

Northeast Skate Complex Fishery Management Plan Amendment 5 Summary of Scoping Comments (from initial and supplemental scoping periods)



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with input from the
Northeast Skate Complex Plan Development Team**

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1.0 INTRODUCTION

The New England Fishery Management Council (NEFMC) first conducted scoping for Amendment 5 in early 2017 to address concerns that increasingly strict regulations in other fisheries might cause fishermen to shift effort into the open access skate fishery. This could cause the fishery to use its quota quickly, trigger reduced skate possession limits, or have negative economic impacts on current participants. To prevent this, the Council has been considering implementing limited access for the skate fishery. The comments from that initial scoping period were summarized in a March 20, 2017 Skate Plan Development Team memo and presented to the Council in April 2017. Through the process of developing a problem statement, goals, and objectives of this action, the NEFMC decided in September 2020 to expand the scope of Amendment 5 to consider other measures that may prevent the triggering of incidental skate possession limits, improve the precision and accuracy of fishery data, and better define skate fishery participants.

The NEFMC held a supplemental scoping period, accepting written and oral comments on this action, which began on January 11, 2021 and closed on February 12, 2021. Two public scoping meetings were held via webinar, moderated by the Skate Committee chairman and supported by NEFMC staff. All written (letters and emails) and oral comments (summary and audio recordings) are available for review by the NEFMC and public.

This report summarizes the demographics of commenters and the key themes of their statements from both the initial and supplemental scoping periods. All comments received during the initial and supplemental scoping comment periods are summarized, including the written comments and summaries of each hearing that contain close (but not exact) transcriptions of the oral comments. Excerpts from comments are included to help capture the flavor of the themes that have been identified. Comment synthesis methods are described in Section 4.0.

This report does not respond to the comments. This summary is not intended to be a substitute for the comments received – interested parties should consult the full text of the scoping meeting summaries and written comments, which are available at this link: <https://www.nefmc.org/library/amendment-5-3>.

2.0 DESCRIPTION OF COMMENTERS

Supplemental Scoping Period

Oral Commenters

The total attendance at the two scoping meetings was 52, including people who attended more than one meeting; 37 unique people participated in the meetings. Of these, 17 people were attending in “listen-only” mode, either as NEFMC or MAFMC members or designees, NEFMC staff, or other Skate PDT members. Twenty members of the public attended and nine provided a comment (Table 1). Oral comments were received from six people representing themselves or their business (66%) and three people representing fishing organizations (33%).

Table 1. Supplemental Scoping hearing webinar attendance

Webinar date	Total Attendees	NEFMC & MAFMC members or designees	NEFMC staff	Other skate PDT members	Members of the public	
					Attended	Spoke
January 21	28	6	5	4	13	6
February 8	24	8	3	3	10	3
Total^a	37	8	5	4	20	9

^a Duplicates removed.

Written Commenters

There were six written comments (letters and e-mails) received during the scoping period. There were two written comments from individuals or businesses and two from fishing organizations. There were also two from the Commonwealth of Virginia, indicating that it has no substantive comments on Amendment 5 currently but provided information sources that may be helpful in developing this action. Thus, these letters are not considered further in this summary, which focuses on the stakeholders providing substantive comment.

Oral and Written Commenters Combined

There were 12 people who commented on Amendment 5 through 13 comments (i.e., 9 oral and 4 written, Virginia excluded). Of the 12 commenters, 6 (50%) had also commented during the initial scoping period (Table 2). Note, some comments were given by people who represent businesses or organizations, and the total number of people those businesses or organizations represent cannot be determined. Of the 12 commenters, eight people submitted just oral comments, three people submitted just written comments, and one person submitted both, the only person to comment more than once (i.e., spoke at a meeting and submitted a letter).

The 12 commenters represent multiple stakeholder types (Table 2). In all, eight people commented on behalf of themselves or a business and four commented on behalf of an organization (Table 3). The seven commenters who indicated they were skate fishermen fell into three sub-categories, those: 1) landing skate wings, 2) landing skate bait, and 3) those whose landing disposition could not be determined. Commenters were from six states (Table 4), primarily Massachusetts (33%) and Rhode Island (25%). Home state could not be identified for one commenter (8%).

