

Skate Staff Report

2022-2023 Specifications Amendment 5

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2022-2023 Specifications

- Typically, skate specifications set (2-years):
 1. Acceptable Biological Catch (ABC) and subsequent flow chart.
 2. Seasonal possession limits for the wing and bait fisheries.
- Action planning:
 - Today = reorientation and update on initial progress.
 - April-June = PDT develops ABC recommendation, AP and Committee develop other alternatives.
 - July 29 = Scientific and Statistical Committee recommends ABC.
 - August = AP and Committee review analysis, recommend preferred alternatives.
 - September = Final action.



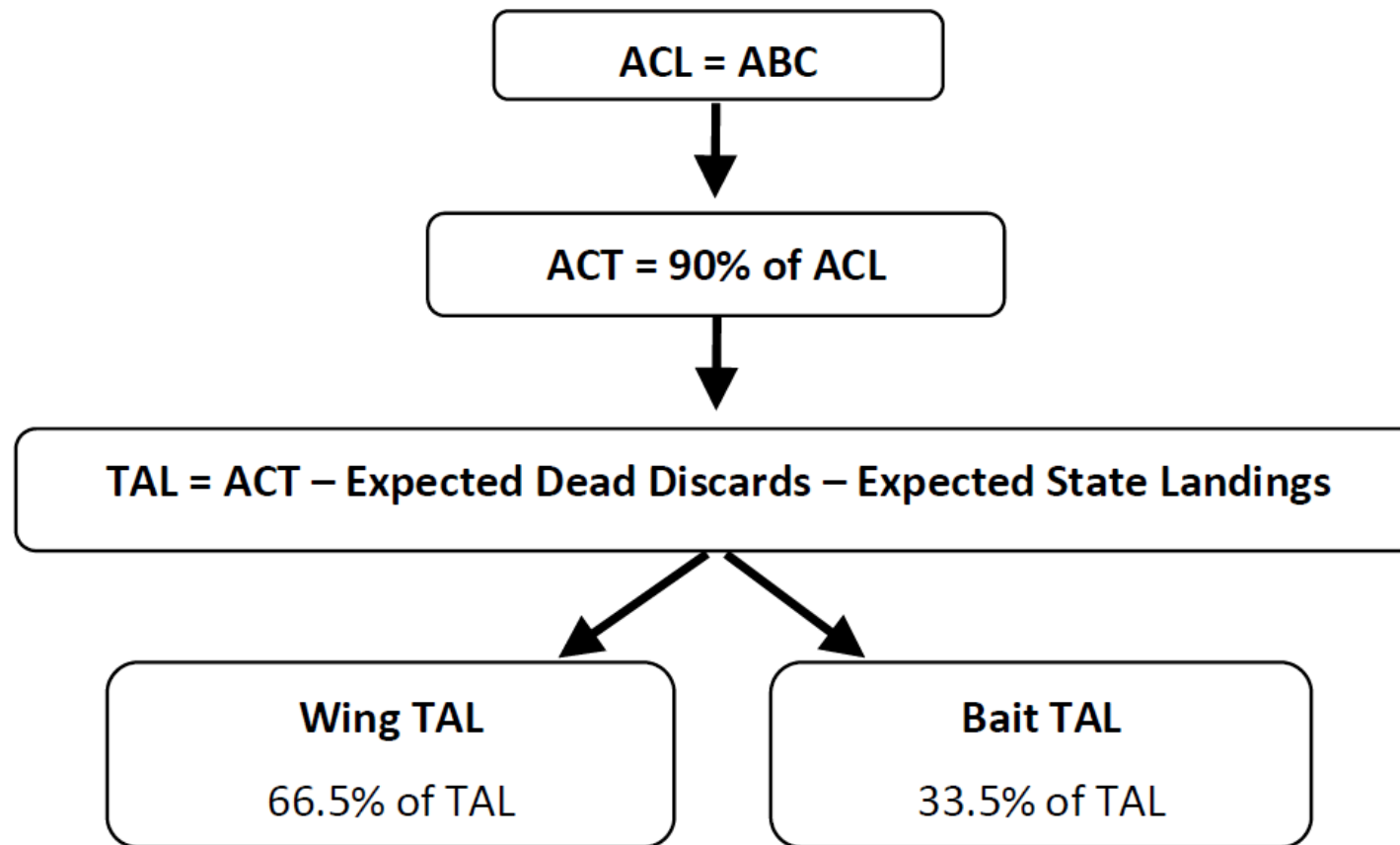
Setting ABC/ACL and flow chart

- For Original Skate FMP (2003), Maximum Sustainable Yield was undetermined due to data issues (speciation, population dynamics).
- Proxies for MSY and B_{MSY} , fishing mortality reference points, and stock status determinations have been based on the time series of the ratio of catch to the NEFSC trawl survey biomass index. Updated annually.
- 2008 = Last stock assessment. The models did not produce reliable results.
- 2009 = SSC recommended that an Overfishing Limit cannot be determined.
- 2023 = Management track assessment scheduled (postponed from 2021).
- Discussion document includes methods for determining reference points and setting specifications.



Setting ABC/ACL and flow chart

Figure 1. Formula for skate specifications setting used since Amendment 3.



Setting ABC/ACL and flow chart

- ABC Control Rule:
 - *“ABC is the median ratio of catch/biomass of each of the seven skate species multiplied by its three-year moving average stratified mean biomass (weight/tow) for skates, summed over the seven skate species in the management unit.”*
- If following control rule exactly, would use:
 - Spring survey data for 2019-2021 for little skate.
 - Fall survey data for 2018-2020 for other species.
 - Fishery catch data for 2018-2020.
- However:
 - NEFSC indicated in January that only data through 2019 will be used while decisions are made on how to handle the survey gaps in 2020.
