



# New England Fishery Management Council

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## Revised MEMORANDUM

**DATE:** March 11, 2020 (revised March 19)  
**TO:** Skate Committee  
**FROM:** Skate Plan Development Team  
**SUBJECT:** Progress of Amendment 5 (limited access)

In December 2019, the Council approved continuing work on Amendment 5 to the Skate Fishery Management Plan as a 2020 priority and tasked the Skate Committee to define a clear problem statement, goals, and objectives for this action. To support accomplishing this task, this memo provides information on the development of Amendment 5, including control dates (Section 1.0), scoping (Section 2.0), all subsequent related motions of the Skate Advisory Panel (AP), Skate Committee and Council (Section 3.0), and objectives developed to date (Section 4.0). Ideas for creating a problem statement and potentially refining goals/objectives have been raised throughout this process. Many of them are highlighted in Sections 1.0 to 3.0 and compiled in Section 5.0.

As this action has been under development for over four years, this memo serves as a reminder to the Skate Committee of prior work on this action. This memo was developed in February and March 2020, including at the February 24 Skate Plan Development Team (PDT) meeting. The history of this action was gleaned from meeting summaries, other Council records, and the recollection of PDT members. It may or may not be complete. Refer to the Council record for details or additional information.

This memo also provides other information to support the Committee. It addresses PDT Task #6 from the October 22, 2019 Committee meeting to provide average revenue in the tables describing the draft limited access qualification tiers developed by the Advisory Panel in May 2019 (Section 6.0). The history of possession limits is provided for background (Section 7.0). In reviewing prior Committee tasking, the PDT provides an analysis of the potential landings that could occur under the current possession limits to more fully fulfil a task from April 2017 to review “whether or not there is justification for limited access for each of the two fisheries” (Section 8.0). Relevant tables from prior PDT memos have been moved into the draft Affected Human Environment for this action (a document for the March 26 joint AP/Committee meeting).

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# 1.0 LIMITED ACCESS DISCUSSION PRIOR TO AMENDMENT 5

*NOTE:* Potential ideas for a problem statement and refinement of goals/objectives are highlighted.

**Bait control date.** At the February 19, 2009 joint meeting of the Skate Advisory Panel and Committee (there was no quorum for either body), the Committee members present agreed to bring forward at the April Council meeting the Advisory Panel's request for a skate bait fishery control date. From the meeting summary (p. 5):

*“Advisors were concerned that new entrants into the skate bait fishery could have a negative impact on current participants, especially with the fishery being managed by quotas. Several industry members recommended that the Council set a control date for the skate bait fishery. The Oversight Committee recalled that a control date had been discussed before, but action was not taken because it could be a long time before the Council could consider and develop a limited access program.”*

This was the same meeting in which final alternatives were recommended for Amendment 3, the action that implemented an annual catch limit framework with accountability measures to account for any excess catch, or overages, and prevent overfishing. Other measures included a three-season quota allocation, a 20,000 lb whole skate possession limit and a 1,900 lb skate wing (4,313 lb whole) possession limit. For both fisheries, the Council approved triggers that would automatically reduce the possession limits to an incidental limit of 500 lb of skate wings (1,135 pounds whole) once landings reach 80-90% of the amount allocated to each fishery. The new measures were intended to reduce landings and the total catch of skate and promote increased biomass to rebuild smooth and thorny skates, which were overfished. It also addressed the concern that winter skate could become overfished if high catches continue.

At the April 7-9, 2009 Council meeting, after taking final action on Skate Amendment 3, the Council approved a motion “to request NMFS to publish a control date for the skate bait fishery.” The maker of the motion was concerned that considering limited access was necessary since the Council “just cranked down the landing limits to draconian levels.” There was some discussion about whether a certain amount of bait landings would be used to qualify vessels for limited access or simply if a vessel had a LOA. At the February Committee meeting, the idea had been discussed to use a certain weight of landings from the previous 10 years to qualify vessels, generally consistent with the criteria for other limited access programs.<sup>1</sup> One skate bait dealer from the public stated that the bait fishery supports a control date to “best manage the future of the fishery.” After a Council member suggested that a discussion about criteria could occur in the future, the Council approved the motion (15/0/1). NMFS published the bait control date on July 30, 2009.

**Wing control date.** Following a lengthy discussion at the December 2013 Council meeting on establishing limited access for the skate fishery, it was not prioritized for 2014. At a January 9, 2014 joint Skate AP-Committee meeting, the Committee selected preferred alternatives for Framework Adjustment 2 (with final action by the Council at its January meeting). Framework 2 set specifications for FY 2014 and 2015 and revised the VTR and dealer reporting codes for the bait and wing fishery (made species-specific codes). At this meeting, the Committee passed a motion “that the Council request NMFS publish a control date for the skate fishery for uses other than bait” (4/0/2).

The intent was not to change Council priorities or initiate an amendment for limited access but to take the first step towards achieving that priority. The intent was also to not revise the skate bait control date but cover all components of the skate fishery other than bait. Changing the bait control date was not generally supported by the AP or Committee. The language “for uses other than bait” was approved so that species-specific control dates would not have to be established if a use other than wing and bait was developed. The Committee wanted to restrict future uses of skates especially if currently prohibited species rebuild.

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<sup>1</sup> Landings data ten years before 2009 may not be differentiated by species, and possibly disposition (bait/wing).

