

Scoping Hearing Summaries  
for  
Proposed Amendment 5  
To the  
Northeast Skate Complex FMP  
Regarding limited access

**NORTHEAST SKATE  
COMPLEX**



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New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116

John F. Quinn, J.D., Ph.D., *Chairman* | Thomas A. Nies, *Executive Director*

## SCOPING HEARING SUMMARY

### Skate Amendment 5 Scoping Hearing

Sheraton Portsmouth Harborside, Portsmouth, NH

January 24, 2017

**MEETING ATTENDANCE:** Dr. Matthew McKenzie (Chair); Dr. Fiona Hogan (NEFMC staff). In addition, approximately 10 members of the public attended.

- David Goethel, F/V Ellen Diane, Hampton, NH – I fish in both the bait and wing fishery. The skate bait control date is already stale and I think it should be updated. I suggest that the Council update both of them to some appropriate time, perhaps at the next Council meeting for two reasons. One is to have a date that gives you some time to work on it, I'd say 2020 is more realistic for implementation of this amendment. So you'd have one that's six years old and one that is eleven. The second reason for updating is this fishery has been evolving since sectors and a lot of people have looked to skates more as they have to fish their groundfish as bycatch. You can't target groundfish anymore. A third reason is that in past management plans we've looked too far into the past and we've qualified people who may not still have boats but still have permits or they no longer fish. Put the permits in the hands of people who fish. Use a more recent date so they're actually fishing. I do believe we should have limited access. Once you did that for the major fisheries then that pushed effort into the open ones. That being said you need some kind of incidental permit. You'll see clear breaks as we saw in other fisheries. As far as permit conditions I think we don't allow permit splitting. I think if you qualify for this that's what the permit is and when you sell the permit you sell all of them at once. Ownership caps - it's no secret I don't think the NE multispecies Amendment 18 are even ownership caps; no one should own more than 3-5% of the fishery. I think there should be permit categories, there are some people especially in Southern New England who are heavily dependent on both types of skates. In northern New England, because of other restrictions, it's almost impossible to fish for skates because of groundfish. Up on middle bank you only fish for 15 mins for skates and you catch too much yellowtail flounder. Don't go back further than 2010 or I'd say even 2012 if this is starting later, most recent 5 years. I don't care what people did in the early 80s; very few people then are still around. I've been around forever but for most people it's the most recent 5 years that matters. There are people on Cape Cod that may catch 3,000-4,000 lb of wings but in my area you don't catch more than 1,000 because of groundfish. There should be some tiers, so a high level limited access permit, middle, then low, and incidental; again based on the analysis of what that number should be. For data you're going to have to use the VTRs because not all skates are sold to a dealer. When I go skate bait fishing I can transfer bait at sea. Most of my sales are to other fishermen because the dealers tack on a percentage and that makes it too expensive. We can use the observer program to back that up. They're using VTR data for limited access in the whiting fishery. Dealer data is probably reasonable for the last 5 years but prior to that it's probably pretty

poor based on species and poundage. Skates are skates to most people. I tell people if it has spots keep it and if it doesn't fling it. Dealers don't know the difference either. Thorny skates were called mud skates in Gloucester because they were caught in the mud but that category has disappeared since you can't land them anymore. In light of today's announcement this fishery can't support further growth and may even have to suffer some constriction. For the incidental permits, there should be something for non-qualifying vessels because people encounter skate in virtually every fishery but it shouldn't be enough for a backdoor fishery.

- Jeff Kaelin – We appreciate a Cape May hearing but since I was here today we started looking at some of the options within our company. We do deal with both bait skates and food skates depending on who has what available in the marketplace. We agree with Mr. Goethel that the bait skate control date is pretty stale. We think that should be updated. I don't know what some of the options are, maybe at the April council meeting but maybe the implementation of the amendment or the same date as the food skates. Not sure what the options are but we do think that bait skate control date is stale. The reporting period, I was told today that the aggregated reporting by dealer and VTR goes back to 1994 and that the species specific reporting goes back to 2003. I think that both time periods should be analyzed in terms of active permits versus history. We're doing that ourselves with our spreadsheets but the scoping document is kind of silent about mandatory reporting and that is usually, at least the farthest back you can go in developing history in an amendment. We would like to see those entire time periods considered. We do agree with tiered permits, generally, that means your qualifications are tiered but maybe in this case your tiered qualification might be based on some tiered value of your accumulated catches over time in your species specific catches over time. That could be another way to tier your history possibly. Not just simply throw out the reports back to 1994 it's impossible to analyze that except through our own records. I think a broad range of options is important there. I agree with Mr. Goethel that if you look at the catch values and tables 1 and 2 in this document I think it does justify considering limited access in the skate fisheries. We also generally support the idea of incidental catch allowances when you're doing these things to develop permit splitting I don't know if we're ready to go there. Those are some of our thoughts tonight, we will be looking at our catch history as a company and processing history before the Cape May hearing and will provide a list of comments on the list of issues at that point.



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## SCOPING HEARING SUMMARY

### Skate Amendment 5 Scoping Hearing

Webinar  
January 31, 2017

**MEETING ATTENDANCE:** Dr. Matthew McKenzie (Chair); Dr. Fiona Hogan (NEFMC staff). In addition, approximately 9 members of the public attended.

- James Fletcher, NC – I've been in fisheries management for most of my life and what we're doing is cookie cutter-ing these things and first off I cannot get on the webinar. We are trying to hold a skate and dogfish population that is 80-90% above what it was historically, and when I say above what it was historically, if you look at the landings from the research boats from 1870 – 1920 the percent of fish and what we've done is not working so I don't know how to help you but we need to get the percentages of fish, skate, dogfish back into what it was historically. Trying to hold these skate populations is not going to work. What we are doing is not working. One suggestion would be a policy for catch for the trawl boats and whatever, sell everything that you catch and have a dollar value that the boat fishes for the year and when it reaches the dollar value then it stops. We have to do something differ, what we're doing with these plans is not working. The only thing we're doing is throwing fish back.
- Dan Nordstrom, MA – I participate in the skate bait fishery. I'm an advisor to the skate Committee. I support having a limited access permit in the skate wing and bait fisheries with the understanding that they are separate fisheries and they would have their own set of criteria to obtain the limited access skate wing and bait permit. With that being said it has never been so evident as for the need of the limited access skate bait permit because as we speak we are in a 3 month shutdown which is proven to be detrimental to both the skate bait and lobster industry. I urge you on the Council to look into or ask any of your colleagues in the lobster industry how uneasy and nervous this makes them. We also support the control date that is in the FR. The lobster fishery needs a year round supply of skate bait, with this being said, that is why the control date was put in. A three season fishery was developed. All of this so that there would be no creation of a derby fishery causing premature closures and to support for the lobster industry would be there year round. This is why I support he greatly needed limited access permit for the skate bait fishery and the control date that was put in place by the participants of the fishery.



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## SCOPING HEARING SUMMARY

### Skate Amendment 5 Scoping Hearing

Mass Maritime Academy, Bourne, MA

February 7, 2017

**MEETING ATTENDANCE:** Dr. Matthew McKenzie (Chair); Dr. Fiona Hogan (NEFMC staff). In addition, approximately 20 members of the public attended.

- Jim, Old Mystic – I have been targeting bait skates for 25 years. I have a Letter of Authorization (LOA) on both my boats from 2004 or 2006. I'm not sure when those started but when it did I had one. Now all this extra effort that's being put into bait skates. I've had the same customers I've had for over 20 years. I haven't put any more effort into it than I did 20 years ago. My landings, look at my trip reports, they're pretty ballpark and now here I am closed. When it came time for allocations, when the sector program started, and it came time to allocate fish, I got nothing because I've been targeting bait skates. I'm in favor of the control date that's in place right now. I believe there should be limited access obviously because we're shut down right now, a 1000 lb a trip for the rest of the season. I'm sitting idle until May 1, my customers have no bait. I'm probably going to lose some customers to who knows what because they're going to do what they have to do. We keep getting cut back. I try not to pay attention to any of it. I take the ostrich approach but here we are, we're out of bait skates and we never had a problem before and I'm trying to get my head around it. We had 15 million lb of quota then 12 million lb and now we're at 9 million lb. It's not enough, obviously. Another thing I don't understand is the effort on bait skate is pretty much determined by pot allocation. You're not going to consume it. As long as there's no more pots being used, I get there needs to be room for bycatch but I don't think there's that much more of an effort on bait skate because there's been no more pots allocated. Basically, bait skate are being determined by how many pots are being fished. So I don't understand why that's not being taken into consideration. There's less effort now than there was 10 years ago. Guys were fishing 2,000-2,500 pots and now they're down to 800. The offshore boats are down to 2,500 or so. I don't understand why they don't let the pots determine things and let the industry pick things. I can only catch so many skates a week. I can't go out 5-6 days a week because I have no way to get rid of them. They're not allocating us enough skates. I'm in favor of the control date that's in place and limited access and more skates.
- Scott McAllister, Chatham, MA - The limited access scares me and some of the younger guys who have just gotten into the fishery who fully depend on it for income. Without skates we'll be scrambling to find permits with history and we'll lose what we've already invested. It would be nice if they could look at that and consider it when they go to put this in their rule because it could screw us pretty good. There aren't a lot of young fisherman out there at all. It's not my fault

I was 14 in 2004. It would be nice if they gave us some consideration. We've already worked a long time to pay for what we have and I don't think I could do it again. It's not just us it's our crews too, there are 3 other young guys on my boat and at least 3 on another that would be all 6 of us out of work.