 - This is not the first-time adjustments may be needed to account for missed stations, but the degree of missing data is more severe.
 - PDT developing ABC; seeking NEFSC input on how to handle data gaps.



Setting possession limits

“No Action” - FY 2020 and 2021 skate seasons and possession limits.

Fishery	Season	Dates	% sub-TAL	Possession Limit	Trigger	Incidental Limit
Wing (66.5% TAL)	1	May 1 – Aug 31	57%	3,000 lb wing weight (6,810 lb whole weight)	85% of seasonal TAL	500 lb wing weight (1,135 lb whole weight)
	2	Sept 1 – Apr 30	remainder	5,000 lb wing weight (11,350 lb whole weight)	85% of annual TAL	
Bait (33.5% TAL)	1	May 1 – Jul 31	30.8%	25,000 lb whole weight	90% of seasonal TAL	8,000 lb whole weight
	2	Aug 1 - Oct 31	37.1%		90% of seasonal TAL	
	3	Nov 1 – Apr 30	remainder		80% of annual TAL	

- Barndoor possession limit = 25% of wing limit, zero with Bait Letter of Authorization.
- Possession limits increased for FY 2020-2021. Maintain?



Other considerations/notes

- **PDT ongoing work (examples):**

- New understanding that state landings are by vessels that never had a federal fishing permit (permit # = 0) NOT by vessels that did not have a federal fishing permit that year.
- Determine if all known sources of catch can be included in year-end ACL accounting.
- Quantification where possible of the uncertainty buffer (recreational catch is 35%).
- Potentially use FY2024-2025 specs (and 2023 assessment) to revise flow chart methods.

- **Thorny skate rebuilding plan:**

- Plan established in 2003. In 2010, rebuilding deadline set for 2028.
- The plan:
 - Prohibit possession of thorny skate throughout the management unit, and
 - If the 3-year moving average of the appropriate survey mean weight per tow declines below the average for the previous three years, then the Council must take management action to ensure that stock rebuilding will achieve target levels.
- As of FY 2019, 17 years into the rebuilding period, the survey biomass continues to be low with no significant signs of rebuilding (at 4% of the 4.41 kg/tow B_{MSY} target).

- **Anything else?** If the Council wants to consider measures besides setting the ABC flow chart and possession limits, advance notice would be helpful. No AP and Committee motions.

