

# **Northeast Skate Complex Fishery Management Plan**

## **Amendment 5 Supplemental Scoping All Comments**



**January/February 2021**

- Oral comments (page 2)
  - January 21, 2021 scoping meeting
  - February 8, 2021 scoping meeting
- Written comments (page 8)



## 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*

### **Amendment 5 to the Northeast Skate Complex FMP Public Scoping Meeting Summary**

Webinar

January 21, 2021

**Hearing Officer:** Matthew McKenzie, Skate Committee Chair

**Council Staff:** Rachel Feeney (Skate Plan Coordinator), Jenny Couture, Lou Goodreau

**Attendance:** 23 on the webinar

The meeting began at 3:30 pm. Dr. McKenzie, Skate Committee Chair, welcomed attendees and provided opening comments about Amendment 5 to the Northeast Skate Complex Fishery Management Plan (FMP). He explained that this was the first of two public scoping meetings being held and is an opportunity for to identify management issues and develop alternatives for the wing and/or bait skate fishery for Amendment 5. Dr. Feeney of Council staff provided an overview of Amendment 5 including details on why the Council is scoping again, the Council-approved problem statement, goals, and types of measures for achieving goals, and questions to consider about limited access and other potential management measures. Following an opportunity for questions on the presentation, Dr. McKenzie opened the meeting for public comment.

**Maggie Raymond - Associated Fisheries of Maine:** Ms. Raymond requested some information and data: 1) history of possession limits and 2) landings by gear type from the beginning of the skate plan in 2003 through the most recent fishing year, like Table 26 in the Discussion Document. Staff referred her to Tables 21 and 22 of the Discussion Document for the history of possession limits and noted that the Skate PDT is developing more gear data for the document.

Ms. Raymond explained that her hunch is, at the beginning of the skate plan in 2003, skate trawl participation was higher because of the higher possession limits, that once the possession limits were lowered to 5,000 lb (or lower), participation by trawl vessels declined and shifted towards the gillnet fleet. She feels that the low skate possession limits are not economical for most trawl vessels to participate, which goes against the idea that there will be an influx of groundfish boats entering the skate fishery. Additional gear data by fishing year would be helpful.

**Scott MacAllister - Chatham, MA; Skate Advisor; wing fishery:** A lot of younger fishermen in RI are concerned about the control dates, any change in regulations, and being displaced from the fishery as some recently made the investment to purchase vessels. Some fishermen are entering, and others are leaving the fishery; any rule change that would increase the value of permits for the fishermen who are retiring would be unfair for those just entering the fishery. It would be unfair if recent entrants became shut out and then had to buy their way back in at a high price.

**Dan Nordstrom - RI; Skate Advisor; bait fishery:** Most people in the RI area want to keep the bait skate control date, because this was established years ago to prevent overfishing. We have been working closely with the lobster fishery, already have three seasons, and we have been doing this for a long time.

**Patrick Duckworth - Point Judith, RI; wing gillnet fishery:** I have never seen a graph of how many skate wings are landed on a monkfish day at sea (DAS) versus a groundfish DAS. Monkfish and skate

fishing go hand in hand, so the control dates for both need to be consistent, otherwise there will be a huge skate discarding problem if skate wings cannot be landed. How is a directed skate fishery defined, fishermen that are harvesting monkfish? Are folks that are catching skates on a monkfish DAS considered directed skate fishing? The skate fishery is already a limited access fishery because you cannot land more than the incidental limit unless you are fishing under a groundfish or monkfish DAS. I hate seeing people like the younger guys get pushed out of the fishery and I also do not want to see the guys who have been fishing for a while not be able to land skate wings if fishing with a monkfish permit. Whoever has a federal monkfish permit should automatically be able to get a skate limited access permit if limited access goes forward.