- Ed Barrett, Green Harbor – I'm against any limited access on this. I think we've already shown what catch shares has done especially in my harbor. It's lead to harbors closing around where I fish which are statistical areas 124 and 125. We've ended up with hyper consolidation amongst our fleet, very few people have enough. A lot of people have just given up. They do not have enough to make it worth a bother to go. Now on top of that what we ended up with as far as catch shares went, again we ended up with the short end of the stick and what we have now are two species Cape Cod yellowtail flounder and Gulf of Maine cod that are both choke stocks. If you're running a dragger and are trying to avoid both of those species in those areas it's impossible. But what we do have is a huge amount of skates of which we can't get around. Here is what I see, as we've already experienced in the groundfish fishery, it becomes limited access, it becomes a catch share, it becomes monitored and discards get recorded. You're going to have a fishery that is totally discarded. You have bottom now that is covered with skates. The inshore fishery that we used to have in MA where boats would go out 20-30 years ago and land 40,000 lb of black backs starting Nov 1 inside of 3 miles. You can't land 200 lb now but you will land 5,000 lb of skate. That's what happened to our fishery. What you're inventing here is another choke species. I understand people who have been fishing for skates and need their skates. But once again we have bad science and it sounds like the allocations aren't right. You're going down the consolidation road. I've been attending Council meetings now for about 20 years and every single one has gone from limited access to some sort of catch share. Whether it goes from limited access to stacking permits to catch share, it's all gone that way. Soon there will be more people managing skates than catching them, just as we did in groundfish.

The Chair clarified that a limited access program does not automatically mean catch shares. They could both be developed if public comment supported it but at this point it's not preordained.

- Steve Welch, Scituate, MA – I started fishing for skate in 1984. I haven't done it in a few years. What we're seeing now on the south shore, typically on Stellwagen bank at night, you wouldn't even want to fish there if using small rollers or chain nets or anything, the skates were so bad. Now they're bad all day long. The last time I went was Jan 2, and I had an observer and in a 30 min tow, we had 5,000-6,000 lb skate. Not even trying to get away from them. Skates are taking over the ocean. They are wondering why there's no yellowtail flounder down by the lightship anymore and a lot of people seem to think it's the skates. We went through this with the barndoor skates back in the late 1990s with people saying they're extinct. They're not extinct, they were in amongst the lobster gear. The skates are everywhere. This gentlemen makes a lot of sense, we should increase it. We have a bait shortage going on with the lobster industry and it's not going to get better. There's money that we're catching that we're going to be discarding with these rules. I don't think there's one fishermen in this room that wants to see anyone go out of business. I want these young kids to stay in business. It's nice to see young people in the industry. I think the answer is to get the government out of the room and we'll hash it out. I don't need some policy analyst telling us how to do it and manipulating things. That's what's happened to the industry. I don't want it all I just want enough to get by and make a living. Skates have become an important part of my fishery now. I'm worried because I haven't really targeted them in the last few years so am I going to be cut out? Are people going to cherry pick their dates and the times they were catching their skates? There were a lot of problems that we had with catch shares and I'm afraid we're going down that same road again. We're talking about something that there's no shortage

of. I'm not interested in a limited access program unless the fishermen design it. It's a double edged sword. We've already got a problem since guys are shut down for three months. How are we doing to manage a fishery if the guys that are targeting them need more than we have? I don't want to go down that road because I'm going to end up with the short end of the stick. Thorny skates are so thick on the western side of the bank in deep water and we have a problem with them? You just don't know where they're getting it from. It's the science. I'm sick and tired. I can't give anything else up. I don't want to lose anything, I don't want to see anyone go out of business. There's probably an answer here but it's not doing it through the Council because nothing happens. You know what happened a few years ago when we tried to bring in some common sense management measures and it was thrown out. I don't want to give anything else up.

- Jim - In some areas we see a shortage of skates but I see more skates where I haven't seen them before. I don't see a shortage in them, I see them not coming to certain areas and I've had that happen in years past where I can't catch them here but I caught them there and vice versa. I don't really see a shortage. To get back to the limited access, I don't see a need for limited access if they gave us enough skates. At 15 million lb we didn't have a problem. I'm not trying to exclude anyone. I have my customers, they are loyal to me, it's like a garbage route. No new customers, they're all long-term. I have no problem with people but we just don't have enough skate and are closed for 3 months. If you were willing to stay at 15 million lb or 18 million lb then I could care less about limited access. I have no problem with anyone trying to make a living. I've been doing this for almost 30 years. I understand the limited access issue of not having permit history. I wouldn't call for limited access if they allocated enough skates. Once you go to limited access you have observers and bycatch. It's a double edge sword.
- Matt Lanelle – Chatham – I've been skate fishing since they closed dogfish in 1999. We've been doing skate since then and it probably takes up about 40-60% of my gear. Right now we have a major problem. This is the first time that we've faced this problem. There are too many guys in it. I'd like to have the bait and the wing fisheries separated so they don't conflict with each other. The fishery needs to lose 20-30% of the participants because it can't sustain everyone with the current quota unless you raise the quota. We can't sustain all the guys who keep getting into it. My only thought for this fishery would be a DAS system but I don't really want to get into that. At least you could lease DAS to keep yourself fishing. At the moment it's not viable for anyone in this room because it's closed. As far as observers with limited access, we have to take observers anyway because we're on a NE multispecies DAS. Maybe the bait doesn't have to do that. Myself, I'd like to see an ITQ system because we have a good landings history but I can see everyone else's point. Look at how much they're taking off the top. They're taking more off the top than we're catching. Some kind of a DAS program or something that we can keep the boat fishing year round. I don't want everyone to buy up 50% of the permits so maybe an owner/operator thing and you have 1-2 permits and that's it. So no collecting them all and spreading it out. Right now we have a big problem and are losing money. We do a lot of bait fishing because we sell all the carcasses so that's \$300 a day we're losing. You add it up and you're driving everyone out into deep water to catch monkfish for the next month so that's going to be another problem with gear etc. it never ends. You guys take one species away and guys will fish on skates and monkfish on the shoals in spring and now are forcing everyone into one area. I am kind of in favor of some form of limited access. I went skate fishing so my cod quota is low. I skate fished when all those qualifying years were happening. Shame on me I was making a living doing that. I sympathize with everyone in the room but pick your battles with what you're going to fish for what you can, when you can. They took the dogfish away and now we have an ocean



full of dogfish. We lost the dogfish market. Now with skates the same thing will happen. All the winter markets will disappear and they'll have to outsource somewhere else. That's what the government doesn't get you have to keep a steady supply coming in. Same with the bait guys. Look at all the bait they're going to lose. The lobster guys want that bait but no they're going to have to go to Canada or wherever they can find it because they have to go lobstering.

