

Doc # 5

**New England Fishery Management Council**  
 Skate Oversight Committee and Advisory Panel Meeting  
 Spring Hill Suites - Peabody, MA

DRAFT Meeting Summary  
 June 16, 2011

**Purpose of meeting:** The Oversight Committee met jointly with the Advisory Panel to develop recommendations for 2012-2013 management specifications. The committee decisions were based new fishery data including fishery performance in the 2010 fishing year having Annual Catch Limits (ACLs), a preliminary wing possession limit analysis update using new data through May 31, 2011, a Skate PDT memo on "Specification Package Advice", and ABC specifications approved by the Scientific and Statistical Committee (SSC).

**Attendance:** David Goethel (chair), Mary Beth Tooley, Jim Fair, Rip Cunningham, and Mark Alexander. Advisors at the meeting were Andrea Incollingo, Daniel Nordstrom, Ted Platz, Sonya Fordham, Bill Phoel, and Robert Wescott. Also present were Andrew Applegate (staff); Tobey Curtis, (NMFS staff); and Fiona Harper (PDT, SMAST).

**Motions:** The Oversight Committee and the Advisory Panel passed motions on measures and specifications to include in the 2012-2013 specification package. All of the recommended adjustments can be done in a Specifications Package, rather than a Framework Adjustment. All of the motions were made and seconded by an Oversight Committee member, but votes were taken separately by the advisors before the Oversight Committee itself voted.

**Summary**

Mr. Applegate explained that on the previous day, the SSC approved updated ABC specifications using 2008-2010 survey and fishery data. The SSC also approved using new discard mortality data from an on-going research project aboard commercial trawl vessels catching (and discarding) skates in the Gulf of Maine.

The SSC-approved specifications were 50,435 mt ABC, 37,826 ACT, and 24,088 TAL. Using the same ACL specification framework as the Council adopted in Amendment 3, the TAL would be allocated 3,035 mt (12.6%) for state landings, 14,000 mt for the wing fishery, and 7,053 mt for the bait fishery. All values are substantially higher than the current specifications, largely because of the increase in little and winter skate biomass indices in the fall survey. These specifications include additional landings and catch associated with bait transfers at sea reported on vessel trip reports, updated by the PDT through the 2010 fishing year (calendar year 2010 for discards). They also include the effect of new discard mortality estimates for little (0.20) and winter skate (0.12) captured by trawl vessels, reviewed and approved by the SSC for use in setting skate ABCs.

The Advisors and Oversight Committee debated the additional landings data and the apparent increase in state water skate landings. Both allocations to the bait fishery and to account for state water catches were the result of the way that landings had been analyzed for Amendment 3,

differing in important ways from the way that fishery monitoring took place in 2010. In the first case, transfers at sea were an unrecognized source of 'landings' and the wing and bait fishery history was determined from landings of wings and whole skates, respectively. And state landings were estimated based on landings by dealers being reported without a federal permit number. Landings monitoring for 2010, on the other hand, relied on a food/bait fishery disposition code as reported by dealers and whether or not the vessel had ANY federal fisheries permit AT THE TIME of landing.

So with the new Amendment 3 monitoring system in place, the federal skate bait fishery landed 86% of the bait TAL and the federal wing fishery landed 95% of the wing TAL. State water skate landings were 12.6 percent of total landings, up from the 3% estimated for Amendment 3. The causes of this increase in state water landings were from the differences in how these landings had been taken into account and in increased state water skate fishing in response to the new skate landings and retention limits. Transfers at sea accounted for an additional 4% of the ACL, or almost 3.6 million pounds. Discards in 2010 were estimated as 41.4 million pounds, accounting for dead discards at a 50% mortality rate, or 46% of the ACL. Overall, landings and catch were 86% of the ABC, somewhat over the ACT and below the ACL. Therefore, no accountability measures (AMs) were triggered in 2010.

Bait transfers at sea of skates were nearly 3.6 million pounds in 2010, or 10% of total landings, down from 6.4 million lbs., or 13.3% in 2009. This decrease may have been partially offset by dealer-reported skate bait landings increasing from 9.0 million pounds in 2009 to 10.0 million pounds in 2010.

