



## New England Fishery Management Council

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# MEETING SUMMARY

## Skate Committee

New Bedford Harbor Hotel, New Bedford, MA

October 22, 2019

The Skate Committee met on October 22, 2019 in New Bedford, MA to: 1) review and discuss Council staff analyses on landings and revenues data by declaration code to further identify groups utilizing the skate resource and 2) other business, if necessary.

**MEETING ATTENDANCE:** Dr. Matt McKenzie (Chairman), Ms. Elizabeth Etrie, Mr. Richard Bellavance, Mr. Scott Olszewski, Ms. Emily Gilbert (GARFO), Mr. Peter Kendall, Dr. Cate O’Keefe , and Mr. John Pappalardo; Lou Goodreau, Dr. Rachel Feeney, Jennifer Couture, and Dr. Fiona Hogan (NEFMC staff); Mr. Mitch MacDonald (NOAA General Counsel). In addition, approximately 7 members of the public attended. The presentation and meeting documents can be found at: <https://www.nefmc.org/calendar/oct-22-2019-skate-committee-meeting>.

### **KEY OUTCOMES:**

- The Committee recommended 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. The PDT tasks are listed at the end of this meeting summary for clarification.

### **PRESENTATION #1: SKATE LIMITED ACCESS RECAP**

Staff updated the Committee on the skate limited access work to date including a recap on objectives of a limited access program, revised wing qualification criteria to further examine the levels of landings different user groups are routinely reaching, originally proposed bait qualification criteria, and qualifying vessels within each of the AP- proposed permit categories. The qualification criteria developed by some of the AP members have not yet been voted on.

### **PRESENTATION #2: DECLARED SKATE TRIPS, PERCENTAGE OF REVENUES**

Staff gave an overview of the distribution of skate trips in FY2017 by the percentage of skate to total revenues on those trips and by authorization code (declaration).

### **Public Comment:**

- Greg DiDomenico (Garden State Seafood Assoc.) – requested distribution of skate trips and revenues on those trips by statistical area or by region and by gear type. Further on in the discussion, Greg asked for showing cut wings with a no declaration where the vessel is highly reliant and whether the data could be parsed out by state permitted vessels only.

**PRESENTATION #3: DECLARED SKATE TRIPS, PERCENTAGE OF LANDINGS – KERNEL DENSITY PLOTS**

Staff provided the Committee with skate trip/pounds landed frequencies by authorization code (declaration).

A Committee member asked about the large mesh exemption area and the possibility for filtering this out of the plan data. Another Committee member requested adding in the number of vessels to the data tables instead of number of trips. A couple of Committee members asked about the meaning of the undeclared plan code for which the Committee Chair provided an overview of the morning's AP discussion on this topic. A Committee member noted that there are different requirements for VMS and that fishermen may not be aware that they must declare DAS. Another Committee member asked the difference in databases between setting qualification criteria and the data with activity codes and whether staff are sure that the qualification data includes all qualifying vessels. This Committee member asked what the Committee is trying to accomplish with the bait and wing fishery with limited access.

**1. 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 of tasks at the end of this meeting summary].

*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.

**Discussion on the Motion:**

One Committee member felt that better understanding the data is important, but the Committee should clarify what it is trying to accomplish with a limited access program. This member noted that more work can be done to learn about the users of the resource but if the Committee doesn't have specific goals/objectives, then the PDT work won't help the Committee's decision making. There's a fear that this amendment is going down a similar route as the monkfish catch share amendment and whiting limited access (Council voting No Action or dropping the action after much work had occurred). This member asked why people should be excluded from the wing fishery when the Total Allowable Landings hasn't been achieved this year. The Committee member was concerned that the motion may be overly complicated by requiring a letter from the Council to the Agency, whereas this should be more of a PDT tasking at this point. The Committee Chair noted that the motion doesn't mandate or preclude formal communication with the Agency. Another Committee member stated that there are a lot of problems with skate data collection so this PDT tasking may help the Committee get to a better place if limited access is pursued down the road (i.e. need to know who's in the permit categories, how they report, etc.). The GARFO Committee member recommended the PDT understand the data issues, non-compliance with DAS allocation if fishermen don't realize they have to declare, etc. and compile a list of questions for the Agency to investigate. Other Committee members agreed. Staff cautioned the Committee that the PDT may not be able to answer all data issues and that the PDT is not an enforcement flagging body. Staff also advised that the data records above 4,100 lbs. may be whole landings and need to be converted; various processors may use a different conversion code than the standard 2.27 conversion from landed to live weight.

**MOTION #1 CARRIED 7/0/0**

## **2. 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; this work has already been completed for the wing fishery but not yet for the bait fishery.

### **Discussion on the Motion:**

One Committee member noted that the Committee doesn't have qualification criteria or alternatives and the Committee hasn't discussed what it's trying to accomplish in the bait fishery with a limited access program. Staff noted that the AP wants limited access and the Committee was initially interested in understanding the user groups of the fishery. Another Committee member noted that the Committee is getting ahead of itself and hasn't done real work on qualification criteria developed by the AP. Another member noted that the bait fishery is in the same situation as the wing fishery with Category X and the undeclared data, respectively.

### **MOTION 2 FAILS 2/4/1**

### ***AGENDA ITEM #2: OTHER BUSINESS***

Staff updated the Committee on the revised skate monitoring report with revised bait and packing/no market landings codes previously presented at the 2019 September Council meeting.

### ***AGENDA ITEM #1: FURTHER DISCUSSION OF LIMITED ACCESS***

A Committee member suggested that limited access may not be the best solution; the Committee isn't making any progress despite hearing from the AP to get something done. The Committee member suggested bringing this limited access work to the Council to see if the work needs to be re-scoped, and the Committee Chair noted that this was suggested by an AP member as well. One Committee member wants to better understand why industry wants limited access. Is industry afraid of new entrants despite not reaching the TAL? Most of the skate fishery is based on using groundfish (GF) DAS which isn't an open access fishery like skate. This member asked those Committee members with strong feelings towards limited access what they're hoping to accomplish with such a program (i.e. goals, objectives). A Committee member in favor of limited access stated there's no limit on the number of GF DAS available to target skates so the GF DAS doesn't slow the fishery down because fishermen are able to acquire GF DAS easily. Furthermore, he notes that the incidental limit was previously triggered and would have been triggered again if the uncertainty buffer hadn't been lowered in a previous framework adjustment. This Committee member says fishermen struggling in the groundfish fishery may start directing on skate to keep things going so there's a concern over re-directing on skate wings. Another Committee member agrees with this rationale; noted the crisis with herring and the potential shift in effort to the skate fishery. Another Committee member notes that a lot of groundfish fishermen have already moved on to other fisheries and would have already moved into the skate fishery if they were going to and is not sympathetic to that rationale. This member suggested constraining GF DAS instead if DAS haven't been utilized to date. The member in favor of limited access stated that if the Council can add this work as a groundfish priority, that would be worthwhile. Committee members reiterated wanting to understand the undeclared plan code and the possibility of constraining DAS, however, the groundfish PDT is already oversubscribed.

**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.**