Northeast Skate Complex

Fishery Management Plan

Amendment 5
Discussion Document

DRAFT

Updated for June 2021 Council meeting

Prepared by the

New England Fishery Management Council

In consultation with the

National Marine Fisheries Service

1.0 PRELIMINARY NOTE

The New England Fishery Management Council (NEFMC) is charged with developing management plans that meet the requirements of the Magnuson-Stevens Act (MSA). The Northeast Skate Complex Fishery Management Plan (FMP) contains the management measures for seven skate species (barndoor, clearnose, little, rosette, smooth, thorny, and winter skates) off the New England and Mid-Atlantic coasts. The FMP has been updated through a series of amendments, framework adjustments and specification packages.

This Discussion Document encapsulates the work of the Council to date on Amendment 5 to the Northeast Skate Complex FMP, an amendment to consider measures related to limited access in the fishery. Though the Council has been discussing the potential development of a skate limited access for some time, the Skate Committee (Committee) has been specifically working to develop this action since the spring of 2019. More information is available at the Council's website.

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2.3 ACRONYMS

ABC	Acceptable Biological Catch
ACL	Annual Catch Limit
AM	Accountability Measure
AP	Advisory Panel
ASMFC	Atlantic States Marine Fisheries Commission
B_{MSY}	Biomass that would allow for catches equal to Maximum Sustainable Yield when fished at the overfishing threshold (F_{MSY})
CPUE	Catch per unit of effort
DAS	Day(s)-at-sea
DMF	Division of Marine Fisheries (Massachusetts)
DMR	Department of Marine Resources (Maine)
EA	Environmental Assessment
EEZ	Exclusive economic zone
EFH	Essential fish habitat
EIS	Environmental Impact Statement
F	Fishing mortality rate
FEIS	Final Environmental Impact Statement
FMP	Fishery management plan
FW	Framework
FY	Fishing year
GARFO	Greater Atlantic Regional Fisheries Office
GB	Georges Bank
GOM	Gulf of Maine
IFQ	Individual fishing quota
ITQ	Individual transferable quota
LOA	Letter of authorization
MAFMC	Mid-Atlantic Fishery Management Council
MMPA	Marine Mammal Protection Act
MRIP	Marine Recreational Information Program
MSA	Magnuson-Stevens Fishery Conservation and Management Act
MSY	Maximum Sustainable Yield
NEFMC	New England Fishery Management Council
NEFOP	Northeast Fisheries Observer Program
NEFSC	Northeast Fisheries Science Center
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
OBDBS	Observer database system
OFL	Overfishing Limit
OY	Optimum yield
PDT	Plan Development Team
SA	Statistical Area
SAFE	Stock Assessment and Fishery Evaluation
SNE	Southern New England
SNE/MA	Southern New England-Mid-Atlantic
SSB	Spawning stock biomass
SSC	Scientific and Statistical Committee
TAL	Total allowable landings
TMS	Ten-minute square
USCG	United States Coast Guard
VMS	Vessel monitoring system
VEC	Valued ecosystem component
VTR	Vessel trip report
WGOM	Western Gulf of Maine
YPR	Yield per recruit

3.0 INTRODUCTION

3.1 GOAL AND OBJECTIVES OF NORTHEAST SKATE COMPLEX FMP

Questions/Considerations for the Council:

- *In April 2021, the Council approved considering revisions to FMP Objectives #2 and 5. In May, the Skate Committee approved the revisions below as drafted by the PDT. In June, the Council can consider approving the revisions.*

The goal and objectives of the Northeast Skate Complex Fishery Management Plan are unchanged since the original FMP was adopted in 2003.

Goal: Consistent with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act and other applicable laws, to develop a Fishery Management Plan to research and manage the Northeast Skate Complex at long-term sustainable levels.

Objective 1: Collect information critical for substantially improving knowledge of skate fisheries by species and for monitoring: (a) the status of skate fisheries, resources, and related markets and (b) the effectiveness of skate management approaches.

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 2 DRAFT REVISION: Implement measures to: protect any overfished species of skates and increase their biomass to target levels and prevent overfishing of the 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, as necessary.

PDT Rationale for Revision: The PDT recommends generalizing Objective 2 to apply to any skate species. Barndoor skate was declared rebuilt a few years ago, so the language is out of date. The skate stock assessment in 1999 (SAW 30) concluded that barndoor, thorny, smooth, and winter were overfished and overfishing was occurring on winter skate. After the fall 2001 survey, only barndoor and thorny skates were considered overfished. Likely, 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, according to the survey index. It is a target species for the fishery, particularly in the wing fishery. There is no longer a need to single it out in Objective 2.

Objective 3: Develop a skate permit system, coordinate data collection with appropriate state agencies for vessels fishing for skates or catching skates as bycatch only in state waters, and work with the fishing industry to establish a catch reporting system consistent with industry capabilities, including the use of study fleets.

Objective 4: Minimize the bycatch and discard mortality rates for skates caught in both directed and non-directed fisheries through the promotion and encouragement of experimentation, conservation engineering, and gear development.

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.

Objective 5 DRAFT REVISION: Promote and encourage research for critical biological, ecological, and fishery information based on the research needs identified and updated by the Council.

PDT Rationale: The PDT recommends revising Objective 5 to be consistent with how the Council currently sets research priorities. The scoping document referred to is the one for the original scoping for the FMP, now long out of date. Rather than list the research priorities in separate documents for each FMP (e.g., SAFE reports), the Council now maintains one list of priorities. Also, a species identification guide was created and disseminated to fishermen a few years ago and information is available on GARFO's website.

Objective 6: Minimize, to the extent possible, the impacts of skate management approaches on fisheries for other species on which New England and Mid-Atlantic fishermen depend (for example, groundfish, monkfish, scallops, and fluke), recognizing the interconnected nature of skate and other fisheries in the Northeast Region.

Objective 7: To the extent possible, manage clearnose and rosette skates separately from the other five species in the skate complex, recognizing that these two species are distributed primarily in the Mid-Atlantic and South Atlantic regions.

3.2 EXISTING MANAGEMENT SYSTEM

The Northeast Skate Complex Fishery Management Plan (Skate FMP) specifies the management measures for seven skate species (barndoor, clearnose, little, rosette, smooth, thorny, and winter skate) off the New England and Mid-Atlantic coasts. The New England Fishery Management Council (Council) sets specifications every two years for the skate complex with possession limits for the skate wing and bait fisheries. Fishery-specific (skate wing and bait) Total Allowable Landings (TAL) and possession limits are set as part of specifications according to the formula established in Amendment 3 (NEFMC 2009). The fisheries have different seasonal management structures and are subject to possession limits and accountability measures (AMs). Recent fishery TALs, possession limits and catches are in Section 5.6.1.

More information on skate wing fishery regulations is at: https://www.fisheries.noaa.gov/species/northeast-skate-complex#commercial.

More information on skate bait fishery regulations is at: https://www.fisheries.noaa.gov/new-england-mid-atlantic/resources-fishing/skate-bait-fishery.

3.3 Steps of Amendment Development/Timeline

The Council has been considering developing limited access in the skate fishery since at least 2009 (Table 1, March 2020 Skate PDT memo). The Council assumes that preparing an Environmental Impact Statement will be necessary. A formal determination on the type of NEPA document needed will be made once the range of alternatives is identified and analyzed.

Table 1. Council steps in developing Amendment 5.

Step	Amendment 5 timeline	Discussion Doc.
Identify a need, set an action as a priority, potentially set control dates	July 2009: NMFS set bait control date March 2014: NMFS set wing control date Dec. 2015: Council set amendment as a management priority	Sect. 3.4
Hold public scoping period	Early 2017	Sect. 3.5
Review public scoping comments	April 2017	Sect. 3.5
Set problem statement, goals, and objectives	June 2019: Council set two objectives March-September 2020: Cte develops problem statement, goals, and types of measures September 2020: Council approval	Sect. 3.6
Develop alternatives	April 2017 – October 2019: AP developing ideas, Cte tasking PDT with providing background information, generally and about AP ideas	Sect. 4.0
Supplemental scoping	Mid-January – mid-February	Sect. 3.7
Continue developing alternatives	Early 2021 - TBD	Sect. 4.0
Approve range of alternatives	TBD	
Conduct impact analysis, prepare Draft EIS	TBD	
Approve DEIS, can identify preliminary preferred alternatives	TBD	
Hold public comment period on DEIS	TBD	
Consider public comments and identify final preferred alternatives	TBD	
Prepare DEIS for submission to NMFS	TBD	

Additional steps are necessary beyond those in Table 1 to translate the Council recommendations into implemented regulations. In part, it involves NMFS reviewing the DEIS, Council staff preparing a Final EIS, NMFS holding a comment period on a proposed rule and decision-making.

3.4 Control Dates

Bait Control Date. NOAA Fisheries published a control date for the bait fishery on July 30, 2009, at a request of the Council made during its April 2009 meeting. At the time, there was concern that new entrants into the skate bait fishery could have a negative impact on current participants. This was the same meeting in which final alternatives were recommended for Amendment 3, the action that implemented an annual catch limit framework with accountability measures to account for any excess catch, or overages, and prevent overfishing. Other measures recommended were intended to reduce landings and the total

catch of skate and promote increased biomass to rebuild smooth and thorny skates, which were overfished.

Wing (non-bait) Control Date. NOAA Fisheries published a control date for uses other than bait (e.g., wing) on March 31, 2014 at a request of the Council made during its January 2014 meeting. The intent was not to change Council priorities or initiate an amendment for limited access but to take the first step towards achieving that priority. The intent was also to not revise the skate bait control date but cover all components of the skate fishery other than bait.

3.5 ORIGINAL PUBLIC SCOPING

The Council approved the Amendment 5 public scoping document in November 2016, indicating that "limited access in the skate fisheries would prevent unrestrained increases in fishing effort by new entrants to the fishery." Additionally, there was a concern that an "increase in effort in the skate fishery could trigger reduced skate trip limits and have other negative economic impacts on current participants because skate markets are still developing and therefore an influx of product could reduce price."

The scoping hearings occurred in January-February 2017. The PDT summarized comments (see March 20, 2017, PDT meeting summary). There were 3 people who commented on behalf of an organization and 46 on behalf on themselves or a business through 48 comments. There was mixed support for limited access, with no discernable trend among bait and wing fishermen or by geography or other affiliation. The written comments suggested a slight preference for limited access; however, the spoken comments indicated more opposition to limited access. Stock status and abundance were a factor in several public comments. If the quota were to increase, then support for limited access may change for some participants. Some comments supported updating the bait control date. The scoping comments and a summary of comments are on the Council's website.

3.6 AMENDMENT 5 PROBLEM STATEMENT, GOALS AND TYPES OF MEASURES

In September 2020, the Council approved the following problem statement, goals, and types of measures to consider that may achieve the goals for this action (Goals 6 and 7 were also approved in June 2019; problem statement was clarified by the Council in December 2020).

Problem Statement:

> There are two modes of the skate fishery, directed and non-directed fisheries. An incidental limit has been triggered five times since first implemented in 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.