### **ACL specifications and allocations**

The Advisors and Oversight Committee discussion centered on the apparent increase in state landings as a result of skate regulations and high skate prices. Many thought that this response would be less likely in 2012, particularly if the specifications are set to make an incidental skate possession limit less likely to go into effect. Some suggested that the skate regulations could be amended to be similar to the dogfish plan, which prevented vessels from temporarily dropping their dogfish fishing federal permits to fish in state waters. It was pointed out that this would not have any impact on fishermen that kept or acquired a second boat to fish for skates in state waters.

And with regard to the transfers at sea, it was noted that the disposition code used by dealers appear to have been less accurate during the 1995-2006 period (the Council chose this period as history to allocate skate landings to the two fisheries) than it had been in 2010. Skate landings with a 'food' disposition code appear to have been recorded for landings made for the bait market (underestimating the proportion of skate bait landings if it were now used to allocate skates). But allocating landings based on wing and whole skate landings had not been entirely accurate either, because an unknown fraction of whole skate landings appeared to have been landed whole for the wing market and processed at shore (overestimating skate bait landings in Amendment 3). It would not be easy to accurately determine this without additional information that is not in the landings data as it currently exists. The Advisors and Oversight Committee also noted that the additional transfers at sea might also be accommodated in the 2012-2013

specifications, which without a reallocation would be considerably higher for both skate fisheries than the allocations had been in 2010 and 2011.

Based on the above discussion and logic, the committee made the following motions:

1. **To recommend that the Council make no change to the 3% state landings set aside to apply to the 2012-2013 TAL specifications.** Mr. Cunningham/Mr. Fair. The Advisory Panel voted in favor of the motion 6-0-1 and the motion carried 5-0 by the Oversight Committee.
2. **To recommend that the Council consider sending a letter to state directors asking them to promulgate state regulations that are more consistent with federal landing limits.** Mrs. Tooley/Mr. Cunningham. The Advisory Panel voted in favor of the motion 6-0-1 and the motion carried 5-0 by the Oversight Committee.
3. **To recommend that the Council include transfers at sea under the bait fishery monitoring.** Mr. Cunningham/Mr. Fair. The Advisory Panel voted in favor of the motion 7-0 and the motion carried 5-0 by the Oversight Committee.

#### **Skate wing possession limit specifications**

Mr. Applegate explained how the daily landings in 2010 responded to changes in the skate wing possession limits and prices, indicating that based on 2010 data, the daily landings in May 2011 were higher and more landings reports had been made in 2010. Daily landings with a 5,000 lb. possession limit were higher than they had been in 2010 with a 5,000 lb. possession limit and daily landings with a 2,600 lb. possession limit were nearly what they were in 2010 with a 5,000 lb. possession limit, although the time of year was somewhat different. He indicated that the daily landings rate was declining through May and that additional data from June, July, and August could be used to update and re-estimate the response of daily landings to various potential possession limits.

Using this preliminary information, averaging the 2010 and 2011 fishery performance, the analysis was conducted in the same fashion as it was for Framework Adjustment 1. In "Scenario 1" (see Table 1 in "Preliminary skate wing possession limit analysis" by Andrew Applegate, dated June 9, 2011), a split season wing possession limit was determined using a 1,250 lbs. incidental skate possession limit when the landings reached 85% of the TAL, so that the annual fishery as a whole would fill 100% of the TAL. A second "Scenario 2" analysis, the same approach was applied, except with a 500 lbs. incidental skate limit that is currently in effect.

In the first case, the TAL trigger is projected to be met on Jan 19 with a 4,566 season 1 and a 7,200 lbs. season 2 wing possession limit. In the second case, the TAL trigger is projected to be met on November 22 with a 7,990 season 1 and a 12,660 lbs. season 2 wing possession limit. Mr. Applegate noted that the Framework Adjustment 1 analyses were set up to evaluate the effect of changing the TAL trigger (then 80% and raised by Framework Adjustment 1 to 85%) and different incidental skate wing possession limits (500, 750, and 1,250 lbs.). Consequently

that analytical approach would allow for higher seasonal skate wing possession limits with 15% (previously 20%) of the TAL being filled by trips landing the incidental limit (500 or 1250 lbs.).

Mr. Applegate presented another approach or scenario that using the same daily landings to possession limit relationship was calculated to allow the fishery to land the TAL entirely with the Season 1 and Season 2 skate wing possession limits. But in this case, the seasonal skate wing possession limits are lower than in Scenarios 1 and 2. The TAL trigger and the incidental skate limit become irrelevant as a result. With the updated TAL (associated with the ABC approved by the SSC, 2008-2010 average discard rate, and 12.6% set aside for state landings, the skate wing possession limit could be 3,120 lbs. for Season 1 and 4,920 lbs. for Season 2. These values will be updated with new landings information and state landings set aside for the final specifications.

