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MEMORANDUM

DATE: March 10, 2021

TO: Skate Committee

FROM: Skate Plan Development Team

SUBJECT: **Types of measures in Amendment 5 other than limited access**

This memo has background information to inform the Committee as it proceeds with developing alternatives for Amendment 5 within the range of potential measures that the Council approved in September 2020. This memo is organized around the types of measures that the Council has approved considering. The intent is to provide a sense of the current conditions, possible approaches, and issues to consider when developing the path forward for this action. This memo does not signify Plan Development Team (PDT) endorsement of any approach, nor is it an exhaustive review of possible approaches or the pros and cons of the ideas herein. The aim is to prompt additional tasking on the development of alternatives. This memo does not, however, include a discussion of limited access; prior PDT work on that issue is encapsulated in the Amendment 5 Discussion Document.

Key Questions:

- Which of the potential types of measures would the Committee like to move forward on?
- Which types of measures should be developed first?
- What potential approaches should be explored?
- What additional background information would be helpful?

Contents

I. 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. This section explains the current possession limits, when incidental limits have been triggered in the past, when the Council considered but rejected an intermediate possession limit in the past, and other fisheries that have a similar approach to possession limits.

What are the current possession limits and incidental triggers?

The skate fishery is currently managed by separate wing and bait possession limits and triggers for when an incidental limit is implemented in-season. The skate bait fishery has three seasons, each with a 25,000 lb whole weight possession limit. The wing fishery has two seasons, with 3,000 lb and 5,000 lb wing weight possession limits. In the bait fishery, if 90% of the seasonal Total Allowable Landings (TAL) is reached in Seasons 1 or 2, or 80% in Season 3, an incidental limit will be triggered and remain in place until the end of the season. In the wing fishery, the trigger is 85% of the seasonal TAL. In all cases, the Regional Administrator has the discretion to not implement, or to later lift, the incidental limit if the annual TAL is not expected to be reached. The Amendment 5 Discussion Document has information on prior possession limits and incidental triggers (Section 5.6.1.3).

The wing fishery also has a barndoor skate wing possession limit, set at 25% of the wing fishery possession limit. The barndoor skate possession limit is included within (not in addition to) the overall wing possession limit for any trip. However, the full barndoor limit may be retained even if the full wing possession limit has not been caught. In Season 1, for example, a vessel may possess 750 lb of barndoor skate wings even if the vessel has not caught the full 3,000 lb wing possession limit during a trip. Any development of a wing intermediate possession limit should consider if and how the barndoor possession limit should be revised.

When have incidental limits been triggered in the past?

Here is a brief history of when the skate incidental limits have been triggered; additional detail is in the Discussion Document (Section 5.6.1.3, p. 40-43). An incidental limit has been triggered five times (two for bait, three for wing) since first implemented July 2010, out of over 50 seasons of the wing and bait fisheries. The first time was in September 2010, when the 500 lb (wing weight) incidental limit was triggered for the wing fishery for about eight months. The second time was in October 2016 for the bait fishery in Bait Season 2 for the remainder of that season (about two weeks). Then later in fishing year (FY) 2016 (January 2017), the incidental limit was triggered for the third and fourth times when both fisheries were limited to the wing incidental limit until March 14, 2017. The fifth (and latest) time was for the wing fishery in December 2017 (in place for ~3.5 months). Except for the first in-season reduction in 2010, none of these trigger events maintained the reduced incidental limit through the complete end of the fishing year. In the last three cases that the incidental limit was triggered, the Council immediately initiated actions to try to prevent exceeding possession limits (Frameworks 4 and 6).

Have intermediate possession limits already been considered?

Yes. The Council recently considered but rejected alternatives in Framework Adjustment 6 that would have created an intermediate possession limit for the skate fishery. A summary of that action and the rationale for the decision are provided here. Framework 6 was initiated in January 2018 due to concerns with triggering incidental limits (see above) and a desire to prolong the wing and bait fisheries and support their shoreside infrastructure. Alternatives for a wing intermediate possession limit were developed in February-May 2018, but the Council rejected these alternatives in June (NEFMC 2018, Section 5) prior to approving the range of alternatives and taking final action. The Council opted rather to lower the uncertainty buffer to 10%, effectively increasing the Annual Catch Target and bait and wing TALs (implemented February 2019). The PDT had also done preliminary work on bait fishery intermediate possession limits, but this concept was never formally included in Framework 6.

What was the rationale for considering an intermediate limit?

The following rationale is in Framework 6 for considering an intermediate possession limit:

> *"This alternative would help to prolong the fishery for as long as possible… The incidental possession limit of 500 lb was intended to allow the fishery to continue to operate at a low level, and to reduce negative impacts on other fisheries, e.g., groundfish and monkfish, that experience high interactions with skate. However, the incidental possession limit can result in an effective closure in the fishery, especially for vessels that target skate, which can negatively impact shoreside infrastructure. The intermediate skate wing possession limits would be expected to slow landing of skate sufficiently, when needed, to minimize negative impacts on fishermen and shoreside infrastructure."*

What were the alternatives developed through Framework 6? Framework 6 Section 5.1 (Considered but Rejected Alternatives) included three options for skate wing TAL triggers, at 60%, 75%, and 80% of the seasonal TAL to be combined with two options for an intermediate skate wing possession limit, at 50% and 75% of existing limits[1] (Table 1). Under all options, the incidental limit trigger would increase from 85% to 90%, but the limit would remain at 500 lb wing weight.

Table 1. Options developed in Framework Adjustment 6 for a wing intermediate possession limit.

Trigger (% of wing TAL)		STEP 1: Intermediate limit		STEP 2: Incidental limit
		Option A: 50% of PL	Option B: 75% of PL	
Trigger Options	60% Season 1	1,300	1,950	
	60% Season 2	2,050	3,075	
	90% Season 2			500
	75% Season 1	1,300	1,950	
	75% Season 2	2,050	3,075	
	90% Season 2			500
	80% Season 1	1,300	1,950	
	80% Season 2	2,050	3,075	
	90% Season 2			500
Source: NEFMC (2018, Sect 5.1).				

Other intermediate limit ideas analyzed but not forwarded on to the Council, and thus not formally included in Framework 6 included: a trigger at 95% of a seasonal TAL, reducing the possession limit to 50% or 75% of the current possession limit; reducing the intermediate limit four times successively as 25%, 20%, 15%, and 10% of the wing TAL is reached; and a bait intermediate limit of 8,000 lb with four trigger alternatives. The PDT analyzed all options with FY 2015 data, results of which can be provided upon request.

Why did the Council not purse this approach?

