

New England Fishery Management Council
Skate Oversight Committee
Meeting Summary
September 20, 2013

The Skate Oversight Committee (Committee) and Skate Advisory Panel (AP) met in Peabody, MA. The Committee and AP discussed the upcoming specifications package for the Northeast Skate Complex Fishery Management Plan. Committee members present were Mr. Vincent Balzano (Chair), Mr. Mark Alexander, Mr. Frank Blount and Mr. Peter Kendall. AP members present were Ms. Sonja Fordham, Ms. Andrea Incollingo, Mr. Dan Nordstrom, Mr. Ted Platz, Dr. James Sulikowski and Mr. David Wallace. They were supported by staff members Dr. Fiona Hogan (NEFMC), Mr. Tobey Curtis and Mr. Michael Pentony (NMFS NERO).

Discussions were guided by a presentation of Skate Specifications 2014 - 2015, PDT meeting summary dated August 14, 2013, Update on Stock Status based on NEFSC Bottom Trawl Survey Data through Autumn 2012 and Spring 2013, Correspondence from NMFS re: thorny and winter skate stock status dated September 19, 2013, and Joint NEFMC Whiting/MAFMC Squid AP report dated September 9, 2013,

The Committee requested under other business to discuss the Joint NEFMC Whiting/MAFMC Squid AP report regarding the small-mesh Accountability Measure for the Georges Bank yellowtail flounder sub-ACL.

Specifications for 2014 - 2015

Staff provided an overview of the specifications package for 2014 to 2015. NEFSC trawl survey indices have decreased for five of the seven skate species, including those of winter and little skate. In 2012, the skate fishery caught 56% of the overall ACL; accordingly, no Accountability Measures (AMs) were triggered. The wing fishery caught 70.5% of its TAL; the bait fishery caught 76.2% of its TAL. The PDT intends to update the catch history with revised discard mortality estimates for little (22%), smooth (60%), thorny (23%) and winter (9%) skate for trawl gear and plans to complete this work in fall 2013.

A Committee member questioned how the discard mortality rates were calculated; in the Mandelman *et al.* (2013) paper the sex specific discard mortality rates were sufficiently different to the overall species rate that there was some confusion. It appeared that the median between the two sex estimates was taken for two of the species but this did not work for little and thorny skates. The discrepancy was thought to result from the moderate (90 – 120 min) and extended (180 – 240 min) tow mortality estimates being pooled to generate an overall discard mortality estimate that would best reflect commercial fishing practices. An AP member, who participated in the study, considered the overall discard mortality estimate for thorny skate to be an underestimate. The same could be said for smooth skate as the sample sizes for that species were somewhat low. The research group is currently working on discard mortality estimates for skate bycatch in scallop dredge gear.

An AP member proposed that since the assumed discard rate for gillnet gear was based on that for trawl gear, it should be updated with the newly available estimates from the Mandelman *et al.* (2013) study to utilize the most recent information. The logic being that if the old data for trawl gear was used for gillnet then the newer data for trawl gear could also be used for gillnet gear. NMFS NERO staff agreed with the logic but was unsure of the SSC's willingness to change the gillnet discard mortality rate assumption

without a directed research project. The majority of studies used to derive the assumed 50% discard mortality estimate for trawl gear were for different regions from around the world and for different species; one study was based on winter skate in the Canadian waters. There was no specific connection made at the time that identified that gillnet and trawl gears were more similar than other gears.

An AP member clarified that the on deck practices used in the Mandelman *et al.* (2013) study tried to mimic commercial on deck handling as closely as possible, which included picking and time on deck.

Motion: to ask the PDT to look at revisiting the discard mortality rate for gillnet gear. (Mr. Kendall/Mr. Alexander)

Rationale: Mortality rate coming out of a gillnet is lower than for trawl gear so if that could help the gillnet fleet then that would be a good benefit.

It was suggested that the motion clearly state that the SSC should review the assumed discard mortality rate for gillnet gear. The PDT and SSC would only examine the discard mortality rates for the four species used in the Mandelman *et al.* (2013) paper.