The Council Chair noted that this has been listed as a priority for several years but because of overall workload has not been prioritized. It was hoped that this could be prioritized for 2015.

The Committee motion passed at the January 2014 Council meeting (15/0/1) with no discussion. NMFS published the control date on March 31, 2014.

## 2.0 AMENDMENT 5 PUBLIC SCOPING

*NOTE: Potential ideas for a problem statement and refinement of goals/objectives are highlighted.*

At the October 11, 2016 Skate AP meeting (no quorum), AP members present approved the Amendment 5 public scoping document. There was general agreement that limited access was favorable and beneficial to the bait and wing fisheries. The Skate Committee approved the scoping document on October 19, 2016. The Council approved the Amendment 5 [public scoping document](#) in November 2016.

On Page 4 of the scoping document, the Council stated the following reason for why it intended to develop Amendment 5:

*“The Northeast Skate Complex fishery remains an open access fishery – any vessel can join or leave the fishery at any time. In contrast, the majority of fisheries in the New England region have adopted limited access. Limited access in the skate fisheries would prevent unrestrained increases in fishing effort by new entrants to the fishery.”*

Concerns were described on Page 5:

*“Participants in both skate fisheries are concerned that increasingly strict regulations in other fisheries, particularly in the Northeast multispecies fishery where several stocks are overfished and subject to strict catch restrictions, might cause these fishermen to switch over to fishing for skates. An increase in effort in the skate fishery could trigger reduced skate trip limits and have other negative economic impacts on current participants because skate markets are still developing and therefore an influx of product could reduce price.”*

Additional rationale was provided on Page 7:

*“New measures to establish limited access permits are being considered because the Northeast Skate Complex fishery remains one of the few open access fisheries in New England. Until access to the fishery is limited, the bait and non-bait (wing) fisheries are at risk from overcapacity problems. Limited access measures may differ for the bait and skate fisheries to reflect the distinct operations of each fishery. The amendment’s objective would be to establish qualification criteria for skate (bait and non-bait [wing]) fishing permits and possibly different qualification criteria or catch limits for each fishery, considering how they operate differently. For example, in the wing fishery, it may be desirable to have different tiers that distinguish between vessels that target skate, vessels that historically targeted skate, and vessels that catch and land smaller quantities of skate. Having different categories of limited access vessels may treat vessels differently based on their individual history, distinguishing those that have targeted skate from those that catch and land skate while fishing for other species. Landing limits for qualifiers and non-qualifiers could therefore be more consistent with the type of fishing that these vessels conduct in order to minimize discarding and economic effects. Some historic participants in the Northeast Skate Complex fisheries may also feel entitled to some limited access privileges.”*

The scoping hearings occurred in January-February 2017. Comments were summarized by the PDT (see March 20, 2017 PDT meeting summary). There were 17 written comments and 34 oral comments. There was mixed support for limited access, with no discernable trend among bait and wing fishermen or by geography or other affiliation. The written comments suggested a slight preference for limited access; however, the spoken comments indicated more opposition to limited access. Stock status and abundance were a factor in several public comments. If the quota were to increase, then support for limited access may change for some participants. Some comments supported updating the bait control date.

## 3.0 SUBSEQUENT DEVELOPMENT OF AMENDMENT 5

*NOTE:* Potential ideas for a problem statement and refinement of goals/objectives are highlighted.

This section contains all subsequent motions related to Amendment 5 of the Skate AP and Committee as well as the Council. Motions or consensus statements passed with a quorum are noted in green.

### 3.1 2017

#### February 27 PDT mtg

PDT had a preliminary discussion of Amendment 5 scoping comments.

#### March 20 PDT mtg

PDT worked to summarize scoping comments (memo dated March 20).

#### April 3 AP mtg – NO QUORUM

Scoping comments were considered.

**Consensus statement:** The AP members present were in favor of the existing control date and limited access in the bait fishery.

**Consensus statement:** The AP members present were in favor of the existing control date and limited access in the wing fishery.

**Consensus statement:** The AP members present supported a tiered approach to limited access in both/either skate fishery and were not opposed to applying limited access to one fishery, depending on support.

**Consensus statement:** The AP members present were in favor of or did not object to using historical landings in the wing fishery as a qualification criteria, e.g. 100,000 lb per year, and using the existing control date, and analyzing 10 years history prior to that date.

**Consensus statement:** The AP members present were in favor of or did not object to using the existing control date with the issuance of the LOA being the primary qualifying factor, as part of a tiered system.

#### April 4 Committee mtg

Scoping comments were considered.

**Motion** (Nolan/Pappalardo): To task the PDT to look at dividing the two skate fisheries for the development of independent limited access programs.

**Motion to amend** (Etrie): To include in this analysis a review from the PDT on whether or not there is justification for LA for each of the two fisheries.

Motion to amend **withdrawn**.

Main motion **carried** 7/0/0.

**Motion** (Etrie/Nolan): To include in this analysis a review from the PDT on whether or not there is justification for limited access for each of the two fisheries.<sup>2</sup>

Motion *carried* 7/0/0.

April 18-20 Council mtg

Reviewed scoping comments. Considered revised control dates. No motions.

April 21 PDT mtg

The PDT discussed and planned for requested analysis of limited action options, including independent limited access programs, justification for limited access, and day and trip wing vessel possession limits.

