

Draft for Public Comment.

Atlantic States Marine Fisheries Commission

**DRAFT ADDENDUM II TO THE INTERSTATE FISHERY
MANAGEMENT PLAN FOR ATLANTIC COASTAL SHARKS:
SMOOTH DOGFISH STATE SHARES**



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

February 2013

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Public Comment Process and Proposed Timeline

In August 2011, the Atlantic States Marine Fisheries Commission's Spiny Dogfish & Coastal Sharks Management Board (Board) approved a motion to initiate the development of an addendum to the Interstate Fishery Management Plan for Atlantic Coastal Sharks to consider establishing smooth dogfish state shares. This draft addendum presents background on the Atlantic States Marine Fisheries Commission's management of smooth dogfish, the addendum process and timeline, and a statement of the problem. This document also provides options for smooth dogfish management for public consideration and comment.

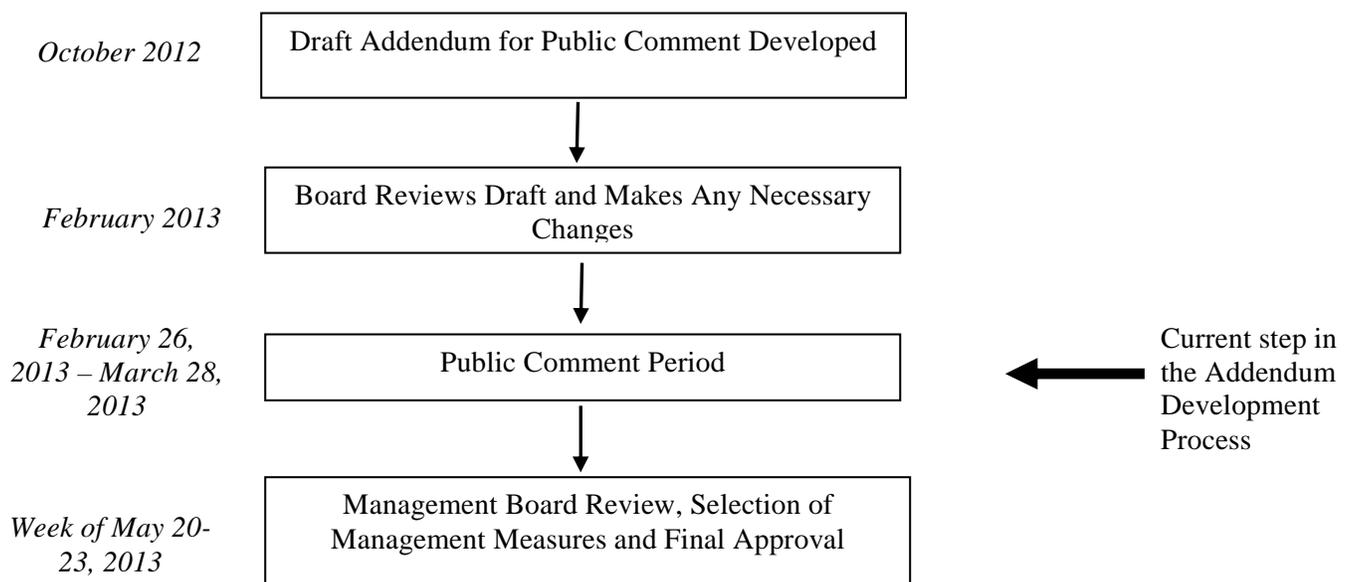
The public is encouraged to submit comments regarding this document during the public comment period. Comments will be accepted until **5:00 pm (EST) on March 28, 2013**. The Board will consider final action on this addendum during the week of May 20-23, 2013 at the ASMFC Spring Meeting.

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.

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Draft Addendum II)
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1.0 Introduction

This Draft Addendum proposes measures that would amend the Atlantic States Marine Fisheries Commission's (ASMFC) Interstate Fishery Management Plan for Atlantic Coastal Sharks (FMP) to establish state shares for smooth dogfish and allow commercial fishermen to process smooth dogfish at sea such that the total weight of smooth dogfish fins landed or found on board a vessel does not exceed 12 percent of the total weight of smooth dogfish carcasses landed or found on board the vessel.

2.0 Management Program

2.1 Statement of the Problem

The purpose of this addendum is to preserve the historical distribution of smooth dogfish (smoothhound shark) landings. The National Marine Fisheries Service (NMFS) Office of Highly Migratory Species Division (HMS) is working to amend the HMS FMP to include measures from the Shark Conservation Act. This will include a smoothhound shark quota. In anticipation of the upcoming federal quota for smooth dogfish, the Spiny Dogfish & Coastal Sharks Management Board (Board) initiated this addendum to consider establishing state shares prior to the federal quota implementation.

