

(Issue 2 options, cont'd)

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 (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. All requests for transfer would be reviewed by the ASMFC executive director or designated staff before being finalized.

Issue 3: State Quota Rollover

Options under this issue would only apply to states from New York through North Carolina and only if the Management Board selects individual state quota options under Issue 1. The current FMP allows for quota rollovers of up to 5 percent of the annual coastwide quota once the stock is rebuilt. However, the specifics of how such rollovers would be handled under a state shares quota allocation system are not detailed in the FMP. Five options regarding quota rollovers are presented in the full document.

Issue 4: Payback of Transferred Quota

Options under this issue would only apply to states from New York through North Carolina and only if the management board selects individual state quota options under Issue 1. Under current management, payback of quota overages is required, i.e. if North Carolina or a region exceeds its quota, that amount shall be deducted from its allocation the following fishing year. While this provision can be applied to state-by-state dogfish shares, it does not address payback of *transferred* quota. These options would 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. Overages would be deducted from receiving state's quota the following fishing year.

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. (Overages would be deducted from the transferring state's quota the following fishing year).

Issue 5: Possession (Trip) Limits

These options apply to states from New York through North Carolina and only if the Board selects individual

state quota options under Issue 1.

Option A: Status Quo — The Management Board will continue to set maximum possession limits 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.

Issue 6: Three year re-evaluation of state shares

These options apply to states from New York through North Carolina and only if the Board selects individual state quotas under Issue 1.

Option A: No three year evaluation

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 or make them permanent. Under this option the board would review the performance of the fishery under this Addendum and can extend the provisions through board action. If the board chooses to modify the provisions of this addendum, a new addendum can be initiated at that time.

Public Comment

Public comment on the draft addendum will be accepted until 5pm on March 4, 2011. **A public hearing is being held in North Carolina on February 24, 2011 at 7pm in the Annex of the Dare County Administration Building, Commissioners Meeting Room, 954 Marshall C Collins Drive, Manteo, NC.** Comments can be submitted via regular mail, email, or fax to:

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For additional information on North Carolina's spiny dogfish fishery, please contact:

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**NC Division of
Marine Fisheries
Public Information Brochure
for the
Atlantic States
Marine Fisheries Commission
Addendum III to the Interstate
Fishery Management Plan
for Spiny Dogfish**



February 2011

Introduction

The Atlantic States Marine Fisheries Commission (ASMFC) was formed by the fifteen Atlantic Coast States in 1942 to coordinate the conservation and management of the near shore fishery resources shared by the states. The authority to manage spiny dogfish lies with the coastal states and is coordinated through the ASMFC under the authority of the Atlantic Coastal Fisheries Cooperative Management Act.

By federal law North Carolina must enact the requirements of the ASMFC Fishery Management Plans (FMPs) or risk federal sanctions against North Carolina fisheries. The N.C. Marine Fisheries Commission chose to adopt all ASMFC FMPs as North Carolina rules through an Interjurisdictional Fishery Management Plan (IJ FMP). Spiny dogfish is one of the species included in the IJ FMP.

Process

The ASMFC has determined that changes to the existing management program for spiny dogfish are necessary to meet the goals of the FMP and has developed a draft addendum to address these changes. An addendum is used to adapt components of the management program to changing circumstances within the fishery. It differs from an amendment in two key ways: 1) It is a shorter process with one round of public hearings; 2) it generally addresses a few specific management measures being proposed.

Purpose

The purpose of this document is to inform the public of issues under consideration by the ASMFC and any potential impacts to North Carolina's fisheries so that the public has opportunity to comment on:

- Changes observed in the fishery
- Actions that should or should not be taken in terms of management, regulation, enforcement, research, development and enhancement; and
- Other concerns about the resource or the fishery

Input received during the public comment process can have a major influence on the outcome of the final addendum.

Current Management

North Carolina has managed the spiny dogfish fishery under the ASMFC's Spiny Dogfish FMP since 2002. North Carolina does not have a separate state FMP for this species. The fishery is currently managed under Addendum II (approved in October 2008) to the FMP which allocates the annual coastwide commercial quota to three regions. The northern region includes states from Maine through Connecticut and receives 58 percent of the total commercial quota. The southern region includes states from New York to Virginia and receives 26 percent of the quota. North Carolina receives 16 percent of the quota.

North Carolina Fishery and Stock Status

The coastwide population of spiny dogfish was significantly depleted in the late 1990's and early 2000's. During this time the coastwide quotas were set at levels that would allow the stock to rebuild. The 2009 update to the 2006 stock assessment indicated that spiny dogfish were rebuilt and that the target level of female biomass (in number of pounds) had been achieved.

The North Carolina fishery for spiny dogfish occurs during the winter months, generally November or December through February. The N.C. fisheries director can allow up to a 3,000-pound trip limit in state waters (0-3 miles from shore) when the season is open. Prior to North Carolina receiving a 16 percent share of the quota, the coastwide commercial quota was allocated on a seasonal basis. Because the fishing year runs from May 1 through April 30, the seasonal allocation put North Carolina at a disadvantage as most of the quota was harvested by more northern states before spiny dogfish migrated south. On several occasions the fishery was closed before North Carolina commercial fisherman had the opportunity to harvest spiny dogfish. Under the current regional allocation, North Carolina fishermen have been able to harvest the entire 16 percent share of the coastwide quota the past two fishing years.

Summary of the Problem

In November of 2010, the Spiny Dogfish and Coastal Sharks Management Board voted to initiate the development of Addendum III to the Interstate FMP for Spiny Dogfish. This addendum includes options to allocate 42 percent of the coastwide commercial quota to states from New York through North Carolina; allow for quota transfers, state-specified trip limits and payback of quota over-ages. It also includes a proposal to re-examine any management measures chosen after three years.

(Summary of the Problem, cont'd)

With the exception of North Carolina (which has its own 16 percent portion of the commercial quota) the current management system of regional allocations provides limited flexibility for states to modify their spiny dogfish regulations to maximize benefit to their fishermen. Most states set a daily trip limit of 3,000 pounds for the entire fishing season and as a result, landings since 2007 have reflected the availability of fish 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. All states within a region would need to set the same trip limit to effectively control landings. State-by-state quotas could allow a state to set trip limits at lower levels without its fishermen being disadvantaged.

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

Management Options

Issue 1: State Quota Shares

The options for state quota shares apply only to states from New York through North Carolina. 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. North Carolina retains its 16 percent allocation under four of these options. Eight options in total are presented in the full document, which can be found at www.asmf.org under "Public Input".

Issue 2: State Quota Transfer

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

Option A: No transfer of quota — States may not transfer quota under this option.

(continued on next flap, over)