



New England Fishery Management Council

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MEETING SUMMARY

Skate Committee

webinar

May 18, 2021

The Skate Committee met on May 18, 2021 at 9:00 AM via webinar primarily to give input on making possession limit alternatives for the Fishing Year (FY) 2022-2023 Specifications, on continuing to develop Amendment 5 to the Northeast Skate Complex Fishery Management Plan (FMP), and make updates to the list of skate-related research priority and data needs.

MEETING ATTENDANCE: Skate Committee: Dr. Matt McKenzie (Chair), Mr. Rick Bellavance, Ms. Elizabeth Etrie (Vice Chair), Mr. Dan Farnham, Mr. Jay Hermsen, Mr. John Pappalardo, Mr. Dan Salerno, and Ms. Kelly Whitmore. Council staff: Ms. Jennifer Couture, Dr. Rachel Feeney (Plan Development Team (PDT) Chair), Mr. Lou Goodreau, and Ms. Janice Plante. In addition, one other member of the Skate PDT, Mr. Mitch MacDonald (NOAA General Counsel), Mr. John Whiteside (Advisory Panel Chair), Ms. Cynthia Ferrio (GARFO staff), and about four others attended.

KEY OUTCOMES:

- On specifications, recommended keeping all skate possession limits, including barndoor skate, at the status quo levels for FY 2022-2023.
- On Amendment 5:
 - Recommended adding an alternative for an intermediate possession limit, adding an option to all alternatives that would implement the intermediate limit only during the last season of the wing or bait fishery, and giving the Regional Administrator discretion on implementing the intermediate possession limit.
 - Recommended adding an alternative requiring the federal skate permit to be retained for the remainder of the fishing year once it is obtained.
 - PDT tasking to examine realized NEFOP observer coverage for certain trip declaration codes for the wing and bait fisheries, respectively.
 - Recommended updates to the Northeast Skate Complex FMP objectives.
- On research priorities, recommended updates to the skate-related research priorities.

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

The Chair opened the meeting by introducing attendees, reviewing meeting ground rules, and seeking approval of the agenda. There were no agenda changes, but it was noted that PDT questions on wing landings data and Advisory Panel (AP) attendance will be discussed under Other Business. Staff then reviewed the near-term timeline for developing the 2022-2023 specifications and Amendment 5.

AGENDA ITEM #2: ADVISORY PANEL REPORT

The Advisory Panel Chair briefed the Committee on the May 13, 2021 AP meeting, noting the AP did not have a quorum. Thus, there were no motions or consensus statements, but those present gave their individual input on the topics. Two AP members that were absent later provided written comments to the Skate Committee as did one member from the public.

AGENDA ITEM #3: 2019 SKATE 2022-2023 SPECIFICATIONS

The Skate PDT is developing a recommendation for the Acceptable Biological Catch (ABC). There are challenges with following the ABC control rule exactly due to the recent gaps in the Northeast Fisheries Science Center bottom trawl survey time series. The PDT continued its discussion of potential ABCs and possession limits during two April PDT meetings. The PDT also developed a discussion document that compiles background information, recently adding data on skate landings relative to possession limits. Additional information is in the Affected Environment document.

A Committee member asked how the barndoor skate limit worked while fishing under a bait Letter of Authorization (LOA). Council and GARFO staff clarified that skate wings, including barndoor, cannot be landed under an LOA.

A few Committee members discussed the figures showing skate landings relative to possession limits, asking for the analysis to be redone using FY 2019 data, potential reasons why landings exceed possession limits in some cases including: potential conversion factor error, noting live weight instead of landed weight. It was suggested that the figures could better clarify the frequency of trips at various landing intervals (e.g., at or below incidental limits). Staff noted that FY 2019 data should be available soon.

CONSENSUS STATEMENT:

The Skate Committee recommends keeping the skate possession limits at the status quo levels (3,000 and 5,000 lb for wing seasons 1 and 2 and 25,000 lb for all bait seasons), as recommended by the Plan Development Team.

Rationale: Over recent years, landings have been stable. Given that the pandemic disrupted markets, there is a need for stability. Stability would help avoid confusion and let the markets readjust to normalcy.