**Greg Duckworth - Point Judith, RI; wing gillnet fishery:** Anyone who is gillnet fishing for monkfish will come across skates and vice versa. If the price is too low then skates are discarded. People made different choices over the years and I would rather catch skate in state waters to avoid using a federal permit. If the control date includes years in which I do not have landings, then that is not right. Anyone with a valid monkfish permit that landed monkfish and qualified for that permit have caught skates and should not be pushed out of the fishery, otherwise there will be a huge discard problem. People make different choices based on circumstances; I used to fish lobster but then switched to something else when there was an oil spill, and those were the control dates chosen for the lobster fishery. Any legitimate federal monkfish permit holder should be grandfathered in for the skate wing fishery. There are no more doors to open. I am not at liberty to comment on the bait fishery.

**Greg Mataronas - MA; Skate Advisor; gillnet fishery primarily targeting monkfish, wing fishery:** I go back and forth whether we need limited access. Maybe the intermediate possession limit suggestion would avoid triggering the incidental limit in March or April. I agree with others that we cannot affect other fisheries; we very rarely hit the monkfish possession limit first, it is usually the skate limit. I do not think gear modifications should be pursued when targeting monkfish as most monkfish fishermen use at least 12" mesh (some use 14" mesh) to better target monkfish, thus they are not catching smaller skates. Separate TALs for the wing fishery segment could complicate enforcement and there is no real directed wing fishery so not sure what will happen if this goes forward. If limited access does happen, tiers are not the way to go; I do not want to affect other fisheries with a skate limit and limit what a vessel does when fishing for monkfish. Allowing future participation and blocking people out of the fishery are contradictory. I do not see an issue with accumulation limits as I can only fish one boat at a time. The skate fishery is not like the crab or scallop fisheries owning multiple boats and permits; the skate fishery is a high volume, low value fishery with lower possession limits. The issue of more people entering the fishery started when skate prices were higher, but people are slowing down fishing because both monkfish and skate prices are now lower.

## Skate Amendment 5

### Public Scoping

### Webinar

### Audience List

<b>Date</b>	January 21, 2021
<b>Start time</b>	3:30 PM
<b>End time</b>	4:20 PM
<b>Number of participants</b>	23

**Skate Committee Chair:** Matt McKenzie

**Skate Council Staff (3):** Rachel Feeney, Jenny Couture, Lou Goodreau

### Participants

	<b>Name</b>		<b>Affiliation (if known)</b>
1	David	Borden	Atlantic Offshore Lobstermen's Association
	Patricia	Clay	NMFS/NEFSC; Skate PDT member
	Greg	DiDomenico	Garden State Seafood Association
	Greg	Duckworth	Skate fisherman
	Patrick	Duckworth	Skate fisherman
	Libby	Etrie	NEFMC member, Skate Committee member
	Dan	Farnham	MAFMC member, Skate Committee member
	Cynthia	Ferrio	NMFS/GARFO, Skate PDT member
	Heidi	Henninger	Atlantic Offshore Lobstermen's Association
	Andrea	Incollingo	Skate fishery shoreside support, Skate AP member
10	Jeff	Kneebone	New England Aquarium, Skate AP member
	George	Lapointe	George Lapointe Consulting LLC
	Scott	MacAllister	Skate fisherman, Skate AP member
	Greg	Mataronas	Skate fisherman, Skate AP member
	Tom	Nies	NEFMC staff
	Dan	Nordstrom	Skate fisherman, Skate AP member
	Scott	Olszewski	RI DEM, NEFMC designee, Skate Committee member
	Janice	Plante	NEFMC staff
	Maggie	Raymond	Associated Fisheries of Maine
	Dan	Salerno	NEFMC member, Skate Committee member
20	Eric	Schneider	RI DEM, Skate PDT member
	Stephanie	Sykes	Cape Cod Fishermen's Alliance
	Samantha	Werner	NMFS/NEFSC, Skate PDT member
	Kelly	Whitmore	MADMF, NEFMC designee, Skate Committee member