The idea of establishing an intermediate possession limit, to be implemented when a specified trigger point was reached, was not ultimately pursued. This was the original focus of Framework 6, but once lowering the uncertainty buffer became an alternative (which increased the TAL), these limits were thought to be counterproductive. The TAL for FY 2018 and 2019 was expected to slightly increase over FY 2017 levels through Framework 5 (implemented September 2018) and would increase further if

[1] At the time, the wing possession limits were 2,600 lb in Season 1 and 4,100 lb in Season 2. These are now 3,000 lb and 5,000 lb, respectively, as of FY 2020.

lowering the uncertainty buffer (from 25% to 10%) was approved through Framework 6. It was thought that the expected TAL increases would sufficiently meet the purpose and need of the action, to prolong the skate wing fishery, and that adding an intermediate limit would unnecessarily hamper the fishery (See Table 18 of Discussion Document for recent landings relative to TALs).

Are there intermediate possession limits in other fisheries?

Yes. Of the other fisheries managed by the New England or Mid-Atlantic Fishery Management Councils, just the Atlantic mackerel fishery is managed with an intermediate possession limit. However, the NEFMC just approved one for the herring fishery.

Atlantic mackerel

A two-step possession limit was created for the Atlantic Mackerel FMP through the mackerel rebuilding plan framework, implemented on November 29, 2019. When 90% of the mackerel ACL is estimated to be caught, a 40,000 lb mackerel possession limit is implemented (initial possession limits are none, 135,000 or 100,000 lb depending on the permit category). Then when 98% is estimated to be caught, a 5,000 lb incidental limit is implemented (MAFMC 2019). This two-step approach has yet to be triggered.

Atlantic herring - pending

The NEFMC took final action on Framework Adjustment 8 to the Atlantic Herring FMP in September 2020, recommending that an intermediate ("two-step") possession limit be created for this fishery to improve access to the mackerel fishery by vessels that participate in both fisheries (there is no initial possession limit for this fishery). This limit would apply only in Herring Management Areas 2 and 3 and is designed to be like the two-step approach of the mackerel plan (step 1: at 90% of the sub-ACL, a 40,000 lb limit; step 2: at 98% of the sub-ACL or 95% of ACL, a 2,000 lb limit). Framework 8 is currently under review.

II. IDENTIFYING WING FISHERY SEGMENTS

"Creating different TALs 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. The criteria for identifying "segments" of the wing fishery would need to be developed. Does the Committee want to use past fishing activity to bin vessels into different segments that would be managed with their own TAL? Alternatively, would a vessel need to declare its intent to participate in a particular segment at the outset of a trip? Are there other types of wing fishery segments that the Committee wishes to consider? The criteria for identifying "segments" of the wing fishery would need to be developed. Given that directed vs. non-directed fishing is identified as an example, the PDT focuses here on how a threshold between directed and non-directed fishing may be defined. Are there other types of wing fishery segments that the Committee wishes to consider?

Are there prior characterizations of "directed" in the Skate FMP?

The Original FMP (adopted in 2003) characterized the bait fishery as the directed fishery and discouraged large-scale directed fishing for wings. Wings were primarily caught incidentally in other fisheries like the groundfish fishery. However, Amendment 3 (in 2010) created separate wing and bait TALs and possession limits to accommodate "vessels targeting skates for the wing market" (NEFMC 2009, Table 1), arguably defining a directed wing fishery as trips landing wings above the incidental limit.

What are potential approaches for identifying wing fishery segments?

Potential Approach A: Use past frequency of landings above/below X pounds

The historical frequency of landings per trip above or below a certain threshold weight on a certain number of trips could be used to define wing fishery segments. There could be many options, both for the threshold weight and for the frequency of trips landing above/below the limit (ranging from one trip to all trips).

Pros: Using a specific level of landings to define direct/indirect skate wing fisheries is a simple approach, especially if vessels had to land over a certain level on every fishing trip to be considered within a more directed segment. The vessels in the lower category could have a lower sub-TAL, and those in the higher category, a higher sub-TAL. The sub-TALs could be based on the relative proportions of the two categories total historical landings, during a certain time-period.

Cons: Decisions must be made on the specific level of landings and on what portion of trips and over what timeframe. Also, skate landings data have improved over time, but there are known errors, some of which would be difficult to reconcile (e.g., trips in which the landings were recorded as wing but are more likely to be bait, trips in which the wing landed weight is greater than the live weight, see March 14, 2020 PDT memo). For example, there are landings each year that do not have a disposition code, but are classified as "unknown" and accounted for within the wing TAL (e.g., 6% of wing live landings in FY 2018) or for research, aquarium use, etc. With only two sub-TALs, some high-volume vessels may be severely impacted. The qualification period may not reflect the current operations of a vessel. Choosing the landings level per trip, per year, and/or per time-period has its own problems. For instance, using landings per trip, how many trips must exceed the level to qualify a vessel for the higher category?

Potential Approach B: Use declaration codes

Trip declaration codes could be used to define wing fishery segments. All skate trips must be declared into groundfish, monkfish, or scallop DAS programs, if the vessel intends to land more than the 500 lb (wing weight) incidental limit. All trips using a DAS could be binned into one segment or there could be segments for each DAS program.

Pros: Using declaration codes is simple and not dependent on historical landings data, which have known errors.

Cons: There are enough exemptions from the DAS requirement that it would be difficult to predict future DAS use. For example, if the NMS declaration has a higher TAL than the MNK declaration and the groundfish DAS are reduced significantly, then they likely would not achieve their skate TAL while the monkfish fishery may approach/exceed its skate TAL. Querying data by declaration code is very challenging (see March 2020 memo), as datasets need be merged and known errors result (e.g., duplicate records). Use of past declaration codes to define vessels as "directed" would be problematic without substantial additional work on data query methods.

Potential Approach C: Use skate dependence for all trips landing skate

Measures of skate dependence (e.g., revenue, trip count, landings) using just the trips that land skate could be used to define wing fishery segments. This approach may be closer to discerning the direct and indirect skate vessels that the Committee requested. The total revenue on trips in which skates were landed during FY 2018 was $54M (Discussion Document, Table 28). The Discussion Document has species and revenue dependence data for vessels landing at least 1 lb of skate (Section 5.6.1.5).

Skate trips can be separated into those landing skates for "food only," "bait only," and "food and bait". Under each of these trip types, the landings and revenues can be separated by three gear types: gillnet, otter trawl and other. This approach could be combined with a DAS declaration. That would allow identifying those vessels that had a higher proportion of other species on an exempted trip, but then also account for those "directed" skate trips that only used the DAS to get the higher skate limit and were not targeting the other species on the DAS.

In FY 2018, the highest skate landings were by trips using otter trawl and landing only bait, followed by trips using gillnet landing food only. However, the largest total landings (all species) on trips landing skate are on trips using otter trawl for vessels that landed only food (49% of the grand total).

Revenue is a different story; gillnet in the food only fishery accounts for most of the skate revenue. Otter trawl vessels that landed only skate for food has the largest amount of total revenues (all species including skate) on skate trips.

