



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
Eric Reid, *Acting Chairman* | Thomas A. Nies, *Executive Director*

MEETING SUMMARY

Skate Advisory Panel

Webinar

September 16, 2021

The Skate Advisory Panel (AP) met on September 16, 2021, at 9:00 AM via webinar to discuss: 1) Fishing Year (FY) 2022-2023 specifications, 2) Amendment 5 to the Northeast Skate Complex Fishery Management Plan, 3) 2022 Council management priorities, and 4) other business.

MEETING ATTENDANCE: Mr. John Whiteside (Chair), Ms. Sonja Fordham, Ms. Andrea Incollingo, Dr. Jeff Kneebone, Mr. William McCann, Mr. Randall Morgan, and Mr. Dan Nordstrom; Dr. Rachel Feeney (Plan Development Team (PDT) Chair), Ms. Jenny Couture, Mr. Lou Goodreau, and Ms. Janice Plante (Council staff); Ms. Elizabeth Etrie (Acting Chair), Mr. Rick Bellavance, Mr. Dan Farnham, Mr. Scott Olszewski, Mr. Dan Salerno, and Ms. Kelly Whitmore (Skate Committee); new Council member Mark Alexander; and Ms. Cynthia Ferrio (NMFS GARFO staff). Also, 3 members of the public attended.

The AP lost quorum towards the end of the meeting. Comments by individual AP members were accepted after that point, rather than motions.

KEY OUTCOMES:

- On specifications, recommended increasing the Skate ABC to 37,236 mt for FY 2022-2023.
- On Amendment 5:
 - Recommended tabling development of intermediate possession limit alternatives.
 - If an intermediate possession limit is implemented, recommended clarifying the discretion of the Regional Administrator to not trigger the limit.
 - Recommended having a 30-day application deadline for obtaining a federal skate permit prior to start of the fishing year.
 - Recommended no additional at-sea monitoring for the skate fishery.

AGENDA ITEM #1: INTRODUCTIONS, APPROVAL OF AGENDA, AND TIMELINE AND OTHER UPDATES

The AP Chair opened the meeting by introducing AP members, welcoming attendees, and seeking approval of the agenda. There were no agenda changes. Staff reviewed the near-term timeline for developing the FY 2022-2023 specifications and Amendment 5.

AGENDA ITEM #2: SKATE FY 2022-2023 SPECIFICATIONS

Staff recapped progress on developing specifications. The Skate PDT developed a method for setting the Acceptable Biological Catch (ABC), which was approved by the Scientific and Statistical Committee (SSC) in late July. The PDT also developed a draft supplemental information report with an impacts

analysis. The Council will take final action on these specifications during the September Council meeting, so the AP has an opportunity today to recommend a preferred alternative.

1. MOTION: MCCANN/NORDSTROM

The AP recommends Alternative 2 for the Skate ABC (37,236 mt) for FY 2022-2023.

Rationale: The resource can handle the increase in ABC, so the fishery should be able to benefit. There has been diversification in demand for bait, so demand for skate bait is likely to increase. The higher ABC may offset any chance for premature closures.

Discussion on the Motion: AP members discussed the 2023 stock assessment, the data needed to do the assessment, and ongoing problems with the *R/V Bigelow* survey, which negatively impacts stock assessments. The AP Chair was concerned that the survey has often missed stations, which hampers the ability to do accurate stock projections. He suggested the Council contact the Director of Operations of the *R/V Bigelow* to ask what can be done to ensure complete surveys going forward.

An AP member was concerned about increasing the Skate ABC, because thorny skate remains overfished, many pieces of data and information are missing, there is inherent variability of the stocks especially because of impacts from climate change, and there is potential for the complex to become overfished adjacent to U.S. EEZ waters given NAFO agreed to a quota higher than what was recommended by scientists. Thus, this AP member preferred a precautionary approach (Alternative 1, status quo).

A bait AP member supported increasing the Skate ABC to protect historic participation and safeguard against the potential for new entrants into the fishery. He suggested adding criteria to the bait Letter of Authorization (LOA) to prevent derby style fishing if effort increases in the future and to protect current participation. The AP Chair agreed that the ABC should be increased given landings have been well below quota in recent years and the fishery has not triggered accountability measures recently.