May 3 PDT mtg

The PDT discussed and planned for requested analysis of limited action options, including independent limited access programs, justification for limited access, and day and trip wing vessel possession limits.

August 29 PDT mtg

The PDT developed a memo on the number of distinct skate permits, number of active permits, total landings and revenue (memo dated September 6).

September 12 AP mtg

**Motion** (Connors/McCann): To keep limited access as a multi-year priority for the Council.

Motion *carried* 7/0/1.

September 25 Cte mtg

Cte received preliminary PDT work. No motions. “Staff informed the Committee that the AP recommended that “active” vessels for this preliminary work be defined as 100,000 lb”

**Consensus statement:** To keep the limited access amendment on the multi-year priority list for skates.

## 3.2 2018

March 20 PDT mtg

Notice said PDT would be planning for LA work, but the meeting was focused on Framework 6.

## 3.3 2019

Feb. 29 PDT mtg

Worked on A5, especially the Committee request for information on how many permits there are in the fishery, how many are entering and leaving<sup>3</sup> and ideas for qualification criteria.

April 2 PDT mtg

Worked on A5 (data and work in meeting summary).

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<sup>2</sup> See Section 8.0 of this memo.

<sup>3</sup> The draft Affected Environment document includes data on the permits in the fishery.

April 23 AP mtg – NO QUORUM

PDT presented work to date. AP members present proposed the following:

**Table 1 – BAIT fishery qualification criteria and structure of limited access program as proposed by AP members present at the April 23, 2019 meeting**

	Qualification	Trip Limit (lb)
Permit Category 1	LOA prior to CD + active 2014 - 2018	25,000
Permit Category 2	LOA + 50,000 lb in any 1 yr between 09-18	10,000
Permit Category 3	Incidental amounts	1,200

**Table 2 – WING fishery qualification criteria and structure of limited access program as proposed by AP members present at the April 23, 2019 meeting**

	Qualification	Trip Limit (lb)
Permit Category 1	landed 100k lb in any 1 yr between FY03-CD	TBD
Permit Category 2	landed 100k lb in any 1 yr between FY14-18	TBD
Permit Category 3	incidental	500

April 23 Committee mtg

**Motion** (Pappalardo/Ruccio): Task the PDT to run distribution plots for wing and bait TALs filtering out landings that occur at or below the incidental level. This will help to identify those unique vessels that are participating in the wing and bait directed fisheries.<sup>4</sup>

Motion *carried* 7/0/0.

**Motion** (Etrie/Nolan): To include as an objective that any management measure adopted in this limited access action does not have a direct impact on any other fisheries that have interactions with skates.

Motion *carried* 6/0/0.

**Motion** (Etrie/Kendall): To include as an objective that a management measure adopted in this action would freeze the footprint of the wing and bait fishery

**Motion to table:** Without objection the motion was tabled until the next Committee meeting.

**Consensus Statement:** Task the PDT to evaluate the AP recommendations for a tiered limited access permit program and qualification criteria.<sup>5</sup>

May 7 and 10 PDT mtgs

Worked on A5. (data and work in May 10 meeting summary).

May 21 AP mtg

**Motion** (Platz/Connors): That we separate the skate bait from the skate wing fishery for management.

Motion *carried* 7/0/0.

**Motion** (Platz/Connors): Recommend that the Committee consider developing ITQ options for the NE skate complex with regards to the skate wing fishery.

Motion *carried* 4/3/0.

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<sup>4</sup> See May 10, 2019 PDT meeting summary.

<sup>5</sup> See Section 6.0 of this memo.

**Consensus statement:** Objectives for the LA amendment should include:

- skate wing and bait fisheries staying open year-round,
- for skate and monkfish fisheries to be managed in harmony,
- efficient,
- profitable,
- and sustainable resource.

**Consensus statement:** The first round of recommended qualification criteria made at the April 23, 2019 meeting was considered preliminary, except for the 100,000 lb required minimum landings of wings required to qualify for the directed fishery. The AP recommended the Committee task the PDT to revise the qualification criteria with the intention to categorize the permits that didn't meet the definitions of the previous categories (Table 3). The AP also wanted the PDT to take a closer look at the uncategorized permits in the bait fishery to see if they are truly incidental or are relying on skate bait to some extent.

**Table 3 – Revised qualification criteria for limited access in the skate wing fishery.**

Wing Limited Access	Qualification	Qualification
Permit Category 1	landed 100k lb in any 1 yr between FY03-CD	landed 100k lb in any 1 yr between CD-18
Permit Category 2	landed 75k lb in any 1 yr between FY03-CD	landed 75k lb in any 1 yr between CD-18
Permit Category 3	landed 50k lb in any 1 yr between FY03-CD	landed 50k lb in any 1 yr between CD-18
Permit Category 4	landed 25k lb in any 1 yr between FY03-CD	landed 25k lb in any 1 yr between CD-18
Permit Category 5	incidental	incidental
Note: Incidental is $\leq 25k$ lb; Cat. 1 is $\geq 100,000$ lb.		

May 22 Committee mtg

**Motion** (Ruccio/Etrie): To table potential discussion on development of a wing ITQ program until skate fishery possession limits have been further explored in upcoming specifications action.

**Rationale:** The overarching issue is the possession limits, either daily or trip. The AP And PDT can creatively solve this issue within a framework action.

Motion **carried** 7/0/0.

