

September 6, 2018

Dr. Christopher M. Moore  
Executive Director  
Mid-Atlantic Fishery Management Council  
800 North State Street, Suite 201  
Dover, Delaware 19901

Mr. Robert O'Reilly  
ASMFC Spiny Dogfish Management Board Chair  
Virginia Marine Resources Commission  
2600 Washington Ave, 3rd Floor  
Newport News, Virginia 23607

Dear Chris and Rob,

I recently listened to the Mid-Atlantic Fishery Management Council's Spiny Dogfish Advisory Panel (AP) deliberations and would like to offer a few conceptual thoughts and a request for your consideration. For the past 6 years the spiny dogfish commercial quota has been substantially underutilized, and some AP members have expressed continuing concerns that the federal trip limit constrains their ability to catch the quota, as well as supply enough product to attract buyers and develop new markets (e.g. bait market). This is a problem. My request is that the Atlantic State Marine Fisheries Commission's Spiny Dogfish Management Board and the Council's Monitoring Committee (MC) discuss the concept of eliminating the federal dogfish trip limit. In addition, I request the Commission discuss the development of a program that would replace the federal trip limit. There are a few reasons for this request and I offer comments on a few aspects of the current problem.

One difficulty we confront under the existing system is that the States have different views on the 'right' 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. Equally problematic, there are significant discards- from 2014-2016, 44% of removals (combined commercial landings and discards) were commercial discards, with a portion of these discards likely attributed to the federal trip limit. Eliminating the federal trip limit would allow the States more flexibility to tailor their regulations to meet the individual needs of their respective constituents. This concept is used in the summer flounder and black seas bass fishery, where federal moratorium permit holders and state permitted individuals are restricted to their state's commercial trip limit, and I can envision such a concept working well with the spiny dogfish fishery, if structured properly.

This issue is further complicated by the seasonal and regional distribution of the resource. Spiny dogfish are found in state waters for part of the year and then in federal waters at other times of the year, largely in response to changes in water temperature. While states in the Mid-Atlantic region (New York through North Carolina) have the flexibility to tailor their state trip limits to meet their individual needs, that flexibility ends when the resource moves into

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federal waters. This make little sense since the southern states operate under state allocations, and must close their fishery when they've met their allocation, thus the federal trip limit acts as a further deterrent, preventing many from achieving their state allocation. By comparison, the New England states of Maine through Connecticut operate under a regional quota, so a different approach would be needed in that area. As always the devil is in the details which would need to be developed.

I acknowledge that if the federal trip limit is removed, a process would need to be developed to determine how and when states modify their regulations and the extent of any changes. I also understand that aside from the Board and MC review of this concept, this proposal may require an adjustment to the federal FMP; if so, there may be the need for a similar action by the Commission. Notwithstanding those points, I think it would be useful to have both groups initiate a discussion on this concept, discuss the pros and cons of the strategy and offer suggestions on other approaches that may address some of the problems noted during the AP discussion.

In summary, I am requesting the Board and MC initiate a discussion of the concept of removing the federal trip limit, allow the Mid-Atlantic states of New York through North Carolina to develop state-specific trip limits or other strategies to achieve their commercial quotas, and the states of Maine through Connecticut to develop trip limits or other alternatives to collectively achieve their regional quota and reduce discards.

Thank you for your consideration of this concept, and if you have any further questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "David Borden", with a stylized flourish at the end.

David Borden  
RI Commissioner, ASMFC

cc: ASMFC Spiny Dogfish Board