



New England Fishery Management Council

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DRAFT MEETING SUMMARY

Joint Skate Advisory Panel and Committee

Hilton Providence, Providence, RI

September 5, 2019

The Skate Advisory Panel and Committee met on September 5, 2019 in Providence, RI to: discuss Plan Development Team analysis and draft Framework Adjustment 8 (FW 8) alternatives including updated status determinations for the Northeast Skate Complex, recommendations for the Skate Allowable Biological Catch (ABC), and associated possession limits, select preferred alternatives for FW 8, continued discussion of objectives for a limited access program in the skate bait and wing fisheries (Amendment 5), update on ongoing Amendment 5 analyses, discuss recommendations for the Council to consider for 2020 priorities for the Northeast Skate Complex FMP, receive an update on the Commercial Electronic Vessel Trip Reporting (eVTR) Omnibus Framework, which proposes to implement electronic VTRs for all vessels with commercial permits for species managed by the Mid-Atlantic and New England Fishery Management Councils, and other business, if necessary.

MEETING ATTENDANCE: Dr. Matt McKenzie (Committee Chair), Ms. Libby Etrie (Committee Vice Chair), Mr. Dave Wallace (AP Chair), Mr. Rick Bellavance, Mr. Greg Connors, Mr. Charlie Dodge, Ms. Andrea Incollingo, Mr. Peter Kendall, Mr. Greg Mataronas, Mr. Bill McCann, Ms. Laurie Nolan, Mr. Dan Nordstrom, Dr. Cate O'Keefe, Mr. Scott Olszewski, Mr. John Pappalardo, Mr. Ted Platz, Mr. Mike Ruccio; Mitch MacDonald (NOAA General Counsel); Lou Goodreau and Fiona Hogan (NEFMC staff). In addition, approximately 5 members of the public attended.

KEY OUTCOMES:

- The Committee recommended revised specifications, increased wing possession limits, and increased Season 3 bait possession limits as preferred alternatives.
- The Committee did not add additional alternatives to the limited access amendment.

The Committee Chair informed the AP member present that they could make and vote on their own motions; the Committee would do the same.

AGENDA ITEM #1: FRAMEWORK ADJUSTMENT 8 – SPECIFICATIONS FOR FYs 2020 & 2021

Staff provided the Committee with an overview of the PDT's analysis for Framework 8. The presentation and meeting documents can be found at <https://www.nefmc.org/calendar/sep-5-2019-joint-skate-advisory-panel-and-committee-meeting>.

A Committee member appreciated the inclusion of barndoor skate as part of the skate wing possession limit alternatives especially given the limited landings data available (FW5 implementation date was September 28, 2018). The SSC approved the specifications using the adjusted survey indices; staff

explained that the methodology used to adjust the survey indices had been used for skate before and could be considered “standard” for skate. Staff was unaware of any approved methodology that was approved across FMPs to address missing survey data. With regards to the possession limit analyses, a Committee member reiterated the process the Agency undergoes when a skate fishery is approaching their TAL trigger point – the Regional Administrator has the authority analyze whether the entire quota would be taken before the end of the fishing year; if it’s close to the end of the fishing year the incidental possession limit might not be implemented. Higher possession limits would be expected to better achieve the TAL, however, could result in that occurring earlier in the fishing year.

A couple of AP member questioned the discrepancy in the documents that had 2 different numbers for the percentage of wing TAL achieved in FY2018 and why that difference was so large. The earlier estimate (88%) was taken from the quota monitoring website; the later estimate (75%) was provided after end of year accounting occurred on the data. A Committee member provided a potential explanation - landings have timing requirements and in some instances, to meet that requirement, preliminary data are submitted and later revised. Quality control work fixes any errors caused by this in the database but this typically happens after the end of the fishing year. If the incidental possession limit was triggered for either fishery, it could be reopened if corrections to the data resulted in a more accurate estimate of landings. Errors could be caused by a simple mistake, or they had to submit their data before all the fish have been sold or processed.

