

#2

Draft Addendum for Public Comment.

Atlantic States Marine Fisheries Commission

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



ASMFC Vision Statement:

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

January 28, 2011

Draft Addendum for Public Comment.

Draft Addendum for Public Comment.

Public Comment Process and Proposed Timeline

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

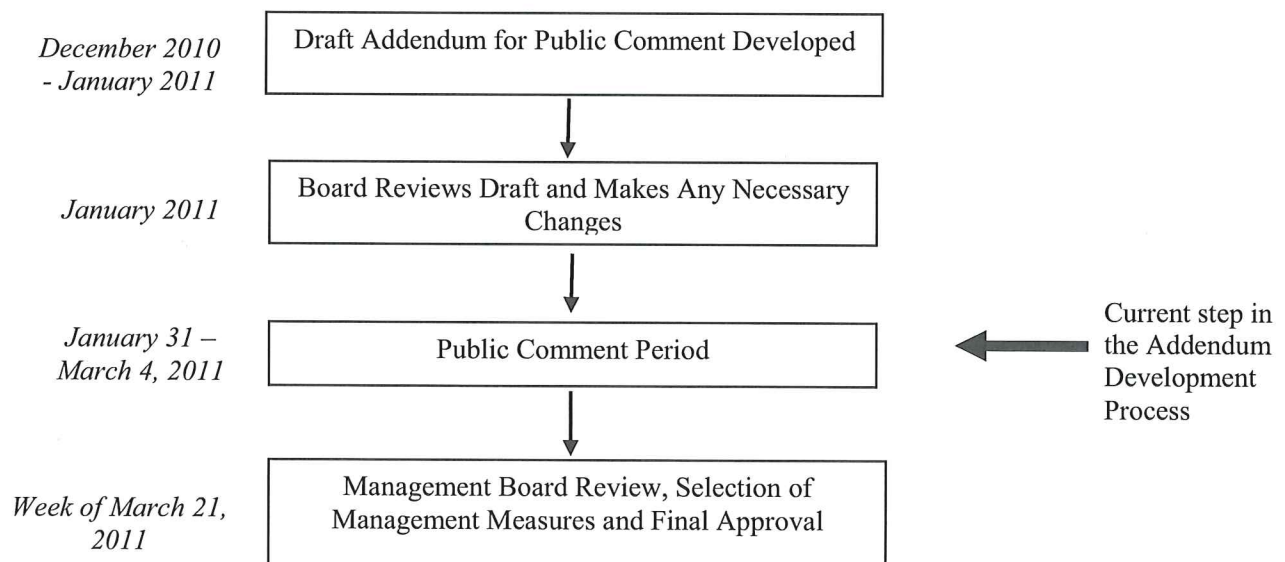
This draft addendum presents background on the Atlantic States Marine Fisheries Commission's (ASMFC) management of Spiny Dogfish, the addendum process and timeline, and a statement of the problem. This document also provides options of spiny dogfish management for public consideration and comment.

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

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

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

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



Draft Addendum for Public Comment.

1.0 Introduction

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

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

2.0 Management Program

2.1 Statement of the Problem

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

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

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

2.2 Background

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

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

Draft Addendum for Public Comment.

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

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

2.3 Landings

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

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

2002 – 2006: Northeast Fisheries Science Center Landings¹
Landings from the Science Center database for 2002 – 2006 include recent landing updates discovered due to the implementation of groundfish sectors² and these updates are not included in other data sources. As such, Science Center landings are considered to be more accurate for these years.

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

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

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

Draft Addendum for Public Comment.

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

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

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

Draft Addendum for Public Comment.