It is important to note which other species are important on trips landing skate (Discussion Document, Section 5.6.1.6). The gillnet, food-only trips (among the largest segment for skate landings and revenues) have a substantial percentage of monkfish landings (32%) and revenues (49%). Monkfish is also important in the gillnet food and bait segment as well (53% of landings, 71% of revenues is monkfish), but this fishery accounts for a low level of skate landings and revenue. Other important species of skate trips are whiting, fluke, and loligo, but not groundfish.

Pros: The benefits of using the amount or percentage of skate landed on trips on which skates are landed are that it targets skate operations more directly and can incorporate other elements (e.g., gear type), that are clearly defined. Skate regulations such as possession limits, gear restrictions, closed seasons and/or areas, and observer requirements could apply only to trips on which skates are caught.

Cons: The data queries involved in identifying qualifiers could be difficult. Additionally, some vessels may qualify for multiple trip types (e.g., food only trips, food and bait trips). There would need to be a lot of work on the initial dataset containing declaration codes if DAS declaration is added on to skate dependence determination.

Potential Approach D: Use skate dependence for all trips

Measures of skate dependence (e.g., revenue, trip count, landings) using all trips that a vessel takes (whether skates are landed or not) could be used to define wing fishery segments. The skate revenue dependence data in Table 28 of the Discussion Document are based on annual vessel revenue from skates and all other species during the fishing year. The total FY 2018 revenue, of all species including skate, from all trips by vessels which land skates at any time during the year was $175M, compared to $54M total revenue for only trips in which skates were landed in FY 2018.

Pros: Vessels that derive revenue from skate fishing only would be treated differently from vessels that pursue other fisheries, thus, do not only rely primarily on skates. For example, vessels with just skate trips would have a higher dependence on skate revenues annually and get a higher TAL than vessels with other fishery revenue and a lower skate dependence annually.

Cons: Annual revenue dependence helps convey the potential economic impact of skate regulations. Using all trips, including non-skate trips, to identify wing fishery segments would be more tenuous than focusing on the trips landing skate.

III. 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. The most likely approach to increase monitoring without impacting other fisheries (one of the Amendment 5 goals) is through an industry funded monitoring (IFM) program. This section describes the current monitoring requirements, where the Skate FMP might have scope to increase monitoring, and skate landings by declarations and observer coverage. Most importantly, the Committee needs to determine the purpose of increased observer coverage and if the monitoring would be for the 'directed skate fishery' (consistent with how 'directed' may be defined throughout the amendment) or on trips where skates are caught more incidentally.

What are the current monitoring requirements?

Fisheries can be subject to one or a combination of the following monitoring/observer programs: Northeast Fisheries Observer Program (NEFOP), At-Sea Monitoring (ASM), and Industry-Funded Monitoring (IFM) programs. Each observer program has a unique set of goals, fisheries the program covers, methods for determining target observer coverage, and data collected. NEFOP was created to

estimate bycatch of all federally managed fisheries from Maine to North Carolina through observer coverage. NEFOP coverage rates are not determined by the FMP, but at the fleet level based on geographic region, gear type, mesh category, access area, and trip category variables. In addition to NEFOP, individual fisheries can have specific observer requirements (e.g., ASM, IFM). NE multispecies commercial sector vessels must also participate in the ASM program to achieve the necessary *total* coverage level specific to sectors. Unlike NEFOP and ASM, IFM is designed to reduce catch uncertainty in specific fisheries (currently sea scallop and Atlantic herring) by better assessing the amount and type of catch (both kept and discarded) for target and incidental species, which may be very useful for the skate fishery discard measurement. The Skate FMP does not have specific observer requirements in addition to NEFOP; observer requirements for vessels landing skate depend on the fishery declared.

If a trip is declared into the monkfish, Northeast multispecies, or scallop fisheries, the vessel is subject to the requirements of those fisheries. The Monkfish FMP alone does not have additional observer requirements and there are monkfish-only DAS for fishing exclusively in an exemption area, which do not have observer coverage requirements beyond NEFOP. However, a monkfish-permitted vessel that also holds a NE multispecies or limited access scallop permit must also use those respective DAS whenever using a monkfish DAS, which could have additional observer coverage if the vessel is selected through ASM or IFM. NE multispecies sector vessels must participate in the ASM program to achieve the necessary total coverage level (NEFOP + ASM), which include vessels that are fishing under both a monkfish DAS and a NE Multispecies A DAS (i.e., not in exempted fishery), for example, because all catch of allocated groundfish stocks on that trip count against the Annual Catch Entitlement of the sector that the vessel is enrolled in. For the Atlantic sea scallop fishery, scallop vessels are required to carry an IFM observer if selected.

If a trip is Declared out of Fishery (DOF, p. 17 explains DOF scenarios), it is subject to NEFOP coverage because these are landings made by federally permitted vessels submitting VTRs, which is a requirement of the NEFOP sample frame determination (sea day schedule/selection process).

If a trip is undeclared (Table 2), vessels that have a federal skate permit are subject to NEFOP. There are some federal skate landings from trips not typically required to carry a federal observer, trips by vessels who fish in state waters without any federal fishing permit (no federal declaration required) but sell to a federal dealer. A federal FMP cannot require federal observers on such trips, however, NEFOP does require observer coverage for vessels operating in state-water fisheries if there is a high likelihood of interacting with marine mammals.

Table 2. Possible "undeclared" scenarios when fishing for skate and their observer requirements.

Undeclared scenario	Observer coverage
Vessel has a federal skate permit, is landing (wing or bait) under the incidental limit and has no limited access permit.	NEFOP/SBRM observer coverage because landings are made by a federally permitted vessel submitting VTRs.
Vessel has a federal skate permit and a skate bait LOA, but no limited access permit(s) with DAS; and will be fishing only in specified exemption areas.	
Vessel does not have a federal skate permit, is fishing in state waters only, and does not have any VMS-required permits; but sells to a federal dealer.	NO NEFOP/SBRM observer coverage, because the landings are made without a federal permit (no VTR) unless interactions with marine mammals is expected.

What changes to observer requirements are pending?

Amendment 23 to the Northeast Multispecies FMP (pending NMFS review) is expected to increase monitoring coverage levels to at least 40% for groundfish sector trips (in FY 2019 target coverage was 31%), potentially up to 100% if there is sufficient federal funding. The current goals and objectives of the

groundfish monitoring program would remain but A23 considers measures to further improve documentation of catch while minimizing costs for the fishing industry when possible. The increased coverage could be achieved through use of ASM and/or NEFOP.

What portion of skate landings fall within each of the different observer coverage requirements?

FY 2018 skate landings are in Table 3 as an example of the proportion of landings subject to the different monitoring programs. That year, about half of the wing and bait landings were from Northeast multispecies trips, primarily sector trips with NEFOP and ASM coverage. Trips declared out of fishery were 17% of wing trips and subject to NEFOP/SBRM coverage. Undeclared trips were 19% of wing trips, but a subset was not subject to NEFOP/SBRM observer coverage (i.e., if a vessel does not have a federal fishing permit; Table 2). This subset is not a separate line item in Table 3 and is minor (a few hundred thousand lb or ~3% of wing and bait trips in FY 2018).

