

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 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). Dogfish is one of the species included in the IJ FMP.

Process

The ASFMC has determined that changes to the existing management program for Dogfish are necessary to meet the goals of the FMP and has developed two draft addenda 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 specific management measure being proposed.

The ASMFC is seeking public input on the proposed management changes described in the addenda. After this phase of public input, the ASMFC will evaluate comments received on the proposed measures and make any necessary changes to the addenda. The ASMFC will then finalize the management measures in the addenda and the effective dates of the changes.

Purpose

The purpose of this Public Information Brochure (PIB) 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 an opportunity to comment on:

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

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

Latest Coastwide Stock Assessment

The latest stock assessment for spiny dogfish showed the stock is not overfished and overfishing is not occurring. However the number of mature females has not reached a target of 368 million pounds because of heavy harvest during the 1990s.

Current Management

Spiny dogfish is a quota-managed species. The coastwide quota is 8 million pounds for the 2008/2009 fishing season (May 1 – April 30). The seasonal allocation system divides the quota into two periods, with 57.9% of the quota harvested from May 1 to October 31 in Period 1 and 42.1% harvested from November 1 to April 30 in Period 2. There has been a substantial increase in the allowed quota over the two previous fishing years, which reflects the recovering status of the stock.

The Director of NC DMF is authorized to allow up to 3,000 lbs. of dogfish landed per trip in state waters (0-3 miles) when the season is open. A bycatch limit of 600 lbs. applies to fishermen holding federal dogfish permits regardless of where they fish. There is no bycatch allowance when the season is closed.

Summary of the Problem

In May 2008, the Spiny Dogfish & Coastal Sharks Management Board approved the initiation of addenda II and III to address the allocation of the spiny dogfish annual quota among the states. This action responds to the concern of some states, strongly supported by North Carolina, that the current seasonal allocation program is not providing their commercial fishermen the opportunity to

harvest a share of the available quota as was intended by the Spiny Dogfish FMP.

Addendum II explores the possible removal of the seasonal split of the annual quota with regional allocations and paybacks to maintain the historical distribution of spiny dogfish landings. Addendum III considers state-by-state allocation of the annual quota with quota transfers and state payback provisions to maintain the historical distribution of spiny dogfish landings.

Currently, the spiny dogfish FMP allocates the annual commercial quota seasonally. The proposed regional allocation system divides the quota between two regions, with 57.9% allocated to the northern states (ME-CT) and 42.1% allocated to the southern states (NY-NC). In recent years, however, the seasonal allocation strategy, which is influenced by dogfish migratory patterns, has allowed the northern region to harvest spiny dogfish during both harvest Periods 1 and 2 (Figure 1).

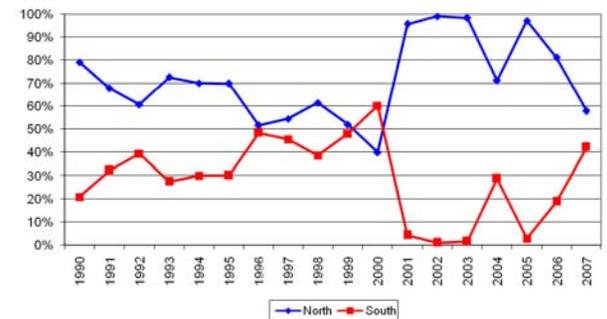


Figure 1. Percent seasonal quota allocations of spiny dogfish landed by region. North Region consists of Maine to Connecticut. South region consists of New York to North Carolina.

The fishing year beginning on May 1st gives more opportunity for northern states to intercept spiny dogfish because of their seasonal migration northward in the spring. Spiny dogfish do not return to the southern end of their migration until Period 2, which results in most of the quota taken before dogfish reach North Carolina.

Addendum II Management Options

Option A - Distribute the annual quota regionally only, with 58% of the coastwide annual quota allocated to the northern region (ME-CT) and 42% to the southern region (NY-NC). Apply a quota overage payback provision when the quota in any region is exceeded, the amount over the allocation will be deducted from the corresponding region in the subsequent fishing year.

Option B – Status quo. Continue to have the coastwide spiny dogfish quota distributed semi-annually with 57.9% allocated to Period 1 and 42.1% allocated to Period 2. Overage would continue to be deducted from the same season in the subsequent fishing year

Addendum III Management Options

Issue 1. Minimum Threshold

Proposes to allocate a fixed percentage of the annual quota to all states independent of historical landings. Each state would be guaranteed a minimum percent of the quota to allow them to harvest some dogfish. Individual state quotas (addressed in Issue 2) will be allocated only after the minimum threshold of each state has been subtracted from the annual quota. Six options are presented in the full document.

Issue 2. State Quotas

Proposes to establish fixed percentages based on different time periods to allocate state-by-state quotas. Options are based on a variety of fishery and data considerations. Ten options are presented in the full document.

Issue 3. Quota Transfer

Proposes to allow quota transfer between states. Two options are presented in the full document.

Public Comment Sought

ASMFC and the DMF have scheduled two public hearings both beginning at 7:00 p.m. at Roanoke Island Festival Park, Manteo, NC on September 23, 2008 and The Clam Digger Inn, Pine Knoll Shores, NC on September 24, 2008 to gather public comment on Addendum II and Addendum III of the Interstate FMP for Spiny Dogfish.

Fishermen and other interested groups are encouraged to provide input, either through attending the public hearings or providing written comments.

Copies of Addendum II and Addendum III of the Interstate FMP for Spiny Dogfish can be obtained by contacting the ASMFC at: (202) 289-6400 or via the ASMFC's website at www.asmfc.org under Managed Species/Spiny Dogfish and Coastal Sharks.

Public comment will be accepted until 5:00 p.m. on October 16, 2008 and should be forwarded to:

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(Subject line: Spiny Dogfish Addendum III or
Spiny Dogfish Addendum II)

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**North Carolina
Division of Marine Fisheries
Public Information Brochure
for the
Atlantic States Marine Fisheries
Commission
Addenda II and III to the
Interstate Fishery Management
Plan for Spiny Dogfish**

