

## Compliance Guide for the Atlantic Spiny Dogfish Fishery – 2009 -2010

The commercial spiny dogfish (SDF) fishery opens May 1, 2009 with a quota of 12 million pounds that may be harvested prior to April 30, 2010. There are several new developments in management and allocation of the available quota and the objective of this guide is to clearly list requirements and allowable practices and to clarify some gray areas.

SDF are jointly managed by the Mid-Atlantic and New England Fishery Management Councils (Councils) in waters of the EEZ and the Atlantic States Marine Fisheries Commission (Commission) in state waters. The Councils and Commission have adopted a 12,000,000 pound quota for harvest between May 1, 2009 through April 30, 2010. The daily landing limit for both fisheries is 3,000 pounds per vessel. Fishermen in the EEZ must possess a SDF Permit issued by the National Marine Fisheries Service. Fishermen in state waters are not required to hold a SDF Permit but must be licensed by the state in which they commercially harvest. In order to land and sell fish caught in the EEZ, some states require a land and sell license if the boat is landing in a state other than that in which they are commercially licensed. All SDF harvested from any waters by federally-permitted vessels must be sold to a dealer issued a federal SDF permit. SDF harvested by a state licensed vessel must be sold to either a Federally Permitted Dealer or a state licensed dealer that submits weekly reports consistent with Commission requirements.

The states from Maine through Florida have adopted Addendum II to the Commission Plan that sets up and allocates a percentage of the annual quota to three regions, Maine – Connecticut (58%), New York – Virginia (26%), and North Carolina (16%). Overages are paid back annually by region.

Table 1. 2009/2010 ASMFC specifications

	<b>Allocation (%)</b>	<b>Quota (Pounds)</b>	<b>2008/2009 Overage</b>	<b>Adjusted Quota</b>
<b>Northern Me-ct.</b>	58%	6,960,000	49,619	6,910,381
<b>Southern Ny-Va.</b>	26%	3,120,000	431,930	2,688,070
<b>North Carolina</b>	16%	1,920,000	29,301	1,890,699

Landings of SDF, in a state, from state waters or from the EEZ will be recorded as being landed in that region of which the state is included. Regions may cooperatively adopt state trip landing limits to slow attainment of quota. When the regional quota is reached, the Commission will issue a closure notice and then individual states will issue public notices or proclamations to prohibit further landings, from any jurisdictional area, in that state. Overages in a region will be subtracted from the regional quota the following year.

After states in a region have prohibited fishing for SDF in their waters and landings within their borders, unless the total coastal quota or the period quota for SDF has been achieved, vessels fishing in the EEZ may still land SDF in the states of regions that remain open.

The quota in the Council plan is divided into period 1 May 1- October 31 and period 2 November 1 – April 30 with 57.9% and 42.1% of the quota respectively allocated into these periods. If one of the seasonal quotas in the Council plan is fully harvested, the EEZ fishery will be closed. However, state waters fisheries may remain open if there is regional/state quota available. Those fishermen with a SDF permit issued by NMFS that wish to fish in state waters during the EEZ period closure must temporarily relinquish their permit.

A vessel issued a federal permit must comply with the federal requirements whether fishing in state or federal waters unless the state requirements are more restrictive. In that case, the federal vessel must comply with the more restrictive state regulations.

If a vessel owner cancels the federal SDF permit, the vessel may fish during a federal fishery closure, but only within state waters.

This notice is only a summary of the spiny dogfish regulations and should not be considered as a substitute for the actual regulations. To read the federal regulations in their entirety you should call (978) 281-9315 or log onto the Northeast Regional Office's website at <http://www.nero.noaa.gov>. The ASMFC website is [www.asmfc.org](http://www.asmfc.org). Individual state regulation sources should be consulted for specific requirements in state waters.