

Spiny Dogfish Fishery Information Sheet Summary of Regulations FY 2012

Effective June 21, 2012



INTRODUCTION

This summary is not a substitute for the Federal regulations; rather it provides a broad overview of restrictions and requirements of NOAA's National Marine Fisheries Service (NMFS) that apply to this fishery. You are strongly encouraged to read the regulations in conjunction with this information sheet to fully understand how this fishery is managed.

Federal measures apply to a vessel issued a Federal spiny dogfish permit, no matter where it fishes; however, individual states may set different regulations for the commercial spiny dogfish fishery. In cases where state measures differ from Federal regulations, fishery participants holding Federal spiny dogfish permits must adhere to the more restrictive state or Federal measure.

PERMITS

Any vessel used to fish for, possess, or land spiny dogfish in the Exclusive Economic Zone (EEZ, waters 3 – 200 nm from shore) from Maine to Florida must have a valid Federal spiny dogfish permit. The permit is an open access permit that any vessel owner can obtain. You may obtain an application for a permit by contacting the Northeast (NE) Region's Permit Office at (978) 281-9370 or online at: www.nero.noaa.gov/permits/

QUOTA

The quota for the fishing year (May 1 - Apr 30) is established by NMFS based on the recommendations of the Mid-Atlantic and New England Fishery Management Councils. The commercial quota is allocated seasonally between two quota periods as follows: May 1 through October 31 (Period 1; 57.9%) and November 1 through April 30 (Period 2; 42.1%). All spiny dogfish landings, whether from Federal or state waters, are counted toward the quota. If NMFS determines that a period's quota will be caught, NMFS will notify Federal spiny dogfish permit holders that vessels may not possess, fish for, or land spiny dogfish for the remainder of the quota period. (See table for current quota and allocations.)

Spiny Dogfish Quota and Possession Limits

2012 Commercial Quota = 35.694 million lb Effective June 21, 2012

Quota Period	Allocation (lb)	Possession Limit (lb)
1. May 1–Oct 31	20,667,000	3,000
2. Nov 1–Apr 30	15,027,000	3,000

NMFS monitors the harvest of the commercial spiny dogfish quota and closes the EEZ to fishing when data indicate the quota is projected to be harvested. Weekly landing reports tracking the quota are posted at: http://www.nero.noaa.gov/ro/fso/reports/reports_frame.htm

POSSESSION LIMIT

A vessel with a Federal spiny dogfish permit may not possess or land more than the possession limit, as detailed above, and may land only one trip of spiny dogfish per calendar day.

MINIMUM FISH SIZE

There is no minimum fish size for spiny dogfish.

GEAR & AREA RESTRICTIONS

A vessel fishing for, possessing, or landing spiny dogfish in Federal waters must have a Federal spiny dogfish permit and must comply with all applicable Federal gear and area requirements, including gear/area restrictions to protect right whales and other federally protected species.

In the NE Region (which extends from North Carolina to the Canadian border), many NE multispecies groundfish regulations apply to all vessels fishing in Federal waters, regardless of whether or not they have a

NE multispecies permit. For example, NE multispecies regulations include four regulated mesh areas (RMAs) that regulate which gear can be used in each of the following areas (see map): Gulf of Maine (GOM); Georges Bank (GB); Southern New England (SNE); and Mid-Atlantic (MA).

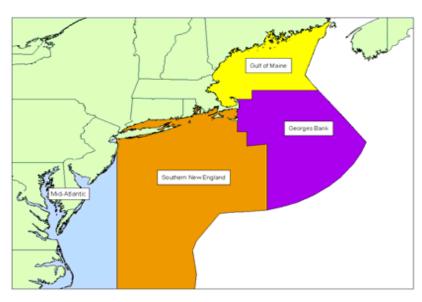
For coordinates defining these RMAs, see 50 CFR 648.80 or go to the following site:

http://www.nero.noaa.gov/nero/fishermen/charts/mul3.html

Within these RMAs, a vessel fishing with gillnets and trawl gear must abide by the minimum mesh sizes required by the NE multispecies regulations, as summarized in the table below.

