



New England Fishery Management Council

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MEETING SUMMARY

Skate Advisory Panel and Committee

webinar

March 26, 2020

The Skate Advisory Panel (AP) and Committee met on March 26, 2020 at 8:30 AM via webinar primarily to develop Amendment 5 (limited access). The AP and Committee also considered updates on wind energy, 2020 skate work priorities, recent skate fishery performance and outlook, research priorities, and other business. This was the first AP meeting since the Council appointed the panel for the next three-year term (2020-2022); new AP members were welcomed, and the group reviewed AP policies. The meeting documents are at: <https://www.nefmc.org/calendar/mar-26-2020-skate-joint-advisory-panel-and-committee-meeting>.

MEETING ATTENDANCE: Skate Committee: Dr. Matt McKenzie (Chairman), Ms. Elizabeth Etrie (Vice Chair), Mr. Richard Bellavance, Ms. Laurie Nolan (MAFMC), Mr. Scott Olszewski, Mr. Mike Ruccio (GARFO), Ms. Melanie Griffin, Mr. Peter Kendall, and Mr. John Pappalardo. Advisory Panel: Mr. John Whiteside (Chairman), Mr. Greg Connors, Mr. Jeff Kneebone, Mr. Greg Mataronas, Mr. Bill McCann, and Mr. Randall Morgan (listen only). Council staff: Mr. Andy Applegate, Ms. Michelle Bachman, Ms. Woneta Cloutier, Ms. Jennifer Couture, Dr. Rachel Feeney (PDT Chairman), Mr. Lou Goodreau, Mr. Chris Kellogg, and Mr. Tom Nies. Others: Dr. John Quinn (Council Chairman), Mr. Mitch MacDonald (NOAA General Counsel), Ms. Cynthia Ferrio and Ms. Ashleigh McCord (GARFO staff), three other Plan Development Team (PDT) members, five offshore wind energy liaisons, and about seven other members of the public.

Note: The Advisory Panel did not have a quorum for this meeting. Several AP members (particularly bait fishermen) had unexpected schedule conflicts due to the current public health (coronavirus) situation.

KEY OUTCOMES:

- AP members present reiterated their support for continuing to develop limited access for the skate fishery. Several current problems were raised that they felt a limited access program could help solve.
- The Committee recommends continuing Amendment 5 and developed a problem statement and an additional objective.
- The Committee supported the PDT recommendations for updating the research priorities of the Council related to skates.

AGENDA ITEM #1: NEFMC ADVISORY PANEL POLICIES

Staff presented the AP policies of the Council and meeting ground rules. There was no discussion.

AGENDA ITEM #2: OFFSHORE WIND ENERGY UPDATES

Staff presented an overview of the status of offshore energy development particularly in Southern New England and the Mid-Atlantic, including Council initiatives/activities, and how fishermen can be involved. There were no comments from the AP, Committee or public.

AGENDA ITEM #3: 2020 SKATE WORK PRIORITIES

Staff reviewed skate-related work priorities the Council approved for 2020 with potential milestones for completion. The focus for 2020 is working on Amendment 5. There were no comments from the AP, Committee or public.

AGENDA ITEM #4: 2019 SKATE FISHERY PERFORMANCE AND OUTLOOK FOR 2020

Staff briefly presented FY 2019 fishery performance and FY 2020 specifications. The AP was given the opportunity to provide feedback on how FY 2019 is progressing and expectations for FY 2020, including what factors have influenced recent fishing activity and how (e.g., possession limits, market conditions, environment/ecosystem, species distribution); how the fishery is expecting to adjust to the FY 2020-2021 specifications; and what other factors may impact the fishery going forward.

AP members were pleased that about 75% of the FY 2019 quota had been caught, and that the fishery will likely remain open for the rest of the year. The industry is looking forward to the TAL increases in FY 2020. The skate market remains strong, but the monkfish market is weakening (relies on exports which are declining due to COVID-19), so vessels are targeting skates instead of monkfish. With the public health situation, there is less demand for bait by the lobster and crab vessels. Skate wings are being frozen or going overseas so this part of the skate fishery is not being affected. With the federal regulations (e.g., relief packages) passed recently, there is much confusion and concern, e.g., processors in any fishery with a significant portion for restaurant and hospitality have laid off a lot of workers; there is no clear indication when that market will come back.

