

Northeast Skate Complex Fishery Management Plan

Amendment 5 Supplemental Scoping Written Comments



January/February 2021

ASSOCIATED FISHERIES OF MAINE

PO Box 287, South Berwick, ME 03908

February 10, 2021

Mr. Thomas Nies, Executive Director
New England Fishery Management Council

VIA ELECTRONIC MAIL

Dear Tom:

“Northeast Skate Complex Amendment 5 Scoping Comments”

The original skate fishery management plan (FMP) describes the skate fishery as follows (emphasis added).

“Skates are harvested in two very different fisheries, one for lobster bait and one for wings for food. The fishery for lobster bait is a more historical and directed skate fishery, involving vessels primarily from Southern New England ports that target a combination of little skates (>90%) and, to a much lesser extent, juvenile winter skates (<10%). The wing fishery is a more incidental fishery that involves a larger number of vessels located throughout the region. Vessels tend to catch skates when targeting other species like groundfish, monkfish, and scallops and land them if the price is high enough.”

Current and Potential access to the skate resource:

The skate FMP description of the fishery is now outdated as the food (wing) fishery has developed into a “directed fishery” prosecuted primarily by vessels using gillnet gear. (See table 26, page 45, Amendment 5 discussion document.) Gillnet gear is responsible for 81% of the food (wing) skate catch.

In the context of concerns about increased participation or overcapacity in the fishery, the ability to effectively “target” skates as a food (wing) directed fishery is now unique to day vessels. The early years of the FMP provided for a possession limit of 10,000 pounds for trips less than 24 hours and 20,000 pounds for trips greater than 24 hours (Table 1, page 40, Amendment 5 discussion document). Currently the plan provides the same possession limit, regardless of trip length, giving day vessels a competitive advantage as compared to vessels making multi-day trips. We suspect that the gillnet fishery described in Table 26 (Amendment 5 discussion document) is prosecuted primarily on single day trips. Therefore, it would be useful to know the number of permitted gillnet vessels that currently do not participate in the skate fishery to gauge potential new entrants.

Improve skate data, leading to improved assessments:

The skate fishery has been considered “data poor” since the inception of the plan in 2003. The Council has taken the position in other fisheries that improved monitoring will improve assessments.

Gillnet vessels targeting skates under the monkfish DAS program are not subject to monitoring beyond NEFOP (unless enrolled in a groundfish sector). Gillnet vessels targeting skates under the groundfish DAS program, using 10" mesh, are exempt from the sector monitoring requirements if they fish in broad stock areas 2 (inshore Georges Bank) and 4 (Southern New England). Multispecies FW55 final rule justifies the exemption by stating: "majority of catch on these trips is of non-groundfish stocks such as skates, monkfish, and dogfish, with minimal or no groundfish catch" (emphasis added).

Types of measures under consideration:

Limited entry is not the appropriate mechanism for preventing the incidental trip limit from being triggered. We encourage the committee to make structural changes to the possession limit, and its timing, to avoid the incidental limit being triggered.

We again question the Council's decision to proceed with a limited entry program for the skate fishery where there is no evidence of overcapacity and because the fishery is currently managed sustainably. Furthermore, the skate food (wing) fishery is already controlled by a "de facto" limited entry program under the groundfish, scallop, and monkfish FMPs. Open access in the skate fishery is limited to the bait component.

The draft qualification criteria described in 4.1 of the Amendment 5 discussion document, if adopted, would reduce the number of active vessels in the food (wing) fishery from 262 in 2019 (table 12, page 27, Amendment 5 discussion document) to somewhere between 7 and 105 vessels (table 2, page 13, Amendment 5 discussion document). If the Council insists on developing a new limited entry program for the food (wing) fishery, we urge the Committee to justify such radical reductions in the number of permitted vessels, and to develop more qualification alternatives.

We support monitoring requirements beyond those required by NEFOP/SBRM for groundfish/monkfish vessels not subject to the high accountability of groundfish sectors, as well as reconsideration of the current exemptions from sector monitoring for vessels targeting skates.

We support the objective to "preserve, to the extent possible, ongoing participation in the fishery consistent with how past utilization has occurred". The groundfish trawl fishery plays no role in "tripping the incidental possession limit" and access for these vessels should be preserved.