Goals:

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 the 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).

3.7 SUPPLEMENTAL SCOPING

With expanding the types of measures being considered for this action beyond limited access, a supplemental scoping period was held in January-February 2021. There were 4 people who commented on behalf of an organization and 8 on behalf on themselves or a business through 13 comments. Combining comments from both scoping periods, 55 people commented on this action. During supplemental scoping, the comments on limited access were also split, also with a few less comments in support than opposed or concerned. Across both periods and within the skate fishery, there were 22 fishermen opposed or concerned and 14 in support. Of the skate fishermen that could be identified by disposition type, comments from bait fishermen were split on the issue and comments from wing fishermen were largely opposed. For those skate fishermen where home state could be identified, there was no strong geographic trend, but fishermen from northern states (NH – RI) had mixed support, while southern states (CT – NJ) were more opposed. Adding in the supplemental scoping, the general conclusion from initial scoping was largely unchanged. Also, there very few comments on the expanded range of measures. The scoping comments and a summary of comments are on the Council's website.

4.0 ALTERNATIVES UNDER CONSIDERATION

4.1 ACTION 1 - INTERMEDIATE POSSESSION LIMIT

The wing and bait fisheries are currently managed by separate wing and bait seasonal possession limits and triggers for when an incidental limit is implemented in-season, with landings monitored in-seasons against the Wing and Bait TALs. At the discretion of the Regional Administrator (RA), an incidental possession limit may be implemented (wing: 500 lb (1,135 lb whole weight); bait 8,000 lb). In all cases, the RA has the discretion to not implement, or to later lift, the incidental limit if the Annual TAL is not expected to be reached. Due to concerns that imposing an incidental limit effectively shuts down the skate wing and/or bait fishery and likely results in additional skate discarding, the Council is considering creating intermediate possession limit triggers with reduced possession limits to slow down fishing effort and extend the fishing season.

An incidental limit has not been triggered since December 27, 2017 (see Section 1.6.4 in the Affected Environment document). Since then, Framework 4 set a separate incidental limit for the bait fishery (in 2018) and Framework 6 effectively increased the TAL by lowering the uncertainty buffer (in 2019). These actions directly addressed concerns about incidental limits. An intermediate possession limit could be another measure to help the wing and bait fisheries from tripping the skate incidental possession limits.

Questions/Considerations for the Council:

- *In May 2021, the Skate Committee reviewed the draft alternatives and is recommending that:*
  - *An additional alternative be added to this section that would create a Step 1 trigger at 75% of the TAL and a Step 2 trigger at 90% of the TAL. This would apply to the wing and bait fisheries in all seasons. Under Step 1, the possession limit would lower to 75% (a 25% reduction). Step 2 would implement the incidental limit.*
  - *An option be added to each intermediate possession limit alternative that would implement the intermediate possession limit only in the last wing (Season 2) or bait season (Season 3).*
  - *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.*

4.1.1 Wing Intermediate Limits

4.1.1.1 Alternative 1 - No Action

Alternative 1 (No Action) would maintain the current approach, in each skate wing season, of having one possession limit followed by an incidental limit that may be implemented if necessary. In FY 2021, the possession limit is 3,000 lb in Season 1 (May 1 – Aug 31) and 5,000 lb in Season 2 (Sep 1 – Apr 30). The wing incidental possession limit triggers would also remain (85% during skate wing Season 1, 85% annual skate wing TAL). If an incidental limit is triggered, possession limits would reduce to 500 lb for wing (1,135 lb whole weight).

The wing fishery also has a barndoor skate wing possession limit, set at 25% of the wing fishery possession limit, which would remain in place under No Action. The barndoor skate possession limit is included within (not in addition to) the overall wing possession limit for any trip. However, the full barndoor limit may be retained even if the full wing possession limit has not been caught. In Season 1, for example, a vessel may possess 750 lb of barndoor skate wings even if the vessel has not caught the full 3,000 lb wing possession limit during a trip.

Rationale: This measure is an in-season action that is intended to prevent the overall skate fishery from exceeding the skate ACL and prevent overfishing from occurring while allowing the skate wing TAL to be attained.

4.1.1.2 Alternative 2 – Intermediate Skate Wing Possession Limit Trigger at 75% of Existing Limits

Alternative 2 would establish an intermediate skate wing possession limit once 75% of the Season 1, or the annual wing TAL is reached.

Rationale: Alternative 2 would provide the opportunity to achieve the skate wing Season 1 TAL and annual wing TAL while reducing the risk of triggering the incidental possession limit in the future if additional effort enters the skate fishery from non-skate fisheries. This two-step possession limit is intended to slow down fishing effort earlier in the season than under No Action (85% seasonal incidental trigger limit) and implement a lower intermediate possession limit trigger than Alternative 3 (80% seasonal trigger) to potentially spread out the available skate wing quota longer before triggering the incidental limit, which effectively shuts down the wing fishery.

4.1.1.2.1 Option A – 50% Possession Limit Reduction

Option A would reduce the possession limit to 50% once 75% of the Season 1 or the annual wing TAL is reached (Table 3).

Rationale: Option A would reduce the seasonal skate wing possession limit once 75% of the Season 1 or annual wing TAL is reached to extend the length of the fishing season at a reduced limit, provide the opportunity to achieve but not exceed the annual skate wing TAL, and reduce the risk of exceeding the overall skate complex ACL. The 50% possession limit reduction is a greater reduction than Option B (75% possession limit reduction).

Table 2. Wing Alternative 2, Option A: a 75% seasonal intermediate possession limit trigger with 50% possession limit reduction.

Alternative 2, Option A	Season 1	Season 2
STEP 1	50% reduction at 75% Season 1 TAL (e.g., 3,000 to 1,500 lb)	50% reduction at 75% Annual TAL (e.g., 5,000 to 2,500 lb)
STEP 2 (incidental limit trigger)	500 lb possession limit at 85% Season 1 TAL	500 lb possession limit at 85% Annual TAL
Note: Tables in Action 1 are based on FY 2020 and 2021 TAL and possession limit specifications and are examples for intermediate possession limit triggers and possession limit reduction options. These values are subject to change based on future specifications.		

4.1.1.2.2 Option B – 75% Possession Limit Reduction

Option B would reduce the possession limit to 75% once 75% of the Season 1 or the annual wing TAL is reached (Table 3).

Rationale: Option B would reduce the seasonal skate wing possession limit once 75% of the Season 1 and/or annual wing TAL was achieved to extend the length of the fishing season albeit at a reduced limit, provide the opportunity to achieve but not exceed the annual skate wing TAL, and reduce the risk of exceeding the overall skate complex ACL. The 75% possession limit reduction is a smaller reduction than Option A (50% possession limit reduction).

Table 3. Wing Alternative 2, Option B: a 75% seasonal intermediate possession limit trigger with 75% possession limit reduction.

Alternative 2, Option B	Season 1	Season 2
STEP 1	75% reduction at 75% Season 1 TAL (e.g., 3,000 to 2,250 lb)	75% reduction at 75% Annual TAL (e.g., 5,000 lb to 3,750 lb)
STEP 2 (incidental limit trigger)	500 lb possession limit at 85% Season 1 TAL	500 lb possession limit at 85% Annual TAL

4.1.1.3 Alternative 3 – Intermediate Skate Wing Possession Limit Trigger at 80% of Existing Limits

Alternative 3 would establish an intermediate skate wing possession limit once 80% of the Season 1, or the annual wing TAL is reached.

Rationale: Alternative 3 would provide the opportunity to achieve the skate wing Season 1 TAL and annual TAL while reducing the risk of triggering the incidental possession limit in the future if additional effort enters the skate fishery from non-skate fisheries. This two-step possession limit is intended to slow down fishing effort earlier in the season than No Action (85% seasonal incidental trigger limit) and implement a higher intermediate possession limit trigger than Alternative 2 (75% seasonal trigger) to potentially spread out the available skate wing quota longer before triggering the incidental limit, which effectively shuts down the wing fishery.

4.1.1.3.1 Option A – 50% Possession Limit Reduction

Option A would reduce the possession limit to 50% once 80% of the Season 1 or the annual wing TAL is reached (Table 4).

Rationale: Option A would reduce the seasonal skate wing possession limit once 80% of the Season 1 and/or annual wing TAL was achieved to extend the length of the fishing season albeit at a reduced limit, provide the opportunity to achieve but not exceed the annual skate wing TAL, and reduce the risk of exceeding the overall skate complex ACL. The 50% possession limit reduction is a greater reduction than Option B (75% possession limit reduction).

Table 4. Wing Alternative 3, Option A: an 80% seasonal intermediate possession limit trigger with 50% possession limit reduction.

Alternative 3, Option A	Season 1	Season 2
STEP 1	50% reduction at 80% Season 1 TAL (e.g., 3,000 lb to 1,500 lb)	50% reduction at 80% Annual TAL (e.g., 5,000 lb to 2,500 lb)
STEP 2 (incidental limit trigger)	500 lb possession limit at 85% Season 1 TAL	500 lb possession limit at 85% Annual TAL

4.1.1.3.2 Option B – 75% Possession Limit Reduction

Option B would reduce the possession limit to 75% once 80% of the Season 1 or the annual wing TAL is reached (Table 5).

Rationale: Option B would reduce the seasonal skate wing possession limit once 80% of the Season 1 and/or annual wing TAL was achieved to extend the length of the fishing season albeit at a reduced limit, provide the opportunity to achieve but not exceed the annual skate wing TAL, and reduce the risk of exceeding the overall skate complex ACL. The 75% possession limit reduction is a smaller reduction than Option A (50% possession limit reduction).

Table 5. Wing Alternative 3, Option B: an 80% seasonal intermediate possession limit trigger with 75% possession limit reduction.

Alternative 3, Option B	Season 1	Season 2
STEP 1	75% reduction at 80% Season 1 TAL (e.g., 3,000 lb to 2,250 lb)	75% reduction at 80% Annual TAL (e.g., 5,000 lb to 3,750 lb)
STEP 2 (incidental limit trigger)	500 lb possession limit at 85% Season 1 TAL	500 lb possession limit at 85% Season 2 / Annual TAL

4.1.2 Bait Intermediate Limits

4.1.2.1 Alternative 1 - No Action

Alternative 1 (No Action) would not modify the current approach, in each bait season, of having one possession limit followed by an incidental limit that may be implemented if necessary. In FY 2021, the possession limit is 25,000 lb in all three seasons. The bait incidental possession limit triggers would also remain (90% during skate bait Season 1 and Season 2, 80% skate bait TAL in Season 3). If an incidental limit is triggered, possession limits would reduce to 8,000 lb for bait.

Rationale: This measure is an in-season action that is intended to prevent the overall skate fishery from exceeding the skate ACL and prevent overfishing from occurring while allowing the skate bait TAL to be attained.

4.1.2.2 Alternative 2 – Seasonal Intermediate Skate Bait Possession Limit Trigger at 75% of Existing Limits

Alternative 2 would establish a seasonal intermediate skate bait possession limit once 75% of the Season 1, Season 2, or the annual bait TAL is reached.

