Atlantic States Marine Fisheries Commission

1050 N. Highland Street • Suite 200A-N • Arlington, VA 22201
703.842.0740 • 703.842.0741 (fax) • www.asmfc.org

MEMORANDUM

TO: Spiny Dogfish Management Board

FROM: Kirby Rootes-Murdy, Senior FMP Coordinator

DATE: October 1, 2019

SUBJECT: Public Comment Summary on Spiny Dogfish Draft Addendum VI

The following pages represent a draft summary of all comment received by ASMFC on Spiny Dogfish Draft Addendum VI as of 5:00 PM (EST) on September 23, 2019 (closing deadline).

A total of 7 written comments were received on Draft Addendum VI. These included two organizations and the remainder from commercial fishermen and concerned citizens. Three public hearings were held in two jurisdictions, one virtually (webinar). Six individuals are estimated to have attended the hearings.

There were few comments provided specific to the proposed options and scoping question in Draft Addendum VI. Two individuals and one organization (Sustainable Fisheries Association) indicated their support for Option 2: Allow Quota Transfers between all states and regions. Reasons cited in support of this option were an interest in fully utilizing the coastwide quota and allowing all jurisdictions to benefit from quota transfers. One individual representing the New Hampshire Commercial Fishermen's Association supported Option 1: Status Quo. No reasons were cited.

Regarding the public scoping question on whether the federal commercial trip limit should be eliminated and replaced by state and regional trip limits, one individual supported maintaining the federal trip limit and another individual supported eliminating the federal trip limit. Reasons cited in support of maintaining the federal trip limit focused on concern about flooding the market. Eliminating the federal trip limit may lead to states setting higher trip limits which might lead to more landings, ultimately resulting in a lower price per pound. They indicated that regardless of the market incentives, fishermen would likely fish at a higher trip limit if allowed. Additionally, the individual noted concern that although states manage the commercial fishery using a quota system, eliminating the federal trip limit may result in a 'derby' fishery.

Reasons cited in support of eliminating the federal trip limit focused on challenges the market currently poses to the fishery, specifically, that it's not economical to make fishing trips when the trip limit is low and price per pound is also low. Other points of concern included that the

current federal trip limit constrains the states from collectively achieving the annual coastwide quota and results in high discard rates. Lastly, the individual noted that allowing the states the same flexibility to set trip limits similar to how state quotas are managed in the summer flounder, scup, and black sea bass FMP would likely work well.

The New England Fishery Management Council expressed a number of concerns about the Commission's process in collecting public comment on the scoping question regarding eliminating the federal trip limit. It stated that it was not appropriate for the Commission to seek public comment on this question as the topic is not currently under development for changes in management by either the New England or Mid-Atlantic Fishery Management Councils. Additionally, it was noted that the Addendum does not identify a problem that needs to be addressed by a change in the possession limit and cited concern that the Commission's process for collecting public comment on this topic is too limited given there were only two public hearings and a public hearing webinar.

In addition to comments specific to the proposed management in Draft Addendum VI, the following general comments were also provided:

• Individual who regularly does bottom fishing around Block Island has seen high abundance of spiny dogfish and wants Addendum VI to be as liberal as possible to allow the biomass to be maximally harvested.
• Individual stated he/she does not want full utilization of the quotas. Instead, wants the quota cut by 50% immediately in all regions.
• Individual who gillnet fishes for spiny dogfish and is in favor of shifting state quota transfers to other states in an effort to achieve a better price.
• Individual takes issue with the NEFSC trawl survey; states that 80% of the female population are not surveyed by the trawl gear due it being off the bottom and 90% of the male population are not in the survey area. Indicates that management is based on incorrect science, which has led to lower quotas and has forced the closing of processing plants in the south. The reduced quotas created a market opening in Europe for other countries producing dogfish. The individual wants information on the amount of spiny dogfish imported into the U.S. and requests that ASMFC Staff be required to provide import data. The individual indicates that ASMFC must comply with Article 1 Section 1 of the Commission's Compact to prevent physical waste by mandating an industrial use for spiny dogfish. Additionally, the individual wants to do away with Draft Addendum VI and require a processing plant be opened in North Carolina or Virginia with supplemental funding from NOAA NMFS, the Regional Councils, and ASMFC. Requests that the ASMFC and MAFMC research how to rename spiny dogfish rather than completing Draft Addendum VI. States that historical dogfish in 1890s (biomass) comprised 17% of the biomass (target); in 2016, (biomass) comprised 80% of biomass target. Reiterates need to stop development of Draft Addendum VI

Summaries of the public hearings can be found next and are ordered from north to south. This is then followed by letters sent by organizations and letters sent by individuals.

