



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116

John F. Quinn, J.D., Ph.D., *Chairman* | Thomas A. Nies, *Executive Director*

MEETING SUMMARY

Skate Committee

Fairfield Inn, New Bedford, MA

April 25, 2019

The Skate Committee met on April 25, 2019 in New Bedford, MA to: receive an update on the impacts that recent NEFSC trawl survey issues will have on the upcoming specifications framework for FYs 2020 & 2021 and review recent PDT analysis on limited access, and other business, if necessary.

MEETING ATTENDANCE: Dr. Matt McKenzie (Chairman), Ms. Libby Etrie (Vice Chair), Mr. Rick Bellavance, Mr. Peter Kendall, Ms. Laurie Nolan, Dr. Cate O’Keefe, Mr. John Pappalardo, and Mr. Mike Ruccio; Dr. John Quinn (Council Chair); Lou Goodreau and Fiona Hogan (NEFMC staff); Mr. Mitch MacDonald (NOAA General Counsel). In addition, approximately 5 members of the public attended.

KEY OUTCOMES:

- The Committee tasked the PDT with additional analyses on trip frequencies and number of vessels participating in the directed and incidental skate wing and bait fisheries.
- The Committee will continue its discussion of objectives for the limited access amendment at its May 22, 2019 meeting.

PRESENTATION: SKATE ACTIONS 2019

Staff updated the Committee on the recent issues with the NEFSC trawl survey that will impact the survey indices that are used to set specifications. The presentation and meeting documents can be found at <https://www.nefmc.org/calendar/apr-23-2019-skate-advisory-panel-meeting>.

AGENDA ITEM #1: SPECIFICATIONS FOR FYs 2020 & 2021

The Committee did not have any questions at this time on specifications.

AGENDA ITEM #2: LIMITED ACCESS/AMENDMENT 5

Staff provided the Committee with an overview of the PDT’s analysis for Amendment 5. The presentation and meeting documents can be found at <https://www.nefmc.org/calendar/apr-23-2019-skate-advisory-panel-meeting>.

A Committee member was concerned that skate could become a limiting species for vessels targeting other species, especially if a Day-at-Sea (DAS) was required for an incidental limit. The intention was thought to not shut down any other fishery. A Committee member was not clear about what was meant by open access for the skate fishery – was it that anyone could request a skate permit or that Groundfish DAS (not open access) pose the potential for latent effort and new entrants. A clear definition of open

access in the skate fishery would be useful when establishing the purpose and need or objectives. NOAA General Counsel underscored the importance of such a definition as it would help answer any questions about what the Committee is trying to accomplish or achieve and referred the Committee to the National Standard Guidelines. The National Standard 5 [Guidelines](#) define limited access as “A “system for limiting access,” which is an optional measure under section 303(b) of the Magnuson-Stevens Act, is a type of allocation of fishing privileges that may be considered to contribute to economic efficiency or conservation.” The National Standard 4 [Guidelines](#) provide guidance on allocations.

The Committee member appreciated that the PDT brought back the data requested by the Committee at the last meeting when limited access was discussed ([April 4, 2017](#)). However, before the structure of a limited access program could be discussed what the goal of this amendment must be clearly defined, especially given the potential impacts on other fisheries if sub-ACLs for fisheries such as groundfish or scallop were needed as a result. Another Committee member noted that a small number of participants have focused their business plans on skate. After dead discards are accounted for, not much of the TAL is left for the directed fishery to operate on. Additional analysis of trip frequencies could further highlight the differences in how this fishery is utilized – the majority of trips continue to land small amounts of skate. Another Committee member appreciated that there are directed fishing effort but there are also business models that land skate caught while directing on other species. It was pointed out that the TAL for both the wing and bait fisheries had been reached for 2 straight years and incidental possession limits have been triggered, which could show a need for limited access.

Parallels were seen with whiting limited access amendment which was recently developed to establish limited access in the whiting FMP, but no action was ultimately taken. The approach taken in the whiting FMP was to freeze the footprint. It was suggested that it would be more useful to look at the number of entrants there were in years that the incidental possession limits were implemented.

Staff reiterated that this amendment is focused solely on limited access and that the formula used to calculate specifications (and the split between the wing and bait TALs) would not be revisited. The dead discards are calculated every time specifications are set using the most recent 3 years of discards – they are not forecasted.

