April 18, 2012

Daniel S. Morris
Acting Regional Administrator
Northeast Regional Office
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930

Dear Mr. Morris:

Shark Advocates International (SAI), a project of The Ocean Foundation, appreciates this opportunity to provide written comments on the National Marine Fisheries Service (NMFS) proposed specifications for the U.S. Northeast spiny dogfish 2012 fishing year.

Based on the spiny dogfish life history characteristics and NMFS model-based predictions for substantial population decline, we strongly oppose the proposed 78% increase in the spiny dogfish commercial quota and prefer the more precautionary approach suggested by the dogfish processors and taken, as a result, by the Atlantic States Marine Fisheries Commission. For many reasons, including those expressed by NMFS personnel at the Regional Fishery Management Council level, we urge NMFS to ensure that the 2012 spiny dogfish quota increase by *no more than* 10 million lbs (not to exceed 30 million lbs total). We agree that the dogfish trip limit should not be increased. Our specific concerns related to the commercial quota are outlined below.

Overview
We appreciate the comments made by NMFS representatives at the relevant meetings of the Mid-Atlantic and New England Fishery Management Councils that argue against the final Council recommendations to increase the spiny dogfish quota by 78% to 35.7 million lbs. Specifically, we agree with NMFS that:

- Spiny dogfish life history characteristics warrant a precautionary approach;
- 35.7 million lbs represents the *upper limit* of the range of alternatives;
- expanding landings from 4 to 35 million lbs between 2008 and 2012 is a tremendous increase;
- there is still much uncertainty around the assessment and related calculations; and
- past management problems and quota overages warrant caution.

Life history, Uncertainty & Probability of Success
As you know, NMFS scientists have determined and reported:

- poor pup production from 1997–2003 that is projected to result in significant declines in the dogfish spawning stock biomass from 2014 to 2020;
- an increase in female spawning stock biomass from 2010 to 2011 of only 3%;
- marked declines in abundance of large (60+cm) dogfish;
- a pronounced, consistent decline in the average length of mature females (1992-early 2000s), and a resulting decline in average pup size; and
- a skewed sex ratio due to targeting of mature females.

The most recent Stock Status Update prepared by NMFS scientists warns that:

"*Higher rates of fishing mortality tend to induce greater declines in abundance and a greater chance that the population will fall to levels requiring rebuilding measures*" and *"future oscillations have important implications for selection of contemporary harvest policies, especially with respect to variability of landings streams and the risk of introducing measures to reduce overfishing or rebuild the stock."*

The Stock Status Update also identifies multiple sources of uncertainty in population assessment, including:

- potential changes in fishery selectivity;
- implications of changing selectivity on estimation of biological reference points;
- potential inconsistency between life history based estimates of fishing mortality rates and biomass reference points derived from Ricker stock recruitment curve;
- total discard estimates;
- estimated mortality of discarded dogfish; and
- the revised estimated biomass reference point.

In reviewing the relevant scientific background documents, we noticed reference to probabilities related to certainty and management success that range from 50-60%. Specifically, the Stock Status report states that "The probability that female spiny dogfish SSB exceeds the biomass reference point is greater than 50%", while the Scientific and Statistical Committee recommendations are based on a 40% probability of overfishing.

We take this opportunity to highlight that, based on the inherent vulnerability of sharks, beginning with the 1999 Fishery Management Plan for Highly Migratory Species (HMS), NMFS employs the following when developing Atlantic shark measures:

- ‘‘70-percent probability as a guide in order to ensure that the intended results of a management action are actually realized" and
- a "low probability of a negative outcome as an additional guide in evaluating potential management measures (e.g., less than a 20-percent probability that stock sizes would decrease under a given management measure)."

Given that spiny dogfish are at least if not more reproductively constrained than most other Atlantic shark species, we urge the NMFS Northeast Regional Office to apply the higher standards for success used by the NMFS Highly Migratory Species Division in this future management decisions for spiny dogfish.

Fishery Stability

We share the spiny dogfish processors' sentiments in that a dramatic increase in quota may not be in the best long-term interests of the fishery, and that leaving five million lbs in the water represents a more responsible and sustainable management approach than the proposed scenario.

Last, we note and share concerns expressed by the Spiny Dogfish Committee Chair during the Mid-Atlantic Council's dogfish autumn 2011 debate with respect to quota setting in 2013 to 2020:

"It's a whole lot more difficult to reduce a quota than it is to increase it."

Conclusion

Based on the factors reviewed above, we urge NMFS to err on the side of caution for this exceptionally slow growing species and adopt a final 2012 spiny dogfish quota that does not exceed 30 million lbs and a trip limit that does not exceed 3,000 lbs.

Thank you for considering our views.

Sincerely,

Sonja Fordham
President