Draft Addendum VI to the Spiny Dogfish Interstate Fishery Management Plan
New Hampshire Public Hearing

September 3, 2019
Urban Forestry Center
Portsmouth, NH
Commissioners: Doug Grout and Cheri Patterson (NH FG)
5 participants

3.1 Quota Transfers Options

- 1 individual, representing the NH Commercial Fishermen's Association, supported Option 1: Status quo.
- The New England Fishery Management Council (NEFMC) currently has no position on Quota Transfers Options.

Public Scoping Question

- The NEFMC opposes ASMFC's process in garnering comments for an unclear problem and circumvents the Council public process with which the fishing industry has a large voice in determining whether the federal FMPS' possession limits of dogfish be eliminated. Written statement from the NEFMC is attached for the record.

Draft Addendum VI to the Interstate Fishery Management Plan for Spiny Dogfish for Public Comment

Atlantic States Marine Fisheries Commission
September 3, 2019
Portsmouth, New Hampshire

-- PLEASE PRINT CLEARLY --

Name	Company/Organization	City, State
Tom Nies	NEFMC	Portsmouth NH
Ellen Goethel		Hampton NH
Peter White		Portsmouth NH
Jeremy Hawker	NHFG	

Draft Addendum VI to the Spiny Dogfish Interstate Fishery Management Plan
Rhode Island Public Hearing

September 16, 2019

Narragansett RI

Staff: Conor McManus and Scott Olszewski (RIDEM DMF)

Commissioners: Jason McNamee (RIDEM DMF) and David Borden (AOLA)

Summary: The hearing was held, but no one from the public attended to provide comments on the issues at hand.

Draft Addendum VI to the Spiny Dogfish Interstate Fishery Management Plan
Public Hearing Webinar

September 18, 2019

1 Participant

Staff: Kirby Rootes-Murdy (ASMFC)

Other: Chris Batsavage (NC DMF), Nichola Meserve (MA DMF), Jason Didden (MAFMC)

3.1 Quota Transfer Options → 1 supports Option 2: Allow Quota Transfer between all states and regions

- 1 individual indicated their preference for Option 2: Allow Quota Transfer between all states and regions. Reason cited was that states should not be penalized if they close their fishery early and that available quota should be able to transferred across the coast between states and regions. They also cited how quota transfers have been very effective and helpful in other fishery, such as for bluefish, and that extending this management tool for states and regions involved in the spiny dogfish fishery would be best.

Public Scoping Question

- 1 individual indicated their preference for not eliminating the federal trip limit. Reason cited was the current market conditions: there are only two fish processing facilities along the coast; the price per pound is currently low; and while there is interest in trying to catch a higher trip limit, there is concern that would further lower the price. Another dynamic is that while the trip limit could be raised, doing so might introduce smaller, lower quality fish into the market, which could potentially affect the price as well.

  While the individual acknowledged there are state and regional quotas in place to constrain landings through the Commission's FMP, they expressed concern that a higher trip limit could result in a more 'derby' style fishery. Additionally, this individual believed that fishermen would fish at a higher trip limit even if it resulted in lower price per pound as result of 'flooding the market'. In summary, they expressed concern that eliminating the federal trip would create a scenario where spiny dogfish fishermen would be landing more fish for less money.

Good Evening. My name is Thomas Nies. I am the Executive Director of the New England Fisheries Management Council and I am here speaking on behalf of the Council.

The fishery for Spiny Dogfish in federal waters is managed by a fishery management plan that was adopted under the provisions of the Magnuson-Stevens Act (MSA). This is a joint fishery management plan of the Mid-Atlantic and New England Fishery Management Councils. The Mid-Atlantic Council is the lead Council for this FMP. Most spiny dogfish landings are harvested under the provisions of this FMP - we estimate that roughly 90 percent of dogfish landings are by federal permit holders.