## 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*

### **Amendment 5 to the Northeast Skate Complex FMP Public Scoping Meeting Summary**

Webinar

February 8<sup>th</sup>, 2021

**Hearing Officer:** Dr. Matthew McKenzie, Skate Committee Chair

**Council Staff:** Dr. Rachel Feeney (Skate Plan Coordinator), Jenny Couture, Lou Goodreau

**Attendance:** 20 on the webinar

The meeting began at 4:00 pm. Dr. McKenzie, Chair of the Skate Committee, welcomed attendees and provided opening comments about Amendment 5 to the Northeast Skate Complex Fishery Management Plan (FMP). He explained that this was the second of two public scoping meetings being held and is an opportunity for the public to identify management issues and develop alternatives for the wing and/or bait skate fishery for Amendment 5. Dr. Feeney of Council staff provided an overview of Amendment 5 including details on why the Council is scoping again, the Council-approved problem statement, goals, and types of measures for achieving goals, and questions to consider about limited access and other potential management measures. Following an opportunity for questions on the presentation, Dr. McKenzie opened the meeting for public comment.

**Kevin Wark—Barnegat Light, NJ; skate wing fisherman also representing Viking Village, Inc.:** I am a full-time commercial fisherman with 40 seasons and a New Jersey Marine Fisheries Council member. Today, I am representing Viking Village, Inc. with 34 vessels, 8-10 of which participate in the skate wing fishery. We support limited access and plan to write a comment letter. Harvesting skate wings, as part of the monkfish fishery, is labor intensive and there are a lot of winter skates here. The biggest problem is that people are coming into and out of the fishery that are not full-time, because the fishery is open access. The fresh and Canadian markets are only so big and there is a high cost to truck skates to the processors in New England. We have trouble using skates properly. It leads to discards when the price isn't high enough. Winter skates come close to shore leading to sturgeon and other protected resource interactions; an open access fishery with high limits is not great. We catch more skates for less, but when the volume decreases, we do better economically.

Mr. Wark asked a clarifying question on the 12-inch gillnet mesh size measure and the rationale for considering it, stating that he worked with the Northeast Fisheries Science Center testing 13-inch mesh size in over 300 days of field tests to reduce sturgeon bycatch, and it did catch less winter skate while retaining monkfish. Staff clarified that the Council was considering increasing the current gillnet mesh size from 10" to 12" and is seeking comment on that idea through this scoping process. Mr. Wark noted that his latest treatment was a 13" mesh to reduce sturgeon bycatch, also raising the mesh and adjusting tie down to reduce vertical height, and we used a telemetry array of the Delaware coast. It reduced winter skate and retained monkfish. We have some science on that. We used 10-inch mesh size where the skates bounced off the net, but the monkfish catch was sub-par.

**Bonnie Brady – Long Island Commercial Fishing Association:** I plan on submitting written comments but remember the original scoping meetings in Montauk and Shinnecock. The main thought then was to continue allowing open access. With the fishery so labor intensive, those that choose to give it a shot

should have the ability to do so. There was concern that those who recently started in the fishery may be closed out under limited access.

**David Leveille – Sector manager for Northeast Sector 2 and 6, representing over 40 vessels, mostly draggers with a few gillnet and hook vessels, mainly targeting groundfish in the Northeast:** Sectors 2 and 6 are opposed to any tiered type or limited entry program to manage the fishery. We believe the Council's scoping documents have not identified any overfishing problem based on landings over the last several years. The fear that vessels will shift to skates because of increased restrictions on the groundfish fishery holds no merit. This would have already happened. The Northeast groundfish vessels do not survive targeting skates; it's purely a bycatch of their fishing activity, with the majority of skates used as a food source. Taking the bycatch away from the fishery serves no purpose in better management. The fishery should be managed as a whole, not by eliminating participants. Many of the potential approaches would seem to favor one harvesting sector over another. We favor preserving access to the fishery consistent with its historical participation.

