

Scoping Document  
For  
Amendment 5  
To the  
Northeast Skate Complex  
Fishery Management Plan



Prepared by the  
New England Fishery Management Council

October, 2016

## Amendment 5 Scoping Meeting Schedule

The New England Fishery Management Council (NEFMC) is conducting XX scoping meetings to solicit comments on Amendment 5 to the Northeast Skate Complex Fishery Management Plan (FMP).

Date and Time	Location

You may attend any of the above scoping meetings to provide oral comments, or you may submit written comments on the Amendment by:

- Fax: (978) 465-3116;
- Email: [comments@nefmc.org](mailto:comments@nefmc.org)
- Mail at the address below.

Thomas A. Nies, Executive Director  
New England Fishery Management Council  
50 Water Street, Mill #2  
Newburyport, MA 01950

The comment deadline is XXXXX, 2016.

Please note on your correspondence: "Northeast Skate Complex Amendment 5 Scoping Comments."

## NEW ENGLAND FISHERY MANAGEMENT COUNCIL

### SEEKS YOUR COMMENTS ON THE MANAGEMENT OF THE NORTHEAST SKATE COMPLEX FISHERY

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<b><i>Your comments are invited</i></b>	<p>The Council may amend the Fishery Management Plan (FMP) for the Northeast Skate Complex under the authority of the Magnuson-Stevens Fishery Conservation and Management Act. The Northeast Skate Complex contains seven species: barndoor skate, clearnose skate, little skate, rosette skate, smooth skate, thorny skate, and winter skate. In accordance with the National Environmental Policy Act (NEPA), the Council also intends to prepare an Environmental Impact Statement (EIS) that will analyze the impacts of this amendment on the affected biological, physical, and human environments.</p> <p>The purpose of this scoping document is to inform you of the Council's intent to gather information necessary for the preparation of the EIS and ask for your suggestions about the issues to be addressed in this amendment to the Northeast Skate Complex management plan.</p> <p>This is the first opportunity for members of the public to make suggestions or raise concerns about the scope of the issues for the Council to consider during development of this amendment. The Council needs your input both to identify management issues and develop alternatives. Your comments will help the Council address your concerns more thoroughly.</p>
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<b><i>Why is the Council proposing to take action?</i></b>	<p>The Northeast Skate Complex fishery remains an open access fishery - any vessel can join or leave the fishery at any time. In contrast, the majority of fisheries in the New England region have adopted limited access. Limited access in the skate fisheries would prevent unrestrained increases in fishing effort by new entrants to the fishery. Addressing this issue requires the development of an amendment to the Northeast Skate Complex FMP to fully consider and analyze an appropriate range of management alternatives. The Council is seeking comments and input from the public on this specific issue.</p>
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<p><b>Background Information</b></p>	<p>The skate fishery is comprised of two distinct components: bait and non-bait (including wing). A control date for the bait fishery was established on July 30, 2009. A control date was set for the non-bait fishery on March 31, 2014.</p> <p>The purpose of the control date was to provide public notice after which future participation in the fishery might not be guaranteed for new entrants if a limited entry program is implemented. Although the Council may use the control date for this purpose, it is not obligated to use limited entry to manage the fishery or to use participation before the control date as the sole basis for qualification.</p> <p>Participants in both skate fisheries are concerned that increasingly strict regulations in other fisheries, particularly in the Northeast Multispecies fisheries where several stocks are overfished and subject to strict catch restrictions, might cause these fishermen to switch over to fishing for skates. 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.</p>
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<p><b>What is the current stock status of the species of the Northeast Skate Complex?</b></p>	<p>The Northeast Fisheries Science Center Trawl Survey is used to assess the status of the seven skate species in the complex. Trawl survey indices serve as a biomass proxy and stock status definitions are based on changes in these indices. Three species are currently in rebuilding plans: barndoor, smooth, and thorny skate. Only thorny skate remains in an overfished condition and; overfishing is not occurring on any species.</p> <p>Skate management is based on the acceptable biological catch (ABC) structure including an assumed discard rate and Accountability Measures (AMs). A Total Allowable Landings (TAL) limit is used to control landings for both fisheries. Current regulations prohibit possession of thorny and barndoor skate throughout their range, and for smooth skate in the Gulf of Maine. High compliance with the regulations results in the wing fishery relying on winter skate with the bait fishery relying on little skate and a small portion of juvenile winter skate. Under favorable market conditions both fisheries have landed a high percentage of the TALs (Table 1 and Table 2).</p>
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Commented [FH1]: To be updated pending 2016 stock status memo