**Motion** (Etrie/Ruccio): To task the PDT to analyze AP revised skate wing qualification criteria developed by the AP at their May 21, 2019 meeting (Table 3).<sup>6</sup>

Motion **carried** 7/0/0.

**Consensus Statement:** To task the PDT to further examine the levels of landings different user groups are routinely reaching for the wing and bait fisheries.<sup>7</sup>

**Motion tabled from previous meeting** (Etrie/Kendall): To include as an objective that a management measure adopted in this action would freeze the footprint of the wing and bait fishery.

**Motion to table** (Etrie/Kendall): Table motion until the next Committee meeting.<sup>8</sup>

Motion **carried** 7/0/0.

**Motion** (Pappalardo/): Objective should be to recognize the directed fishery on skates

**Rationale:** concern that a directed fishery was not identified.

<sup>6</sup> See Section 6.0 of this memo.

<sup>7</sup> See March 2020 PDT memo on fishery data.

<sup>8</sup> This did not get raised at next meeting.

**Motion** (Ruccio/Etrie): To have as an objective to identify the various fishery components that use the skate resources and to preserve, to the extent possible, through LA, ongoing participation in the fishery consistent with how past utilization has occurred.

**Rationale:** There are multiple types of users. It's important to know who the participants are and how they use the skate bait and wing resource.

**Original motion withdrawn** without objection

Motion **carried** 7/0/0.

#### June Council mtg

**Committee Motion [from 4/23 Cte mtg]:** That the Council include as an objective that any management measure adopted in this limited access action does not have a direct impact on any other fisheries that have interactions with Skates.

**Motion to amend:** (Sissenwine/McKenzie): That the Council include as an objective that any management measure adopted in this limited access action that minimizes the impact on any other fisheries that has interactions with skates.

The motion to amend **carried** on a show of hands (12/3/0).

The main motion as amended **carried** unanimously on a show of hands (15/0/0).

**Motion:** Dr. McKenzie moved on behalf of the Committee: That the Council have as an objective to identify the various fishery components that use the Skate resources and to preserve, to the extent possible, through limited access ongoing participation in the fishery consistent with how past utilization has occurred.

The motion **carried** unanimously on a show of hands (15/0/0).

#### August 7 PDT mtg

Briefly discussed A5.

#### August 26 PDT mtg

Briefly discussed A5.

#### September 5 Joint AP/Cte mtg

No motions. PDT still working on data tasking. Committee did not like additional objectives suggested in tasking memo offered by PDT:

- Participation in the skate wing and bait fisheries should be limited in order to prevent overfishing.
- Participation in the skate wing and bait fisheries should be limited in order to prevent overcapacity, which could increase the risk of exceeding the ABC/overfishing.
- To increase efficiency of qualifying participants to minimize discarding of skates.
- To minimize negative economic impacts on current participants if overcapacity results in overfishing or the incidental possession limit being implemented and prevents optimum yield being achieved.

#### October 9 PDT mtg

Discussed A5 (developed two memos dated October 21).

#### October 22 AP mtg – NO QUORUM

**Consensus statement #1 of AP members present:** Ask the Committee to task the PDT to continue work on bait qualification criteria for the development of a limited access program, focusing on Category X (vessels that did not meet the defined qualification criteria).

**Consensus statement #2 of AP members present:** The AP requests the Committee request that the PDT identify the data questions resulting from today's discussions, e.g. but not limited to, the landings exceeding the possession limits, undeclared trips, state landings, etc. and work with the Agency to explain and address these issues.

October 22 Cte mtg

**Motion** (O'Keefe/Pappalardo): The Committee requests that the PDT identify the data questions resulting from today's discussions, e.g. but not limited to, the landings exceeding the possession limits, undeclared trips, state landings, etc. and work with the Agency to explain and address these issues [see specific list below].<sup>9</sup>

**Rationale:** Before determining qualification criteria, the Committee needs to understand the data with activity codes that's helping characterize the fishery, e.g. the landings exceeding the possession limits, regional differences, undeclared trips, additional fishing years' data, etc.

Motion **carried** 7/0/0.

**PDT Tasks:**

- Identify and resolve the source of duplicate records when presenting activity and program code data.
- Explain the large number of undeclared trips.
- Explain why wing landings exceed possession limits.
- Provide activity data by plan code and program code for years other than FY2017.
- Include the number of vessels when reporting activity by plan code and program code.
- Include average revenue on the qualification tables.
- Identify under which declaration(s) are trips that are using the gillnet large mesh exemption.

**Motion** (Kendall/Bellavance): Ask the PDT to continue work on bait qualification criteria for the development of a limited access program, focusing on Category X (vessels that did not meet the defined qualification criteria).

**Rationale:** Category X has 150 vessels that don't fit into any of the three AP-proposed permit categories in the bait fishery;<sup>10</sup> this work has already been completed for the wing fishery but not yet for the bait fishery.

Motion **failed** 2/4/1.

November 21 PDT mtg

Worked on Committee tasking.

December Council mtg

When the Council considered its priorities for 2020, it considered the following input from the Executive Director and Executive Committee (Nov. 22, 2019 memo from Executive Director to Council, p. 5):

*“Much like last year, the Council shows little interest in developing a limited entry program for the skate fishery. The Executive Committee discussed whether to continue this project. The Council has initiated a flurry of skate frameworks in recent years to address management concerns that arguably are related to the lack of a limited entry system. The Executive Committee noted, however, that the Skate Committee has struggled to define a clear problem statement, goals, and objectives for this action. The Executive Committee recommends*

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<sup>9</sup> See March 2020 PDT memo on fishery data.