**Kevin Wark:** The vessels from Viking Village understand people's plight in this business. We do not want to displace anyone fully. That is not our goal. Our thought was to make enough on skates where we don't have to discard them and so we can concentrate on monkfish. It would be nice for skates to have more value so people would be more willing to keep skates. We don't want to catch more for less. No one should be displaced from the fishery, but we would need a tiered system or some protection to continue landing skate wings in the monkfish fishery in the future.

## Skate Amendment 5

### Public Scoping

### Webinar

### Audience List

<b>Date</b>	February 8, 2021
<b>Start time</b>	4:00 PM
<b>End time</b>	4:35 PM
<b>Number of participants</b>	20

**Scallop Committee Chair:** Matt McKenzie

**Council Staff (3):** Rachel Feeney, Jenny Couture, Lou Goodreau

### Participants

	<b>Name</b>		<b>Affiliation (if known)</b>
1	Bonnie	Brady	Long Island Commercial Fishing Association
	Patricia	Clay	NMFS/NEFSC, Skate PDT member
	Libby	Etrie	NEFMC member, Skate Committee member
	Dan	Farnham	MAFMC member, Skate Committee member
	Cynthia	Ferrio	NMFS/GARFO, Skate PDT member
	James	Fletcher	United National Fisherman's Association
	Melanie	Griffin	MADMF, NEFMC designee
	Jeff	Kneebone	New England Aquarium, Skate AP member
	David	Leveille	Northeast Multispecies Sectors 2 and 6
10	William	McCann	Skate fisherman, Skate AP member
	Drew	Minkiewicz	Fisheries Survival Fund
	Scott	Olszewski	RI DEM, NEFMC designee, Skate Committee member
	John	Pappalardo	NEFMC member, Skate Committee member
	Maggie	Raymond	Associated Fisheries of Maine
	Dan	Salerno	NEFMC member, Skate Committee member
	Stephanie	Sykes	Cape Cod Fishermen's Alliance
	Kevin	Wark	Skate fisherman, Viking Village
	Samantha	Werner	NMFS/NEFSC, Skate PDT member
	John	Whiteside	Skate AP member
20	Kelly	Whitmore	MA DMF, NEFMC designee, Skate Committee member

## **ASSOCIATED FISHERIES OF MAINE**

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PO Box 287, South Berwick, ME 03908

February 10, 2021

Mr. Thomas Nies, Executive Director  
New England Fishery Management Council

VIA ELECTRONIC MAIL

Dear Tom:

"Northeast Skate Complex Amendment 5 Scoping Comments"

The original skate fishery management plan (FMP) describes the skate fishery as follows (emphasis added).

"Skates are harvested in two very different fisheries, one for lobster bait and one for wings for food. The fishery for lobster bait is a more historical and directed skate fishery, involving vessels primarily from Southern New England ports that target a combination of little skates (>90%) and, to a much lesser extent, juvenile winter skates (<10%). The wing fishery is a more incidental fishery that involves 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."

### **Current and Potential access to the skate resource:**

The skate FMP description of the fishery is now outdated as the food (wing) fishery has developed into a "directed fishery" prosecuted primarily by vessels using gillnet gear. (See table 26, page 45, Amendment 5 discussion document.) Gillnet gear is responsible for 81% of the food (wing) skate catch.

In the context of concerns about increased participation or overcapacity in the fishery, the ability to effectively "target" skates as a food (wing) directed fishery is now unique to day vessels. The early years of the FMP provided for a possession limit of 10,000 pounds for trips less than 24 hours and 20,000 pounds for trips greater than 24 hours (Table 1, page 40, Amendment 5 discussion document). Currently the plan provides the same possession limit, regardless of trip length, giving day vessels a competitive advantage as compared to vessels making multi-day trips. We suspect that the gillnet fishery described in Table 26 (Amendment 5 discussion document) is prosecuted primarily on single day trips. Therefore, it would be useful to know the number of permitted gillnet vessels that currently do not participate in the skate fishery to gauge potential new entrants.