Similarly, for FY 2018 bait landings, 18% of bait trips were DOF, and thus, subject to NEFOP/SBRM observer coverage for the same reason as wing DOF trips. In FY 2018, 36% of bait trips were undeclared and subject to observer coverage even under a bait Letter of Authorization (LOA) unless only fishing in state waters and do not possess a federal permit and thus, do not submit VTRs.

Table 3. FY 2018 Skate Declarations by Declaration Code and Observer Program Requirement(s).

	Observer Program			Live lb		Landed lb		Trips (#)		Vessels (#)[A]	
WING landings by declaration (plan) code											
	NEFOP	**ASM**	**IFM**								
SES	x		x	6,832	0%	3,009	0%	54	1%	14	2%
SMB	x			371,279	2%	168,815	2%	722	7%	75	12%
DOF	x			892,153	4%	415,506	4%	1,791	17%	115	19%
Undeclared	x[B]			1,167,012	6%	550,717	6%	1,952	19%	176	28%
MNK	x			8,027,842	39%	3,781,546	40%	2,582	25%	100	16%
NMS	x	x[C]		10,128,637	49%	4,496,040	48%	3,208	31%	139	22%
TOTAL				**20,593,755**	**100%**	**9,415,633**	**100%**	**10,309**	**100%**	**370**[a]	**100%**
BAIT landings by declaration (plan) code											
	NEFOP	**ASM**	**IFM**								
SMB	x			36,270	0%	36,270	0%	14	1%	7	7%
MNK	x			411,532	4%	411,532	4%	126	6%	9	8%
Undeclared	x[B]			2,014,406	20%	2,012,566	20%	719	36%	35	33%
DOF	x			2,747,799	28%	2,747,799	28%	365	18%	22	21%
NMS	x	x[C]		4,672,338	47%	4,672,133	47%	789	39%	34	32%
TOTAL				**9,882,345**	**100%**	**9,880,300**	**100%**	**2,013**	**100%**	**74**[a]	**100%**

Source: commercial fisheries dealer database (CFDERS) and data matching imputation system (DMIS), accessed December 2019.

[A] The number of unique vessels, not the column total.

[B] Only a subset of the undeclared trips subject to observer coverage (must have a federal permit, and thus submit VTRs).

[C] ASM is only required for sector trips; 2% of the NMS wing landings (~94,000 landed lb) are from the common pool only subject to NEFOP. Extra-large mesh gillnet exemption (separate from the monkfish SNE gillnet exemption area) removes ASM requirements when fishing with >10" mesh in SNE/MA and Inshore GB Broad Stock Area (would still be under NMS trip and not use monkfish DAS).

What possible approaches could the Skate FMP have to change observer requirements?

Potential Approach A: Create a skate DAS

The Skate FMP could create a skate DAS where a skate declaration triggers additional observer coverage beyond NEFOP, like ASM requirements. In this case, different limits could be set for the various DAS fisheries in which skate operates, with a higher possession limit for skate DAS, followed by lower limit for NE multispecies, monkfish, and scallop DAS, and the lowest limit for skate bycatch/incidental catch, for example. This approach is not likely to affect other fisheries' business operations if the skate DAS works in combination with existing DAS like monkfish.

Potential Approach B: Create a skate trip declaration

The Skate FMP could require skate trip declarations (using the current system for making trip declarations: VMS/PTNS) when vessels intend to harvest skates, thereby triggering any additional observer coverage. This could apply to all trips where skates are landed or just on trips where skates are expected to comprise a certain proportion of total catch (analogous to defining directed vs incidental skate fishing), otherwise all trips would equally be selected for observer coverage, whether harvesting skate incidentally or directed.

Potential Approach C: Create a skate IFM program

The Skate FMP could create an IFM program. IFM could provide observer coverage on trips where skates are targeted versus caught more incidentally. What is considered "targeted" (or directed) would need to be defined and should be consistent with how defined throughout Amendment 5. The fishery could develop a monitoring set-aside program to help offset observer costs, though costs could still prove prohibitive in this low revenue fishery. The IFM program would not impact other fisheries if IFM is only applied on skate directed trips and not applied to any trips where a DAS is used.

IV. RESTRICT SWITCHING BETWEEN STATE AND FEDERAL FISHING AND CREATE A YEAR-ROUND PERMIT

"Restrict switching between state and federal fishing for the wing and/or bait fishery" and "making the federal skate permit[2] a year-round permit for the wing and/or bait fishery" are types of measures being considered for achieving the goals of Amendment 5. Both ideas are explored in this section.

Though the federal Skate FMP aims to manage the entire skate resource, since skates do not have an interstate FMP, the ability of the Skate FMP to control skate fishing in state waters is more limited than for some other fisheries that do. Thus, the Skate FMP specifies state landings by deducting expected state landings from the ACL/ACT. The Skate FMP cannot impose restrictions specific to state fishing such as an accountability measure for exceeding this level. State permit fishing is not monitored in-season against the TALs but is accounted for against the ACL at the end of the year if the landings data are provided to NMFS (required if the dealer has a federal dealer permit).

There are several types of skate landings that are considered state landings depending on the circumstances (various combinations of if the vessel has a federal fishing permit that day or at some point in the year, sells to a federal or state dealer, has a federal permit number ending in #998, etc.). This section aims to: 1) explain the complicated nature of state versus federal fishing for skates and some of the uncertainties thus created, and 2) offer ideas for improving the system, some of which may not need Council action. There is no common approach across FMPs for what is considered state landing.

How are federal and state landings of skates identified?

Federal skate fishing. Generally, the federal skate fishery is defined as landings under a federal skate fishing permit. All landings under a federal fishing permit must be sold to a federal dealer. Vessels with

[2] Here, references to "federal permit" or "federal fishing permit" mean those issued by NMFS/GARFO.

federal fishing permits can fish in state waters if federal requirements are followed. If a vessel wants to hold and activate a federal skate fishing permit, it can do so for the entire year or for part of a year. Open access permits may be added/dropped as often as desired throughout the fishing year (no limit on activation periods), but there is natural processing time for the permit office in between.

State skate fishing. Amendment 3 established the current specifications method (i.e., ACL flowchart), but there are two definitions therein of the ACL deduction for state landings. Section 5.1.2 indicates it is for "skate landings from state waters" and Section 5.1.7 indicates it is for "landings from state vessels fishing in state waters." The skate regulations are silent on how this deduction is defined. In practice, GARFO has been defining it as landings by vessels that had a permit number equal to zero. These are vessels that have never been assigned a federal (6-digit) permit number. Landings from vessels with a federal permit number that may be fishing in state waters are not included in that deduction.

