



September 9, 2022

Christopher Moore, PhD  
Executive Director  
Mid-Atlantic Fishery Management Council  
800 North State Street, Suite 201  
Dover, DE 19901  
Via email only: [cmoore@mafmc.org](mailto:cmoore@mafmc.org)

Re: Staff recommendation for 2023 Spiny Dogfish Acceptable Biological Catch

Dear Dr. Moore:

I'm contacting you on behalf of the members of the Sustainable Fisheries Association, Inc. (the SFA) who emphatically oppose the staff recommendation to reduce the U.S. Atlantic spiny dogfish ("Dogfish") fishery quota by two-thirds (2/3) as reflected in the September 2, 2022 [Staff Memo: 2023 Spiny Dogfish Acceptable Biological Catch](#).

Development of the annual specifications for the Dogfish fishery has historically involved a combination of the NEFSC trawl surveys and landings. If viewed in a vacuum, both the surveys and landings figures *appear* to be declining. However, in the Dogfish fishery, appearances are deceptive. The surveys and landings numbers do not include crucial elements, which are essential in the development of valid conclusions in order to calculate accurate annual specifications.

Over the years there have been numerous critiques of the NEFSC trawl surveys in general and Dogfish in particular. From 2014 to 2021 the Bigelow only left the dock and completed its task to survey all stations once – in 2019. Even when the Bigelow did leave the dock, it needed to go where the Dogfish were – but it didn't. If taken at face value from the Bigelow's surveys, the Dogfish SSB crashed 87% from 2016 (184,900mt) to 2017 (24,434mt) and a miraculous recovery in 2018 (97,700mt) supported by 2019 (125,972mt). The most recent Bigelow survey numbers indicated the Dogfish SSB crashed 89% from 2021 (110,677mt) to 2022 (12,150mt). Based on 2017 and information provided by fishermen, we can expect another miracle to occur when the next accurate trawl survey occurs. These figures show the SSB was statistically flawed in 2 out of the last 5 surveys. One could say it's like déjà vu all over again. However, the 40% failure rate led to the flawed conclusion that the indices are declining. In fact the indices are extremely stable. When 2017 and 2022 are removed, the surveys covering the last ten (10) fishing years - from 2013 to 2021 have an average SSB of 131,696mt and a median of 125,375mt.

The landings figures, by themselves, are misleading because they do not take into consideration factors that significantly impact the year-end numbers.

Dogfish are in the midst of a dramatic ecosystem regime shift in their historical geographic distribution. Survey results from twenty years ago are not reflective of current conditions. Species distribution models

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need to account for these ecosystem regime shifts. A few years ago large Dogfish schools were commonly found a couple of miles from the coast. Similarly sized schools are now found thirty or more miles from shore. Since marine fuel prices have more than doubled in a year, it's cost prohibitive for fishermen to pursue Dogfish thirty miles offshore.

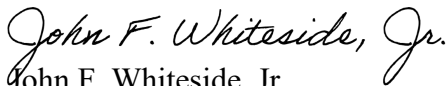
Dogfish aren't the only species experiencing ecosystem regime shift in geographic distribution. Off of Virginia, the influx of different fish species has resulted in fishermen leaving the Dogfish fishery to pursue more lucrative fisheries like shrimp and ribbonfish. In FY 2016 there were 137 vessels that landed more than 10,000lbs of Dogfish on a federal permit. In FY2021 that number had dropped to 79.

The vessels that are still participating in the Dogfish fishery need to have a quota that allows for landings that support a vibrant market. It has taken more than a decade to rebuild demand for Dogfish and the sole remaining seafood company requires a minimum of a 15million pound quota to solidify and expand demand. Cutting the quota by fifty percent (50%) would result in sustainable fishing with landing levels which are consistent with the Council's precautionary quota-setting guidelines.

The proposal to cut the quota by two-thirds (2/3) to 10million pounds would result in unnecessary financial harm to fishermen, the economy and the environment. We therefore respectfully request that you re-evaluate the staff recommendation by taking into consideration the issues raised in this letter and make adjustments accordingly.

