

# Joint Skate Advisory Panel and Committee Meeting

**November 16, 2021**  
**9:00 AM - noon**  
**Webinar**



Technical Support: [helpdesk@nefmc.org](mailto:helpdesk@nefmc.org) or (978) 465-0492 x111

# Introductions

| <b>Skate Committee</b>      |                                |
|-----------------------------|--------------------------------|
| Mark Alexander, CT          | Scott Olszewski, RIDEM (Chair) |
| Libby Etrie, MA             | John Pappalardo, MA            |
| Dan Farnham, MAFMC rep.     | Dan Salerno, NH                |
| Dr. Jay Hermsen, NMFS       | Kelly Whitmore, MADMF          |
| <b>Skate Advisory Panel</b> |                                |
| James Dopkin, NJ            | William McCann, MA             |
| Sonja Fordham, DC           | Randall Morgan, MD             |
| Andrea Incollingo, RI       | Daniel Nordstrom, MA           |
| Jeff Kneebone, MA           | Ted Platz, RI                  |
| Scott MacAllister, MA       | John Whiteside, MA (Chair)     |
| Gregory Mataronas, RI       |                                |

| <b>Skate Staff</b> |                              |              |
|--------------------|------------------------------|--------------|
| Jenny Couture      | Dr. Rachel Feeney, PDT Chair | Lou Goodreau |



# Agenda

**Introductions, approval of agenda, and timeline and other updates**

## **Framework Adjustment 9**

- Receive a progress update
- Clarify the problem statement/goals of this action
- Finalize alternatives and provide input to inform further impacts analysis

## **2022 Council Management Priorities**

- Finalize recommendations

**Other business**

*Any changes? other business?*



# Skate timeline: 2021-2022

|      |        | Amendment 5                                                               | Specifications                                                  | Framework 9                                        |                                    |
|------|--------|---------------------------------------------------------------------------|-----------------------------------------------------------------|----------------------------------------------------|------------------------------------|
| 2021 | Jan    | Supplemental scoping period                                               | PDT starts discussion document                                  |                                                    |                                    |
|      | Feb    |                                                                           |                                                                 |                                                    |                                    |
|      | March  | AP/Cte mtgs - receives comments, background; develop alternatives/tasking | AP/Cte mtgs - preliminary discussion; PDT develops alternatives |                                                    |                                    |
|      | April  | Council mtg - update                                                      | Council mtg - brief update                                      |                                                    |                                    |
|      | May    | AP/Cte mtgs - Alternatives development/tasking cont.                      | AP/Cte mtgs - discussed range of alternatives                   |                                                    |                                    |
|      | June   | Council mtg - update                                                      | Council mtg - brief update, no possession limit alternatives    |                                                    |                                    |
|      | July   |                                                                           | SSC meeting - set ABC                                           |                                                    |                                    |
|      | August |                                                                           | PDT impact analysis                                             |                                                    |                                    |
|      | Sept   | AP/Cte mtgs - Alternatives development/tasking cont. mtg - stopped action | Council                                                         | AP/Cte - final meeting; Council mtg - final action | Council mtg - initiates action     |
|      | Oct    |                                                                           |                                                                 | Preliminary submission to NMFS                     | PDT develop supporting information |
|      |        | Nov                                                                       |                                                                 |                                                    | AP/Cte mtg - develop action        |
|      | Dec    |                                                                           |                                                                 | PDT impact analysis                                |                                    |
| 2022 | Jan    |                                                                           |                                                                 | AP/Cte mtg - final meeting                         |                                    |
|      | Feb    |                                                                           | Final submission to NMFS (likely earlier)                       | Council mtg - final action                         |                                    |
|      | March  |                                                                           | Proposed and final rule developed                               | Preliminary submission to NMFS                     |                                    |
|      | April  |                                                                           |                                                                 |                                                    |                                    |
|      | May    |                                                                           | Action implemented                                              | Final submission to NMFS                           |                                    |

We are here  
→



# Skate timeline: near-term

| Month | Day | Meetings/Deadlines/Milestones                     |
|-------|-----|---------------------------------------------------|
| Nov   | 16  | AP and Committee meetings (FWV9, 2022 priorities) |
|       | TBD | PDT meeting (FWV9)                                |
|       | 26  | Documents due for Council mtg                     |
| Dec   | 7-9 | Council meeting (2022 priorities)                 |
| Jan   | TBD | AP and Committee meetings (FWV9)                  |
|       | 21? | Documents due for Council mtg                     |
| Fed   | 1-3 | Council meeting (FWV9 final action)               |

We are here

Questions?



# 9:10 AM

## Framework Adjustment 9

### Purpose

Clarify problem statement/goals  
Finalize alternatives  
Other input

### Relevant documents

2a - Discussion Document  
2b - Worksheet  
2c - Affected Environment

# Recap of recent work

## **Skate Committee:**

- Accepted AP recommendations for Amendment 5: refine federal skate permit alternatives, not make intermediate possession limits or change at-sea monitoring.
- Recommended that Amendment 5 cease and initiate a framework adjustment to consider remaining issues (updating FMP objectives, revising federal skate permit conditions)

## **Council:**

- Accepted Committee recommendation, Framework 9 initiated.