AGENDA ITEM #5: AMENDMENT 5

The Skate Committee Chairman explained that, in December 2019, the Council approved continuing work on Amendment 5 as a 2020 work priority and tasked the Skate Committee to define a clear problem statement, goals, and objectives for this action. He also presented an example decision-making process model that starts with defining a problem to help ensure that a group is focused on the same issues and general approaches. Since it has been a few years since the Council initiated Amendment 5, he encouraged the AP and Committee to consider whether the issues that drove the Council to initiate the action are still relevant. For goal setting, it is helpful to articulate what the Council hopes to achieve through this action. Common characteristics of well-crafted goals are that they are: Specific, Measurable, Attainable, Results-oriented and Time-bound (i.e., "SMART goals").

Staff then recapped the development of the amendment to date and PDT work on Committee tasking to describe the vessels that would meet the limited access qualification criteria drafted in 2019 by the AP (e.g., average revenue per vessel, non-qualifying vessels) and provide additional fishery data to better understand the fisheries and fishermen that are landing skate wings and skate for bait. The PDT resolved the data query methods such that the data provided do not include any duplicative trips or doubled landings, which was occurring in the draft data provided in October 2019. For the years examined (FY 2012, 2015, 2017, 2018), most skate wing landings were either from declared Northeast multispecies trips or from declared monkfish trips followed by undeclared trips. Trips using the gillnet large-mesh exemption use the Northeast multispecies sector declaration (i.e., NMS-SEC). Most skate bait landings were from declared Northeast multispecies trips and undeclared trips. The PDT discovered that there are

likely errors in the source data: trips in which the landings disposition code is likely miscoded and trips in which the wing landed weight is greater than the live weight. The magnitude of these potential data errors is small relative to the total undeclared landings, and the PDT is looking into potential corrections to the source data. Correcting the data query method reduced the weight on undeclared wing landings substantially, but there remain landings that appear to be inconsistent with regulations. Other data on fishery performance (e.g., number of active vessels each year) can be found in the draft Affected Environment document.

The Skate AP Chair asked the AP members present (largely from the wing fishery) to provide input on whether Amendment 5 should continue, and if so, what is the key problem(s) it should address and how limited access might solve the problem(s). Through the discussion summarized below, the following consensus statement was developed:

1. AP CONSENSUS STATEMENT (*of members present, no quorum*)

The Skate AP members present recommend continuing Amendment 5 (limited access) and that it address the following issues (the basis of a problem statement):

- High regulatory discard rates in the directed fishery from needing to leave gear (i.e., gillnets) in the water (if a possession limit is reached).
- Safety concerns from needing to take a lot of trips.
- Needing to fish far from home this time of year.
- Needing to land all the legal sized fish caught.
- Unrestrained increases in fishing effort by new entrants to the fishery.
- Catch rates could go up with increased prices.
- Increasingly strict regulations in other fisheries might cause these fishermen to switch over to fishing for skates which could trigger reduced skate trip limits and have other negative economic impacts on current participants.

Rationale: Limited access potentially allows tending of all gillnet gear deployed, encourages conservation by reducing discards, allows for the ability to transfer DAS and ensures safety with increased efficiency.

Discussion on the AP Consensus Statement: AP members present (primarily from the wing fishery) discussed their interest in a limited access program specifically for the wing fishery but noted other AP members that could not attend the meeting were in favor of limited access for the bait fishery as well. A few AP members suggested a tiered system and refining the qualification criteria to include another tier of 150,000-200,000 lb landings. Staff reminded the group that the qualification criteria (and bait trip limits) drafted by the AP in 2019 have not been approved by the Committee as an alternative.

