



New England Fishery Management Council

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MEETING SUMMARY

(typo in Table 1 corrected)

Skate Committee

Hilton Providence, Providence, RI

May 22, 2019

The Skate Committee met on May 22, 2019 in Providence, RI to: review recent PDT analysis on limited access, define objectives for limited access (LA), and other business, if necessary.

MEETING ATTENDANCE: Dr. Matt McKenzie (Chairman), Ms. Libby Etrie (Vice Chair), Mr. Peter Kendall, Ms. Laurie Nolan, Dr. Cate O'Keefe, Mr. Scott Olszewski, Mr. John Pappalardo, and Mr. Mike Ruccio; Jennifer Couture, Lou Goodreau, and Fiona Hogan (NEFMC staff). In addition, approximately 5 members of the public attended.

KEY OUTCOMES:

- The Committee tasked the PDT with additional analyses refining the AP recommended skate wing qualification criteria.
- The Committee recommended as an objective to identify the various fishery components that use the skate resources and to preserve, to the extent possible, through LA, ongoing participation in the fishery consistent with how past utilization has occurred.

AGENDA ITEM #1: 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/may-22-2019-skate-committee-meeting>.

In light of the AP recommendation to implement an IFQ program for the skate wing fishery, the Committee discussed whether IFQs or catch share programs were included in scoping. Staff explained that the Council discussed that exact issue when approving the scoping document. The Council concluded that it would not specifically scope for an IFQ program but would also not prohibit comments related to it during scoping for a limited access program. A Committee member suggested rescoping to specifically solicit for comments on an IFQ program. From past experiences, turnout will change if industry was aware that IFQs were being recommended. There was some hesitation to rescope considering this issue was discussed by the Council when the scoping document was approved. However, given the impact that an ITQ could have, it might be more transparent to rescope. A Committee member pointed out that an

ITQ requires a referendum process, which the Council would have to approve. If the Council agreed to consider the development of an ITQ program and a referendum, proper notice could be given to the public, e.g. rescoping. Given the scope of work required to establish an ITQ (including the 3 years for the referendum), rescoping could allow for an open and transparent process while also providing the opportunity to see how much support there was for an ITQ. A Committee member reminded the group that a lot of work had been done on ITQs in the monkfish fishery and it was ultimately not pursued. Notice should be given to the monkfish fishery, and other fisheries that interact with skate, if an ITQ was considered or if the fishery was to be managed in harmony with monkfish. A Committee member wanted the discussion of the potential development of an ITQ to be had by the full Council. If an ITQ was supported by the Council, then it may be appropriate to rescope. Another Committee member thought it was too early to discuss ITQs at the Council until there were clear objectives and without clear public support of such a program.

Public comment:

- Bill McCann – one of the reasons the AP was talking about the ITQs is to solve the problem on a long soak or in the wintertime you want to clean gear up. With current possession limits you can't do that. Do a daily limit or trip limit and can do 24 hours and 1 min and land your skate like with Monkfish. Most people use Monkfish Day-at-Sea (DAS) in the south. If you could do a daily limit instead of a trip limit, it helps you in the wintertime. One trip you're in the Monkfish and the next trip the skate show up. Not going to pick them all day. It gives you more freedom to tend your gear.

A Committee member thought that some of the problems raised by the AP had potential solutions other than limited access or ITQs. The upcoming specifications framework could be used to address some of the possession limit issues raised by the AP. The Committee was hesitant to have the Council discuss this issue until it was more clearly defined by the AP.

1. MOTION: Ruccio/Etrie

To table potential discussion on development of a wing ITQ program until skate fishery possession limits have been further explored in upcoming specifications action

Rationale: The overarching issue is the possession limits, either daily or trip. The AP And PDT can creatively solve this issue within a framework action.

This motion would be to look at other solutions to an issue raised by the AP.

Public comment:

- John Whiteside – one comment not just the possession limits but my concern is what Libby mentioned earlier, AMs and what impacts that ITQs could have on other fisheries. We have a very low TAL and we're bumping up against it. This is a real concern and knock on wood we're going to get MSC certification on skate in a week and that hopefully will drive sales up even more. We need to be concerned about when we hit that trigger point and now we're in incidental possession limits and discards go up in the next round of specifications.

MOTION #1 TABLED 7-0-0.

A Committee member questioned whether the whole amendment was needed if a problem identified by the AP could be solved via a framework action. Another Committee member disagreed by stating there were too many Groundfish and Monkfish DAS available that could be used to target skate.

A Committee member did not think that all the components of the fishery had been clearly defined yet, i.e. directed participants, participants landing higher than the incidental possession limits, and participants landing only incidental amounts. Based on the PDT analysis of the AP recommended qualification criteria, a large portion of the fishery was not defined. It was thought to make it harder for industry to comment on an action if they could not understand where they fit into an action and how it could affect them. Staff explained that the AP members attending meetings were in favor of limited access, however, based on the scoping comments all user groups of skate did not appear to be in favor of it (comments were roughly split 50/50 for and against).