Rationale: Alternative 2 would provide the opportunity to achieve the skate bait Season 1, Season 2, and annual TAL while reducing the risk of triggering the incidental possession limit in the future if additional effort enters the skate fishery from non-skate fisheries. This two-step possession limit is intended to slow down fishing effort earlier in the season than No Action (90% Season 1 and Season 2 and 80% Season 3 incidental trigger) and implement a lower intermediate possession limit trigger than Alternative 3 (85% in Seasons 1 and 2, 75% in Season 3) to potentially spread out the available skate bait quota longer before triggering the incidental limit.

4.1.2.2.1 Option A – 50% Possession Limit Reduction

Option A would reduce the possession limit to 50% once 75% of the Season 1, Season 2, or the annual bait TAL is reached (Table 6).

Rationale: Option A would reduce the seasonal skate bait possession limit once 75% of Season 1, Season 2, and annual bait TAL is reached to extend the length of the fishing season at a reduced limit, provide the opportunity to achieve but not exceed the annual skate bait TAL, and reduce the risk of exceeding the overall skate complex ACL. The 50% possession limit reduction is a greater reduction than Option B (75% possession limit reduction).

Table 6. Bait Alternative 2, Option A: a 75% seasonal intermediate possession limit trigger with 50% possession limit reduction.

Alternative 2, Option A	Season 1	Season 2	Season 3
STEP 1	50% reduction at 75% Season 1 TAL (e.g., 25,000 lb to 12,500 lb)	50% reduction at 75% Season 2 TAL (e.g., 25,000 lb to 12,500 lb)	50% reduction at 75% Annual TAL (e.g., 25,000 lb to 12,500 lb)
STEP 2 (incidental limit trigger)	8,000 lb possession limit at 90% Season 1 TAL	8,000 lb possession limit at 90% Season 2 TAL	8,000 lb possession limit at 80% Annual TAL
Note: Season 1 and Season 2 are distinct and any remaining TAL is carried over into Season 3 (i.e., any remaining TAL from Season 1 is not rolled over into Season 2). This table assumes 100% of the seasonal TALs are harvested exactly, meaning this table does not show any rollover or any overages.			

4.1.2.2.2 Option B – 75% Possession Limit Reduction

Option B would reduce the possession limit to 75% once 75% of the Season 1, Season 2, or the annual bait TAL is reached (Table 7).

Rationale: Option B would reduce the seasonal skate bait possession once 75% of Season 1, Season 2, and annual bait TAL is reached to extend the length of the fishing season at a reduced limit, provide the opportunity to achieve but not exceed the annual skate bait TAL, and reduce the risk of exceeding the overall skate complex ACL. The 75% possession limit reduction is a smaller reduction than Option A (50% possession limit reduction).

Table 7. Bait Alternative 2, Option B: a 75% seasonal intermediate possession limit trigger with 50% possession limit reduction.

Alternative 2, Option B	Season 1	Season 2	Season 3
STEP 1	75% reduction at 75% Season 1 TAL (e.g., 25,000 lb to 18,750 lb)	75% reduction at 75% Season 2 TAL (e.g., 25,000 lb to 18,750 lb)	75% reduction at 75% Annual TAL (e.g., 25,000 lb to 18,750 lb)
STEP 2 (incidental limit trigger)	8,000 lb possession limit at 90% Season 1 TAL	8,000 lb possession limit at 90% Season 2 TAL	8,000 lb possession limit at 80% Annual TAL

4.1.2.3 Alternative 3 – Intermediate Skate Bait Possession Limit Trigger at 85% of Existing Limits for Seasons 1 and 2, 75% for Season 3

Alternative 3 would establish an intermediate skate bait possession limit once 85% of the Season 1 or Season 2 bait TALs are reached or 75% of the annual bait TAL is reached.

Rationale: Alternative 3 would provide the opportunity to achieve the skate bait Season 1, Season 2, and annual TAL while reducing the risk of triggering the incidental possession limit in the future if additional effort enters the skate fishery from non-skate fisheries. This two-step possession limit is intended to slow down fishing effort earlier in the season than No Action (90% Season 1 and Season 2 and 80% Season 3 incidental trigger) and implement a higher intermediate possession limit trigger than Alternative 2 (75% in Seasons 1, 2, and 3) to potentially spread out the available skate bait quota longer before triggering the incidental limit.

4.1.2.3.1 Option A – 50% Possession Limit Reduction

Option A would reduce the possession limit to 50% once 85% of the Season 1 and Season 2 or 75% of the annual bait TAL is reached (Table 8).

Rationale: Option A would reduce the seasonal skate bait possession limit once 85% of Season 1 and Season 2 and 75% of the annual bait TAL is reached to extend the length of the fishing season at a reduced limit, provide the opportunity to achieve but not exceed the annual skate bait TAL, and reduce the risk of exceeding the overall skate complex ACL. The 50% possession limit reduction is a greater reduction than Option B (75% possession limit reduction).

Table 8. Bait Alternative 3, Option A: an 85% Season 1 and 2, 75% Season 3 intermediate possession limit trigger with 50% possession limit reduction.

Alternative 3, Option A	Season 1	Season 2	Season 3
STEP 1	50% reduction at 85% Season 1 TAL (e.g., 25,000 lb to 12,500 lb)	50% reduction at 85% Season 2 TAL (e.g., 25,000 lb to 12,500 lb)	50% reduction at 75% Annual TAL (e.g., 25,000 lb to 12,500 lb)
STEP 2 (incidental limit trigger)	8,000 lb possession limit at 90% Season 1 TAL	8,000 lb possession limit at 90% Season 2 TAL	8,000 lb possession limit at 80% Annual TAL

4.1.2.3.2 Option B – 75% Possession Limit Reduction

Option B would reduce the possession limit to 75% once 85% of the Season 1 and Season 2 or 75% of the annual bait TAL is reached (Table 9).

Rationale: Option B would reduce the seasonal skate bait possession limit once 85% of Season 1 and Season 2 and 75% of the annual bait TAL is reached to extend the length of the fishing season at a reduced limit, provide the opportunity to achieve but not exceed the annual skate bait TAL, and reduce the risk of exceeding the overall skate complex ACL. The 75% possession limit reduction is a smaller reduction than Option A (50% possession limit reduction).

Table 9. Bait Alternative 3, Option B: an 85% Season 1 and 2, 75% Season 3 intermediate possession limit trigger with 75% possession limit reduction.

Alternative 3, Option B	Season 1	Season 2	Season 3
STEP 1	75% reduction at 85% Season 1 TAL (e.g., 25,000 lb to 18,750 lb)	75% reduction at 85% Season 2 TAL (e.g., 25,000 lb to 18,750 lb)	75% reduction at 75% Annual TAL (e.g., 25,000 lb to 12,500 lb)
STEP 2 (incidental limit trigger)	8,000 lb possession limit at 90% Season 1 TAL	8,000 lb possession limit at 90% Season 2 TAL	8,000 lb possession limit at 80% Annual TAL

4.1.3 Background Information

The following background information is largely from the March 10, 2021, PDT memo on Amendment 5.

When have incidental limits been triggered in the past?

Here is a brief history of when the skate incidental limits have been triggered; additional detail is in the Affected Environment Document (Section 1.6.4). An incidental limit has been triggered five times (two for bait, three for wing) since first implemented July 2010, out of over 50 seasons of the wing and bait fisheries. The first time was in September 2010, when the 500 lb (wing weight) incidental limit was triggered for the wing fishery for about eight months. The second time was in October 2016 for the bait fishery in Bait Season 2 for the remainder of that season (about two weeks). Then later in fishing year (FY) 2016 (January 2017), the incidental limit was triggered for the third and fourth times when both fisheries were limited to the wing incidental limit until March 14, 2017. The fifth (and latest) time was for the wing fishery in December 2017 (in place for ~3.5 months). Except for the first in-season reduction in 2010, none of these trigger events maintained the reduced incidental limit through the complete end of the fishing year. In the last three cases that the incidental limit was triggered, the Council immediately initiated actions to try to prevent exceeding possession limits (Frameworks 4 and 6).

Have intermediate possession limits already been considered?

Yes. The Council recently considered but rejected alternatives in Framework Adjustment 6 that would have created an intermediate possession limit for the skate fishery. A summary of that action and the rationale for the decision are provided here. Framework 6 was initiated in January 2018 due to concerns with triggering incidental limits (see above) and a desire to prolong the wing and bait fisheries and support their shoreside infrastructure. Alternatives for a wing intermediate possession limit were developed in February-May 2018, but the Council rejected these alternatives in June (NEFMC 2018, Section 5) prior to approving the range of alternatives and taking final action. The Council opted rather to lower the uncertainty buffer to 10%, effectively increasing the Annual Catch Target and bait and wing TALs (implemented February 2019). The PDT had also done preliminary work on bait fishery intermediate possession limits, but this concept was never formally included in Framework 6.

What was the rationale for considering an intermediate limit? The following rationale is in Framework 6 for considering an intermediate possession limit:

"This alternative would help to prolong the fishery for as long as possible… The incidental possession limit of 500 lb was intended to allow the fishery to continue to operate at a low level, and to reduce negative impacts on other fisheries, e.g., groundfish and monkfish, that experience high interactions with skate. However, the incidental possession limit can result in an effective closure in the fishery, especially for vessels that target skate, which can negatively impact shoreside infrastructure. The intermediate skate

wing possession limits would be expected to slow landings of skate sufficiently, when needed, to minimize negative impacts on fishermen and shoreside infrastructure."

What were the alternatives developed through Framework 6? Framework 6 Section 5.1 (Considered but Rejected Alternatives) included three options for skate wing TAL triggers, at 60%, 75%, and 80% of the seasonal TAL to be combined with two options for an intermediate skate wing possession limit, at 50% and 75% of existing limits[1] (Table 1). Under all options, the incidental limit trigger would increase from 85% to 90%, but the limit would remain at 500 lb wing weight.

Other intermediate limit ideas analyzed but not forwarded on to the Council, and thus not formally included in Framework 6 included: a trigger at 95% of a seasonal TAL, reducing the possession limit to 50% or 75% of the current possession limit; reducing the intermediate limit four times successively as 25%, 20%, 15%, and 10% of the wing TAL is reached; and a bait intermediate limit of 8,000 lb with four trigger alternatives. The PDT analyzed all options with FY 2015 data, results of which can be provided upon request.

Why did the Council not purse this approach? The idea of establishing an intermediate possession limit, to be implemented when a specified trigger point was reached, was not ultimately pursued. This was the original focus of Framework 6, but once lowering the uncertainty buffer became an alternative (which increased the TAL), these limits were thought to be counterproductive. The TAL for FY 2018 and 2019 was expected to slightly increase over FY 2017 levels through Framework 5 (implemented September 2018) and would increase further if lowering the uncertainty buffer (from 25% to 10%) was approved through Framework 6. It was thought that the expected TAL increases would sufficiently meet the purpose and need of the action, to prolong the skate wing fishery, and that adding an intermediate limit would unnecessarily hamper the fishery (See Table 20 of the Affected Environment Document for recent landings relative to TALs).