Comparison with Commenters During Initial Scoping Period

Combining comments from both scoping periods, 55 people commented on this action. About four times as many comments were received during initial versus supplemental scoping. During initial scoping (early 2017), there were six scoping meetings held (one via webinar) and 32 people provided oral comments. There were also 17 written comments received, including one from Virginia which also indicated that it had no substantive comments on Amendment 5 (and is again excluded from this summary). There were

49 people who commented during initial scoping (Virginia excluded), and of these, three commented on behalf of an organization and 46 on behalf of themselves or a business (Table 3). Of the 49, 36 were skate fishermen (five bait, seven wing, three bait and wing, 21 undetermined), two were lobstermen, one was from a shoreside support business, two were scientists, two were other interested public, and the affiliation of five could not be determined. Commenters were from seven states (Table 4), primarily Massachusetts (24%) and New York (20%). Home state could not be determined for 10 commenters (20%).

Table 2. Primary stakeholder type of commenters

Primary stakeholder type	Initial Scoping		Supplemental Scoping				Grand total
	Total	Comment in supp. scoping	Total	Oral only	Oral & written	Written only	
Lobster fishery	2	0	0	0	0	0	2
Skate fishery - wing	17	2	5	5	0	0	20
Skate fishery - bait	7	1	1	1	0	0	7
Skate fishery – wing and bait	5	0	0	0	0	0	5
Skate fishery – unknown	6	0	1	0	0	1	7
Fishing organization	3	2	4	2	1	1	5
Shoreside support services	1	0	0	0	0	0	1
Scientist	2	0	0	0	0	0	2
Other interested public	1	1	1	0	0	1	1
Unknown	5	0	0	0	0	0	5
Total commenters	49	6	12	8	1	3	55

Table 3. Organizations that commented

Organization	Initial Scoping	Supplemental Scoping
Associated Fisheries of Maine	√	√
Atlantic Offshore Lobstermen’s Association		√
Long Island Commercial Fishermen’s Association		√
Northeast Fisheries Sectors II and XI		√
United National Fishermen’s Association	√	

Table 4. Home state of commenters

State	Initial Scoping		Supplemental Scoping			Grand total
	Number of commenters	% of total commenters	Number of commenters	% of total commenters	Comment in initial	
ME	1	2%	1	8%	1	1
NH	1	2%	1	8%	0	2
MA	12	24%	4	33%	1	15
RI	8	16%	3	25%	1	10
CT	2	4%	0	0%	0	2
NY	10	20%	1	8%	1	10
NJ	5	10%	1	8%	1	5
Unknown	10	20%	1	8%	1	10
Total	49	100%	12	100%	6	55

3.0 CONTENT OF COMMENTS

At the time of initial scoping, the Skate PDT did not conduct a thematic analysis to the level of detail as provided here, but it was determined that there was mixed support for limited access, with no discernable trend among bait and wing fishermen or by geography or other affiliation. The written comments suggested a slight preference for limited access; however, the spoken comments indicated more opposition to limited access. Stock status and abundance were a factor in several public comments. If the quota were to increase, then some participants felt there would be less need for limited access. Some comments supported updating the bait control date. Here, the PDT has included the original scoping comments into the current thematic analysis for comparison.

The initial comment period was held in early 2017, which coincided with a period when the fishery was under incidental limit restriction due to nearing Total Allowable Landing Limits (see Discussion Document, Section 5.6.1.3 for details). Concern about the incidental limits came through many of the initial scoping comments. This concern persisted through the supplemental scoping comments as well, but to a lesser degree.

3.1 GENERAL OBSERVATIONS

Commenters articulated several general observations about the skate fishery. Table 5 provides most of the topics, indicating the number of individuals and organizations commenting on each.

Table 5. General observations about the skate fishery

Observation	Initial	Supplemental
There is not a biological need for action	1 (g)	2 (g), 1 (s)
Overcapacity is not a problem	1 (g)	2 (g), 2 (s)
Effort is decreasing in the fishery	3 (s)	
Potential for increased effort is in the gillnet day boat fishery		1 (g)
Wing fishery has evolved into a directed fishery		1 (g)
Landings are increasing in summer and fall		1 (g)
Skates are important to the fishing portfolio		1 (g), 3 (s)
There is little uncertainty in the data	1 (ss)	
Skates have low value for the labor	2 (s)	1 (g), 1 (s)
Skates are an important bait source	2 (s), 1 (ss)	1 (g)
The bait market needs steady supply	2 (s), 1 (ss)	1 (g)
s = skate fisherman, g = fishing group, ss = shoreside support		

- “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. – *skate wing fisherman from New York (initial)*
- “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 wing gillnet fisherman (supplemental)*
- “...at this time it doesn’t seem as if the skate population is in danger if the regulations stay the way they are. I do not believe the fishery is in danger.” – *skate fisherman (supplemental)*
- “Anyone who is gillnet fishing for monkfish will come across skates and vice versa. If the price is too low then skates are discarded.” – *skate wing gillnet fisherman (supplemental)*

3.2 CONCERNS ABOUT THE FISHERY

Commenters articulated several concerns about the skate fishery. Table 6 provides most of the topics, indicating the number of individuals and organizations commenting on each.