The New England Council does not yet have a position on the quota transfer provisions that are being considered in Addendum VI to the Interstate Fisheries Management Plan for Spiny Dogfish. We are, however, concerned that this scoping hearing is seeking public comment on eliminating the federal FMP's possession limits. The Mid-Atlantic and New England Councils have not yet decided to pursue an action that would consider changes to the federal possession limit. It does not seem appropriate for ASMFC to ask a question about a management measure that is not yet under development at the same time as the Commission is seeking comments on a change to the ISFMP. We are concerned that this may confuse fishermen about the actions under development, and/or those fishermen who are not closely following the Commission process will not respond to the scoping question. The Addendum also does not identify a problem that needs to be addressed by a change in the possession limit, leaving unanswered what the rationale is for the proposal. Finally, only one option is presented for comment, suggesting a pre-determined response to an undefined problem.

The Spiny Dogfish Advisory Panel met via webinar on August 19, 2019 to develop a Fishery Performance Report. The purpose of that document is to provide the Scientific and Statistical Committee information about fishing effort, market trends, etc. During the course of that meeting, AP members briefly discussed the ASMFC idea to eliminate the federal trip limit and rely on states to set trip limits. Only two advisors voiced an opinion; both were against this suggestion. Some AP members expressed the concern that all fisherman's voices would not be accounted for in the ASMFC process. Given the limited number of scoping hearings that are being held, this is also a concern of the New England Council. It is our understanding that only two public hearings and one webinar are being held for a fishery that takes place from Maine to North Carolina.

In summary, the NEFMC prefers comments and suggestions on federal management be obtained through the Council process, not ASMFC scoping hearings on an unrelated action.

September 23, 2019

Kirby Rootes-Murdy
Senior Fishery Management Plan Coordinator
Atlantic States Marine Fisheries Commission
1050 N. Highland St, Suite A-N
Arlington, VA 22201

VIA EMAIL ONLY

Re: Comments to Spiny Dogfish FMP – Draft Addendum VI

Dear Kirby:

I am writing to you on behalf of the members of the Sustainable Fisheries Association (SFA) regarding the Spiny Dogfish Fishery Management Plan Draft Addendum VI.

The SFA supports Draft Addendum VI as it has been proposed to allow commercial quota to be transferred between all regions and states to enable the full utilization of the coastwide commercial quota and avoid quota payback for unintended quota overages.

Thank you for your consideration of and attention to this issue.

Sustainable Fisheries Association, Inc.
By
/s/
John F. Whiteside, Jr.
General Counsel
John@JWhiteside.com

Sustainable Fisheries Association, Inc.
678 State Road
Dartmouth, MA 02747
(508)991-3333

Kirby Rootes-Murdy

From: Comments
Sent: Friday, September 6, 2019 3:47 PM
To: Kirby Rootes-Murdy
Subject: FW: spiny dogfish draft addendum VI

Follow Up Flag: Follow up
Flag Status: Completed

From: Richard Pastore [mailto:rpengri@gmail.com]
Sent: Thursday, August 22, 2019 1:58 PM
To: Comments <comments@asmfc.org>
Subject: spiny dogfish draft addendum VI

I regularly bottom fish the waters around and south of block island ri. spiny dogfish are the biggest pain in the ass I've run into during my entire 69 years of fishing. not only are their numbers overwhelming when they're on the bite but they will suck down a squid bait in heartbeat out competing everything else around including cod, fluke,scup and black sea bass. additionally they perform their shark death spin when they're next to the boat and have an amazing ability to spear me with their caudal fin spike as they whip it around like an alligator when I'm trying to de-hook them. amendment VI should be as liberal as possible to allow the "biomass" aka "pain-in-the-ass" to be maximally harvested . PLEASE!
regards

Richard L. Pastore P.E.
RP Engineering, Inc
121 Suffolk Drive
North Kingstown, RI 02852
401 885 7255
www.RPENGRI.COM

Kirby Rootes-Murdy

From: Comments
Sent: Friday, September 6, 2019 3:47 PM
To: Kirby Rootes-Murdy
Subject: FW: Comment On Spiny Dogfish Management Proposal

Follow Up Flag: Follow up
Flag Status: Completed

From: jean public [mailto:jeanpublic1@gmail.com]
Sent: Saturday, August 24, 2019 12:40 PM
To: Comments <comments@asmfc.org>; PETA Info <info@peta.org>; The Pew Charitable Trusts <info@pewtrusts.org>; humanelines <humanelines@hsus.org>; INFORMATION@sierraclub.org
Subject: Re: Comment On Spiny Dogfish Management Proposal