**Table 1 – Landings and percent of TAL achieved in the wing fishery between FY2010 and FY2014**

Fishing year	TAL	Landings	Percent of TAL
2010	9209	4330	47
2011	14338	11790	82
2012	15538	10113	65
2013	14338	7981	56
2014	11169	10605	97

**Table 2 – Landings and percent of TAL achieved in the bait fishery between FY2010 and FY2014**

Fishing year	TAL	Landings	Percent of TAL
2010	4,639	4,571	99
2011	7223	4132	57
2012	7827	5504	70
2013	7223	5596	77
2014	5626	4499	82

***What's being considered now?***

New measures to establish limited access permits are being considered because the Northeast Skate Complex fishery remains one of the few open access fisheries in New England. Until access to the fishery is limited, the bait and non-bait (wing) fisheries are at risk from overcapacity problems.

The amendment's objective would be to establish qualification criteria for skate (bait and non-bait [wing]) fishing permits and possibly different qualification criteria or catch limits for each fishery, considering how they operate differently. For example, in the wing fishery, it may be desirable to have different tiers that distinguish between vessels that target skate, vessels that historically targeted skate, and vessels that catch and land smaller quantities of skate.

Having different categories of limited access vessels may treat vessels differently based on their individual history; distinguishing those that have targeted skate from those that catch and land skate while fishing for other species. Landing limits for qualifiers and non-qualifiers could therefore be more consistent with the type of fishing that these vessels conduct in order to minimize discarding and economic effects. Some historic participants in the Northeast Skate Complex fisheries may also feel entitled to some limited access privileges.

The Council initiated the development of this amendment to address three issues:

1. Limited access qualification criteria that would determine

	<p>whether vessels may target skate. These criteria may differ by stock or management area and may treat older history differently than newer history;</p> <ol style="list-style-type: none"> <li>Limited access permit conditions (transfers, ownership caps, 'history' permits, etc.); and</li> <li>Permit categories and associated measures.</li> </ol>
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<p><b>Limited access qualification criteria</b></p>	<p>Qualification criteria might include several factors such as, but not limited to, the time period vessels have participated in the fishery, historical levels of landings, and dependence on the fishery. In any qualification program, the details of the qualifying criteria are critical, and usually controversial. The Council may also choose to take no further action to control entry or access to the fishery, in which case the control date may be rescinded.</p> <p><i>Questions to consider when commenting on this issue:</i></p> <ul style="list-style-type: none"> <li>Should the Council consider and use limited access to manage capacity in the Northeast Skate Complex fisheries? Why or why not?</li> <li>If a limited access program is established, should qualifying criteria be based on the bait and non-bait control dates or some other dates? Should limited access be implemented in both skate fisheries?</li> <li>Should the Council consider more than one type of (or tiered) limited access permit, whose landings allowance would vary according to the type of limited access permit and the qualifying vessel's landings history? For example, a vessel with a lower level of historical participation in the fishery could qualify for a restricted or tiered limited access permit, but might be allowed to make fewer skate trips or have reduced possession limits.</li> <li>Should limited access permits be based on a level of landings during a specific time period? What time period(s) should be considered? What other factors in a vessel's history should be considered?</li> <li>If qualification criteria are established, how would limited entry change the present participation and historical fishing practices in the fisheries?</li> </ul> <p>What sources of data should be used to determine limited access qualification? Should the qualification criteria be based on landings from dealer reports, Vessel Trip Reports (VTRs), and/or Quota Monitoring (IVR) Reports?</p>
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#### **Limited access permit characteristics and conditions**

Other than limits on allowable landings and fishing activity, limited access fishery permits also carry restrictions on how they may be used, when they may be activated, and/or how they may be transferred, leased, or consolidated. There are also strong relationships with fisheries regulated by other FMPs (e.g. monkfish, Northeast multispecies) that could have bearing on how and when skate permits may be fished.

*Questions to consider when commenting on this issue:*

- Should a mechanism exist to allow a limited number of new entrants in the fishery if it is not achieving Optimum Yield due to insufficient fishing effort? If so, what factors should be considered?
- Draft Amendment 18 to the Northeast multispecies FMP includes accumulation limit alternatives for the limited access groundfish fishery. Should Amendment 5 include similar measures for the skate fisheries?
- Presumably vessels that do not qualify would be prohibited from portions of the skate fishery. Should vessels that do not qualify also have a low skate possession limit?
- Regulations for other management plans including those governing Northeast multispecies fishing allow for various types of temporary or permanent transfers of harvest allocations or permits. To be consistent with other regulations that may apply to a qualifying skate vessel, should limited access permits and/or harvest allocations be transferable (with the sale of the vessel, by lease, or some other means)? If so, what conditions should apply to such transfers?

