

DECISION DOCUMENT

Accountability Measures and 2026-2027 Specifications Framework Adjustment

to the

Spiny Dogfish Fishery Management Plan



This document was developed to help the Council
select final alternatives for the framework adjustment.

For December 2, 2025

Version - Council

Anticipated Council Action:

Prior to the New England Council selecting final preferred alternatives, Mid-Atlantic Fishery Management Council (MAFMC) staff will present the measures adopted by the MAFMC in October 2025 and answer any questions.

The following are anticipated New England Council motions:

1. Motion to select the preferred alternatives for:
 - *Alternative Set 1 – Considers whether ACL paybacks should depend on biomass level.*
 - *Alternative Set 2 – Considers whether ACL paybacks should depend on the source (catch type) of the overage.*
 - *Alternative Set 3 – Considers whether ACL paybacks should depend on whether stock is in a rebuilding plan.*
 - *Alternative Set 4 – Considers whether ACL paybacks should be based on one year or an average of years.*
 - *Alternative Set 5 – Considers whether specifications can set closures of federal waters up to 105% of the quota.*
 - *Alternative Set 6 – Considers 2026-2027 Specifications.*

Note: Alternative Set 6 will be addressed first at the meeting. See page 10 of this document.

2. Motion to submit the spiny dogfish framework adjustment to NOAA Fisheries.

Note: For the framework adjustment to be submitted, both Councils must adopt the same final preferred alternatives. The MAFMC added this action to its December 2025 meeting agenda to: “Review NEFMC final action and consider if any modifications to October 2025 MAFMC actions are warranted.”

Alternative Sets 1-5: Accountability Measures

The Spiny Dogfish Fishery Management Plan (FMP) requires strict pound-for-pound payback of any Annual Catch Limit (ACL) overages as an accountability measure. Under the revised measures adopted by the MAFMC, ACL overages would be calculated using a 3-year average of catch compared to a 3-year average of ACLs. This approach is intended to smooth out annual variability in landings and discards to reduce the likelihood of overages resulting from short-term fluctuations and/or from imprecise estimates. In addition, payback amounts would apply consistently to overages from all catch sources and would scale with biomass levels as follows:

- *At or above target biomass: No payback would be required for ACL overages. However, the Councils would still consider management adjustments during the next specifications cycle to prevent future overages.*
- *At or below 75% of target biomass: Full, pound-for-pound paybacks would be required and deducted from the next available single-year ACL.*
- *Between 75% and 100% of target biomass: The payback amount would be calculated on a sliding, linear scale based on biomass level (for example, a 50% payback would be required when the stock is at 87.5% of the target biomass).*

This change is intended to better align accountability measures with stock status and reduce unnecessary economic impacts when the stock is healthy. However, this flexibility would not apply while a rebuilding plan is in place, and full paybacks would still be required until the stock is rebuilt. The MAFMC also voted to allow specifications to include a commercial landings closure threshold of up to 105% of the quota if biomass is greater than 50% of the target. This measure is intended to reduce negative economic impacts of coastwide closures on states that have not fully harvested their quotas.

Alternative Set 1 - Considers whether ACL paybacks should depend on biomass level

Alternatives (Section 5.1) <i>Choose one. If selecting Alternative 1, choose one sub-option.</i>		Preferred by	
		JOINT CMTE	MAFMC
No Action	<i>Status Quo</i> In the event that the ACL has been exceeded in a given fishing year, the exact amount in pounds by which the ACL was exceeded shall be deducted, as soon as possible from a subsequent single fishing year ACL. (50 CFR 648.233)		
Alternative 1	<i>Payback Scaling</i> Amount of payback (none or reduced) depends on the level of stock biomass relative to target biomass and when stock is at or below overfished threshold 1A: Least cautionary modified payback scaling 1B: Middle cautionary modified payback scaling 1C: More cautionary modified payback scaling	1B	1B
Considerations / Additional Information			
<ul style="list-style-type: none"> In the event of no payback or a reduced payback, the Councils would still need to consider modifications to management measures in the next available specifications-setting process to correct operational issues and better avoid future ACL overages. The nature of those modifications would not be prescribed, but would likely include changes to discard set-asides or changes to how the commercial fishery is closed, depending on what caused the ACL overage. 			

Alternative Set 2 - Considers whether ACL paybacks should depend on the source (catch type) of the overage.

