraged to submit comments regarding this addendum during the public comment period. Comments will be accepted until **5:00 pm (EST) on September 30, 2014**. The Board will be considering final action on this addendum during the week of October 27, 2014 at the ASMFC Annual Meeting.

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

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

Email: [comments@asmfc.org](mailto:comments@asmfc.org)  
(Subject: Spiny Dogfish Draft Addendum V)  
Phone: (703) 842-0740  
Fax: (703) 842-0741



# Draft for Public comment.

## 1.0 Introduction

Spiny dogfish are a highly migratory species of shark found in both federal and state waters. State waters extend from 0-3 miles offshore of the United States, while federal waters are 3-200 miles offshore. State and federal waters are managed through different processes.

Spiny dogfish are managed jointly in federal waters by the Mid-Atlantic Fishery Management Council (MAFMC) and the New England Fishery Management Council (NEFMC). These two councils make recommendations on management to the National Oceanographic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries). NOAA Fisheries is then responsible for implementing management based on the input from the two councils. NOAA Fisheries is also subject to the laws of the United States that govern fisheries and fisheries management. The Magnuson-Stevens Fishery Conservation and Management Act (MSA) is the federal law which governs management of federal fisheries. NOAA Fisheries must also abide by other laws that may influence fisheries management (Marine Mammal Protection Act, Endangered Species Act, etc.).

The Atlantic States Marine Fisheries Commission (Commission) is responsible for management of spiny dogfish in state waters (0- 3 miles offshore). The Commission is a collaborative entity of the Atlantic coast states from Maine to Florida and is governed by the Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA). Each state has three commissioners that sit on the various species boards; a legislative commissioner, a governor's appointee and the director of the fisheries agency in the respective state. Any states that is included in a Commission fishery management plan must comply with certain provisions contained in that plan. Spiny dogfish are currently managed under the Interstate Fishery Management Plan for Spiny Dogfish (2002) and Addenda I – IV.

At its May 2014 meeting, the Commission's Spiny Dogfish Management Board (Board) approved the following motion:

*Move to initiate addendum to prohibit processing at sea of spiny dogfish and maintain consistency between the Spiny Dogfish FMP and Shark Conservation Act.*

As a result, Draft Addendum V proposes changes to modify the Spiny Dogfish Fishery Management Plan to maintain consistency with the Shark Conservation Act of 2010.

## 2.0 Management Program

### 2.1 Statement of the Problem

The Shark Conservation Act of 2010 (SCA) passed both the United States House and Senate in December 2010, and was signed into law by President Barack Obama in January 2011. The SCA requires that all sharks, including spiny dogfish, be brought to shore with their fins naturally attached, with one exemption for the smoothhound shark complex. The Spiny Dogfish FMP allows processing-at-sea of spiny dogfish, so long as the fin-to-carcass ratio on board the vessel is not greater than 5-to-95. An objective of the FMP is to promote complementary management of species in state and federal waters, so the Board is considering actions to maintain consistency with the Shark Conservation Act of 2010.

# Draft for Public comment.

## 2.2 Background

### *Federal Management*

The Shark Finning Prohibition Act (SFPA) was signed into law by President Bill Clinton in December 2000. Finning is defined as taking a shark, removing a fin or fins (whether or not including the tail), and returning the remainder of the shark to the sea. It is considered a wasteful practice because most of the shark is not utilized. The SFPA prohibited finning of sharks in the United States and required any fishing vessel to retain the corresponding carcasses of the shark fins on board, not to exceed a fin-to-carcass ratio of 5-to-95. The SFPA contained several loopholes that were brought forward during various court cases. The SCA was initiated to close those loopholes by requiring all sharks be landed with fins naturally attached to the carcass.

Once the SCA was signed into law, it amended the MSA. Consequent to the SCA becoming law, NOAA Fisheries published a proposed rule to implement the Act in May of 2013. The proposed rule prohibits any person from removing shark fins at sea, possessing shark fins on board a fishing vessel unless they are naturally attached, transferring or receiving shark fins from one vessel to another at sea unless the fins are naturally attached, landing shark fins unless they are naturally attached, landing sharks without their fins naturally attached, or possessing, purchasing, or selling shark fins or shark carcasses taken, transferred, landed, or possessed in violation of the regulations. The public comment period for the proposed rule closed on July 31, 2013, and NOAA Fisheries has not published a final rule as of the writing of this document.