Vessels holding a limited access NE multispecies permit, and not on a NE multispecies sector trip, must also comply with the NE multispecies Restricted Gear Areas (RGAs). For coordinates of the RGAs see the Closed Area Information Sheet at: http://www.nero.noaa.gov/nero/regs/infodocs/MultsClosedAreas.pdf

A vessel fishing for, possessing, or landing spiny dogfish must fish under a scallop or multispecies day-at-sea (DAS), including the multispecies B DAS Program, or on a



Regulated Mesh Area	Trawl codend mesh size requirement	Gillnet mesh size requirements
Gulf of Maine (GOM)	6.5-inch square or diamond	6.5 inches throughout the entire net
Georges Bank (GB)		
Southern New England (SNE)	6.5-inch square or diamond	6.5 inches throughout the entire net
Mid-Atlantic (MA)	6.5-inch square or diamond	6.5-inch square or diamond

NE multispecies non-DAS sector trip, or under the rules of an exempted fishery (see table on page 3). A vessel may also fish under a monkfish-only DAS and retain spiny dogfish if it is fishing in a monkfish exemption area, as defined in the large mesh information sheet found at: http://www.nero.noaa.gov/nero/regs/infodocs/ Large mesh exemption.pdf

If a vessel is not fishing on a NE multispecies non-DAS sector trip or under a multispecies DAS, scallop DAS, or monkfish-only DAS within a monkfish large-mesh exemption area, and wants to possess or land spiny dogfish, the vessel must be fishing in an exemption area (meaning areas where the bycatch of regulated NE multispecies is minimized) that allows for the take of spiny dogfish or fishing with exempted gear.

The table on page 3 lists the exempted fisheries and areas in and from which spiny dogfish may be possessed or landed based on gear type (i.e., trawls, gillnets). In-depth descriptions of these exempted areas are found later in this information sheet.

Any catch of allocated groundfish stocks by a NE multispecies sector vessel while targeting spiny dogfish will count against its sector's ACE, unless the vessel is fishing in an exempted fishery or with exempted gear outside of the DAS program. This means that the vessel's sector must have ACE for all stocks in the area the sector vessel fishes for spiny dogfish and that the sector vessel must participate in its sector's Dockside Monitoring Program and the NMFS At-Sea Monitoring Program on trips targeting dogfish (unless the vessel is fishing in an exempted fishery or with exempted gear).

Exemption Areas (EAs) and Fisheries Where Spiny Dogfish Can Be Retained:

Exempted Areas within the GOM/GB RMAs

Trawl Gillnet

Nantucket Shoals Dogfish EA*

Cultivator Shoal Whiting Fishery EA*†

Nantucket Shoals Dogfish EA*

GOM/GB Dogfish Gillnet EA

Small Mesh Areas 1 & 2†

Raised Footrope Trawl Exempted Whiting Fishing Area*†

Exempted Areas within the SNE RMA

Trawl Gillnet

SNE Exemption Area (includes part of GB RMA)

SNE Dogfish Gillnet EA

Exempted Areas within the MARMA

Trawl Gillnet

Mid-Atlantic EA (includes part of SNE RMA) Mid-Atlantic EA (includes part of SNE

RMA)

A vessel fishing for spiny dogfish in Federal waters must also comply with closed areas for other fisheries, including NE multispecies, unless using gear defined as not capable of catching NE multispecies. Exempted gear includes the following: Pelagic hook and line, pelagic longline, spears, rakes, diving gear, cast nets, tong, harpoons, weirs, dipnets, stop nets, pound nets, pelagic gillnets, pots and traps, shrimp trawls (with properly configured grates), and surfclam/ocean quahog dredges.

The NE multispecies Closed Area regulations can be found at: http://www.nero.noaa.gov/nero/regs/infodocs/MultsClosedAreas.pdf

These include seasonal and year-round closures, Essential Fish Habitat (EFH) closures, and transiting/gear stowage requirements.