### **Improve skate data, leading to improved assessments:**

The skate fishery has been considered "data poor" since the inception of the plan in 2003. The Council has taken the position in other fisheries that improved monitoring will improve assessments.



Gillnet vessels targeting skates under the monkfish DAS program are not subject to monitoring beyond NEFOP (unless enrolled in a groundfish sector). Gillnet vessels targeting skates under the groundfish DAS program, using 10" mesh, are exempt from the sector monitoring requirements if they fish in broad stock areas 2 (inshore Georges Bank) and 4 (Southern New England). Multispecies FW55 final rule justifies the exemption by stating: "majority of catch on these trips is of non-groundfish stocks such as skates, monkfish, and dogfish, with minimal or no groundfish catch" (emphasis added).

**Types of measures under consideration:**

Limited entry is not the appropriate mechanism for preventing the incidental trip limit from being triggered. We encourage the committee to make structural changes to the possession limit, and its timing, to avoid the incidental limit being triggered.

We again question the Council's decision to proceed with a limited entry program for the skate fishery where there is no evidence of overcapacity and because the fishery is currently managed sustainably. Furthermore, the skate food (wing) fishery is already controlled by a "de facto" limited entry program under the groundfish, scallop, and monkfish FMPs. Open access in the skate fishery is limited to the bait component.

The draft qualification criteria described in 4.1 of the Amendment 5 discussion document, if adopted, would reduce the number of active vessels in the food (wing) fishery from 262 in 2019 (table 12, page 27, Amendment 5 discussion document) to somewhere between 7 and 105 vessels (table 2, page 13, Amendment 5 discussion document). If the Council insists on developing a new limited entry program for the food (wing) fishery, we urge the Committee to justify such radical reductions in the number of permitted vessels, and to develop more qualification alternatives.

We support monitoring requirements beyond those required by NEFOP/SBRM for groundfish/monkfish vessels not subject to the high accountability of groundfish sectors, as well as reconsideration of the current exemptions from sector monitoring for vessels targeting skates.

We support the objective to "preserve, to the extent possible, ongoing participation in the fishery consistent with how past utilization has occurred". The groundfish trawl fishery plays no role in "tripping the incidental possession limit" and access for these vessels should be preserved.

Sincerely,

*M. Raymond*

Maggie Raymond, Executive Director



## ATLANTIC OFFSHORE LOBSTERMEN'S ASSOCIATION

Grant Moore, President  
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David Borden, Executive Director  
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February 3, 2021

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

Dear Tom,

I'm writing on behalf of the Atlantic Offshore Lobstermen's Association to provide comments toward the Northeast Skate Complex FMP Amendment 5 supplemental scoping. As the record demonstrates, the Association testified in support of recently implemented Frameworks 4 & 6 which have reduced the risk of triggering accountability measures, however we believe further action is needed. Given the Association's interest in a reliable bait supply we support the adoption of additional measures to reduce the risk of triggering the existing incidental possession limits, which act as de-facto bait fishery closures. This is particularly important given recent declines in other bait sources leading to greater reliance on skates and alternative baits.

Year round access to bait is critical, therefore we suggest measures be implemented that spread out quota throughout the season and avoid seasonal interruptions. The incidental limit has been triggered on five occasions, with very disruptive consequences for the bait supply, and indirectly the lobster/Jonah crab fishery, which relies on both whole bodies and processed skates as bait, depending on target species and timing of the fishing operation. For example, when the directed monkfish/skate bait fixed gear fishery ceased operations for weeks in the winter/spring due to skate possession limits. They could not justify the cost of fishing based solely on monkfish catch.

We have concerns about the high level of discards in various fisheries in past years and the accelerating rate of landings in the summer and fall. Should these trends continue they will surely again have negative impacts on the directed monkfish/skate bait fishery. Although the Association does not offer specific management recommendations, we urge the Council to develop a full range of measures, including a limited access alternative, that allow each component of the fishery to sustainably harvest skate resources throughout the year without market interruptions.

