



New England Fishery Management Council

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DRAFT MEETING SUMMARY

Skate Committee

Wentworth by the Sea, New Castle, NH

April 4, 2017

The Skate Committee met on April 4, 2017 in New Castle, NH to: review scoping comments related to limited access in the skate fishery.

MEETING ATTENDANCE: Dr. Matthew McKenzie (Chair), Ms. Libby Etrie (Vice Chair), Mr. Rich Bellavance, Mr. Mark Gibson, Ms. Emily Gilbert, Mr. Peter Kendall, Ms. Laurie Nolan, and Mr. John Pappalardo; Dr. Fiona Hogan (NEFMC staff); Mr. Reid Lichwell, Dr. Willie Whitmore (NMFS GARFO staff); Mr. Mitch MacDonald (NOAA General Counsel). In addition, approximately 5 members of the public attended.

KEY OUTCOMES:

- The Committee recommended the Council initiate a framework adjusted to change the skate bait trigger and possession limits.
- The Committee tasked the PDT to provide background data on the fishery to help guide the discussion on limited access in the skate fisheries.

PRESENTATION: SKATE UPDATES

Staff provided the Committee 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

Public Comment:

- Tim Froelich, Long Island, NY – I wasn't at the scoping hearing in Montauk. The letter that I wrote was written at the lodge so it is very general. I'm not necessarily for or against limited access but some of the people that I spoke to feel the same way. That's why there's no clear position on this. My greatest concern is that other fisheries not be harmed. I'm not for or against ITQs. Right now I'm neutral and willing to see where things go in the future. Right now I'm against it but if it works for people in the future. A lot of your opposition in Southern New England is it didn't work out well for folks there in the NE multispecies fishery. Prior to that they were in them but told to go fish on something else. During those years they weren't catching cod they were monkfishing. For that fishery you didn't even need a permit then all of a sudden this control date comes in and they said one thing at one meeting and then when everything was done they were on the outside looking in. It doesn't work 100% like I wanted if I drew it up myself. Latent effort in the monkfish fishery should be addressed. You're taking something that has value and meaning to me and with 15,000 NE multispecies DAS out there that can catch skates but I think they can target monkfish now in the northern management area too. That dilutes my permit. At some point that is going to become a problem. Those DAS will eventually become accessed. To me that's where a lot of people are concerned. That's my concern. I'm not for or against if you want to turn it into a limited access, I just wasn't at the Montauk meeting.

A Committee member thought that people in Montauk were so opposed to limited access because of the abundance of skate. It is being encountered in all the other fisheries and people are scared it could become a choke species. They're also making money on skate when opportunities in other fisheries are decreasing like in fluke. Fishermen think it's a waste to discard skate if they're catching them. Another Committee member asked whether the potential for people to have to buy additional permits if limited access is implemented was discussed at the public hearings. Staff informed the Committee that the discussion did not focus on that at the hearings.

1. MOTION: Gilbert/Pappalardo

To request that the Council initiate a framework adjustment to change the skate bait threshold trigger and possession limit to mitigate against an early season closure.

A Committee member asked if the Agency was willing to do a lot of lifting on this additional framework. Agency staff indicated that support was available. A Committee member informed the group that the Executive Director of the NEFMC was not initially opposed to this additional framework when it was discussed at a recent Executive Committee meeting.

MOTION #1 CARRIED 7/0/0.

The passing of this motion would require an additional Committee meeting before the June 2017 NEFMC meeting.

2. MOTION: Nolan/Pappalardo

To task the PDT to look at dividing the two skate fisheries for the development of independent limited access programs.

A Committee member requested clarification on whether the motion would allow for status quo for one fishery and limited access for another. The maker of the motion clarified that it could be any of those scenarios, resulting in a broad analysis.

Public comment:

- Maggie Raymond, Associated Fisheries of Maine – I appreciate the clarification but I wonder if the makers of the motion or someone on the Committee could elaborate on what the justification is for limited access for either one of these fisheries. Isn't the food fishery actually already partially limited access because you are required to use groundfish and monkfish DAS to prosecute it? It's not completely open. I think it's not appropriate to call that an open access fishery.
- Dan Nordstrom – Am I to assume when you say you're going to split programs that it's under the same structure that doesn't have to be in the wording. I don't mind the split but I just want to make sure that it is under the current management strategy. There's no intent to lead us into the species specific.
- Andrea Incollingo – One compelling reason for limited access for the bait skate fishery was we were shut down for 6 weeks this winter. Being a small quota fishery, in order to maintain the year round necessary supply for the lobster and crab fishery, we have to have some kind of protection to prevent derby style or limited access to stop us from being shut down. I'm on the AP and we talked about reducing trip limits and spoke about the trigger – reducing that number may be effective but if it were to remain the same system we would be shut down at this quota every year. Until we can readdress the amount of quota that we have that in the future may happen with new stock assessment and evaluation of discards. And all the factors that affect our quota. Until we get more quota, at the current amount we maxed out and we have a huge customer base that is dependent on us year round. It was really problematic. Now I guess I'm here to stay that there is justification for limited access. For the wing fishery, the AP guys felt they are at capacity if not more so and they worry too about getting shut down and losing their infrastructure and market and all of the issues that arise when a supply of a species is interrupted. I wish some of those guys were here but you'll see from yesterday's meeting what the AP recommended that there is valid justification for limited access in both fisheries. What does this mean, dividing the 2 skate fisheries, we're already divided. The only link that we have is management. We're under groundfish rules for the most part. We are separate. The division would only be in that linkage to that incidental catch once triggers are hit. Dividing the fisheries, it sounds like you're developing 2 separate FMPs. There already are rules that govern both fisheries. Our only real linkage is in that incidental catch. Dividing the two skate fisheries is ambiguous. I don't understand, do we

not have a divided fishery anyway? We're predominately little skates and the wing fishery is mostly winter skate.