In fact, there are several types (Table 4) of skate landings that are considered state landings depending on the circumstances. Some are included in the state landings deduction, most are not monitored in-season against the TALs, some are put into the "commercial landings" bin vs the "state-permitted only vessel landings" bin during year-end ACL accounting, and some (likely minor) are not included in ACL accounting. The subset included in year-end "state-only permitted landings" bin form the basis of future specification setting (the state landings deduction is latest three-year average of this number).

How are federal and state landings of skates accounted for (in-season and year-end)?

The Skate FMP is designed to monitor federal landings in-season against the TAL, but this is not a full measure of skate landings.

In-season. During the fishing year, the only skate landings that are monitored in-season against the wing and bait TALs (and thus contribute towards triggering incidental possession limits) are those made by vessels with a federal fishing permit on the day of landing. These must be sold to a federal dealer or reported solely via VTRs (i.e., vessel-to-vessel transfers). Skate landings excluded from TAL monitoring are those by vessels that do not have any federal fishing permits on the day of landing, landings from research, and recreational landings.

Year-end. At the end of each fishing year, GARFO tabulates skate catches into a few bins and compares the total to the ACL. The "commercial landings" bin includes all skate landings by vessels with a permit number greater than zero. This includes landings by: 1) vessels with a federal fishing permit on the day of landing, 2) vessels with a federal fishing permit at any time of the year, and 3) vessels without a federal fishing permit that year but had one in the past. The "state-permitted only vessel landings" bin includes landings from vessels that never had a federal fishing permit (so the permit # = 0) that were reported to the federal database; the "recreational catch" bin includes landings from private angler and party/charter and dead discards from MRIP; and the "estimated dead discards" bin is based on landings of all species and skate discards on observed trips (See Discussion Document, Table 19 for further explanation).

Excluded from the year-end ACL accounting are the vessel-to-vessel skate transfers reported via VTRs (though included in TAL monitoring), skate for personal use/home consumption, and any skate landings by state-only permitted vessels not reported to the federal database but reported by state dealers to the Atlantic Coastal Cooperative Statistics Program (ACCSP) at varying frequencies, updated daily (likely minor, but possible).

Note that the 2020 Annual Monitoring Report indicated that the "state-permitted only vessel landings" are "landings sold to a federal dealer by vessels without a federal fishing permit at any time during the year…this may include state permitted landings from state-only dealers provided to GARFO from states". The PDT now understands that this is not accurate. As above, it is the landings from vessels that have never had a federal fishing permit. This clarification will be made going forward.

Table 4. How state landings are defined, specified, and accounted for in the Skate FMP.

Types of state landings	Included in "state" specifications?	How landings are accounted for	
		In-season against TAL?	Year-end against ACL?
Landings sold to a federal dealer by vessels that never had a federal fishing permit that year (permit # = 0); State permitted landings from state-only dealers provided to GARFO from ACCSP. (permit=0)	Yes. "State landings" in flow chart = the latest 3-year average of year-end landings.	No	Yes, equals "state-permitted only vessel landings" (Column F in Table 5).
Landings sold to a federal dealer by vessels without a federal fishing permit at any time in the year, but with a federal permit # tied to the vessel and likely fishing in state waters (permit = # all year; Column C in Table 5).	No	No	Yes, part of "commercial landings."
Landings sold to a federal or state dealer by vessels without a federal fishing permit on the day of landing, but at some point in the year (permit = # by end of year if it is the first year with a federal permit; Column E in Table 5).	No	No	Yes, part of "commercial landings." Not included in "state-permitted only vessel landings" if the federal permit number is added to its landings in federal database.
Some landings with a federal fishing permit ending in #998, those that are aggregate landing reports of state landings, and some are individual vessels that may or may not have federal fishing permits (mostly a past occurrence).	No	Some, if a federal fishing permit is valid on the day of landing.	Yes, part of "commercial landings."
Landings not sold to a federal dealer by vessels with a state permit and no federal permit number, if data not provided to GARFO.	No	No	No

Landings data from the federal database for FY 2010-2019 are in Table 5. Landings where permit number is zero are not included in Columns A-E, nor are bait landings reported solely via VTR. This table shows the magnitude of differences between in-season (Columns D and E) and year-end (Columns B and C) tallies and may help explain the accounting process. Landings data are in live weight to make the data comparable (that is how year-end accounting is done).

The landings that are monitored in-season (against the TALs) are federal landings by vessels with a federal fishing permit on the day of landing (Column D). In FY 2019, this value was 28M live lb of landings. Column E is the difference between Columns D and A, or 1.2M live lb of landings, not

monitored against the TAL, by vessels with a federal permit number but no federal fishing permit on the day of landing. In other words, these vessels fish without a federal fishing permit for some portion of the year but then obtain a federal fishing permit for the first time at some point in the year, triggering ACCSP to change the permit number from zero to a federal fishing permit number that is non-zero (i.e., a subset of Column E).

Subtracting the landings in Column B from Column A is the landings (Column C) by vessels that never had a federal fishing permit during the current fishing year but had a federal permit number from having a federal fishing permit in a prior year, or 605K in FY 2019. These landings are accounted for within the "commercial landings" bin in year-end ACL accounting (rather than state-only), even though a federal fishing permit was never active during that fishing year. Note that Column B is always larger than Column D. Landings by vessels with a federal fishing permit any time during FY will always be larger than those with a federal permit on day of landing. These landings are also distinct from the "state-permitted only vessel landings" in year-end ACL accounting (Column F), defined as those reported to the federal dealer database with a permit number of zero, or 384K in FY2019.

Unfortunately, there are landings in the federal dealer database by vessels that have a non-zero federal permit number ending in 998. Some of these are state-only permit landings by multiple vessels submitted by a state in aggregate (mostly a historic occurrence). Some are submitted by single vessels, but it is unclear whether these are from state or federal waters.

As an aside, another source of catch not tracked in-season is from recreational fishing. While recreational catches were low historically, recent levels have been higher than the state-only landings levels (3-5% of ACL vs. 0.6-3%, respectively, in FY 2017-19; see Table 19 in A5 Discussion Document).

Are state regulations aligned with the federal FMP?

In general, cooperation with states and consistency across state and federal plans (e.g., consistency in possession limits) would help improve management. Thus far, the PDT has examined just the Rhode Island skate fishery, but could look at other states as well. State-only permitted fishermen in Rhode Island are well defined and the skate regulations are somewhat aligned with the federal FMP. However, Rhode Island does see an influx of vessels when an incidental limit is imposed in the federal fishery and does not currently have regulations that react to that, i.e., no proactive plan in place to prevent an influx of state landings. Almost all dealers in Rhode Island have federal dealer permits.

How does federal and state dealer data enter the federal dealer database?