Thank you for your consideration of our comments.

Sincerely,

David Borden  
Executive Director

-----Original Message-----

From: maxwell lucarelli <[maxslucarelli@gmail.com](mailto:maxslucarelli@gmail.com)>

Sent: Friday, February 12, 2021 1:28 PM

To: comments <[comments@nefmc.org](mailto:comments@nefmc.org)>

Subject: "Northeast Skate Complex Amendment 5 Scoping Comment"

I've been fishing for the better part of my life. I currently own a small lobster permit. With high costs to get into the lobster industry, to make a living to support and family I looked to gillnetting which is what I grew up doing. With a low cost to get into and an opportunity to make a living to support a family I bought a multi species permit. When I learned that permit could be rendered useless to me I was distraught. It seems to be the best way to get young fisherman into the industry. With older guys getting out of the industry and younger guys getting into it I don't believe it is necessary to go limited access. I also believe with all the talk of grant money to help develop young fisherman that it would be silly to pass this amendment and put some of us out who are working hard to make it. I am a young fisherman that will employ young fisherman. I can understand why there would be guys pushing for this amendment but at this time it doesn't seem as if the skate population is in danger if the regulations stay they way they are. I do no believe the fishery is in danger.

Thank you

Sent from my iPhone



jean public <jeanpublic1@gmail.com>

To: comments; INFORMATION@sierraclub.org; The Pew Charitable Trusts; PETA Info; humanelines

 Reply	 Reply All	-
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Mc

public comment on federal register

the skate quotas should be cut by 50% all up and down the coast from north carolina to maine. just cut the quotas to save the species. this comment is for the public record please receipt. jean publiee jean [pubilc1@gmail.com](mailto:pubilc1@gmail.com)

-

Date: Mon, Dec 28, 2020 at 10:25 AM

Subject: comment

To: jean public <[JEANPUBLIC1@gmail.com](mailto:JEANPUBLIC1@gmail.com)>

[Federal Register Volume 85, Number 248 (Monday, December 28, 2020)]

[Notices]

[Pages 84304-84305]

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[FR Doc No: 2020-28479]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XA710]

Fisheries of the Northeastern United States; Northeast Skate  
Complex Fishery; Supplemental Notice of Intent To Prepare an  
Environmental Impact Statement and Scoping Process



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

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[www.deq.virginia.gov](http://www.deq.virginia.gov)

Matthew J. Strickler  
Secretary of Natural Resources

David K. Paylor  
Director

(804) 698-4000  
1-800-592-5482

January 13, 2021

Thomas A. Nies, Executive Director  
New England Fishery Management Council  
50 Water Street  
Mill 2  
Newburyport, MA 01950  
[comments@nefmc.org](mailto:comments@nefmc.org)

RE: Scoping Request – Northeast Skate Complex Fishery - Amendment 5

Dear Mr. Nies:

This letter is in response to the scoping request for the above-referenced project.

As you may know, the Department of Environmental Quality, through its Office of Environmental Impact Review (DEQ-OEIR), is responsible for coordinating Virginia's review of federal environmental documents prepared pursuant to the National Environmental Policy Act (NEPA) and responding to appropriate federal officials on behalf of the Commonwealth. Similarly, DEQ-OEIR coordinates Virginia's review of federal consistency documents prepared pursuant to the Coastal Zone Management Act which applies to all federal activities which are reasonably likely to affect any land or water use or natural resources of Virginia's designated coastal resources management area must be consistent with the enforceable policies Virginia Coastal Zone Management (CZM) Program.

### DOCUMENT SUBMISSIONS

In order to ensure an effective coordinated review of the NEPA document and federal consistency documentation, notification of the NEPA document and federal consistency documentation should be sent directly to OEIR. We request that you submit one electronic to [eir@deq.virginia.gov](mailto:eir@deq.virginia.gov) (25 MB maximum) or make the documents available for download at a website, file transfer protocol (ftp) site or the VITA LFT file share system (Requires an "invitation" for access. An invitation request should be sent to [eir@deq.virginia.gov](mailto:eir@deq.virginia.gov)). We request that the review of these two documents be done concurrently, if possible.