MOTION 1 CARRIED 5-1-0.

James Dopkin	Absent	Greg Mataronas	Absent
Sonja Fordham	No	William McCann	Yes
Andrea Incollingo	Yes	Randall Morgan	Yes
Jeff Kneebone	Yes	Daniel Nordstrom	Yes
Scott MacAllister	Absent	Ted Platz	Absent
		John Whiteside (Chair)	No vote

AGENDA ITEM #3: AMENDMENT 5

Staff recapped the June Council meeting, where the Council approved the updated language for the Northeast Skate Complex FMP objectives, added alternatives related to an intermediate possession limit and the federal skate permit, and recommend that the current wing and bait fishery control dates be rescinded. The AP was asked for input on clarifying alternatives and if there should be any other alternatives for this action. Staff also presented initial analyses of intermediate possession limit alternatives using in-season quota monitoring data and Area Allocation data (the final year-end data used in stock assessments with trip-level data) and the results of PDT tasking to estimate the realized observer coverage rates for trips landing skate with the ‘MNK’ declaration code for the wing fishery and ‘DOF’ declaration code for the bait fishery. Observer coverage rates were provided for all declaration codes for FY 2016-2019 for NEFOP and At-Sea Monitoring (ASM) observer programs. Other types of measures that the Council scoped for in early 2020, but the Committee has not done work on to date, were presented for further review and discussion by the AP.

2. MOTION: INCOLLINGO/NORDSTROM

The AP recommends tabling the development of intermediate possession limit alternatives for wing and bait in this action.

Rationale: The skate fishery has been below TALs in recent years and the AP does not see this as a problem in the near future.

Discussion on the Motion: An AP member was frustrated over not understanding the purpose of this action and the volume of data and information provided to the AP and the inability to understand the information enough to make recommendations on this action. He did not want an intermediate possession limit (IPL), because the fishery is not close to hitting the landings limit. Staff recapped work to date and the purpose of developing IPL alternatives, to slow down landings to prevent triggering the incidental possession limit early in the season. A bait AP member does not want to hinder the industry with this type of landings restriction, but was concerned that, since the skate fishery is an open access fishery and there is potential for effort to increase substantially, current participants who rely on the fishery to make a living may be negatively effected.

The AP Chair noted that the TAL has fluctuated; in FY 2016/2017 when the incidental possession limits were triggered, there was an abnormally low TAL. The Chair was concerned with why IPL alternatives were added and if the Council is looking for a problem that does not exist. An AP member agreed and remarked that there is less effort in the fishery given a handful of gillnetters are no longer in the fishery and the younger generation does not want to participate. Several other advisers from both the bait and wing fisheries agreed that slowing down the fishery to prevent triggering the incidental limit is no longer important and was reactionary to years past when the fisheries were effectively shut down. The Acting Skate Committee Chair noted what led to the development of this set of alternatives and suggested the AP indicate their preferences for or against an IPL.

MOTION 2 CARRIED 4-0-2.

James Dopkin	Absent	Greg Mataronas	Absent
Sonja Fordham	Abstain	William McCann	Yes
Andrea Incollingo	Yes	Randall Morgan	Yes
Jeff Kneebone	Abstain	Daniel Nordstrom	Yes
Scott MacAllister	Absent	Ted Platz	Absent
		John Whiteside (Chair)	No vote

Note: The AP lost quorum during the discussion of Motion 2. The motion was going to be turned into a consensus statement of those present, but then quorum was regained in time to vote.

CONSENSUS STATEMENT

The AP recommends that, if an intermediate possession limit is implemented through Amendment 5, the Regional Administrator should have discretion to not trigger an intermediate possession limit in any wing or bait season.

Discussion of the Consensus Statement: Advisors reiterated their lack of support for an intermediate possession limit because landings are not close to the TAL, thus, slowing down the fishery is not needed. They wanted the Regional Administrator to have flexibility in case these limits were implemented.

