



## New England Fishery Management Council

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Eric Reid, *Acting Chairman* | Thomas A. Nies, *Executive Director*

### MEMORANDUM

**DATE:** September 1, 2021  
**TO:** Skate Advisory Panel and Committee  
**FROM:** Libby Etrie, Acting Skate Committee Chair  
**SUBJECT:** Charge for September 16, 2021 meetings

There will be separate webinar meetings of the Skate Advisory Panel (AP) and Committee on **Thursday, September 16. The Advisory Panel starts at 9:00 AM. The Committee starts at 1:00 PM.** Please join your webinar ten minutes prior to test audio for an on-time start.

**PURPOSE.** The purpose of these meetings is to make final recommendations on: 1) final preferred alternatives for Fishing Year (FY) 2022-2023 Specifications; 2) develop alternatives for Amendment 5 to the Northeast Skate Complex Fishery Management Plan (FMP) on the topics of intermediate possession limits, monitoring, and any other management measures for this action; and 3) recommend Council work priorities for 2022 regarding skates.

**MEETING MATERIALS.** Apart from the agendas (Document #1a), the documents for these meetings are identical. To make the most of your meeting time, please familiarize yourself with the documents beforehand and come ready to make any recommendations. As documents become available, they will be posted on the Council webpages for these meetings:

Advisory Panel:

<https://www.nefmc.org/calendar/sep-16-2021-skate-advisory-panel-webinar>

Committee:

<https://www.nefmc.org/calendar/sep-16-2021-skate-committee-meeting>

**WEBINAR REGISTRATION.** To be able to view a webinar and listen and talk during it, you must register for the webinar in advance and join the webinar on the day of the meeting. Each meeting has its own registration link, posted on the above respective webpages. If you just call in using the phone number provided on the meeting notice, you will be in listen-only mode and will not be able to speak during the meeting.

**QUESTIONS/TECHNICAL SUPPORT.** In advance, if you have any questions about the meeting documents, agenda, or how to participate, please contact Rachel Feeney ([rfeeney@nefmc.org](mailto:rfeeney@nefmc.org); 978-465-0492 x110). A [Public Participation Guide](#) is available with tips on joining Council webinars. Staff would be happy to set up a practice webinar for you ahead of the meeting if that would be helpful. For technical support during the meeting, please email [helpdesk@nefmc.org](mailto:helpdesk@nefmc.org) or call 978-465-0492 x111.

## **FY 2022-2023 Skate Specifications**

**RECENT ACTIVITY.** In June, the Council decided to focus this action on setting the skate Acceptable Biological Catch (ABC) and subsequent flow chart of fishery landing limits, opting to keep possession limits the same as in FY 2020-2021. This spring and summer, the Skate Plan Development Team (PDT) developed a method for setting the ABC according to the skate ABC control rule, modified to account for the recent gaps in the Northeast Fisheries Science Center bottom trawl survey time series. This summer, the PDT discussed specifications at its meetings on July 1 and August 9 (Documents #4c and 4d). On July 29, the Scientific and Statistical Committee (SSC) reviewed the work of the PDT (Document #2c) and accepted the ABC developed by the PDT (Document #2e). The PDT prepared draft alternatives for this action (Document #2a) and a draft Supplemental Information Report (Document #2b).

**ON SEPTEMBER 16.** On September 16, the AP can make a final recommendation to the Skate Committee on the ABC for FY 2022-2023 and any other recommendations on specification setting. The Skate Committee will then make final recommendations to the Council on specifications.

### **Discussion questions and notes:**

- The approach to calculating the ABC is summarized in Section 4 of Document #2b, including notes on how survey data gaps have been handled in the past.
- The PDT has provided new information on dead discards by species and gear type, in Section 5.1.2.
- Should the Council accept the SSC-recommended ABC of 37,236 mt for FY 2022-2023, an increase over the current ABC of 32,715 mt (Document #2a)? Why or why not?

**FUTURE STEPS.** The Council expects to make its final recommendations on these specifications at its September 28-30, 2021 meeting. Council staff will then work with the Greater Atlantic Regional Fisheries Office (GARFO) on submitting this action in time for the May 1, 2022 start of the next fishing year.