More information regarding multispecies regulations is available on the NMFS Northeast Region website at: http://www.nero.noaa.gov/sfd/sfdmulti.html

^{*} Requires a Letter of Authorization (LOA) to participate. LOAs can be obtained from the Northeast Regional Permit Office at (978) 281-9370.

[†] Dogfish is considered an incidentally caught species in these EAs. These EAs require the use of small mesh to target whiting.

Nantucket Shoals Dogfish Fishery Exemption Area

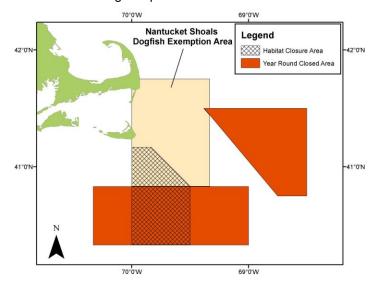
§ 648.80(a)(10)

<u>Area</u>: The Nantucket Shoals Dogfish Fishery EA is defined by straight lines connecting the following points in the order stated:

N. Latitude	W. Longitude
41°45'	70°00'
41°45'	69°20'
41°30'	69°20'
41°30'	69°23'
41°26.5'	69°20'
40°50'	69°20'
40°50'	70°00'
41°45'	70°00'

Season: June 1 through October 15

<u>Gear</u>: A vessel fishing in the Nantucket Shoals Exemption Area may use gillnet or trawl mesh smaller than required by the GOM and GB RMAs. The vessel **must** have a LOA to participate in this fishery. Trawl gear is not permitted in the portion of the exemption area that overlaps with the Nantucket Lightship Habitat Closure Area.



Requirements: A vessel fishing in the Nantucket Shoals Dogfish Fishery Exemption Area **must** have on board a LOA issued by the Regional Administered. LOAs may be obtained from the Northeast Region Permit Office at (978) 281-9370. While fishing in this exemption area, vessels may not fish for, possess on board, or land any species of fish other than dogfish, except as follows:

- Longhorn sculpin;
- Silver hake up to 200 lb;
- Monkfish and monkfish parts up to 10 percent, by weight, of all other species on board or up to 50 lb tail-weight/146 lb whole-weight of monkfish per trip, whichever is less;
- American lobster up to 10 percent, by weight, of all other species on board or 200 lobsters, whichever is less;
- Skate or skate parts up to 10 percent by weight, of all other species on board.

<u>Transiting</u>: When transiting the GOM or GB RMAs, any nets with a mesh size smaller than the RMA minimum mesh size must be stowed and unavailable for immediate use.

GOM/GB Dogfish Gillnet Fishery Exemption Area § 648.80(a)(14)

Area: The GOM/GB Dogfish Gillnet Fishery EA is defined by straight lines connecting the following points in the order stated:

N. Latitude	W. Longitude
41°35'	70°00'
42°49.5'	70°00'
42°49.5'	69°40'
43°12'	69°00'
Maine Shoreline	69°00'

Season: July 1 through August 31

Gear: All gillnets must have a minimum mesh size of 6.5inch diamond mesh throughout the net. Hence, this EA does not exempt vessels from the gear requirements of the GOM and GB RMAs.



Requirements: A vessel fishing under this exemption may not fish for, harvest, possess, or land any species of fish other than dogfish, or lobsters in an amount not to exceed 10% by weight of the total catch on board, or 200 lobsters, whichever is less.

Cultivator Shoal Whiting Fishery Exemption Area § 648.80(a)(6)

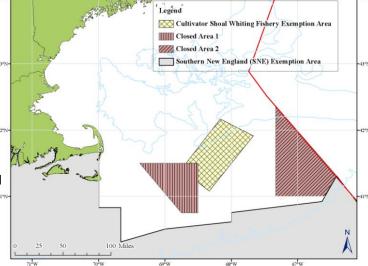
This EA is designed for small-mesh multispecies, but spiny dogfish can be possessed or landed incidentally up to the trip possession limit.

<u>Area</u>	
N. Latitude	W. Longitude
42°10'	68°10'
41°30'	68°41'
41°30'	68°30'
41°12.8′	68°30'
41°05'	68°20'
41°55'	67°40'
42°10'	68°10'

June 15 – October 31, unless otherwise specified by notification in the Federal Register.