## **Plan Development Team:**

- Support Framework 9 development.
  - Drafting discussion document, type of NEPA analysis being considered.
  - Asking Committee to clarify the problem/goals this action addresses.
  - Making further input on alternatives.
  - Providing fishery data to help clarify problem and understand potential impacts.



# Questions for today

## ***Problem statement/goals***

- How should those for Amendment 5 be revised?
- Should language related to updating FMP objectives be included?

## ***Alternatives***

- Should the rationale for the alternatives be clarified?
- Are there any modifications to/new alternatives?

## ***Preliminary impact analysis***

- Is there other information the PDT could provide for making informed decisions?



# What of the A5 problem statement applies?

There are two modes of the skate fishery, directed and non-directed fisheries. An **incidental limit** has been triggered five times since first implemented July 2010, and when it gets triggered, there are negative impacts on the directed skate fishery and on the other fisheries that incidentally harvest skate.

There is a need to improve the reliability and accountability of **catch reporting** in the skate fishery (and other fisheries that catch skate) to ensure there is precise and accurate representation of catch (landings and discards). **Accurate catch data** are necessary to ensure that catch limits are set at levels that prevent overfishing and to determine when catch limits are exceeded.

Current and potential access to the skate resource make it difficult to achieve long term sustainable management in the skate fishery. It is more difficult to prevent overfishing and predict outcomes of management when **participants in a fishery cannot be defined**.



# What of the A5 goals applies?

1. Avoid tripping the skate incidental possession limit.
2. Improve skate data, leading to improved assessments (e.g., no longer be considered data-poor) and more precise and accurate understanding of the landings and discards in different segments of the fishery.
3. Minimize discards.
4. Better characterize the directed and non-directed fisheries.
5. Better understand the true potential for vessels to enter the fishery.
6. Minimize the impact on any other fisheries that have interactions with skates.
7. Preserve, to the extent possible, ongoing participation in the fishery consistent with how past utilization has occurred.



# Are these the final alternatives?

## **No Action:**

“...anyone with a valid vessel operator permit can obtain and subsequently drop a federal skate permit at any point in the fishing year.”

## **Alternative 2:**

“...an application for the federal skate permit must be submitted 30 days prior to the start of each fishing year [by March 31] and must be retained with the vessel for the entire year.”

## **Alternative 3:**

“...the federal skate permit may be obtained at any point in the fishing year and must be retained for the remainder of the fishing year.”



# Any clarifications to rationale?

## Alternative 2:

“...an application for the federal skate permit must be submitted 30 days prior to the start of each fishing year and must be retained with the vessel for the entire year.”

| Alternative 2 Rationale                                                                                                            | PDT Comment                                                                                                                                                                                                                                                                                                                                   |
|------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| More landings would be included in TAL monitoring.                                                                                 | Potentially. Depends on what vessels choose and if they meet the deadline. Skate landings are excluded from TAL monitoring if the vessel does not have any federal fishing permits on the day of landing. PDT aims to clarify the types of vessels that currently add and drop the federal skate permit. Will need good outreach to industry. |
| The total potential federal vessels would be known at the beginning of the year; federal and state fishing would be more distinct. | These are potential outcomes. What is the benefit or goal?                                                                                                                                                                                                                                                                                    |
| 30-day deadline consistent with limited access groundfish permit renewals.                                                         | No comment.                                                                                                                                                                                                                                                                                                                                   |



# Any clarifications to rationale?

## Alternative 3:

“...the federal skate permit may be obtained at any point in the fishing year and must be retained for the remainder of the fishing year.”

| Alternative 3 Rationale                                                          | PDT Comment                                                                                        |
|----------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|
| Allow for improved tracking of participation                                     | Does some of the Alternative 2 rationale apply? What are the potential benefits of these outcomes? |
| Allow for flexibility for entering the federal fishery.                          |                                                                                                    |
| Prohibit switching from federal to state fishing (e.g., under incidental limits) |                                                                                                    |



# Preliminary analysis – Alternative 2

**First, looked at number of skate permits issued by fishing year on or after April 1; then looked at total number of skate permits issued and cancelled:**

**Vessels with federal skate permits issued, FY 2016-2021.**

| FY   | Total unique vessels <sup>a</sup> | Issued on or after April 1 <sup>b</sup> |
|------|-----------------------------------|-----------------------------------------|
| 2016 | 2,075                             | 816 (39%)                               |
| 2017 | 2,049                             | 714 (35%)                               |
| 2018 | 2,033                             | 756 (37%)                               |
| 2019 | 2,032                             | 727 (36%)                               |
| 2020 | 1,997                             | 754 (38%)                               |
| 2021 | 1,817                             | 507 (28%)                               |

<sup>a</sup> # of unique vessels with a federal skate permit starting in each FY.

<sup>b</sup> # of unique vessels which had at least one federal skate permit application within 30 days or during the FY (on or after April 1).

