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SUPPLEMENTARY INFORMATION:

Background

NMFS declared spiny dogfish overfished on April 3, 1998, and added this species to that year's list of overfished stocks in its *Report on the Status of the Fisheries of the United States*, prepared pursuant to section 304 of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Consequently, the Magnuson-Stevens Act required the preparation of measures to end overfishing and to rebuild the spiny dogfish stock. The Mid-Atlantic and New England Fishery Management Councils (Councils) jointly developed the FMP during 1998 and 1999. The Mid-Atlantic Fishery Management Council (MAFMC) was designated as the administrative lead on developing the FMP. The FMP was partially approved by NMFS on September 29, 1999, and the final rule implementing the FMP was published on January 10, 2000.

The regulations implementing the FMP at 50 CFR part 648, subpart L, outline the process for specifying annually the commercial quota and other management measures (e.g., minimum or maximum fish sizes, seasons, mesh size restrictions, trip limits, and other gear restrictions) for the spiny dogfish fishery to achieve the annual target F specified in the FMP. The target F for the 2003 fishing year is 0.03.

The Spiny Dogfish Monitoring Committee (Monitoring Committee), comprised of representatives from states, MAFMC staff, New England Fishery Management Council (NEFMC) staff, NMFS staff, and two non-voting, ex-officio industry representatives (one each from the Mid-Atlantic and Northeast regions), is required to review annually the best available information and to recommend a commercial quota and other management measures necessary to achieve the target F for the upcoming fishing year. The Councils' Joint Spiny Dogfish Committee (Joint Committee) then considers the Monitoring Committee's recommendations and any public comment in making its recommendation to the two Councils. Afterwards, the MAFMC and the NEFMC make their recommendations to NMFS. NMFS reviews those recommendations to ensure that they are consistent with the target F level, and publishes proposed measures for public comment.

Monitoring Committee Recommendations

The Monitoring Committee met on September 19, 2002, to review updated stock assessment information. Based on a 3-year average (2000–2002), F was estimated to range from 0.27 to 0.44, with the best estimate being $F=0.3$, which was far above the overfishing threshold level of $F=0.11$ specified in the FMP.

According to the most recent (through spring 2002), audited NEFSC spring trawl survey data, the current 3-year (2000–2002) moving average of adult female biomass is 72,600 mt versus 68,400 mt for the previous (1999–2001) value. This is approximately 36 percent of the recommended biomass rebuilding target (B_{msy}) for adult females of 200,000 mt (441 million lb). It is important to note that the biomass rebuilding target will be re-estimated this spring when the spiny dogfish stock assessment is updated. The biomass estimates of adult male dogfish between the two moving 3-year average periods is essentially unchanged. The 2000–2002 average of total stock biomass was 378,000 mt, compared to 380,000 mt for 1999–2001. The Monitoring Committee concluded that, based on recent survey updates, stock abundance, including female spawning stock biomass, appears to be stable. This contrasts with the pronounced declines in previous years.

However, the stock of adult females remains low as the result of the fact that the fishery targeted larger (female) fish in the 1990s. The survey data indicate a decrease in the average size of female spiny dogfish in recent years. NMFS survey data also show a reduction in the biomass of spiny dogfish pups based on the decline in biomass of dogfish less than 36 cm. The survey indices for pups for the past 6 consecutive years (1997–2002) have continued to be the lowest in the 34-year time series, indicating recruitment failure.

The Monitoring Committee estimated the yield associated with an $F=0.03$ for 2003 to be 4.0 million lb (1.81 million kg), assuming the current stock size. The Monitoring Committee recommended a 4-million lb (1.81-million kg) commercial quota for spiny dogfish for the 2003–2004 fishing season, divided into the two semi-annual periods as specified in the FMP: 57.9 percent for quota period 1 (May–October), or 2,316,000 lb (1.05 million kg); and 42.1 percent for quota period 2 (November–April), or 1,684,000 lb (765,454 kg). The Monitoring Committee also recommended maintaining a trip limit of 600 lb (273 kg) for quota period 1 and 300 lb (137 kg) for quota period 2.

(Vessels are prohibited from landing more than the specified amount in any one calendar day.)

The Spiny Dogfish Monitoring Committee concluded by consensus that discards are a major issue for stock rebuilding and that discard mortality may be overwhelming the FMP objective of rebuilding female spawning stock biomass. As a result of discarding in other fisheries, fishing mortality could be greater than the F that will allow stock rebuilding. The Committee was also concerned with recent increases in Canadian landings, which now exceed U.S. landings. When the FMP was being developed, Canadian landings were of minor importance. Given all these factors, the Monitoring Committee expressed concern that even the current restrictive rebuilding strategy may be too liberal to accomplish the rebuilding objectives of the FMP, even in the long term. The Councils have initiated development of Amendment 1 to the FMP, which will consider changes to the management regime for this fishery.

Joint Spiny Dogfish Committee Recommendations

The Joint Spiny Dogfish Committee (Joint Committee) met on September 30, 2002, to consider the recommendations of the Monitoring Committee, and to make a recommendation to the Councils. The Joint Committee recommended that the Councils adopt a commercial quota of 8.8 million lb (4 million kg) for the 2003 fishing year. In addition, the Joint Committee recommended trip limits of 7,000 lb (3,182 kg) for quota period 1 and 5,000 lb (2,273 kg) for quota period 2.

Alternatives Proposed by the Councils

The MAFMC and NEFMC voted on recommendations for year 5 (2003–2004) management measures at their respective meetings on October 2, 2002, and November 5, 2002. The MAFMC adopted the Monitoring Committee recommendations for a commercial quota of 4 million lb (1.81 million kg) and trip limits of 600 lb (273 kg) for quota period 1 and 300 lb (137 kg) for quota period 2. The NEFMC adopted the Joint Committee recommendation for an F consistent with a commercial quota of 8.8 million lb (4 million kg), and trip limits of 7,000 lb (3,182 kg) and 5,000 lb (2,273 kg) for quota periods 1 and 2, respectively.

Proposed 2003 Measures

NMFS reviewed both Councils' recommendations and concluded that the MAFMC recommendation would better ensure that the target F is not