Sustainable Fisheries Association, Inc.

By



John F. Whiteside, Jr.

General Counsel

[John@JWhiteside.com](mailto:John@JWhiteside.com)

Cc: J. Didden (*via email only*)  
P. Rago (*via email only*)

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**From:** Moore, Christopher <cmoore@mafmc.org>  
**Sent:** Monday, September 12, 2022 6:10 PM  
**To:** Whiteside, Jr, John <john@jwhiteside.com>  
**Cc:** Didden, Jason <jdidden@mafmc.org>; Rago, Paul <paulrago22@gmail.com>  
**Subject:** Re: letter regarding the proposed 2/3 cut to the dogfish quota

John – Thank you for your letter - I understand your concerns. However, I continue to support the staff recommendation for the 2023 Spiny Dogfish ABC. After receiving your letter, staff examined trends in observer data in an effort to provide additional information on spiny dogfish abundance. Although preliminary, it appears to reinforce staff's perspective of dogfish abundance. A summary of that analysis is attached for your review. The analysis and your letter will be provided to the SSC and Council as well. Please contact me or Jason if you have any questions. C

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**From:** [Chris Rainone](#)  
**To:** [Didden, Jason](#)  
**Subject:** Re: FW: SSC & Spiny Dogfish  
**Date:** Saturday, September 10, 2022 9:25:18 PM  
**Attachments:** [image002.png](#)

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Just wanted to let you know I won't be able to attend Tuesday's meeting. I'll be fishing. Looking over the information it's unfortunate the ABC will be 7.5% lower than the previous years landing, when trip limits were just increased. This looks like a recipe for disaster and I would recommend putting the trip limit back down to 6000# per day in order to avoid overages.

Thanks  
Chris Rainone

On Tue, Sep 6, 2022, 4:28 PM Didden, Jason <[jdidden@mafmc.org](mailto:jdidden@mafmc.org)> wrote:

All, fyi please see below for next week's SSC meeting materials (spiny dogfish agenda item is 12:35 pm Tuesday September 13). The materials include a staff Acceptable Biological Catch or "ABC" recommendation for the SSC to consider as they develop the SSC's 2023 ABC recommendation. An SSC ABC recommendation at the staff-recommended level would likely lead to *a 2023 quota that would be about 7.5% less than the 2021 fishing year's landings*. Please see the "Staff Memo: 2023 Spiny Dogfish ABC Recommendations" and other materials at the meeting page link below for additional details.

Thanks,

Jason

Jason Didden

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**From:** [James Fletcher](#)  
**To:** [Didden, Jason](#)  
**Subject:** Yesterdays meeting.  
**Date:** Wednesday, September 21, 2022 10:38:09 AM

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Problem is Science Center SURVEY & DATA ENTRY PERSONAL!

First the possibility due to North Atlantic Oscillation or other factors the dogfish are either off the bottom or outside for survey, I have asked for survey in deeper water.

Capt Rhule pup being brought into council & NMFS NOVA is an example of incorrect science & retribution of NMFS.

10% of people in a group will violate what the employee should do. Thus a person in data entry or data supplementing COULD SCREW management by entering incorrect data. In five years it will be OH! a mistake was made by NMFS employees.

A REVIEW FOR SURVEY DATA & DATA ENTRY BY NMFS EMPLOYEES IS NEEDED. WHEN 50% OR MORE WHERE DOGFISH ARE KNOWN TO EXIST IS NOT SURVEYED A PROBLEM FOR DATA EXIST.

AS LONG AS THE SSC DOES NOT HAVE A FISHERMAN IN THE GROUP THEN A PROBLEM EXIST.

THE SCIENCE SURVEY'S & DATA ENTRY ARE THE PROBLEM THAT MUST BE ADDRESSED. THE PUPS ARE IN AREAS NOT SURVEYED OR OFF THE BOTTOM.

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United National Fisherman's Association James Fletcher Director 123  
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