- Charlie Dodge – I want to reiterate what Matt just said. I myself have the same situation. We went skate fishing a long time ago with all 3 of our vessels. At different times of the year but we targeted skate as a primary fishery and monkfish. All summer long is just skate. We gave up groundfish because we saw the writing on the wall. We got punished for it. They told us if you work on something else like dogfish then they took away the dogfish. Then they came up with the skate plan. They had a meeting on the Cape and they implemented the skate plan and dropped us to 2,600 lb until Sept 1 and then it goes to 4,100 lb. I stood up at that meeting and said we're going to end up fighting over this soon because you're putting the cart before the horse. I called for limited entry right then. I told you that you're going to create a fishery that will attract people because they're willing to cut that lower amount. We depended on that and now you keep taking away. The year that they did that the science showed that the skate complex had grown. Thorny skates don't even belong in with winter skate. Why you have 5 complexes of skates being regulated by 1 rule makes no sense. It never has and it never will. Maybe it makes it easy for the scientists but it sure doesn't for the fishermen. I'm in favor of limited access. I don't understand they're saying they're only going to go back to 2010 for landings that's horse crap. I've had to report everything I've caught. The excuse for the codfish was they couldn't go back farther than 1996 because the basement in Gloucester flooded and they lost all the paperwork but what's their excuse this time? I'm tired of horse shit. Every corner we turn we find something we can work on that's viable and the skate population is growing regardless of what they say. Everywhere you go, scallopers are complaining about them, guys can't fish in places because of the skate. All sizes of skate too. Something has to be done. You've gotten rid of 96% of the dragger fleet and you don't think there's a lot of skates in the ocean. Common sense rules here and there is no common sense in our government. We've learned this over the years. All the way back to A5 and the first meeting in Galilee. It has been crazy ever since then and they keep trying to manage one species after another in the same way that didn't work the first time and we're still going down that road.
- Dan Nordstrom, MA – As a participant in the skate bait fishery I have no interest in catch shares for this fishery and once the criteria are set for the limited access permits it should be managed under the current structure of the FMP that is in place now. That being said the bait fishery would like to have its criteria based on its historic use of the LOA being a direct link to show who was a participant in the bait fishery. I think with the LOA the vessel would not be able to participate in the wing fishery showing a clear distinction between the two fisheries. The control date was put in by the bait skate participants and it is the most critical part of this showing the historical participation to the fishery. Having the LOA prior to the control date is the cleanest and neatest way to prove the historical participation in the bait fishery. If you landed 1 lb or a million lb while having the LOA prior to the control date it would enable you to meet with criteria to participate in the bait fishery. With being managed under the current FMP structure it would enable it for year round support and supply of bait skate to the lobster fishery. That's not getting deep into it but that's a starting point showing the distinction between the two fisheries. There should be two criteria for each for how you set it up.

The Chair explained that after the scoping period ends the PDT will develop a range of alternatives for the AP and Committee to discuss. This is an open process, the public is invited to comment at all Committee

and Council meetings. Implementation was expected in 2019, however, limited access is not a done deal. The council could always decide not to move this forward.

- Andrew Walsh – I'm against limited access. However, if for some reason this does happen to move forward then I want to see two separate management structures for both wing and bait. If bait fishery wants limited access then don't force that on the wing fishery. Leave that open. I don't want to see limited access but if the bait fishery really wants to do it then let them. I could see a lot of issues for groundfish guys with this limited access, I don't know how you go groundfishing without interacting with skates. If you haven't been actively groundfishing because of sectors or whatever reason and even if you had skate landings in the past, these last few years recent history, I've heard a lot of guys who have been trying to fish for other things and haven't been groundfishing, they're going out for squid, etc. and if they go back to groundfishing and don't qualify for a limited access skate permit then it's another choke stock. If we do go with limited access then you can't just go with recent history, you have to go way back. The Portuguese fleet in New Bedford, MA, they were coming in with 40,000 lb trips. That was their regular trip. They were going out and skate fishing and if you go to limited access then you have to look at history all the way back and see who was really participating and a lot of guys were driven out of the fishery. The current trip limits make it more of a bycatch fishery. You have to look at all the participants. You have to make sure you look at the new guys coming in and don't eliminate the old guys. Someone is going to get cut out of it but the fishery has morphed and guys in recent years have moved away other guys have moved in and I don't know who really should have the right to it, the recent guys or the historic participants. I see the groundfish fleet having a huge issue if it goes to limited access.
- Ed Barrett – I just want to talk about the catchability of these things. This fall when I went groundfishing on the western side of Stellwagen. I couldn't tow for more than 20 mins because of all the skates I was catching, now I have a 40 ft dragger, a small inshore boat. At that point I couldn't even set back out until I cleared the deck so I had to stop and clear the whole deck of the skates, pick through the tails and flats that I had but that's the volume of skates that we're dealing with. In this scheme, it's going to end up being the volume of skates in the discards. I know how the equations work and it's going to take away from someone else's directing on them and somehow we just have to get out of this circular argument of management that we're in.
- Charlie Dodge – I'd like to know what years they have the science for and the numbers actually calculating it. Normally what we've seen in the past is they're generally three years behind in getting all the data out so if that's the newest data they have it's not telling us what's going on in the ocean now. Everybody is having the same problem. There's a huge increase in the skate biomass and it's obvious. Everybody you talk to is having problems with skate interactions and here we are we can't even land them and we depend on skates. They have to come up with a better solution. I think the smartest thing I've ever heard is to use fishing boats to catch fish where the fish are instead of using the big piece of crap they built for billions of dollars. I have no faith whatsoever in what they can catch with that monstrosity.
- Dan Nordstrom – When you have discards, how is that calculated into the formula? Do they have a discard rate that automatically gets tallied? If a dragger goes out and he's targeting groundfish, is the discard being calculated to come off when he makes the trip? Where do we get the discards? Who is discarding what? The reason I say that is because say one of these guys goes

dragging and they have a discard tally because he made 10 tows, for example, and there's a calculated formula for discarding. Why can't he keep it? If it's coming off twice. If it's coming off once and he can't keep it but if he catches it, it comes off again. Where does this guy become something you can keep instead of discarding? The guy goes dragging and is not bringing in skates so then the discard rate that goes on doesn't make sense, it's doubling down. He should have an automatic 1,000 lb, if you're going to come in and you have discards, if you have a planned trip and you're going to have 20 tows and I'm not talking about the targeted species, I'm talking discards, if he's going to throw it overboard why can't he just say 20 tows, this is your discard that is going to come off if you don't bring anything in.

- Andrew - I wanted to add something else. If the wing fishery does end up going limited access with groundfish interactions maybe there's a directed wing fishery that's limited access? But groundfish needs its own sub-ACL or something like that. We don't need it stopping the groundfish fleet and if the groundfish fleet has its own sub-ACL, we don't need AMs coming from one fishery that are creating AMs for another fishery so one guy is paying back for the other one, like the bait paying for the wing fishery or vice versa, or with the directed fishery and the bycatch skate fishery. This would be creating this huge Accountability Measure (AM) issue and it would turn this whole skate thing into a cluster. If it goes limited access I think we're going to see way more problems than we see now and we're going to have to divide it up between the different fleets, like the groundfish fleet and monkfish guys going gillnetting in Southern New England. There has to be an observer. There has to be different sub-components so guys aren't paying for other components. Halibut state waters in Maine almost shutting down the groundfish fleet because of AMs and windowpane AMs because not being accountable and creating AMs for the groundfish fleet. This just creates way more problems than it's worth.
- Matt – Is there any way to separate these fisheries? The gillnet fishery is fairly clean on groundfish. We have the observer data to show that. Is there any way if people wanted to pull off some of the TAC and manage it ourselves like we did in sectors? These fisheries get so screwed up because they're all grouped together. Fishing with gillnet is different to 6.5" trawl gear. I would like to see this wing fishery you have to bring the wings in and not the whole skate.
- Andrew - If it is limited access, which I don't want, can we make it so that these permits are not attached to the rest of your federal permits? So they can be transferred and traded without being attached to the other permits? So if someone doesn't qualify but another one does they can just sell just their skate permit. I don't think we need to attach it to a permit so that you don't have to buy a monkfish or a groundfish permit just for the skate permit.
- Steve – The problem is you have the guys in the middle, you have the gillnetters, the bait fishermen, and the draggers in the middle here. I don't have the patience for this stuff anymore. I can't give anything else up and I don't want to keep throwing fish over. These poor kids trying to start up businesses. They shouldn't be kicked out. There are plenty of fish out there. I don't know why we have a problem with skates.
- Jim – You need to allocate more fish.
- Ed – Get an accurate science assessment.



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## SCOPING HEARING SUMMARY

### Skate Amendment 5 Scoping Hearing

The Grand Hotel, Cape May, NJ

February 21, 2017

**MEETING ATTENDANCE:** Dr. Matthew McKenzie (Chair); Dr. Fiona Hogan (NEFMC staff). In addition, approximately 4 members of the public attended.

