



New England Fishery Management Council

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MEETING SUMMARY

Skate Committee

Providence Biltmore, Providence, RI

May 23, 2018

The Skate Committee met on May 23, 2018 in Providence, RI to: review draft alternatives to prolong the wing fishery that focus on modifying the seasonal skate wing possession limits including a potential intermediate possession limit and other business, if necessary.

MEETING ATTENDANCE: Dr. Matt McKenzie (Chairman), Mr. Libby Etrie (Vice Chair), Mr. Rick Bellavance, Mr. Scott Olszewski, Mr. Peter Kendall, Ms. Laurie Nolan, Mr. John Pappalardo, Dr. David Pierce, and Mr. Mike Ruccio; Lou Goodreau and Fiona Hogan (NEFMC staff); Mr. Mitch MacDonald (NOAA General Counsel). In addition, approximately 11 members of the public attended.

KEY OUTCOMES:

- The Committee recommended the Council move all the possession limit alternatives (Sections 1.1, 1.2, and 1.3) to considered but rejected.

The Chair informed the Committee that the current task for the Committee was to give the Council a firm and clear recommendation on how the issue of skate wing possession limits should be advanced. The AP Chair updated the Committee on the AP discussion and recommendation to maintain the status quo skate wing possession limit. The AP recommendation was not voted for unanimously, but the rationale was to complete the framework as soon as possible and begin work on limited access in the skate fishery.

Public Comment:

- Dave Borden, Atlantic Offshore Lobstermen's Association – One thing that was not clear to me at the AP discussion was the Committee has already recommended changing the buffer and the regional office representative voted for that so high probability that will be adjusted. That puts more fish in the system and does the staff have all of the analysis in the documents that were done were based on the original numbers and not on what would be the new numbers so the question is if we change the uncertainty buffer will that meet the objective of extending the period of avoiding the 500 lb.

PRESENTATION: FRAMEWORK ADJUSTMENT 6

Staff provided the Committee with an overview of the PDTs analysis for Framework 6. The Council tasked the AP and Committee to consider seasonal catch triggers and associated reductions in possession limits to minimize the likelihood of premature closures. The PDT proposed three approaches: an

intermediate possession limit, an adjustment to the season 1 TAL, and a reduction in possession limits. Fishing year (FY) 2015 data were used in the analysis because it was the last year that the wing or bait incidental possession limit had not been triggered. The model also used the proposed specifications for FYs 2018 and 2019 as developed in Framework 5. The model used the fishing pattern from FY2015 to estimate when a wing incidental possession limit might be triggered, when the TAL would be achieved and how much of the TAL might be expected to be achieved. The estimated dates varied depending on the scenario run.

AGENDA ITEM #1: FRAMEWORK ADJUSTMENT 6

NOAA General Counsel informed the Committee that the Committee could select a preferred alternative at a subsequent meeting after providing the PDT with guidance on what set of alternatives should be further analyzed by the PDT. Alternatively, the Committee could recommend no action or move the alternatives to considered but rejected by concluding that the alternatives outlined would not be necessary to meet the need of the framework action. It would be important to note that the Council may disagree with the Committee and if analyses were not completed on these alternatives, it may make it difficult for the Council to do so without the relevant information.

A Committee member noted that the purpose and need for the framework was to extend the fishery and mitigate frequencies of closures. The Committee could argue that modifying the uncertainty buffer would be sufficient to meet that need. The analysis of modifying the uncertainty buffer indicated that the wing fishery would not be expected to trigger the incidental possession limit until late April.

Council staff reminded the Committee that specifications were set every two years; possession limits must be reviewed as part of the specifications setting process. Any increase in the number of active vessels between FYs 2015 (the year used for the analyses) and 2017 could impact when an incidental possession limit might be implemented. If the Council took final action at its June 2018 meeting, it would typically take six months to be implemented after the framework document was formally submitted to GARFO.

If the Committee selected a preferred alternative or a preferred set of possession limit alternatives, i.e. one of the scenarios suggested by the PDT, the PDT would then have to complete a full analysis of those alternatives in time for the June 2018 Council meeting. A Committee member was skeptical that there was enough time between the Committee meeting and the June 2018 Council meeting to complete a full analysis, running the risk that final action could be delayed until September. Any delay was not preferred because it further delayed when the adjustment to the uncertainty buffer could be implemented and the industry to have access to more TAL.

Public comment:

- John Whiteside – If FW6 is implemented in December or January, would that mean that the entire 1.7 million would then be dumped into the quota at that point?
- Dave Borden – Are you still going to try to take some of these options out of the document in order to simplify the staff task? Do you still intend to do that? Quick point that having attended all the meetings on this, there are options in here that I haven't heard one person make a positive comment about. We have different perspectives on this but there are a couple of options that you could take out of there and simplify it for staff.