Are there intermediate possession limits in other fisheries?

Yes. Of the other fisheries managed by the New England or Mid-Atlantic Fishery Management Councils, just the Atlantic mackerel fishery is managed with an intermediate possession limit. However, the NEFMC just approved one for the herring fishery.

Atlantic mackerel. An intermediate ("two-step") possession limit was created for the Atlantic Mackerel FMP through the mackerel rebuilding plan framework, implemented on November 29, 2019. When 90% of the mackerel ACL is estimated to be caught, a 40,000 lb mackerel possession limit is implemented (initial possession limits are none, 135,000 or 100,000 lb depending on the permit category). Then when 98% is estimated to be caught, a 5,000 lb incidental limit is implemented (MAFMC 2019). This two-step approach has yet to be triggered.

Atlantic herring. A two-step possession limit was created for the Atlantic Herring FMP through Framework Adjustment 8, implemented on March 29, 2021. It was created for the herring fishery to improve access to the mackerel fishery by vessels that participate in both fisheries (there is no initial possession limit for this fishery). This applies only in Herring Management Areas 2 and 3 and is designed to be like the two-step approach of the mackerel plan (step 1: at 90% of the sub-ACL, a 40,000 lb limit; step 2: at 98% of the sub-ACL or 95% of ACL, a 2,000 lb limit).

[1] At the time, the wing possession limits were 2,600 lb in Season 1 and 4,100 lb in Season 2. These are now 3,000 lb and 5,000 lb, respectively, as of FY 2020.

4.2 ACTION 2 - YEAR-ROUND FEDERAL SKATE PERMIT

4.2.1 Alternative 1 – No Action

Under No Action, anyone with a valid vessel operator permit can obtain and drop a federal skate permit at any point in the fishing year.

4.2.2 Alternative 2 – Year-round Federal Skate Permit

Under Alternative 2, the federal skate permit must be obtained within 45 days on the start of each fishing year and must be retained with the vessel for the entire year.

Rationale: Having a 45-day grace period would be consistent with that of the Northeast multispecies fishing permit. This would prevent vessels from entering and leaving the federal fishery mid-year and more landings would be monitored in-season against the bait and wing TALs. If vessels had to commit to either state or federal fishing on an annual basis, the total number of potential federal vessels would be known at the beginning of the year. This would also make state and federal fishing more distinct.

Questions/Considerations for the Council:

- *In May 2021, the Skate Committee reviewed the alternatives and recommends adding an alternative that would require that once the federal permit is obtained at any point in the year, it must be retained for the remainder of the fishing year.*

4.2.3 Background Information

4.2.3.1 Permits Issued and Cancelled

This analysis was conducted as a preliminary investigation of trends in the issuing and cancelling the Federal skate permit over time specifically for the reason of fishing in state waters. This analysis also aims to understand any patterns in permit trends in response to the triggering of incidental possession limits.

Data source

Federal skate permit data (PERMIT.VPS_VESSEL) data was queried on April 24, 2021, for any plan code indicating "SKT". The data presented here is from calendar years (CY) 2015-2019. The number of permits issued is based on the "date issued" variable, such that a vessel could add and drop a permit multiple times within a year and would be counted towards the total number and percent of permits issued. The number of Federal skate permit cancelations is based on the cancelation date of an individual permit application. To isolate possible add/drop behavior related to fishing in state waters, only the reasons highlighted in Table 10 are included in the count of permit cancelations.

Summary

There were over 11,000 federal skate permit applications submitted and only 772 plausible state-fishing related cancelations over 2015 and 2019 (7% of total permit applications). Overall, there are many more Federal skate permits issued in February, March, and April relative to other months (Figure 1, Figure 2).

Figure 3 illustrates that most permits issued in these early months can start being fished on in May of that year.

Three instances where incidental possession limits were triggered are captured in this analysis, in October 2016 (bait only), January-March 2017 (wing and bait), and December-April 2017 (wing only; the Affected Environment document, Section 1.6.1.3). As such, changes in permits before and after incidental limit triggers might be somewhat masked if only one fishery segment is operating at full capacity, while the other fishery is operating under the incidental limit. It is difficult to discern if cancelations increase as incidental triggering becomes more likely. Specifically, there is no notable uptick in permit cancelations prior or after the January and December 2017 events when triggering of the incidental limit occurred, however, there is a relatively high number of cancelations in September and October of 2017 which might be attributed to the triggering which occurs in the coming months. The incidental limit was also triggered briefly in October 2016 and there are large numbers/percentages of cancelations in September and October of 2016, however there are relatively few cancelations in July and August which would suggest that there are inconsistencies in cancelation behavior leading up to trigger events. From this analysis, it is difficult to determine if these cancellations are due to anticipated trigger of incidental limits or due to other factors such as vessels following the skate resource, market factors, etc.

Figure 1. Number of skate permits issued by month and calendar year

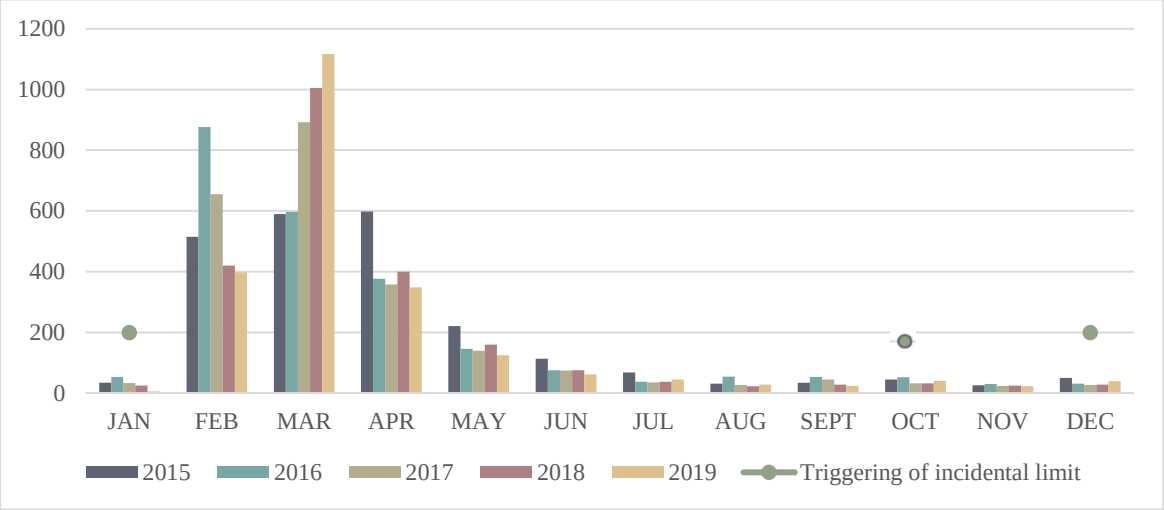


Figure 2. Percent of total annual skate permits issued by month and calendar year

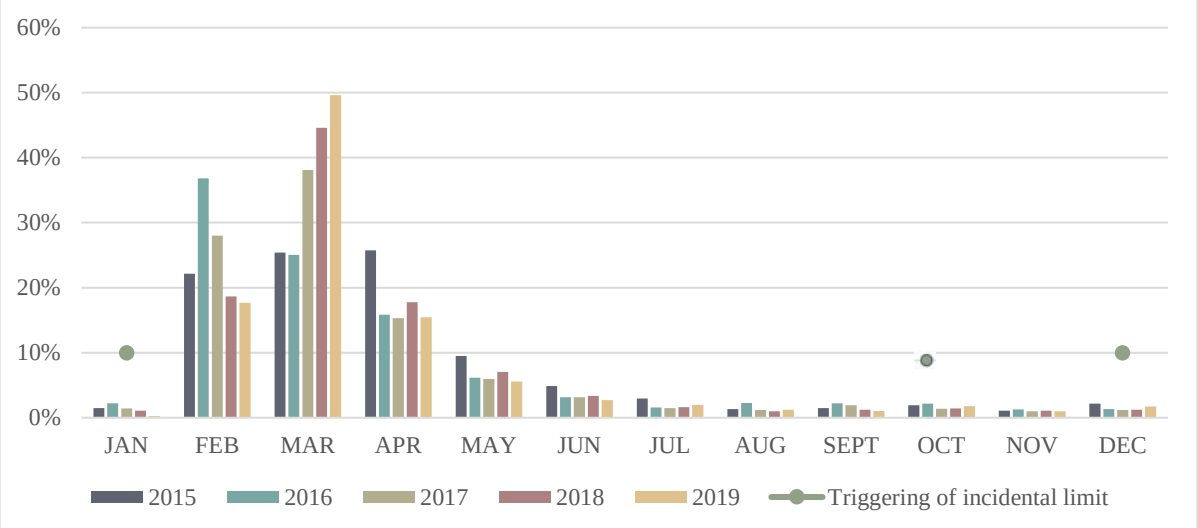
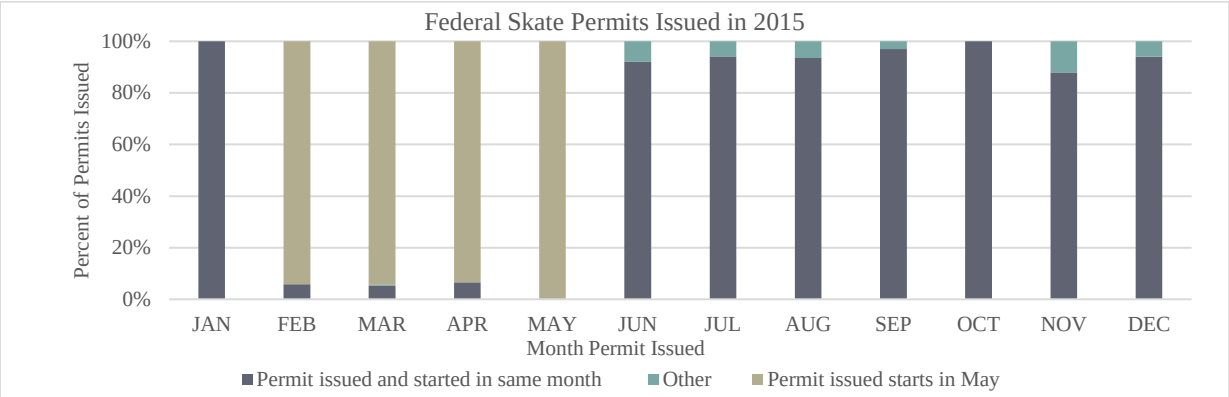
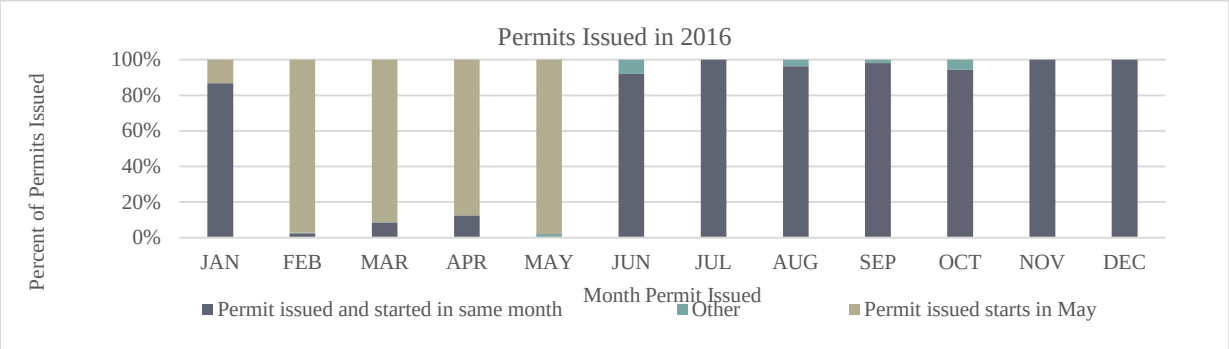
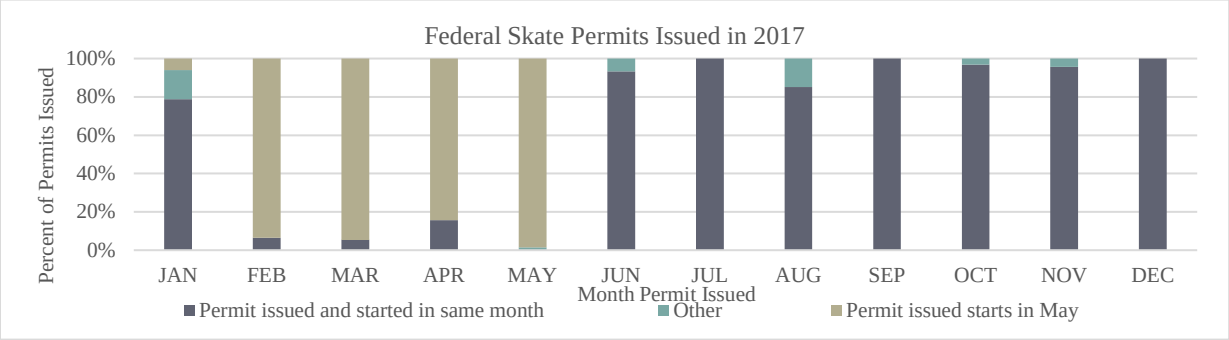
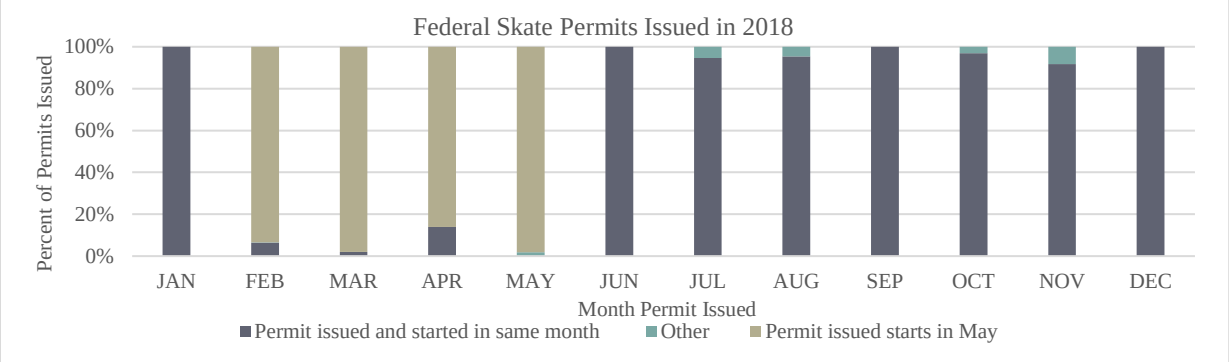