- Peter Hughes, MAFMC member – I just have some questions. The specifications figure is different between the scoping document and presentation. One of the bullet points says “limit new entrants” your thought was if the TAL is not being harvested that maybe there’s some mechanism to allow new entrants into the fishery. Is a sunset provision an option for new entrants that you look at it every 3-5 years, and find out what are we achieving in terms of our goal of optimal yield? Why are the splits so different between the two fisheries, with 66.5% going to the wing fishery and 33.5% going to the bait fishery? Was that because of the body weight? It seems a little ambitious. The bait fishery has been in existence, historically for a lot longer than the wing fishery so there’s probably a lot of landings going back a number of years even going back to paper tickets. Has there been a Committee discussion on the control date for the bait fishery? It was established July 30, 2009, has there been any committee level discussions on whether they think it is a bit stale. About the control date, maybe that’s something you could put on the CTE’s agenda for the April meeting that’s prior to the Council meeting and then if you voted it up, it would move forward to the council as a Committee motion. I have a question about the ACL structure, you’re saying that at 105% of the ACT, the TAL equals the ACT, at 105% above that that triggers a NMFS review of the fishery, correct? It doesn’t necessarily trigger an AM but it triggers a NMFS review. You will have overfished by 800 mt above the TAL equals ACT level there that you have but your ACT above that is 75% of the ACL. The ACT is just a buffer between the overall ACL, which you don’t want to exceed, and the ACT. Between the ACL and the ACT it’s 75%, you’re talking about 10,000 mt of fish. Whereas fishing 5% over the 16,385 mt is only 800 mt. You might want to look at that and revisit that and bring those numbers a little closer together and give a little more fish to the fishery.
- Kevin Wark, Viking Village, Barnegat Light MF gillnetter – How many of those wings were landed on a MF DAS? We started cutting these wings quite a while ago when we started the directed monk fishery. We have to keep in mind that sometimes those wings are kind of an occupational hazard. We get clobbered with them. I certainly want to make sure it doesn’t become some kind of a choke species. I don’t mind to see the limits because it seems that as soon as they limit them we get a little money for them. A lot of times we’re not getting any real money for those fish and they’re really a lot of work. I’m going to make comment on this whole

document but keep in mind whatever you do, proceed with caution because what is going to happen is you will drive, and it's happened before, people with gillnets inside 3 miles to avoid federal regulations by surrendering their federal permits. They'll start catching whatever they want in state waters and it hurts the guys with the federal permits that kind of play by the rules. I've caught over 800 sturgeons adults in my sampling exercises and over 70% of those in the spring are within 3 miles that's in this whole area, up to NY. They make a run similar to shad and our data clearly shows that, the winter is a little different. I've seen this ebb and flow for a long time with people running inside 3 miles, as soon as there's some value all of a sudden the gillnets get pulled out of the backyard. I think that without a mechanism to prevent that, I know everybody always seems to think it's a state level problem but it's a problem for the federally permitted vessels. We short of get short changed. I just wanted to bring that up to keep in mind. It's been an issue for a long time. One thing, if we do have to discard, they're tough, they're alive. They're hard to kill but we really don't want them to become a choke species. I think I asked the question about the MF DAS because I know we were the first people to really cut them because they weren't worth a lot. We did it because we kind of had to do it. You throw them over and catch them again 2 days later. We just started cutting them whether we wanted to or not. Now there's a little value of them. Sometimes they are valuable. It seems like when the restrictions are put in the value goes up pretty readily. There's a lot to talk about in this document. I think I'm going to try and do some written comments so I can go by each one step by step. I think we need limited access and I don't really care how it's done, it maybe should be tiered with participation being a part of that. I'm sure you're going to hear a lot from the RI guys. Some of those fellas I've worked with before. Whatever everyone is thinking I just think there should be some type of LA because you should limit, I can't speak to the trawling or other gear types, but with gillnet you need to keep that to the people who are kind of professionals and not let that fishery really expand, whether you're talking about protected resources or lost gear or whatever it's just wise to keep that fishery in check so the people that really count on that can survive and continue to make a living. A lot of vessels in this area use the IVR so when you compile the landings by DAS declaration check to see if that includes the IVR. Down this way there's very few VMS it's all IVR. A lot of times the skate landings they're directly connected with monkfishing in some years the skates are worse than other years and some years they're not so bad but in other years they hurt your ability to catch monkfish at times because they're like stop signs in the net and you get wound up with them. They're a necessary evil. I just want to make sure the directed MF fishery that has historically caught a lot of these wings is offered some protection and so we don't damage a good fishery for skates. It makes sense to establish a new control date, if you need one, as soon as possible because otherwise you're just waving a red flag in front of the bull and you'll dilute the process for others. How the skate wing fishery functions in the gillnet, in the static system, there's the fleet that fishes down this way, LI south, essentially doesn't even fish up to their skate wing capacity because it is usually priced and they'll just wear you down and they'll wreck your net so a lot of times, just the guys that will qualify and participate certainly don't fish up to their potential because they are physically demanding. Value would change that. People would put more men on the boat so these numbers could easily be exasperated just by a 25 cent change in price. I certainly just wanted to talk about that because I just know that the guys that I fish with and around, those numbers they could catch triple of way more, we just choose not to because of trying to keep the market good and keep your elbows and shoulders intact. That's some of how it functions with the directed fishery in the gillnet aspect. What we did have over the years and why I just want to talk about being cautionary about making sure that you don't just push people inside 3 miles, especially if there becomes some value. That's the red flag thing because there are people watching and thinking I can go fish there without a federal permit. This state is notoriously slow for any sort of regulatory action, it can take years. There could be a lot of damage done quickly with that type of a situation.

- Jeff Kaelin – Lund’s fisheries – I had a chance to sit in on the hearing in Portsmouth, NH too. Firstly, I think almost every boat in the region has a skate permit on it. I know every one of our boats does. I think we have 15 boats and 14 skate permits and more in CPH so I think there’s a lot of permits around. We’re interested in asking GARFO for our history. WE really think participation is an important consideration for tiered permits. History will dictate how many permits should be removed from the fishery. I don’t have any recommendations today about where or what qualification criteria we would support because we haven’t had a chance to analyze the history on the permits that we have. History should be the guide and we agree that it is time for a LA program to be analyzed. We buy and produce in both the bait and the wing fishery, I don’t know what percentage. The issue of the TAL split was raised, maybe this amendment could also re-evaluate the split. I don’t know the history behind that is but it would be interesting for the public to understand that and whether there is any justification for re-evaluating that. This is an amendment. On the bait TAL versus the percent of TAL caught, you had 2015 up there so we were at 101%. What I’m interested in, is AM tied to the overall complex TAC in other words is the bait, if it’s a pound for pound payback if you’re over the 105% and my question is that all tied to the overall complex? If you’re underneath the overall complex TAL is there no need for a pay back in the bait sector or the wing sector in the following year. With the tiers, you have some history based on aggregated history and some on species specific landings, I think both the fishermen’s information and dealer information are of equal value in establishing history but you could have some kind of a tiered history. It could work out that you could qualify for a permit if you had some percentage of aggregated and some percentage of species by species. You could maybe tier your history. We won’t really know until we can see the history on the permits we have. As far as the new control date, everyone is saying that the Bait control date is stale, we agree with that. What are your alternatives? Can the control date be set retroactively? Could one option be to set the bait control date to March 31, 2014, which is the wing control date? Does that make any sense? The only option would be for maybe the Council to consider moving to create a new control date in the bait skate fishery at the April 2017 Council meeting. Then it would publish in the FR in late April. I’m thinking that if people don’t like the current control date, then what would the new one be? The quickest way would be for the Council to take action in April. I don’t know if that makes sense. Tables 1 and 2 justify moving ahead with LA. There should be some kind of incidental possession limit, tiered permits. The issue of new entrants in the PowerPoint, I think you want to say provide for new entrants and not limit new entrants. I think we’re really talking about limited access that does provide for new entrants. That is not easy to do but people talk about it and it would be nice to consider that here. I think it’s really providing for new entrants and not limiting them. It sounds like we’re all trying to catch up and people are pretty much on the same page. If we can match capacity without taking anything away from people that are working this fishery now, it’s opportunistic. I’m not sure how many people depend on this skate fishery but it is part of what people depend on to get a year out of. We’ve heard it talked about for years, every little piece is important so if it turns out there are a lot of permits that can be taking without negatively impacting anybody that would be perfect. Thanks for coming down here to give us a chance to speak.