<sup>10</sup> The PDT identified the vessels that would not fit into the AP-proposed categories, calling them “Category X”.

*that the Committee’s focus should be on these initial steps, and if clear goals and objectives cannot be defined, the Council may want to reconsider pursuing this action. The PDT should also attempt to reconcile data issues that would support development of a limited entry program. The intent is that staff time devoted to this effort would be limited until these issues are resolved.”*

Council members, individually, had ranked Amendment 5 low as a 2020 priority. The Council approved Amendment 5 as a 2020 priority and tasked the Skate Committee to define a clear problem statement, goals, and objectives for this action.

## 3.4 2020

### February 5 PDT mtg

Worked on Committee tasking.

### February 24 PDT mtg

Worked on Committee tasking.

## 4.0 AMENDMENT 5 OBJECTIVES (TO DATE)

The Council approved the following objectives for Amendment 5 in June 2019:

- Any management measure adopted in this limited access action minimizes the impact on any other fisheries that has interactions with skates.
- To identify the various fishery components that use the skate resources and to preserve, to the extent possible, through limited access ongoing participation the fishery consistent with how past utilization has occurred.

The PDT notes that these objectives read more as descriptions of preferred outcomes of limited access, rather than why the Council is pursuing this action. The Committee should deliberate on what problem this action might solve.

## 5.0 PREVIOUSLY IDENTIFIED IDEAS

To support the Skate Committee in its tasking by the Council in December 2019 to define a clear problem statement, goals, and objectives for this action, the PDT compiles here (Table 4) ideas that have been previously identified through establishing control dates, the scoping process, and through discussions by the PDT, AP and Committee (Sections 1.0 to 3.0). Some of the ideas overlap. In this review, the PDT noted where ideas for alternatives have also been raised (Table 6). There have been concerns about the potential for new entrants and fishermen switching from other fisheries. Committee should deliberate on whether any/which of the concerns raised through this process are still relevant and identify why the concern is a problem.

**Table 4 - Previously raised ideas for a problem statement goals/objectives**

Issue	Where raised				
	Setting control date	Public scoping	PDT	AP	Cte
Prevent new entrants from having a negative impact on current participants <sup>1</sup>	√				
Prevent unrestrained increases in fishing effort by new entrants to the fishery		√			
Prevent fishermen from switching from fisheries with increasingly strict regulations into the skate fishery		√			
Prevent overcapacity problems		√			
Recognizes the de facto separation of bait and non-bait, established with two separate control dates	√			√	√
Do not directly impact other fisheries/user groups					√
Develop an ITQ for the wing fishery <sup>2</sup>				√	
Keep the skate wing and bait fisheries open year-round				√	
Manage the skate and monkfish fisheries in harmony				√	
Promote efficiency, profitability and sustainability				√	
Freeze the footprint of the wing and bait fisheries					√
To preserve, to the extent possible, through LA, ongoing participation in the fishery consistent with how past utilization has occurred					√
Prevent overfishing and exceeding ABC			√		
Increase efficiency of qualifying participants to minimize discarding of skates			√		
Minimize negative economic impacts on current participants if overcapacity results in overfishing or the incidental possession limit being implemented and prevents optimum yield being achieved			√		
<sup>1</sup> “New entrants” would need to be defined (e.g., never caught skates, never exceeded an incidental limit). <sup>2</sup> This idea was tabled in May 2019 by the Committee until Framework 8 is finished.					

**Table 5 - Previously raised ideas for alternatives**

Issue	Where raised				
	Setting control date	Public scoping	PDT	AP	Cte
Use a certain weight of landings from the previous 10 years to qualify vessels	√			√	
Qualify for bait limited access on whether the vessel had a LOA	√			√	
Create limited access for bait and for “non-bait” to include all other uses (incl. wing)	√				
For the wing fishery, have tiers that distinguish between vessels that target skate, vessels that historically targeted skate, and vessels that catch and land smaller quantities of skate		√		√	√
Create landing limits for qualifiers and non-qualifiers to be more consistent with the type of fishing that these vessels conduct		√			
Establish qualification criteria for skate (bait and non-bait [wing]) fishing permits and possibly different qualification criteria or catch limits for each fishery, considering how they operate differently		√		√	√

## 6.0 DRAFT LA PERMIT QUALIFICATION TIERS

This section addresses PDT Task #6 from the October 22, 2019 Committee meeting to provide average revenue in the tables describing the draft limited access qualification tiers developed by the Advisory Panel in May 2019. In addition, the PDT identifies here the number of vessels, landings and revenue that do not fit within the draft criteria. Only disposition codes 1 (wing) and 8 (bait) were included in the data tables below; other disposition codes and missing codes account for a minor percentage of total landings and would be considered part of the non-bait (i.e., wing) fishery.

### 6.1 DRAFT WING CRITERIA

Wing limited access permit qualification criteria were proposed by the Skate Advisory Panel in May 2019 (Table 6). The Skate Committee has not moved this proposal as an alternative for Amendment 5 but tasked the PDT with identifying the vessels, landings and total revenue that would fit within these criteria (Table 7). As tasked in October 2019, revenue per vessel is now provided.