Gear

A vessel must comply with a minimum mesh size of 3-inch square or diamond mesh, applied to the first 100 meshes (200 bars in case of square mesh) for a vessel greater than 60 feet in length,



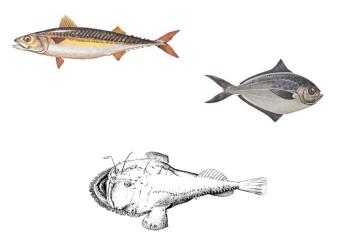
or 50 meshes (100 bars in case of square mesh) for a vessel less than or equal to 60 feet in length, counted from the terminus of the net.

Small-Mesh Multispecies Possession Limits

- Silver hake (whiting) and offshore hake, up to 30,000 lb combined; and
- Red hake, no possession limit.

Additional Species Permitted for Retention

- Atlantic herring
- Longhorn sculpin
- Squid
- Butterfish
- Atlantic mackerel
- · Spiny dogfish
- Monkfish and monkfish parts up to 10 percent by weight of all other species onboard or 50 lb tail weight (166 lb whole weight), whichever is less.
- American lobster up to 10 percent by weight of all other species on board up to 200 lobsters, whichever is less, unless otherwise restricted.



Additional Requirements and Conditions

A participating vessel must carry a LOA issued by the Regional Administrator, valid for a minimum of 7 days. A participating vessel may withdraw from the program no earlier than 7 days from the date of enrollment. LOAs, and withdrawals, may be obtained from the Northeast Region Permit Office at (978) 281-9370.

Small Mesh Area 1 and 2 Exemption Areas (§ 648.80(a)(9))

This EA is designed for small-mesh multispecies, but spiny dogfish can be retained incidentally. Small mesh Areas 1 and 2 are defined by straight lines connecting the following points in the order stated:

Small Mesh Area 1

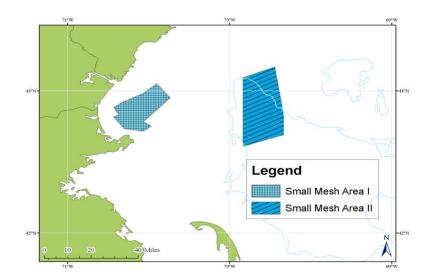
N. Latitude	W. Longitude
43°03'	70°27'
42°57'	70°22'
42°47'	70°32'
42°45'	70°29'
42°43'	70°32'
42°44'	70°39'
42°49'	70°43'
42°50'	70°41'
42°53'	70°43'
42°55'	70°40'
42°59'	70°32'

Small Mesh Area 1 Season July 15 – November 15

Small Mesh Area 2

N. Latitude	W. Longi	<u>itude</u>
43°05.6'	69°55'	
43°10.1=		69°43.3'
42°49.5=		69°40'
42°41.5=		69°40'
42°36.6'	69°55'	
43°05.6'	69°55'	

Small Mesh Area 2 Season January 1 – June 30



Note: Portions of Small Mesh Area 1 fall within the state jurisdictions of Massachusetts and New Hampshire. When fishing in state waters, a federally permitted vessel is subject to the more restrictive of Federal or state regulations. Also, portions of Small Mesh Area 2 are affected by Inshore Closure Areas and are thus closed during these time periods.

Gear

A trawl vessel is required to use a raised footrope trawl when fishing in Small Mesh Areas 1 and 2, depending on the species of fish targeted. A vessel is considered to be fishing with a raised footrope if its trawl gear is designed according to the specifications outlined on page 8 of this information sheet.

Small-Mesh Multispecies Possession Limits

• Silver hake (whiting) and offshore hake combined, mesh size dependent:

Codend Mesh Size	Possession Limit
Smaller than 2.5 inches	3,500 lb
Greater than 2.5 inches but	7,500 lb
less than 3.0 inches	
Equal to or greater than 3.0	30,000 lb
inches	

• Red hake, no possession limit.