The Committee and AP discussed the specifications alternatives. Staff explained that alternative 2 would result in an increased TAL compared to the no action alternative. A number of AP members were in favor of status quo skate wing possession limits even with the proposed increased TAL. A number of other AP members disagreed with one informing the group that with the additional quota from FWs 6 and 8 the fishery might struggle to land the entire TAL if the fishing pattern is the same. One AP member considered the risk of triggering the incidental possession limits to be too high if wing possession limits were increased; this could be reconsidered if the TALs go up again during the next specifications cycle but the current numbers weren’t considered reliable at this point.

1. MOTION: Kendall/Pappalardo

Recommend the Council select as preferred alternative 2 (4.1.2) Revised Annual Catch Limit Specifications

MOTION #1 CARRIED 8-0-0.

The AP and Committee continued their discussion on wing possession limits. An AP member considered that even less of the TAL might be achieved in the future if wing possession limits weren’t raised. Another AP member thought discards could be decreased by increasing the wing possession limits. An AP member was opposed to the increase because being put out of business for a couple of months was too much. The AP member didn’t believe the numbers and noted that the monkfish AP didn’t adopt recommended increases in DAS allocations or trip limits and are now seeing a boom in that fishery. The short term benefit never outweighs the gain in conservation. If you look at our catch history, we’re down for 1 year.

AP motion: to support preferred alternative 4.2.1.2 wing possession limit alternative, alternative 2 possession limits (Mr. Mataronas/Mr. Whiteside)

The AP motion carried on a show of hands (2/1/4).

AP motion to support preferred alternative 4.2.2.2 bait possession limits alternative 2 possession limits (Mr. Nordstrom/Ms. Incollingo)

The AP Motion carried on a show of hands (6/0/1).

2. MOTION: Ruccio/Bellavance

Recommend to the council as the preferred alternative 4.2.2.2 to increase season 3 bait possession limit

MOTION #2 CARRIED 8-0-0.

A Committee member was not ready to vote on skate wing possession limits because of conflicting positions from the AP. If the additional TAL from reducing the buffer had not become available, the fishery would potentially have the incidental possession limit triggered. A Committee member was interested in the skate wing market and how the ex-vessel price was doing, in case the price would attract new participants in the fishery. An AP member considered the price for skate wings to be relatively stable and the bodies are also used for bait. An AP member abstained on the AP motion (wing possession limits) vote because limited access was more important so the fishery could be locked down. A Committee member was hesitant to not vote on skate wing possession limits at the meeting; positions could always change at the September NEFMC meeting. Staff asked if the size of the proposed increase in wing possession limits was the main concern or if it was any increase at all. An AP member said it wasn't the size of the increase it was the lack of certainty in the numbers that this was based on. Everybody wants to make more money but not at the risk of triggering the incidental possession limit. The AP member supported limited access so more participants were not attracted to the fishery. A Committee member was not convinced the limited access amendment was needed or that increasing the wing possession limits would attract new entrants. Landing skate is an option for many vessels if they saw the value in doing that as opposed to discarding it. A Committee member suggested the PDT make some assumptions about effort in the fishery to see what impact that had on the output of the possession limit analysis. If the market demand was high in 2016 when the incidental possession limit was implemented, similar effort levels could be included in the model for FYs 2020 & 2021. An AP member noted that there has been a constant level of skates out on the water, even when the TAL has gone down and now when it's proposed to increase. The distribution of the skates had not changed in that time either.

The proposed increases in the wing possession limits would not translate to a lot of bait from the bodies; it would be less than a barrel in the spring. Bait is \$60-80 per barrel, which isn't much money. The AP member didn't see this small increase in bait from the wing fishery as a huge incentive to join the wing fishery. Another AP member informed the group that no one in Chatham can sell bait right now. There was some panic over the large decrease in herring TAL, which impacted the bait market. Things are improving now but the same prices for bait are unlikely to be seen again next year. The increased wing possession limits might help current participants increase their bait revenues but not increase participation. The crab boats were also shut down for about 6 weeks and did not need bait in that time, which affected bait prices.

A Committee member considered the control dates for the limited access amendment to be stale. An AP member disagreed, the bait fishery saw the need for limited access a long time ago. Another AP member agreed and wished the wing fishery control date was older than it is (March 31, 2016).