**Unique vessels with a federal skate permit issued and cancelled.**

| Year | Fishing year                                                   |                                                           |
|------|----------------------------------------------------------------|-----------------------------------------------------------|
|      | # of unique vessels issued a federal skate permit <sup>1</sup> | # of unique vessels that cancelled a federal skate permit |
| 2016 | 1,909                                                          | 157 (8%)                                                  |
| 2017 | 1,860                                                          | 137 (7%)                                                  |
| 2018 | 1,862                                                          | 111 (6%)                                                  |
| 2019 | 1,815                                                          | 120 (7%)                                                  |
| 2020 | 1,806                                                          | 125 (7%)                                                  |
| 2021 | 247                                                            | 44 (18%)                                                  |

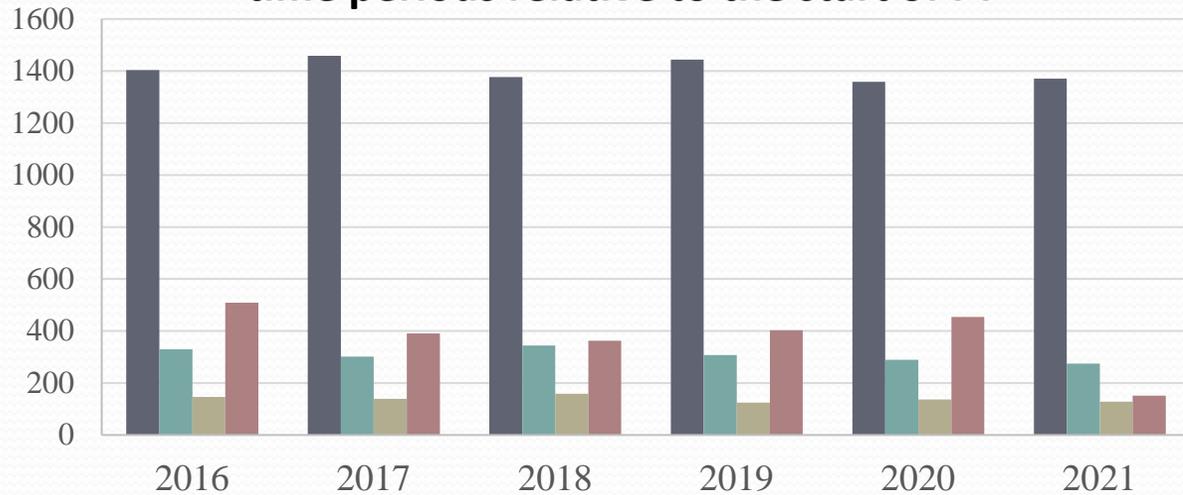
<sup>1</sup> Includes vessels that are issued a permit in FYx but start in FYz. Thus, these numbers are not equivalent to those in left table.



# Preliminary analysis – Alternative 2 cont.

## Number of permits issued in different time periods relative to start of FY and incidental triggers

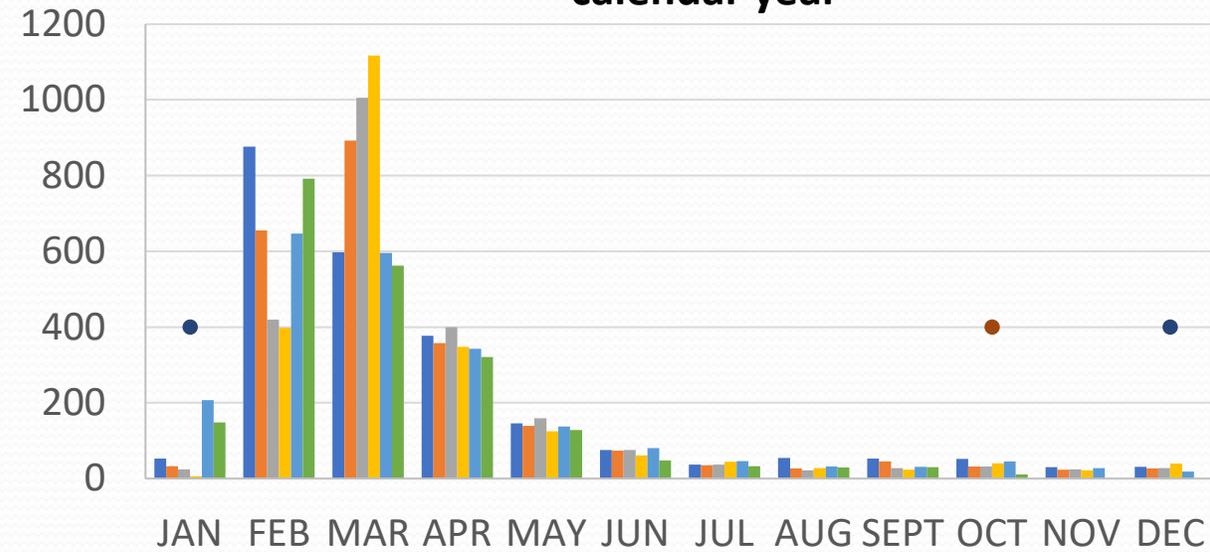
# of federal skate permits issued by different time periods relative to the start of FY



- Issued more than 30 days prior to FY
- Issued within 30 days of FY
- Issued in May of the FY
- Issued after May of the FY

- 63% of skate permits issued > 30 days before May 1

# of skate permits issued by month and calendar year



- 2016
- 2017
- 2018
- 2019
- 2020
- 2021
- Triggering of incidental limit (2017)
- Triggering of incidental limit (2016)

