



New England Fishery Management Council

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Eric Reid, *Chair* | Thomas A. Nies, *Executive Director*

MEETING SUMMARY

Skate Advisory Panel and Committee

Webinar

November 16, 2021

The Skate Committee and Advisory Panel (AP) met on November 16, 2021, at 9:00 AM via webinar to discuss: 1) Framework Adjustment 9, 2) 2022 Council management priorities, and 3) other business.

MEETING ATTENDANCE: Committee: Mr. Scott Olszewski (Chair), Mr. Mark Alexander, Ms. Elizabeth Etrie, Dr. Jay Hermsen, Mr. John Pappalardo, Mr. Dan Salerno (Vice Chair), and Ms. Kelly Whitmore; Advisory Panel: Andrea Incollingo, Jeff Kneebone, Bill McCann, and Dan Nordstrom; Council staff: Ms. Jenny Couture, Dr. Rachel Feeney (Plan Development Team (PDT) Chair), Mr. Lou Goodreau, and Ms. Janice Plante; NMFS GARFO staff: Ms. Cynthia Ferrio; and NOAA General Counsel: Mr. Mitch McDonald. Two other Council members, one PDT member, and two members of the public attended.

The AP did not have a quorum.

KEY OUTCOMES:

- On Framework Adjustment 9, the Committee recommended a problem statement and goals focused on improving the reliability and accountability of catch reporting in the skate fishery, clarifying the rationale for alternatives, and other fishery information that would be helpful for decision-making.
- On 2022 Council management priorities, recommended revising the Council skate priorities by omitting the priority to consider revising the skate wing and bait possession limits and revising the priority on the Acceptable Biological Catch (ABC)/Annual Catch Limit (ACL) flowchart to better account for known sources of catch. The Committee also ranked the priorities.

AGENDA ITEM #1: INTRODUCTIONS, APPROVAL OF AGENDA, AND TIMELINE

The Chair introduced the AP and Committee, welcomed attendees, and sought approval of the agenda. There were no agenda changes. Staff reviewed the timeline for skate work, including Framework Adjustment 9 (FW9).

AGENDA ITEM #2: FRAMEWORK ADJUSTMENT 9

Staff refreshed the AP and Committee on the problem statement and goals from Amendment 5 to help identify if any of these ideas should be carried forward for Framework 9. Staff also presented the alternatives, PDT questions on the rationale for the alternatives and the preliminary impact analyses to help the AP and the Committee better understand the potential impacts of changing the permit conditions of the open access skate permit.

1. COMMITTEE MOTION: ALEXANDER/SALERNO

The Skate Committee recommends the following as a problem statement and goals for Framework Adjustment 9:

Problem Statement: There is a need to improve the reliability and accountability of catch reporting in the skate fishery (and other fisheries that catch skate) to ensure there is precise and accurate representation of catch (landings and discards). Accurate catch data are necessary to ensure that catch limits are set at levels that prevent overfishing and to determine when catch limits are exceeded. Additionally, the goal and objectives of the Northeast Skate Complex Fishery Management Plan are unchanged since the original FMP was adopted in 2003, and a few aspects of the objectives are out of date.

Goals:

1. Improve skate data, leading to more effective in-season monitoring, improved assessments (e.g., no longer be considered data-poor), and more precise and accurate understanding of the landings and discards in different segments of the fishery.
2. Better understand the true potential for vessels to enter the fishery.
3. Minimize the impact on any other fisheries that have interactions with skates and to avoid restricting the ability to transfer permits and upgrade vessels and place limited access permits in Confirmation of Permit History (CPH).
4. Update the FMP objectives to reflect current stock status and rebuilding progress and to reflect how the Council identifies research priorities.

Additional Rationale: When a vessel drops a federal skate permit, it can fish in a state skate fishery and subsequent landings are not monitored in-season against the Federal TAL.

Discussion of the motion: A couple of AP members and a Committee member asked which fishery segment is switching between state and federal fishing and if there is a way to track the landings after a federal skate permit is dropped. GARFO staff noted that the bait fishery is not likely adding and dropping federal skate permits throughout the fishing year given the bait fishery operates under a Letter of Authorization (LOA) to land the higher possession limits, which adds additional processing time to add/drop the permits. Staff also explained that if a vessel has any federal fishing permit, all landings must be sold to a federal dealer. If a federal skate permit is dropped but a vessel has other federal permits, all landings must still be sold to a federal dealer and thus reported by the dealer to NMFS. These landings are included within the year-end catch accounting but not be tracked with federal monitoring in season which tracks landings based on having a federal skate permit on the day of landing.