A few AP members had questions on whether sector trips are included with the large mesh exemption trips as the numbers seem very small. AP members sought clarification on the number of vessels exiting the fishery. An AP member recommended looking at vessels within each qualification criteria group that land each seasonal possession limit as a better proxy for estimating future potential landings. A few Committee members noted that other management options (e.g., distinct TALs within a tiered permit system) may be alternative to limited access for all or part of the fishery.

A few AP members discussed the consequences of daily possession limits including bycatch, safety, and economic efficiency and recommended a tiered system based on past participation in the fishery. NOAA General Counsel explained the 2019 DC District Court case that reversed a NMFS decision that would have allocated harvesting privileges to two Aleutian Island communities, because the action had economic allocation as its sole purpose. An action (like Amendment 5) can have economic allocation as a goal but also needs a goal to promote conservation. AP members shared their desire to tend all their gillnets instead of leaving half in the water for another 5-6 days which can increase the discard rate from

3-4% to 40-50%. Committee members asked the AP how discarding, safety, and economic efficiency would be addressed through a limited access program, especially for the directed fishery. An Individual Transferable Quota (ITQ) approach was also discussed.

The Committee questioned how limited access would effectively address the problems identified by the AP and how trip limits would change under a limited access program or an ITQ system. One AP member noted the monkfish fishery operations and the ability to land the limit for a second day after 24 hours, flip to another DAS to harvest an additional 1,500 lb and purchase a research day if need be. The need to define bycatch, regulatory discards, and unintended mortality under current trip limits was discussed.

Public Comment:

- Maggie Raymond (Associated Fisheries of Maine) – reiterated the need for defining the problem statement that limited access would address and questioned whether an ITQ system or transferrable Days at Sea (DAS) were included in the scoping documents for this amendment.

Staff clarified that the topics of ITQs and transferrable DAS were not included in the scoping document.

The Skate Committee Chair opened the Committee discussion with the same questions the AP considered: whether Amendment 5 should continue, and if so, what is the key problem(s) it should address and how limited access might solve the problem(s). Through the discussion summarized below, the following Committee motion was developed:

1. COMMITTEE MOTION: PAPPALARDO/KENDALL

The Skate Committee recommends to the Council the following objective for Amendment 5. The Committee intends this to be additive to the existing objectives approved by the Council in June 2019:

“Consider the appropriate number of vessels in the directed and incidental skate wing and skate bait fisheries and design appropriate management measures for permitted vessels to avoid more frequent and disruptive fishery closures due to additional effort from vessels that have not substantively participated in the fishery in recent history.”

Rationale: The Council is considering this objective, because there is considerable latent effort in both fisheries - a relatively small portion of vessels account for the majority of landings in most years, and the Council is concerned that activation of latent permits could lead to shortened seasons, as well as increased catch of non-target species if racing to fish increases. Further restricting access will help to ensure access to the quota for participants that have participated on a regular basis and therefore have some degree of dependency. Additional effort could also increase daily landings, making it difficult to close the fishery in a timely fashion, which could negatively impact the skate resource.

Discussion on the Motion: Committee members agreed that the AP had valid points, but there seems to be a disconnect between the problems identified by the AP and how limited entry would adequately address those problems. One Committee member noted the dramatic reduction in number of active vessels and was unsure why there is a need for limited access. Another did not think latent effort is a real concern. Another stated that if the uncertainty buffer had not been recently increased, the 500 lb incidental limit would have been triggered recently, and that using limited access to manage fisheries and define participants is good management. Committee members noted how similar and/or different this amendment is to the whiting amendment that resulted in selection of the No Action alternative. Given the reduction in participants in the fishery over time, the fear of new entrants into the skate fishery from the groundfish fishery is not a good argument. Limited access would not address discard issues on its own or the other issues identified by the AP.

A few Committee members noted that not many vessels need to land skate to shut down the directed fishery and that the fishery has triggered the incidental possession limit without new participants and without transfer of effort from the groundfish fishermen.

Public Comment:

- Maggie Raymond (Associated Fisheries of Maine) – the effort data presented by the PDT do not support the objective or the threat of fishermen leaving the groundfish fishery to enter the skate fishery. The ACL was only exceeded by 93 mt (by 1%) in FY2017.