### *State Management*

*Section 4.1.7 Prohibition of Finning* of the original ISFMP prohibits finning of spiny dogfish in state waters. The section also allows vessels to remove fins at-sea, so long as the carcass is retained. Vessels that remove the fins must land fins in proportion to the carcasses, with a maximum fin-to-carcass ratio of 5-to-95 (5%), by weight, consistent with the Shark Finning Prohibition Act of 2000. However, this current prohibition is now inconsistent with federal regulations under the SCA.

Several states already require landing all species of sharks with fins-naturally-attached. Those states are as follows: Maine, New Hampshire, New York, New Jersey, Delaware and Virginia. These states would not need to take action should Draft Addendum V move forward since they are in compliance with the Shark Conservation Act.

## 3.0 Management Options

### 3.1 Consider Fins-Naturally-Attached Policy

This section proposes alternatives to maintain consistency between the Shark Conservation Act of 2010 and the Interstate Fishery Management Plan for Spiny Dogfish.

#### Option A: Status Quo.

Fins of spiny dogfish may be removed at sea. If fins are removed, the corresponding carcasses must be retained. The ratio of the wet weight of fins to dressed weight of carcasses on board the vessel cannot exceed 5-to-95.

#### Option B: Fins-Naturally-Attached

## **Draft for Public comment.**

Removing any fin of spiny dogfish at sea is prohibited (including the tail). All spiny dogfish must be landed with fins-naturally-attached to the corresponding carcass. Gutting and processing fish at-sea is permitted, so long as the fins remain attached by a portion of uncut skin.

### **4.0 Compliance Schedule**

If approved, states must implement Addendum V according to the following schedule to be in compliance with the Spiny Dogfish ISFMP:

XXXXXX: States submit proposals to meet requirements of Addendum V.

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

XXXXXX: States implement regulations.

DRAFT



**Buzzard's Bay, Massachusetts**

**September 2, 2014**

**1 attendee; 1 submitted public comments**

Meeting participants: John Whiteside (General Counsel, Sustainable Fisheries Association)

**Section 3.1 Fins-Naturally-Attached**

The meeting participant expressed support for Option B, fins-naturally-attached policy. The measures are not expected to adversely impact the spiny dogfish fishery on the East Coast of the United States.

September 30, 2014

Marin Hawk  
FMP Coordinator  
Atlantic States Marine Fisheries Commission  
1050 N. Highland Street  
Suite 200 A-N  
Arlington, VA 22201



Dear Ms. Hawk:

Our organizations appreciate this opportunity to submit comments on the Atlantic State Marine Fisheries Commission (ASMFC) Draft Addendum V to the Interstate Fishery Management Plan for Spiny Dogfish Sharks, regarding measures to prevent shark finning (slicing off a shark's fins and discarding the body at sea).

We are greatly concerned that several Atlantic states have maintained a 5% fin to carcass ratio as the method for enforcing the ban on finning spiny dogfish, despite Shark Conservation Act (SCA) and National Marine Fisheries Service (NMFS) regulations mandating that spiny dogfish and almost all other species of sharks be landed with their fins still naturally attached.

Shark finning, driven by high Asian market demand for shark fins, is associated with unacceptably high levels of waste and mortality. Most conservationists and scientists worldwide recommend the "fins naturally attached" method as the most reliable means for enforcing finning bans. As detailed in a 2010 report<sup>1</sup> from the International Union for Conservation of Nature (IUCN) Shark Specialist Group and the European Elasmobranch Association, under such a policy:

- Enforcement burden is greatly reduced;
- Information on species and quantities of sharks landed is vastly improved;
- "High-grading" (mixing bodies and fins from different animals) is impossible; and
- Value of the finished product can be increased.

The study concluded that:

- Prohibiting the removal of fins on-board vessels is the "*only fail-safe, most reliable, least expensive means to prevent finning and measure compliance.*"

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<sup>1</sup> Fowler, S. and Séret, B. 2010. *Shark fins in Europe: Implications for reforming the EU finning ban*. European Elasmobranch Association and IUCN Shark Specialist Group.