NMFS does not receive data directly from dealers or states. Dealer data, both federal and state, are collected and compiled by ACCSP. ACCSP then passes the data to the Northeast Fisheries Science Center (NEFSC) where the ACCSP data are compiled into CFDERS (NEFSC may add a few species that ACCSP does not cover and may make some other tweaks). GARFO then pulls CFDERS data off the NEFSCs server and compiles it into "cfders_all_years", which lives on the GARFO server. GARFO adds some attribute columns (e.g., species name) but does not add any new data. How frequently dealer data get added to the ACCSP dataset varies by state (and probably species) and is inconsistent across years even from the same state. Each state has its own data system and format and does not send data to ACCSP on the same schedule as other states. If NMFS received state-only dealer landings data in-season, like under the Monkfish FMP, in a more regular fashion, these data could be better tracked year-round.

Table 5. Skate landings (live lb) from the federal database, 2010-2019.

Fishing Year	Data excludes permit # = 0					State-permit only landings (permit=0, official year-end ACL accounting)
	Landings reported to federal database	End of year		In-season		
		Federal fishing permit during FY	No federal fishing permit during current FY but in a previous FY	Federal fishing permit on day of landing	No federal fishing permit on day of landing	
	A = B+C = D+E	B	C	D	E	F
2010	33,513,658	30,519,485	2,994,173	30,505,342	3,008,316	not available
2011	41,590,300	37,557,278	4,033,022	37,406,163	4,184,137	not available
2012	33,246,583	31,329,486	1,917,097	31,255,321	1,991,262	1,616,819
2013	31,530,991	30,312,596	1,218,395	30,034,832	1,496,159	418,878
2014	34,980,103	34,559,809	420,294	33,481,839	1,498,264	725,321
2015	33,243,583	32,247,453	996,130	32,022,300	1,221,283	2,073,641
2016	30,227,576	29,446,436	781,140	27,733,400	2,494,176	1,200,363
2017	31,414,837	29,429,964	1,984,873	27,631,495	3,783,342	1,752,206
2018	30,982,849	29,641,840	1,341,009	29,567,298	1,415,551	1,268,820
2019	29,164,770	28,560,061	604,709	27,966,466	1,198,304	383,529

Source: data in Columns A – E are from CFDERS_All Years and the permit database. Data in Column F (permit=0, official year-end ACL accounting) are calculated by APSD at the end of each fishing year and are independent from data in columns A – E.

Notes: Columns A – E exclude all landings where permit #=0.

Column A = Total skate landings reported to the federal database.

Column B = Total skate landings by vessels with a federal fishing permit any time of year.

Column C = Column A-Column B, no valid federal fishing permit that year but had one in the past.

Column D = Total skate landings by vessels with a federal fishing permit on day of landing.

Column E = Column A-Column D.

Column F = The "state-permit only landings" by vessels with permit #=0, from the year-end ACL accounting tables used in official fishery statistics and calculated by NMFS.

Could catch accounting improve?

Yes. Relying on the current method of tracking a portion of landings in-season (TAL monitoring) to ensure that the ACL is not exceeded is not fail-safe. There is catch excluded from in-season monitoring, that when only brought into the tally at the end of the year, could result in exceeding the ACL.

A reason to drop the federal skate permit and fish with a state permit is when a federal skate incidental limit is imposed. If allowed by the state, a vessel can then exceed the federal incidental limit, until the entire fishery is closed once the TAL is achieved, though a portion of these state landings are not necessarily reported to NMFS in-season (those sold to state-only dealers). Because the permit number is retained, these landings, if reported to federal database, still get tracked against the TAL, but because there is no federal fishing permit, the landings can be over the incidental limit. At the end of the year, those landings would be counted against the ACL depending on if they were reported to the federal database. There is evidence in the federal data and reinforced by comments by Skate Advisory Panel (AP) members and the public, that when a federal skate incidental possession limit has been imposed due to nearing a TAL, some vessels have dropped their federal skate permits and kept fishing in state waters with state permits at levels above the federal incidental limit.

Certainly, forcing fishermen to commit to using either a federal or state permit year-round would help clarify what is state versus federal fishing and potentially simplify catch accounting. However, there are clarifications and modifications to the specification and catch accounting processes that may also achieve that end, without needing to constrain fishermen. It is important to note that the federal Skate FMP cannot impinge on state regulations or control skate fishing in state waters (vessels must abide by the most restrictive regulation, regardless of state or federal); the FMP can only attempt to account for state landings when setting specifications.

Take home points:

- There is no common approach to defining and accounting for state versus federal fishing in the Northeast (see Table 6 below).
- There are landings by vessels with a federal permit number but without a federal fishing permit at any point in the year (e.g., 605K lb in FY2019). These landings are not monitored in-season. They are included in the "commercial landings" bin in ACL accounting rather than the "state-only permitted landings." When setting specifications, these landings do not have a specific home within the ACL flow chart (other than within the uncertainty buffer).
- Though a deduction for recreational catch is not included in the skate specifications flow chart, recreational landings are increasing and becoming higher than the state-only permitted landings.
- Skate catches that are not counted against the ACL include:
    - Landings via vessel-to-vessel transfer (though monitored in-season against the TAL),[3]
    - Landings for personal use/home consumption, and
    - Landings not reported to the federal database.

Potential Approach A: Include more landings in in-season monitoring and in year-end ACL accounting
The in-season accountability measure for nearing a TAL (i.e., the incidental possession limit) can only apply to vessels fishing under a federal fishing permit. Therefore, landings from state-only permits and from vessels with a federal permit number, but no federal fishing permit, are not monitored against the TAL. However, these landings could be tracked and reported on in-season separately. Also, landings that are known and currently excluded from ACL accounting (i.e., vessel-to-vessel transfer and personal use/home consumption) could be included. Approach A likely does not require Council action.

Pros: All skate landings reported to the federal database would be monitored in-season and included in year-end ACL accounting.

Potential Approach B: Revise the specifications setting method (ABC/ACL flowchart)
The specification setting method (ABC/ACL flowchart) could be revised. The current method subtracts projected discards and state-permitted only landings from the ACL prior to setting a federal TAL, under which the wing and bait sub-TALs are specified. Approach C would likely require Council action. Ways the method could be revised include:

1. To the state landings deduction, add landings with a permit number but without a federal fishing permit in the TAL. This may change the year-end ACL accounting. Currently, landings with a permit number but without a federal fishing permit at any point in the year are accounted within the "commercial landings". These may shift to the "state-only permitted landings", as it is a three-year average of that number that is used to set the "state landings" in specifications.
2. Keep the state landings deduction as-is and add a separate deduction for landings with a federal permit number but without a federal fishing permit on the day of landing.

[3] Vessel-to-vessel transfer data are included in the fishery catch data used to set the Acceptable Biological Catch.

3. Include all landings without a federal fishing permit (with and without a permit number) within the TAL (no longer have a separate state landings deduction).

Pros: When setting specifications, the landings by vessels with a federal permit number but without a federal fishing permit at any point in the year would have a specific home within the ACL flow chart. This could bring the Skate FMP more in-line with how other FMPs account for all sources of catch within the specification flowchart.

