



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116

John F. Quinn, J.D., Ph.D., *Chairman* | Thomas A. Nies, *Executive Director*

MEETING SUMMARY

Skate Committee

webinar

March 25, 2021

The Skate Committee met on March 25, 2021 at 9:00 AM via webinar primarily to give input on the development of Amendment 5 to the Northeast Skate Complex Fishery Management Plan (FMP). The Committee also discussed the development of skate Fishing Year (FY) 2022-2023 specifications.

MEETING ATTENDANCE: Skate Committee: Dr. Matt McKenzie (Chair), Mr. Rick Bellavance, Ms. Elizabeth Etrie (Vice Chair), Mr. Dan Farnham, Mr. Jay Hermsen, Mr. Scott Olszewski, 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. Others: Dr. John Quinn (Council Chairman), Mr. Mitch MacDonald (NOAA General Counsel), Mr. John Whiteside (Advisory Panel Chair), Ms. Cynthia Ferrio (GARFO staff), one other Council member, and about four others attended.

KEY OUTCOMES: Regarding Amendment 5, the Committee recommended:

- Moving forward with the Amendment 5 problem statement, goals, and objectives as written.
- Developing alternatives for intermediate possession limits, requiring a year-round federal skate permit, developing limited access permit programs for the bait and wing fisheries, updating the Skate FMP objectives.
- Establishing new control dates for both the wing and bait fisheries for a future Council action on limited access.

AGENDA ITEM #1: ADVISORY PANEL REPORT

Advisory Panel (AP) Chair briefed the Committee on the March 17, 2021 AP meeting, including the AP motions on developing a limited access permit for both the bait and wing fisheries, providing additional information on skate discards by species, declaration code or disposition code to help determine which fisheries the discards are coming from, developing an intermediate trigger for the wing fishery, and recommending PDT tasking to provide more information on skate fishery participants' use of the Bait Letter of Authorization to inform creation of limited access alternatives for the bait fishery.

A Committee member asked if a new control date would need to be established for a wing limited access program if the old 2014 control date is not used.

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. 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.

Committee members asked a few background questions about the skate fishery management, including questions on the TAL split between the wing and bait fisheries, the seasonal TAL and why there are only two seasons for the wing fishery while there are three seasons for the bait fishery, the reason skate is considered a data poor fishery, and the triggering of the incidental limit. Council and GARFO staff explained that each wing and bait season has a certain percentage of TAL allocated and that the bait fishery was set up as three seasons to mirror what was needed in the lobster fishery. Incidental limits have been triggered five times over the past decade, the last time being in December 2017, prior to Framework 6 which lowered the uncertainty buffer (thereby increasing the overall TAL) instead of establishing an intermediate trigger.

A member asked if there is a need for additional monitoring for the portion of the monkfish only fishery that is exempted from ASM observer coverage in the southern exemption area. Additional data exploration of the Pre-Trip Notification System would be needed to evaluate this. Another member asked the history behind the ability to add and drop the skate permit throughout the year, for which it is an artefact of the open access nature of the fishery. Another member asked whether eVTR would improve skate accounting towards the TAL; this will likely be the case given vessel to vessel transfers reported via VTR will be submitted more frequently. There was a brief discussion on where recreational and state water landings are accounted for within TAL monitoring and catch accounting.

1. MOTION: PAPPALARDO/BELLAVANCE

The Skate Committee recommends to the Council that it proceed to develop Amendment 5 using the problem statement, goals, and types of measures to consider as already approved by the Council.

Rationale: Based on the scoping comments, PDT and Committee work, there is no reason to change the problem statement, goals, and types of measures. They are sufficient as written.

Discussion on the Motion: No discussion on the motion.

MOTION 1 CARRIED 8-0-0.

	Yes	No	Abstain	Recuse
Matt McKenzie (Chair)				
Richard Bellavance	x			
Elizabeth Etrie	x			
Daniel Farnham	x			
Jay Hermsen	x			
Scott Olszewski	x			
John Pappalardo	x			
Dan Salerno	x			
Kelly Whitmore	x			
TOTAL VOTE	8	0	0	

2. MOTION: SALERNO/ETRIE

The Skate Committee recommends to the Council that alternatives be developed for an intermediate possession limit trigger for the wing and bait fisheries. An intermediate trigger should be close to the current percentages of landings relative to Total Allowable Landings that trigger incidental limits (75% or above). Develop alternatives for possession limit reduction options at 50% and 75% for when an intermediate possession limit is triggered. For discussion at least, develop triggers in all wing and bait seasons.

Rationale: This would help address A5 goal #1: avoid tripping skate incidental possession limit due to potential increased effort entering the skate fishery from non-skate fisheries. While this may not be currently happening, an intermediate trigger could prevent this in future. There are some concerns about pursuing limited entry, and this may be an alternate approach to encourage full utilization of TAL.