Discussion of the Consensus Statement: A Committee member asked the AP Chair for the rationale for changing the skate wing possession limits to 2,000 lb (Season 1) and 6,000 lb (Season 2). The AP Chair noted higher prices and consumer demand in the fall/winter relative to summer but has heard mixed opinions whether to keep or change the possession limits for the skate fishery. Staff showed landings relative to TAL, where Committee members noted that wing and bait landings have remained around 20 million live lb and 8-10 million live lb, respectively, over the past decade, despite changes in TAL and possession limits. Given the uncertainty about survey data this year, the desire for stability and consistency in the fishery to alleviate any confusion on changes in possession limits, Committee members did not see a need to change the possession limits at this time.

CONSENSUS STATEMENT:

The Skate Committee recommends keeping the barndoor skate possession limits at the status quo levels (25% of wing limit), as recommended by the Plan Development Team.

Rationale: Given that barndoor possession has been allowed for just a few years (since FY 2018), there needs to be more time to assess whether the current limits should be adjusted.

Discussion of the Consensus Statement: Several Committee members noted agreement with the PDT recommendation to wait until the next stock assessment to consider changing the barndoor possession limits given barndoor is still a relatively new component of the wing fishery.

AGENDA ITEM #4: AMENDMENT 5

Staff recapped the results of the April Council meeting where the Council approved developing updates to two objectives of the Northeast Skate Complex FMP. The Council also decided to discontinue developing a skate limited access permit program as part of Amendment 5 but approved developing alternatives for creating an intermediate possession limit, requiring the skate federal permit to be retained year-round, and considering revisions to at-sea monitoring (ASM) and Vessel Monitoring System (VMS) requirements. The Council also considered a motion on updating the skate control dates, but that was tabled until the June 2021 Council meeting.

Staff presented the draft alternatives for intermediate possession limits (including trigger alternatives and possession limit reduction options) and a year-round Federal fishing permit, providing recent data on issuing and cancelling skate permits. Other approaches to improving landings monitoring and accounting were discussed. Ideas for ASM and VMS alternatives were presented.

Intermediate Possession Limits

The Committee discussed the ability of GARFO to publish announcements if both intermediate and incidental limit triggers are within 5-10% of each other. GARFO staff noted that having seasons, intermediate triggers, and incidental triggers are administratively challenging given that there must be enough time to forecast when these different landing limits are achieved (usually the agency needs a buffer of two weeks processing time). There was a desire to balance the needs of the fishermen in trying to achieve the TAL and the needs of the agency to effectively monitor landings, which led a Committee member to suggest implementing an intermediate limit only during the last season of both fisheries. A Committee member was concerned by this idea given any overage reduces the TAL available in later seasons when the weather is harsher, and fishermen are unlikely to take trips if there is an incidental limit in place. Staff noted that reactive accountability measures are based on the Annual Catch Limit (ACL), not TALs. Committee members agreed with the alternatives' rationale as drafted and would like to keep the barndoor possession limit the same.

Several members discussed the magnitude of skate discards and if the dead discards are from the directed skate fishery when incidental limits are in place or for all fisheries operating in the region. Recently, dead discards account for about a third of the skate ABC (more like 50% in the past) and has been discussed as an issue in the past, especially within the dredge fishery. The AP Chair and Committee members wanted an evaluation of discard data by gear type, fishery declaration, and reasons for discarding (recorded by observers) to better understand if this is caused by the incidental limit and determine ways to turn dead discards into landings.

1. MOTION: Salerno/Etrie

For the intermediate possession limit alternatives, the Skate Committee recommends developing an alternative that would create a Step 1 trigger at 75% of the TAL and a Step 2 trigger at 90% of the TAL. This would apply to the wing and bait fisheries in all seasons. Under Step 1, the possession limit would lower to 75% (a 25% reduction). Step 2 would implement the incidental limit.

Rationale: Considering concerns of potential increased effort, this will allow the fishery to maximize use on the TAL while preventing overages by season. A 15% difference between the Step 1 and 2 triggers, would allow for smoother administration of the triggers than a lower difference.

Discussion of the Motion: A couple of Committee members were concerned about the administrative burden of implementing intermediate triggers for both fisheries during all seasons and that it is unnecessary given this could inhibit the maximum use of the TAL over the entire fishing year. The maker of the motion wanted these limits in all seasons as he was concerned about any overages being carried over and deducted during the last season. A member noted interest in developing the alternative to evaluate the pros and cons.

MOTION 1 CARRIED 4-3-0.

	Yes	No	Abstain	Recuse
Matt McKenzie (Chair)				
Richard Bellavance		x		
Elizabeth Etrie	X			
Daniel Farnham	X			
Jay Hermsen		X		
Scott Olszewski	absent			
John Pappalardo		X		
Dan Salerno	X			
Kelly Whitmore	X			
TOTAL VOTE	4	3	0	

2. MOTION: Hermsen/Pappalardo

The Skate Committee recommends adding an option to each intermediate possession limit alternative that would implement the intermediate possession limit only in the last wing (Season 2) or bait season (Season 3).

