



New England Fishery Management Council

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MEETING SUMMARY

Skate Committee

Webinar

September 10, 2020

The Skate Committee met on September 10, 2020 at 1:00 PM via webinar to: review the 2020 Northeast Skate Complex Annual Monitoring Report for FY 2019 and discuss recent fishery performance; continue to develop problem statements, goals, and objectives for Amendment 5; develop recommendations for 2021 Council management priorities regarding the Northeast Skate Complex FMP and for addressing Executive Order 13921 on Promoting American Seafood Competitiveness and Economic Growth; and other business.

MEETING ATTENDANCE: Matt McKenzie (Chair), Rick Bellavance, Libby Etrie, Dan Farnham (MAFMC), Allison Ferreira (GARFO), Melanie Griffin, Scott Olszewski, and John Pappalardo; John Whiteside (Advisory Panel Chair); Jennifer Couture, Rachel Feeney (PDT Chair), Lou Goodreau, and Chris Kellogg (NEFMC staff); Cynthia Ferrio (GARFO staff); Mitch MacDonald (NOAA General Counsel). In addition, about ten members of the public attended.

KEY OUTCOMES:

- The Committee moved to recommend eight objectives for Amendment 5.
- The Committee recommended Amendment 5 be a management priority for 2021, in addition to the 2022-2023 specifications and the annual monitoring report.

AGENDA ITEM #1: SKATE UPDATES AND OUTLOOK

Staff briefly updated the Committee on the timeline of the current skate management priorities of the Council. There were no comments from the public.

AGENDA ITEM #2: SKATE ADVISORY PANEL REPORT

The Advisory Panel (AP) Chair provided the Committee an overview of the discussion from the AP meeting that morning (no quorum). The Committee asked a few questions and noted that there are no vessel upgrade restrictions in the skate fishery (restrictions are tied to groundfish or other limited access fisheries skate vessels have permits for).

AGENDA ITEM #3: 2020 NORTHEAST SKATE COMPLEX ANNUAL MONITORING REPORT FOR FY 2019 AND FY2020 FISHERY PERFORMANCE

Staff presented an overview of the 2020 Skate Annual Monitoring Report (AMR) for FY 2019 and FY 2020 fishery performance to date, including stock status updates, fishery landings, discards, accountability measures, other fishery management plans (FMPs) that may impact skate, skate research updates focusing on thorny skate, and PDT recommendations. Little skate stock status was not updated

because only one leg of the spring survey was completed due to COVID-19; only thorny skate remains overfished.

In past years, the fishery data included only landings relative to total allowable landings (TAL) and the total catch. Included this year are additional catch components, explanation on the quota monitoring process, and descriptions on what is included and excluded in in-season monitoring and year-end annual catch limit accounting. Also, changes to other FMPs impacting skates were expanded to include Mid-Atlantic fisheries.

A Committee member asked how the impact conclusions were drawn in the AMR section on changes to other FMPs impacting skate and felt that the conclusion for Northeast Multispecies Amendment 23 (A23) was overly generalized. Staff noted that the conclusions were those of the original framework and amendment actions and will check that the characterization of A23 is accurate. A Committee member recommended adding effort data to the AMR and asked how specifications will change based on missing survey years. Another member asked about the fishery dynamics when the incidental limits were triggered in FY 2016 and 2017. The member also asked if both the wing and bait fisheries have a small number of vessels that are highly dependent on the skate resource. Staff replied that the appropriate content of AMRs can be discussed further, data issues relative to specifications will likely be consistent with how they will be handled in the assessment, there was no substantial change in the fishery in FY 2016 and 2017, and that each fishery has a small number of highly dependent vessels.

AGENDA ITEM #4: AMENDMENT 5

Staff reviewed: 1) the three motions for the problem statements and goals and the tabled motion for types of measures that could achieve the goals developed by the Skate Committee on August 6, and Skate PDT feedback that these motions adequately address earlier concerns. The PDT suggests considering making a year-round skate permit (i.e. prohibit adding/dropping the skate permit throughout the year) to better predict skate effort and to convert more dead discards into landings to increase landing limits.

1A. MOTION TO UNTABLE: BELLAVANCE/OLSZEWSKI

Untable the following motion from the Aug 6 Cte mtg:

The Committee recommends that Amendment 5 consider the following type of measures to achieve the goals identified:

1. An intermediate trigger to slow the fishery (before the 85%/90% trigger).
2. Limited access, with and without tiers for different qualification criteria for permit categories.
3. Creating different TALs for the fishery segments (e.g., directed monkfish TAL with a LOA).
4. Monitoring requirements beyond NEFOP/SBRM requirements.
5. Restrict switching between state and federal fishing.
6. Gear restrictions that could reduce bycatch (e.g., number of nets, hauling gear after each trip).