Sincerely,

M. Raymond

Maggie Raymond, Executive Director



ATLANTIC OFFSHORE LOBSTERMEN'S ASSOCIATION

Grant Moore, President
exec@offshorelobster.org

David Borden, Executive Director
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February 3, 2021

Thomas Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill #2
Newburyport, MA 01950

Dear Tom,

I'm writing on behalf of the Atlantic Offshore Lobstermen's Association to provide comments toward the Northeast Skate Complex FMP Amendment 5 supplemental scoping. As the record demonstrates, the Association testified in support of recently implemented Frameworks 4 & 6 which have reduced the risk of triggering accountability measures, however we believe further action is needed. Given the Association's interest in a reliable bait supply we support the adoption of additional measures to reduce the risk of triggering the existing incidental possession limits, which act as de-facto bait fishery closures. This is particularly important given recent declines in other bait sources leading to greater reliance on skates and alternative baits.

Year round access to bait is critical, therefore we suggest measures be implemented that spread out quota throughout the season and avoid seasonal interruptions. The incidental limit has been triggered on five occasions, with very disruptive consequences for the bait supply, and indirectly the lobster/Jonah crab fishery, which relies on both whole bodies and processed skates as bait, depending on target species and timing of the fishing operation. For example, when the directed monkfish/skate bait fixed gear fishery ceased operations for weeks in the winter/spring due to skate possession limits. They could not justify the cost of fishing based solely on monkfish catch.

We have concerns about the high level of discards in various fisheries in past years and the accelerating rate of landings in the summer and fall. Should these trends continue they will surely again have negative impacts on the directed monkfish/skate bait fishery. Although the Association does not offer specific management recommendations, we urge the Council to develop a full range of measures, including a limited access alternative, that allow each component of the fishery to sustainably harvest skate resources throughout the year without market interruptions.

Thank you for your consideration of our comments.

Sincerely,

David Borden
Executive Director

-----Original Message-----

From: maxwell lucarelli <maxslucarelli@gmail.com>

Sent: Friday, February 12, 2021 1:28 PM

To: comments <comments@nefmc.org>

Subject: "Northeast Skate Complex Amendment 5 Scoping Comment"

I've been fishing for the better part of my life. I currently own a small lobster permit. With high costs to get into the lobster industry, to make a living to support and family I looked to gillnetting which is what I grew up doing. With a low cost to get into and an opportunity to make a living to support a family I bought a multi species permit. When I learned that permit could be rendered useless to me I was distraught. It seems to be the best way to get young fisherman into the industry. With older guys getting out of the industry and younger guys getting into it I don't believe it is necessary to go limited access. I also believe with all the talk of grant money to help develop young fisherman that it would be silly to pass this amendment and put some of us out who are working hard to make it. I am a young fisherman that will employ young fisherman. I can understand why there would be guys pushing for this amendment but at this time it doesn't seem as if the skate population is in danger if the regulations stay they way they are. I do no believe the fishery is in danger.

Thank you

Sent from my iPhone



jean public <jeanpublic1@gmail.com>

To: comments; INFORMATION@sierraclub.org; The Pew Charitable Trusts; PETA Info; humanelines

Reply Reply All -

Mc

public comment onf federal register

the skate quotas should be cut by 50% all up and down the coast from north carolina to maine. just cut the quotas to save the species. this comment is for the public record please receipt. jean publiee jean pubilc1@gmail.com

Date: Mon, Dec 28, 2020 at 10:25 AM

Subject: comment

To: jean public <JEANPUBLIC1@gmail.com>

[Federal Register Volume 85, Number 248 (Monday, December 28, 2020)]

[Notices]

[Pages 84304-84305]

From the Federal Register Online via the Government Publishing Office [www.gpo.gov]

[FR Doc No: 2020-28479]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XA710]

Fisheries of the Northeastern United States; Northeast Skate
Complex Fishery; Supplemental Notice of Intent To Prepare an
Environmental Impact Statement and Scoping Process



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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Matthew J. Strickler
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4000
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January 13, 2021

Thomas A. Nies, Executive Director
New England Fishery Management Council
50 Water Street
Mill 2
Newburyport, MA 01950
comments@nefmc.org

RE: Scoping Request – Northeast Skate Complex Fishery - Amendment 5

Dear Mr. Nies:

This letter is in response to the scoping request for the above-referenced project.