Discussion on the Motion: There was concern about the potential for a trigger to occur too early in the season. Some Committee members noted that achieving the TAL should be a positive given that suggests full use of the resource. Data have shown a decrease of effort in the fishery so there could be other approaches besides limited access like an intermediate trigger that do not impact the market but encourage full utilization of the TAL with a stable supply of skate. Another member asked if there was any correlation between ACL and incidental triggers; staff showed a graph noting that the incidental limit was triggered when the TALs were low. It was noted that there have been no incidental possession limit triggers implemented since Framework 6 (lowered the uncertainty buffer). Incidental limits may complicate the fishery and negatively impact dependent vessels (e.g., spring and winter gillnet wing fishery).

Public Comment:

- Maggie Raymond (Associated Fisheries of Maine) – Concerns about continued statements about a fear of new entrants into the fishery when the data show the opposite trend.

MOTION 2 CARRIED 6-1-1.

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

3. MOTION: PAPPALARDO/BELLAVANCE

The Committee recommends developing alternatives that would require the federal permit to be maintained year-round (prevent dropping or picking up mid-year).

Rationale: There is concern about the ability for vessels drop the skate federal fishing permit and continue fishing in a state fishery after a federal incidental limit is triggered. Also, this may reduce complication in specifying and accounting for federal and state landings. This may also shed light on more omnibus approaches for identifying state landings.

Discussion on the Motion: There was discussion about the logistics of how a year-round open access permit would work and any unintended consequences to management. Processes such as permit transfers would need to be considered. There may be complications because open access permits do not come with the same rights as limited access permits. Some of these concerns might not be relevant if the open access permit must be retained at the start of the fishing year and is not allowed to be dropped in the middle of the fishing year to fish with a state permit.

MOTION 3 CARRIED 7-0-1.

	Yes	No	Abstain	Recuse
Matt McKenzie (Chair)				
Richard Bellavance	x			
Elizabeth Etrie	x			
Daniel Farnham	x			
Jay Hermsen			x	
Scott Olszewski	x			
John Pappalardo	x			
Dan Salerno	x			
Kelly Whitmore	x			
TOTAL VOTE	7	0	1	

Committee members reviewed the motions that were passed and noted that the first motion on using the problem statement, goals, and objectives does not task additional work on all the A5 measures, rather, that motion does not exclude any measures for further evaluation as part of A5. Committee Chair noted that additional motions would be needed to further develop other measures. A few members discussed the vessels landing skates that do not have VMS requirements. There is a segment of vessels in the monkfish fishery that do not have VMS and are catching skate, thus are eventually attributed to skate catch accounting, which is disconcerting. Another member noted that the monkfish fishery has a subset of permit categories that do not have VMS and suggested the PDT investigate the portion of landings in permit categories A and B and compare against total landings in permit categories C and D.

4. MOTION: BELLAVANCE/PAPPALARDO

The Skate Committee recommends to the Council that alternatives be developed for a limited access permit program for the bait fishery. Develop alternatives using criteria developed by Advisory Panel members in April 2019, with the most recent end dates for qualification (likely 2020).

The criteria would be for two qualification groups: 1) vessels having a Letter of Authorization (LOA) prior to the control date (July 30, 2009) and bait landings (over 1 lb) in FY 2014-2020 (would have a 25,000 lb trip limit); and 2) vessels having an LOA only after the control date and 50,000 lb or more of bait landings (live lb) in FY 2009-2020 (would have a 10,000 lb trip limit). All other vessels with bait landings since 2004 would be non-qualifiers (would have a 1,200 lb trip limit).

Rationale: Limited access is a tool for preventing the incidental limit being triggered, to better identify participants in the bait fishery, and prevent additional effort.

Discussion on the Motion: The issue of potential new effort is not concerning to one member. Expanding the qualifying years would hopefully include more vessels qualifying for limited access. A member noted that limited access for the bait fishery could be a value add given the bait fishery has unique concerns and is managed through a Letter of Authorization, thus, managed differently than the wing fishery. The original bait qualification criteria developed included an end date of 2018 because that is the year in which the work was done.

Public Comment:

- Maggie Raymond – The number of non-qualifiers in the draft bait qualification criteria is high; wonders if that value will decrease when adding in FY 2020.

A Committee member noted that expanding the qualification criteria to FY 2020 would hopefully reduce the number of non-qualifiers, because the Committee does not want to exclude a large portion of the fishery that relies on bait. Staff explained that additional landing criteria with a lower landing limit could be established to reduce the number of non-qualifiers.

MOTION 4 CARRIED 7-0-1.