Discussion on the Motion: Untabling is needed to discuss the types of measures previously identified.

MOTION 1A CARRIED 7/0/0/0.

	Yes	No	Abstain	Recuse
Matt McKenzie, CT (Chair)				
Richard Bellavance, RI	x			
Elizabeth Etrie, MA	x			
Daniel Farnham, MAFMC	x			
Allison Ferreira, GARFO	x			

Melanie Griffin, MA	x			
Scott Olszewski, RI	x			
John Pappalardo, MA	x			
TOTAL VOTE	7	0	0	0

1B. UNTABLED MOTION

The Committee recommends that Amendment 5 consider the following type of measures to achieve the goals identified:

1. An intermediate trigger to slow the fishery (before the 85%/90% trigger).
2. Limited access, with and without tiers for different qualification criteria for permit categories.
3. Creating different TALs for the fishery segments (e.g., directed monkfish TAL with a LOA).
4. Monitoring requirements beyond NEFOP/SBRM requirements.
5. Restrict switching between state and federal fishing.
6. Gear restrictions that could reduce bycatch (e.g., number of nets, hauling gear after each trip).

Rationale: Though the AP members present at their meeting recommended against Objective 6, given that one of the goals is to minimize bycatch and discards, Objective 6 is appropriate.

1C. MOTION TO AMEND: BELLAVANCE/PAPPALARDO

The Committee recommends that Amendment 5 consider the following type of measures to achieve the goals identified:

1. An intermediate trigger to slow the fishery (before the 85%/90% trigger).
2. Limited access, with and without tiers for different qualification criteria for permit categories.
3. Creating different TALs for the fishery segments (e.g., directed monkfish TAL with a LOA).
4. Monitoring requirements beyond NEFOP/SBRM requirements.
5. Restrict switching between state and federal fishing.
6. Gear modifications that could reduce bycatch (e.g., 12” mesh gillnet size).

Rationale: Amending Objective 6 better reflects the AP members’ concerns with gear modifications, including changing the number of nets and needing to haul gear after each trip and support of increasing gillnet mesh size as most fishermen would not oppose this change.

Discussion on the Motion: A Committee member was concerned that the motion is narrowing the potential tools for achieving the goals.

MOTION 1C TO AMEND CARRIED 6/1/0/0.

	Yes	No	Abstain	Recuse
Matt McKenzie, CT (Chair)				
Richard Bellavance, RI	x			
Elizabeth Etrie, MA		x		
Daniel Farnham, MAFMC	x			
Allison Ferreira, GARFO	x			
Melanie Griffin, MA	x			
Scott Olszewski, RI	x			
John Pappalardo, MA	x			
TOTAL VOTE	6	1	0	0

1D. MAIN MOTION AS AMENDED

The Committee recommends that Amendment 5 consider the following type of measures to achieve the goals identified:

1. An intermediate trigger to slow the fishery (before the 85%/90% trigger).
2. Limited access, with and without tiers for different qualification criteria for permit categories.
3. Creating different TALs for the fishery segments (e.g., directed monkfish TAL with a LOA).
4. Monitoring requirements beyond NEFOP/SBRM requirements.
5. Restrict switching between state and federal fishing.
6. Gear modifications that could reduce bycatch (e.g., 12" mesh gillnet size).

1E. MAIN MOTION AS FURTHER PERFECTED: PAPPALARDO/FERREIRA

The Committee recommends that Amendment 5 include the following objectives (or types of measures) to achieve the goals identified:

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).

Rationale: Objectives 1 and 2 should apply to both the wing and bait fisheries, to keep ideas on the table at this point. The concern about creating more accountability within the fishery is more specific to the wing fishery. Objective 7 would clarify the distinctions between the federal and state fisheries and help clarify the number of participants in the federal fishery.

Further Discussion on the Motion: Committee members discussed whether each of these objectives to achieve the goals apply to either the wing or bait fishery or both and the need to specify in each. A member asked how a limited access program could work without tiers for qualification criteria (an AP member suggestion; motion measure #2). A Committee member said it's the Committee's responsibility to define limited access qualification criteria (VMS requirements, landing limits, etc.) which can be done at a later date but first and foremost the Committee needs to be clear on whether these measures apply to the bait or wing fishery or both and more time needs to be spent on defining directed, non-directed, latent effort, etc. terms. In response to a question on VMS requirements (regarding Objective 4), GARFO stated the Skate FMP does not have any monitoring requirements directly but the skate fishermen are at will of other fisheries in which they are operating.