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

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

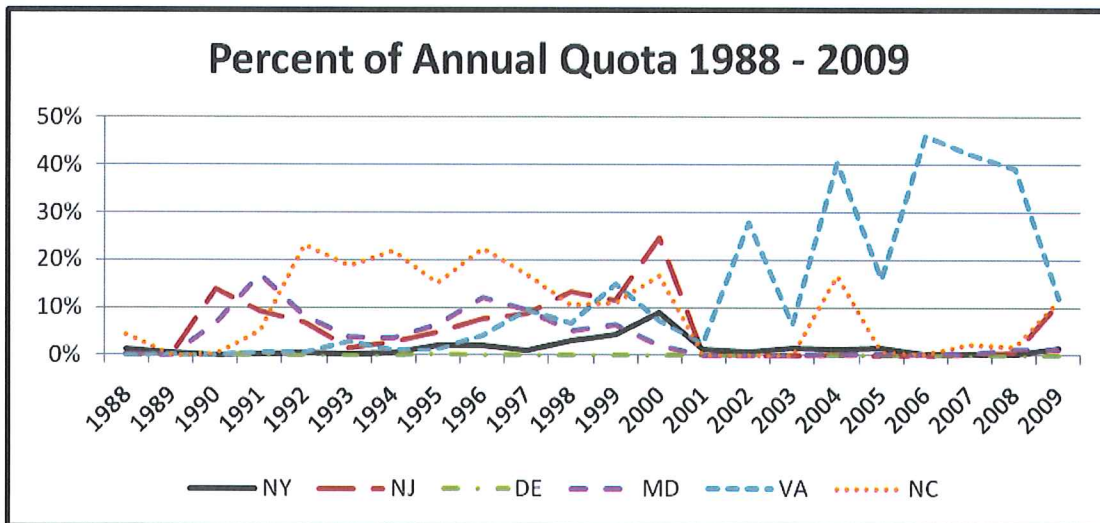


Figure 1. Percent landings New York – North Carolina 1988 – 2009.

Draft Addendum for Public Comment.

3.0 Management Options

ISSUE 1: State Shares

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

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

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

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

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

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

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

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

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

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

Draft Addendum for Public Comment.

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

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

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

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

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

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

Table 4. State shares under Option A – H.

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

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

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

Draft Addendum for Public Comment.

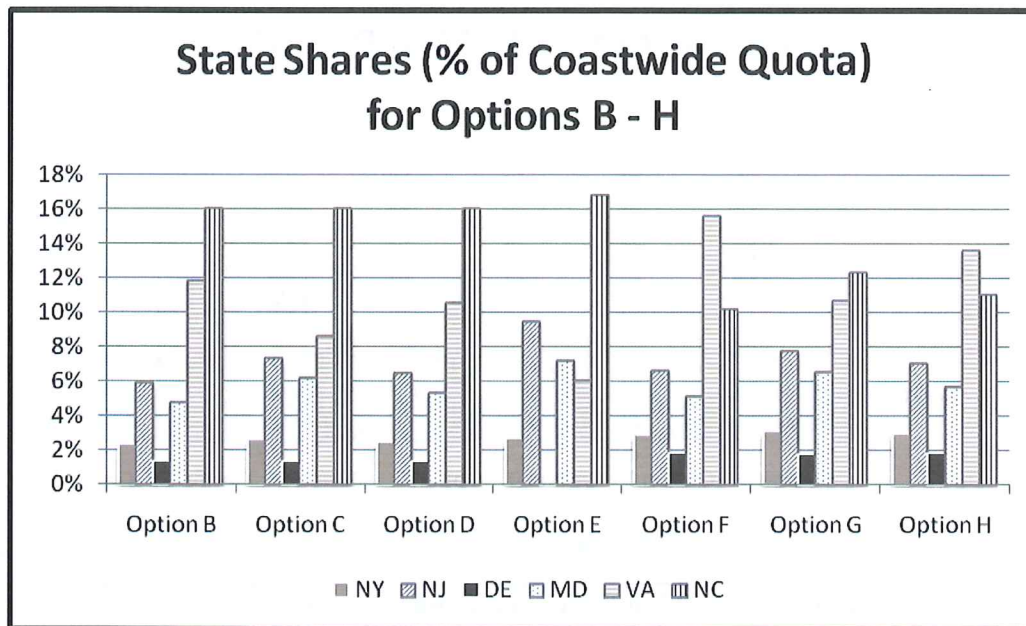


Figure 2. State shares under Options B – H.

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

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

Draft Addendum for Public Comment.