- Majority of permits issued Feb-April for May 1 FY

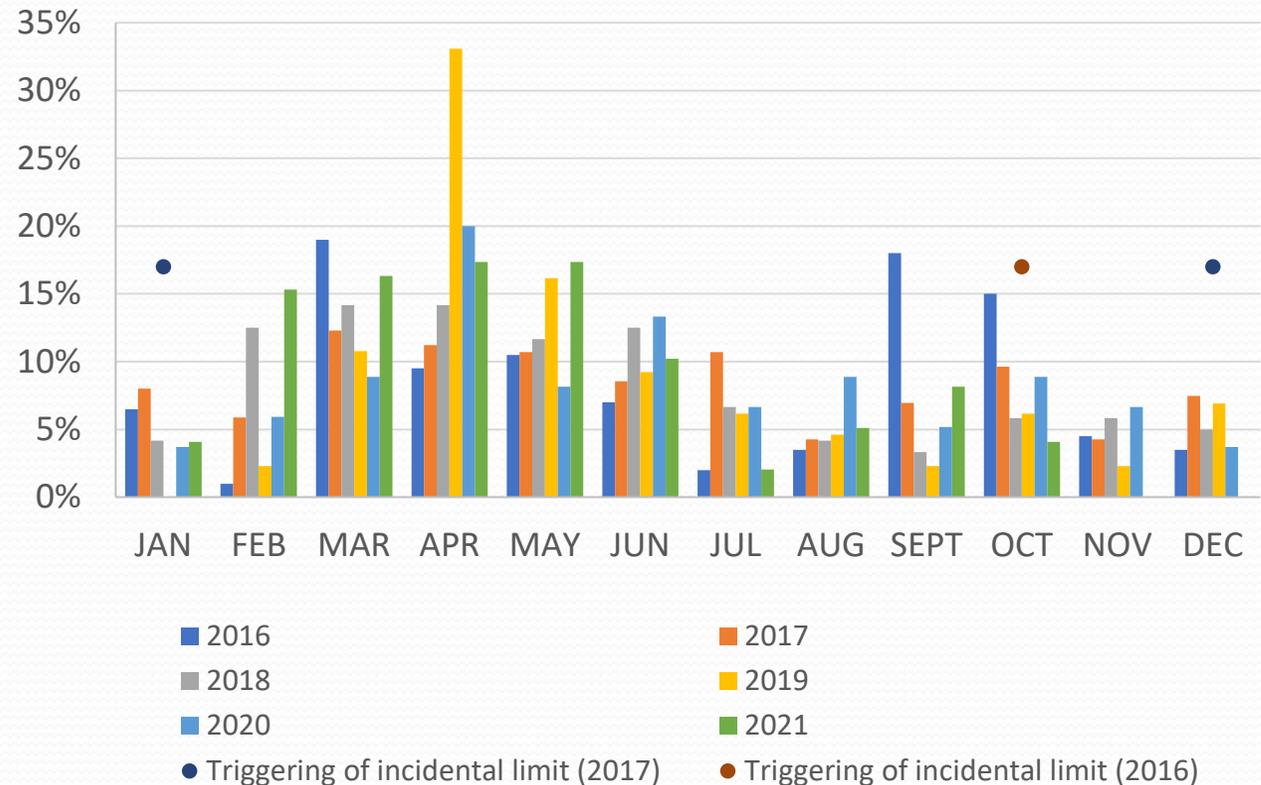


# Preliminary analysis – Alternative 3

## Number of permits cancelled by month and year relative to incidental triggers

- > 13,500 skate permit applications submitted from 2016-2021; 6% of which with plausible state-fishing related cancellations
- Permits cancelled in each month and calendar year
- No notable uptick in permit cancellations just prior or after Jan and Dec 2017 incidental limit triggers; higher cancellations in Sept/Oct 2017

Percent of total annual skate cancellations by month and year, 2016-2021



# State skate fishing regulations in brief

## ***Rhode Island***

- 35,000 lb possession limit/week → like federal limit of 5,000 lb if fish every day
- No reduction in limit if federal incidental limit is triggered
- Assesses state-water landings at end of year to prevent undermining federal plan

## ***Massachusetts***

- No possession limit, need a MA limited access endorsement for their gear; may be indirectly limited by spawning and groundfish closures

## ***Connecticut***

- No possession limit, need a CT limited access license for otter trawl, gillnet

## ***New York***

- No possession limit, need a NY limited access license for Food Fish

## ***New Jersey***

- No possession limit; may be indirectly limited by otter trawl and gillnet gear restrictions



# Take home points – Alt 2 and 3

## ***Alternative 2 (obtain permit before April 1, retain throughout year)***

- 1,817-2,075 unique vessels with skate permit
  - Over half of permits issued between Feb-April for start of May 1 FY
  - 28-39% issued permit on or after April 1 (i.e., impacted by alternative)
  - 110-160 vessels cancel permit during year (i.e., impacted by alternative)

## ***Alternative 3 (obtain permit at some point in FY, retain throughout year)***

- Skate permits cancelled throughout the year without any clear trend; spring months have more cancellations in some years
- Not yet able to determine the impact of incidental trigger limits on permit cancellation data → inconsistent trends in data

Vessels may drop their federal skate permit and fish in state skate fishery with potentially higher limits



# Questions for today

## ***Problem statement/goals***

- How should those for Amendment 5 be revised?
- Should language related to updating FMP objectives be included?