A few Committee members asked about the reason for dropping skate permits during the year. GARFO noted that fishermen typically do this to fish in state waters under a different possession limit than the federal limit. A member suggested adding in another reporting requirement such as VMS declarations and the continued need to define which fishery the measures apply to.

Public Comment:

- Maggie Raymond (Associated Fisheries of Maine) – asked for a clarification on the third objective and what is meant by segments of the fishery and if the Committee is suggesting allocation of TAL to each of these segments. Staff commented that the fishery segments are not

yet defined for which Maggie pointed out that the original Skate FMP defines fishery segments as directed (bait fishery) and non-directed (wing fishery).

- James Fletcher (United National Fisherman’s Association) – advocated for total use of all fish caught by all fishermen to avoid waste.

MOTION 1E TO FURTHER PERFECT CARRIED 6/0/1/0.

	Yes	No	Abstain	Recuse
Matt McKenzie, CT (Chair)				
Richard Bellavance, RI	x			
Elizabeth Etrie, MA			x	
Daniel Farnham, MAFMC	x			
Allison Ferreira, GARFO	x			
Melanie Griffin, MA	x			
Scott Olszewski, RI	x			
John Pappalardo, MA	x			
TOTAL VOTE	6	0	1	0

AGENDA ITEM #5: COUNCIL PRIORITIES REGARDING SKATES

Staff provided an overview of the Executive Order 13921 on Promoting American Seafood Competitiveness and Economic Growth (issued in May 2020) and potential 2021 Council management priorities, noting the quicker turnaround time for the Council to finalize priorities, likely at the end of October.

2. MOTION: PAPPALARDO/BELLAVANCE

The Committee recommends that for 2021, Amendment 5 continues to be a management priority (in addition to the required priorities of 2022-2023 specifications and the annual monitoring report).

Rationale: Based on the work of the Committee this year, input of the AP, and charge from the Council in June, it is appropriate to continue work on Amendment 5.

Discussion on the Motion: Committee members discussed the utility of the annual monitoring report and whether the report is duplicative of other work and data available in Council actions. A member suggested adding effort trends so the Council could be more proactive than reactive. Total catch relative to the annual catch limit is not regularly published by GARFO, but this could be made available on GARFO’s website. Committee members were uncomfortable with doing away with the AMR entirely but noted there could be ways to streamline the work. A member asked whether GARFO plans to send the Council a letter on the failure of significant progress on thorny skate rebuilding; GARFO is waiting on this until after the 2021 skate assessment. There was some concern about the amount of staff time in working on a limited access amendment especially because the fishery data do not signify a clear problem in the fishery. A Committee member noted the progress made by the Committee in recent months but is considering voting against this amendment during the September Council meeting given concern over staff time, lack of public engagement in this action, and the fishery data. The Committee chose to remain silent on the idea from AP members to change regulations on vessel length and horsepower as these are issues would be better addressed by another committee or as an omnibus action across all fisheries.

Public Comment:

- Maggie Raymond – was concerned about moving forward with limited entry given that the fishery data shows effort has significantly decreased every year and that the Council has better

things to focus on than limited entry for the skate fishery. She feels that some Council members who want to support high monitoring levels in the groundfish fishery want to make sure effort will not increase in the skate fishery to offset the cost.

- James Fletcher – strongly urged adding total utilization of all fish caught by all fishermen to the Executive Order priorities.

MOTION 2 CARRIED 5/0/2/0.

	Yes	No	Abstain	Recuse
Matt McKenzie, CT (Chair)				
Richard Bellavance, RI	x			
Elizabeth Etrie, MA			x	
Daniel Farnham, MAFMC			x	
Allison Ferreira, GARFO	x			
Melanie Griffin, MA	x			
Scott Olszewski, RI	x			
John Pappalardo, MA	x			
TOTAL VOTE	5	0	2	0

AGENDA ITEM #6: OTHER BUSINESS

The Committee discussed their concerns over lack of AP member attendance at AP meetings and not being able to reach quorum which adversely affects the effectiveness of the AP. The Committee Chair said there is potential to reduce the size of the AP but did not want to do so when A5 was being developed. A member asked about the current split between bait and wing members on the AP and suggested that if the Council and PDT documents are not explicitly relevant to their fishery, then that may be a reason to not engage. Staff noted that other APs have more industry representatives with office-based jobs instead of fishermen, which may contribute to a difference in AP attendance across fisheries.

The Skate Committee meeting adjourned at about 4:15 pm.