This topic has been addressed in several peer-reviewed technical studies in recent years. Notably, in April 2012, the *Journal of Fish Biology* published a special issue on “The Current Status of Elasmobranchs: Biology, Fisheries and Conservation” that includes a University of British Columbia Fisheries Centre global review of species-specific fin-to-body weight ratios and relevant legislation<sup>2</sup>. Authors report that:

- A 5% ratio provides “*an opportunity for fishers to harvest extra fins from more sharks without retaining all of the corresponding shark carcasses*” and presents a “*dangerous loophole*” in finning regulations;
- Species and/or fleet-specific ratios are not a practical solution due to difficulties associated with high-grading and accurate species identification;
- Requiring that all sharks be landed with fins attached is the best way to close finning loopholes, and makes it “*easier for trained observers at landing sites to record the number, mass and species of sharks landed, making data collection and monitoring more straightforward and accurate.*”

The above-mentioned analyses back up the ultimate conclusion of a 2006 assessment of fin-to-carcass ratios<sup>3</sup> produced by NMFS scientists for the International Commission for the Conservation of Atlantic Tunas (ICCAT):

- “*The only guaranteed method to avoid shark finning is to land sharks with all fins attached.*”

Spiny dogfish fins, while not preferred, do have value for use in shark fin soup, and do enter international trade in substantial quantities. While there is little incentive for widespread finning of dogfish, we assert that consistent use of best practices across jurisdictions is vital to ensuring proper enforcement and safeguarding all shark species from finning.

This type of advice and the numerous practical advantages associated with fins-attached rules led to the adoption of this policy for most US-managed shark species, and for all sharks landed in Central America, much of South America, Sri Lanka, India, United Arab Emirates, and the European Union.

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<sup>2</sup> Biery, L. and Pauly, D. (2012). A global review of species-specific shark fin to body weight ratios and relevant legislation. *Journal of Fish Biology*. DOI: 10.1111/j.1095-8649.2011.03215.x

<sup>3</sup> Cortes, E. and Neer, J. A. (2006). Preliminary reassessment of the validity of the 5% fin to carcass weight ratio for sharks. *ICCAT Collective Volume of Scientific Papers* 59, 1025–1036.

Ms. Marin Hawk  
September 30, 2014  
Page 3

The US has been a leader in demonstrating the benefits of fins-naturally-attached policies and has proposed their adoption by other key shark fishing nations and Regional Fishery Management Organizations, including ICCAT and the Northwest Atlantic Fisheries Organization (NAFO). Weak finning bans in state waters jeopardize our nation's reputation and goals as an international shark conservation champion.

**Accordingly, we strongly urge the ASMFC to adopt Draft Addendum Option B to ensure that at-sea removal of spiny dogfish fins is prohibited (i.e., to mandate that any remaining Atlantic state fin-to-carcass ratio limits are replaced with requirements that spiny dogfish be landed with fins naturally attached).**

Recalling the Commissioners' desire to ensure consistency between state and federal shark finning rules, we are hopeful that an ASMFC fins-attached landing rule for spiny dogfish fins will be unanimously adopted in October and implemented along the eastern seaboard, as a matter of priority.

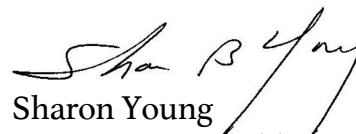
We take this opportunity to also urge the ASMFC and individual Atlantic states that have not already done so to apply this same sound policy to smooth dogfish (smoothhound sharks).

Thank you for considering our views.

Sincerely,



Sonja Fordham  
President  
Shark Advocates International



Sharon Young  
Marine Issues Field Director  
The Humane Society of the U.S.



Ania Budziak  
Associate Director, Science & Policy  
Project AWARE



Merry Camhi, Ph.D.  
Director, New York Seascape Program  
Wildlife Conservation Society

cc: John Bullard, NMFS Regional Administrator



September 30, 2014

Robert E. Beal  
Executive Director  
Atlantic States Marine Fisheries Commission  
1050 N. Highland Street, Suite 200 A-N  
Arlington, VA 22201

Re: Comments on Draft Addendum V to the  
Interstate Fishery Management Plan for Spiny Dogfish

Dear Sir:

The members of the Sustainable Fisheries Association submit the following comments regarding the changes proposed in Draft Addendum V to modify the Spiny Dogfish Fishery Management Plan.

We urge the Commission to vote for Option B: Fins-Naturally-Attached, to maintain consistency with the Shark Conservation Act of 2010.

The Sustainable Fisheries Association supports the policy changes proposed in Option B that would: prohibit the removal at sea of any fin of a spiny dogfish; require that all spiny dogfish must be landed with fins-naturally-attached to the corresponding carcass; and permit gutting and processing spiny dogfish at-sea, so long as the fins remain attached by a portion of uncut skin.

Thank you for your consideration of and attention to these issues.