Cons: Approach 3 would have complications related to the accountability measure. Triggering a federal incidental limit because of state landings could be unfair to the federal fishery. The Skate FMP cannot shut down a state fishery or implement state AMs. In state waters, skates are more available in the summer. Adding more state-water landings to the federal TAL monitoring could impact the duration of the federal fishery. Could alter the federal and state data time series with a revision on what is considered state versus federal landings.

Potential Approach C: Make the federal skate permit year-round, though still open access

If vessels had to commit to either state or federal fishing on an annual basis, the total number of potential federal vessels would be known at the beginning of the year. Approach C would likely require Council action.

Pros: State and federal fishing would be more distinct.

Cons: Prevents flexibility. A state-permitted vessel fishing in state waters would be prevented from participating in the federal fishery for a year if they choose to not obtain the annual open access federal skate permit by the designated deadline. Imposes potential economic restrictions and disruptions to operations.

Potential Approach D: Increase cooperation with the states

When federal incidental limits are imposed, some fishermen can switch to state-only permit fishing to fish at higher state possession limits, depending on the possession limits of the state. More cooperation from states through a joint action to reduce state possession limits when federal limits are imposed would help prevent exceeding the ACL. While more dialogue may help, a joint management plan with the Atlantic States Marine Fisheries Commission (ASMFC) could increase coordination and consistency with state measures. Doing so would require Council action as well as action by the ASMFC.

Pros: Increased coordination and consistency of measures. May reduce incentives to fish with state permits at higher landing levels when federal AMs are imposed.

Cons: Increased administrative effort to skates by the NEFMC and ASMFC (e.g., more meetings, more staff time). States may then have more authority to control federal fishing (e.g., the ASMFC imposes limits on Area 1A landings in the herring federal fishery).

Potential Approach E: Prevent switching from federal to state fishing when incidental limits are imposed

An alternative to Approach D would be to restrict switching from federal to state fishing when federal incidental limits are imposed. Approach E would likely require Council action.

Pros: Help ensure ACL is not exceeded.

Cons: Adds further restrictions on fishing business operations that rely on both state and federal fishing. May not be enforceable; once a vessel drops federal fishing permits, the potential for fishing in a state fishery cannot be controlled under the federal FMP.

Potential Approach F: Create a skate trip declaration

A skate trip declaration (likely through PTNS) for federal landings (similar approach to increasing monitoring) could be used to help monitor federal fishing and, by default, state fishing. Currently, vessels

may or may not possess both state and federal landings on the same trip depending on the most restrictive state and federal measure and the Skate FMP does not have jurisdiction in state waters. Thus, it could be required to declare a federal skate trip independent of federal DAS declarations (which, by definition, are federal trips/landings). If all federal vessels are required to declare, trips without such declaration could be a state trip by default, given there is no state declaration. State landings are classified as permit #=0 so if a vessel had a federal fishing permit at any point, its landings would be considered federal, irrespective of a skate trip declaration. This could cause a discrepancy in the federal versus state data.

Pros: Would more clearly identify skate trips which could better characterize the skate fishery (directed or not). Better characterization of state water landings.

Cons: The Skate FMP cannot require a skate trip declaration when fishing with state permits in state waters (though vessels without a federal declaration could be considered state by default). This does not address accounting for skate landings on a timely basis and could create discards if the vessel ended up catching skates but not being able to land them. Overall, this approach would change the specifications process because all landings from federally declared trips would be considered federal landings and by default, state landings from state trips. State allotment would likely increase as a result.

Are there approaches from other FMPs that could be adopted?

What is considered state versus federal fishing varies by FMP. If the Committee is considering other approaches to defining, specifying, and accounting for state landings, consider that each FMP has a unique approach (Table 6). Harmonizing approaches may increase efficiency and reduce confusion. Likely, an omnibus action would be needed to create a consistent approach across all fisheries.

Table 6. Approaches to defining, specifying, and accounting for state landings in other FMPs.

FMP	How types of state landings are defined	Specified in ACL flow chart? How?	How accounted for
Monkfish	Landings by a vessel not having a federal permit (permit=0).	Subtracted from TAL; based on recent average landings.	Included in monthly quota monitoring report; year-end accounting separates out state-only permit landings (but still incl. in the grand landings total); ACCSP state landings not available during the year are added in (likely minor); Monthly monitoring does not differentiate between state and federal landings (just includes dealer transactions)
Groundfish	State waters catches outside of federal jurisdiction.	An ACL state-water subcomponent is specified for each stock based on recent catch information.	Not accounted in-season against sub-ACL. Included in year-end catch accounting as part of total catch estimates by stock.
Scallop	State permit only landings, federal permit fishing in state waters, state permit or unknown with no VMS and with and without an active federal permit, and federal NGOM permit fishing in state waters.	The OFL includes "state waters catch", set at the latest 3-year "state landings" as defined.	Not accounted in-season against quota, included in year-end accounting.
Herring	Catch by state-only permits not sold to a federal dealer.	No separate allocation, included in sub-ACLs.	State-only landings data are supplied by ASMFC regularly to NMFS and counted in-season against the quota (fixed gear catches against the Fixed Gear Set-Aside, catch by other gears against the sub-ACL).

V. 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. Because discarding is a main challenge within the skate fishery due to low possession limits, prices, etc., gear modifications could improve efficiency and reduce waste. This section focuses on what gear regulations exist and which may be within the scope of the Skate FMP to modify.

Are there gear regulations within the Skate FMP?

No. Gear requirements are fishery-specific, and the Skate FMP does not have specific gear requirements. If a vessel has a federal limited access fishing permit, it must make a federal declaration or declare out of fishery (DOF). All vessels fishing for skates while on a declared NE multispecies, monkfish, or scallop trip (using a Day-at-Sea (DAS)) must follow the gear regulations of the declared fishery. Any modifications to gear regulations in those fisheries would need to be revised within those FMPs.

There are specific gear requirements for each case where a vessel can DOF:

- If planning to land skates under the incidental limit (500 lb for wings), a vessel with a NE multispecies, monkfish or scallop limited access permit may DOF to avoid using a DAS. If the vessel has another limited access permit (e.g., herring, squid-mackerel-butterfish), and declares into one of those fisheries, it would be subject to those fisheries' gear requirements.

- A vessel would DOF if fishing in a skate exemption area in Southern New England (SNE) or the Mid-Atlantic. If so, possession and landings of skate or skate parts must be at most 10%, by weight, of all other species on board, or 500 lb of skate wings (1,135 lb whole weight), whichever is less. Each exemption area has specific gear requirements. In the future, the PDT could supply more information about the landings and vessel activity within the areas.
    - *The SNE Skate Bait Trawl Exemption Area.* Vessels must have a bait LOA. Northeast multispecies trawl gear must be used (6.5 in mesh codend or larger).
    - *The SNE Monkfish and Skate Trawl Exemption Area*. Vessels are restricted to a minimum mesh size of 10-inch square or 12 in diamond mesh with all other net sizes stowed, even when transiting to and from the exemption area.
    - *The SNE Monkfish and Skate Gillnet Exemption Area*. Gillnets must have a minimum mesh size of 10-inch diamond.
- A vessel would DOF when transiting the EEZ with skates on board the vessel or landing skates in U.S. ports that were caught while fishing exclusively in the NAFO Regulatory Area. These trips are subject to NAFO Regulatory Area gear requirements (e.g., 280 mm (11 in) mesh in the codend, 220 mm (8.7 in) in all other parts of the trawl for skate fishing).