2.2 Background

Smooth Dogfish State Shares

Smooth dogfish are included as one of the 40 species managed in the Coastal Sharks FMP. The FMP allows the Board to set possession limits and an annual quota for smooth dogfish for up to five years. Quotas have been implemented for other species as a management strategy following assessment results that indicate a need to reduce harvest. Smooth dogfish have not been assessed and stock status is unknown. In the absence of an assessment that indicates their necessity, the Board has chosen to forego setting a smooth dogfish quota or possession limits in previous years.

Amendment 3 classified smooth dogfish as part of the 'smoothhound complex' which includes two species: smooth dogfish (*Mustelus canis*) and Florida smoothhound (*Mustelis norrisi*). NMFS has indicated that it chose the name smoothhound complex to minimize any confusion with spiny dogfish regulations. It notes that both smooth dogfish and Florida smoothhound are likely the same species and are the only members of the smoothhound family (*Triakidae*) found on the Atlantic coast. All smoothhound complex regulations apply to smooth dogfish.

Coastwide landings peaked in 1994 and 1995, were around 1 million pounds from 1996 – 2007. Landings increased from 2008-2010, but there was a slight decrease in landings in 2011 (Figure 1 and Table 1).

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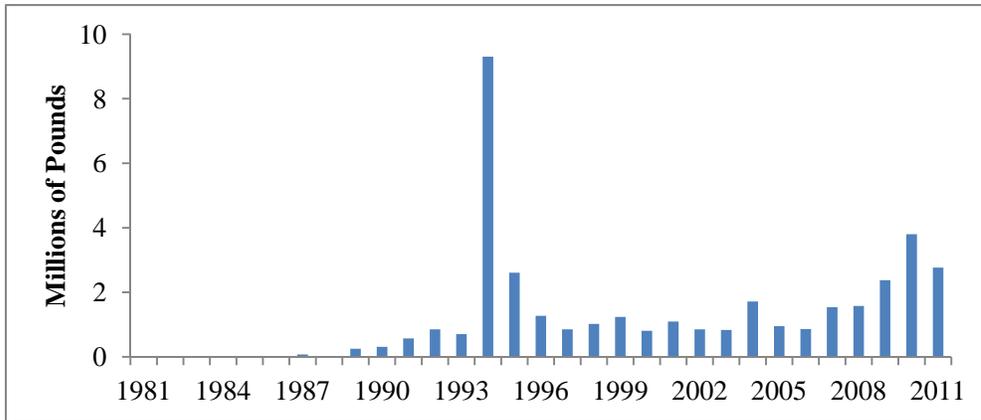


Figure 1. Coastwide smooth dogfish landings 1981 – 2011. Total represents landed weight (not whole or converted weight). Source: ACCSP, 2012.

Table 1 Smooth Dogfish Coastwide Landings 1981 – 2011. Total represents landed weight (not whole or converted weight). Source: ACCSP, 2012

| Year | LW Landings (Pounds) |
|------|----------------------|
| 1981 | 600 |
| 1982 | 7,500 |
| 1983 | 24,800 |
| 1984 | 1,300 |
| 1985 | 7,800 |
| 1986 | 4,900 |
| 1987 | 71,400 |
| 1988 | 1,600 |
| 1989 | 250,100 |
| 1990 | 310,775 |
| 1991 | 569,567 |
| 1992 | 852,582 |
| 1993 | 701,733 |
| 1994 | 9,210,064 |
| 1995 | 2,612,977 |
| 1996 | 1,019,460 |
| 1997 | 731,935 |
| 1998 | 805,211 |
| 1999 | 978,741 |
| 2000 | 796,764 |
| 2001 | 858,636 |
| 2002 | 1,107,232 |
| 2003 | 1,127,935 |
| 2004 | 1,318,779 |
| 2005 | 845,729 |
| 2006 | 783,013 |
| 2007 | 983,034 |
| 2008 | 1,267,465 |
| 2009 | 1,811,545 |
| 2010 | 2,554,818 |
| 2011 | 2,971,899 |

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Due to data confidentiality issues, landings cannot be presented annually by state. A comparison between confidential and non-confidential state smooth dogfish landings showed that non-confidential sources leave out significant amounts of smooth dogfish in many recent years (>800,000 lbs in 2003 & 2004, >600,000 pounds in 2007 & 2008). As such, presenting non-confidential landings would be uninformative and possibly misleading.

Smooth Dogfish Processing at Sea

The Shark Conservation Act of 2010 requires that coastal sharks are landed with fins and tail attached with an exemption for smooth dogfish. Fishermen holding a valid state commercial permit may process smooth dogfish at sea out to 50 miles from shore, as long as the total weight of smooth dogfish fins landed or found on board a vessel does not exceed 12 percent of the total weight of smooth dogfish carcasses landed or found on board.