Questions?
Discussion?



Amendment 5

Why did the Council do scoping again?

- The Council first scoped for Amendment 5 in early 2017 to address concerns that:
 - Increasingly strict regulations in other fisheries might cause fishermen to shift effort into the open access skate fishery.
 - This could cause the skate fishery to use its quota quickly, trigger reduced skate possession limits, or have negative economic impacts on current participants.
- Since then, the Council has:
 - Considered implementing limited access for the skate fishery through Amendment 5 (preliminary data queries, considered ideas raised by AP).
 - Developed several framework adjustment actions that have changed possession limits, the uncertainty buffer, and other measures to prevent the trigger.
- In September 2020, the Council expanded the scope of Amendment 5 to consider other ways to prevent triggering incidental skate possession limits, improve the precision and accuracy of fishery data, and better define skate fishery participants.



A5 Problem Statement (emphases added)

There are two modes of the skate fishery, directed and non-directed fisheries. An **incidental limit** has been triggered five times since first implemented July 2010, and when it gets triggered, there are negative impacts on the directed skate fishery and on the other fisheries that incidentally harvest skate.

There is a need to improve the reliability and accountability of **catch reporting** in the skate fishery (and other fisheries that catch skate) to ensure there is precise and accurate representation of catch (landings and discards). **Accurate catch data** are necessary to ensure that catch limits are set at levels that prevent overfishing and to determine when catch limits are exceeded.

Current and potential access to the skate resource make it difficult to achieve long term sustainable management in the skate fishery. It is more difficult to prevent overfishing and predict outcomes of management when **participants in a fishery cannot be defined**.



A5 Goals (desired outcomes)

1. Avoid tripping the skate incidental possession limit.
2. Improve skate data, leading to improved assessments (e.g., no longer be considered data-poor) and more precise and accurate understanding of the landings and discards in different segments of the fishery.
3. Minimize discards.
4. Better characterize the directed and non-directed fisheries.
5. Better understand the true potential for vessels to enter the fishery.
6. Minimize the impact on any other fisheries that have interactions with skates.
7. Preserve, to the extent possible, ongoing participation in the fishery consistent with how past utilization has occurred.