Alternatives (Section 5.2) <i>Choose one.</i>		Preferred by	
		JOINT CMTE	MAFMC
No Action	<i>Status Quo</i> No payback differentiation is made between catch sources currently, and no such differentiation would be made for scaling of paybacks.	X	X
Alternative 2A	<i>Source (Catch Type) of Overage</i> Source of overage would be considered when applying a payback Always pay back ACL overages due to landings quota overages		
Considerations / Additional Information			
<ul style="list-style-type: none"> Action Alternative 2A would only be possibly selected if an Action Alternative from Alternative Set 1 was also selected because presumably one would not want a situation where ACL overages due to non-landings measures are never paid back even when stock size is low. The NMFS Regional Administrator opposed some MAFMC motions due to concern that the proposed combined approach may lead to insufficient accountability in this fishery. This concern began with the uniform treatment of catch overage sources (commercial or recreational, landings or discards) and then spread into subsequent decisions. See also Alternative Sets 4 & 5. The MAFMC concluded however that because 1) all unbiased catch sources should have similar stock impacts, and 2) no information suggested that future catch estimates (commercial or recreational, landings or discards) should be biased, that the spiny dogfish catch sources should be treated uniformly. Furthermore, the precautionary more rapid transition to full paybacks of overages from any source at 75% of target biomass distinguishes this approach from some other MAFMC accountability approaches (which don't scale to full paybacks until 50% of the target but always mandate commercial landings paybacks if they caused an ABC overage). 			

Alternative Set 3 - Considers whether relaxation of ACL paybacks should depend on if stock is in a rebuilding plan or not

Alternatives (Section 5.3) <i>Choose one.</i>		Preferred by	
		JOINT CMTE	MAFMC
No Action	<i>Status Quo</i> No payback differentiation is made if the stock is in a rebuilding plan or not currently, and no such differentiation would be made for scaling of paybacks. Currently however, all ACL overages are paid pack.		
Alternative 3A	<i>Rebuilding Plan</i> Would depend on if the stock is in a rebuilding plan Always pay back ACL overages fully if stock is in a rebuilding plan	3A	3A
Considerations / Additional Information			
<ul style="list-style-type: none"> The NS1 guidelines state: "For stocks and stock complexes in rebuilding plans, the AMs should include overage adjustments that reduce the ACLs in the next fishing year by the full amount of the overage, unless the best scientific information available shows that a reduced overage adjustment, or no adjustment, is needed to mitigate the effects of the overage." This guidance may mean that non-repayments during rebuilding are infeasible unless an assessment indicated that the overage was not compromising a rebuilding trajectory. If the Councils select an Action Alternative from Alternative Set 1 and this Action Alternative 3A, the relaxation of paybacks when stock size is relatively good that occurs under Alternative Set 1 would only apply when the stock is not in a rebuilding plan. If a rebuilding plan is in place, it will supersede any selected payback flexibilities and require a pound-for-pound payback. Thus the relaxation of paybacks when stock size is relatively good would not apply to any ACL overages while a rebuilding plan is active. 			

Alternative Set 4 - Considers whether ACL paybacks should depend on one year or an average of years

Alternatives (Section 5.4) <i>Choose one. If selecting Alternative 4, choose one sub-option.</i>		Preferred by	
		JOINT CMTE	MAFMC
No Action	<i>Status Quo</i> In the event that the ACL has been exceeded in a given fishing year, the exact amount in pounds by which the ACL was exceeded shall be deducted, as soon as possible from a subsequent single fishing year ACL. (50 CFR 648.233)		
Alternative 4	<i>Use of averages to calculate payback</i> Uses a three-year rolling average. <i>4A: Calculate paybacks based on average ACLs and average catches, and if paybacks are scaled based on biomass, also use biomass averages.</i> <i>4B: Calculate paybacks based on average ACLs and average catches, and if paybacks are scaled based on biomass, use the most recent projected biomass.</i>	4B	4B
Considerations / Additional Information			
<ul style="list-style-type: none"> • If a scaled payback option was chosen in Alternative Set 1, under 4B the projected biomass in the most recent year of the 3-year average relative to the target would be used to determine the payback ratio. • The NMFS Regional Administrator opposed some MAFMC motions due to concern that the proposed combined approach may lead to insufficient accountability in this fishery. This concern began with the uniform treatment of catch overage sources (commercial or recreational, landings or discards) and then spread into subsequent decisions. See also Alternative Sets 1 & 5. • The MAFMC concluded however that because 1) all unbiased catch sources should have similar stock impacts, and 2) no information suggested that future catch estimates (commercial or recreational, landings or discards) should be biased, that the spiny dogfish catch sources should be treated uniformly. Furthermore, the precautionary more rapid transition to full paybacks of overages from any source at 75% of target biomass distinguishes this approach from some other MAFMC accountability approaches (which don't scale to full paybacks until 50% of the target but always mandate commercial landings paybacks if they caused an ABC overage). 			