## ***Alternatives***

- Should the rationale for the alternatives be clarified?
- Are there any modifications to/new alternatives?

## ***Preliminary impact analysis***

- Is there other information the PDT could provide for making informed decisions?



11:00 AM

# 2022 Council management priorities re skates

## Purpose

Finalize recommendations

## Relevant documents

1d – Timeline

3a - PDT memo

# Draft priorities for 2022

| Initial Committee Recommendations<br>(Sept 2021)                                                                                         | PDT Input<br>(Nov 2021)                                                                                                                                                                        |
|------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Complete FW 9                                                                                                                            | Complete this action. Final action expected Feb 2022, PDT work through early summer.                                                                                                           |
| Complete 2022 Annual Monitoring Report                                                                                                   | Required. Complete status review and report. Final report to September Council meeting.                                                                                                        |
| An action to consider revising skate wing and bait possession limits for implementation in FY2023                                        | Remove from list and consider for FY24-25 specifications. Committee and Council just agreed to status quo (stability in uncertain times).                                                      |
| An action to consider revising the acceptable biological catch/Annual Catch Limit flowchart to better account for known sources of catch | Revise: "Task PDT to consider improvements to the acceptable biological catch calculation, specifications formula, and year-end catch accounting to better account for known sources of catch" |

## Questions for today:

- Are there any revisions to the Committee recommendations?
- Should the Committee prioritize the list?



# Specifications/monitoring/accounting cycle

## Update Data for setting ABC (NEFSC)

- Fishery catch data (calendar year)
- Trawl survey indices (spring/fall; long-term)
- Dead discard estimates (calendar year)

## Draft Specifications (PDT)

- Set ABC with control rule (or modification)
- Use ABC/ACL flow chart
  - Set deductions (state, dead discards)
  - Set Federal TAL (wing/bait TALs)

## Final Specifications

- Council recommends
- NMFS approves
- NMFS implements

## FY Year-End Catch Accounting (GARFO)

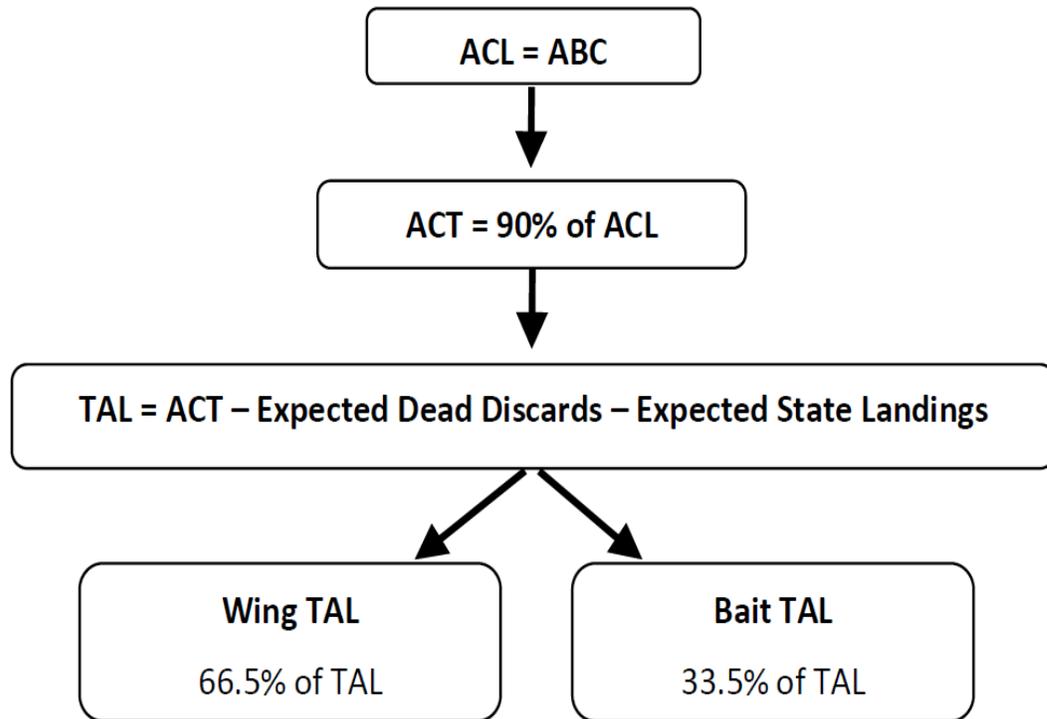
- Tabulate final fishery catch
  - Landings in dealer database, MRIP
  - Dead discards
- Compare with ACL
- Implement post-season AMs if needed

## Monitor Fishery In-season (GARFO)

- Receive landings data from ACCSP via NEFSC
- Track landings with a federal fishing permit on day of landing against Federal TAL
- Implement in-season AMs if needed to keep federal landings within TAL