Types of measures to consider for achieving goals

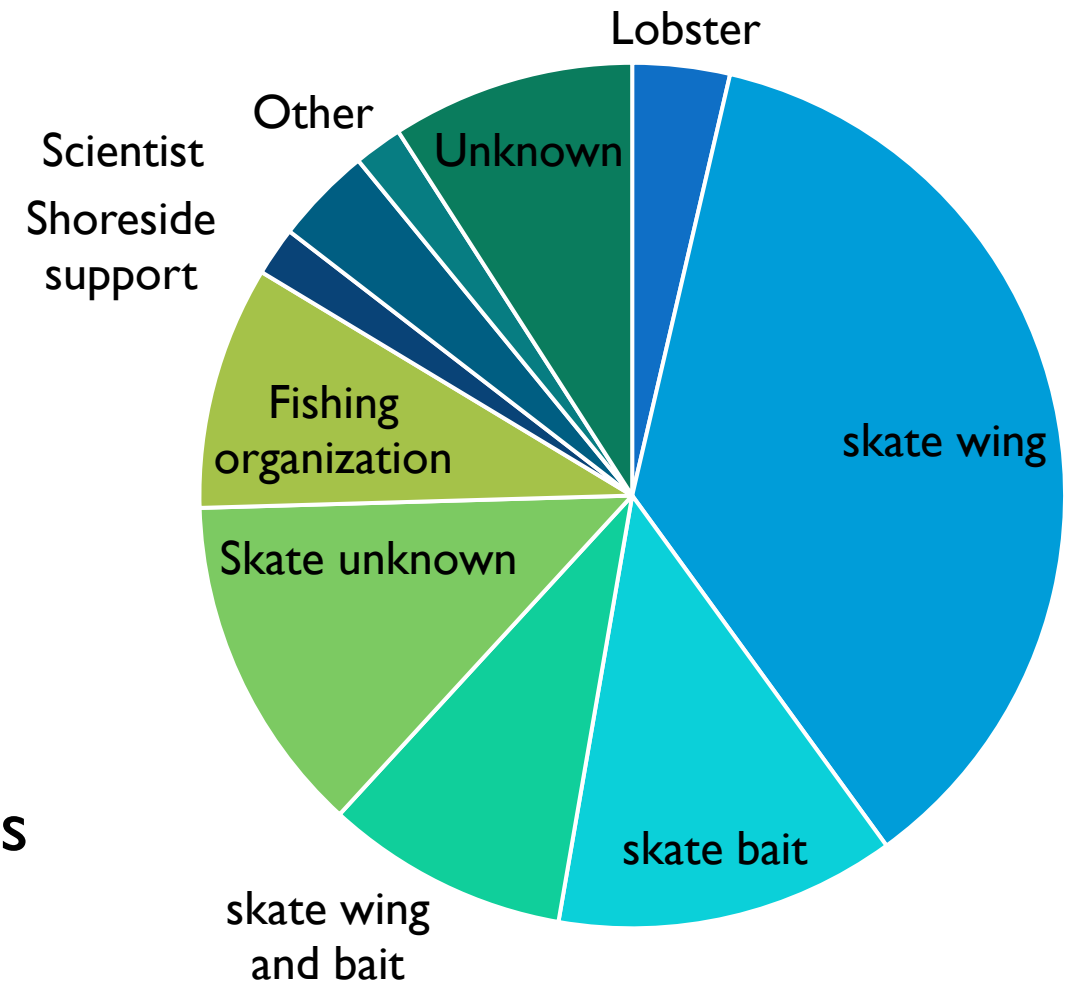
1. An intermediate trigger to slow the wing and/or bait fishery.
2. Limited access for the wing and/or bait fishery, with or without tiers for different qualification criteria for permit categories.
3. Creating different TALs for the wing fishery segments (e.g., directed and non-directed TALs).
4. Monitoring requirements for the wing and/or bait fishery beyond NEFOP/SBRM requirements.
5. Restrict switching between state and federal fishing for the wing and/or bait fishery.
6. Gear modifications that could reduce bycatch for the wing and/or bait fishery (e.g., 12" mesh gillnet size).
7. Make the Federal skate permit a year-round permit for the wing and/or bait fishery.
8. Additional reporting requirements for the wing and/or bait fishery (e.g., VMS declarations, daily catch reports).



Public Scoping Comments

- Supplemental scoping:
 - January 11 – February 12, 2021
 - 12 commenters
- Initial scoping:
 - January - February 2017
 - 49 commenters
 - Overlapped with when an incidental limit was imposed
- Current summary combines both periods
- Primary states: MA, RI, NY

55 commenters total



General observations about fishery

- Mixed views on biological need.
- Both wing and bait segments are important to fishing portfolio & depend on market conditions (\$ & supply).

Table 5. General observations about the skate fishery

Observation	Initial	Supplemental
There is not a biological need for action	1 (g)	2 (g), 1 (s)
Overcapacity is not a problem	1 (g)	2 (g), 2 (s)
Effort is decreasing in the fishery	3 (s)	
Potential for increased effort is in the gillnet day boat fishery		1 (g)
Wing fishery has evolved into a directed fishery		1 (g)
Landings are increasing in summer and fall		1 (g)
Skates are important to the fishing portfolio		1 (g), 3 (s)
There is little uncertainty in the data	1 (ss)	
Skates have low value for the labor	2 (s)	1 (g), 1 (s)
Skates are an important bait source	2 (s), 1 (ss)	1 (g)
The bait market needs steady supply	2 (s), 1 (ss)	1 (g)
s = skate fisherman, g = fishing group, ss = shoreside support		



Concerns about fishery

- Skate discarding likely when incidental limits in place.
- Vessel crowding and consolidation concerns voiced more in initial period.