The NEPA document and the federal consistency documentation (if applicable) should include U.S. Geological Survey topographic maps as part of their information. We strongly encourage you to issue shape files with the NEPA document. In addition, project details should be adequately described for the benefit of the reviewers.

## **ENVIRONMENTAL REVIEW UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT: PROJECT SCOPING AND AGENCY INVOLVEMENT**

As you may know, NEPA (PL 91-190, 1969) and its implementing regulations (Title 40, *Code of Federal Regulations*, Parts 1500-1508) requires a draft and final Environmental Impact Statement (EIS) for federal activities or undertakings that are federally licensed or federally funded which will or may give rise to significant impacts upon the human environment. An EIS carries more stringent public participation requirements than an Environmental Assessment (EA) and provides more time and detail for comments and public decision-making. The possibility that an EIS may be required for the proposed project should not be overlooked in your planning for this project. Accordingly, we refer to “NEPA document” in the remainder of this letter.

While this Office does not participate in scoping efforts beyond the advice given herein, other agencies are free to provide scoping comments concerning the preparation of the NEPA document. Accordingly, we are providing notice of your scoping request the following state agencies and those localities and Planning District Commissions, including but not limited to:

Department of Conservation and Recreation  
Department of Wildlife Resource\*  
Virginia Marine Resources Commission\*

Note: The agencies noted with a star (\*) administer one or more of the enforceable policies of the Virginia CZM Program.

## **FEDERAL CONSISTENCY UNDER THE COASTAL ZONE MANAGEMENT ACT**

Pursuant to the federal Coastal Zone Management Act of 1972, as amended, and its implementing regulations in Title 15, *Code of Federal Regulations*, Part 930, federal activities, including permits, licenses, and federally funded projects, located in Virginia’s Coastal Management Zone or those that can have reasonably foreseeable effects on Virginia’s coastal uses or coastal resources must be conducted in a manner which is consistent, to the maximum extent practicable, with the Virginia CZM Program.

Additional information on the Virginia’s review for federal consistency documents can be found online at  
<http://www.deq.virginia.gov/Programs/EnvironmentalImpactReview/FederalConsistencyReviews.aspx>

## **DATA BASE ASSISTANCE**

Below is a list of databases that may assist you in the preparation of a NEPA document:

- DEQ Online Database: Virginia Environmental Geographic Information Systems

Information on Permitted Solid Waste Management Facilities, Impaired Waters, Petroleum Releases, Registered Petroleum Facilities, Permitted Discharge (Virginia Pollution Discharge Elimination System Permits) Facilities, Resource Conservation and Recovery Act (RCRA) Sites, Water Monitoring Stations, National Wetlands Inventory:

- [www.deq.virginia.gov/ConnectWithDEQ/VEGIS.aspx](http://www.deq.virginia.gov/ConnectWithDEQ/VEGIS.aspx)

- DEQ Virginia Coastal Geospatial and Educational Mapping System (GEMS)

Virginia's coastal resource data and maps; coastal laws and policies; facts on coastal resource values; and direct links to collaborating agencies responsible for current data:

- <http://128.172.160.131/gems2/>

- MARCO Mid-Atlantic Ocean Data Portal

The Mid-Atlantic Ocean Data Portal is a publicly available online toolkit and resource center that consolidates available data and enables users to visualize and analyze ocean resources and human use information such as fishing grounds, recreational areas, shipping lanes, habitat areas, and energy sites, among others.

<http://portal.midatlanticocean.org/visualize/#x=-73.24&y=38.93&z=7&logo=true&controls=true&basemap=Ocean&tab=data&legends=false&layers=true>

- DHR Data Sharing System.

