



## New England Fishery Management Council

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## DRAFT MEETING SUMMARY

### Skate Advisory Panel

Wentworth by the Sea, New Castle, NH

April 3, 2017

The Skate Advisory Panel met on April 3, 2017 in New Castle, NH to: review scoping comments related to limited access in the skate fishery.

**MEETING ATTENDANCE:** Mr. Charlie Dodge (Vice Chair), Mr. Greg Connors, Ms. Sonja Fordham, Ms. Andrea Incollingo, Mr. Dan Nordstrom, and Mr. John Whiteside; Dr. Fiona Hogan (NEFMC staff); Dr. Willie Whitmore (NMFS GARFO staff); Dr. Matthew McKenzie (Skate Committee Chair). In addition, approximately 3 members of the public attended.

**Quorum was not reached at this meeting; any recommendations made only reflected the opinions of the AP members present.**

#### **KEY OUTCOMES:**

- The AP members present supported continued work on limited access in both the skate bait and wing fisheries.
- The AP members present recommended an additional framework be completed to address skate possession limits (directed and incidental).
- The AP members present recommended analyzing uncertainty, both scientific and management, in the skate fishery, with most in favor of reducing the management uncertainty buffer.

#### **PRESENTATION: SKATE UPDATES**

Staff provided the AP with an overview of the public comments regarding limited access in the skate fishery. There was no clear outcome from the public comments; almost an equal number of comments were for and against limited access. There was no clear division when examined by fishery type and geography. The analysis based on fishery was limited as wing vs bait participation was not specifically solicited during the comment period. There was no clear division based on geography. Montauk, NY participants were strongly opposed to limited access, however, further south participants were generally in favor of limited access. The PDT requested guidance on how to proceed with limited access.

### ***AGENDA ITEM #1: LIMITED ACCESS***

The Committee chair clarified that the Council didn't want to preclude the idea of catch shares and that limited access does not mean catch shares. An AP member indicated that the bait industry were not interested in catch shares. Another AP member considered limited access in the wing or bait fishery were separate issues because the two fisheries operate independently of each other but was in favor of limited access in the wing fishery.

#### **Public Comment:**

- Robert Morsch – I'm a bait fisherman and we are against limited access. Firmly against limited access. As we joined this business we noticed there are lots of others who are newer entrants and we're seeing that things are tight because of cut quotas. If the quotas weren't cut then we would be fine. If we split the discards between the 2 fisheries then things would be better. There should be plenty of something out there then we don't need to cut people out of the fishery. Change control date to now so you're not cutting people out. I strictly fish for bait. There are a lot of people catching skate now. It's important for the fishery to remain open so lobstermen can catch their quota. When we get closer to our TAC make it a fishery that still exists. Instead of 25,000 lb then make it 20,000 lb. There's no lack of newer science that a newer control date could give us a new perspective. It's a newer fishery. I have a whiting boat and a bait boat. There's another bait boat that just came in and didn't see this coming. Just joined 2 years ago. If I had significant landings then I'd probably be in favor of limited access. There's a log more bait fishermen who don't want limited access.

An AP member was strongly in favor of limited access for the bait fishery and indicated additional industry support existed. It was thought that the 2009 control date was put in place in anticipation of the current situation. The AP member was surprised that bait participants could be opposed to limited access. It was suggested that if you have a LOA as of the control date in 2009 you would qualify for an "A" category permit, with boats without the LOA by that date qualifying for a "B" category permit.

- Gary Yerman – New London seafood - I don't disagree with the AP members. They are looking to make sure that they have supply of bait skates for their business. I don't blame them for thinking that a 2009 control date is the correct control date. Every fishery has gone towards limited access. From a personal standpoint and from a lot of young fishermen trying to get into this the limited access permit will probably deter them from being able to start a fishery. It's hard to argue with the long term participants. It's been 3 years since we've been in the bait fishery. It wasn't like there could be a big change coming our way even though we knew the control date was there. There are constant strife they've turned the permits into bargaining chips and turned it into value. I'm against limited access. From our standpoint if we're going to have limited access we'd like to see a control date in 2014 or 2015. The fishery isn't from everything that I've been able to view the fishery is in trouble. We've been battling with our whiting fishing where we have the Canadian impact where they don't have to fish under the same management restrictions. I don't see where at this particular time it needs to be limited access there seems to be plenty of skate, last winter they were catching skates This year it's been all