**Table 6 - Qualification criteria for limited access in the skate wing fishery developed by the AP at their May 21, 2019 meeting (the wing control date is March 31, 2014).**

Qualifications (wing landings in any one FY)			
Category	FY2003 to Control date	Category	Control date to FY2018
<b>1a</b>	≥100,000 lb	<b>1b</b>	≥100,000 lb
<b>2a</b>	75,000 to <100,000 lb	<b>2b</b>	75,000 to <100,000 lb
<b>3a</b>	50,000 to <75,000 lb	<b>3b</b>	50,000 to <75,000 lb
<b>4a</b>	25,000 to <50,000 lb	<b>4b</b>	25,000 to <50,000 lb

**Table 7 - Qualifying vessels under draft wing LA permit criteria.**

Permit Category	Number of Vessels	2003-2013		
		Live Landings (lb)	Total Revenue	Average Revenue/Vessel
<b>Qualifying years: FY 2003 through CD</b>				
<b>1a</b>	103	261,024,631	\$55,702,491	\$540,801
<b>2a</b>	40	27,593,638	\$6,140,314	\$153,508
<b>3a</b>	46	25,546,244	\$5,816,982	\$126,456
<b>4a</b>	105	30,819,069	\$7,283,967	\$69,371
<i>Note: these data are through the end of FY 2013 (April 30, 2014), not March 31, 2014, the CD. There could be a few vessels that fished in April 2014 that would qualify.</i>				
<b>Qualifying years: CD through FY 2018</b>				
<b>1b</b>	12	14,208,406	\$3,622,457	\$301,871
<b>2b</b>	7	5,846,558	\$1,294,169	\$184,881
<b>3b</b>	12	4,825,303	\$1,139,982	\$94,999
<b>4b</b>	23	4,826,426	\$1,122,872	\$48,821
<i>Note: these data are FY 2014-2018, not after March 31, 2014. There could be a few vessels that fished in April 2014 and would not qualify.</i>				

If the Committee wants to develop these qualification criteria further, the PDT recommends considering vessels that do not qualify under categories 1-4 (Table 8), vessels that landed between 500-25,000 lb as perhaps category (e.g., Category 5.” in Table 8) distinct from the vessels that have had incidental landings (under 500 lb, Category 5.2).

**Table 8 - Vessels NOT qualifying under draft wing LA permit criteria.**

Permit Category	Number of Vessels	Live Landings (lb)	Total Revenue	Average Revenue/Vessel
<b>5.1 (500-25,000 lb)</b>	469	28,753,197	\$7,384,494	\$15,745
<b>5.2 (&lt;500 lb)</b>	530	1,488,778	\$384,298	\$725
<b>5 (Total Non-qualifiers)</b>	<b>999</b>	<b>30,241,975</b>	<b>\$7,768,792</b>	<b>\$7,776</b>

## 6.2 DRAFT BAIT CRITERIA

Bait limited access permit qualification criteria were drafted by members of the Skate Advisory Panel in April 2019 (no quorum at meeting; Table 9). The Skate Committee has not moved this proposal as an alternative for Amendment 5 but tasked the PDT with identifying the vessels, landings, and total revenue that would fit within these criteria (Table 10). As tasked in October 2019, revenue per vessel is now provided.

**Table 9 - Bait fishery qualification criteria and structure of limited access program as proposed by AP members present at the April 23, 2019 meeting (bait control date is July 30, 2009).**

Bait LA permit	Qualification	Trip Limit
<b>1</b>	LOA prior to CD and active (>1 live lb) 2014 - 2018	25,000 lb
<b>2</b>	Had LOA after CD and ≥50,000 live lb in any 1 year, 2009-2018	10,000 lb
<b>3 (Non-qualifier)</b>	Other	1,200 lb

**Table 10 - Qualifying vessels under draft bait LA permit criteria.**

Permit Category	Number of Vessels	Live Landings (lb)	Total Revenue	Average Revenue/Vessel
<b>1</b>	30	72,987,252	\$6,778,947	\$225,965
<b>2</b>	24	63,406,247	\$6,298,055	\$262,419
<b>3 (Non-qualifier)</b>	330	31,952,626	\$2,819,759	\$8,545

If the Committee wants to develop these qualification criteria further, the PDT recommends considering vessels that do not qualify under categories 1 and 2, perhaps having two categories that distinguish vessels landing above (Table 11, Category 3.1) and below (Category 3.2) the incidental landings (under 1,135 live lb or 500 landed lb).

**Table 11 - Vessels NOT qualifying under draft bait LA permit criteria.**

Permit Category	Number of Vessels	Live Landings (lb)	Total Revenue	Average Revenue/Vessel
<b>3.1 (1,135-50,000 lb)</b>	172	31,455,085	\$2,779,348	\$16,159
<b>3.2 (&lt;1,135 lb)</b>	158	497,541	\$40,411	\$256
<b>3 (Total Non-qualifiers)</b>	<b>330</b>	<b>31,952,626</b>	<b>\$2,819,759</b>	<b>\$8,545</b>

## 7.0 FEDERAL POSSESSION LIMITS

### 7.1 WING FISHERY

The wing possession limits for both seasons have remained relatively constant since annual catch limits and accountability measures were implemented in 2010, with seasonal possession limit increases effective beginning in FY 2020 (Table 12). The incidental limit trigger did not change significantly over time, with a 5% increase (80% to 85% of the wing TAL) in FY 2010. During FY 2016 and 2017, the skate wing fishery achieved 85% of the wing TAL and resulted in an incidental limit of 500 lb for both skate wing and bait fisheries.