Rationale: There are complications of implementing an intermediate trigger. Having this limit only in the final season would strike a balance between maximizing use of the TAL and allowing the fishery to operate.

Discussion of the Motion: There was little additional discussion of this idea (see above).

MOTION 2 CARRIED 7-0-0.

	Yes	No	Abstain	Recuse
Matt McKenzie (Chair)				
Richard Bellavance	X			
Elizabeth Etrie	X			
Daniel Farnham	X			
Jay Hermsen	X			
Scott Olszewski	absent			
John Pappalardo	X			
Dan Salerno	X			
Kelly Whitmore	X			
TOTAL VOTE	7	0	0	

CONSENSUS STATEMENT

The Skate Committee recommends that for all the intermediate possession limit alternatives, the Regional Administrator would have the discretion to not implement the intermediate possession limit, based on current landing rates and the timing relative to the end of the season, like the current discretion for implementing the incidental limit.

Discussion of the Consensus Statement: Committee members wanted the same flexibility afforded to the Regional Administrator to not implement any intermediate possession limit if the timing relative to the end of a season and the rate of landings indicate that the TAL is unlikely to be exceeded.

Federal Skate Permit

Regarding the federal fishing permit, a Committee member suggested looking at the number of skate trips exempted from ASM coverage fishing in the Southern New England monkfish exemption area. Another member asked about the realized NEFOP (Northeast Fishery Observer Program) observer coverage for the monkfish and DOF (declared out of fishery) declaration codes for the wing and bait fisheries, respectively, to better understand if there is a need for any additional observer coverage to improve data precision and accuracy through this action.

3. MOTION: Whitmore/Farnham

The Skate Committee recommends adding an alternative that would require that once the federal permit is obtained at any point in the year, it must be retained for the remainder of the fishing year.

Rationale: This would allow for improved tracking of participation and allow for flexibility for entering the federal fishery.

Discussion of the Motion: The Committee noted this motion allows for the skate fishing permit to be obtained any time of the year, which is different than the alternative in the discussion document (skate permit must be obtained within 45 days of the start of the fishing year). The GARFO Committee member noted this is administratively burdensome, would reduce flexibility creating a barrier to entry or exit, and is likely federal over-reach over states' rights. One member noted interest in developing this alternative to better understand in detail what this alternative would accomplish and any unintended consequences. A couple of members desired to close any loophole allowing for switching between federal and state fishing especially when an incidental limit is in place. This was an issue in the Mid-Atlantic squid fishery where NY state fishing continued, which resulted in large overages of the federal limit.

MOTION 3 CARRIED 6-0-1.

	Yes	No	Abstain	Recuse
Matt McKenzie (Chair)				
Richard Bellavance	X			
Elizabeth Etrie	X			
Daniel Farnham	X			
Jay Hermesen			X	
Scott Olszewski				
John Pappalardo	X			
Dan Salerno	X			
Kelly Whitmore	X			
TOTAL VOTE	6	0	1	

At-Sea Monitoring and Vessel Monitoring Systems

4. MOTION: Salerno/Etrie

The Skate Committee tasks the PDT to further examine realized NEFOP observer coverage rates¹ for two components of the skate fishery: declaration code MNK for wing fishery & declaration code DOF for bait fishery.

Rationale: The Council is considering increased monitoring in this action, but we have yet to determine if the current coverage provides adequate coverage. The NEFOP Sea DAS program does not target specific fisheries, however the area, gear mesh size component could mean (or could not mean) that the vessels that participate in the skate fishery (skate/monkfish) have an adequate level of coverage from year to year and therefore addresses the intent behind this topic.

Discussion of the Motion: The two declaration codes compromise most of the skate wing and bait fisheries. A few members were concerned about both the kept and discarded components of the fishery so evaluating if there is sufficient coverage to evaluate data accuracy and precision and to calculate discard mortality rates would be helpful.

MOTION 4 CARRIED 7-0-0.