Alternative Set 5 - Considers whether specifications should be modified to allow for a closure buffer of federal waters (the EEZ) at up to 105% of the landings quota

Alternatives (Section 5.5) <i>Choose one. If selecting Alternative 5, choose one sub-option.</i>		Preferred by	
		JOINT CMTE	MAFMC
No Action	Status Quo The current measures would persist regarding setting specifications: "The Councils shall review these recommendations and, based on the recommendations and any public comments, recommend to the Regional Administrator a TAL and other measures necessary to ensure that the ACL specified in § 648.230 will not be exceeded in any fishing year, for a period of 1-5 fishing years."		
Alternative 5	Closure Buffer of Federal Waters Landings Additional commercial landings buffer up to 5%. 5A: Clarify that specifications can set closures of federal waters (the EEZ) at up to 105% of the landings quota when biomass is projected to be greater than 50% of the biomass target in the relevant fishing year AND SET to 105% for 2026-2027 specifications. 5B: Clarify that specifications can set closures of federal waters (the EEZ) at up to 105% of the landings quota when biomass is projected to be greater than 75% of the biomass target in the relevant fishing year AND SET to 105% for 2026-2027 specifications. 5C: Clarify that specifications can set closures of federal waters (the EEZ) at up to 105% of the landings quota when biomass is projected to be at least 100% of the biomass target in the relevant fishing year AND SET to 105% for 2026-2027 specifications.	5A	5A
Considerations / Additional Information			
<ul style="list-style-type: none"> • The intent behind allowing an additional "plus" buffer is to reduce negative economic impacts of coastwide closures on states that have not fully harvested their quotas. This is not expected to create an incentive for quota overages as states would still be required to pay back any quota overages. • This alternative could also partially account for carry-over (up to 5% of the original quota if unused) provisions contained in the ASMFC FMP, but not fully, and fishery performance will need to be monitored on a continuing basis. The Spiny Dogfish Monitoring Committee discussed if additional alternatives should be considered related to this issue but concluded that it was better not to further complicate the action at this time. • The NMFS Regional Administrator opposed some MAFMC motions due to concern that the proposed combined approach may lead to insufficient accountability in this fishery. This concern began with the uniform treatment of catch overage sources (commercial or recreational, landings or discards) and then spread into subsequent decisions. See also Alternative Sets 1 & 4. • The MAFMC concluded however that because 1) all unbiased catch sources should have 			

similar stock impacts, and 2) no information suggested that future catch estimates (commercial or recreational, landings or discards) should be biased, that the spiny dogfish catch sources should be treated uniformly. Furthermore, the precautionary more rapid transition to full paybacks of overages from any source at 75% of target biomass distinguishes this approach from some other MAFMC accountability approaches (which don't scale to full paybacks until 50% of the target but always mandate commercial landings paybacks if they caused an ABC overage).

Alternative Set 6: Specifications

Alternative Set 6 - 2026-2027 Specifications

Alternatives (Section 5.6) <i>Choose one. If selecting Alternative 5, choose one sub-option.</i>		Preferred by	
		JOINT CMTE	MAFMC
No Action	Status Quo The Spiny Dogfish FMP contains roll-over provisions, so if the new specifications are not implemented by May 1, 2026 then the status quo FY 2025 specifications would remain in effect until replaced by new specifications (50 CFR 648.232(c)(3)).		
Alternative 6	Specifications Additional commercial landings buffer up to 5%. 6A: Set ABCs based on the Council's risk policy with constant/averaged ABCs for the 2026 and 2027 fishing years 6B: Re-suspend the Council's risk policy and set 2026 and 2027 ABCs = to projected 2026 OFL 6C: Re-suspend the Council's risk policy and set 2026 and 2027 ABCs = 2025 OFL (projected and implemented)	6C	6C but use the assessment ratio approach for discard set-asides
Considerations / Additional Information			
<ul style="list-style-type: none"> The spiny dogfish stock is projected to be at 113% of its biomass target in 2026. Based on advice from its Scientific and Statistical Committee (SSC), the Council adopted constant 2026-2027 specifications with the same Acceptable Biological Catch (ABC) limit as 2025. The MAFMC decided it was appropriate to set aside slightly more for discards, which will reduce the commercial quota from 2025's 9.3 million pounds to 9.2 million pounds for 2026-2027. No changes were recommended to other measures, such as the federal trip limit. 			