The Advisors and Oversight Committee discussed the potential outcomes of re-specifying the skate wing possession limits, the incidental skate limit, and the TAL trigger. The Advisors said it was important to continue the wing fishery at lower limits throughout the season. And therefore the Scenario 1 and Scenario 2 approaches were unacceptable. The Advisors discussed the tradeoffs between increasing the incidental skate limit or increasing the TAL trigger. They decided (mainly on the advice of Mr. Platz) that raising the TAL trigger to 90% was preferable to increasing the incidental skate limit, since the most important outcome was to not reduce the limit to the incidental level to begin with.

It was pointed out that if the TAL is exceeded by more than 5%, the TAL trigger would automatically adjust lower by a suitable percentage in the following fishing year. The main purpose of limiting landings to the TAL was to prevent catch from exceeding the ACL (=ABC for skates) and that in 2010, the skate catches were 85% of the ACL. Mr. Curtis pointed out that unlike 2010, the TAL would be much closer to the ACL due to the lower discard mortality rate and Ms. Fordham thought that a 90% TAL would be risky.

Mr. Curtis asked the committee if a single skate wing possession limit alternative would be supported, but the Advisors felt that the split season skate wing possession limit had the right characteristics to maximize price and discourage derby-style fishing behavior. They thought that the 2011 skate fishery information might allow for some fine tuning, but that a split season skate wing possession limit was desirable.

The Oversight Committee also discussed other skate wing possession limit alternatives, in light of the apparent increase in skate fishing activity during May 2011 (compared to the fishing activity in 2010 when the possession limit was 5,000 lbs.). It was suggested that the specifications package also include a more conservative alternative in case the 2011 skate fishing activity was higher than we can now analyze. This conservative alternative would set the skate wing possession limits at a level that would be calculated to take 85 or 90% of the TAL, instead of 100%. Mrs. Tooley thought that this approach would amount to planning to allow the fishery to not take the TAL and favored an alternative that was calculated to take more than the TAL, but include an analysis of risk. Mr. Applegate indicated that he could adapt the analysis to include the risk of exceeding the TAL by bumping up the daily landings rate, as a sensitivity analysis. He thought that an alternative that was calculated to take more than the TAL would be

hard to justify, for reasons similar to the disapproval of the 1,250 lbs. incidental possession limit in Framework Adjustment 1.

Based on the above Advisory Panel and Oversight Committee debate, the following motions were made:

4. **That the specifications use a scenario 3 approach to identify possession limits that keep the wing limit in effect throughout the fishing year (i.e. to land the TAL without hitting the trigger early or triggering the incidental limit).** Mr. Cunningham/Mr. Alexander. The Advisory Panel voted in favor of the motion 6-0-0 and the motion carried 5-0 by the Oversight Committee.
5. **To change the TAL trigger specification from 85 to 90 percent.** Mr. Cunningham/Mr. Fair. The Advisory Panel voted in favor of the motion 5-2 and the motion carried 5-0 by the Oversight Committee.
6. **To analyze a second alternative with a season 1 possession limit of 4000 lbs. and a season 2 possession limit of 6,000 lbs.** Mrs. Tooley/Mr. Blount. AP 1-1-4. The motion failed 2-3-0. The Advisory Panel voted against the motion 1-1-4 and the motion failed on the Oversight Committee vote 2-3.
7. **To develop a second alternative using the same parameters as scenario 3, but targeting 85% of the TAL.** Mr. Cunningham/Mr. Alexander. The Advisory Panel voted in favor of the motion 4-2-1 and the motion carried 4-1 by the Oversight Committee.
8. **To develop an alternative with scenario 1 with a 90% TAL trigger.** The motion was made by Mrs. Tooley, but drew no second.