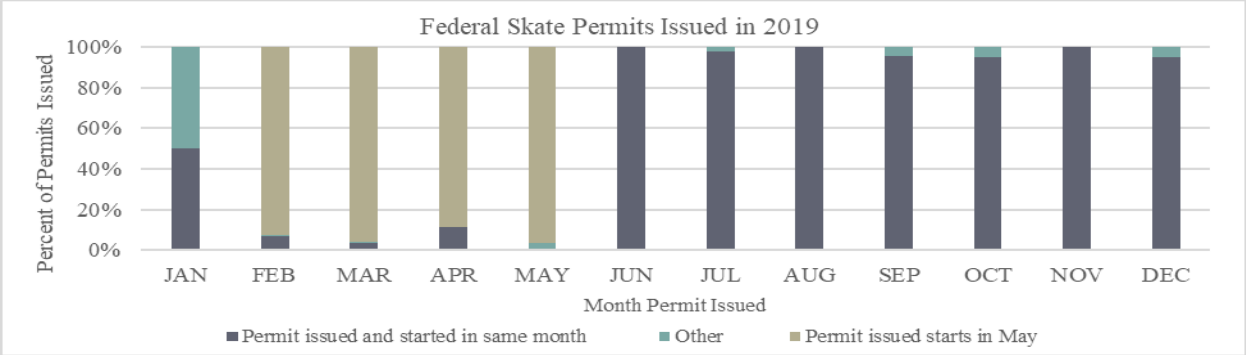
Figure 3. Percent of permits starting in the same or different month relative to month permit was issued





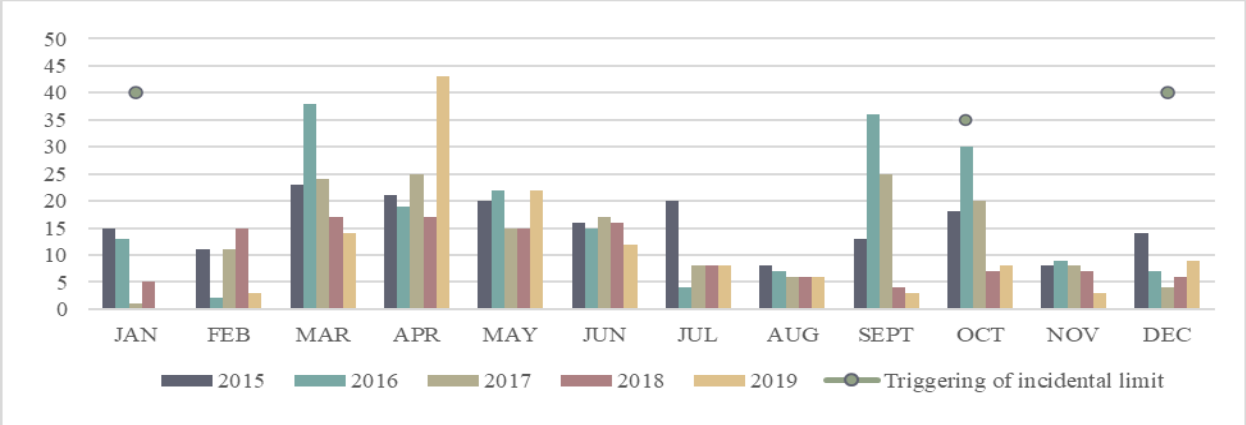






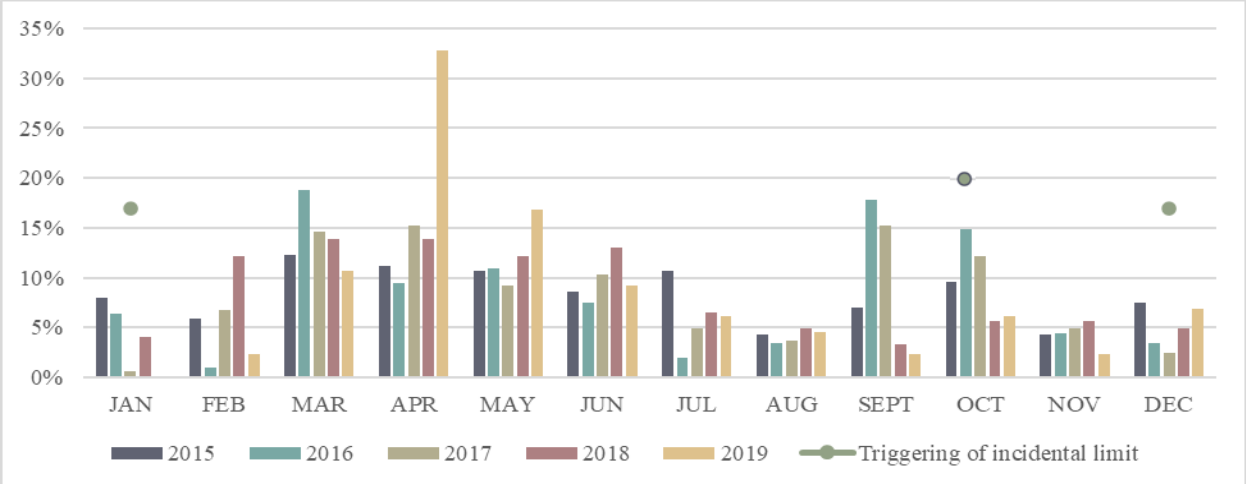
Note: A permit's start month is the month the permit holder is authorized to start federal skate fishing, whereas the month issued is when the permit application was processed and approved.

Figure 4. Number of skate permit cancelations by calendar month and year



Note: Incidental limit was triggered October 18, 2016, and possession limit was lowered until October 31 of that same year.

Figure 5. Percent of total annual skate cancelations by month and year



Note: Incidental limit was triggered October 18, 2016, and possession limit was lowered until October 31 of that same year.

Table 10. List of Federal permit cancelations and those included in this analysis (highlighted)

Cancelation code (CANX)	Cancelation Description (CANTX)
4	Cancelled by Owner or NMFS
8	Permitted Fisheries Changed
9	Documentation Number Issued
10	State Registration Number Issued
11	Annual Permit Renewal
14	Permit Expired
1	Permit Sanction
2	Vessel Sunk
3	Vessel Destroyed
5	Vessel Characteristics Changed
6	Vessel Name Changed
7	Vessel Owner Changed
12	Duplicate Hull Number
13	Change in Address
15	Bad Check
16	HMS 3-year Permit Renewal
17	Renewal with Compliance Issues
19	Black Sea Bass Cancelled
20	Transfer

4.2.3.2 Other Background

The following background information is largely from the March 10, 2021, PDT memo on Amendment 5.

Though the federal Skate FMP aims to manage the entire skate resource, since skates do not have an interstate FMP, the ability of the Skate FMP to control skate fishing in state waters is more limited than for some other fisheries that do. Thus, the Skate FMP specifies state landings by deducting expected state landings from the ACL/ACT. The Skate FMP cannot impose restrictions specific to state fishing such as an accountability measure for exceeding this level. State permit fishing is not monitored in-season against the TALs but is accounted for against the ACL at the end of the year if the landings data are provided to NMFS (required if the dealer has a federal dealer permit).