3. MOTION: Etrie/Nolan

Recommend to the Council as the preferred alternative 4.2.1.2 to increase season 1 and 2 wing possession limits

MOTION #3 CARRIED 5-0-3.

AGENDA ITEM #2: LIMITED ACCESS

Staff updated the AP and Committee on the limited progress made in the limited access analyses. The major issue is issues with the data where duplicates and other errors are making it difficult to properly bin the landings into various fisheries. The skate PDT has also had to shift focus from limited access to specifications, which are a regulatory requirement.

The Committee discussed the additional objectives contained in the tasking memo. Staff explained that these were just suggestions and were not included in the document. If the Committee liked any of these objectives they could be voted on and added in that case. A Committee member didn't understand the link between limited access preventing overfishing. Overall, the Committee did not like the additional objectives and preferred to move forward with the existing objectives already approved by the Council (at their June 2019 meeting). A Committee member thought that all involved in the process were doing an inadequate job of defining words that are incredibly important. The Committee member was still unsure of the utility of limited access in the skate fishery because so many fisheries interact with skate. A clear understanding of how each fishery was utilizing skates was considered highly important. An AP member didn't want to impact other fisheries but wanted to limit access to the directed fisheries. The Committee member didn't think it was clear at this point whether we needed to be concerned that any other fishery would need a sub-ACL in the future, e.g. for discards. An AP member thought that activity in other fisheries that overlap with skate, e.g. monkfish, should be looked at because if you're monkfishing you need to be able to bring in skate. Monkfish permits could be in CPH and might not have a skate history attached (skate permits can't be put into CPH) and might not qualify but the AP member thought they should qualify. Currently, discards are not controlled but are updated during the specifications process. Controlling discards could be done with a sub-ACL but they might not be required as part of a limited access program.

AGENDA ITEM #3: PRIORITIES

The AP and Committee reviewed the 2019 priorities for the skate FMP. A Committee member recommended adding to the list of priorities a broad discussion of missing survey data and establishing a standardized process to deal with that, as it is expected to continue. Staff did not think this was appropriate for the skate PDT to take on and recommended instead that this be brought up to the council as a whole to be added to the other section of the priorities list. A Committee member informed the group that under the new assessment process, next year's research based assessment is index based – some assessments are based on that so maybe a letter would be appropriate to raise these concerns to the NEFSC.

4. MOTION: Pappalardo/Kendall

forward priorities in table (annual monitoring report/limited access amendment) be forwarded to council for consideration

The Committee discussed whether scoping for limited access would need to be done again to get specific feedback on catch shares. The Council discussed this issue when the scoping document for A5 was approved and decided not to exclude catch shares from the discussion but also not to request specific feedback on catch shares. A Committee member questioned whether that re-scoping should be added to the list of priorities. NOAA General Counsel considered catch shares to be one consideration of a limited access program but would need to look at the original notice again. Another Committee member thought

it was a good approach; the original comments were divided on limited access but there were some strong feelings about catch shares. If the Committee seriously considered a catch share option, the Committee member thought re-scoping would be prudent, even if not legally required. Another Committee member thought re-scoping would take a long time and could delay the process even more. A Committee member thought one meeting could be sufficient to give industry an opportunity to comment. Another Committee member agreed; attendance dramatically increased after the MAFMC included catch shares in the title of a management action.

MOTION #4 CARRIED 6-0-2.

AGENDA ITEM #4: EVTR FRAMEWORK ADJUSTMENT

Staff provided the AP and Committee with an overview of eVTR framework action. The presentation and meeting documents can be found at <https://www.nefmc.org/calendar/sep-5-2019-joint-skate-advisory-panel-and-committee-meeting>.

A Committee member thought it was long overdue and wished that VMS was included as well. Another Committee member noted the Agency was working on an action with the ASMFC that would bring lobster vessels into this using a phased in approach; approximately 5,000 vessels would start reporting as a result.

Pappalardo - Long overdue and wish VMS was included as well. Why was the decision made to go to every single committee and not just do this at the Council meeting?

AGENDA ITEM #5: OTHER BUSINESS

The AP and Committee had no other business to discuss.