1. MOTION: Pappalardo/Kendall

To move all possession limit alternatives (Sections 1.1, 1.2, and 1.3) to considered but rejected.

Discussion on the Motion:

A couple of Committee members were frustrated by the process and delay in the timeline for this framework. If the buffer does not achieve the need of the framework, it could force the Committee to examine the skate fishery every year but that additional work might not make future priority lists. There was risk in the Committee relying solely on the uncertainty buffer to meet the need of the framework and the Council doesn't agree. A Committee member had suggested an alternative idea at a previous Committee meeting that would provide the Regional Administrator the flexibility to adjust limits to mitigate the incidental possession limit. The RA preferred relying on the Committee process to develop specific measures as opposed to relying on the discretion of the RA.

If the motion passed and moved the possession limit alternatives to considered but rejected, the Committee would not need a subsequent meeting because it has already selected a preferred alternative for the uncertainty buffer alternative. A Committee member offered to make a motion to select no action for the possession limit alternatives as the preferred alternative. NOAA General Counsel explained that this would suggest that the action alternatives would extend the season but they are not a good choice. The motion to move the possession limit alternatives to considered but rejected indicates that these alternatives do not meet the purpose and need of the framework to extend the wing fishery. Another Committee member supported the motion to move the alternatives to considered but rejected because the AP did not think they would achieve the TAL if changes were made to the possession limits. Staff explained that the PDT would also have to analyze biological, protected resources, essential fish habitat impacts for whatever set of possession limit alternatives were not moved to considered but rejected. Council staff also explained that in order for the possession limit alternatives to extend the wing fishery, only two of the alternatives would do that, one required a 60% trigger, but it would require industry to reduce possession limits to 1,000 to 2,000 lb per trip. The other was the fixed limits that required the industry goes down by 600 lb and 1000 lb in seasons 1 and 2. However, these would decrease the possession limits when you are increasing the quota by reducing the uncertainty buffer, reducing the likelihood that the fishery can reach its TAL.

Public comment:

- John Whiteside – I support the motion and I think the last comments are directly on point that it is not just extending the season it's fully utilizing the TAL. From my analysis on the purchasing side of things and looking at the numbers that way we think once we get the 1.7+ mil lb in and run through a full season with it, it looks good on paper at the moment. It's the best we can go with projecting out. It's not just extending out you're leaving a chunk on the table in season 1 or 2 because it's been ratcheted down so much. That was the whole emphasis on adjusting the buffer and it would be disheartening that we'd be leaving it behind.
- Dave Borden – I don't support the motion the way it is but there are parts of it that I support. I think it would be useful to remove the intermediate possession limits entirely from the document. That gets back to what I said before I heard no public support for that concept it would simplify staff work. The idea that should be part of the document is under option 3 alternative 3 this issue of the 2000/3000 lb fixed possession limit with the Regional Administrator having the ability to adjust that up. It was suggested this morning to back that date up to get at the point John Whiteside just raised, full utilization. As part of that option this issue of sub-option a under that changing the buffer from 85% to 90%. It makes complete sense in terms of trying to get full utilization.

MOTION #1 CARRIED 4-3-1.

Public comment:

- Sonja Fordham – I will reiterate a point I raised this morning that didn't make it into the report. I wanted to call the Council's attention to next month's assessment of thorny skate at NAFO. US scientists are part of the council doing that update. The NAFO skate assessment is based largely on thorny skate. There's an internationally allocated TAC or quota that goes mostly to the European Union and Canada. Unfortunately, it's not working well to rebuild thorny skates. Thorny skate are prohibited in US and we have no share in the NAFO quota. Colleagues in Europe and Canada are keen to push forward the regulations to rebuild thorny. I find the advice coming out of the scientific council coming out of the guidance to be vague. I'm keen to get this upcoming assessment to be a little more reflective of the precautionary approach in terms of what needs to happen in order for thorny skate to be rebuilt and would like it to be prioritized. My colleagues have been encouraging NOAA and seek clear advice that reflects the precautionary approach. We've seen barndoor come off the prohibited list and seems like a similar scenario for thorny unless we have some cutback from other countries and that is possible through NAFO and flag that for assistance.

A Committee member reminded the Committee that the Council has decided to initialize limited access. When it comes to specifications, the wing and bait fisheries are the last to receive a TAL, after accounting for bycatch and state landings. The Committee member thought that until limited access was implemented and we have a fixed pool of permits we're trying to manage, we're really going to struggle and keep coming up with more and more work arounds. We should have really been working on limited access on the last 2 years despite the 500 lb and closures despite our decision to reprioritize skates. The Committee member understood the economic pain folks were going through but the best thing we can do for this fishery is to define it.

The Skate Committee meeting adjourned at 2:15 pm.