**Table 12 - Skate wing possession limits by season and fishing year.**

FY	Season	Dates	Possession Limit	Barndoor Skate Wing Possession Limit	Incidental Limit Regulations
2003 – Northeast Skate Complex FMP implemented	n/a		10,000 lb/ <24 hours (i.e. day) & 20,000 lb/ > 24 hours (i.e. trip)		
FY2009	n/a	Jul. 16, 2009	5,000 lb	0	500 lb (if 85% of wing TAL is landed)
FY2010	n/a	May 1 – May 16	5,000 lb		
		May 17 – Aug. 31	2,600 lb		
		Sept. 1 – Apr. 30	4,100 lb		
		Sept. 3 – Apr. 30	500 lb		
FY2011 - FY2015	1	May 1 – Aug. 31	2,600 lb		
	2	Sept. 1 – Apr. 30	4,100lb		
FY2016	1	May 1 – Aug. 31	2,600 lb		
	2	Sept. 1 – Jan. 29	4,100 lb		
		Jan. 30 – Apr. 30	500 lb		
FY 2017	1	May 1 – Aug. 31	2,600 lb		
	2	Sept. 1 – Dec. 26	4,100 lb		
		Dec. 27 – Apr. 8	500 lb		
		Apr. 9 – Apr. 30	4,100 lb		
FY2018 - FY2019	1	May 1 – Aug. 31	2,600 lb		
	2	Sept. 1 – Apr. 30	4,100 lb	1,025 lb	
FY2020	1	May 1 – Aug. 31	3,000 lb	750 lb	
	2	Sept. 1 – Apr. 30	5,000 lb	1,250 lb	

\*From February 13, 2018 – April 8, 2018 the barndoor skate possession limit was 125 lb due to the soft closure.

## 7.2 BAIT FISHERY

The bait possession limits have been variable since annual catch limits and accountability measures were implemented in 2010, with Season 3 possession limit increases effective beginning in FY 2020 (Table 13). The incidental limit trigger and incidental possession limit have also changed over time. The in-season adjustments to possession limits have been linked between the bait and wing fisheries through March 15, 2018, which was problematic in FY 2016. The wing fishery reached its TAL threshold trigger of 85% in FY 2016 and effectively closed the bait fishery when fishermen were only able to land 1,135 lb (wing incidental limit). A separate skate bait incidental possession limit, a reduction in the Season 3 bait skate TAL threshold trigger from 90% to 80%, and a reduction in Season 3 bait skate possession limit were established to prevent another lengthy in-season closure.

**Table 13 - Skate bait possession limits by season and fishing year.**

FY	Season	Dates	Possession Limit	Incidental Limit Regulations
2003 – Northeast Skate Complex FMP implemented, Skate Bait LOA requirement				
FY2010-FY2011	1	May 1 – Jul. 31	20,000 lb	5,000 lb (if 90% of bait season's TAL or annual TAL is landed) or 1,135 lb (if 85% of wing TAL is also landed) <sup>1</sup>
	2	Aug. 1 – Oct. 31		
	3	Nov. 1 – Apr. 30		
FY2012 - FY2015	1	May 1 – Jul. 31	25,000 lb	
	2	Aug. 1 – Oct. 31		
	3	Nov. 1 – Apr. 30		
FY2016	1	May 1 – Aug. 31	25,000 lb	
	2	Sep. 1 – Oct. 17	25,000 lb	
		Oct. 18 – Oct. 31	9,307 lb	
	3	Nov. 1 – Jan. 29	25,000 lb	
Jan. 30 – Apr. 30		1,135 lb		
FY2017	1	May 1 – Jul. 31	25,000 lb	
	2	Aug. 1 – Oct. 31		
	3	Nov. 1 – Mar. 14	25,000 lb	
FY2018 - FY2019	1	May 1 – Jul. 31	25,000 lb	8,000 lb (if 90% of bait TAL is landed in a season)
		Aug. 1 – Oct. 31		
	3	Nov. 1 – Apr. 30	12,000 lb	8,000 lb (if 80% of bait TAL is landed in a season)
FY2020 - FY2021	1	May 1 – Jul. 31	25,000 lb	8,000 lb (if 90% of bait TAL is landed in a season)
	2	Aug. 1 – Oct. 31		8,000 lb (if 80% of bait TAL is landed in a season)
	3	Nov. 1 – Apr. 30		

<sup>1</sup> The bait fishery was only held to the wing incidental limit if BOTH the bait AND wing triggers were reached. If only the wing fishery trigger was reached, the bait fishery would still operate at normal limits until their hit their 90% trigger.

## 8.0 POTENTIAL LANDINGS WITH CURRENT POSSESSION LIMITS

At the April 4, 2017 Committee meeting, the following motion was unanimously approved:

To include in this analysis a review from the PDT on whether or not there is justification for limited access for each of the two fisheries.

In reviewing work to date, the PDT offers this analysis to better fulfil this task. Below is an example of the potential landings that could occur under the FY 2020 possession limits. Qualifiers are examined using the landings for wings and live pounds for bait (consistent with the respective possession limits).