# ABC/ACL flow chart



**What is set in regulations and needs a Council action to change?**

- 10% ABC-ACT buffer
- Wing and Bait TAL percentages

**What can the PDT adjust?**

- What is deducted from the ACT
- Data used to set deductions



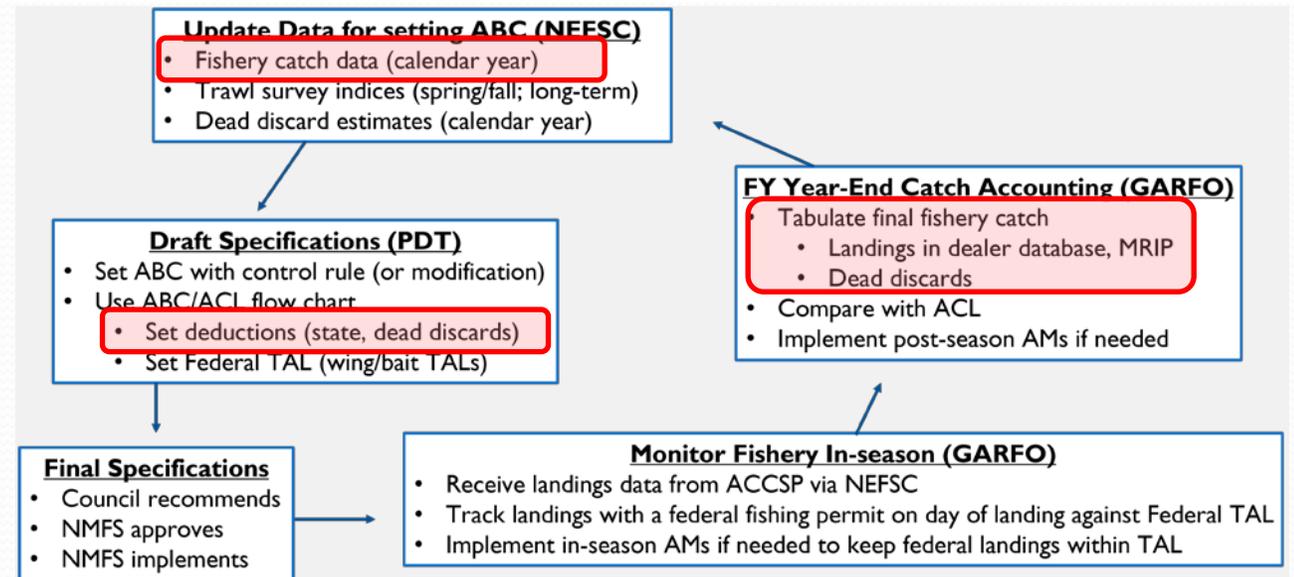
# Potential Improvements (selected)

## Issue: recreational catch

- When FMP stated, recreational catch considered non-existent.
- Catch hasn't been included in calculating ABC and no deduction (within buffer?).
- Catch has been increasing; private angler landings and dead discards were 10-32% of buffer recently.
- Party-charter catch data (all VTR data and party/charter from MRIP) excluded from year-end ACL accounting.

## **Potential solutions**

- Add recreational catch to ABC calculation.
- Include recreational catch in ACT deductions.
- Include party/charter data in year-end ACL accounting.



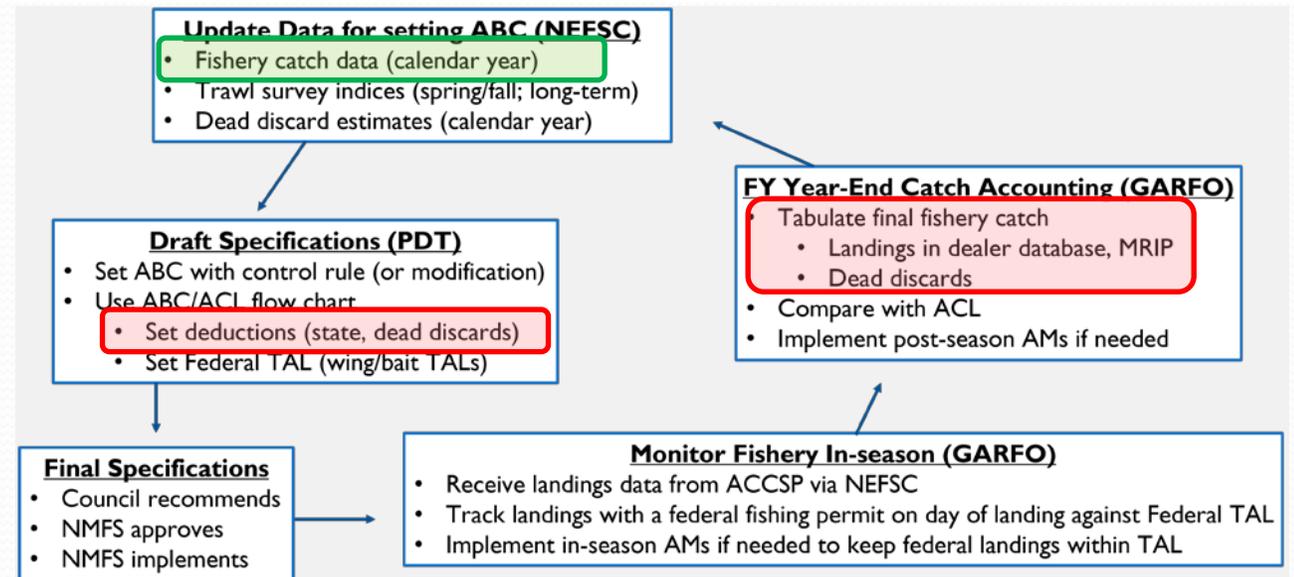
# Potential Improvements (selected)

## Issue: research catch

- Catch has been included in calculating ABC and no deduction (within buffer?).
- For year-end ACL accounting:
  - In “commercial landings” tally if in dealer database, though not commercial landings.
  - If reported only via VTR, catch excluded.

