



## New England Fishery Management Council

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# MEETING SUMMARY

## Skate Advisory Panel

webinar

March 17, 2021

The Skate Advisory Panel (AP) met on March 17, 2021 at 12:00 PM via webinar primarily to give input on the development of Amendment 5 to the Northeast Skate Complex Fishery Management Plan (FMP). The AP also discussed recent skate fishery performance and outlook for Fishing Year (FY) 2021 and the development of skate FY 2022-2023 specifications.

**MEETING ATTENDANCE:** Advisory Panel: Mr. John Whiteside (Chair), Ms. Sonja Fordham, Ms. Andrea Incollingo, Mr. Jeff Kneebone, Mr. Greg Mataronas, Mr. Scott MacAllister, Mr. Randall Morgan (attended early part of the meeting), and Dan Nordstrom. At least seven AP members were consistently present, constituting a quorum. Council staff: Ms. Jennifer Couture, Dr. Rachel Feeney (Plan Development Team (PDT) Chair), Mr. Lou Goodreau, and Ms. Janice Plante. Skate Committee: Dr. Matt McKenzie (Chair), Ms. Elizabeth Etrie (Vice Chair), Mr. Dan Farnham, Ms. Kelly Whitmore, and Mr. Dan Salerno. In addition, a member of the Skate PDT and about five others attended.

### **KEY OUTCOMES:**

Regarding Amendment 5, the AP recommended:

- Moving forward with the Amendment 5 problem statement, goals, and objectives as written.
- Developing a limited access permit program for the bait fishery, perhaps with the use of the Letter of Authorization to help define qualification.
- Developing a limited access permit program for the wing fishery using more recent qualification years than the control date.
- Developing an intermediate possession limit trigger for the wing fishery.
- Tasking the PDT with providing discard data by trip declarations, disposition and by species, to better identify where discards are occurring.

### **AGENDA ITEM #1: FY 2020 SKATE FISHERY PERFORMANCE AND OUTLOOK FOR 2021**

Staff briefly presented the FY 2020 landings to date that are monitored against the Total Allowable Landings (TAL). The AP discussed how FY 2020 is progressing and expectations for FY 2021, including the factors that may be influencing fishing activity (e.g., pandemic, possession limits, market conditions, environment/ecosystem, species distribution). Several AP members discussed how the pandemic shut down their fishing operations for several months beginning March 2020 and that the closing of restaurants, collapse of lobster prices subsequently negatively affecting skate bait prices, and an uncertain future will continue to impact the industry. Members did note that sales are improving and are cautiously optimistic for the start of FY 2021. An AP member was frustrated about being asked about factors

influencing fishing effort both in FY 2020 and FY 2021 given the challenges of the ongoing pandemic. Staff reminded the AP members that they had a similar conversation in March 2020 and shared that hearing periodic “on the water” updates from the AP is helpful to the Committee and PDT.

An AP member flagged that climate change as a factor affecting the fishery, noting the findings of a recent scientific paper on climate change impacts on the Northeast skate population. The AP Chair asked if AP members could receive a copy. Staff will investigate whether this is permissible under any copyright constraints. Another AP member shared that effort in the wing segment will likely be lower given the significant decline in wing prices in the winter.

#### ***AGENDA ITEM #2: AMENDMENT 5***

Staff summarized the public scoping comments received, comparing with those received during the initial scoping period. Comments were focused on limited access with minimal comments for the other types of measures. Like in initial scoping, there was mixed support for limited access. The AP did not have any questions or comments on the summary.

Staff then reviewed a few updates to the Discussion Document, including a new table by wing landings by gear type, clarification of when skate incidental limits have been triggered, and revision to skate landings by gear type and vessel dependence. Staff also reviewed PDT background work on the expanded types of measures that may be developed in A5. The AP had a lengthy discussion on limited access qualification criteria, including the criteria that the AP recommended in 2019. Staff explained that those ideas are not formal alternatives. At the time, the Committee did not recommend them to the Council but tasked the PDT to provide data on the number of vessels and revenue that would fit within the criteria. Staff explained that the AP could recommend these ideas again and/or forward a different approach, and that there will be other meetings to develop alternatives. An AP member would like to work with his constituents to develop alternatives for limited access for the bait fishery. An AP member was concerned that there is insufficient revenue in the skate fishery to support industry funded monitoring.