	Yes	No	Abstain	Recuse
Matt McKenzie (Chair)				
Richard Bellavance	x			
Elizabeth Etrie	x			
Daniel Farnham	x			
Jay Hermsen			x	
Scott Olszewski	x			
John Pappalardo	x			
Dan Salerno	x			
Kelly Whitmore	x			
TOTAL VOTE	7	0	1	

5. MOTION: BELLAVANCE/PAPPALARDO

The Skate Committee recommends to the Council that alternatives be developed for a limited access permit program for the wing fishery with options for qualification years that are more recent than the control date (March 31, 2014). Additionally, to task the PDT with updating the wing qualifying tables in the Discussion Document with participation past the control date (through 2020).

Rationale: The idea of limited access has been discussed for some time and should be developed into alternatives through Amendment 5. This is a way to further consider the public comments and to make a more informed decision. The AP felt that this is important to explore further but were concerned about limiting more recent participants. This could help avoid triggers in the future when TALs may be lower.

Discussion on the Motion: A member noted that scoping comments were largely against limited access for the wing fishery, and it appears that the motivation for limited entry is largely economic. Excluding participants does not address the Amendment 5 problem statement. Other members were concerned that limited access for the wing fishery may increase discards. It would need to clarify how this addresses the problem statement.

Public Comment:

- Maggie Raymond – Access to the skate fishery is controlled by other FMPs. Could examine where potential effort could come from. The outcome of limited access is to exclude participants.

MOTION 5 CARRIED 4-3-1.

	Yes	No	Abstain	Recuse
Matt McKenzie (Chair)				
Richard Bellavance	x			
Elizabeth Etrie		x		
Daniel Farnham		x		
Jay Hermsen			x	
Scott Olszewski	x			
John Pappalardo	x			
Dan Salerno		x		
Kelly Whitmore	x			
TOTAL VOTE	4	3	1	

A Committee member wanted to discuss establishing a new control date for both fisheries, concerned that if limited access is not established through this action, but is considered again in a future action, the current dates are too old to be useable. Staff clarified that a control date is the date of the *Federal Register* notice, and it is alerting the public that subsequent fishery participation may be limited by actions that the Council is considering. The Council is not bound to using the current control dates to set limited access qualification criteria. Further, if limited access is not established through Amendment 5 and the Council decides years down the road to pick up this idea again, a control date in 2021 may be considered stale at that point.

6. MOTION: FARNHAM/PAPPALARDO

The Skate Committee recommends to the Council that new control dates be established for the wing and bait fisheries.

Rationale: If limited access is not implemented through Amendment 5, but is through a future action, the current dates would be too outdated to be useable.

Discussion on the Motion: No other discussion of the motion.

MOTION 6 CARRIED 6-0-2.

	Yes	No	Abstain	Recuse
Matt McKenzie (Chair)				
Richard Bellavance	x			
Elizabeth Etrie			x	
Daniel Farnham	x			
Jay Hermsen			x	
Scott Olszewski	x			
John Pappalardo	x			
Dan Salerno	x			
Kelly Whitmore	x			
TOTAL VOTE	6	0	2	

7. MOTION: HERMSEN/WHITMORE

The Skate Committee recommends to the Council that alternatives be developed that would update the Skate Fishery Management Plan Objectives #2 and 5 as highlighted by the Skate PDT (i.e., updating stock status and how research priorities are identified).

Rationale: There are original objectives that have been achieved (e.g., barndoor skate is now rebuilt), and it is now time to update the objectives.

Discussion on the Motion: No other discussion of the motion.

MOTION 5 CARRIED 8-0-0.

	Yes	No	Abstain	Recuse
Matt McKenzie (Chair)				
Richard Bellavance	x			
Elizabeth Etrie	x			
Daniel Farnham	x			
Jay Hermsen	x			
Scott Olszewski	x			
John Pappalardo	x			
Dan Salerno	x			
Kelly Whitmore	x			
TOTAL VOTE	8	0	0	

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

Staff reviewed the FY 2022-2023 specifications timeline including an Acceptable Biological Catch recommendation by the Scientific and Statistical Committee in late July and final action in 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 NEFSC survey data gaps, the PDT is seeking additional scientific advice of the NEFSC before proceeding on developing ABC recommendations.

Discussion: A Committee member discussed the management uncertainty buffer within the ACL flowchart and suggested making an explicit deduction for recreational catch given the increase in recreational landings in recent years. Another member inquired whether the increase in recreational landings is due to the new method in the Marine Recreational Information Program. GARFO and Council staff noted that the increase could be due to the new methodology but would need to further evaluate which years the new methods were applied to (if at all).

No motions were made.

AGENDA ITEM #4: OTHER BUSINESS

With no other business, the meeting adjourned at 1:45 pm.