There are several types of skate landings that are considered state landings depending on the circumstances (various combinations of if the vessel has a federal fishing permit that day or at some point in the year, sells to a federal or state dealer, has a federal permit number ending in #998, etc.). This section aims to: 1) explain the complicated nature of state versus federal fishing for skates and some of the uncertainties thus created, and 2) offer ideas for improving the system, some of which may not need Council action. There is no common approach across FMPs for what is considered state landing.

How are federal and state landings of skates identified?

Federal skate fishing. Generally, the federal skate fishery is defined as landings under a federal skate fishing permit. All landings under a federal fishing permit must be sold to a federal dealer. Vessels with federal fishing permits can fish in state waters if federal requirements are followed. If a vessel wants to hold and activate a federal skate fishing permit, it can do so for the entire year or for part of a year. Open

access permits may be added/dropped as often as desired throughout the fishing year (no limit on activation periods), but there is natural processing time for the permit office in between.

State skate fishing. Amendment 3 established the current specifications method (i.e., ACL flowchart), but there are two definitions therein of the ACL deduction for state landings. Section 5.1.2 indicates it is for "skate landings from state waters" and Section 5.1.7 indicates it is for "landings from state vessels fishing in state waters." The skate regulations are silent on how this deduction is defined. In practice, GARFO has been defining it as landings by vessels that had a permit number equal to zero. These are vessels that have never been assigned a federal (6-digit) permit number. Landings from vessels with a federal permit number that may be fishing in state waters are not included in that deduction.

In fact, there are several types (Table 4) of skate landings that are considered state landings depending on the circumstances. Some are included in the state landings deduction, most are not monitored in-season against the TALs, some are put into the "commercial landings" bin vs the "state-permitted only vessel landings" bin during year-end ACL accounting, and some (likely minor) are not included in ACL accounting. The subset included in year-end "state-only permitted landings" bin form the basis of future specification setting (the state landings deduction is latest three-year average of this number).

How are federal and state landings of skates accounted for (in-season and year-end)?

The Skate FMP is designed to monitor federal landings in-season against the TAL, but this is not a full measure of skate landings.

In-season. During the fishing year, the only skate landings that are monitored in-season against the wing and bait TALs (and thus contribute towards triggering incidental possession limits) are those made by vessels with a federal fishing permit on the day of landing. These must be sold to a federal dealer or reported solely via VTRs (i.e., vessel-to-vessel transfers). Skate landings excluded from TAL monitoring are those by vessels that do not have any federal fishing permits on the day of landing, landings from research, and recreational landings.

Year-end. At the end of each fishing year, GARFO tabulates skate catches into a few bins and compares the total to the ACL. The "commercial landings" bin includes all skate landings by vessels with a permit number greater than zero. This includes landings by 1) vessels with a federal fishing permit on the day of landing, 2) vessels with a federal fishing permit at any time of the year, and 3) vessels without a federal fishing permit that year but had one in the past. The "state-permitted only vessel landings" bin includes landings from vessels that never had a federal fishing permit (so the permit # = 0) that were reported to the federal database; the "recreational catch" bin includes landings from private angler and party/charter and dead discards from MRIP; and the "estimated dead discards" bin is based on landings of all species and skate discards on observed trips (See Discussion Document, Table 19 for further explanation).

Excluded from the year-end ACL accounting are the vessel-to-vessel skate transfers reported via VTRs (though included in TAL monitoring), skate for personal use/home consumption, and any skate landings by state-only permitted vessels not reported to the federal database but reported by state dealers to the Atlantic Coastal Cooperative Statistics Program (ACCSP) at varying frequencies, updated daily (likely minor, but possible).

Note that the 2020 Annual Monitoring Report indicated that the "state-permitted only vessel landings" are "landings sold to a federal dealer by vessels without a federal fishing permit at any time during the year…this may include state permitted landings from state-only dealers provided to GARFO from states". The PDT now understands that this is not accurate. As above, it is the landings from vessels that have never had a federal fishing permit. This clarification will be made going forward.

Table 11. How state landings are defined, specified, and accounted for in the Skate FMP.

Types of state landings	Included in "state" specifications?	How landings are accounted for	
		In-season against TAL?	Year-end against ACL?
Landings sold to a federal dealer by vessels that never had a federal fishing permit that year (permit # = 0); State permitted landings from state-only dealers provided to GARFO from ACCSP. (permit=0)	Yes. "State landings" in flow chart = the latest 3-year average of year-end landings.	No	Yes, equals "state-permitted only vessel landings" (Column F in Table 5).
Landings sold to a federal dealer by vessels without a federal fishing permit at any time in the year, but with a federal permit # tied to the vessel and likely fishing in state waters (permit = # all year; Column C in Table 5).	No	No	Yes, part of "commercial landings."
Landings sold to a federal or state dealer by vessels without a federal fishing permit on the day of landing, but at some point in the year (permit = # by end of year if it is the first year with a federal permit; Column E in Table 5).	No	No	Yes, part of "commercial landings." Not included in "state-permitted only vessel landings" if the federal permit number is added to its landings in federal database.
Some landings with a federal fishing permit ending in #998, those that are aggregate landing reports of state landings, and some are individual vessels that may or may not have federal fishing permits (mostly a past occurrence).	No	Some, if a federal fishing permit is valid on the day of landing.	Yes, part of "commercial landings."
Landings not sold to a federal dealer by vessels with a state permit and no federal permit number, if data not provided to GARFO.	No	No	No

What are the differences between in-season and year-end tallies?

Landings data from the federal database for FY 2010-2019 are in Table 17. Landings where permit number is zero are not included in Columns A-E, nor are bait landings reported solely via VTR. This table shows the magnitude of differences between in-season (Columns D and E) and year-end (Columns B and C) tallies and may help explain the accounting process. Landings data are in live weight to make the data comparable (that is how year-end accounting is done).

The landings that are monitored in-season (against the TALs) are federal landings by vessels with a federal fishing permit on the day of landing (Column D). In FY 2019, this value was 28M live lb of landings. Column E is the difference between Columns D and A, or 1.2M live lb of landings, not monitored against the TAL, by vessels with a federal permit number but no federal fishing permit on the day of landing. In other words, these vessels fish without a federal fishing permit for some portion of the year but then obtain a federal fishing permit for the first time at some point in the year, triggering ACCSP to change the permit number from zero to a federal fishing permit number that is non-zero (i.e., a subset of Column E).

Subtracting the landings in Column B from Column A is the landings (Column C) by vessels that never had a federal fishing permit during the current fishing year but had a federal permit number from having a federal fishing permit in a prior year, or 605K in FY 2019. These landings are accounted for within the "commercial landings" bin in year-end ACL accounting (rather than state-only), even though a federal fishing permit was never active during that fishing year. Note that Column B is always larger than Column D. Landings by vessels with a federal fishing permit any time during FY will always be larger than those with a federal permit on day of landing. These landings are also distinct from the "state-permitted only vessel landings" in year-end ACL accounting (Column F), defined as those reported to the federal dealer database with a permit number of zero, or 384K in FY2019.

Unfortunately, there are landings in the federal dealer database by vessels that have a non-zero federal permit number ending in 998. Some of these are state-only permit landings by multiple vessels submitted by a state in aggregate (mostly a historic occurrence). Some are submitted by single vessels, but it is unclear whether these are from state or federal waters.

As an aside, another source of catch not tracked in-season is from recreational fishing. While recreational catches were low historically, recent levels have been higher than the state-only landings levels (3-5% of ACL vs. 0.6-3%, respectively, in FY 2017-19; see Table 19 in A5 Discussion Document).

Are state regulations aligned with the federal FMP?

In general, cooperation with states and consistency across state and federal plans (e.g., consistency in possession limits) would help improve management. Thus far, the PDT has examined just the Rhode Island skate fishery, but could look at other states as well. State-only permitted fishermen in Rhode Island are well defined and the skate regulations are somewhat aligned with the federal FMP. However, Rhode Island does see an influx of vessels when an incidental limit is imposed in the federal fishery and does not currently have regulations that react to that, i.e., no proactive plan in place to prevent an influx of state landings. Almost all dealers in Rhode Island have federal dealer permits.

Table 12. Skate landings (live lb) from the federal database, 2010-2019.

Fishing Year	Data excludes permit # = 0					State-permit only landings (permit=0, official year-end ACL accounting)
	Landings reported to federal database	End of year		In-season		
		Federal fishing permit during FY	No federal fishing permit during current FY but in a previous FY	Federal fishing permit on day of landing	No federal fishing permit on day of landing	
	A = B+C = D+E	B	C	D	E	F
2010	33,513,658	30,519,485	2,994,173	30,505,342	3,008,316	not available
2011	41,590,300	37,557,278	4,033,022	37,406,163	4,184,137	not available
2012	33,246,583	31,329,486	1,917,097	31,255,321	1,991,262	1,616,819
2013	31,530,991	30,312,596	1,218,395	30,034,832	1,496,159	418,878
2014	34,980,103	34,559,809	420,294	33,481,839	1,498,264	725,321
2015	33,243,583	32,247,453	996,130	32,022,300	1,221,283	2,073,641
2016	30,227,576	29,446,436	781,140	27,733,400	2,494,176	1,200,363
2017	31,414,837	29,429,964	1,984,873	27,631,495	3,783,342	1,752,206
2018	30,982,849	29,641,840	1,341,009	29,567,298	1,415,551	1,268,820
2019	29,164,770	28,560,061	604,709	27,966,466	1,198,304	383,529

Source: data in Columns A – E are from CFDERS_All Years and the permit database. Data in Column F (permit=0, official year-end ACL accounting) are calculated by APSD at the end of each fishing year and are independent from data in columns A – E.

Notes: Columns A – E exclude all landings where permit #=0.

Column A = Total skate landings reported to the federal database.

Column B = Total skate landings by vessels with a federal fishing permit any time of year.

Column C = Column A-Column B, no valid federal fishing permit that year but had one in the past.

Column D = Total skate landings by vessels with a federal fishing permit on day of landing.

Column E = Column A-Column D.

Column F = The "state-permit only landings" by vessels with permit #=0, from the year-end ACL accounting tables used in official fishery statistics and calculated by NMFS.

How do federal and state dealer data enter the federal dealer database?

NMFS does not receive data directly from dealers or states. Dealer data, both federal and state, are collected and compiled by ACCSP. ACCSP then passes the data to the Northeast Fisheries Science Center (NEFSC) where the ACCSP data are compiled into CFDERS (NEFSC may add a few species that ACCSP does not cover and may make some other tweaks). GARFO then pulls CFDERS data off the NEFSCs server and compiles it into "cfders_all_years", which lives on the GARFO server. GARFO adds some attribute columns (e.g., species name) but does not add any new data. How frequently dealer data get added to the ACCSP dataset varies by state (and probably species) and is inconsistent across years even from the same state. Each state has its own data system and format and does not send data to ACCSP on the same schedule as other states. If NMFS received state-only dealer landings data in-season, like under the Monkfish FMP, in a more regular fashion, these data could be better tracked year-round.

