

# Skate Staff Report

## Framework Adjustment 9 – final action

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# Skate Report Plan

- Staff to review
  - Framework 9 problem statement and goals
  - Updates to Skate Fishery Management Plan objectives
  - Range of Alternatives
  - Impacts Analysis, focus on skate fishery impacts
  - Recommendations of the Skate Advisory Panel and Committee (No Action)
  - Next steps
- The Council to
  - Consider the Committee's recommendations on the updates to FMP objectives and Framework 9 alternatives
  - Take final action on the framework.



# Introduction

- In Amendment 5, the Council considered revising FMP objectives and developing a limited access skate permit and measures to prevent the triggering of incidental possession limits, improve catch reporting, and define the federal skate fishery.
- In September 2021, the Council stopped work on Amendment 5 and initiated Framework 9 to further consider just: updating the FMP objectives and alternatives for revising the conditions of the open-access federal skate permit.
- In November, the Committee revised the Amendment 5 problem statement and goals to fit the focus of Framework 9, made small adjustments to alternatives.
- In January, the Committee made a small edit to FMP objectives updates, clarified the intent of the alternatives and recommended No Action as the preferred alternative.



# Framework 9 problem statement

“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. Additionally, the goal and objectives of the Northeast Skate Complex Fishery Management Plan are unchanged since the original FMP was adopted in 2003, and a few aspects of the objectives are out of date.”



# Framework 9 goals

1. Improve skate data, leading to more effective in-season monitoring, 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.
2. Better understand the true potential for vessels to enter the fishery.
3. Minimize the impact on any other fisheries that have interactions with skates and to avoid restricting the ability to transfer permits, upgrade vessels, and place limited access permits in Confirmation of Permit History (CPH).
4. Update the FMP objectives to reflect current stock status and rebuilding progress and to reflect how the Council identifies research priorities.



# Updating FMP Objectives 2 and 5

(Council approved in June 2021)

**Objective 2:** Implement measures to: protect ~~any~~ ~~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.

## Rationale:

- Generalize to apply to any skate species.
- Likely back in 2013, the degree of uncertainty about the condition of winter skate motivated the Council to include reducing fishing mortality on this stock as an FMP objective. Today, winter skate is one of the most abundant in the complex and a fishery target. No longer a need to single it out.



# Updating FMP Objectives 2 and 5

(Council approved in June 2021. **Committee has minor edit to approve today.**)

## skate

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

### Rationale:

- Be consistent with how the Council currently sets research priorities (one list for all FMPs).
- Scoping document referred to (for original FMP) now long out of date.
- A species identification guide was created and disseminated to fishermen a few years ago. See GARFO website.



# Range of alternatives

## ***No Action:***

“...anyone with a valid vessel operator permit can obtain and subsequently drop a federal skate permit at any point in the fishing year.”

## ***Alternative 2:***

“...an application for the federal skate permit must be submitted 30 days prior to the start of each fishing year\* and must be retained with the vessel for the entire year.”

## ***Alternative 3:***

“...the federal skate permit may be obtained at any point in the fishing year and must be retained for the remainder of the fishing year.”

\* Assumed to be March 31.





# Rationale and intent of alternatives

- Prevent vessels from entering and leaving the federal skate fishery mid-year.
- Monitor more landings in-season against the federal Total Allowable Landings.
- Switching from federal to state fishing when a federal incidental limit is in place would not be allowed. States do not have skate possession limits, other than Rhode Island which is a weekly limit that matches the federal (no incidental limit).
- Permit cancellations for vessel replacement, permit sanctions, vessel sinkings or other logistical reasons would be allowed.
- When limited access permits are put into Confirmation of Permit History on a new vessel, all active permits on the old vessel get cancelled. This policy would be unchanged.