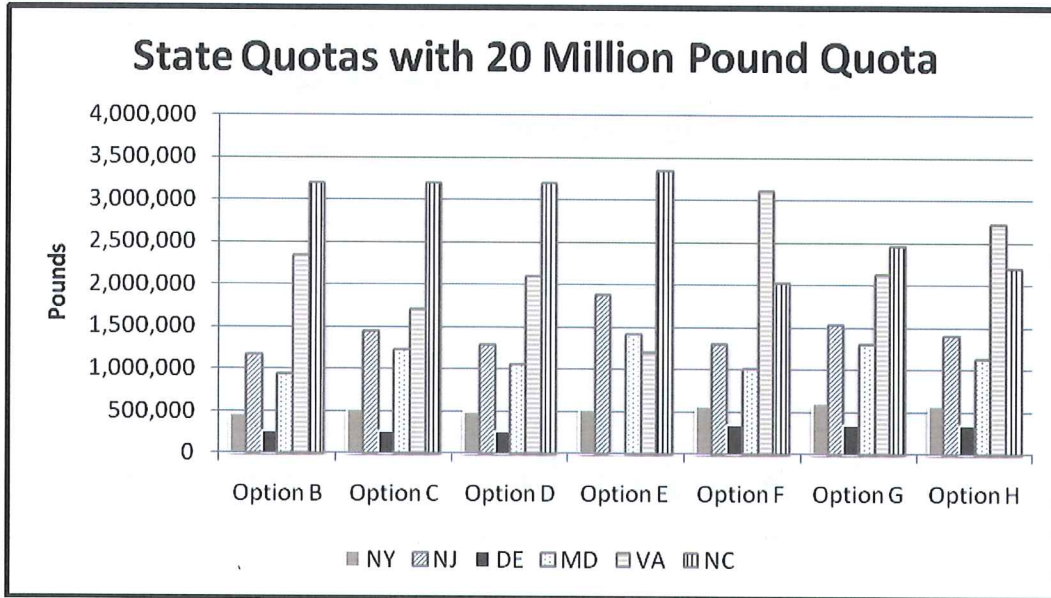


Figure 3. State quotas with a 20 million pound annual quota under Options B – H.

ISSUE 2. State Quota Transfer

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

Option A: No Transfer of Quotas

States may not transfer quota under this option.

Option B: Allow Transfer of Quotas

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

ISSUE 3: State Quota Rollover

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

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

Quota Rollovers (4.1.2.3)

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

Draft Addendum for Public Comment.

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

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

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

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

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

Option B: Rollover of State Quota

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

Option C: Rollover of Transferred Quota

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

Option D: Transferred Quota May Not Be Rolled Over

A state may not rollover any unused transferred quota.

Option E: Maximum 5% Quota Rollover

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

ISSUE 4. Payback of Transferred Quota

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

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

Section 4.1.2.2 Payback of Quota Overages

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

Draft Addendum for Public Comment.

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

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

Option A. Payback of Transferred Quota Overages by Receiving State

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

Option B. Payback of Transferred Quota Overages by Transferring State

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

ISSUE 5: Possession Limits

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

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

Option A. Status Quo. Board specified possession limits.

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

Option B. State-Specified Possession Limits.

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

Draft Addendum for Public Comment.

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

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

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

Option A. No three year reevaluation.

Option B. Three year reevaluation of state shares.

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

4.0 Compliance Schedule

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

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

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

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

Draft Addendum for Public Comment.

Appendix A.

Atlantic States Marine Fisheries Commission

Spiny Dogfish Technical Committee

December 9, 2010

Conference Call Summary

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

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

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

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

NMFS unpublished weighout data/North Carolina Trip Ticket Reports:

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

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

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

Draft Addendum for Public Comment.

ACCSP Data Warehouse:

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

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

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

Summer 2009+: ‘Unclassified dogfish’ category was removed.

NEFSC Database:

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

Discussion

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

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

Draft Addendum for Public Comment.

Appendix B.

Atlantic States Marine Fisheries Commission

Spiny Dogfish Technical Committee

January 5 & 10, 2010

Conference Call Summary

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

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

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

Landing Sources:

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

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

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

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

Draft Addendum for Public Comment.

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

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

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

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

Unclassified Dogfish

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

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

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

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

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

Draft Addendum for Public Comment.

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

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

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

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

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

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

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

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

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

Draft Addendum for Public Comment.

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

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

