



New England Fishery Management Council

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MEETING SUMMARY

Skate Committee

Holiday Inn, Mansfield, MA

June 13, 2017

The Skate Committee met on June 13, 2017 in Mansfield, MA to: review PDT analyses for Framework 4, to adjust bait skate possession limits, and to select preferred alternatives.

MEETING ATTENDANCE: Dr. Matt McKenzie (Chair), Ms. Laurie Nolan (Vice Chair), Mr. Richard Bellavance, Ms. Libby Etrie, Mr. Mark Gibson, Mr. Peter Kendall, and Mr. Mike Ruccio; Mr. Dave Wallace (Skate AP Chair); Dr. Fiona Hogan (NEFMC staff); Dr. Willie Whitmore (GARFO); Mr. Mitch MacDonald (NOAA General Counsel). In addition, approximately 3 members of the public attended.

KEY OUTCOMES:

- The Committee supported, and recommended as preferred, the option developed by the AP that reduced the skate bait possession limit in Season 3 to 12,000 lb, reduced the Season 3 trigger to 80%, set the incidental possession limit at 8,000 lb, and implemented a closure when 100% of the TAL was achieved.
- The Committee clarified, by consensus, its intent to allow the in-season possession limits to be removed or modified consistent with existing regulatory language and operation of the FY2016 bait fishery.

PRESENTATION: SKATE FRAMEWORK 4

Staff provided the Committee with an overview of the options contained within Framework 4 to adjust bait skate possession limits. In addition to the no action alternative, the PDT developed 2 options that modified skate bait effort controls. The options were primarily based on a skate bait possession limit analysis that examined fishing patterns in previous fishing years to estimate an appropriate range of possession limits for Season 3. The analysis indicated that a 12,000 lb possession limit in Season 3 would be expected to fully harvest the TAL in FY2017, based on consistent fishing behavior that would leave roughly 3 million lb of the TAL available for Season 3. The two options also included a closure once 100% of the TAL was achieved. One of the options redefined the incidental possession from its current definition, which ties it to the wing possession limit. After Framework 4, the PDT will begin work on Framework 5, which would include specifications for FYs 2018 and 2019, skate wing and bait possession limits, and removing the prohibition on landing barndoor skate.

AGENDA ITEM #1: SKATE FRAMEWORK 4

A Committee member questioned whether any closures were in effect during the years analyzed in the bait possession limit analysis. Staff explained that the years were chosen to specifically avoid any closures that would have affected the normal fishing behavior. The analysis treated any trip that would have

occurred between 12,000 lb and 25,000 lb to have landed 12,000 lb (or whichever new possession limit being considered). GARFO staff added that it was uncertain what effect the lower possession limit might have on trip count; vessels might respond by taking more trips.

The Committee agreed to discuss the option proposed by the AP. A Committee member considered feedback from the AP and industry to be very important when considering measures to improve fishing compared to FY2016. There was concern raised that if the measures were too restrictive, effort could shift into the wing fishery. However, the proposed alternative would disconnect the wing and bait fisheries, which is important to the bait industry. A Committee member was concerned that this addition late in the process would delay final action. Staff explained that there was no time for a PDT call before the June Council meeting but it would be possible to draft the proposed alternative and associated impacts and circulate to PDT members via email. GARFO staff added that the PDT initially drafted the various components of the alternatives separately and already discussed the possibility that they could be recombined. The PDT did not expect any large changes to impacts to arise from any recombination of the alternatives. Considering the level, and range, of analysis already provided by the PDT, the Committee was in favor of including the proposed alternative in the document.

The AP Chair informed the Committee that the AP had a constructive conversation and despite not having quorum, an equal number of representatives from the wing and bait fishery were in attendance. The AP considered the proposed alternative to fall within the range of the existing analysis and thought it appropriate to include.

1. MOTION: Mr. Pappalardo/Mr. Kendall

The Committee recommends the addition, and selection as preferred, of new option 4 that would have a 25,000 lb and 90% trigger in Seasons 1 and 2, Season 3 possession limit would drop to 12,000 lb with a 80% trigger, closure would happen once 100% of the TAL was achieved, in all seasons the incidental possession limit would be 8,000 lb.

Rationale: The Committee considered the disconnection between the wing and bait fishery possession limits to be important and included in the preferred alternative.

A member informed the Committee that it was preferred from the Agency's perspective that measures outlined specific details as opposed to being flexible. Being able to project landings at a defined percentage of the TAL is easier to do. The Committee member also said that the incidental possession limits could be implemented in Seasons 1 and 2, unlike in FY2016, to help ensure the seasonal quotas are not exceeded further affecting Season 3 fishing. No additional text was thought necessary to clarify the way the incidental limit was tied to the closure. GARFO staff noted that the existing regulation language allows the possession limit to be adjusted as needed towards the end of the season. NOAA General Counsel advised that if there was an opportunity further clarify that language, it should be taken. The Committee debated adding such language to the motion but decided that it would be best achieved as a sub-option that could be applied to all the options.

The motion **carried** on a show of hands (7/0/0).

An AP member made a motion that would add a sub-option to the document that would allow possession limits to be increased if the lower incidental possession limit was affecting fishing effort more than expected. A Committee member clarified that by not including the wing fishery in the consensus statement that nothing would change in how the wing fishery operated.

2. MOTION: Mr. Ruccio/

Include language regarding the directing the Regional Administrator through a notice in the Federal Register consistent with the Administrative Procedure Act, to reduce the skate bait trip limit to the incidental trip limit for the remainder of the quota period when 80 percent of the period Season 3 is attained, unless such a reduction would be expected to prevent attainment of the seasonal quota or annual TAL. In addition, if subsequent analysis indicates that the TAL may not be harvested by the end of the fishing year, the Regional Administrator may reinstate the seasonal 12,000 lb possession limit in the bait fishery to ensure the TAL is achieved.

After further consideration, the maker of the motion decided to withdraw the motion. The current regulations already provided for the first component of the motion. In FY2016, the possession limit was increased for the wing fishery to increase landings; the flexibility to do this was considered to be already contained within the regulations. The Committee and Council could reiterate its intent to support what was done in FY2016, which was consistent with how the FMP currently functions.

The motion was **withdrawn** by the maker of the motion.

CONSENSUS STATEMENT

The Committee clarifies its intent that the in-season possession limits can be removed or modified consistent with the existing regulatory language and operation of the FY2016 bait fishery.

A Committee member questioned when preliminary analyses on the justification for limited access would be available. Staff explained that given the change in priorities to include Framework 4 delayed work on limited access. The PDT expected the updated skate stock status memo in July and would begin work on Framework 5, including specifications and removal of the prohibition of barndoor skate, once it was received. Committee members were hopeful that the limited access analysis would be available for consideration prior to the Council's annual priority discussion in the fall. A Committee member noted that limited access was a multi-year priority, which should allow continued work on the amendment into 2018.