winter that a body of skates has moved in downeast and is making it hard to catch whiting. If we're going to separate out the fisheries then it looks there's the support for that I don't see why when I look at the 25% unknown factor and you throw in the 43% mortality factor that's 60+% coming off the top. Even if you add back in 10% there would be plenty of product going into the bait fishery. The bait fishery is limited. One thing has changed is that herring is limited, can't catch it for the bait fishery. I don't know if we'd be arguing much over limited access. I don't want to argue with Dan I agree with him and it makes sense. I'm sure Dan and Andrea are feeling the pressure. Everybody that I've talked to and we deal with the wing fishermen out of New London and Long Island, I don't see where everyone is clamoring for limited access. Now we could have brought more fishermen with us today. We've got 5 boats. We could easily get another 5-10 fishermen to come and say they don't want limited access. We are concerned that we're putting something in place that we don't need in our fishery at this time. I was at a scup meeting 2 weeks ago. The Commission is in charge, they want to put into effect where the scup fishing has been the biomass is 235% over rebuilt. The available catch is 235% they haven't met the quota since 2011. They're trying to figure out how to get the fishermen to get the scup. The proposal they put on the table was so far away from what the fishermen needed and what the market and general public were looking for. I don't think everyone is looking for limited access. Some are for some are against. What happened in scup fishery in the early 80s was a lot of boats don't truck scup back and forth to their port, those boats a lot of them had multi-tiered licenses and scallop licenses they couldn't make money with in the 90s. So we ended up with this limited access routine and now fast forward to when the scallop industry has exploded. That's why they don't want to catch scup because it's not worth much. The industry can't make a dime when it's 50,000 lbs. Industry asked them to reduce it to 25,000 or 30,000 lbs. Feds don't want to turn it over to the states. What I'd hate to see is to go into limited access and some boats are thriving with it and their permits are worth it and some of the smaller boats are whacked. I think we need to review it and restructure. We're almost 50/50 on the fence in the bait skate fishery. I see the wing fishery is a little different. I could see talking to you this morning that you feel the need that you have to get the limited access. I don't think it's the same for the bait fishery. It's a healthy fishery. It's more of a supply and demand fishery. You guys don't have a supply and demand. You have the quota management that isn't working for you. We don't have that working against us but we have a market that if everyone has bait then you can't sell it. Things work differently. I could talk about other things. What I saw at the Narragansett meeting. The general theme was people were pissed off about something. How could the incidental limit be 1,500 lbs of skate. Everyone was annoyed and pointing fingers at each other. If we got to 85% of the quota and it fell back to 10,000 lbs then at least the boats could continue to go fishing. Bait would be available and would stretch it out a little longer so we don't have a shut down again. The paperwork on the scoping document, there was a period where it was 20,000 lb vs 25k lbs. I don't know if we started out with 20,000 lbs and it would last longer. If it's a healthy fishery then I don't see why we need this.

Another AP member who participated in the wing fishery was also in favor of limited access. Some sort of limited access was thought necessary and a tiered system could be helpful. A lot of capacity was thought to already exist in the fishery at a time when catch limited were

constraining. An AP member associated with skate processing did not have a position on limited access. Discards and how the calculation of projected dead discards was considered to be more of a concern, especially with the expected removal of barndoor skate possession prohibition. A barndoor skate has increased we get less TAL because of the increased projected dead discards and eventually there may not be enough to support a commercial fishery at current levels. Another AP member noted that scallopers have said they are catching more and more thorny skate and that an on-board observer did not know they were thorny skate. An AP member hoped the barndoor discards could be converted to landings so they wouldn't be hit with heavy discard for something that would now be landed. Effort on winter skate would be expected to decrease after the prohibition on possession barndoor skate was lifted.

An AP member noted that skates were being seen in places they were never seen before and it was affecting where gear could be set. Areas where you discarding a lot of skate would need to be avoided to reduce time spent removing skate from gear. The skate were thought to be filling the gap left after the collapse of groundfish. The assessment of skate was also thought to be inaccurate with a lot more skate thought to be out there.

An AP member was not always in favor of limited access but after seeing the repercussions now considers it a positive approach for the fishery. The bait fishery has a finite market, with product staying relatively local with lobster and crab fishermen. If quota had not be cut a further 30% in the last framework adjustment, limited access may not need to be considered. Earlier in 2017, the incidental possession limit was triggered, with 2.5 months left in the fishing year, the bait fishery was effectively shut down. The AP member recommended adjusting the bait incidental possession limit because the 500 lb whole weight equivalent was ludicrous. If quota increases then limited access could have a very open permit system that would allow for wide-ranging levels of participation. The AP member supported the existing bait control date because long-term participants and buyers needed to be protected.

**Consensus statement** – the AP members present were in favor of the existing control date and limited access in the bait fishery.

**Consensus statement** – the AP members present were in favor of the existing control date and limited access in the wing fishery.

An AP member thought a tiered system similar to the monkfish FMP system, could work for the bait fishery. For the wing fishery qualification could be as low as landing 25,000 lb of wings, which would earn you so many points per qualification year. A system like that might help the newer entrants. If a DAS system is established then those DAS should be able to be transferred. Although this might result in some consolidation, leasing would at least provide individuals with the ability to get more DAS to continue fishing. An AP member described his idea for a tiered permit system for the bait fishery as included in his written comment.

**Consensus statement** - The AP members present supported a tiered approach to limited access in both/either skate fishery and were not opposed to applying limited access to one fishery, depending on support.