Additional Species Permitted for Retention

Butterfish
 Atlantic mackerel

Spiny dogfishAtlantic herringScupSquid

Raised Footrope Trawl Exempted Whiting Fishery Areas § 648.80(a)(15)

This EA is designed for small-mesh multispecies, but spiny dogfish can be retained incidentally.

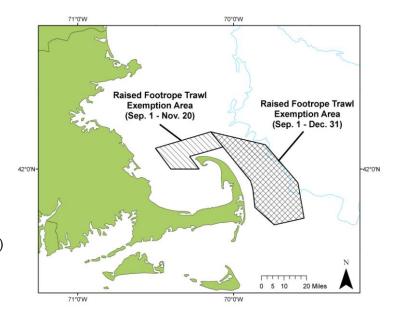
Areas and Seasons

Raised Footrope Trawl Exempted Whiting Fishery Area (September 1 – November 20)

N. Latitude	W. Longitude
42E14.05'	70E08.8'
42E09.2'	69E47.8'
41E54.85'	69E35.2'
41E41.5'	69E32.85'
41E39'	69E44.3'
41E45.6'	69E51.8'
41E52.3'	69E52.55'
41E55.5'	69E53.45'
42E08.35'	70E04.05'
42E04.75'	70E16.95'
42E00'	70E13.2'
42E00'	70E24.1'
42E07.85'	70E30.1'
42E14.05'	70E08.8'

Raised Footrope Trawl Exempted Whiting Fishery Area (September 1 - December 31)

N. Latitude	W. Longitude
42E14.05'	70E08.8'
42E09.2'	69E47.8'
41E54.85'	69E35.2'
41E41.5'	69E32.85'
41E39'	69E44.3'
41E45.6'	69E51.8'
41E52.3'	69E52.55'
41E55.5'	69E53.45'
42E08.35'	70E04.05'
42E14.05'	70E08.8'



<u>Gear</u>

All nets must be no smaller than the minimum mesh size of 2.5-inch square or diamond mesh. A participating vessel must use a raised footrope trawl. A description of the raised footrope trawl can be found in the NE Multispecies Small Mesh Fishery Exemptions information sheet: http://www.nero.noaa.gov/nero/regs/infodocs/Small_mesh_exemption.pdf

A vessel participating in the Raised Footrope Trawl Exempted Whiting Fishery may not use liners, codend covers, and/or outside net strengtheners.

Small-Mesh Multispecies Possession Limits

• Silver hake (whiting) and offshore hake combined, mesh-size dependent (mesh-size must not be smaller than 2.5 inches):

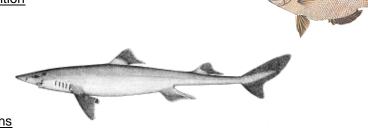
Codend Mesh Size	Possession Limit
Equal to or greater than 2.5 inches but less than 3.0 inches	7,500 lb
Equal to or greater than 3.0 inches	30,000 lb



Red hake, no possession limit.

Additional Species Permitted for Retention

- Butterfish
- Spiny dogfish
- Atlantic herring
- Atlantic mackerel
- Squid
- Scup



Additional Requirements and Conditions

A participating vessel must carry an LOA issued by the Regional Administrator, valid for a minimum of 7 days. A participating vessel may withdraw from the program no earlier than 7 days from the date of enrollment. LOAs, and withdrawals, may be obtained from the Northeast Region Permit Office at (978) 281-9370.

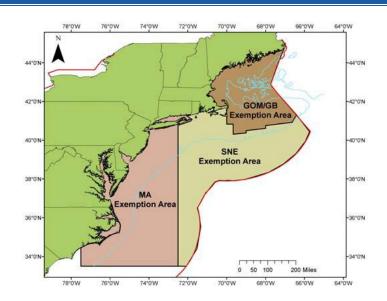
Note: A vessel participating in the Raised Footrope Trawl Whiting Fishery may participate in other small-mesh exemption areas provided it adheres to the more restrictive gear, possession, landing, and other requirements for the entire participation period specified in the letter of authorization. Also, a vessel participating in this exempted fishery is exempted from Rolling Closure Area V during October through November.