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116

John F. Quinn, J.D., Ph.D., *Chairman* | Thomas A. Nies, *Executive Director*

## SCOPING HEARING SUMMARY

### Skate Amendment 5 Scoping Hearing

Montauk Playhouse, Montauk, NY  
February 22, 2017

**MEETING ATTENDANCE:** Dr. Matthew McKenzie (Chair); Dr. Fiona Hogan (NEFMC staff). In addition, approximately 12 members of the public attended.

- Terry Wallace - If they're not overfished and the stock is rebuilt, what are we here for? Why is something going to be done? I would never have thought about skate 10 years ago because I was allowed to keep fluke. Now that I'm not allowed to keep fluke I'm skate fishing. I'm looking to keep my 500 lb of wings or maybe have to keep bait skate, which I wouldn't have thought about 10 years ago. Now we're getting pushed into this and we don't have records of it before 2014 because there was actually fish that we catch and not skates. I wouldn't be thinking of even sitting here and worrying about this. Now that there's nothing left at the end, I'm thinking about oh my god now they're going to take the 500 lb of skate that I'm paying my fuel with and I won't be able to make a dime now that it's 400 lb/week of fluke and no skates and there's going to be another fluke cut next year. We're coming down to the end of it, I wouldn't even be sitting here caring about skate if there was anything else to catch. I would have plenty of records if that was actually supposed to be a fishery. We're fishermen we're not skate-men. People might need bait. I think that anybody that needs to catch bait to sell to a lobster boat or something should be able to catch bait and give it to lobster boats. Since the groundfish boats have not been groundfishing up north, there is now a bunch of skate. When they come close to land here I can't even go get my fluke because if I tow a half hour I can't get my bag in the boat. The size of a school bus full of skates, this is the species we're talking about lowering right now. In a half hour. My boat is 50 ft it doesn't drag a big net. I can slow my boat down and stop it and if I'm not careful I could lose my net to a species that we're going to regulate more. They are not going less, the groundfish men used to work on them up north. There are no big boats groundfishing. They've come back quite a way. I have observers on my boat all the time. Why don't we have the coverage? I threw over 2,000 lb yesterday that weren't caught. That's this much skates in a big checker pen that was two hours. Why don't we open it up and loosen it up a little bit so that species doesn't kill the other species that are in the ocean, like food fish species, like squid, whiting. They're going after fish that are food fish, meanwhile, nobody really eats them. They do eat them but people might use them for bait. Why don't we open them up more? Loosen up a little bit on a species that is an invasive species. That's what we should be talking about. It should be opened up. Give us 5,000 lb a day of wings and unlimited skate bait. That's the way it should be. They're overtaking the ocean with the dogfish. The dogfish fishery that was – there was still a problem then when we started doing this regulating them 10-12 years ago. We stopped the fishery and all the factories went out of business. If you get into them too thick and tow for 10 mins I have a little boat, it'll

stop my boat. If I take a rope, tie it from my pucker to my head rope so that if I can't get my net into my ram I get that pucker rope and then set my gear out and hopefully the pucker opens up and then everything is too big in front of the bag so I get a knife and tie in on the front of the gaff and cut my net open. In 10 mins that happens. We're going to have that happen with skate next if we don't start loosening it up again. There's no groundfish boats up north so there's no dragger action on the main vein of skates. They've come down here and they're taking over here. We could have an incidental permit like when they took my scallop permit away from me. I didn't have scallop landings and they took my scallop permit. I bought the boat to go scalloping and then 2 months later they went to this landings thing and I haven't caught a scallop since. Why do you buy a set of permits 10 years ago if it comes down to this? You start using them now.

- What needs to change, less skates? What has to change for the incidental limit to be lifted? It's what small boats do, we fish on them, we catch them. You can't keep anything else. When you go monkfishing there's an abundance of skates. There's more skates around then we want to deal with. They're going to take over and that's going to be the problem. Now we get to go fishing and we're going to have thousands of pounds so we throw them over. That doesn't make any sense. You're going to have to start fishing on the skate now because there's an abundance. It's going to be tough. I don't know how you could possibly do this. You're going to put so many more people out of business. The observer coverage is seeing all the skate s that we're catching. How is this even a problem?
- The last few years, have we received less weight? We just see more and more skate but you keep going less and less. Now we're sitting here talking about this when we don't need to. We should be seeing increases in landings and then we wouldn't be sitting here talking about that. In saying that it's not going to matter because these people up north decided to push to make limited access, which doesn't need to be. But it does I guess if you're talking about lower, and lowering, and lowering, the quota. Where oh where is Donald Trump? It's uncomfortable for you guys. It's our paychecks. I know you understand but somebody ain't understanding.
- Captain Chuck Morici – 57 ft trawler, it's for sale, anybody in New England wants to buy it. With the skate fishing, there's less and less trawler time on the bottom there and more and more skates there. You could stop your boat. This is ridiculous that they're trying to privatize it for New England up there. They did it with the codfish, that's why we're not cod fishing. All month our boats are tied up and in a million years I would not believe that I was here talking about skate wings or bait. I want things to stay the same. There's no reason for a change and I do qualify for both of those dates and I still don't want to see it changed. It's retarded. We're out there we're fishermen and you got us down to nothing and our paychecks are being affected, our home lives, our health. I'm going to have a heart attack, ulcers, I'll stay awake all night wondering how to pay bill. I'm sick and tired of it. I'm not taking it anymore. I hate to say it and the Council is no better than NOAA. They're sitting there nobody is watching out for NY, the couple of fishermen that re in this room there are 10 of us in here. We don't get represented we get mowed over and this is kind of like a mickey mouse meeting. I've got respect for you two up there but I can't take it anymore and I'm going to excuse myself from the meeting because it is insane that I'm sitting here fighting over skate. There's a group of individuals who want 25,000 skate wings and they don't want us coming in with smaller amounts of skates.
- If the price goes down for us to cut skates for 5 cents it doesn't make sense. If we could bring them in whole but we don't have the ability to shift them across now they have the jump on us.



- Bonnie Brady – at some point Southern New England (SNE) was told they had to either go with wings or bait. Does anyone remember that? In the past my husband before, for SNE the lowly step child of all the fisheries of NE council, groundfish by ten limiting prior to limiting themselves they limited us to yellowtail flounder, they cut the quotas drastically, winter flounder they shut complete, cod, and so on. As a result coming up with catch shares, anyone in SNE caught less because we were forced to a lower level so at that point we couldn't even compete. I believe for someone like these young guys who are just into the fishery but people like my husband who has always gotten bait for guys and gotten wings and prior to whatever it was a couple of years back (within 10 years) that it forced him to choose between one or the other and he personally doesn't feel that if you're going to make a decision that if you have historic landings in both then you should be able to continue to access both. The groundfish DAS that are attached there are very few. We are the common pool guys because the sector guys there might be two guys. NY used to be 3<sup>rd</sup> in groundfish landings behind ME and MA until the 2001 buyout and catch shares just kind of finally did it. As a result not only do we have less groundfish being caught but we have about twice the observer coverage of any other state because they don't have enough data on SNE stocks so they are hitting us even harder. Almost 3,000 observed trips in 2016 with the scheduled amount out of 9,000 total from NC to ME.
- Between the 2 documents you have different figures for the amounts that's attributed to discards. If we did have barndoor and we come into that and there is some kind of possession allowed for that does that go into your 500 lb that you're allowed? Or would you have a separate allocation for barndoor and then you'd be allowed 500 lb barndoor and 500 other species. They swim away when you discard them unless you leave them on deck for too long. Otherwise they're one of the hardier species going. That's a huge portion of the TAL going out the window.
- A couple of times I've requested the paperwork back from the observers and I've never heard back from them.
- Bonnie Brady – not speaking on behalf of LICFA – I have an email from Tim Froelich. He had taken a look at it so I'm going to read his comments into the record and then if I could read my husband's handwriting I can read his comments too. In reference to the skate comments: I believe that whatever action is taken that any fishery that needs the skates to prosecute itself shouldn't be restrained by this action. They should have first access to the resource. I don't want the skates to become a choke species for the sake of any fishery. For example whether it's the way it is now for monkfish with the daily poundage associated with the day at sea. The two fisheries were always intertwined and they always should be. They should be managed that way. That's from Tim Froelich. Next, this is from Dave captain and owner for the Caitlyn Mairead. To whom it may concern my name is Dave and I'm 60 and fishing all my life. Being from SNE before the sector scam even started I would save however much bait the Montauk guys needed. I don't remember the year but at some point within the last 10 years the mismanagement said you can't land both bait and wings unfortunately that's what I did. So once again SNE mixed trawl vessels got screwed out of something else by input by our northern colleagues. I want to be able to land wings and bait. I want to be able to zip on a 6.5 inch bag at the end of a squid trip to catch 30 bushels of bait for lobster guys. Screw giving new people access to the fishery. How about starting to give some back to the people you took it from. It's another fishery without a problem that someone wants to tweak to screw someone else. The only other thing I want to mention is the NEFMC will be in Mystic CT in April 13-15. It's just a ferry ride away. Will this hearing only be discussed from the point of discussing comments? Will there be any opportunity for additional comment to the Council? Or just gathering everything and going to repeat it or will they follow