COMMITTEE MOTION #1 CARRIED on a roll call vote (5/2/1).

	Yes	No	Abstain	Recuse
Skate Committee				
Matt McKenzie, CT (Chair)				
Richard Bellavance, RI	1			
Elizabeth Etrie, MA		1		
Melanie Griffin, MA	1			
Peter Kendall, NH	1			
Laurie Nolan, MAFMC		1		
Scott Olszewski, RI	1			
John Pappalardo, MA	1			
Michael Ruccio, GARFO			1	
TOTAL VOTE	5	2	1	

2. COMMITTEE MOTION: BELLAVANCE/OLSZEWSKI

The Committee recommends to the Council the following problem statement for Amendment 5:

“There is considerable latent effort in both fisheries - a relatively small portion of vessels account for the majority of landings in most years, and the Council is concerned that activation of latent permits could lead to shortened seasons, as well as increased catch of non-target species if racing to fish increases. This could cause unrestrained increases in fishing effort by new entrants to the fishery. Therefore, further restricting access will help to ensure access to the quota for participants that have participated on a regular basis and therefore have some degree of dependency. Additional effort could also increase daily landings, making it difficult to close the fishery in a timely fashion, which could negatively impact the skate resource.”

Discussion on the Motion: The Committee chose not to take up the AP consensus statement on a problem statement directly. Committee members who voted against the first motion suggested those who voted in favor should work backwards and develop a clear problem statement. Developing an ITQs was discussed, but doing so would likely require re-scoping given there is a provision in the Magnuson-Stevens Act that a referendum is required for New England on ITQs, and the Council opted to exclude ITQs from the scoping document originally. A few Committee members note the disconnect between the desire to move forward with this amendment with recent data that clearly shows overcapitalization. There was a desire to refine this motion and problem statement further, but the Committee was split on whether another Committee meeting would be helpful or if the discussion should go straight to the Council in June. There is less need for another AP meeting, as the AP has consistently favored continuing work on this amendment.

Public Comment

- Cate O’Keefe (Fishery Applications Consulting Team) – asked how the problem statement reflects the number of issues the AP raised.

COMMITTEE MOTION #2 CARRIED on a roll call vote (5/2/1).

	Yes	No	Abstain	Recuse
Skate Committee				
Matt McKenzie, CT (Chair)				
Richard Bellavance, RI	1			
Elizabeth Etrie, MA		1		
Melanie Griffin, MA	1			
Peter Kendall, NH	1			
Laurie Nolan, MAFMC		1		
Scott Olszewski, RI	1			
John Pappalardo, MA	1			
Michael Ruccio, GARFO			1	
TOTAL VOTE	5	2	1	

Staff presented how the PDT has incorporated the social indicators of skate fishery engagement and reliance (developed by the National Marine Fisheries Service) into how skate fishing communities are identified. The indicators consider data on vessel homeport and dealers in addition to port landings and revenue. With the revised method, the number of primary ports for the skate fishery has expanded from three to eight (see draft Affected Environment). There were no comments from the AP, Committee or public.

AGENDA ITEM #6: 2020-2024 COUNCIL RESEARCH PRIORITIES AND DATA NEEDS

Staff presented on the draft 2020-2024 Council research priorities and data needs with updates recommended by the Skate PDT and notes from the Northeast Fisheries Science Center on its ongoing research that may meet the Council research priorities.

COMMITTEE CONSENSUS STATEMENT:

The Skate Committee accepts the PDT recommendations for 2020-2024 updates to the Research Priorities and Data Needs of the Council related to skates. The Committee notes recent research on thorny skate could be informative.

Discussion on the Consensus Statement: An AP member asked about what additional research may be needed on thorny skate. A Committee member recommended adding a literature review to the thorny skate priority.

AGENDA ITEM #7: OTHER BUSINESS

Staff presented the number of McMurdo-equipped vessels that still need to either replace their VMS with another approved VMS or be issued a Power Down Letter of Exemption by the March 31, 2020 deadline. There were no comments from the AP, Committee, or public.

The meeting adjourned at about 4:30 pm