In all other scenarios for landing skates in the federal fishery, including undeclared trips, the default gear requirements within the NE multispecies FMP would apply, varying by which regulated mesh area a vessel is fishing in (Gulf of Maine, Georges Bank, Southern New England, and Mid-Atlantic).

Does the Skate FMP have scope to implement its own gear requirements?

Yes. Skate-specific gear restrictions could be applied to skate bait and/or wing trips and may be implemented through a framework adjustment (50 CFR 648.321(b)(11)). However, any gear requirements for fishing under a Northeast multispecies, monkfish, and scallop DAS would still apply, with the more restrictive gear requirements applied first. To avoid inadvertently affect other fisheries that interact with skate, any restrictions within the Skate FMP would need to be minor and targeted to certain types of trips (e.g., directed) or for certain exemption areas.

Potential Approach A: Increase the gillnet mesh size

With some exemptions, the minimum gillnet mesh size while fishing on a monkfish DAS is 10" diamond mesh (50 CFR 648.91(c)(1)(iii)). The Council considered but disapproved as a 2021 management priority the idea of developing a 12" minimum mesh size for gillnets within the Monkfish fishery. However, such a change may be possible within the Skate FMP, but a skate DAS or some method of declaring a vessels' intent to use this mesh would need to be created. The PDT has heard anecdotally that vessels are already using 12", in part, to reduce skate discards. If the Committee wants to develop this idea, the PDT could examine observer data to determine how widespread this practice is. If use of 12" mesh is widespread, codifying its use may have limited impact on reducing discards.

Potential Approach B: Increase the gillnet mesh size

Raised footrope could be another gear modification to consider. Observer data with and without raised footrope gear is likely available, thus, could be used to better understand any changes to skate bycatch.

What research may inform the development of measures?

In 2018, the Monkfish RSA program funded a study called "Increasing Twine Thickness and Mesh Size to Reduce Skate Bycatch in Monkfish Sink Gillnets" led by Cornell Cooperative Extension. In that study, 12" mesh is the control and 13" mesh is the test, with and without tie-downs. A final report is due in November 2021. The PDT could conduct a literature review to determine what information may be available on reducing skate discards via gear modifications.

VI. 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. This section describes current and pending reporting requirements by vessels and dealers.

What are the current reporting requirements?

Of fishermen. Any vessel with a federal permit must submit Vessel Trip Reports (VTR) with a record of all fishing activity to NMFS, either electronically or by postal mail. VTR submission deadlines are not consistent across MAFMC and NEFMC managed permits, with some plans reporting weekly (e.g., groundfish, squid) and others reporting monthly (e.g., skates, monkfish, scallops). For the monthly report, VTRs must be submitted within 15 days after the end of the month. Vessels with multiple permits are held to the permit with the strictest reporting requirements.

A VTR must be submitted for every commercial, party, or charter trip taken, regardless of whether the vessel fishes in state or federal waters or what they harvest. Vessels must submit a separate VTR for each chart area, gear type, and/or mesh size fished, potentially requiring multiple VTRs for a single trip. In a VTR, skate landings must be identified by species according to the following categories: winter skate; little skate; little/winter skate; barndoor skate; smooth skate; thorny skate; clearnose skate; or rosette skate. As of September 2014 (through FW2), vessels may no longer report landings as 'unclassified' skate. All skate discards must be reported according to two size classes: large skates (greater than or equal to 23" total length) and small skates (under 23" total length).

Of dealers. Any seafood dealers with a Northeast federal dealer permit must submit trip-level reports on at least a weekly basis using an approved electronic system. Skate landings must be identified by species and disposition (wing or bait).

What changes to vessel reporting are pending?

Early in 2020, the NEFMC and MAFMC took final action on a joint, omnibus eVTR Framework Adjustment that would require only electronic VTR submissions and within 48 hours after completion of a trip across all MAFMC FMPs and commercial NEFMC FMPs. The final rule was published November 10, 2020 with an expected implementation date of November 10, 2021. This extended timeframe before implementation is designed to help get fishermen up to speed with the various eVTR apps.

Does the Skate FMP have scope to change reporting requirements?

Yes. Because both Councils, just one year ago, voted to adopt a unified approach to reporting (electronic, 48-hour submissions for all except for recreational trips under New England FMPs), there would likely need to be substantial justification to make skate-specific reporting requirements. Because this change is not yet implemented, should the Skate Committee wait to see how reporting may improve before adding in additional reporting requirements? There will likely be fewer transcription errors with electronic reporting. Moving from monthly to 48-hour reporting will likely reduce delays, particularly on skate bait transfers at sea.

Potential Approach A: Create a skate trip declaration

A skate trip declaration via VMS could be created by modifying existing codes for use when intending to land skates perhaps above the incidental limit (directed versus incidental fishing) by disposition code (potentially using PTNS). This would better identify more directed federal skate fishing, and thus, improve identification and characterization of skate directed and incidental fishery participants, which has been a challenge in this open access fishery.

Potential Approach B: Require daily catch reports

Daily catch reports would improve skate quota monitoring by making it more real-time but diverges from the pending eVTR 48-hour requirement. Additionally, this could allow for possession limits based on trip length, like the first wing trip limits in 2003.

Potential Approach C: Create a skate DAS

A skate DAS could be created (see p. 9) which would help identify skate trips through this required reporting. DAS are mostly used as an effort control rather than an accounting measure. If a skate DAS is created for other purposes such as requiring certain gear modifications and/or identifying federal versus state trips, but especially as a fishing effort control, then this approach could also help with skate reporting by improving identification and characterization of skate fishery participants, which the Committee is currently grappling with. The use of skate DAS is a simpler approach than a VMS declaration, because the skate DAS would be a new, separate code in the data infrastructure (i.e., would not modify existing codes which is more challenging). When fishing under a skate DAS, it may be possible to develop exemptions from needing to use a groundfish DAS (e.g., when targeting skate and fluke),

A skate DAS would need to be defined. For example, would it only apply to vessels targeting skate fishing use DAS and allow a higher possession limit? Would there be a limit on the number of total DAS allowed? Could vessels lease skate DAS? Note that the monkfish fishery has an excess of total DAS, so the value of a monkfish DAS is low. It would not necessarily be cost prohibitive for vessels to obtain a skate DAS.

VII. REFERENCES

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