Table 6. Concerns about the skate fishery

Concern	Initial	Supplemental
Too many skates	11 (s), 1 (ss)	
Skate abundance hindering groundfish rebuilding	1 (s)	
Catch limit reductions are not needed	1 (g), 1 (s), 1 (ss)	
Catch limits are too high	1 (o)	1 (o)
Skates discarded when limits hit	1 (g), 8 (s), 1 (ss)	1 (g), 3 (s)
Science and assessment needs improvement	1 (g), 5 (s)	
Too many vessels in the fishery	4 (s), 1 (u)	
Vessel crowding at sea	1 (s)	
Triggering incidental limits harmful	2 (s), 1 (ss)	1 (g)
Lack of communication about tracking in-season landings	1 (l), 3 (s)	
A history of shutting people out of fisheries	1 (s)	
Consolidation from catch shares	1 (g), 5 (s), 1 (ss)	
s = skate fisherman, l = lobster fisherman, g = fishing group, o = other interested public, u = unknown		

- “The current expanded population of skates stands in the way of groundfish recovery.” – *skate wing fisherman (initial)*
- “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.” – *skate bait fisherman (initial)*
- “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.” – *skate fisherman (initial)*
- “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.” – *fishing organization (supplemental)*

3.3 RANGE OF IDEAS FOR MEASURES

The original scoping for this action was focused on limited access. In September 2020, the Council approved eight types of measures are being considered for achieving the goals of this action, including limited access. Most of the initial scoping comments were focused on limited access though a few comments suggested alternate approaches as noted here.

3.3.1 Intermediate Possession Limit

“An intermediate trigger to slow the wing and/or bait fishery” is a type of measure being considered for achieving the goals of Amendment 5. During initial scoping, one skate fisherman commented on this topic. During supplemental scoping, one fisherman and one fishing organization commented on this topic.

- “...have the reduction levels kick in when the quota reaches 75%, dropping the limit to 10,000# per trip until 90% filled, then drop to 4,000 until filled.” – *skate bait fishermen (initial)*

- “Maybe the intermediate possession limit suggestion would avoid triggering the incidental limit in March or April.” – *skate wing fisherman (supplemental)*
- “...we suggest measures be implemented that spread out quota throughout the season and avoid seasonal interruptions.” – *fishing organization (supplemental)*

3.3.2 Limited Access

“Limited access for the wing and/or bait fishery, with or without tiers for different qualification criteria for permit categories” is a type of measure being considered for achieving the goals of Amendment 5.

This topic, being the focus of initial scoping, was the most commented on. During initial scoping, 19 skate fishermen and three fishing organizations stated either opposition to developing a limited access program or some concerns (Table 7). There were also 19 individuals commenting in support of limited access (14 skate fishermen). During supplemental scoping, the comments were also split, also with a few less comments in support than opposed or concerned. Across both periods and within the skate fishery, there were 22 fishermen opposed or concerned and 14 in support. Of the skate fishermen that could be identified by disposition type, comments from bait fishermen (8 total) were split on the issue and comments from wing fishermen were largely opposed (12 of 17 total). For those skate fishermen where home state could be identified, there was no strong geographic trend, but fishermen from northern states (NH – RI) had mixed support, while southern states (CT – NJ) were more opposed. Adding in the supplemental scoping, the general conclusion from initial scoping is largely unchanged.

Table 7. Comments about limited access

	Initial	Supplemental
Against or concerned		
There is not a biological need	1 (g), 5 (s)	1 (s)
Would lead to increased discards	7 (g)	1 (s)
Not needed if quota increases	1 (s)	
Overcapacity is not a problem	1 (g)	
Capacity already controlled in wing fishery	1 (g)	1 (g)
Wrong tool for preventing the incidental limit trigger		1 (g)
Would lead to consolidation	5 (s)	1(g), 1 (s)
Against permit tiers	1 (g)	
Do not exclude vessels that need incidental levels of skate	6 (s), 2 (g)	
Do not exclude young people or new entrants	12 (s)	1 (g), 4 (s)
Want fishermen to develop a limited access program	1 (s)	
General concern	2 (s)	1 (g), 1 (s)
TOTAL	3 (g), 19 (s)	3 (g), 4 (s)
Support		
Would help prevent overfishing	4 (u)	1 (s)
Fishery participation should be limited	4 (s), 4 (u)	1 (s)
Would improve market conditions	5 (s)	1 (g), 1 (s)
Supports having permit tiers	11 (s)	1 (s)
Should allow some new entrants	1 (s)	
General support	13 (s), 1 (ss)	
TOTAL	14 (s), 1 (ss), 4 (u)	1 (g), 2 (s)
s = skate fisherman, l = lobster fishery, g = fishing group, o = other interested public, u = unknown		