Addendum I allows fishermen to process smooth dogfish at sea as follows:

Commercial fishermen may completely remove the fins of smooth dogfish from March through June of each year. If fins are removed, the total wet weight of the shark fins may not exceed 5 percent of the total dressed weight of smooth dogfish carcasses landed or found on board a vessel. This ratio is consistent with the Shark Finning Prohibition Act of 2000.

From July through February for the smooth dogfish fishery only, commercial fishermen may completely remove the head, tail, pectoral fins, pelvic (ventral) fins, anal fin, and second dorsal fin, but must keep the dorsal fin attached naturally to the carcass through landing. Fins may be cut as long as they remain attached to the carcass (by natural means) with at least a small portion of uncut skin. If fins are removed, the total wet weight of the shark fins may not exceed 5 percent of the total dressed weight of smooth dogfish carcasses landed or found on board a vessel.

2.3 Management Options

ISSUE 1. Smooth Dogfish State Shares

This section proposes to establish smooth dogfish state shares. If the Board selects Option B, C, or D it must specify an annual smooth dogfish quota (as specified in *Section 4.3.4 Quota Specification & 4.3.7 Annual Process for Setting Fishery Specifications* of the FMP) for state shares to apply. If the Board opts to forego specifying an annual quota, state shares will not apply. Table 2 presents state percent shares based on Options B, C, & D.

Option A. Status Quo

ASMFC will not establish state shares for smooth dogfish.

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Option B. Historical Landings 1998 – 2007

This reference period includes the base years used to calculate the initial smoothhound quota in the Amendment 3 final rule.

Option C. Historical Landings 1998 – 2010

This reference period includes the base years used to calculate the initial smoothhound quota in the Amendment 3 final rule (1998 – 2007) plus the most recent years (2008 – 2010).

Option D. 5-Year Moving Average

This reference period is adjusted annually to include the most recent 5 years of available landings. For example, the 2011 quota shares would be calculated based on the average landings 2006 – 2010; the 2012 quota shares would be based on average landings 2007 – 2011; the 2013 quota shares would be based on 2008 – 2012. Table 3 and Figure 2 show quota percentages based on a 5-year moving average 2007 – 2011.

Table 2. State percent shares based on Option B, C, & D. Calculated with confidential dealer reports using live pounds. Source: ACCSP Data Warehouse, 2012.

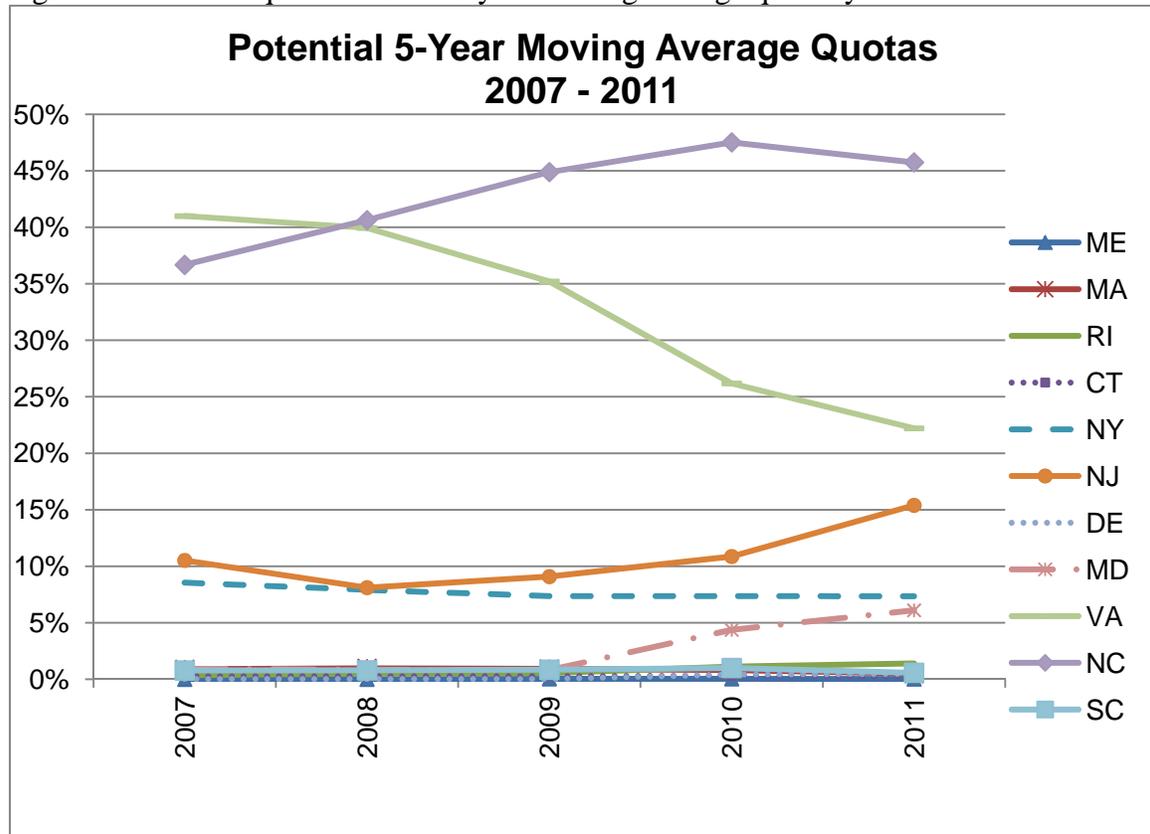
| | <i>Historical</i> | | <i>5-Year Moving Average</i> |
|-----------|-----------------------------|------------------------------|------------------------------|
| | Option B 1998 - 2007 | Option C. 1998 - 2010 | Option D. 2007 - 2011 |
| ME | 0.00% | 0.02% | 0.02% |
| MA | 0.53% | 0.33% | 0.26% |
| RI | 0.78% | 1.10% | 1.29% |
| CT | 0.19% | 0.20% | 0.15% |
| NY | 6.61% | 6.75% | 7.23% |
| NJ | 15.15% | 16.32% | 17.62% |
| DE | 0.02% | 0.25% | 0.44% |
| MD | 4.10% | 5.49% | 7.95% |
| VA | 33.77% | 28.11% | 22.10% |
| NC | 38.20% | 40.83% | 42.51% |
| SC | 0.66% | 0.60% | 0.44% |