As you may know, the Department of Environmental Quality, through its Office of Environmental Impact Review (DEQ-OEIR), is responsible for coordinating Virginia's review of federal environmental documents prepared pursuant to the National Environmental Policy Act (NEPA) and responding to appropriate federal officials on behalf of the Commonwealth. Similarly, DEQ-OEIR coordinates Virginia's review of federal consistency documents prepared pursuant to the Coastal Zone Management Act which applies to all federal activities which are reasonably likely to affect any land or water use or natural resources of Virginia's designated coastal resources management area must be consistent with the enforceable policies Virginia Coastal Zone Management (CZM) Program.

DOCUMENT SUBMISSIONS

In order to ensure an effective coordinated review of the NEPA document and federal consistency documentation, notification of the NEPA document and federal consistency documentation should be sent directly to OEIR. We request that you submit one electronic to eir@deq.virginia.gov (25 MB maximum) or make the documents available for download at a website, file transfer protocol (ftp) site or the VITA LFT file share system (Requires an "invitation" for access. An invitation request should be sent to eir@deq.virginia.gov.). We request that the review of these two documents be done concurrently, if possible.

The NEPA document and the federal consistency documentation (if applicable) should include U.S. Geological Survey topographic maps as part of their information. We strongly encourage you to issue shape files with the NEPA document. In addition, project details should be adequately described for the benefit of the reviewers.

ENVIRONMENTAL REVIEW UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT: PROJECT SCOPING AND AGENCY INVOLVEMENT

As you may know, NEPA (PL 91-190, 1969) and its implementing regulations (Title 40, *Code of Federal Regulations*, Parts 1500-1508) requires a draft and final Environmental Impact Statement (EIS) for federal activities or undertakings that are federally licensed or federally funded which will or may give rise to significant impacts upon the human environment. An EIS carries more stringent public participation requirements than an Environmental Assessment (EA) and provides more time and detail for comments and public decision-making. The possibility that an EIS may be required for the proposed project should not be overlooked in your planning for this project. Accordingly, we refer to “NEPA document” in the remainder of this letter.

While this Office does not participate in scoping efforts beyond the advice given herein, other agencies are free to provide scoping comments concerning the preparation of the NEPA document. Accordingly, we are providing notice of your scoping request the following state agencies and those localities and Planning District Commissions, including but not limited to:

Department of Conservation and Recreation
Department of Wildlife Resource*
Virginia Marine Resources Commission*

Note: The agencies noted with a star (*) administer one or more of the enforceable policies of the Virginia CZM Program.

FEDERAL CONSISTENCY UNDER THE COASTAL ZONE MANAGEMENT ACT

Pursuant to the federal Coastal Zone Management Act of 1972, as amended, and its implementing regulations in Title 15, *Code of Federal Regulations*, Part 930, federal activities, including permits, licenses, and federally funded projects, located in Virginia’s Coastal Management Zone or those that can have reasonably foreseeable effects on Virginia’s coastal uses or coastal resources must be conducted in a manner which is consistent, to the maximum extent practicable, with the Virginia CZM Program.

Additional information on the Virginia’s review for federal consistency documents can be found online at
<http://www.deq.virginia.gov/Programs/EnvironmentalImpactReview/FederalConsistencyReviews.aspx>

DATA BASE ASSISTANCE

Below is a list of databases that may assist you in the preparation of a NEPA document:

- DEQ Online Database: Virginia Environmental Geographic Information Systems

Information on Permitted Solid Waste Management Facilities, Impaired Waters, Petroleum Releases, Registered Petroleum Facilities, Permitted Discharge (Virginia Pollution Discharge Elimination System Permits) Facilities, Resource Conservation and Recovery Act (RCRA) Sites, Water Monitoring Stations, National Wetlands Inventory:

- www.deq.virginia.gov/ConnectWithDEQ/VEGIS.aspx

- DEQ Virginia Coastal Geospatial and Educational Mapping System (GEMS)

Virginia's coastal resource data and maps; coastal laws and policies; facts on coastal resource values; and direct links to collaborating agencies responsible for current data:

- <http://128.172.160.131/gems2/>

- MARCO Mid-Atlantic Ocean Data Portal

The Mid-Atlantic Ocean Data Portal is a publicly available online toolkit and resource center that consolidates available data and enables users to visualize and analyze ocean resources and human use information such as fishing grounds, recreational areas, shipping lanes, habitat areas, and energy sites, among others.