SNE Exemption Area, Exempted Fisheries § 648.80(b)(10)

A vessel participating in the SNE Exemption Area and not fishing under a NE multispecies DAS may use gear with minimum mesh sizes smaller than the minimum regulated mesh size to catch exempted species. Spiny dogfish (caught with bottom trawl gear only) is included in the list of SNE exempted species (see § 648.80(b)(3)). This is a year-round exemption. Minimum mesh size requirements are hereby determined by other Federal fishing permits.

N. Latitude	W. Longitude
41°18.6'	66°24.8'
40°55.5'	66°38'
40°45.5'	68°00'
40°37'	68°00'
40°30.5'	69°00'
40°22.7'	69°00'
40°18.7'	69°40'
40°50'	69°40'
40°50	70°00'
	70°00' ¹
1	1 4 41 41

¹ Northward to its intersection with the shoreline of mainland Massachusetts



Additional Species Exemptions[†]

- Butterfish
- · Atlantic herring
- Atlantic mackerel
- Ocean pout
- Scup
- Shrimp
- Squid
- Summer flounder
- · Silver hake
- Offshore hake
- Weakfish

§ 648.80(b)(7)



A vessel using gillnet gear can seasonally fish for, possess, and land spiny dogfish without using a DAS or being on a NE multispecies non-DAS sector trip in a portion of the SNE EA.

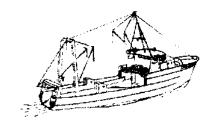
Area: The SNE Dogfish Gillnet Fishery Exemption Area is defined by a line running from the Massachusetts shoreline at 41°35′ N. lat. and 70°00′ W. long., south to its intersection with the outer boundary of the EEZ, southwesterly along the outer boundary of the EEZ, and bounded on the west by the western boundary of the SNE Exemption Area (see coordinates on page 8).

Season: May 1 through October 31

<u>Gear</u>: All gillnets must have a minimum mesh size of 6-inch diamond mesh throughout the net

Requirements: A gillnet vessel may fish in the SNE Dogfish Gillnet Fishery Exemption Area when not operating under a NE multispecies DAS. A vessel fishing under this exemption may only fish for, possess on board, or land dogfish and the bycatch species and amounts specified in 50 CFR 648.80(b)(3) (see additional species exemptions listed below for the SNE EA).





Additional Species Exemptions[†]

- Butterfish
- Squid
- Atlantic herring
- Summer flounder
- Atlantic mackerel
- Silver hake
- Ocean pout
- · Offshore hake
- Scup
- Weakfish
- Shrimp

MA Exemption Area, Exempted Fisheries

§ 648.80(c)

A vessel fishing in the MA Exemption Area is exempt from the 5 percent bycatch criteria specifications for determining an exempted fishery and may, therefore, fish in a fishery outside of a NE multispecies DAS or non-DAS sector trip, provided that the vessel does not possess or land regulated multispecies finfish (i.e., American plaice, Atlantic cod, Atlantic halibut, haddock, ocean pout, pollock, redfish, white hake, windowpane flounder, winter flounder, witch flounder, and yellowtail flounder).

Area

The MA Exemption is the area that lies west of the SNE Exemption Area described on page 8.

Season

Open year round.

Gear

A vessel participating in the MA Exemption Area may use mesh smaller than the required 6.5 inches if not fishing under a multispecies DAS (i.e., not retaining regulated multispecies) and subject to the regulations of the FMPs that apply to the fisheries in which it is participating.

GILLNET REQUIREMENTS FOR PROTECTED SPECIES

In addition to the requirements for gillnet fishing identified under the NE multispecies regulations, protected species requirements may also apply, depending on the season and area being fished. These requirements are to reduce incidental interactions between fishing gear and protected species, such as marine mammals and sea turtles. All persons owning or operating vessels in the EEZ that fish with sink gillnet gear and other gillnet gear, regardless of whether or not the gear is within a NE multispecies fishery exemption area, must comply with the applicable provisions of the:

- Atlantic Large Whale Take Reduction Plan found in 50 CFR 229.32 and on the internet at http://www.nero.noaa.gov/whaletrp/. Requirements include time-area closures (with limited exceptions) and gear modifications (e.g., weak links, anchoring requirements, sinking groundline, gear marking) from Maine through the east coast of Florida.
- 2. **Harbor Porpoise Take Reduction Plan** found in 50 CFR 229.33 (Gulf of Maine) and 229.34 (Mid-Atlantic) and on the internet at http://www.nero.noaa.gov/porptrp/. Requirements include time-area closures and seasonal gear modifications (e.g., pingers in the Gulf of Maine and gear requirements in the Mid-Atlantic) from Maine through North Carolina.

[†] Incidental species allowed for retention when fishing for the exempted species above includes: Conger eels; sea robins; black sea bass; red hake; tautog (blackfish); blowfish; cunner; John Dory; mullet; bluefish; tilefish; longhorn sculpin; fourspot flounder; alewife; hickory shad; American shad; blueback herring; sea raven; Atlantic croaker; spot; swordfish; monkfish and monkfish parts – up to 10%, by weight, of all other species on board or up to 50 lb tail-weight/166 lb whole weight or monkfish per trip, whichever is less; American lobster – up to 10%, by weight, of all other species on board or 200 lobsters, whichever is less; and skate and skate parts- up to 10%, by weight, of all other species on board.

- 3. **Bottlenose Dolphin Take Reduction Plan** found in 50 CFR 229.35 and on the internet at http://www.nmfs.noaa.gov/pr/interactions/trt/bdtrp.htm. Requirements include time-area closures and gear restrictions (e.g., prohibited night sets, net tending, gear length requirements, etc.) from New Jersey through the east coast of Florida.
- 4. Gear Restrictions in the NC/VA Large Mesh Gillnet Fishery for the Protection of Sea Turtles found in 50 CFR 223.206 and on the internet at http://www.nero.noaa.gov/prot_res/seaturtles/. Requirements include seasonal time-area closures to large mesh gillnet fishing (≥ 7 inches).

For more information contact NMFS Northeast Region's Protected Species Division at 978-281-9328.

VMS DECLARATION

Unless fishing on a NE multispecies sector trip, to fish for, possess, or land spiny dogfish in an area or fishery not requiring a DAS, a vessel holding a Federal fishing permit that requires an operating Vessel Monitoring System (VMS) must make an "out of fishery" declaration through their VMS before starting a trip.

REPORTING REQUIREMENTS

The owner or operator of any vessel issued a Federal commercial fishing permit shall maintain on board the vessel and submit an accurate Federal fishing vessel trip report (VTR) for all fishing trips (regardless of species retained). These reports may be submitted electronically if authorized by the NMFS Regional Administrator. Instructions for completing the VTR can be found at: www.nero.noaa.gov/ro/fso/vtr.htm

For vessels not holding a limited access NE multispecies permit, VTRs must be received by NMFS or postmarked within 15 days after the end of the reporting month. For NE multispecies limited access permit holders, VTRs must be submitted weekly and received by NMFS or postmarked by midnight of the Tuesday following the reporting week. Copies of VTRs must be retained on board the vessel for 1 year after the date of the last entry on the log. If no fishing activity took place during a fishing month, then a VTR must be submitted stating that no fishing trips were taken.

Any change in the permit information such as vessel name, vessel owner, address, etc., must be submitted in writing to NMFS within 15 days of the change, or the permit is void.

All federally permitted seafood dealers are required to submit trip level reports to NMFS via computer, using one of the approved electronic means, unless otherwise directed by the Regional Administrator. For more information on dealer reporting, please call the dealer electronic reporting help desk at 978-281-9212 or contact your local NMFS Field Office: www.nero.noaa.gov/ro/fso/portoff.pdf

REQUIREMENTS FOR SALE/PURCHASE

All spiny dogfish harvested from any waters by a federally permitted vessel must be sold to a dealer issued a Federal spiny dogfish permit

^{*}When available, the regulations implementing measures of Amendment 16 can be read at http://www.nero.noaa.gov/nero/ on "Fishery Regulations" page.