## **Potential solutions**

- Include research catch in ACT deductions.
- In year-end ACL accounting:
  - Separate from commercial landings.
  - Include all landings and discards.



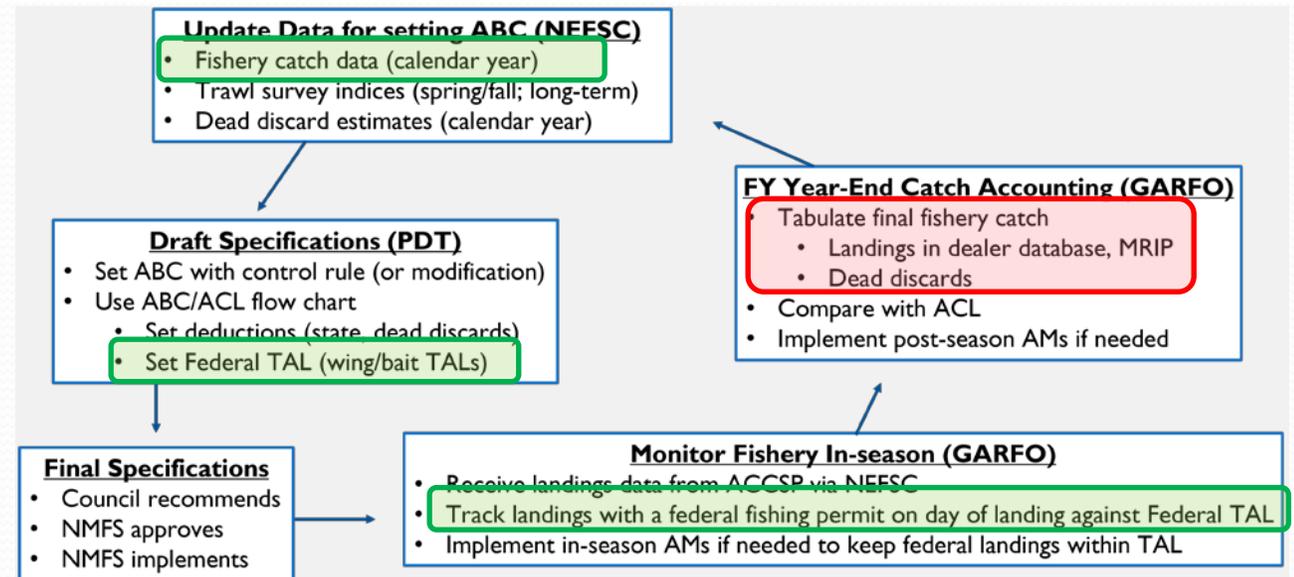
# Potential Improvements (selected)

## Issue: skate bait landings via vessel-to-vessel transfer

- Catch has been included in calculating ABC, landings are monitored in-season against Bait TAL, but excluded from year-end ACL accounting (all VTR data excluded).

## Potential solutions

- Include VTR data in year-end ACL accounting.



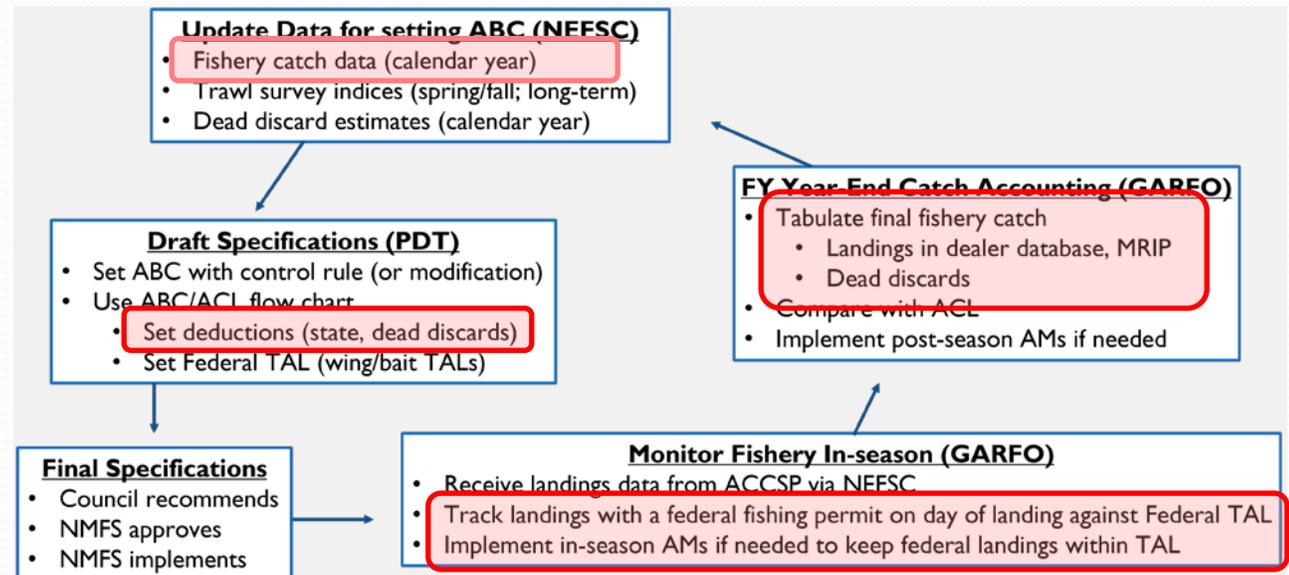
# Potential Improvements (selected)