through from there with any decision making process? I've been told by people that possibly the reason for doing this is that because it's part of the monkfish fishery and since we know New England is damned determined that they want to turn monkfish into a catch share and so that this might be a component that they're trying to do that. They can attest that I get up at the meeting and go no, no, no and then we're told well maybe if we write them a letter and explain it then they'll understand and we still don't want catch shares. The concern by some on the AP which includes the hookers and Sonja Fordham, is that the groundfish boys, displaced by sectors, may be looking at jumping into other fisheries so guys who traditionally targeted skates are looking to protect their interest from having other guys jump in so that they aren't able to access their fish. So that's the playground at play. Is it because they want to do one thing to then push down the road you could probably guess depending on who is pushing it what that bomb is but the other reasoning is that because of the unsurity. Chad Demarest who is the economist for New England council did a paper back in 2015 that stated with the \$710 per day paid for ASM, 60% of the groundfish fishery based on groundfish alone is not profitable. As such it is only with the addition of other fisheries added to the groundfish fisheries that the boats themselves are profitable.

- F/V Keeper – I monkfish. I catch skates. I'm not for limited access. Pretty much ditto what Dave said. There's more and more skates there's no reason why we're sitting here right now. I hate to be insulting but I feel like the same way looking at you people is like when the observers come in. Nothing ever happens. It is really frustrating. It's like the way all the other fisheries are going and there's someone up there who is just trying to stop people from fishing and new blood from entering. You know what, I demand we get more. Out of what we see it's a travesty if we don't get more weight, not just in skates but in a lot of other fisheries. Barndoor is another joke. There's an abundance of them. I probably shouldn't say this but when we gillnet in order to get these animals out of the net, do you know what we do? I'd love to tell you but it's just the same old thing where we throw them overboard.
- Vinnie Damm – F/V AD Kay- I feel pretty much the way Charlie said. It should stay the way it is. There's an abundance of skates, we see more every single year. We need to catch what we can catch. We go both ways – we catch, skate, monkfish and I also lobster. We need the small skate for lobster bait. If we don't have it we're out of business. We use soft fish then dogfish eat our traps away. We need it and if someone new wants to get into it then so be it. There's an abundance. There's no need to stop it. And with the skates right now. We have to go 40-50 miles offshore to catch monkfish and we have to throw the skates over. So we're going to keep 500 lb and we're going to throw the skates over. It costs a lot of money to go where we fish for monkfish. We don't have a history on barndoor skate. It's been closed for the last how many years. We're seeing an abundance of those. There has to be something on the table here where when they do open it we need to be able to keep them.
- Skates are only worth so much money. If they're worth \$1 it's a good thing, if it's over that then it's a home run.
- Matt – if you get rid of sectors then those guys up north could go fishing.
- F/V Keeper – we need more because we're throwing them overboard. It is crab bait. It makes no sense. There is somebody up there past you guys that just want us, I don't know, to go away. I can't figure it out. I can figure it out they want us to go away. They're still not happy. We see so

many out there. I know you people sit there and shake your head yes but we have the wrong people sitting there unfortunately. We should have somebody who makes the decisions sitting there to listen to us so they can face us. You get paid. That's wonderful but it's just it ain't cutting it.

- Make the observer work for their day instead of being sick and sitting in the bunk, make them count everything.
- The observer is there if we catch a sturgeon or a porpoise or a whale. They've said it over and over again. They're not there really to count a few fish.
- Bonnie Brady – it depends on the observer and whether they're NEFOP. There are specific observers for marine mammals and then there's observers.
- I've never seen one that isn't there for marine mammals.
- The first thing we ask them is why they're there that day and they only want to know if we catch a seal or porpoise or something we're not supposed to see. You're seeing more and more sturgeon every year but they're endangered.
- Bonnie Brady – they used numbers from back in the Reagan era. They didn't use any of the states information and the ASMFC literally from the second that they made the classification the ASMFC started working to repeal it. Right now part of the reason there are 900 extra observer days for the state for the DEC is because they're looking for a letter of authorization with the whole sturgeon interaction to prove exactly what you're saying. They don't leave their cubicles to find the knowledge. They think we're numb nuts and couldn't possibly give them the information that they need and therein lies the problem.
- They don't use any of the info we give for us. It leaves a bad taste in everybody's mouth.
- Rick Stevens – I'm against limited entry. Status quo would be great. Work on giving us more quota. Look at the migration patterns, stuff changes, like any fishery that we have. God bless anyone who wants to come into the fishery. Their hands will hurt they'll give up too. IF it squeezes us down and we start being able to catch less with the MF say, every little bit counts.
- Terry Wallace – Barndoor skates, is that going to be reopening? How long has that been closed for? I just want to state a fact that in 2013 I ran a tile boat. I couldn't get my gear back in the boat because every 5<sup>th</sup> hook there was a skate probably the size of this table of barndoor. In 55-60 fathoms. Now at the end of that haul back, I didn't have enough hooks to finish my trip because it trashed all my gear. Thousands of dollars' worth of gear. That's because I made the mistake of putting the gear where there's a species that's closed to draggersmen and to everyone and the skates were the size of this table. They were tying 20 hooks together with 4 skates. When is this going to end? This is like an insult. They should open that fishery, wide open.

- F/V Keeper – the other problem is the council is always looking at another trawl survey and it's always down the road, it's always in the future.
- Matt – it was brought up a couple of years ago saying it was totally rebuilt and were looking at reopening it. Last year there was the possibility of reopening it. We're all going to be old before it's open.
- Steve – if it goes to MF A, B, C and D permits then what's next. It's going to be bad. Then it's going to go to catch shares like you're talking about.
- Terry Wallace – I think it's a mistake to put even a 500 lb limit on it to be honest with you. There are only a certain amount of people who are doing this along the east coast. I know I go out there and see there aren't many fishing boats out there any more. To us to even be sitting here and taking this away, all this will do is invade the ocean with a species that no one really wants to deal with.
- Bonnie Brady – A Council member wanted to possibly discuss the concept of catch shares again for monkfish and I got up and somebody from RI did too and we said no we're not interested. Another Council member said I went to every single meeting, there's no interest in SNE. Another Council member suggested writing a letter to MAFMC and told them about the different kinds of catch shares you know it's not all catch share catch shares, I mean there are ITQs and maybe if we explained it to them. So they decided to write a letter and MAFMC at the last meeting went oh. We don't want it in SNE.
- There's no one left now. There's a few people here who still fish. Every year there's fewer guys doing it. No one in their right mind can afford to get into the fishery anymore.
- Start figuring out how to get young guys into the fishery.
- Vinnie Gibdairs – I fish for monkfish, I catch plenty of skates and I don't see why anyone who wants to catch sates can't. There's no reason to limit it just because I caught a bunch doesn't mean that Phil can't buy a boat and catch his in the next 2-10 years.
- We can always just get a state boat.
- Matt – bait skate also needs to be status quo. We need it to go lobstering and there's no lobster boats left. Not out this way. In PJ they use bait skates, anywhere north of that they don't use it. There used to be 500-600 boats that fished here in the sound. They're all gone. There are about 6 full time guys left out here. Bait skate has to be status quo. We need to be able to get it. It's the only way we can survive lobstering.
- Terry Wallace – I want to attend the April council meeting. I want to give my evidence. At this point I've been put out of the common pool days, fluke's gone, codfish is gone. I don't have much left to stand on here. In the winter time when I'm leaving the dock I want my whatever

skates anyone else is allowed to keep. I want to be able to keep them too. I've had the boat for 12 years I have every right. I'm going to go to that meeting and state my facts. I want a full time permit. I don't want anything to change. I want the limits to go up. I think the bait skate should be unlimited. I think that anybody that needs bait at this point, very few people are lobstering. They need bait. There are very few people who are fishing and honestly are going to go alright I'll get you bait today even though I'm squid fishing, you know what I'll get you your bait. You're not always looking to catch sates. I never thought I'd be arguing this point in this room right now but I am because I'm coming to the point where I'm at 400 lb fluke a week where I got boarded by the DEC the other day and they almost gave me a ticket. My argument was 10 years ago you would have been asking me where the rest of my fish, that's what the question would have ben. The guy didn't give me a ticket he gave me a warning for 50 lb of fish. He was looking at me like I was doing something wrong. I don't know what to tell him it's not even enough a week. It used to be 1,000 lb a day. So now I'm sitting in here arguing for 500 lb of skate wings that I really didn't think I was going to be working on skates in my life because I sued to do other things. Now I'm coming to the point where I better get to that meeting because you may not even not be able to keep skates. The boat won't be able to leave the dock if it keeps going less. I'll probably be in CT in a couple of weeks.