The maker of the motion was also wondering what the justification for limited access was and thought this analysis would help answer that question. The Chair clarified that based on the conversation people were in favor of severing linkages between the two independent skate fisheries but were not discussing breaking up the complex at this time.

A Committee member proposed a motion to amend.

2a Motion to Amend: Etrie

To include in this analysis a review from the PDT on whether or not there is justification for LA for each of the two fisheries.

MOTION #2a WITHDRAWN.

A Committee member considered the issue to be that in practice they are two separate fisheries that fall under the same permit. The idea here would be that limited access permits would be issued for the bait or wing fishery. Under currently regulations and how it is defined, the skate fishery is available to anyone who applies for the skate permit, hence the open designation.

MOTION #2 CARRIED 7/0/0.

3. MOTION: Etrie/Nolan

To include in this analysis a review from the PDT on whether or not there is justification for limited access for each of the two fisheries.

Rationale: The wing and bait fisheries are different, as already discussed. The food fishery is using a DAS so one could argue that it is not quite open access but a more detailed analysis of the two fisheries is necessary to determine whether limited access is justified. There's a lot of concern over latent effort and that some GF DAS holders may enter the wing fishery but that has not happened to date. This analysis is necessary because we're going down a complicated road with some directing on wings and other only fishing it incidentally as part of groundfish fishery.

NOAA General Counsel informed the Committee that there was no legal requirement for justification for limited access but more of a discussion as to whether everything was being done to meet the goals and objectives of the FMP. Another thing to also consider in the context of limited access and goals and objectives, is whether they are consistent with the National Standards, particularly National Standard 4.

A Committee member suggested specific items to be included in the PDT Analysis, including the number of participating in the fishery between 2003 and 2016, how many unique people have been in the fishery as some people jump in and out periodically, potentially extending the control dates to current time to get a sense of how many people would have qualified after them, evidence of increase or decrease in participation, how many permits could transition into this fishery, and what would a newer business owner likely to do with the permit. Monkfish

participation in the skate fishery was considered to be an important user group of skate but one that may not participate year round. It was thought that the threat needed to be identify and it made clear why limited access was being developed in the skate fisheries. GARFO staff thought the if the PDT could figure out if the goals and objectives of the FMP were being met then limited access may not be necessary. If the goals and objectives were not being met then we would need to decide if limited access could improve our ability to meet those goals. GARFO staff thought it would be helpful if the Committee clearly stated what they wanted to achieve from limited access, e.g. sustained fishing operations year round.

- Maggie Raymond – Mr. Pappalardo made some good points in terms of what the PDT should be looking at. I would suggest that in terms of the catch that is associated with groundfish, it has a seasonal market component to it. Even if the trip limit is 4,100 lb the actual landings for the vessel are less than that because the market isn't there. Other times it is there. I think it's important for Committee and PDT to keep in mind that vessels involved in groundfish are required to pay for ASM when fishing for skates. That certainly has the potential for limiting participation in that fishery. Hopefully that kind of information would also be looked at.

A Committee member was not clear if limited access was an appropriate tool right now and considered the PDT analyses to be necessary.

MOTION #3 CARRIED 7/0/0.

A Committee member proposed making a motion of specific items for the PDT to include in its analysis such as looking at the impact of expanding the control dates for the fisheries and how does that impact participants. It was thought this might restrict the PDT analysis and it was agreed that the PDT could use the discussion as a starting point for their work. The Committee member was also interested in seeing additional work done on the adjustment of the management uncertainty buffer and how discards are calculated.

AGENDA ITEM #2: DISCUSSION OF THE UPCOMING SPECIFICATIONS FRAMEWORK

Staff described the current methodology used to calculate the projected dead discards used in setting specifications. It was agreed that adjusting the management uncertainty buffer could be looked at as part of specifications. A Committee member suggested the PDT look at data workshop reports from before sectors to see if the approach to separate out regulatory discards could be applied to the issue of barndoor skate contributing to the discard calculation while now being landed under the current calculated discard methodology.

The Chair noted that the PDT would be helped in its analysis of lading barndoor skate if the Committee provided guidance on whether they were comfortable with a year round market via possession limits for barndoor as opposed to a seasonal fishery. Staff noted that any barndoor possession limit would not be in addition to the existing possession limit but would need to be sufficient to make it practical for fishermen.

Public comment:

- Maggie Raymond – I have a question about the framework and if I could before you close the meeting I'd like to ask a question about the amendment. As I pointed out in my written comments, the original plan allowed for a different possession limit for trip versus day vessels and I'm wondering if the Committee would be interested tasking the PDT with how that might be implemented again.

4. MOTION: Etrie/Kendall

To task the PDT to analyze having different possession limits for the day and trip boats participating in the wing fishery, as part of the specifications framework, if appropriate.

It was not clear at the time of the meeting whether the above motion could be implemented via a framework or not.

MOTION #4 CARRIED 7/0/0.

Public comment:

- Maggie Raymond – With respect to the amendment, I know there is nothing in any of the comments except for mine regarding the potential for revisiting the quota split between food and bait and I hope that is not going to be revisited in the amendment. That was an allocation battle that was had. I would just hope that there would be an expression from the Committee that there is no stomach for revisiting that.

The Chair agreed that there was little to no sentiment for that at the scoping hearings. The Committee agreed that they did not intend to include revisiting the split in total allowable landing allocation between the wing and the bait fisheries.