

FISHERIES MANAGEMENT DIVISION EVALUATION, 09/27/2022

Public Hearing: Proposal to amend Chapter 4 VAC 20-490-10 et seq., "Pertaining to Sharks," to modify the spiny dogfish trip limit to 7,500 pounds.

Issues: On April 7, 2022, National Marine Fisheries Service (NMFS) published a final rule increasing the spiny dogfish trip limit from 6,000 pounds to 7,500 pounds for federal waters. Staff has received request from the Virginia spiny dogfish industry to update the state trip limit to 7,500 pounds to mirror the federal limit. This change will maintain consistency with federal waters and help the industry meet market demands.

Background: In federal waters, spiny dogfish are managed jointly by the Mid-Atlantic and New England Fishery Management Councils under a single fishery management plan (FMP). The Atlantic States Marine Fisheries Commission approved an Interstate FMP to complement the federal plan in 2003. Under this plan, the quota for spiny dogfish is allocated by region. Virginia is part of the southern region and is allocated 10.795% of the coast wide quota. In the southern region, states can set their own state waters trip limit. However, about 80% of the Virginia fishery currently occurs in federal waters. For that reason, historically, Virginia's trip limits have mirrored the limits that are set by NMFS for federal waters.

In the fall of 2021, the Mid-Atlantic Fishery Management Council (MAFMC) began discussions on raising the trip limit for spiny dogfish. Spiny dogfish processors had requested an increased trip limit of up to 12,000 pounds to fully utilize the quota and meet market demands. Through a review of previous trip limit increases in the fishery, MAFMC staff concluded that relatively small, incremental trip limit change would not negatively affect prices. Over a series of MAFMC meetings, a compromise was reached and a trip limit of 7,500 pounds was established. This is a 25% increase from the previous limit of 6,000 pounds.

In August, staff received a letter from industry requesting that VMRC update Chapter 4 VAC 20-490-10 to reflect the federal trip limit increase for spiny dogfish. This letter was presented by Mr. Scott MacDonald, owner of Spots Fish Company Inc. Mr. MacDonald is Virginia's primary buyer of spiny dogfish. The letter also represented 26 spiny dogfish harvesters who were in favor of the increase.

Staff Recommendation: Staff recommends the Commission amend Chapter 4 VAC 20-490-10 et seq., "Pertaining to Sharks," to modify the spiny dogfish trip limit to 7,500 pounds.