## **Amendment 5**

**RECENT ACTIVITY.** In June 2021, the Council approved the updated language for the Northeast Skate Complex FMP objectives and added alternatives related to an intermediate possession limit and the federal permit. The Council also recommend to GARFO that the current control dates in the wing and bait fisheries be rescinded. The Skate PDT updated the Amendment 5 discussion document (Document #3a), which includes a preliminary analysis of the intermediate possession limit alternatives in Section 4.1.3. The PDT also completed the Committee tasking from May to provide the realized Northeast Fisheries Observer Program (NEFOP) observer coverage rates for two components of the skate fishery: declaration code 'MNK' for the wing fishery and declaration code 'DOF' for the bait fishery. See Section 4.3.3, which now contains the realized observer coverage for NEFOP and At Sea Monitoring program by declaration code for all trips landing skate, FY 2016-2019, not just those requested by the Committee. Other background information is in the separate Affected Environment (Document #3b) or posted on the webpage for this action: <https://www.nefmc.org/library/amendment-5-3>.

**ON SEPTEMBER 16.** On September 16, the AP can make any recommendations to the Skate Committee on developing a range of alternatives for this action, and the Skate Committee will then continue developing alternatives for this action. The specific focus will be on the topics of creating an intermediate possession limit and considering at-sea monitoring requirements, but we should check in of if any alternatives should be developed on the other types of measures that were scoped for. In the Amendment 5 discussion document (Document #3a), there are text boxes with notes and lists of specific questions where input would be helpful in Section 4.0 (Alternatives).

Discussion questions and notes:

- **Section 4.1: Action 1 – Intermediate Possession Limits**
  - In June, the Council passed the Committee motion: “that for all the intermediate possession limit alternatives, the Regional Administrator would have the discretion to not implement the intermediate possession limit, based on current landing rates and the timing relative to the end of the season, like the current discretion for implementing the incidental limit.”
    - Is the AP/Committee clear that the “discretion to not implement” is only for wing Season 2? In wing Season 1 and the bait seasons, the RA must implement the incidental limit if a certain percentage of TAL is reached but has the discretion to later remove the limit (see text). The PDT wanted to check that the intent really is to mirror all the current ways the incidental limit “shall” and “may” be implemented and later lifted. Rather, is the intent for the RA to have discretion in all cases?
    - Currently, the RA has discretion to not implement a wing incidental possession limit within 15 days of the end of wing Season 1. The PDT recommends having a 30-day window for an incidental limit. Does the Committee support this?
  - Given the preliminary analysis of alternatives (Section 4.1.3), is the AP/Committee comfortable with the range of alternatives in Action 1 or should there be modifications? How and why?
- **Section 4.2: Action 2 – Year-round Federal Skate Permit**
  - For Alternative 2 in this section (Sect. 4.2.2), the Skate PDT had recommended that the federal skate permit be obtained within 45 days prior to the start of a fishing year. In researching other fisheries more closely, the PDT now recommends 30 days to be consistent with the groundfish and scallop permit application deadlines (see p. 31). Does the AP/Committee support this revision?
- **Section 4.3: Action 3 – At-sea Monitoring**
  - Section 4.3.3 includes results of Committee tasking from May 2021 to estimate the realized NEFOP observer coverage rates for two components of the skate fishery: trips with declaration code ‘MNK’ for the wing fishery and declaration code ‘DOF’ for the bait fishery. The PDT provides all coverage rates for trips landing skate (all declarations).
  - Should alternatives be developed in this section? Why? What?
- **Other alternatives?** Of the types of measures that the Council scoped for in early 2020, there has been no Committee work to date on the following. Should the Committee develop any of these ideas? Why or why not?
  - Creating different TALs for the wing fishery segments (e.g., directed and non-directed TALs).
  - Restrict switching between state and federal fishing for the wing and/or bait fishery. [Note: the alternatives in Action 2 may accomplish this, though other ideas could be developed.]
  - Gear modifications that could reduce bycatch for the wing and/or bait fishery (e.g., 12” mesh gillnet size).
  - Additional reporting requirements for the wing and/or bait fishery (e.g., VMS declarations, daily catch reports).

***FUTURE STEPS.*** The Council will receive a short progress update on Amendment 5 in September. Committee work on alternatives can continue after that point, but we should check-in on our progress on developing the range of alternatives.

## **2022 Council Management Priorities**

***RECENT ACTIVITY.*** At its August 9 meeting, the Skate PDT finalized recommendations for 2022 Council management priorities, to continue with Amendment 5 and develop the 2022 Skate Annual Monitoring Report (Document #4d).

***ON SEPTEMBER 16.*** On September 16, the AP can make any recommendations to the Skate Committee on what the Council should work on in 2022 regarding skates, including any ranking of priorities. The Skate Committee will then make recommendations to the Council.

***FUTURE STEPS.*** In September, the Council will develop an initial list of management priorities for 2022 and finalize it in December.