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## SCOPING HEARING SUMMARY

### Skate Amendment 5 Scoping Hearing

University of Rhode Island, Graduate School of Oceanography, Narragansett, RI  
February 27, 2017

**MEETING ATTENDANCE:** Dr. Matthew McKenzie (Chair), Mr. Mark Alexander; Dr. Fiona Hogan (NEFMC staff). In addition, approximately 22 members of the public attended.

- Todd Sutton – Where did the projected dead discards come from? They’re a pretty hardy species. Have there been any discard mortality studies? The projected dead discards seems high.
- Dan Nordstrom – So what we have going on right now when they do their next check, why are they having the wings in mind? We’re at a stoppage and if we base it on the wings then we’ll have a stoppage. I find it odd that there can’t be something done. We’re waiting to see how the wing fishery is doing and we’re in a crisis now. We have ½ million pounds left. What I’m trying to say is we are at a stop and are at 3,000 lb, 3 barrels a boat. If we keep waiting to see how the wings are doing and we’re waiting, something has to be done for this year. Next year we see it coming and can maybe do something to fix it.
- Andrea Incollingo– the harvesting of the 500,000 lb is going to happen.
- Dan Nordstrom – we can’t be left with ½ million lb out there. To wait to see how the wings are doing, it’s really putting us in a crisis mode. What happened was last year, it kind of was an oversight. I can remember going to the meetings and the wings participants were saying they wanted to catch it when they catch it. It was unforeseen because we have never hit the point where we ever went under 9,000 lbs. By the time they figure this out it could take 3 months and people need that quota now.
- What’s the feasibility of separating the 2 species and regulating them separately, between the winter skates and the bait skate fishery? The triggers for the winter skates is affecting the bait skates and it is two separate fisheries altogether. I’ve talked to people in both sectors and they both indicated to me that they’d like to see these species separated and managed separately so we wouldn’t have to deal with this situation.

- Dan Nordstrom - I agree with what you say but I don't want species specific management. It is just 2 fisheries. That's why we're here to see about 2 criteria for each fishery. So species specific we don't want it in the bait industry. We just want to have the criteria and manage our own two fisheries that's it.
- Guys in both separate fisheries guys gillnetting for mf and for trawlers bait skate said they did want species specific but I don't know why they're not here tonight.
- Andrea Incollingo – from what I understand the scallop fishery has a high rate of little skate discards, is that correct? The concern about separating out the species and making a total bait skate or little skate fishery management plan might run the risk of it becoming a choke species for the scallop industry in the even that their discards. It could be more problematic for us if we try to develop our own fishery management plan outside of the NE skate complex.
- If we could make a proposal to have 12 barrels instead of 3 right now for the remainder of this fishing year. Could they take a small thing from next year so we can do more in this fishing year? It does in the herring fishery.
- Todd Sutton – it's almost impossible for them not to see a change when they go from 4100 lb to 500 and then 25000 to 1135 (3 barrels). With what you're saying then they will see dramatic change in the way the graph is going so there should be some different implementation hopefully in a reasonable world that they will work with fisheries to remedy this situation that we're in now.
- Just out of curiosity, bait skate in a finite market. It's not going overseas it's not going anywhere. Can we track deductions? Has anyone looked at that and say we don't really need to remit bait skates, it's not overfished. During the trip reductions, it's reduced the bait we need. We're not sending it to NY. I don't see what the problem is and why there's a quota on this if there's no problem. If they're saying it's not overfished obviously things have been going fine.
- Andrea Incollingo – we've discussed that over the years about lobster regulations impacting the amount of bait that would be required if pots were reduced so would the demand for skates. What I'm curious about and not so much in the same vein but why are we still at a 25% management uncertainty buffer? My understanding is back in 2003 when we started to develop this FMP There was limited data on skates. So the first phase that developing the fishery MP was developing the information that would be used to create the fishery MP. That started with species identification, figuring out who was doing what and where, developing all the fishery data that was required. Because it was so data poor the 25% management uncertainty was put in as a buffer just because of the lack of data. We're 14 years later, with 14 years of data. Why is it still a full quarter of the total allowable catch removed for uncertainty? That to me is ludicrous. You have observers, you have trip reports you have dealer landings, you have sea samplers you have trawl surveys and 14 years' worth. Do other fisheries have a 25% management uncertainty? When I've spoken with people on the regional administration level they are very certain about all the things they tell me about the statistics as to why there is this this this this and this. But if you're so sure about that why do we still have such a huge management uncertainty? They know discards in the scallop gear, they know discards in GF and on GB, they know discards in this. They know everything. I know that predominately down here the boats that fish for me fish for winter and little skate.

We've seen an uptick in clearnose, there's a species shift occurring there. We don't have smooth, we don't have thorny, we do have barndoor. That's the other issue that's on the table now that it has been determined to be rebuilt. Will that result in an increase in the total quotas, once it's determined how they're going to address the rebuilt status.

- Todd Sutton – if you allocate us barndoors next year and we start landing in the wing fishery we could essentially hit our 85% a lot quicker. You said we're going to be landing more, what we're being credited right now is just discards. I can imagine that if you're landing them the discard rate will change. Is it going to be a tally of the wings? We don't know yet do we?
- Question on qualification criteria – when you say the ability to transfer permits, one of the problems that all of us have is that our permits are all stuck together, we have lobster with scup and it's very difficult to buy just one piece of the pie. You have to buy a permit that has something that is redundant and you end up letting it go by the wayside. If this goes to limited access what would be the method for us to be able to either get a skate permits or get rid of one without losing the whole thing. That's huge for younger fishermen to participate, when they say limited access it doesn't really mean that your access there's no access, it means you have to spend \$50,000 to buy another permit but it's always attached to something else. All of us have these ungodly permits that you got so much capital into them that if you could at least split off part of them.
- Todd Sutton – I think in the bait fishery what you're saying is that you need a mechanism that will let you transfer. There are lobstermen in the room that are totally dependent on bait and let's say, look at the average of a fishermen, it's in higher 50-60s and not a lot of new entrants. Now let's say these permits get bought up and they sit in a sector, these guys need access to that bait. I don't think you'd find a lot of people fighting a lot of that on the bait side of things because it's coming out and we may lose access to it and the ore people that can get true value is the bait or the lobster. We will need some type of mechanism to get access to that bait fishery. If we lose the amount of people in the fishery.
- Walt Anoushian – my gut feeling is that is something that may not go ahead because everyone makes that argument for every other permit but it hasn't happened.
- Todd Sutton – I own sweet misery and more misery, Sutton enterprises – time of participation, historical landings and dependence on fishery. I think when we do make the criteria that control date I have concern over that control date of 2009 as Andrea expressed. We were supposed to collect data and see how many people were using the fishery. I don't have any particular date that I think we should move to but I think revising that control date is good. I target wings and bait skate too. I'm not solely dependent on the bait fishery as others but I absolutely believe that there should be some permitting or some tiers to it whether it be an A permit and a B permit with the A permit is the 25,000 lb for bait or whether NMFS sets for high TAC and then maybe a large or small boat fishery where my boats are 50ft and under where maybe would qualify under tier B that would be 10 or 15 barrels compared to the 25000 lbs. Not so much incidental because I have more historical participation. That all depends on where you're going to say is incidental if incidental is 7000 lb I'd be for it. If it's 100 lb I might say it's not going to work. I don't see that you need to limit new entrants, if you're using a control date then you're already doing that. We need a mechanism in there to transfer permits so that if we do run into a situation where GF rule



comes in and shuts us down to 5 or 10 DAS that the bait fishery has the ability to access the small skate for the guys that are dependent on the bait fishery. I'm for some mechanism that would bring new people in if the TAL wasn't being achieved like if we don't hit the TAC for 2 or 3 years then obviously we need to look at different ways to land 100% of the TAC.