Sincerely,

/s/

John F. Whiteside, Jr.  
General Counsel  
Sustainable Fisheries Association, Inc.  
John@JWhiteside.com

Sustainable Fisheries Association, Inc.  
678 State Road  
Dartmouth, MA 02747  
(508)991-3333

## Marin Hawk

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**From:** Comments  
**Sent:** Tuesday, September 30, 2014 5:43 PM  
**To:** Marin Hawk  
**Subject:** FW: In support of banning at-sea fin removal

**Categories:** Spiny Dogfish

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**From:** Madeline Jehnself [mailto:md394664@dal.ca]  
**Sent:** Tuesday, September 30, 2014 1:04 PM  
**To:** Comments  
**Subject:** In support of banning at-sea fin removal

Dear Ms. Hawke,

My name is Madeline Jehnself, I am a Marine Biology and Sustainability graduate student focusing on shark and marine conservation, and I am currently working for Fisheries and Oceans Canada. I am contacting you to express my support of the ASMFC's suggestion to implement a coast-wide ban of finning at-sea for both the Spiny and Smooth species of dogfish.

Many people are unaware of just how important dogfish are to the health of the ecosystems they inhabit. They are often intermediate or top predators and are even prey for larger sharks (including within-species predation by other dogfishes!). Uncomplementary to their key role in food webs is their slow life history. Despite their relatively small size, dogfish are some of the slowest growing, latest maturing, and least fecund species of shark in the sea. This means that following overfishing of dogfish populations, these species are slow to, and in fact wholly unlikely to, recover at a rate required for replacement.

I strongly urge you to consider mine, and others', justifications for implementing this at-sea finning ban. The oceans need our help, and this is a decision that can make a big difference!

Best regards,

Madeline Jehnself, BSc.

Aquatic Science Technician  
Department of Fisheries and Oceans Canada,  
Bedford Institute of Oceanography

## Marin Hawk

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**From:** Comments  
**Sent:** Tuesday, September 30, 2014 5:43 PM  
**To:** Marin Hawk  
**Subject:** FW: Spiny Dogfish finning regulation input

**Categories:** Spiny Dogfish

**From:** Seamas McCaffrey [mailto:seamas.mccaffrey@gmail.com]  
**Sent:** Tuesday, September 30, 2014 4:27 PM  
**To:** Comments  
**Subject:** Spiny Dogfish finning regulation input

Dear Sir/Madam,

I support Option B (fins-attached). Please support this option for maintaining healthy oceans and fisheries.

Thanks & regards,  
Seamas McCaffrey

## Marin Hawk

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**From:** Comments  
**Sent:** Monday, September 15, 2014 10:30 AM  
**To:** Marin Hawk  
**Subject:** FW: Dogfish comment (ban at-sea fin removal)

**Categories:** Spiny Dogfish

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**From:** Rosie Puntillo [mailto:rosepuntil@aol.com]  
**Sent:** Tuesday, September 09, 2014 6:37 PM  
**To:** Comments  
**Cc:** Blog  
**Subject:** Dogfish comment (ban at-sea fin removal)

Dear Marin Hawk,  
I'm writing in support of an ASMFC ban on at-sea fin removal for Spiny and Smooth Dogfish throughout all ASMFC managed fishing zones; most especially along the entire Atlantic coastline.  
Please help protect dogfish from this terrible fate.  
Thank you very much for your consideration,

Rose Puntillo  
Los Angeles California 90048

*Think occasionally of the suffering of which you spare yourself the sight. Albert Schweitzer*

*The habit of giving only enhances the desire to give. Walt Whitman*



## Marin Hawk

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**From:** Comments  
**Sent:** Tuesday, September 02, 2014 10:49 AM  
**To:** Marin Hawk  
**Subject:** FW: I SUPPORT Finning Ban for Spiny Dogfish

**Categories:** Spiny Dogfish

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

From: Laurie Albano [mailto:whiteshark902@yahoo.com]  
Sent: Monday, September 01, 2014 8:19 AM  
To: Comments  
Subject: I SUPPORT Finning Ban for Spiny Dogfish

September 1, 2014

Marin Hawk  
Fishery Management Plan Coordinator  
1050 N Highland St.  
Suite 200 A-N  
Arlington VA 22201

Dear Mr. or Ms. Hawk:

I'm writing to express my full support of the ASMFC's proposal for a coast-wide ban on at-sea removal of fins of spiny and smooth dogfish. It's appalling to me that finning is still going on in this country.

I hope ASMFC will finally do the right thing by dogfish. They deserve sound finning policies just like other sharks!

Thank you for your attention to this important matter regarding management of our precious marine resources.

Respectfully,

Laurie Albano