A Committee member asked for further explanation about the permit cancellation codes to understand what happens if a federal skate permit is transferred to a skiff along with other federal permits under FW9 alternatives. His main concern is hindering the ability to upgrade a vessel and change permits given these actions would be considered a cancellation and a re-issuance of the skate permit, which would not be permitted under Alternatives 2 and 3. Another Committee member noted that the permit data presented by staff does not include all those permit transactions, which are normal ambient permit transactions the permit office does throughout the fishing year. Any rule preventing cancelling the skate permit to fish in state waters would hinder normal business operations and have unintended consequences. GARFO staff stated the alternatives would limit the flexibility of the open access skate permit and suggested the Committee weigh any potential benefits with the unintended consequences. A new cancellation code could be created for dropping the federal skate permit to fish in a state fishery, but fishermen may indicate other cancellation reasons instead.

A few Committee members discussed their experience with the quota monitoring program and how it differs with the annual catch accounting. Quota monitoring was set up to monitor the federal skate landings as a management unit, so a federal skate permit on the day of landing was required. This contrasts with year-end annual catch accounting which is focused on the biological unit.

One AP member supported improved discard accounting.

The Committee adopted Motion 1 by consensus.

COMMITTEE CONSENSUS STATEMENT:

That the rationale for Alternative 2 be revised to clarify that the deadline for “submitting” a permit application would be time stamped electronically. The rationale for Alternative 3 be revised to add that switching from the state to federal fishery would be permitted, as opposed to Alternative 2.

Discussion of the consensus statement: A Committee member asked if “submitting” had a regulatory meaning to which NOAA GC responded that the regulations do not have a clear definition and the permit office policy is likely to accept an application postmarked at least 30 days in advance of the start of the fishing year.

COMMITTEE CONSENSUS STATEMENT:

As the PDT develops the impact analysis, including the following information would be helpful:

- Examine if the vessels adding and dropping the federal skate permit tend to fish in the bait and/or wing fishery.
- Provide state skate landings by state to give a sense of the amount of fishing that may occur when the federal permit is dropped that may be occurring within the state fisheries.

Discussion of the consensus statement: A Committee member followed up on an AP member’s suggestion to characterize the permit data by disposition code (wing, bait). He also commented that cancellation code 20 (“Transfer”) is unlikely to include all permit transfers. Another Committee member asked for state skate landings data by state as a follow up to the state regulations provided.

AGENDA ITEM #3: 2022 COUNCIL MANAGEMENT PRIORITIES

Staff presented the PDT recommendations for 2022 Council management priorities including additional background information on catch accounting, the ABC/ACL flow chart, and potential improvements to better accounting for recreational catch, research catch, skate bait landings via vessel-to-vessel transfer, state catch, and discards.

2. COMMITTEE MOTION: ALEXANDER/PAPPALARDO:

The Skate Committee recommends revising the 2022 Council skate work priorities by:

- Omitting the priority: “an action to consider revising skate wing and bait possession limits for implementation in fishing year 2023,”

- Revising the priority: “an action to consider revising the acceptable biological catch/Annual Catch Limit flowchart to better account for known sources of catch)” to “task PDT to consider improvements to the acceptable biological catch calculation, specifications formula, and year-end catch accounting to better account for known sources of catch,” and
- Ranking the priorities in the order:
 1. Complete Framework Adjustment 9.
 2. Complete 2022 Annual Monitoring Report.
 3. Task PDT to consider improvements to the acceptable biological catch calculation, specifications formula, and year-end catch accounting to better account for known sources of catch.

Discussion of the motion: A Committee member asked how research landings are defined, which are likely based on scientific research and do not include landings from the Research Set Aside program or Exempted Fishing Permits (EFPs). EFPs are likely characterized as commercial landings given these landings are sold to a dealer. An AP member asked whether recreational catch includes landings and/or discards and what the skate mortality rate is for hook and line gear. Table 2 of the Affected Environment document has the discard mortality rates by species and gear type (50% mortality assumed in the absence of research). An advisor noted that research has not been done on hook and line discard mortality for any of the species in the skate complex.

The Committee adopted Motion 2 by consensus.

AGENDA ITEM #3: OTHER BUSINESS

No other business.

The Skate AP and Committee meeting adjourned at about 11:50 a.m.