- Glen Westcott – F/V Ocean state - what are we going to be able to do for this coming year. You're talking about 2019. I want to make sure this won't happen next year so we're not closed and still making money on it.
- This fishery needs to be managed. We don't need someone to sit at a desk and when it hits 90% too bad you guys are shut off. We need someone to watch it because we don't have access to this. That didn't happen this year and we don't want this to happen again.
- Mike Grimshaw, Stonington, CT – lobstermen I get bait from some of these guys. if this happened in July we'd need 10 rooms this size because you'd have a lot of pissed off people in here not being able to get bait and go fishing. If his boat had a herring permit, he could go after herring but if there's only skates left he can't go after GF then that's it. He can't go catch it but I can't tend my traps. It's just not that they can't get their bait. It affects everybody. I've been scrambling to keep my traps baited with the 2,000-3,000 he has a week. It's impossible. Somebody has to be monitoring this so it doesn't happen again. You can't shut them off with no notice.
- Todd Sutton – we can monitor the skate process on the quota. You could put up the website to see where we're at with the quota.
- We shouldn't have to manage it. Whoever is in charge of this management dropped the ball, did not do it's job and let it get to the point where this happened. Whoever he is should be up the road. F/V Virginia Marie
- Ian Parente – What killed us over our way, we're the monkfish vessels in Sakonnet. They didn't give us any notice and we were following it, we knew where the quota was at, knew we were approaching it and we called up for any idea of what they were planning on doing. Is this going to close? Nothing, nothing, nothing, until they closed on a Sunday. We got the letter in the mail on that Saturday. We had 150 nets in the water it was completely impossible to get those things cleaned out in time. Not to mention weather was not good. It puts everyone in a very dangerous position. Again, I said we followed it we knew where we were at and knew we were near the trigger and that it was about to happen but they still did not say they were going to do it or let it go through. We were at the same number last year and the mechanism didn't trigger. It was odd that it did this time. We need a Minimum a week's notice. DAS were probably more appropriate for the wing fishery and you have a certain number of days to get your gear out of the water or move it. Either way, proper notice is better and not 24 hours to get it done. It makes no sense. A high school student with a spreadsheet could have told me this in October that this was going to happen. And for some reason we get 20 hours notice, it makes no sense at all.
- Mike Grimshaw – I got a question about the discards, when you cut the wings off and you have to throw the carcasses off.

- You can bring the wings in but they're supposed to be accountable as part of the weight. They need to be part of the barrel of skates or I can throw the carcasses in the barrel too
- Walt Anoushian - Wing weights convert up to the whole weight. You can have both bait and wings if you're under the weight of the whole weight equivalent of the wing limit.
- Glen Westcott, Ocean state – We are in favor of having a tier. I want to see my license worth more for the 30 something or more years that we've done just bait and all the history that we have. I don't want to see a limit on new entrants. I want to see if it's not the big one if it's not like something where I can go catch a big amount with I still want people to be able to catch like 15 barrels of bait or something like that. It's not going to shut down anything. I guess I'm in favor of limited access.
- Dan Nordstrom – I would like to see limited access using existing control dates. We're not interested in any catch shares or species specific management. I was curious, can you move forward if the skate wings don't come up can the bait skate move ahead?
- Pete – the management uncertainty buffer takes 25% off the bat and it's unutilized skates. I'm in a position right now where I have 1 boat fishing and 3 offshore lobster boats and we're dependent on bait. 90% of our fishery uses bait. Basically with no warning at all we were told that we weren't going to have bait. I can't tie 3 boats up for 3 months because someone hasn't talked about how much skate we're allowed to have. Someone has to open up 25% of that skate because we're not quite sure about it. It doesn't work whatsoever. This is hundreds of thousands of dollars. In compensation it might not be as important to you as it is to be but it needs to be addressed.
- Al – I can't wrap my head around the bait discards being tied to the wing fishery and not having the data for the sate bait fishery. From everything I understand there are very few dead discards in the bait fishery. I've bought barrels of boats off a day dragger and 2 hours later they're still alive in the barrel. I couldn't see there being a high degree of dead discards. I think you should look at that too and separate it from the wing fishery. The dead discards come right off the top. If you eliminate that 43% alone, we wouldn't be sitting here today everybody would be back fishing. I think you really have to address that and look into that real seriously. You need to come up with a new scheme for that.
- Todd Sutton – Skate are unbelievably resilient they are. We have literally stuck them through the gullet the cartilage and if you didn't cut them they're back there 4 days later and they're still alive with a string through them. I know for a fact that those discard rats, I don't know how we get there but obviously it's going to have to be through some studies working with some people at NOAA to get these discard rates down. That 43% and if it's just a fall back measure because you don't have good data, 50%, those numbers are way off base for those discard rates.

- Pre conveyor, 25 years ago, everyone was picking them with no water on deck. Now you're flooding the deck to feed the conveyor. 99 percent of what they're catching for bait is going in the barrel. We can rip them.
- The management uncertainty of 25%. The uncertainty would be both ways so it would be lower too so it's actually a 50% swing that's there. I just can't see that. Uncertainty can go both ways. It could be too low also. It could be 25% too high, it could be 25% too low so there's 50% uncertainty swing.
- Todd Sutton – SSC can be pretty conservative, they err on the side of caution. From my history of seeing what they do it's usually very much on the conservative side.
- Andrea Incollingo – I am all for limited access skate bait permit. The bait company in PJ. I wrote a whole thing but mostly in light of particularly what's happened just now I don't ever want to see this happen to us again. The harvesting end is experiencing a huge loss of income. This time of year is difficult at best with weather and when we have the opportunity of decent weather and then we get this thrown at us. This has been really hard to be unable to capitalize on the decent weather lately for the first time in 33 years. I remember Februarys standing at the dock looking at these ghost white vessels just completely shrouded in ice in the harbor half frozen. We were standing out here recently in short sleeves doing nothing. This is just ludicrous right now. I don't understand the 30% reduction that the overall quota took. Exactly why it happened I can't remember. One of the first things at the webinar – both winter skate or little are not overfished. SNE doesn't have thorny or smooth or rosette and a hint of clearnose. Predominately, little and winter. Barndoor is not overfishing, winter and little are both not overfished, it's the more northern skate that still seem problematic. When we were given that notice the number we were reduced to we hadn't hit the previous year we hadn't hit so we felt OK. But not much room for expansion. I don't ever want to be here again. My point is that I'm all for LA although I've never been a LA proponent in the past. I do believe we could develop a multi-tiered permit structure to address more than just those who qualify. I want to adhere to the 2009 control date. I've been an advisor since the beginning. We asked for that control date after seeing how other fisheries were going. We didn't want sectors but we knew that there was a risk of a derby style fishing. Once that became a finite number we knew we needed to protect our vested interest. Those guys who had steered away from fishing, to doing cusk or hake. They said if I supply you with bait skate can you give me a year round market. This is years in the making. These guys who have devoted their time and effort to this and helping the lobster end of it. I want them to be protected. I don't like that they're sitting around not supplying me and lobster customers. These lobster guys are a huge economic generator. We're a big part of it. Lobstermen do not go without bait. Here we are twiddling our thumbs at this time of year. It could be a lucrative or productive to weather whatever storms come the rest of the year. Jan – Mar are questionable because of weather, not because we don't have available quota. So LA is absolutely warranted. A multi-tiered permit structure could be hashed out and accommodate people who have participated over the years. I want to see the 2009 control date held for the category A top category for skate bait harvest.
- F/V Emilia Rose – seems like there's a lot more skate around to me. Is there any way we can separate northern and southern fisheries. If that's what's stopping us and we're a big skate area, is that possible to get us more quota? You can't set a net without catching skate and I don't care where you go you will catch skates.

- You're supposed to look at social or economic impacts. I've been in it for decades and haven't seen it yet. It is normally impacted on direct guys and also affecting lobster fishermen. It's almost impossible to get lobster bait so it's one aspect that never gets looked at. I think it's absurd. It's in the Magnusson act. There was a committee that was set up years ago. You really have to look at it. It's a hell of an economic impact and also for the lobster guys too. It doesn't get looked at.
- Andrea Incollingo – I agree. We're supposed to be equally considered with the fish.
- I talked to individual in both fishery and they said they would favor limited access but would want to go for a tiered system.