Motion as friendly amended: to ask the PDT and SSC to look at revisiting the discard mortality rate for gillnet gear, in light of the Mandelman *et al.* (2013) study.

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

Staff clarified that specifications were being set for two years to be consistent with the previous specifications package. NMFS NERO staff noted that because the skate biomass indices were changing frequently; at the time of the last specifications package it was thought best to revisit specifications after two years.

Trip Limits

The Committee and AP discussed trip limits but discussion was limited because a final ABC was not available yet. An AP member informed the group that the monkfish fishery relies on skates and the monkfish fleet was in favor of lowering the skate wing trip limit to prevent the closure of the monkfish fishery because of skates. There was general agreement that the trip limit should not be raised for the wing fishery especially in light of the reduced survey indices for five of the seven species. The bait fishery trip limit was raised from 20,000 lbs to 25,000 lbs in the last specifications package; there was no discussion to revisit the bait trip limit. An AP member was confused as to why the TAC had to be cut if they weren't reaching their TALs and how it impacted the monkfish fishery. An AP member observed large changes in the abundance of winter skate since 2007 and considered if the abundance was decreasing, as indicated by the survey indices, then they were not catching their TAC. The wing fishery only caught 70.5% of the TAL in 2012 so if there was a reduction in the ABC and accordingly in the trip limits the impacts might not be severe on the fishery and would allow fishing to continue throughout the fishing year.

Some public comment included:

- Rory O'Donnell (monkfish fisherman, Newport, RI) – As a monkfish and skate fishermen, as we talked in our localized meeting we would have no problem seeing a lower limit. Protecting skate is our priority. If we protect skate we're going to protect monkfish. From what we see in the fishery, there are sustainable numbers that we can

deal with that there would be no problem, where we can happily fish both fisheries at the same time.

- Kevin Sullivan (owner/operator, Sakonnet Point, RI) - I agree with what Mr. Platz has said also, it's hand in hand with what we do. We can take a little bit of a hit and keep the resource healthy and that's our aim at this point.

The Committee and AP discussed the overfishing determination of winter and thorny skates. NMFS NERO staff was awaiting guidance from NOAA General Counsel as to whether the Council needed to take action on overfishing of winter skate considering it remains above the target biomass but potential measures, e.g. reduced trip limits for the wing fishery, should be considered. The overfishing definition, based on percent change of the survey indices rather than being fishing mortality (F) based, was considered a complicating factor. The letter from the Regional Administrator indicated that overfishing will have to be addressed for both species but did not specify a timeframe. NMFS NERO staff thought that based on the Magnuson-Stevens Act the Council would have two years to develop measures to address overfishing. There was some discussion amongst NMFS NERO staff that the two year time period refers to developing a new rebuilding plan; thorny skate are already in a rebuilding plan. The Agency has not deemed insufficient progress has been made for the thorny skate rebuilding plan and it remained unclear what the deadline for Council action would be; further guidance from NOAA General Counsel would be necessary. The Council will have to develop measures to address overfishing of thorny skate and should do so in the near future but the timeline was in question. It was generally agreed that the PDT should develop potential measures for thorny skate; current regulations prohibit possession of thorny skate and that has not resulted in increased survey indices of the species. This issue was examined during the development of Amendment 3 to the Skate FMP; some preliminary work is available from that action on gear restricted areas and closed areas for thorny skate. The PDT recently concluded that possession prohibition alone wasn't sufficient, and closed areas and gear modifications should be considered; the hotspot analysis developed by the Closed Area Technical Team could provide insight into appropriate measures for thorny skate.