1. MOTION: Pappalardo/Ruccio

Task the PDT to run distribution plots for wing and bait TALs filtering out landings that occur at or below the incidental level. This will help to identify those unique vessels that are participating in the wing and bait directed fisheries.

Rationale – Looking back to when the skate fishery started, we now have 2 directed fisheries, we wouldn't design the fishery the way it is or permit it the way it is. The way the regulations are written, once the TALs are hit or the trigger is reached then you go to the incidental level of 500 lb of wings but that does not impact any of the other fisheries that we manage. We don't want to directly impact the other fisheries. This is trying to focus on the directed fisheries, those landing above the incidental level.

Public comment:

- John Whiteside – First I want to back up to the beginning of this meeting and that I was not able to attend the AP meeting and I know first-hand many others were not able to because of the Take Reduction Team this week. I had a stunt double sitting in and came to this meeting. I wanted to follow up and support John's comment that if there are changes made to this FMP that they must not affect any other fisheries when we get to that trigger limit. We're going to hit it the TAL, it is artificially low now and my concern and my clients' concerns is that this limited access

amendment is just a back door way to reduce these landings and we're already too low as it is to satisfy market demand. Anything that would reduce the wing landings is detrimental and then we're seeing, anecdotally, an increase in demand for bait in the lobster fishery and others but that is kind of moving towards racks and things. We need to keep these landings as high as possible.

The maker of the motion clarified that the trip frequencies and as well as the number of vessels would be helpful.

MOTION #1 CARRIED 7-0-0.

2. MOTION: Etrie/Nolan

Motion to include as an objective that any management measure adopted in this limited access action does not have a direct impact on any other fisheries that have interactions with skates.

Rationale – The Committee can't move forward with alternatives unless we have something to measure against. I'm hoping this will start the discussion on the goals and objectives for this action and what it is we are trying to accomplish.

Public comment:

- George Lapointe – We support the motion as it addresses concerns about the scallop industry and dead discards coming from that fishery.

MOTION #2 CARRIED 6-0-1.

3. MOTION: Etrie/Kendall

to include as an objective that a management measure adopted in this action would freeze the footprint of the wing and bait fishery

Rationale – I don't like purpose and need statements, so I'll offer another objective to help identify what it is we are trying to accomplish with a limited access amendment, in hopes it will spur additional identifications of objectives that will serve a metrics we can measure alternatives against.

NOAA General Counsel was not sure how control dates would work in conjunction with this motion but recognized the intent of the discussion was important. The maker of the motion considered the skate fishery to not be truly open because you need a groundfish DAS to fish for skate and effort is also controlled by TALs, possession limits, and incidental possession limits. There is concern of effort shifting into the skate fishery and it might be more effective to say freeze current effort. Another Committee member was concerned about using language that doesn't reflect that there are directed and incidental skate fisheries. It may be better to define the directed wing and bait fisheries in order to identify objectives. Knowing the composition of the fleet, may impact the design of the limited access program, e.g. if the incidental category would remain open or closed. The maker of the motion was open to amending the motion to improve the language. The problem seemed more like shifting effort than open access.

Public comment:

- John Whiteside – In the fall of 2017, what I was hearing was that there were a lot of vessels landing in 2017 that hadn't in 2016. There was a shift in effort. Don't know if that helps or

confuses more but there has been a definite shift in who is landing based on what my guys say. I don't have any info other than the broad numbers.

A Committee member was opposed to the motion because it seemed premature to work on freezing a footprint that wasn't well understood. This could be picked up at the next meeting after the PDT provides requested data.

3a. **Motion to table**

Without objection the motion was tabled until the next Committee meeting.

Staff confirmed that the PDT would bring requested information on both the directed and incidental fisheries to the next Committee meeting. The PDT did not discuss the amount of dead discards that are accounted for in the specifications as part of the limited access amendment. The scoping document was specific to limited access and not how specifications are set. However, that doesn't mean that sub-ACLs could not be established, if needed, under limited access. A Committee member suggested the PDT review the scoping comments and identify possible objectives for review at the next Committee meeting. Staff agreed that the PDT could do that in time for the May 22, 2019 meeting.

The Committee agreed by consensus to also have the PDT evaluate the AP recommendations for a tiered limited access permit program and qualification criteria.

Public comment:

- John Whiteside – Can an AP member be counted as attending if they came in via teleconference?

Staff explained that NEFMC does not currently run webinars for AP or Committee meetings.