Survey records in the DHR inventory:

- [www.dhr.virginia.gov/archives/data\\_sharing\\_sys.htm](http://www.dhr.virginia.gov/archives/data_sharing_sys.htm)

- DCR Natural Heritage Search

Produces lists of resources that occur in specific counties, watersheds or physiographic regions:

- [www.dcr.virginia.gov/natural\\_heritage/dbsearchtool.shtml](http://www.dcr.virginia.gov/natural_heritage/dbsearchtool.shtml)

- DGIF Fish and Wildlife Information Service

Information about Virginia's Wildlife resources:

- <http://vafwis.org/fwis/>

- Total Maximum Daily Loads Approved Reports

- <https://www.deq.virginia.gov/programs/water/waterqualityinformationtmdls/tmdl/tmdldevelopment/approvedtmdlreports.aspx>

- Virginia Outdoors Foundation: Identify VOF-protected land

- <http://vof.maps.arcgis.com/home/index.html>

- Environmental Protection Agency (EPA) Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) Database: Superfund Information Systems

Information on hazardous waste sites, potentially hazardous waste sites and remedial activities across the nation, including sites that are on the National Priorities List (NPL) or being considered for the NPL:

- [www.epa.gov/superfund/sites/cursites/index.htm](http://www.epa.gov/superfund/sites/cursites/index.htm)

- EPA RCRAInfo Search

Information on hazardous waste facilities:

- [www.epa.gov/enviro/facts/rcrainfo/search.html](http://www.epa.gov/enviro/facts/rcrainfo/search.html)

- EPA Envirofacts Database

EPA Environmental Information, including EPA-Regulated Facilities and Toxics Release Inventory Reports:

- [www.epa.gov/enviro/index.html](http://www.epa.gov/enviro/index.html)

- EPA NEPAassist Database


Facilitates the environmental review process and project planning:

<http://nepaassisttool.epa.gov/nepaassist/entry.aspx>

If you have questions about the environmental review process and/or the federal consistency review process, please feel free to contact me (telephone (804) 698-4204 or e-mail [bettina.rayfield@deq.virginia.gov](mailto:bettina.rayfield@deq.virginia.gov)).

I hope this information is helpful to you.

Sincerely,



Bettina Rayfield, Program Manager  
Environmental Impact Review and Long-Range Priorities





## COMMONWEALTH of VIRGINIA

*Marine Resources Commission*  
380 Fenwick Road  
Bldg 96  
Fort Monroe, VA 23651-1064

Matthew J. Strickler  
Secretary of Natural Resources

Steven G. Bowman  
Commissioner

January 29, 2021

New England Fishery Management Council  
Attn: Thomas Nies  
50 Water Street, Mill 2,  
Newburyport, MA 01950  
comments@nefmc.org

Re: Scoping Request - Northeast Skate Complex Fishery -  
Amendment 5

Dear Mr. Nies,

This will respond to the request for comments regarding the supplemental notice of intent to prepare an environmental impact statement regarding the Northeast Skate Complex Fishery - Amendment 5, prepared by NOAA National Marine Fisheries Service. We reviewed the provided documents and have coordinated with the Fisheries Management Division at the Virginia Marine Resources Commission (VMRC). At this time we have no comments on the proposed notice.

Please be advised that the VMRC, pursuant to §28.2-1200 et seq of the Code of Virginia administers the enforceable policies of fisheries management, subaqueous lands, tidal wetlands, and coastal primary sand dunes and beaches which comprise some of Virginia's Coastal Zone Management Program. Should the proposed notice change, a new review by this agency may be required relative to these jurisdictional areas.

If you have any questions please contact me at 757-247- 2251 or by email at [randy.owen@mrc.virginia.gov](mailto:randy.owen@mrc.virginia.gov). Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in blue ink, appearing to be "Randy Owen".

Randy Owen  
Deputy Chief, Habitat Management Division

RDO/tlb  
HM