#### **Public Comment:**

- Maggie Raymond (Associated Fisheries of Maine) – There could be increased monitoring for the monkfish only vessels which do not have VMS requirements.

Staff noted that any changes to monkfish regulations would need to go through the Monkfish Committee.

### **1. CONSENSUS STATEMENT**

The Skate AP supports moving forward with the Amendment 5 problem statement, goals, and types of measures to consider as written.

**Discussion on the Consensus Statement:** There was a general sense that sufficient work has taken place on creating the problem statement, goals, and types of measures to consider.

#### **Public Comment:**

- Maggie Raymond – Asked why the AP is being asked to comment on revising the problem statement, goals, and types of measures to consider given the Council already approved them. There is not strong support for limited entry from both scoping periods and suggested the AP definitively recommend whether to move forward with limited access or not, given the AP has a quorum.

The Skate Committee Chair clarified that when the Council approved the expand range of possible measures (September 2020), it was noted that the Council may revise the problem statement, goals, and types of measures after considering scoping comments. Staff noted that a question about whether to revise these was included in the Council-approved scoping document and encouraged that any such revisions be made as soon as possible (i.e., at the April Council meeting) to keep this action moving forward. The

Committee Vice Chair encouraged the AP to clearly indicate what type of measures it recommends developing and whether for the wing or bait fisheries.

The AP adopted consensus statement #1 with no objections.

**1. MOTION: INCOLLINGO/NORDSTROM**

To recommend to the Committee that alternatives for developing a limited access permit for bait be developed.

*Rationale:* The objective is to prevent the incidental limit from being triggered, so having bait limited access permits would better identify the potential effort and limit potential from latent permits being activated all at once.

**Discussion on the Motion:** A few AP members want to pursue limited access for bait, especially because the pandemic has caused significant changes to markets and there is still a risk of shutting down the fishery, disrupting the bait supply. The fishery was impacted by both attrition and weather, thus, in this fishing year it does not look like limited entry is needed with only 42% of bait TAL harvested. Past years are more representative. An AP member felt some form of limited access is necessary and wants the program to be fair and not exclusionary for the fishermen who direct or only periodically participate in the bait fishery. The impact to the monkfish fishery should be considered when developing a limited access permit, otherwise fishermen with only monkfish permits will discard skates. An AP member supports the 2009 control date for bait for a limited access program but asked if and how the control date could be changed by the Council. Staff explained that a control date is meant to alert fishery participants that a Council action could limit participation going forward but that does not mean that the qualification criteria for limited access needs to follow the control dates. A few bait AP members want to move forward with a limited entry program for the bait segment to limit any potential for activated latent permits but did not want that to detrimentally impact the wing fishery given both segments are part of the same skate permit. The wing AP members supported the bait fishery limited access motion.

**MOTION 1 CARRIED 5-0-1.**

	Yes	No	Abstain		Yes	No	Abstain
John Whiteside (Chair)				Scott MacAllister	x		
Greg Connors	absent			Greg Mataronas	x		
Charlie Dodge	absent			William McCann	absent		
James Dopkin	absent			Randall Morgan	absent		
Sonja Fordham	x			Daniel Nordstrom	x		
Andrea Incollingo	x			Ted Platz	absent		
Jeff Kneebone			x	<b>TOTAL VOTE</b>	<b>5</b>	<b>0</b>	<b>1</b>

**2. MOTION: MACALLISTER/MATARONAS**

To recommend to the Committee that limited access not be developed in the wing fishery based on the control date; perhaps explore wing limited access based on current participation.

*Rationale:* Current participants in the wing fishery should be able to keep fishing. This would avoid discards from vessels with monkfish permits.