Table 3. 5-Year moving average quotas 2007 – 2011.

| Quota Year | 2007 | 2008 | 2009 | 2010 | 2011 |
|-------------------|------------------|------------------|------------------|------------------|------------------|
| Average | 2002-2006 | 2003-2007 | 2004-2008 | 2005-2009 | 2006-2010 |
| ME | 0.00% | 0.00% | 0.04% | 0.04% | 0.03% |
| MA | 0.89% | 0.96% | 0.92% | 0.82% | 0.50% |
| RI | 0.35% | 0.50% | 0.54% | 1.12% | 1.40% |
| CT | 0.30% | 0.28% | 0.27% | 0.31% | 0.23% |
| NY | 8.55% | 7.91% | 7.36% | 7.36% | 7.34% |
| NJ | 10.52% | 8.11% | 9.09% | 10.87% | 15.40% |
| DE | 0.02% | 0.03% | 0.03% | 0.41% | 0.48% |
| MD | 0.93% | 0.84% | 0.81% | 4.37% | 6.10% |
| VA | 40.99% | 39.94% | 35.21% | 26.18% | 22.21% |
| NC | 36.67% | 40.64% | 44.89% | 47.52% | 45.74% |
| SC | 0.78% | 0.79% | 0.85% | 1.00% | 0.58% |

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Figure 2. Potential quotas under a 5-year moving average quota system.



ISSUE 2. State Quota Transfer

The following options apply only if the Board implements state shares under Issue 1.

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 smooth 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 smooth 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.

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 quota (the state's quota plus any quota transferred to the state) for a state will be deducted from the corresponding state's quota the following fishing season.

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ISSUE 3. Quota Rollovers

The following options apply only if the Board implements state shares under Issue 1. 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 specifies that transferred quota may not be rolled over.

Option C: 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. Possession Limits

The following options apply only if the Board implements state shares under Issue 1.

Option A. 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.

ISSUE 5. Three-year re-evaluation of state shares.

The following options apply only if the Board implements state shares under Issue 1. Reevaluating smooth dogfish state share allows the Board to modify allocations to best meet the states' future needs and respond to any assessment information that may become available.

The re-evaluation process would allow the Board to modify state shares based on changes in the fishery or the development of a smooth dogfish assessment.

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 initiated.

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ISSUE 6. Smooth Dogfish Commercial Processing At Sea

This section proposes to increase the maximum fin to carcass ratio for commercial smooth dogfish fishermen.

Option A. Status Quo. Commercial fishermen may remove all fins from March through June of each year. If fins are removed, the total wet weight of the shark fins may not exceed 5 percent of the total dressed weight of the smooth dogfish carcasses landed or found on board a vessel. For the remainder of the year, the dorsal fin must remain naturally attached to the carcass through landing.

Option B. Measures Consistent with Shark Conservation Act. Commercial fishermen may remove all smooth dogfish fins. If fins are removed, the total wet weight of the shark fins may not exceed 12 percent of the total dressed weight of smooth dogfish carcasses landed or found on board a vessel.

3.0 Compliance Schedule

If approved, states must implement Addendum II according to the following schedule to be in compliance with the Coastal Sharks FMP:

XXXXXX: States submit proposals to meet requirements of Addendum II.

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

XXXXXX: States implement regulations.