CONSENSUS STATEMENT

The AP recommends that, if an intermediate possession limit is implemented through Amendment 5, the 15-day window for RA discretion for the incidental limit should apply to any intermediate limit as well.

Discussion of the Consensus Statement: A few advisers thought a 15-day timeframe was enough time for knowing whether an IPL trigger is needed.

CONSENSUS STATEMENT

The AP recommends having a 30-day application deadline for obtaining a federal skate permit prior to the start of a fishing year, to match other permit application deadlines.

Discussion of the Consensus Statement: Two advisers felt that 45 days was too long and that 30 days before the start of the fishing year was sufficient.

3. MOTION: MCCANN/NORDSTROM

The AP recommends that there be no additional at-sea monitoring for the skate fishery (wing or bait), to not increase above NEFOP levels. The groundfish vessels have the increased coverage already.

Rationale: The skate fishery has enough observer coverage as is, and having the industry pay for increase coverage would not be viable.

Discussion on the Motion: An AP member asked when during the year the bait Declared out of Fishery (DOF) trips occur, if they are mostly July-October during the exempted fishing season. Another AP member noted fishing in the exemption areas eliminates the need to use a groundfish day-at-sea (DAS). GARFO staff confirmed that declaring DOF means fishermen are allowed to fish in exemption areas in the seasons referred to. Council staff clarified that the analysis presented was not broken down by season.

Several advisers categorically opposed increased monitoring in the skate fishery, commenting that observers already must go on skate trips and trips where skates are not targeted. One member noted that skate fishermen do not typically target groundfish so do not need more coverage. It was felt that skate vessels already have observers onboard on a regular basis and that increased monitoring is yet another expense the industry will have a hard time incurring. An AP member thought the realized observer coverage rates were low, considering the level of uncertainty in the fishery, and suggested developing alternatives to increase monitoring.

Public Comment:

- Mark Alexander (incoming Council member). What would the extra observer coverage be designed to achieve? Staff noted that the specific goals would need to be identified, but data quality would increase, because there would be more biological sampling. That could lead to fishery data being incorporated into stock assessments.

MOTION 3 CARRIED 4-1-1.

James Dopkin	Absent	Greg Mataronas	Absent
Sonja Fordham	No	William McCann	Yes
Andrea Incollingo	Yes	Randall Morgan	Yes
Jeff Kneebone	Abstain	Daniel Nordstrom	Yes
Scott MacAllister	Absent	Ted Platz	Absent
		John Whiteside (Chair)	No vote

The AP did not have a quorum for the remainder of the meeting.

COMMENTS BY INDIVIDUAL AP MEMBERS:

- Recommend tasking the PDT to provide more information about the nature of skate discards such as discards by fishery/declaration code, particularly the bait and wing fisheries, and the reasons why skates are discarded (e.g., the skates are in poor condition and not marketable, undersized, not desired). More information on where and why discards exist is needed to identify mechanisms to reduce discards and evaluate whether gear modifications are needed. Information on the extent to which the wing fishery already uses 12” (or greater) gillnet mesh size would be beneficial.

AGENDA ITEM #4: 2022 COUNCIL MANAGEMENT PRIORITIES

Staff presented progress to date on 2021 Council priorities: the FY 2022-2023 specifications and Amendment 5. Staff also presented the PDT recommendations for 2022 priorities including Amendment 5 and the 2022 Skate Annual Monitoring Report.

COMMENTS BY INDIVIDUAL AP MEMBERS:

- Look into whether there should be criteria for obtaining a bait LOA (e.g., based on historical participation, use a control date). Is it possible to set criteria for having the LOA? This may safeguard from an increase in bait fishery participants and prevent derby fisheries
- Focus on thorny skate rebuilding especially with respect to the Administration's work on climate change and goal of conserving at least 30% of the lands and waters of the U.S. by 2030 [comment submitted by an AP member who had left the meeting previously.]

AGENDA ITEM #5: OTHER BUSINESS

No other business was discussed.

The Skate AP meeting adjourned at about 12:30 p.m.