#### **Permit categories and associated measures (multi-tiered limited access and incidental permits)**

If there are multiple categories of limited access permits with different qualification criteria, vessels in each category could be allowed a specified amount of total landings per fishing year.

*Questions to consider when commenting on this issue:*

- If multi-tiered limited access permit categories are developed, should the amount of skate fishing activity allowed under each permit category be differentiated?
- Should fishing limits (e.g. trips, possession limits, total landings, etc.) be consistent with a vessel's qualification history? If so, how?
- If different limited access permits exist for each management area, should vessels that qualify in one management area be

	<p>allowed to make a limited amount of trips in the other management area to adapt to changing conditions? If this is allowed, what conditions and limits should apply?</p> <p>Non-qualifying vessels would be able to continue operating where skate occur and could catch incidental amounts of skate, which would contribute to total skate discards.</p> <ul style="list-style-type: none"> <li>• Should non-qualifiers be allowed to land skate?</li> <li>• If so, how should the Council set an incidental limit for skate, e.g. based on the historic landings of non-qualifying vessels or a fixed limit that applies to all non-qualifying vessels or by fishery? Should this incidental level accommodate the catch of 80%, 95%, 100% or some other proportion of trips that land incidental amounts of skate?</li> <li>• Should there be an incidental possession limit for skate at all, or is a prohibition sufficient?</li> </ul>
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<p><i>What actions have already been taken?</i></p>	<p>The fishery for skate wings evolved in the 1990s as skates were considered to be “underutilized species,” and fishermen shifted effort from groundfish and other troubled fisheries to skates and dogfish. The wing fishery is more of an incidental fishery, compared to the bait fishery that includes a larger number of vessels located throughout the region. Vessels tend to catch skates when targeting other species like groundfish, monkfish, and scallops and land them if the price is high enough.</p> <p>The first stock assessment for Northeast skate complex was in November 1999. The assessment indicated that four of the seven species of skates were in an overfished condition: winter, barndoor, thorny, and smooth. In addition, overfishing was thought to be occurring on winter skate. The FMP initially set limits on fishing related to the amount of groundfish, scallop, and monkfish DAS and measures in these and other FMPs to control the catch of skates.</p> <p>Amendment 3 became effective on July 16, 2010, implementing a new ACL management framework that capped catches at specific levels determined from survey biomass indices and median exploitation ratios. In addition to the ACL framework and accountability measures, the amendment also included technical measures that reduced the skate wing possession limit from 20,000 (45,400 whole weight) to 5,000 (11,350 whole weight) lbs. of skate wings, established a 20,000 lbs. whole skate bait limit for vessels with skate bait letters of authorization, and allocated the skate bait quotas into three seasons proportionally to historic landings.</p>
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	<p>Framework Adjustment 1 set a 2,600-pound skate wing possession limit from May 1 to Aug 31, 2011 and a 4,100-pound. skate wing possession limit from September 1, 2011 to April 30, 2011. An Emergency Action was initiated in 2011 to increase the ACL based on the new calibrated survey data.</p> <p>Recent actions for skate have updated specifications and revised discard mortality rate estimates for little (22%), winter (9%), smooth (60%), and thorny (23%) skate for trawl gear. Framework Adjustment 2 also modified the VTR and dealer reporting codes for the skate wing and bait fisheries.</p>
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<p><i>What is the process?</i></p>	<p>The publication of this document and an announcement in the Federal Register of our intent to consider new measures for the Northeast Skate Complex fishery is the first part of the formal amendment process.</p> <p>The Council established this scoping period from ?? to ?? to provide the public an opportunity to identify issues and alternatives. After gathering information during this scoping period, the Council will determine the issues to be addressed and develop alternatives to be analyzed in a draft environmental impact statement (DEIS). The alternatives will be developed by the Council's Northeast Skate Committee and Advisory Panel with additional public input. Once the DEIS is prepared, the Council will hold public hearings, tentatively scheduled for 2017. After receiving public comment, the Council will recommend a preferred alternative to submit to the Secretary of Commerce for implementation. If no delays are encountered, the Council expects to select the proposed action in 2017 and new regulations will be implemented in 2018.</p>
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<p><i>Questions?</i></p>	<p>For more information contact:</p> <p>Fiona Hogan 50 Water Street, Mill 2 Newburyport, MA 01950 (978) 465 - 0492 ext. 121 <a href="mailto:fhogan@nefmc.org">fhogan@nefmc.org</a></p>
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