Table 6. Concerns about the skate fishery

Concern	Initial	Supplemental
Too many skates	11 (s), 1 (ss)	
Skate abundance hindering groundfish rebuilding	1 (s)	
Catch limit reductions are not needed	1 (g), 1 (s), 1 (ss)	
Catch limits are too high	1 (o)	1 (o)
Skates discarded when limits hit	1 (g), 8 (s), 1 (ss)	1 (g), 3 (s)
Science and assessment needs improvement	1 (g), 5 (s)	
Too many vessels in the fishery	4 (s), 1 (u)	
Vessel crowding at sea	1 (s)	
Triggering incidental limits harmful	2 (s), 1 (ss)	1 (g)
Lack of communication about tracking in-season landings	1 (l), 3 (s)	
A history of shutting people out of fisheries	1 (s)	
Consolidation from catch shares	1 (g), 5 (s), 1 (ss)	

s = skate fisherman, l = lobster fisherman, g = fishing group, o = other interested public, u = unknown



Limited Access Comments

	Initial	Supplemental
Against or concerned		
There is not a biological need	1 (g), 5 (s)	1 (s)
Would lead to increased discards	7 (g)	1 (s)
Not needed if quota increases	1 (s)	
Overcapacity is not a problem	1 (g)	
Capacity already controlled in wing fishery	1 (g)	1 (g)
Wrong tool for preventing the incidental limit trigger		1 (g)
Would lead to consolidation	5 (s)	1 (g), 1 (s)
Against permit tiers	1 (g)	
Do not exclude vessels that need incidental levels of skate	6 (s), 2 (g)	
Do not exclude young people or new entrants	12 (s)	1 (g), 4 (s)
Want fishermen to develop a limited access program	1 (s)	
General concern	2 (s)	1 (g), 1 (s)
TOTAL	3 (g), 19 (s)	3 (g), 4 (s)
Support		
Would help prevent overfishing	4 (u)	1 (s)
Fishery participation should be limited	4 (s), 4 (u)	1 (s)
Would improve market conditions	5 (s)	1 (g), 1 (s)
Supports having permit tiers	11 (s)	1 (s)
Should allow some new entrants	1 (s)	
General support	13 (s), 1 (ss)	
TOTAL	14 (s), 1 (ss), 4 (u)	1 (g), 2 (s)
s = skate fisherman, l = lobster fishery, g = fishing group, o = other interested public, u = unknown		

- Most commented-on topic
- Main concern - excluding future participants & also consolidation
- Main benefit - improving market conditions
- Comments split for and against LA
 - Bait comments split
 - Wing comments largely opposed
 - Mixed support from fishermen from N states (esp. MA and RI)
 - Opposition from S states (esp. NY)

General Comments, Summary

- Revising FMP and/or A5 goals and objectives? – no comment
- Support for limited access? - mixed comments
 - No strong trend by geography, wing/bait.
 - Split on using control dates for qualification, wanting their fishing history included.
- Support for other types of measures? - minimal comments
 - 1 comment against creating different TAL for wing fishery segments
 - 1 comment in favor of increased monitoring requirements
 - 1 comment in favor of avoiding using a federal permit
 - 2 comments on gear mod. (1 for based on field trials, 1 against – lg mesh in
 - No comments on year-round skate permit or additional reporting requirements

Questions?
Discussion?



AP Recommendations

- Move forward with the Amendment 5 problem statement, goals, and objectives as written.
- Develop limited access permit programs:
 - For the bait fishery; perhaps use of the Letter of Authorization to help define qualification.
 - For the wing fishery; use more recent qualification years than the control date.
- Develop an intermediate possession limit trigger for the wing fishery.
- Task the PDT with providing discard data by trip declarations, disposition and by species, to better identify where discards are occurring.



Committee Recommendations

Problem statement, goals, and objectives.

Motion (8/0/0): Proceed to develop Amendment 5 using the problem statement, goals, and types of measures to consider as already approved.

FMP Objectives

Motion (8/0/0): “The Skate Committee recommends to the Council that alternatives be developed that would update the Skate Fishery Management Plan Objectives #2 and 5 as highlighted by the Skate PDT (i.e., updating stock status and how research priorities are identified).