A Committee member thought that the potential objectives put forward by the AP did not require limited access to achieve them. Another Committee member disagreed and thought that the participants that built their businesses on skate needed the protection provided by limited access. It was noted that there is a component to the skate fisheries that rely on skate as a component of their catch when they are targeting other species. The Committee member was interested in what DAS program the permits from each category were participating in. The AP recommended qualification criteria were thought to be inclusive because 100,000 lb in any one year was not difficult to achieve given the much higher possession limits in place earlier in skate management. Staff explained that participation varied greatly among vessels, some that qualified in early years had left the fishery or fished at a lower level. A Committee member didn't want everyone to have the impression that participants are only trying to protect themselves. There are other user groups that rely on skate albeit on a lower level when compared to the directed fleet. These qualification criteria were liberal, but some participants wanted some protection on their future interests in the skate fishery. They also don't want to have incidental possession limits triggered, which affects their ability to direct on skate.

A Committee member proposed using economic dependency on skate to help inform the discussion. Economic dependence should show the directed fishery has the highest dependence, while other groups have more modest catch. Another Committee member agreed it would be useful to look at but noted the complexity of economic dependency may not be fully captured if focus is limited to skates. Staff had completed some preliminary work on economic dependence. The Committee was also informed that some user groups might not be identified by the qualification criteria because they discard skates. This might not be an immediate concern but until it was clear what the limited access program would look like, these groups might not know how and to what extent they will be affected. Defining additional objectives might further clarify at what point some participants would be excluded or where AMs and sub-ACLs would be needed. It was unclear whether the current specifications structure, where dead discards are accounted for, was enough to alleviate concerns of the need for sub-ACLs or AMs. After reviewing scoping comments, a Committee member thought an appropriate objective would be to identify the directed skate fishery in the wing and bait fisheries and prevent increased effort from pouring into it. There was no interest in anything that would trigger incidental possession limits sooner and the Committee member proposed looking at the number of dead discards that are accounted for to see how well our hindcasting is performing. Another Committee member recognized that there are businesses that rely on skate but do not solely focus on skate and might not land them in high amounts. However, it was thought that these businesses should not be negatively impacted by this action.

A Committee member did not think the skate fishery had been defined yet and it would be difficult to move forward without that. Under the current system, any skate wing landed is counted against the skate wing quota. The AP indicated that they want to be identified and protected. The Committee member thought the best way to proceed would be to continue to refine qualification criteria to identify the participants in the fishery and suggested examining annual landings by DAS declaration to help understand where these sub-trip limit trips are coming from. Staff discussed the analysis that would look

at DAS declaration and some trips would not have a declaration but could be filtered out as being under a different DAS program.

2. MOTION: Etrie/Ruccio

To task the PDT to analyze AP revised skate wing qualification criteria

Table 1 – Revised qualification criteria for limited access in the skate wing fishery developed by the AP at their May 21, 2019 meeting.

Wing Limited Access	Qualification	Qualification
Permit Category 1	landed 100k lb in any 1 yr between FY03-CD	landed 100k lb in any 1 yr between CD-18
Permit Category 2	landed 75k lb in any 1 yr between FY03-CD	landed 75k lb in any 1 yr between CD-18
Permit Category 3	landed 50k lb in any 1 yr between FY03-CD	landed 50k lb in any 1 yr between CD-18
Permit Category 4	landed 25k lb in any 1 yr between FY03-CD	landed 25k lb in any 1 yr between CD-18
Permit Category 5	incidental	incidental

MOTION #2 CARRIED 7-0-0.

The Committee agreed by consensus to task the PDT to further examine the levels of landings different user groups are routinely reaching for the wing and bait fisheries. If a large portion of the fishery is routinely landing above the incidental limit, then they might be a dependent group. Further discussion would be needed to decide when dependency occurs, e.g. would permits with only 1-3 trips landing more than the incidental limits be dependent? A Committee member recommended being sensitive to a diverse fishing strategy, e.g. for vessels that fish on fluke, and burn a groundfish DAS to land skate caught while targeting fluke. Staff clarified that they would like to look at the data in terms of landings and revenues.

The Committee discussed the motion tabled from the April 25, 2019 meeting. In order to freeze the footprint, the footprint needs to be clearly defined. The maker of the motion clarified that the footprint was defined as the current participants but noted the results of the additional PDT analyses would help identify the current participants.

3. MOTION: Tabled from previous meeting

To include as an objective that a management measure adopted in this action would freeze the footprint of the wing and bait fishery (Etrie/Kendall)

3A. MOTION: Etrie/Kendall

Table motion 3 until the next Committee meeting

MOTION #3 CARRIED by consensus.

A Committee member thought there should be an objective that identified the directed fishery. Another Committee member didn't see the need for that currently.

4. MOTION: Pappalardo/no second

Objective should be to recognize the directed fishery on skates

Rationale – concerned that a directed fishery was not identified

MOTION #4 WITHDRAWN without objection.

A compromise was proposed in another motion (Motion #5).

5. MOTION: Ruccio/Etrie

To have as an objective to identify the various fishery components that use the skate resources and to preserve, to the extent possible, through LA, ongoing participation in the fishery consistent with how past utilization has occurred

Rationale – There are multiple types of users. It's important to know who the participants are and how they use the skate bait and wing resource.

This motion was thought to be a good compromise because it was equally supportive of directed and incidental fisheries and it would help indicate to folks what was being done.

MOTION #5 CARRIED 7-0-0.