A year round supply of skate was considered important. An AP member considered the fishery to already be operating at less than capacity. The capacity is there but the possession limits were restricting enough to prevent capacity from being fully achieved.

Another AP member thought that current participants should be provided with more weight from possession limits before newer entrants were allowed into the fishery. Another AP member suggested bycatch allocation should be done with a percentage of bycatch like it is in the monkfish FMP.

For a qualification period, an AP member suggested going as far back as 2000 as records should exist that far back (records were thought to go back as far as 1996). An AP member requested the number of vessels that would be cut out if they did limited access. The number of active permits was 450 in 2014, out of 2,147 existing permits.

**Consensus statement** - The AP members present were in favor of or did not object to using historical landings in the wing fishery as a qualification criteria, e.g. 100,000 lb per year, and using the existing control date, and analyzing 10 years history prior to that date.

Rationale for wing consensus statement – some people wanted it to be higher for poundage. If we do 10 years, it'll bring us back to when before they had limits, then the limits, then the A3 limits. 100,000 lb isn't a lot of wings.

**Consensus statement** - The AP members present were in favor of or did not object to using the existing control date with the issuance of the LOA being the primary qualifying factor, as part of a tiered system.

A number of AP members were opposed to catch shares at this time only because it would be expected to slow down the process.

#### ***AGENDA ITEM #2: DISCUSSION OF THE UPCOMING SPECIFICATIONS FRAMEWORK***

An AP member considered barndoor skate to be plentiful and the full size range could be encountered. As a participant in an EFP for barndoor skate, 500 lb possession limit was not considered to be sufficient. No AP members present were in favor of the entire skate wing possession limit being comprised of barndoor skate. The AP members present were strongly in favor of a cautious approach towards landing barndoor skate. Allowing landings of barndoor skate as a percentage of overall landings was suggested. It could also be a set weight of barndoor but the entire possession limit should not be allowed to be barndoor skate.

An AP member was interested in seeing the final report of the EFP to land barndoor skate to see if there was a price difference between barndoor and winter skate, and the status of market development. In 2014, support for landing barndoor skate was limited based on published papers indicating that barndoor skate are highly vulnerable. Possession prohibitions have not been removed on 20 other shark species yet. However, barndoor skate have rebuilt; a cautious approach was strongly supported by the AP member. Another AP member agreed that the market

should not be flooded with product that they're not sure will sell yet. Another AP member explained that the uncertainty surrounding the market is likely due to limited supply to date making it difficult to estimate demand. Another AP member did not want to land barndoor skate too quickly and affecting stock status.

An AP member suggested reducing the bait possession limit to 20000 lb for the year and then have the incidental limit be disconnected from the wing possession limit.

**Public comment:**

- Heidi Hannager – we submitted the letter that Fiona alluded to earlier. Our recommendation is that there is a second FW. Our suggestion is the AP recommend another framework this year. Some things we'd like to see is an earlier more gradual trigger, decoupling the bait fishery limit. The reason this will likely be happening, we have to stop the negative feedback loop so those would be our 3 main concerns to see put in another FW. So the simpler this could be would better so this could pass before next winter. And the letter we submitted so maybe part of tomorrow's packet.

**Consensus statement** - The AP members present recommended an additional framework be completed to address possession limits (directed and incidental).

Another AP member agreed with the proposed reduction in bait possession limit to 20,000 lb. Addressing the 25% management uncertainty buffer was also considered to be a high priority. Other AP members supported decoupling the incidental limits between the two fisheries because they operate independently of each other. An AP member was concerned that discards increase when the fisheries are closed, which makes the problem worse. An AP member questioned whether there had been an analysis of what would happen if the skate complex was broken apart and managed separately. Staff informed the AP that no such analysis had been done but it was correct that species not currently caught do contribute, at varying levels, to the overall ABC. An AP member was opposed to species specific skate management for that reason.

GARFO staff suggested that adjusting the management uncertainty buffer be addressed in the specifications framework expected to be completed later in 2017.

**Consensus statement** - The AP members present recommended analyzing uncertainty, both scientific and management, in the skate fishery, with the majority in favor of reducing the management uncertainty buffer.

An AP member was interested in improvements in unclassified reporting of skate landings and how much thorny skate was being caught in scallop gear as mentioned earlier in the meeting.

The AP members present recommended analyzing uncertainty in the skate fishery, with the majority in favor of reducing the management uncertainty buffer.

An AP member questioned whether the Council was satisfied with the lack of progress in rebuilding thorny skate. Thorny skate remain in a rebuilding plan but no determination of not making adequate progress has been made and it was not listed as a Council priority for 2017. Another AP member believed the stock was doing better than the survey suggested because the Bigelow can't catch fish. GARFO staff suggested this might be a greater issue if additional effort controls were needed in other fisheries that were outside the skate FMP. It was suggested that this topic be brought forward by the AP to the Committee and Council, however, the Vice Chair did not feel comfortable doing that at a meeting without quorum.