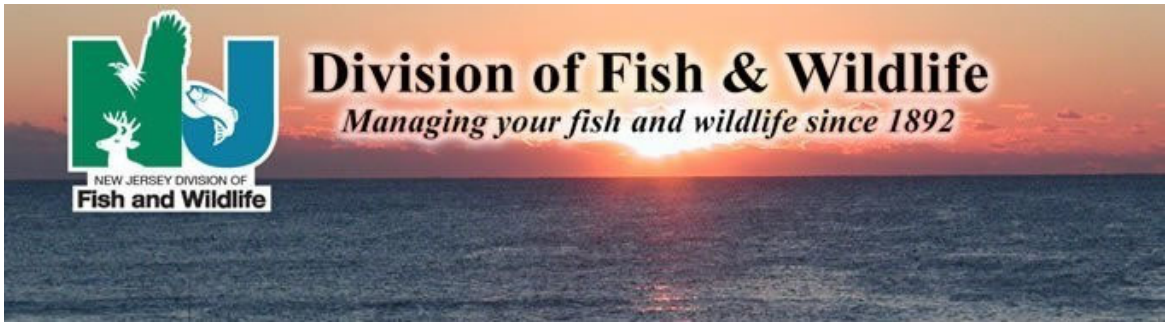
public commetn on spinry dogfish overfishing plan

i do not want to enable full "utilizatoin" of quotas. i want quota cut by 50% immediately in all regions. the overfishing going on per this sneaky asmfc organizatoin, which is slanted to commercial fish profiteers and not workinf in the best interests of the entire american public citizenry. this is the first time i have ever seen anything allowed for the public to comment on anything this sneaky asmfc does. usually this sneaky slanted biased organization working only for commercial fish profiteers doesnt want the public to knoiw what they do in secret. asmfc is a very sneaky closed orgaqnziation. hard to find out anything about what they do. this comment is for the public record. please receipt. jean publiee jeanpublic1@gmail.com

To All Applicable Commercial Spiny Dogfish Fishermen: The Atlantic States Marine Fisheries Commission (ASMFC) has released draft addendum VI to the spiny dogfish fishery management plan for public comment. Public comments will be received and considered until September 23, 2019, at 5pm. Comments on the draft addendum should be submitted via email to comments@asmfc.org and should include the subject line, "Spiny Dogfish Draft Addendum VI", via fax to (703) 842-0741, or to the address: Kirby Rootes-Murdy 1050 N. Highland St, Suite A-N Arlington, VA 22201 A public hearing will be held online and by phone by the ASMFC on September 18th, 2019, at 6pm. To attend the hearing by phone, dial (888) 585-9008 and enter room number 853-657-937. To attend the online webinar, please visit https://attendee.gotowebinar.com/register/1750824234161238785. The complete draft addendum can be found on the ASMFC website at http://www.asmfc.org/aboutus/public-input. Below is a summary of the proposed changes to the management plan: The Draft Addendum proposes allowing commercial quota to be transferred between all regions and states to enable the full utilization of the coastwide commercial quota and avoid quota payback for unintended quota overages. The Commission's FMP allocates the coastwide quota to the states of Maine-Connecticut as a regional allocation and to the states of New York-North Carolina as state-specific allocations. Currently, the FMP only allows quota transfers between states with individual allocations, with regions excluded from benefitting from quota transfers. The 2019-2020 coastwide quota was reduced by 46% due to declining biomass. If landings in the 2019-2020 fishing year remain the same as 2018-2019 landings, the coastwide quota may not be exceeded but some states could face early closures due to reaching their allocation and being unable to access available unused quota from the northern region through quota transfers. The Draft

Addendum also includes a scoping question on whether the federal commercial trip limit should be eliminated and replaced by state and regional trip limits. This issue is under consideration due to concern that the coastwide quota has been substantially underutilized over the past seven years and the federal commercial trip limit is viewed by some as an additional constraint on the fishery beyond the commercial trip limits implemented for state permit holders. The Commission does not establish the federal

On Fri, Aug 23, 2019 at 12:26 PM Division of Fish and Wildlife <NJFishandWildlife@public.govdelivery.com> wrote:



Attend public hearing via phone or online

The Atlantic States Marine Fisheries Commission (ASMFC) has released Draft Addendum VI to the Spiny Dogfish Fishery Management Plan for public comment. A public hearing will be held online and by phone by the ASMFC on September 18 at 6:00 p.m.