Could catch accounting improve?

Yes. Relying on the current method of tracking a portion of landings in-season (TAL monitoring) to ensure that the ACL is not exceeded is not fail-safe. There is catch excluded from in-season monitoring, that when only brought into the tally at the end of the year, could result in exceeding the ACL.

A reason to drop the federal skate permit and fish with a state permit is when a federal skate incidental limit is imposed. If allowed by the state, a vessel can then exceed the federal incidental limit, until the entire fishery is closed once the TAL is achieved, though a portion of these state landings are not necessarily reported to NMFS in-season (those sold to state-only dealers). Because the permit number is retained, these landings, if reported to federal database, still get tracked against the TAL, but because there is no federal fishing permit, the landings can be over the incidental limit. At the end of the year, those landings would be counted against the ACL depending on if they were reported to the federal database. There is evidence in the federal data and reinforced by comments by Skate Advisory Panel (AP) members and the public, that when a federal skate incidental possession limit has been imposed due to nearing a TAL, some vessels have dropped their federal skate permits and kept fishing in state waters with state permits at levels above the federal incidental limit.

Certainly, forcing fishermen to commit to using either a federal or state permit year-round would help clarify what is state versus federal fishing and potentially simplify catch accounting. However, there are clarifications and modifications to the specification and catch accounting processes that may also achieve that end, without needing to constrain fishermen. It is important to note that the federal Skate FMP cannot impinge on state regulations or control skate fishing in state waters (vessels must abide by the most restrictive regulation, regardless of state or federal); the FMP can only attempt to account for state landings when setting specifications.

Take home points:

- There is no common approach to defining and accounting for state versus federal fishing in the Northeast (see Table 6 below).
- There are landings by vessels with a federal permit number but without a federal fishing permit at any point in the year (e.g., 605K lb in FY2019). These landings are not monitored in-season. They are included in the "commercial landings" bin in ACL accounting rather than the "state-only permitted landings." When setting specifications, these landings do not have a specific home within the ACL flow chart (other than within the uncertainty buffer).
- Though a deduction for recreational catch is not included in the skate specifications flow chart, recreational landings are increasing and becoming higher than the state-only permitted landings.
- Skate catches that are not counted against the ACL include:
- Landings via vessel-to-vessel transfer (though monitored in-season against the TAL),[2]

[2] Vessel-to-vessel transfer data are included in the fishery catch data used to set the Acceptable Biological Catch.

- Landings for personal use/home consumption, and
- Landings not reported to the federal database.

Potential approaches (besides Alternative 2 above):

A. Include more landings in in-season monitoring and in year-end ACL accounting

The in-season accountability measure for nearing a TAL (i.e., the incidental possession limit) can only apply to vessels fishing under a federal fishing permit. Therefore, landings from state-only permits and from vessels with a federal permit number, but no federal fishing permit, are not monitored against the TAL. However, these landings could be tracked and reported on in-season separately. Also, landings that are known and currently excluded from ACL accounting (i.e., vessel-to-vessel transfer and personal use/home consumption) could be included. All skate landings reported to the federal database would be monitored in-season and included in year-end ACL accounting.

B. Revise the specifications setting method (ABC/ACL flowchart)

The specification setting method (ABC/ACL flowchart) could be revised. The current method subtracts projected discards and state-permitted only landings from the ACL prior to setting a federal TAL, under which the wing and bait sub-TALs are specified. Ways the method could be revised include:

- To the state landings deduction, add landings with a permit number but without a federal fishing permit in the TAL. This may change the year-end ACL accounting. Currently, landings with a permit number but without a federal fishing permit at any point in the year are accounted within the "commercial landings". These may shift to the "state-only permitted landings", as it is a three-year average of that number that is used to set the "state landings" in specifications.
- Keep the state landings deduction as-is and add a separate deduction for landings with a federal permit number but without a federal fishing permit on the day of landing.

When setting specifications, the landings by vessels with a federal permit number but without a federal fishing permit at any point in the year would have a specific home within the ACL flow chart. This could bring the Skate FMP more in-line with how other FMPs account for all sources of catch within the specification flowchart. Importantly, the Skate FMP cannot shut down a state fishery or implement state AMs. In state waters, skates are more available in the summer. Adding more state-water landings to the federal TAL monitoring could impact the duration of the federal fishery. Could alter the federal and state data time series with a revision on what is considered state versus federal landings.

C. Increase cooperation with the states

When federal incidental limits are imposed, some fishermen can switch to state-only permit fishing to fish at higher state possession limits, depending on the possession limits of the state. More cooperation from states through a joint action to reduce state possession limits when federal limits are imposed would help prevent exceeding the ACL. While more dialogue may help, a joint management plan with the Atlantic States Marine Fisheries Commission (ASMFC) could increase coordination and consistency with state measures. Doing so would require Council action as well as action by the ASMFC.

This approach could increase coordination and consistency of measures and may reduce incentives to fish with state permits at higher landing levels when federal AMs are imposed. There would be increased administrative effort to skates by the NEFMC and ASMFC (e.g., more meetings, more staff time). States may then have more authority to control federal fishing (e.g., the ASMFC imposes limits on Area 1A landings in the herring federal fishery). This may require the development of an ASMFC FMP for skates.

D. Prevent switching from federal to state fishing when incidental limits are imposed

There could be a restriction to switching from federal to state fishing when federal incidental limits are imposed. This would help ensure ACL is not exceeded but adds further restrictions on fishing business operations that rely on both state and federal fishing. May not be enforceable; once a vessel drops federal fishing permits, the potential for fishing in a state fishery cannot be controlled under the federal FMP.

E. Create a skate trip declaration

A skate trip declaration (likely through PTNS) for federal landings (similar approach to increasing monitoring) could be used to help monitor federal fishing and, by default, state fishing. Currently, vessels may or may not possess both state and federal landings on the same trip depending on the most restrictive state and federal measure and the Skate FMP does not have jurisdiction in state waters. Thus, it could be required to declare a federal skate trip independent of federal DAS declarations (which, by definition, are federal trips/landings). If all federal vessels are required to declare, trips without such declaration could be a state trip by default, given there is no state declaration. State landings are classified as permit #=0 so if a vessel had a federal fishing permit at any point, its landings would be considered federal, irrespective of a skate trip declaration. This could cause a discrepancy in the federal versus state data.

This approach would more clearly identify skate trips which could better characterize the skate fishery (directed or not). Better characterization of state water landings. Note, the Skate FMP cannot require a skate trip declaration when fishing with state permits in state waters (though vessels without a federal declaration could be considered state by default). This does not address accounting for skate landings on a timely basis and could create discards if the vessel ended up catching skates but not being able to land them. Overall, this approach would change the specifications process because all landings from federally declared trips would be considered federal landings and by default, state landings from state trips. State allotment would likely increase as a result.

4.3 ACTION 3 - AT-SEA MONITORING

Questions/Considerations for the Council:

- *In May 2021, the Skate Committee did not develop alternatives on this topic but tasked the PDT to further examine realized NEFOP observer coverage rates[1] for two components of the skate fishery: declaration code MNK for wing fishery & declaration code DOF for bait fishery.*

4.3.1 Alternative 1 – No Action

Under Alternative 1 (No Action), vessels fishing with a federal skate permit would continue to not have specific observer requirements beyond the coverage required under the Northeast Fishery Observer Program (NEFOP). Observer requirements for vessels landing skate depend on the fishery that each trip is declared into.

4.3.2 Alternative 2 – TBD

Potential Approaches (ideas from the March 10 PDT memo):

A. Create a Skate DAS

The Skate FMP could create a skate DAS where a skate declaration triggers additional observer coverage beyond NEFOP, like ASM requirements. In this case, different limits could be set for the various DAS fisheries in which skate operates, with a higher possession limit for skate DAS, followed by lower limit for NE multispecies, monkfish, and scallop DAS, and the lowest limit for skate bycatch/incidental catch, for example. This approach is not likely to affect other fisheries' business operations if the skate DAS works in combination with existing DAS like monkfish.

B. Create a Skate Trip Declaration

The Skate FMP could require skate trip declarations (using the current system for making trip declarations: VMS/PTNS) when vessels intend to harvest skates, thereby triggering any additional observer coverage. This could apply to all trips where skates are landed or just on trips where skates are expected to comprise a certain proportion of total catch (analogous to defining directed vs incidental skate fishing), otherwise all trips would equally be selected for observer coverage, whether harvesting skate incidentally or directed.

C. Create a Skate IFM Program

The Skate FMP could create an IFM program. IFM could provide observer coverage on trips where skates are targeted versus caught more incidentally. What is considered "targeted" (or directed) would need to be defined and should be consistent with how defined throughout Amendment 5. The fishery could develop a monitoring set-aside program to help offset observer costs, though costs could still prove prohibitive in this low revenue fishery. The IFM program would not impact other fisheries if IFM is only applied on skate directed trips and not applied to any trips where a DAS is used.

Note, directed skate trips are a tiny percentage of overall skate landings/trips, and the chances of this type of program 1) not impacting any other fisheries, and 2) being sustained in any realistic way by funds generated solely by the directed skate fishery are incredibly small.

D. Electronic Monitoring

The Skate FMP could develop an electronic monitoring program. Again, it would need to be determined what portion of the fishery would be subject to this and how this would harmonize with existing monitoring programs.

4.3.3 Background Information

The following background information is largely from the March 10 PDT memo on Amendment 5.

What are the current monitoring requirements?

Fisheries can be subject to one or a combination of the following monitoring/observer programs: Northeast Fisheries Observer Program (NEFOP), At-Sea Monitoring (ASM), and Industry-Funded Monitoring (IFM) programs. Each observer program has a unique set of goals, fisheries the program covers, methods for determining target observer coverage, and data collected. NEFOP was created to estimate bycatch of all federally managed fisheries from Maine to North Carolina through observer coverage. NEFOP coverage rates are not determined by the FMP, but at the fleet level based on geographic region, gear type, mesh category, access area, and trip category variables. In addition to NEFOP, individual fisheries can have specific observer requirements (e.g., ASM, IFM). NE multispecies commercial sector vessels must also participate in the ASM program to achieve the necessary *total* coverage level specific to sectors. Unlike NEFOP and ASM, IFM is designed to reduce catch uncertainty in specific fisheries (currently sea scallop and Atlantic herring) by better assessing the amount and type of catch (both kept and discarded) for target and incidental species, which may be very useful for the skate fishery discard measurement. The Skate FMP does not have specific observer requirements in addition to NEFOP; observer requirements for vessels landing skate depend on the fishery declared.