	Yes	No	Abstain	Recuse
Matt McKenzie (Chair)				
Richard Bellavance	X			
Elizabeth Etrie	X			
Daniel Farnham	X			
Jay Hermsen	X			
Scott Olszewski				
John Pappalardo	X			
Dan Salerno	X			
Kelly Whitmore	X			
TOTAL VOTE	7	0	0	0

The Committee briefly discussed VMS requirements and a member suggested daily trip reporting. Staff noted the omnibus action for electronic VTR requires reporting within 48 hours and will be implemented in November 2021. The Committee was not yet ready to develop alternatives regarding VMS or other reporting approaches.

Northeast Skate Complex FMP Objectives

¹ After the meeting, the maker of the motion clarified that there are two types of NEFOP coverage for gillnet vessels, complete trips, and limited trips:

- NEFOP complete trip is where the observer is focused on collecting catch (kept & discards) by species as well as conducting biological sampling of the catch.
- NEFOP limited trip is where the observer is focused on marine mammal interactions and is watching the gear as it exits the water with no recording or sampling of discarded catch.

Regarding this motion, the maker indicated that “realized NEFOP coverage rates should be solely based on the NEFOP complete trips and excluding NEFOP limited trips for gillnet gear trips.”

CONSENSUS STATEMENT

The Skate Committee recommends accepting the PDT recommendations on updating Skate FMP Objectives #2 (on rebuilding overfished stocks) and #5 (on setting research priorities).

Rationale: For Objective 2, the language should be generalized to apply to all skate species and today, winter skate is one of the most abundant in the complex and a fishery target. The original objective to reduce fishing mortality on this species is no longer relevant. For Objective 5, the language should be consistent with how the Council currently sets research priorities (one list for all FMPs), the scoping document referred to (for original FMP) now long out of date, and a species identification guide was created and disseminated to fishermen a few years ago. See GARFO website.

Discussion of the Consensus Statement: No discussion on the consensus statement.

AGENDA ITEM #5: 2021-2025 COUNCIL RESEARCH PRIORITIES AND DATA NEEDS

Staff briefed the AP on the research priority setting directive and process and stepped through skate-related priorities. The PDT recommended revising the discard mortality rate priority to focus work on species/gears that still use the default 50% discard mortality rate rather than work focused on overfished species.

5. MOTION: Salerno/Etrie

The Skate Committee recommends approving the PDT recommendations for updating skate-related research priorities and data needs, noting that including skate species in the ASM protocol should be a low priority than the groundfish kept/discard sampling.

Rationale: The ASM program was developed primarily to improve catch data for groundfish. This could improve skate data if possible.

Discussion of the Motion: Members expressed concern over prioritizing skate species identification in ASM observer protocols and whether there are different priority levels for these observer and sampling programs.

MOTION 5 CARRIED 5-0-2.

	Yes	No	Abstain	Recuse
Matt McKenzie (Chair)				
Richard Bellavance	X			
Elizabeth Etrie	X			
Daniel Farnham	X			
Jay Hermsen			X	
Scott Olszewski				
John Pappalardo	X			
Dan Salerno	X			
Kelly Whitmore			X	
TOTAL VOTE	5	0	2	

AGENDA ITEM #6: OTHER BUSINESS

Wing fishery data

Staff briefly discussed a couple of wing fishery questions from the PDT regarding known cases where wing live pounds equals landed pounds and where landed weight is greater than live weight. The PDT is interested in knowing what fishery or dealer practices may cause this and how various skate codes (cheeks and skate racks) are documented by fishermen and the dealers.

One Committee member was concerned about wing landings exceeding the possession limits and if these are correct data entries. Depending on the skate part, dealers record data differently. For monkfish tails, these are recorded as tails and then the data are converted to whole or live weight; for the monkfish head or liver, there is no conversion factor applied. The member noted that the data issue is likely at the dealer level where skates are landed.

AP membership and quorum

Staff and the Committee Chair also discussed Skate AP membership and lack of consistent quorum, noting that this past year, only one out of four AP meetings had a quorum. AP participation has been discussed as an issue over the past several years and the Committee Chair considered reducing the size of the AP, however, was reticent to do so during limited access discussions. Because the current amendment no longer includes limited access, now might be a good time to discuss reducing the AP or consider other alternatives to improve AP participation.

Regarding the lack of quorum, the MAFMC Committee member commented that there is no quorum requirement at the AP-level for the Mid-Atlantic Council. The Committee Chair noted that the New England Council follows Robert's Rules which require a quorum; he noted that even though formal business cannot be conducted, input from present members is valued. A few members agreed that fishing is the main priority for fishermen given that is their livelihood and suggested changing the timing of the AP meetings to the afternoons to better accommodate schedules.

The Skate Committee meeting adjourned at about 1:15 p.m.