**2A. MOTION TO AMEND: MATARONAS/INCOLLINGO**

To recommend to the Committee that limited access be developed in the wing fishery based on current (most recent) participation and avoid using the previously established control date.

*Rationale:* The rationale is the same as the underlying motion. The AP supports limited access but would like the qualification criteria to be more liberal.

**Discussion on the Motion:** An AP member was concerned over limited access for the wing fishery if the existing control date was used to determine qualifying vessels, given he entered into the fishery in 2015 and would thus not qualify. Limited access should not exclude monkfish vessels because skate bycatch would increase.

**MOTION 2A TO AMEND CARRIED 5-0-1.**

	Yes	No	Abstain		Yes	No	Abstain
John Whiteside (Chair)				Scott MacAllister	x		
Greg Connors	absent			Greg Mataronas	x		
Charlie Dodge	absent			William McCann	absent		
James Dopkin	absent			Randall Morgan	absent		
Sonja Fordham	x			Daniel Nordstrom	x		
Andrea Incollingo	x			Ted Platz	absent		
Jeff Kneebone			x	<b>TOTAL VOTE</b>	<b>5</b>	<b>0</b>	<b>1</b>

**MAIN MOTION #2 AS AMENDED**

To recommend to the Committee that limited access be developed in the wing fishery based on current (most recent) participation and avoid using the previously established control date.

**MAIN MOTION #2 AS AMENDED CARRIED 4-0-2.**

	Yes	No	Abstain		Yes	No	Abstain
John Whiteside (Chair)				Scott MacAllister	x		
Greg Connors	absent			Greg Mataronas	x		
Charlie Dodge	absent			William McCann	absent		
James Dopkin	absent			Randall Morgan	absent		
Sonja Fordham			x	Daniel Nordstrom	x		
Andrea Incollingo	x			Ted Platz	absent		
Jeff Kneebone			x	<b>TOTAL VOTE</b>	<b>4</b>	<b>0</b>	<b>2</b>

**3. MOTION: KNEEBONE/FORDHAM**

To recommend to the Committee that the PDT provide more information on discards (discards by species, declaration code or disposition) to tell which fisheries the discards are coming from. It would help determine if and how limited access may impact discards, address the goal of reducing discards, and help guide bycatch reduction research. Having summary text to augment tables would help. If discards can be reduced, then more quota would be available for harvest.

*Rationale (developed in detail after the meeting):* Reducing discards is a major theme of the current A5 goals, but there are limited data that demonstrate exactly how and where discards are a problem. For

example, Limited Access is focused on the directed bait and wing fisheries, but the data in the discussion document do not indicate the discard levels in those fisheries. Thus, if discard levels in these fisheries are (comparably) low, then there is little (or no) need to explore measures aimed at reducing discards in them (e.g., through gear modifications). In contrast, if a large percentage of skate discards are occurring in other fisheries that do not habitually land skates, then efforts should focus on addressing that problem. Reducing discards would allow maximizing the TAL, thereby benefiting the targeted skate fisheries. Improved information on discards by fishery would also help achieve A5 goal 2 (improving data for assessments). Having discard data by species would be particularly helpful for thorny skate, which rarely occurs south of the Gulf of Maine, so many skate fishermen may never encounter a thorny skate. Clarifying patterns like this will help us better identify and understand where discard problems exist, which in turn will help us focus measures to address problem areas and leave the ‘non-issues’ be.

**Discussion on the Motion:** An AP member asked other AP members about the issue of skate discarding and whether the problem was a specific species like thorny skate or if it was a size issue where the winter and barndoor skates are too small to wing, thus, are discarded as a result. When asked about discard data, staff explained the A5 Discussion Document has recent discard data, but discards are calculated on a complex wide basis and the data included are not to the level of specificity requested by the AP member. An AP member did not support the data request as he was not sure of the motivation behind this proposed work and does not want to create a choke species or impact other fisheries that rely on skates as part of their fishing operations.