Table 8. Limited access comments by stakeholder type

Stakeholder type	Opposed/concerned	Support
Lobster fishery	0	0
Skate fishery – bait	4	4
Skate fishery – wing	12	5
Skate – bait and wing	2	4
Skate – unknown	4	1
Other interested public	0	0
Scientist	0	0
Shoreside support	0	1
Unknown	0	4
Fishing organization	4	1
TOTAL	26	20

Table 9. Limited access comments by state, skate fishermen only

State of skate fishermen	Opposed/concerned	Support
NH	0	1
MA	7	6
RI	1	4
CT	1	0
NY	10	0
NJ	0	3
Unknown	3	2
TOTAL	22	16

Note: not all skate fishermen commented on limited access.

Comments against or leery about developing limited access

- “Going into limited access hurts small businesses and provides no more protection for the species for which they are developed to protect.” – *skate wing fisherman (initial)*
- “If my skate permit is taken away, it will also affect my ability to fish during the winter [in Southern New England]....There would be too much discard and not enough monks to make the trips profitable – *skate wing fisherman (initial)*
- “...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.” – *fishing organization (supplemental)*
- “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.” – *skate fisherman (supplemental)*

Comments supportive of developing limited access

- “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 wing fisherman (supplemental)*
- “...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 three month shutdown which is proven to be detrimental to both the skate bait and lobster industry.” – *skate fisherman (initial)*

- “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.” – *shoreside support (initial)*
- “...consider the impact that is made by allowing vessels to freely join and leave the skate fishery. We recommend limiting access and issuing permits to prevent the overfishing of skate” – *unknown (initial)*

In addition to commenting in support or opposition to limited access, many people commented on details such as qualification periods, control dates, and other potential permit characteristics that could be developed (Table 10). Comments were split in terms of keeping the same control dates versus using more recent qualification periods.

Table 10. Qualification dates, criteria, and other considerations for limited access

	Initial	Supplemental
Qualification dates and/or criteria		
Use current control dates for qualification	5 (s), 1 (ss)	1 (s)
Extend qualification year back	1 (s)	1 (s)
Make qualification more recent	7 (s)	
Make qualification match the monkfish FMP	2 (s)	2 (s)
Against qualification criteria in DD		1 (g)
Having an incidental permit is important	2 (s)	
TOTAL	15 (s), 1 (ss)	1 (g), 3 (s)
Other considerations		
Evaluate wing and bait criteria separately	4 (s)	
Do not need accumulation limits		1 (s)
Make skate permit transferable	2 (s)	
Use a monkfish DAS to define directed fishing	2 (s)	1 (s)
Use an LOA to define directed fishing	1 (s)	1 (s)
Check IVR data for declaration history	1 (s)	
TOTAL	8 (s)	2 (s)
s = skate fisherman, l = lobster fishery, g = fishing group, o = other interested public, u = unknown		

3.3.3 Wing Fishery TALs

“Creating different Total Allowable Landing (TAL) limits for the wing fishery segments (e.g., directed and non-directed TALs)” is a type of measure being considered for achieving the goals of Amendment 5. During initial scoping, one fisherman commented on this topic. During supplemental scoping, one fisherman commented on this topic.

- “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.” – *skate wing fisherman (initial)*
- “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.” – *skate gillnet wing fisherman (supplemental)*

3.3.4 Monitoring Requirements

“Monitoring requirements for the wing and/or bait fishery beyond NEFOP/SBRM requirements” is a type of measure being considered for achieving the goals of Amendment 5. During initial scoping, there were no comments on this topic. During supplemental scoping, one fishing organization commented on this topic.

- “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).” – *fishing organization (supplemental)*

3.3.5 Restrict Switching between State and Federal Fishing

“Restrict switching between state and federal fishing for the wing and/or bait fishery” is a type of measure being considered for achieving the goals of Amendment 5. During initial scoping, there were no comments on this topic. During supplemental scoping, one fisherman commented on this topic.