An AP member thought there might be other factors, beyond fishing, that are impacting thorny skate, e.g. habitat. An AP member questioned why there wasn't more accountability for the current regulations not rebuilding thorny skates; dusky sharks were used as an example of a species that was prohibited for years with no appreciable recovery noted and the Agency is doing an amendment to address that with measures for both the commercial and recreational fleets. An AP member thought the lack of progress in rebuilding thorny skate was a clear case for the unsuitability of managing the skates as a complex; if the various skate species were put in more appropriate management plans then more effective measures could be implemented. Splitting the skate complex up would require an amendment; the suggestion to move skates into the multispecies plan has been raised in the past but was not adopted. There was general agreement that this should come up under the priorities discussion. It was unclear why the NEFMC was managing clearnose and rosette skates when their distribution is further south, other than the fact that they are skates. An AP member proposed splitting the complex up into three different plans – two species moving to the MAFMC, two to groundfish and the remaining three to monkfish. NMFS NERO staff suggested the Council send a letter to the Agency outlining the discussion and proposed reorganization of the skate FMP. If the NEFMC decided to move clearnose and rosette to the MAFMC then a letter to the Secretary or the head of NOAA Fisheries would be required.

The AP member clarified that the GF DAS used to target skates could be reallocated as skate DAS, thus moving winter skate into the monkfish FMP would not deprive anyone of skate fishing history. Barndoor was also another species that was considered appropriate to manage under the monkfish FMP but they

were not looking to harvest barndoor skate. Further discussion on this topic was considered to be more appropriate under priorities.

VTR Reporting Codes

The Committee and AP discussed VTR reporting codes. There is a problem with skate fishery dependent data as the majority of landings are reported as unclassified skate. The PDT would like to consider removing the unclassified reporting code for the skate fishery but wanted guidance on whether it would be a burden on the industry to do so. Depending on whether the unclassified reporting code was in the skate regulations, the Council may have to consider including a management alternative in the specifications package to remove it.

Motion: That the Council or Agency as appropriate make the necessary changes to VTR and dealer reporting options to eliminate the unclassified option and make other changes to improve fishery dependent data on skate landings. (Mr. Blount/Mr. Kendall)

There was some concern that habit in filling out VTRs would be an issue as there was no drop down menu, as is available for dealer data. It was thought fishermen would find the unclassified code easier to use after a long trip or because they were unsure of species identification. An AP member considered improved landings data to be essential especially if the complex was split up. A Committee member didn't think recreational fishermen would be familiar with skate identification but expected the recreational component to be minor. NMFS NERO staff explained that the Agency was working on a revised identification guide and outreach program to coincide with the change in reporting codes.

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

Motion: Task the PDT with examining the pros and cons of reallocating skate species based on geographical distribution and co-occurrence in other FMP fisheries and providing a recommendation to the oversight committee. As a starting point, examine:

- 1) Moving winter and barndoor skate to the Monkfish FMP,
 - 2) Moving thorny and smooth skate to the Groundfish FMP,
 - 3) Moving clearnose and rosette skate to the Mid-Atlantic Fishery Management Council (MAFMC), and
 - 4) Retaining Little Skate as a standalone FMP.
- (Mr. Alexander/Mr. Kendall)

An AP member was concerned about skates moving into the Groundfish FMP because of a perceived bias to do nothing to hurt groundfish, while skates were not seen to be important. There was general support to examine the issue; one benefit to skates being managed under the Groundfish FMP was continual management instead of meeting every two years. An AP member said monkfish fishermen were in favor of the split as outlined in the motion. Another AP member considered this motion to be worth passing so answers to a number of questions that arose during the discussion could be answered.

A Committee member requested AP guidance on whether rosette and clearnose skates would be more appropriate in the monkfish FMP if they were encountered by the Mid-Atlantic monkfish fishermen but that decision might be more appropriate for the MAFMC to make.