<http://portal.midatlanticocean.org/visualize/#x=-73.24&y=38.93&z=7&logo=true&controls=true&basemap=Ocean&tab=data&legends=false&layers=true>

- DHR Data Sharing System.

Survey records in the DHR inventory:

- www.dhr.virginia.gov/archives/data_sharing_sys.htm

- DCR Natural Heritage Search

Produces lists of resources that occur in specific counties, watersheds or physiographic regions:

- www.dcr.virginia.gov/natural_heritage/dbsearchtool.shtml

- DGIF Fish and Wildlife Information Service

Information about Virginia's Wildlife resources:

- <http://vafwis.org/fwis/>

- Total Maximum Daily Loads Approved Reports

- <https://www.deq.virginia.gov/programs/water/waterqualityinformationtmdls/tmdl/tmdldevelopment/approvedtmdlreports.aspx>

- Virginia Outdoors Foundation: Identify VOF-protected land

- <http://vof.maps.arcgis.com/home/index.html>

- Environmental Protection Agency (EPA) Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) Database: Superfund Information Systems

Information on hazardous waste sites, potentially hazardous waste sites and remedial activities across the nation, including sites that are on the National Priorities List (NPL) or being considered for the NPL:

- www.epa.gov/superfund/sites/cursites/index.htm

- EPA RCRAInfo Search

Information on hazardous waste facilities:

- www.epa.gov/enviro/facts/rcrainfo/search.html

- EPA Envirofacts Database

EPA Environmental Information, including EPA-Regulated Facilities and Toxics Release Inventory Reports:

- www.epa.gov/enviro/index.html

- EPA NEPAassist Database

Facilitates the environmental review process and project planning:

- <http://nepaassisttool.epa.gov/nepaassist/entry.aspx>

If you have questions about the environmental review process and/or the federal consistency review process, please feel free to contact me (telephone (804) 698-4204 or e-mail bettina.rayfield@deq.virginia.gov).

I hope this information is helpful to you.

Sincerely,



Bettina Rayfield, Program Manager
Environmental Impact Review and Long-Range Priorities



COMMONWEALTH of VIRGINIA

Marine Resources Commission
380 Fenwick Road
Bldg 96
Fort Monroe, VA 23651-1064

Matthew J. Strickler
Secretary of Natural Resources

Steven G. Bowman
Commissioner

January 29, 2021

New England Fishery Management Council
Attn: Thomas Nies
50 Water Street, Mill 2,
Newburyport, MA 01950
comments@nefmc.org

Re: Scoping Request - Northeast Skate Complex Fishery -
Amendment 5

Dear Mr. Nies,

This will respond to the request for comments regarding the supplemental notice of intent to prepare an environmental impact statement regarding the Northeast Skate Complex Fishery - Amendment 5, prepared by NOAA National Marine Fisheries Service. We reviewed the provided documents and have coordinated with the Fisheries Management Division at the Virginia Marine Resources Commission (VMRC). At this time we have no comments on the proposed notice.

Please be advised that the VMRC, pursuant to §28.2-1200 et seq of the Code of Virginia administers the enforceable policies of fisheries management, subaqueous lands, tidal wetlands, and coastal primary sand dunes and beaches which comprise some of Virginia's Coastal Zone Management Program. Should the proposed notice change, a new review by this agency may be required relative to these jurisdictional areas.

If you have any questions please contact me at 757-247- 2251 or by email at randy.owen@mrc.virginia.gov. Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to be the name "Randy Owen".

Randy Owen
Deputy Chief, Habitat Management Division

RDO/tlb
HM

An Agency of the Natural Resources Secretariat
www.mrc.virginia.gov

Telephone (757) 247-2200 (757) 247-2292 V/TDD Information and Emergency Hotline 1-800-541-4646 V/TDD