Attend by phone: Call 888-585-9008 and enter room number 853-657-937

Attend online

Complete draft addendum

Summary and comment instructions (pdf)

NEW JERSEY DIVISION OF
Fish and Wildlife
www.njfishandwildlife.com

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Kirby Rootes-Murdy

From: Comments
Sent: Friday, September 6, 2019 3:46 PM
To: Kirby Rootes-Murdy
Subject: FW: spiny dogfish draft addendum VI

Follow Up Flag: Follow up
Flag Status: Completed

From: Donald Miller [mailto:stickmanmiller@gmail.com]
Sent: Wednesday, August 28, 2019 9:33 AM
To: Comments <comments@asmfc.org>
Subject: spiny dogfish draft addendum VI

I Donald Miller am for the new management plan of the spiny dogfish of shifting state quota transfers to other states. I gill net out Barnegat Light N.J. , and yes we target the dogfish. We all are looking for a better price we need help there. Thank You. stickmanmiller@gmail.com

Kirby Rootes-Murdy

From: Comments
Sent: Thursday, September 19, 2019 10:20 AM
To: Kirby Rootes-Murdy
Subject: FW: dogfish comments & Re: James Sulikowski Arizonan do you have email & phone

I think I sent you this before but I'm not sure. This is the last one we received.

-----Original Message-----
From: James Fletcher [mailto:unfa34@gmail.com]
Sent: Friday, September 13, 2019 9:44 AM
To: JASON DIDDEN; Comments
Subject: dogfish comments & Re: James Sulikowski Arizonan do you have email & phone

ANY NEWS ON JAMES: IS IT POSSIBLE nmfs COMMERCE OR THE DEPARTMENT OF STATE ARRANGED A BETTER POSITION SO HIS EXPERTISE ON CHIPFISH WOULD DISAPPEAR?
WE NOW HAVE A DOGFISH PLAN THAT DOES NOT ACCOUNT FOR 80% OF FEMALE NOT SURVEYED BY TRAWL GEAR DUE TO BEING OFF BOTTOM & 90% OF MALE CHIP FISH DUE TO BEING IN NON SURVEYED AREA. ALSO A STATEMENT THAT 80% OF DOGFISH STOMACH CONTENT IS CTENOPHOREA IS TOTALLY INCORRECT.
PREVIOUS MANAGEMENT BASED ON INCORRECT SCIENCE CREATED LOWER QUOTAS & FORCED CLOSING OF PROCESSING PLANTS IN SOUTH.
LOWER QUOTAS BASED ON 80% INCORRECT [SCIENCE BASED ASSUMPTIONS} CREATED A MARKET OPENING IN EUROPE FOR IMPORTS FROM OTHER COUNTRIES PRODUCING DOGFISH.
INCORRECT SCIENCE MISSING 80% OF FEMALES & UNKNOWN PORTION OF MALES AS NO SURVEY IS CONDUCTED FOR MALES. CREATED A EXCUSE FOR CONSERVATION GROUPS TO REQUEST SHIPPING LINES NO LONGER ALLOW SHARK PRODUCTS TO BE SHIPPED BASED ON INCORRECT SCIENCE.
NO AGENCY HAS COME FORWARD WITH THE AMOUNT OF SHARK / DOGFISH PRODUCTS IMPORTED INTO U.S. IF ANY. ASMFC STAFF SHOULD BE REQUIRED TO PROVIDE IMPORT INFORMATION.
THE SCIENCE SET QUOTAS THAT CAUSED LOGISTIC PROBLEMS WHEN SHIPPING FROM SOUTH TO THE BLESSED NORTHERN PROCESSORS.
ASMFC MUST COMPLY WITH ARTICLE 1 SECTION 1 OF COMPACT PREVENT PHYSICAL WASTE BY MANDATING A INDUSTRAL USE FOR DOGFISH OR RENAMING THE FISH SO AMERICAN CONSUMMERS WILL UTILIZE.
SCRAP DRAFT ADDENDUM VI
REQUIRE A PROCESSING PLANT BE OPENED IN N.C. OR VA WITH SUPPLEMENTAL FUNDS FROM NOAA NMFS COUNCIL & ASMFC MANDATED TO SUPPLY MONEY TO COMPENSATE THE PROCESSOR OR PROCESSORS.
ASMFC & COUNCIL SHOULD RESEARCH HOW TO RENAME THIS FISH RATHER THAN DOING ADDENDUM VI.
HISTORICALLY DOGFISH IN 1890'S COMPRISED 17% OF BIOMASS NOW 2016 ABOVE 80% OF BIOMASS IN OCEAN AND ASMFC PROPOSES QUOTA TRANSFERS INSTEAD OF RENAMING THE FISH FOR MARKET ACCEPTABILITY, SCRAP ADDENDUM VI focus instead on ASMFC RENAMING THE FISH TO CONSUMER ACCEPTABLE NAME. JAMES FLETCHER UNFA 123 APPLE RD MANNS HARBOR NC. 27953