Some advisors asked whether the Council could consider also raising the skate bait possession limit, currently at 20,000 lbs. Mr. Applegate reminded the committee that the same sort of analysis as was done for the wing fishery was not applicable to the bait fishery. In Amendment 3, the Council set the 20,000 lbs. skate bait limit to cap the fishery and discourage derby style fishing behavior in the three season quota managed fishery. It was not set to achieve a certain amount of landings. Some advisors were therefore in favor of keeping the status quo, but wanted to see a possible increase analyzed in the specifications package. Based on this discussion, the committee made and passed the following motion:

9. **To change the bait skate possession limit specification to 25,000 lbs.** Mrs. Tooley/Mr. Blount. The Advisory Panel voted in favor of the motion 6-0-1 and the motion carried 5-0 by the Oversight Committee.

#### **Category B DAS skate possession limit**

Referring to a memo from the Skate PDT, Mr. Applegate brought three issues to the attention of the Oversight Committee. The first was that during Amendment 3, the Category B DAS skate

possession limit for vessels using gillnets was lowered to be equivalent to that for vessels using trawls. He explained that the trawl limit was originally lowered by a groundfish framework adjustment to 220 lbs. of skate wings to control incidental catches of regulated groundfish while on a Category B DAS. Amendment 3 changed the gillnet limit to be the same, mainly to conserve winter skates and respond to a rapid rise in skate landings on Category B DAS in 2008 and 2009.

Mr. Platz thought that increasing the Category B DAS skate possession limit to be consistent with the seasonal wing limits would invite significant increases in skate fishing effort. As a result, the skate wing fishery would close when it reached the TAL trigger earlier than expected.

**Based on the advice, the Oversight Committee made no motions to change the Category B DAS skate possession limit specification.**

### **Inconsistency between discard estimates and other fishery data**

In the memo, the Skate PDT pointed out that the landings data are monitored on a fishing year basis and the discard estimates can only be made on a calendar year basis for the most recent year. This problem is related to the timing to have vessel trip report and compatible sea sampling data available for analysis. The next time that the Jan-Apr 2011 discard estimates could be made would be in April 2012, when the calendar year data is finalized and the “area allocation” tables are generated.

The Oversight Committee recognized the problem as one that is applicable to more than just skates and in fact applies to all fisheries with a May 1 start of the fishing year. There was nothing that the Oversight Committee could do on its own for skates, and that the issue could be better addressed during the November priorities discussion as a potential 2012 priority.

### **Skate overfishing definition specifications**

Mr. Applegate reported that several minor overfishing definition specification adjustments were needed to be consistent with the FSV Bigelow survey data. These adjustments had already been approved by the SSC and incorporated into the ABC specification. They include redefining the strata used to calculate the biomass thresholds and targets, omitting the inshore strata in the Mid-Atlantic that are no longer surveyed. These changes make minor differences in the biological reference points for little and clearnose skates.

**Mr. Curtis reported that these adjustments could be made in a specifications package and the Oversight Committee agreed by consensus to include these new overfishing definition specifications.**

### **Barndoor skate retention**

Mr. Applegate reported that the Skate PDT recommended that the Council not consider allowing retention of barndoor skate until the rebuilding time frame could be identified. As a 10 year default, the rebuilding deadline would be 2012 or 2013 and the current biomass was around 1.1

kg/tow while the target is near 1.6 kg/tow. Calculation of a generation time to extend the rebuilding period would require more analysis and peer review, either by the SAW or by the SSC. Mr. Applegate furthermore suggested that it might be worthwhile to re-evaluate the MSY-proxy with new data and possibly with an analytical assessment developed during a benchmark assessment specifically for barndoor skate.

The Oversight Committee discussed the issue briefly and thought that this issue should be raised with the NRCC.

### **Other business**

Mr. Platz suggested that the Council should consider breaking up the skate complex management, parsing out selected species in other plans (FMPs), rather than managing skates as a separate complex. Ms. Fordham asked the committee if the Council had any intentions to develop specific measures to rebuild thorny skate, other than wait for it to happen with existing measures. She pointed out that Amendment 3 included specific skate habitat closures which were designed to conserve thorny skate but had been rejected by the Council. Mr. Applegate pointed out that the rationale for rejection was their limited effectiveness (low fishing effort in the recommended areas already) and potential for effects on fisheries targeting other species.

Mrs. Tooley took note of changes in the weekly skate data, when new updates were made. These updates substantially increased the skate landings in earlier weeks. She asked if someone could examine whether these increases were coming from double counting data. Mr. Curtis said that the Fisheries Statistics Office would look into it.

The Oversight Committee held a short closed door meeting to discuss selection of Advisory Panel chair and vice chair.