**MOTION 3 CARRIED 2-1-3.**

	Yes	No	Abstain		Yes	No	Abstain
John Whiteside (Chair)				Scott MacAllister			x
Greg Connors	absent			Greg Mataronas			x
Charlie Dodge	absent			William McCann	absent		
James Dopkin	absent			Randall Morgan	absent		
Sonja Fordham	x			Daniel Nordstrom		x	
Andrea Incollingo			x	Ted Platz	absent		
Jeff Kneebone	x			<b>TOTAL VOTE</b>	<b>2</b>	<b>1</b>	<b>3</b>

**4. MOTION: MATARONAS/MACALLISTER**

To recommend to the Committee that an intermediate trigger be developed for the wing fishery, simultaneous to the development of limited access. An intermediate trigger should be close to the current percentages.

*Rationale:* This would allow fishery participants to better use quota on an annual basis and would minimize impacts on other fisheries that use skates as bycatch. This would help avoid overages and prevent tripping the incidental limit in late winter.

**Discussion on the Motion:** An AP member was concerned about the lengthy process for developing a limited access program which will likely take years to come to fruition. He recommended developing an intermediate trigger, alongside a limited access amendment, as this work can be developed and implemented quicker. He suggested an intermediate trigger close to the current percentages would help maximize harvest. A bait AP member supported an intermediate trigger for the wing fishery but is happy with the current bait fishery triggers (80% for seasons 1 and 2, 90% for season 3).

**MOTION 4 CARRIED 6-0-0.**

	Yes	No	Abstain		Yes	No	Abstain
John Whiteside (Chair)				Scott MacAllister	x		
Greg Connors	absent			Greg Mataronas	x		
Charlie Dodge	absent			William McCann	absent		
James Dopkin	absent			Randall Morgan	absent		
Sonja Fordham	x			Daniel Nordstrom	x		
Andrea Incollingo	x			Ted Platz	absent		
Jeff Kneebone	x			<b>TOTAL VOTE</b>	<b>6</b>	<b>0</b>	<b>0</b>

**Comments by individual AP members:**

- I am against developing gear modifications. I am unsure if there would be any gear modifications for the scallop fishery that would reduce skate interactions. The monkfish gillnet fishery already fishes with 12” gillnets. I’m not aware of anyone using 10” mesh. Some fish with 12.5” and it is better at catching larger winter skate.
- On the state/federal permit issue, I am uncertain on how widespread a practice it is to drop the federal permit to fish in the state fishery. There is a grace period that allows adding the federal permit after May 1 that may prevent entering and leaving the federal fishery.
- On monitoring, it would be cost-prohibitive to pay for additional monitoring. The price of skate is too low. Vessels (monkfish gillnet) need to use IVR and submit VTRs, and it is unclear what the added value having VMS would provide.
- I hope to have more streamlined declaration and reporting processes across the fisheries.

**2. CONSENSUS STATEMENT**

To recommend tasking the PDT with providing more information about the skate fishery participants’ use of the Bait Letter of Authorization to help inform the creation of limited access alternatives for the bait fishery.

**Discussion of Consensus Statement:** A bait AP member shared how the Letter of Authorization is a big factor in determining to what extent fishermen participate in the fishery and defining the directed bait fishermen versus those who only periodically harvest skate bait.

The AP adopted consensus statement #2 with no objections.

***AGENDA ITEM #3: 2019 SKATE 2022-2023 SPECIFICATIONS***

Staff reviewed the 2022-2023 specifications timeline including an Acceptable Biological Catch recommendation by the Scientific and Statistical Committee in late July and final action scheduled for September 2021. The PDT started a specifications discussion document which includes clarifications and reminders of methods for determining reference points and setting specifications. Because of the 2020 survey data gaps, the skate PDT is seeking additional scientific advice of the NEFSC before proceeding on developing ABC recommendations.

**Discussion:** An AP member is concerned about the status of thorny skate and urged the Council to take action to promote its rebuilding.

***AGENDA ITEM #4: OTHER BUSINESS***

With no other business, the meeting adjourned at about 4:00 pm.