On 8/19/2019 4:32 PM, Didden, Jason wrote:
> Not right now, but I just send him a facebook friend request so maybe soon.
>
> -----Original Message-----
> From: James Fletcher <unfa34@gmail.com>
> Sent: Monday, August 19, 2019 12:28 PM
> To: Didden, Jason <jdidden@mafmc.org>
> Subject: James Sulikowski Arizonan do you have email & phone

>
> Jason do you have any contact information? Where do we gain any science NOW? UP A SCIENCE CREEK & NO HONEST SCIENCE!
> DO Tagw show males stay off bottom more inshore than females?
>
> --
> James Fletcher
> United National Fisherman's Association
> 123 Apple Rd.
> Manns Harbor, NC 27953
> 252-473-3287
>

--
James Fletcher
United National Fisherman's Association
123 Apple Rd.
Manns Harbor, NC 27953
252-473-3287

Kirby Roots
ASMFC
1050 North Highland St., Suite 200 A-N
Arlington, VA 22201

Dear Mr. Roots

I have been a long term fisherman out of Rhode Island and have fished for 40 plus year in the monkfish, skate, black sea bass, summer flounder, lobster and scup fisheries. During that time I have also fished for dogfish commercially on a number of occasions. I was unable to attend the recent public hear and offer the following comments.

In regards quota transfers, I support option 2 provided all states mutually agree to the amount and timing. This a nothing more than common sense, - since you want to have a system that allows the full quota to be harvested annually.

The public scoping issues is more complex, but to be sure, I support RI and the other states recommending the elimination of the federal trip limit. The State of Rhode Island, Marine Fisheries staff, should have the flexibility to work with fishermen like myself, to craft state specific regulations that are tailored to our different circumstances. I have listened to a number of the advisory panel discussions over the years and am convinced that the federal trip limit constrains the ability to catch the annual quota, as well as supply enough product to attract buyers. Dogfish are a low value product (generally 15 cent a pound to the boats) which at a 6000 pound trip limit x .15 cent pound only generate $900. This is an inadequate incentive to target dogfish especially when they move offshore and cost go up, which they do seasonally. It is also not economic for dealers to truck them to New Bedford, given the low trip limit and the fact that very few fishermen want to participate in the fishery, as it is way too much work to earn a few hundred dollars at best.

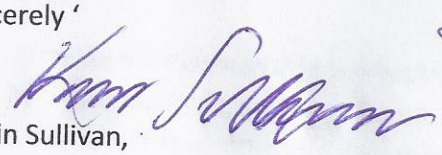
RI fishermen only have limited access to dogfish in State waters for a month or so in the spring and fall and in order to have a fishery we need to be able to target then in federal waters. Costs go up when you go that far and it is just not economic to chase them to gross $900 a day. Discards have been significant in most years and could be reduced with higher trip limits.

My last point relates to flexibility. States have different views on the preferred commercial trip limit for their respective jurisdictions, and the current one size fits all federal trip limit has proven limiting for many states leading to a substantial under-harvesting of the coastwide quota. States in the Mid Atlantic area have the ability to adjust their trip limit in state waters and address some of the concerns noted above for RI, and we should have the same options. Reason being, The States agencies have more flexibility to tailor their regulations to meet the individual state needs of their respective constituents. This concept works well in summer flounder, scup, and black seas bass fishery, and I have no doubt it will work well in dogfish.

So my response is yes your question : Should the Commission recommend that the federal commercial trip limit be eliminated and replaced by the state-by-state trip limits where they exist (NY–NC) and a regional trip limit where it exists (Northern Region of ME-CT)?c

I am happy to discuss by phone if needed. (401-935-8372)

Sincerely '



Kevin Sullivan,