### *Potential wing landings*

For vessels in the wing qualifying groups (Table 6), the annualized landings are in Table 14. Using annualized landings is useful, because vessels have qualified based on their level of performance over a long time period.

**Table 14 - Annualized average wing landings (column 5), for the qualification groups (summed groups 2 through 8 as their landings are relatively low) based on 16 years (FY 2003-2018).**

Group	Live lb		Landed lb		No. vessels
	Total	Average	Total	Average	
<b>1a</b>	261,024,631	16,314,039	129,214,866	8,075,929	103
<b>1b to 4b</b>	113,665,644	7,104,103	53,214,519	3,325,907	245
<b>5.1</b>	28,753,197	1,797,075	13,280,508	830,032	469
<b>5.2</b>	1,488,778	93,049	685,642	42,853	530
<b>Total</b>	<b>404,932,250</b>	<b>25,308,266</b>	<b>196,395,535</b>	<b>12,274,721</b>	<b>1,347</b>

If all the vessels in Wing Groups 1a through 4b operate at their long-term ‘average’ year, 11,401,836 lb of wings would be landed (Table 14). That is 99% of the 11,536,874 lb wing TAL for FY 2020 and 2021.

For Wing Group 5.1, Table 15 has the total potential landings for this group if they took one trip in each season landing at the FY 2020 possession limits. These are the non-qualifiers based on the qualification criteria developed by the AP and Committee to date (Section 3.0), exclusive of those who never landed more than the incidental limits (530 wing vessels). Recently, the Wing Group 5.1 vessels landed 0.83M lb (Table 14). If all these vessels landed one trip at the wing possession limit in each season, then the total landings on those trips would be 3.75M pounds (i.e., 469 x 3,000 plus 469 x 5,000).

For Wing Group 5.2, the vessels that historically never landed over the incidental limit landed only 42,853 lb a year. If these vessels each landed one trip at 500 lb, that would be 265,000 lb (530 x 500).

**Table 15 - Potential wing landings with current possession limits (PL) by Wing Group 5.1.**

		PL (lb)	Number of vessels*	Total Landed (lb)			
				1 trip/ vessel	2 trips/ vessel	3 trips/ vessel	4 trips/ vessel
<b>Wings</b>	Season 1	3,000	469	1,407,000			
	Season 2	5,000	469	2,345,000			
	<b>Total</b>			<b>3,752,000</b>	<b>7,504,000</b>	<b>11,256,000</b>	<b>15,008,000</b>

\* The number of vessels in column three is from the table above for wings (469 non-qualifiers).

Note: Cells for 2-4 trips are left blank to be able to use this table as a worksheet.

**Potential bait landings**

Table 16 has the annualized average bait landings for the qualification groups, based on 15 years (FY 2004-2018,).

**Table 16 - Annualized average bait live landings (column 2), for the qualification groups, based on 15 years (FY 2004-2018).**

Group	Live lb		Landed lb		No. vessels
	Total	Average	Total	Average	
<b>1</b>	72,987,252	4,865,817	72,980,775	4,865,385	30
<b>2</b>	63,406,247	4,227,083	63,369,114	4,224,608	24
<b>3.1</b>	31,455,085	2,097,006	31,069,407	2,071,294	172
<b>3.2</b>	497,541	33,169	477,520	31,853	158
<b>Total</b>	<b>168,346,125</b>	<b>11,223,075</b>	<b>167,896,816</b>	<b>11,193,140</b>	<b>384</b>

**Table 17 - Potential bait landings with current possession limits (PL) by Bait Group 3.1.**

		PL (lb)	Number of vessels*	Total Landed (lb)			
				1 trip/ vessel	2 trips/ vessel	3 trips/ vessel	4 trips/ vessel
<b>Bait</b>	all seasons	25,000	172	4,300,000	8,600,000	12,900,000	17,200,000

\* The number of vessels n column three is from the table above for bait (172 non-qualifiers).

If all the vessels in Bait Groups 1 and 2 operate at their long-term ‘average’ year, 9,089,993 lb of bait would be landed. That is 68.9% of the 13,192,458 lb bait TAL for FY 2020-2021.

For Bait Group 3.1, Table 17 has the total potential landings for this group if they took one trip at the FY 2020 possession limit. These are the non-qualifiers based on the qualification criteria developed by the AP and Committee to date (Section 3.0), exclusive of those who never landed more than the incidental limits (158 bait vessels). Recently, the Bait Group 3.1 vessels landed 2.1M lb (Table 16). If all these vessels landed one trip at the bait possession limit, then the total landings on those trips would be 4.3M lb (i.e., 172 x 25,000). That is all it would take to exceed the bait TAL. This is in addition to what the qualified vessels can catch in the wing and bait fisheries. For Bait Group 3.2, the vessels that historically never landed over the incidental limit landed only 31,853 lb a year. If these vessels each landed one trip at 1,200 lb, that would be 189,600 lb (158 x 1,200).

**Summary**

Under the scenarios described above, total potential wing landings could be 15.4M lb. and potential bait landings could be 13.6M lb. These are both higher than the FY 2020-2021 TALs for wing (11.5M lb) and bait (13.2M). Both wing and bait skate fisheries would be reduced to incidental limits, depending on the number of trips the non-qualified vessels took at the possession limits. Control over the number of boats or trips may help avoid triggering incidental limits.