- “...I would rather catch skate in state waters to avoid using a federal permit.” – *skate wing gillnet fisherman (supplemental)*

3.3.6 Gear Modifications

“Gear modifications that could reduce bycatch for the wing and/or bait fishery (e.g., 12” mesh gillnet size)” is a type of measure being considered for achieving the goals of Amendment 5. During initial scoping, there were no comments on this topic. During supplemental scoping, two fishermen commented on this topic.

- “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.” - *skate wing gillnet fisherman (supplemental)*
- “[We tested] ... 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. ...also raising the mesh and adjusting tie down to reduce vertical height, and we used a telemetry array off 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. *skate wing gillnet fisherman (supplemental)*

3.3.7 Create a Year-round Skate Permit

“Making the Federal skate permit a year-round permit for the wing and/or bait fishery” is a type of measures being considered for achieving the goals of Amendment 5. There were no comments on this topic.

3.3.8 Reporting requirements

“Additional reporting requirements for the wing and/or bait fishery (e.g., VMS declarations, daily catch reports)” is a type of measure being considered for achieving the goals of Amendment 5. There were no comments on this topic.

3.4 OTHER IDEAS FOR MEASURES

People shared ideas for other measures, primarily during the initial comment period, outside the range that the Council scoped for (Table 11).

Table 11. Other ideas for measures

	Initial	Supplemental
Related to specifications		
Catch limits - increase	11(s), 1 (g)	
Catch limits - decrease	1 (o)	1 (o)
Wing and bait TAL split - re-evaluate split	1 (s)	
Wing and bait TAL split - supports current split	1 (g)	
Split quota into northern and southern areas	1 (s)	
Increase possession limits for trip vessels	1 (g)	
Re-evaluate discard rates	2 (s), 2 (sc)	
Support an uncertainty buffer lower than 25%	1 (l)	
TOTAL	1 (l), 13 (s), 1 (o), 2 (sc), 1 (ss), 2 (g)	1 (o)
Other		
Create skate catch shares - against	7 (s), 2 (g)	
Create skate catch shares - support	3 (s)	
Create skate DAS system	3 (s)	
Species management - support	3 (s), 1 (u)	
Species specific management - against	3 (s), 1 (ss)	
Turn more discards into landings	1 (s), 1 (g)	
Decouple permits	2 (s)	
TOTAL	14 (s), 1 (ss), 1 (u) 3 (g)	0
s = skate fisherman, l = lobster fishery, g = fishing group, sc = scientist, o = other interested public, u = unknown		

3.5 OTHER COMMENTS

In the supplemental scoping document, the Council invited comments on potentially revising the goals and objectives of Amendment 5, though none were received (apart from stating opposition to certain ideas being scoped for). There were a few information requests: 1) skate landings by gear type, 2003 forward; 2) skate landings by monkfish and groundfish DAS; and 3) number of inactive skate permitted gillnet vessels. During initial scoping, scientists gave notice of a potential research project on codend mesh selectivity for skates.

4.0 COMMENT SYNTHESIS METHODS AND SOFTWARE

All comments received during both public comment periods are summarized here. This includes the written comments and summaries of each hearing that contain close (but not exact) transcriptions of the oral comments. All comments were converted into text-searchable formats and imported into a *QSR NVivo 10* project for sorting and synthesis. Within the *NVivo* project, a “person node” was created for each person or organization who signed a letter or spoke at a hearing, and these nodes were organized by stakeholder type. Each person or organization was classified by demographic attributes such as home state, stakeholder type, comment type (oral and/or written), and number of comments. Stakeholders were grouped into the following categories: skate fishery (with sub-groups based on wing and/or bait participation), lobster fishery, fishing organizations, shoreside support services, scientists, other interested public, and unknown. The text of each comment was assigned (i.e., coded) to the appropriate “person node.”

“Theme nodes” were then created for each of the types of measures that the Council approved in September 2020 (e.g., limited access, intermediate possession limits). As the comments were carefully read, text that stated support for a given idea was coded to the appropriate theme node (sub-nodes were also created). Additional theme nodes were created and coded for, such as ideas for other types of measures, general observations, and concerns or current issues facing the fishery. After all the comments were coded to persons and themes, the software was used to identify how many comments and people commenting supported a specific issue or perspective and the stakeholder type of the commenters. If a person spoke multiple times at a given hearing, that is counted as one comment. To identify the rationale for supporting a given alternative, the text coded to its respective theme node was read carefully. Tables were created that list the range of comments relevant to a given topic but are listed in no order. Direct quotes are used to capture the flavor of the comments.