McKenzie/???: “The Skate Committee recommends to the Council that the Skate Fishery Management Plan Objectives #2 (on rebuilding overfished stocks) and #5 (on setting research priorities) be updated. The Committee will bring specific recommendations to a future Council meeting for approval.”



Skate FMP Objectives

Doc #2c

Unchanged since adopted in Original FMP (2003)

“Objective 2: Implement measures to: protect the two currently overfished species of skates (barndoor and thorny) and increase their biomass to target levels, reduce fishing mortality on winter skate, and prevent overfishing of the other species in the Northeast skate complex – this may be accomplished through management measures in other FMPs (groundfish, monkfish, scallops), skate-specific management measures, or a combination of both as necessary.”

“Objective 5: Promote and encourage research for critical biological, ecological, and fishery information based on the research needs identified in the Skate SAFE Report and scoping document, including the development and dissemination of a skate species identification guide.”



Developing alternatives

Intermediate possession limits

Motion (6/1/1): Develop for wing and bait fisheries. Included specific percentages for development, exploratory in nature.

Rationale: Could prevent tripping the incidental limits, may be an alternate approach to pursuing limited entry.

Idea considered before: Council initiated FW6 immediately after incidental limits were triggered. Intermediate limits were considered but Council opted to lower the buffer. TALs were expected to increase in FY2018 through FW5, and if FW6 raised TALs even more, intermediate triggers were then thought unnecessary.

Other FMPs with 2-step triggers?

- Mackerel FMP since Nov 2019 (yet to be triggered).
- Herring FMP since March 2021 (yet to be triggered).



Committee Recommendations

Developing alternatives

Federal skate permit

Motion (7/0/1): Develop a year-round skate Federal fishing permit; cannot drop and add mid-year.

Rationale: Concern about vessels dropping their federal permit when incidental limit is triggered to keep fishing in state fisheries; may reduce complications in specifying and accounting for federal vs. state landings; may shed light on more omnibus approaches to identifying state landings.

Discussion:

- Complicated methods for specifying state vs federal fishing, if and how landings are tracked in-season, and year-end catch accounting. Current permit contributes to complication.
- Without an interstate FMP, the ability of the Skate FMP to control fishing in state waters is limited (can make a deduction, cannot impose accountability measures.)
- Relying on current in-season monitoring of Federal landings against TALs is not fail safe for ensuring that the ACL is not exceeded. Requiring a Federal permit year-round may track more landings in-season.
- Each FMP has unique approach to define and specify state fishing.



Committee Recommendations

Developing alternatives

Limited access – bait

Motion (7/0/1): Develop bait limited access alternatives. Use criteria developed by Advisory Panel members in April 2019, with the most recent end dates for qualification (likely 2020). The criteria would be for two qualification groups and a third group for non-qualifiers.

Rationale: Could prevent incidental limits from being triggered, would better identify participants and prevent additional effort.

Discussion: Motion is exploratory in nature. Would like to see updated analysis.



Committee Recommendations

Developing alternatives

Limited access – wing

Motion (4/3/1): Develop wing limited access alternatives with options for qualification years that are more recent than the control date (March 31, 2014). Updating the wing qualifying tables in the Discussion Document [ideas from AP members] with participation through 2020.

Rationale: Having alternatives would formalize a long-standing discussion and help the Council come to a decision. Some concern about limiting recent participants if the control date is used. Could prevent incidental limits from being triggered.

Discussion: Mixed support; exploratory. Is the motivation purely economic/allocative? Ensure consistency with National Standards 4 (allocations) and 5 (economic efficiency).



Committee Recommendations

Control dates

Motion (6/0/2): Recommend that new control dates be established for the wing and bait fisheries.

Rationale: If limited access is not implemented through Amendment 5, but is through a future action, the current dates would be too outdated to be useable.

Discussion:

- Current dates: Bait = July 30, 2009. Wing = March 31, 2014.
- In prior motions, the Committee signaled that more recent dates should be used for limited access qualification.
- The Council is not required to use these dates for any action.
- This motion would set control dates for a future action regarding the same issue that is being considered in an ongoing action.

*Questions?
Discussion?*