# Impacts – No Action (add/drop permit)

- **Flexibility.** Continue to add/drop the federal skate permit mid-year, happening in all months.
  - Of the ~350 vessels with active federal skate permits each year since FY 2016, few have been using this flexibility (majority of landings were bait).
    - 18-29 had skate landings before picking up the federal skate permit.
    - 7-11 had skate landings after cancelling the federal skate permit (Table 3).
  - In FY 2017, 20 vessels landed 2.5M lb without a federal skate permit but had one at another point in the year (5% of active federal vessels, 8% of landings).
  - Without federal skate permit, can fish in state waters under state possession limits (none except in RI).
- **Data.**
  - If vessel has any federal fishing permits, then skate landings without federal skate permit are tracked against the Federal Total Allowable Landings (TAL).
  - If a new vessel fishes for skate in state waters (i.e., landings where permit = 000000), then applies for a federal skate permit mid-year, the earlier state landings cannot be tracked to that vessel in the federal data systems.



# Impacts – Alternative 2 (year-round permit)

- **Flexibility.** Restricting flexibility. Must apply for permit by March 31.
  - No data on application dates. 36% of skate permits are issued after April 1, ~32 per month after May.
  - Need to adjust to be on time; must annually commit to the federal or state fishery.
  - 30 or fewer vessels have been using this flexibility (majority bait). Difficult to determine if they would opt for a year-round federal or state permit.
  - With federal skate permit, can fish in state waters but under the more restrictive rules (federal for possession limits).
- **Data.**
  - If a new vessel opts for federal skate permit, all landings would be tracked to that vessel.
  - Proportion of landings tracked against Federal TAL would not necessarily increase. Depends on who opts for the federal permit and if they had other federal fishing permits when landing skate without federal permit.
  - Negligible impact to ACL accounting.



# Impacts – Alternative 2 (year-round permit)

- **Participation.** Difficult to determine the individual business decisions. Makes the vessels more distinct that participate in the federal vs state fisheries. May focus more effort on federal skates or on other federal fisheries/state skates.
- **Discards.** May increase discards if vessels don't opt for a federal skate permit (skate caught in the EEZ would be discarded). Discards have been 19-27% of all skate catch recently.
- **States.** Vessels using this flexibility mostly landing in Rhode Island, Connecticut and New Jersey; Rhode Island most consistently.
- **Administration.** Alternative 2 would increase the permit applications processed ahead of fishing year. May slow processing times. More time likely to be spent checking that permit cancellation reasons are appropriate (Alts 2 and 3). Substantial industry outreach would be needed.



# Impacts – Alternative 3 (no dropping permit)

- Similar impacts to Alternative 2 but more flexible to allow state skate fishing before the federal skate permit is issued (18-23 vessels per year have done so recently).
- 7-11 vessels per year had skate landings after cancelling the federal skate permit. Could no longer do so.
- Like Alternative 2, impacts to participation, discards, administration would depend on the individual choices of these vessels.
- Like No Action, if a new vessel fishes for skate in state waters (i.e., landings where permit = 000000), then applies for a federal skate permit mid-year, the earlier state landings cannot be tracked to that vessel in the federal data systems.



# Potential to achieve FW9 goals?

## 1. Improve data and understanding of fishery segments

- Indirectly. Would make state and federal vessels more distinct, simplify tracking of landings (esp for new vessels), percent landings monitored against TAL would not necessarily increase.

## 2. Better understand potential vessels entering fishery

- With Alt 2, total number of federal skate permits would be known at beginning of year. “The fishery” is monitored with broader definitions. No new restrictions on fishing activity (other than possession limits).

## 3. Minimize impacts on other fisheries, avoid restricting permit transactions

- Discard impacts uncertain. Alternatives allow for permit cancelations for non-fishing reasons.

## 4. Update FMP objectives

- Yes!



# Skate AP and Committee Recommendation

## *Alternative 1 – No Action*

- There are a limited number of vessels adding and dropping the federal skate permit to be active in a state fishery.
- In FY 2021, the fishery landings are low (12% of Bait TAL, 32% of wing TAL as of January 1) and alternatives that would restrict permits are not needed now.
- Fishing likely to remain within TALs under No Action.
- There is no need to limit participation now.
- It would be difficult for the GARFO permit office to determine the intent of a fisherman who is requesting a permit cancellation.





# Next Steps

- Consider edit to FMP objective.
- Select preferred alternative.
- If No Action, will need to submit the FMP updates to GARFO as Amendment 6 to the FMP. No additional analyses needed.