Some public comment included:

- Tim Caldwell (gillnet fishermen) – I agree with the motion here. I think that winter skate and barndoor are definitely part of the monkfish fishery. I think they go hand in hand. I think this is something they should have done years ago. I feel that in the monkfish fishery we basically only catch those two species and in the area specific to where we fish. The clearnose and rosette skates, it is area specific and I think that should go to the Mid-Atlantic because if you want area specific they would know more of what's going on than the rest of the group of people. The rest of the group of monkfish fishermen who fish in the northern area so I feel like that should stay in the Mid-Atlantic.
- Kevin Sullivan – I think this makes a lot of sense. I think we need a little common sense involved in this. This also gives you greater information as to what each fishery is bringing in geographically. To me it's the way to go.
- Rory O'Donnell – I agree with the motion. regarding my experience fishing from upwards of Maine to the Carolinas regarding monkfish, separating clearnose and rosette to the Mid-Atlantic makes complete sense, in the fishery it's not a species that you rarely see as much as you would see in our region where it's one fish here and one fish there. I also agree with winter and barndoor are very important in the monkfish fishery and like Mr. Caldwell said they go hand in hand. We'd like to see it stay that way.

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

Motion – task the PDT to develop some options to address the overfished and overfishing status of thorny skate and report to the Committee (Mr. Kendall/Mr. Alexander)

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

Priorities

The Committee and AP discussed priorities for the Skate FMP for 2014. An AP member raised the issue of limited access in the bait fishery – there was concern that with the limited regulations on dragging in the groundfish fishery and if the skate complex is disaggregated, there may be increased pressure on little skate. The bait skate fishery has a control date (established in 2009 solely for the bait fishery and not for the wing fishery). Currently the same permit is used for both the bait and wing fishery; there is nothing in the regulations, currently, that would prevent an influx of new effort into the skate fishery as a permit can be dropped and picked up again at any time. The limited access program would require an amendment and if developed would help prevent a repeat of the increase in state landings from 3% to 11% in 2010 after the federal TAL was reached early in the FY. An AP member suggested developing a metric of how many groundfish DAS were used to target skates in the event that the complex was maintained with separate ABCs for each species. Currently, if a sector vessel wants to land skates they need to have used a groundfish DAS. The skate fishery is open access but requires the use of a DAS unless a boat has a letter of Authorization (LOA) – effort on skates could be restricted using the DAS, e.g. restrict fishing for skate to no more than 50 DAS. Historically, the DAS were required to determine the length of a skate trip as there were two skate fisheries and wing fishery possession limits. The requirement to be on a DAS is thought to provide some benefit to skates, in providing some form of effort control. The Committee Chair proposed delaying discussion on this idea until after the PDT had completed its work.

The Committee and AP added measures to address thorny skate overfishing to the priority list and supported the PDT recommendation to request a benchmark for the skate complex.

Some public comment included:

- Rory O'Donnell – Regarding the skate and the Groundfish DAS using A DAS and for pennies on the dollar. What we see is more pressure on the skate fishery because I can't use more monkfish DAS for \$1. I believe the going rate is about \$10 for a DAS but these guys technically speaking could fish 365 days a year on skate because the DAS are unlimited when you look into the sector program. That for the monkfish fishery is a major concern as we've talked about all day is that they go hand in hand so far that the total allowable catch is limited in the monkfish fishery because of the groundfish.

Draft Whiting/ Skates Priorities for 2014

- ▶ Continue to prepare an Amendment for limited entry to the whiting fishery.
- ▶ *** Set specs for 2014 and 2015 pending stock assessment update (date in 2013 for assessment yet to be determined)
- ▶ Prepare an amendment to consider limited access in the skate fishery.
- ▶ Measures to address overfished and overfishing status of thorny skate
- ▶ Request benchmark assessment

Other Business

The Committee discussed the recent motions made by the Groundfish Committee regarding the Accountability Measure (AM) for the small-mesh fishery Georges Bank yellowtail flounder sub-ACL. The Groundfish Committee recommended a pound for pound payback if the sub-ACL was exceeded by the small-mesh fishery; the AM would be triggered if the small-mesh sub-ACL was exceeded by a small percentage regardless of whether the overall ACL was exceeded. The Committee considered that to be inconsistent with similar AMs for other fisheries, e.g. scallop.

The Committee agreed by consensus that the pound for pound payback AM for the small-mesh fishery Georges Bank yellowtail flounder sub-ACL should only be triggered if the entire ACL is exceeded, to be consistent with other AMs such as the scallop AM.