If a trip is declared into the monkfish, Northeast multispecies, or scallop fisheries, the vessel is subject to the requirements of those fisheries. The Monkfish FMP alone does not have additional observer requirements and there are monkfish-only DAS for fishing exclusively in an exemption area, which do not have observer coverage requirements beyond NEFOP. However, a monkfish-permitted vessel that also holds a NE multispecies or limited access scallop permit must also use those respective DAS whenever using a monkfish DAS, which could have additional observer coverage if the vessel is selected through ASM or IFM. NE multispecies sector vessels must participate in the ASM program to achieve the necessary total coverage level (NEFOP + ASM), which include vessels that are fishing under both a monkfish DAS and a NE Multispecies A DAS (i.e., not in exempted fishery), for example, because all catch of allocated groundfish stocks on that trip count against the Annual Catch Entitlement of the sector that the vessel is enrolled in. For the Atlantic sea scallop fishery, scallop vessels are required to carry an IFM observer if selected.

If a trip is Declared out of Fishery (DOF, p. **Error! Bookmark not defined.** explains DOF scenarios), it is subject to NEFOP coverage because these are landings made by federally permitted vessels submitting VTRs, which is a requirement of the NEFOP sample frame determination (sea day schedule/selection process).

If a trip is undeclared (Table 2), vessels that have a federal skate permit are subject to NEFOP. There are some federal skate landings from trips not typically required to carry a federal observer, trips by vessels who fish in state waters without any federal fishing permit (no federal declaration required) but sell to a federal dealer. A federal FMP cannot require federal observers on such trips, however, NEFOP does require observer coverage for vessels operating in state-water fisheries if there is a high likelihood of interacting with marine mammals.

Table 13. Possible "undeclared" scenarios when fishing for skate and their observer requirements.

Undeclared scenario	Observer coverage
Vessel has a federal skate permit, is landing (wing or bait) under the incidental limit and has no limited access permit.	NEFOP/SBRM observer coverage because landings are made by a federally permitted vessel submitting VTRs.
Vessel has a federal skate permit and a skate bait LOA, but no limited access permit(s) with DAS; and will be fishing only in specified exemption areas.	
Vessel does not have a federal skate permit, is fishing in state waters only, and does not have any VMS-required permits; but sells to a federal dealer.	NO NEFOP/SBRM observer coverage, because the landings are made without a federal permit (no VTR) unless interactions with marine mammals is expected.

What changes to observer requirements are pending?

Amendment 23 to the Northeast Multispecies FMP (pending NMFS review) is expected to increase monitoring coverage levels to at least 40% for groundfish sector trips (in FY 2019 target coverage was 31%), potentially up to 100% if there is sufficient federal funding. The current goals and objectives of the groundfish monitoring program would remain but A23 considers measures to further improve documentation of catch while minimizing costs for the fishing industry when possible. The increased coverage could be achieved through use of ASM and/or NEFOP.

What portion of skate landings fall within each of the different observer coverage requirements?

FY 2018 skate landings are in Table 3 as an example of the proportion of landings subject to the different monitoring programs. That year, about half of the wing and bait landings were from Northeast multispecies trips, primarily sector trips with NEFOP and ASM coverage. Trips declared out of fishery were 17% of wing trips and subject to NEFOP/SBRM coverage. Undeclared trips were 19% of wing trips, but a subset was not subject to NEFOP/SBRM observer coverage (i.e., if a vessel does not have a federal fishing permit; Table 2). This subset is not a separate line item in Table 3 and is minor (a few hundred thousand lb or ~3% of wing and bait trips in FY 2018).

Similarly, for FY 2018 bait landings, 18% of bait trips were DOF, and thus, subject to NEFOP/SBRM observer coverage for the same reason as wing DOF trips. In FY 2018, 36% of bait trips were undeclared and subject to observer coverage even under a bait Letter of Authorization (LOA) unless only fishing in state waters and do not possess a federal permit and thus, do not submit VTRs.

Table 14. FY 2018 skate declarations by declaration code and observer program requirement(s).

	Observer Program			Live lb		Landed lb		Trips (#)		Vessels (#)[A]	
WING landings by declaration (plan) code											
	NEFOP	**ASM**	**IFM**								
SES	x		x	6,832	0%	3,009	0%	54	1%	14	2%
SMB	x			371,279	2%	168,815	2%	722	7%	75	12%
DOF	x			892,153	4%	415,506	4%	1,791	17%	115	19%
Undeclared	x[B]			1,167,012	6%	550,717	6%	1,952	19%	176	28%
MNK	x			8,027,842	39%	3,781,546	40%	2,582	25%	100	16%
NMS	x	x[C]		10,128,637	49%	4,496,040	48%	3,208	31%	139	22%
TOTAL				**20,593,755**	**100%**	**9,415,633**	**100%**	**10,309**	**100%**	**370**[a]	**100%**
BAIT landings by declaration (plan) code											
	NEFOP	**ASM**	**IFM**								
SMB	x			36,270	0%	36,270	0%	14	1%	7	7%
MNK	x			411,532	4%	411,532	4%	126	6%	9	8%
Undeclared	x[B]			2,014,406	20%	2,012,566	20%	719	36%	35	33%
DOF	x			2,747,799	28%	2,747,799	28%	365	18%	22	21%
NMS	x	x[C]		4,672,338	47%	4,672,133	47%	789	39%	34	32%
TOTAL				**9,882,345**	**100%**	**9,880,300**	**100%**	**2,013**	**100%**	**74**[a]	**100%**

Source: commercial fisheries dealer database (CFDERS) and data matching imputation system (DMIS), accessed December 2019.

[A] The number of unique vessels, not the column total.

[B] Only a subset of the undeclared trips subject to observer coverage (must have a federal permit, and thus submit VTRs).

[C] ASM is only required for sector trips; 2% of the NMS wing landings (~94,000 landed lb) are from the common pool only subject to NEFOP. Extra-large mesh gillnet exemption (separate from the monkfish SNE gillnet exemption area) removes ASM requirements when fishing with >10" mesh in SNE/MA and Inshore GB Broad Stock Area (would still be under NMS trip and not use monkfish DAS).

4.4 ACTION 4 – VESSEL MONITORING SYSTEM

Questions/Considerations for the Council:

- *In May 2021, the Skate Committee did not develop alternatives on this topic.*

4.4.1 Alternative 1 – No Action

Under Alternative 1 (No Action), vessels fishing with a federal skate permit would continue to not have specific VMS requirements. Vessels would need to abide by Northeast multispecies, scallop, or monkfish regulations if fishing on a day-at-sea (DAS) for one of those fisheries. Unless fishing on a Northeast multispecies sector trip, a vessel holding a federal fishing permit that requires an operating VMS must declare 'out of fishery' (DOF) through their VMS before starting a trip to fish for, possess, or land skates in an exempted area or fishery not requiring a DAS.

4.4.2 Alternative 2 – TBD

Potential Ideas (from March PDT memo):

A. Create a Skate Trip Declaration

A skate trip declaration via VMS could be created by modifying existing codes for use when intending to land skates perhaps above the incidental limit (directed versus incidental fishing) by disposition code (potentially using PTNS). This would better identify more directed federal skate fishing, and thus, improve identification and characterization of skate directed and incidental fishery participants, which has been a challenge in this open access fishery.

B. Require Daily Catch Reports

Daily catch reports would improve skate quota monitoring by making it more real-time but diverges from the pending eVTR 48-hour requirement. Additionally, this could allow for possession limits based on trip length, like the first wing trip limits in 2003.

C. Create a Skate DAS

A skate DAS could be created which would help identify skate trips through this required reporting. DAS are mostly used as an effort control rather than an accounting measure. If a skate DAS is created for other purposes such as requiring certain gear modifications and/or identifying federal versus state trips, but especially as a fishing effort control, then this approach could also help with skate reporting by improving identification and characterization of skate fishery participants, which the Committee is currently grappling with. The use of skate DAS is a simpler approach than a VMS declaration, because the skate DAS would be a new, separate code in the data infrastructure (i.e., would not modify existing codes which is more challenging). When fishing under a skate DAS, it may be possible to develop exemptions from needing to use a groundfish DAS (e.g., when targeting skate and fluke).

A skate DAS would need to be defined. For example, would it only apply to vessels targeting skate fishing use DAS and allow a higher possession limit? Would there be a limit on the number of total DAS allowed? Could vessels lease skate DAS? Note that the monkfish fishery has an excess of total DAS, so the value of a monkfish DAS is low. It would not necessarily be cost prohibitive for vessels to obtain a skate DAS.

4.4.3 Background Information

The following background information is largely from the March 10, 2021, PDT memo on Amendment 5.

What are the current reporting requirements?

Of fishermen. Any vessel with a federal permit must submit Vessel Trip Reports (VTR) with a record of all fishing activity to NMFS, either electronically or by postal mail. VTR submission deadlines are not consistent across MAFMC and NEFMC managed permits, with some plans reporting weekly (e.g., groundfish, squid) and others reporting monthly (e.g., skates, monkfish, scallops). For the monthly report, VTRs must be submitted within 15 days after the end of the month. Vessels with multiple permits are held to the permit with the strictest reporting requirements.

A VTR must be submitted for every commercial, party, or charter trip taken, regardless of whether the vessel fishes in state or federal waters or what they harvest. Vessels must submit a separate VTR for each chart area, gear type, and/or mesh size fished, potentially requiring multiple VTRs for a single trip. In a VTR, skate landings must be identified by species according to the following categories: winter skate; little skate; little/winter skate; barndoor skate; smooth skate; thorny skate; clearnose skate; or rosette skate. As of September 2014 (through FW2), vessels may no longer report landings as 'unclassified' skate. All skate discards must be reported according to two size classes: large skates (greater than or equal to 23" total length) and small skates (under 23" total length).

Of dealers. Any seafood dealers with a Northeast federal dealer permit must submit trip-level reports on at least a weekly basis using an approved electronic system. Skate landings must be identified by species and disposition (wing or bait).

What changes to vessel reporting are pending?

Early in 2020, the NEFMC and MAFMC took final action on a joint, omnibus eVTR Framework Adjustment that would require only electronic VTR submissions and within 48 hours after completion of a trip across all MAFMC FMPs and commercial NEFMC FMPs. The final rule was published November 10, 2020, with an expected implementation date of November 10, 2021. This extended timeframe before implementation is designed to help get fishermen up to speed with the various eVTR apps.

Does the Skate FMP have scope to change reporting requirements?

Yes. Because both Councils, just one year ago, recommended a unified approach to reporting (electronic, 48-hour submissions for all except for recreational trips under New England FMPs), there would likely need to be substantial justification to make skate-specific reporting requirements. Because this change is not yet implemented, should the Committee wait to see how reporting may improve before adding in additional reporting requirements? There will likely be fewer transcription errors with electronic reporting. A 48-hour reporting system will likely reduce delays, particularly on skate bait transfers at sea.

4.5 Considered but Rejected Alternatives

Limited access for bait and wing fisheries. Upon review of the supplemental scoping comments in March 2021, the Skate Advisory Panel and Skate Committee approved motions for developing limited access alternatives for the wing and bait fisheries. However, at its April meeting, the Council decided to not move forward on limited access through this action. The rationale included: 1) that there is insufficient biological need to control capacity through limited access, 2) there needs to be a stronger link between alternatives and the problem statement for this action, and 3) there has been declining effort in the skate fishery without a limited access program in place.

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