## Issue: state catch

- “State landings” deduction and in year-end accounting only includes vessels with permit = 000000
- Are landings with 6-digit permit numbers but no federal fishing permit on day of landing state or federal?
  - Specifications: not in state deduction
  - In-season: not tracked against Federal TALs (don’t trigger in-season AMs)
  - Year-end: in “commercial landings” tally rather than “state landings”, though not federal landings.
- Skate landings with no federal skate permit but other federal fishing permits are federal landings, though may have been caught in a state fishery, are tracked against Federal TALs.
- Unclear how discards from permits = 000000 are tracked.

## **Potential solutions**

- Expand state landings definition.
- Use same state landings definition throughout cycle.
- Clarify how state discards are accounted for.
- Unify approaches across FMPs.



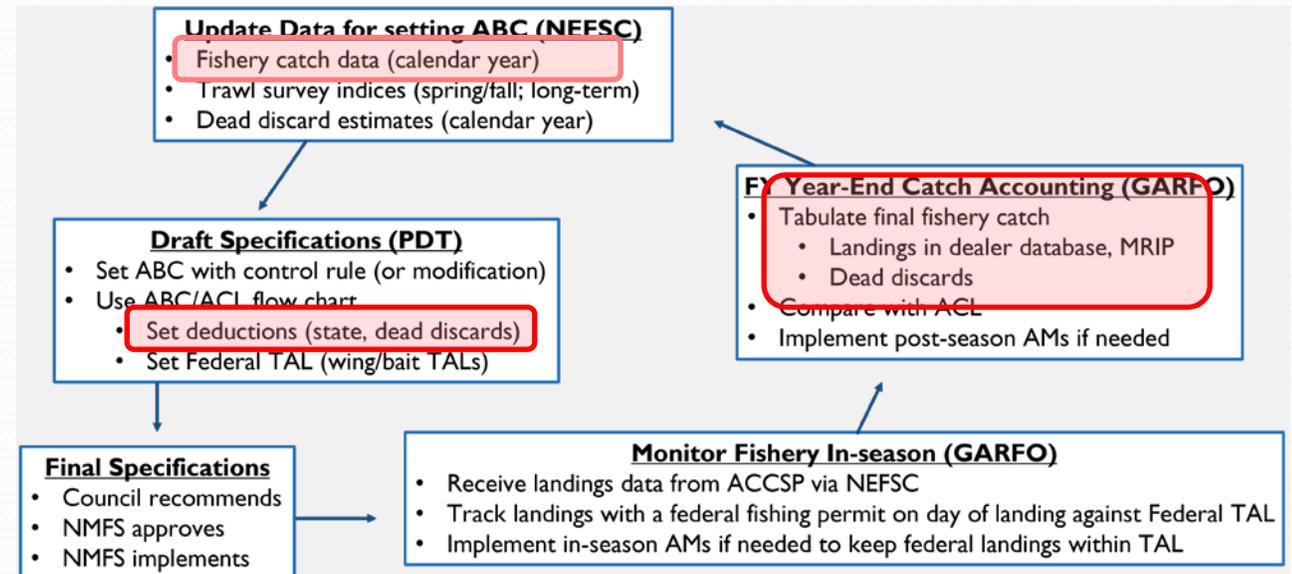
# Potential Improvements (selected)

## Issue: discards

- GARFO and NEFSC use two methods for calculating dead discards.
  - NEFSC – calendar year basis for assessments and setting ABC and discard deductions
  - GARFO – fishing year basis for year-end ACL accounting
  - Other differences in data sources, weightings, extrapolations
  - It is difficult to compare actual discards with what had been specified for a given year.

## **Potential solutions**

- Adopt one approach.
- Adopt same methods except calculating by calendar vs fishing year. FMPs.



# Draft priorities for 2022

| Initial Committee Recommendations<br>(Sept 2021)                                                                                         | PDT Input<br>(Nov 2021)                                                                                                                                                                        |
|------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Complete FW 9                                                                                                                            | Complete this action. Final action expected Feb 2022, PDT work through early summer.                                                                                                           |
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## Questions for today:

- Are there any revisions to the Committee recommendations?
- Should the Committee prioritize the list?

Questions?



# Other Business