

New England Fishery Management Council
Skate Oversight Committee and Advisory Panel Meeting
Holiday Inn – Brockton, MA

Meeting Summary
February 19, 2009

Purpose of meeting: The Oversight Committee met jointly with the Advisory Panel to develop a final alternative for Skate Amendment 3. The committee decisions were based on public hearing comment, the analyses in the Draft Environmental Impact Statement (DEIS), new data from the Data Poor Assessment Workshop (DPWS), and ABC limits approved by the Scientific and Statistical Committee (SSC).

Attendance: Terry Stockwell (chair), Mike Leary, Doug Grout, and Rodney Avila. Advisors at the meeting were Andrea Incollingo, Louis Julliard, Daniel Nordstrom, Ted Platz, and David Wallace. Also present were Andrew Applegate (staff); Tobey Curtis, Michael Pentony, and Sarah Thompson (NMFS staff); Fiona Harper (PDT, SMAST); Drew Minkiewicz (Fisheries Survival Fund), and David Borden (MA DMF).

Motions: The Oversight Committee recommended final alternative measures through consensus, since there was no quorum. By consensus, the Oversight Committee developed a final alternative that was a combination of Alternative 3B for the wing fishery, Alternative 4 for the bait fishery, ACL monitoring and AM measures developed by the Regional Office staff, and updates to the overfishing definition reference points as recommended by the SSC. The Oversight Committee also agreed to bring forward at the April Council meeting the Advisory Panel's request for a skate bait fishery control date.

Summary

As a strawman alternative, Council staff presented a draft final alternative that included revised ABC limits, revised ACL specifications, TALs that accounted for new 2005-2007 discard estimates, Alternative 3B (skate possession limits only) for the wing fishery, Alternative 4 with a three-season quota for the bait fishery, a TAL monitoring measure that was developed by Regional Office staff, and an improved AM alternative that was also developed by Regional Office staff. The draft final alternative also included proposed updates to the skate overfishing definition reference points, as recommended by the DPWS and approved by the SSC. If approved, the updated reference points will change the status of smooth and winter skate, which would not have been considered overfished. As a result, only thorny skate would be overfished and was experiencing overfishing in 2007. Barndoor skate would remain in a rebuilding status with biomass below the target.

The TAL allocation in the draft final alternative was based on the 1995-2006 landings history which, compared to the other DEIS option, favored the skate bait fishery and focused more conservation on the wing fishery that targets winter skate.

Council staff reported on the effects of the DPWS results on the ABC and TALs, using new catch time series estimates. While the ABC was somewhat lower than specified in the DEIS, the biggest change was for the TALs, caused by significantly higher discard estimates for 2005-2007. Whereas the previous view in the DEIS was that there was a large decline in skate discards since 2002, the new data indicates that discards were steady or even rose during this time period. After deducting the higher discard estimates from the ACT, it left a smaller fraction for allowable landings (TAL), split between the two skate fisheries.

Until re-estimated, assumed discards would remain at current estimates and catch would not exceed the ABC because the discards are subtracted from the ACT and the ACT is set 25% below the ACL to account for uncertainty. If the TALs are exceeded, the AMs would reduce the TAL trigger (see discussion below) to reduce the risk that future landings would exceed the TALs. If the catch exceeds the ACL, the ACT buffer would increase to reduce the risk that future catches would exceed the ACL. As currently proposed with an ACT set 25% below the ACL, a 45% increase in discards would be required to trigger a change in the ACT buffer if the landings do not exceed the TALs.

Advisors asked whether the ACL could be split by fishery, rather than one ACL for all skate catches. The proposed ACL framework included a single, aggregate ACL and ACT, because discards were not estimated (and cannot be estimated using existing data reports) by fishery. Reporting irregularities sometimes made it difficult to determine in which fishery a trip had occurred and furthermore the majority of discards occurred in neither skate fishery. A high fraction of discards occur in fisheries that target other species and frequently land no skates.

Staff reported that during public hearings skate wing fishermen supported using the 2005-2007 landings base to allocate the skate TALs, while unsurprisingly the skate bait fishermen and processors supported using the 1995-2006 basis. The general opinion was that the increasing landings in the wing fishery had contributed to the overfishing issues and little skate, which is targeted by the bait fishery, was in better condition. Therefore the 1995-2006 basis for TAL allocation would focus more conservation on smooth, thorny, and winter skates (smooth and thorny are frequently caught as bycatch in the wing fishery), a desirable results since thorny skate are considered overfished while winter and smooth skate biomass is slightly above the minimum biomass threshold.

Council staff also presented the recommended updates to the overfishing definition reference points. The structure of the overfishing definitions would remain the same, but the survey baseline would be updated from 1997 (1998 spring survey for little skate) to 2007 (2008 spring survey for little skate).

The Oversight Committee accepted the overfishing definition and ACL recommendations, agreeing to use the TAL/Target TAC process to manage skate catches. The Oversight Committee adopted the 1995-2006 landings baseline to allocate the wing and bait fishery TALs.

The draft document included a revised AM proposal that would reduce the TAL triggers and the ACL buffer in response to overages in fishery landings and skate catches, respectively.

This proposal had been developed at a PDT meeting with Regional Office staff and included a few options for adjustment. One option discussed at length was the ACL buffer adjustment mechanism. One option would increase the buffer (the difference between the ACL and ACT) in five percent increments. An overage of 4.9%, for example would not trigger an adjustment in the following year's ACT. A 5.1 to 10% overage would cause the buffer to be set at 30% (a 5% increase), while a 10.1% overage would cause the buffer to be set at 35%, for example. Concerns were raised by the PDT that small changes in landings would trigger a large change (i.e. 5%) in the buffer. Another option which would change the buffer on a one-for-one percentage buffer would increase the buffer for minor overages. An overage of 0.1%, for example, would increase the ACL buffer from 25 to 25.1%, for example.

After discussion, **the Oversight Committee decided to combine the two options and increase the ACL buffer on a one-for-one percentage basis for overages exceeding 5%.** An overage of 6%, for example, would increase the ACL buffer from 25 to 31%, but a 4% overage would have no effect. **The proposed measure to adjust the TAL triggers for landings overages was accepted by the Oversight Committee,** except the TAL triggers were changed (see discussion below).

An open ended specification in the DEIS was a trigger mechanism which would cause a reduction in the skate possession limit when a high fraction of the TAL had been landed. The committee recognized that skate landings would continue to occur on trips where the incidental skate possession limit applied, so a trigger less than 100% of the TAL would be needed to keep the landings from exceeding the limit.

The Oversight Committee recognized a tradeoff between the incidental skate possession limit and the TAL trigger. A higher incidental skate possession limit would reduce skate discards, but would require a lower TAL trigger, and vice versa. After some discussion with the advisors, **the Oversight Committee agreed to raise the incidental skate possession limit from the 220 lbs. wings/500 lbs. whole skate in the DEIS to 500 lbs. wings/1135 lbs. whole skate in the final alternative. The committee also agreed to set the wing fishery TAL trigger at 80% of the TAL.** When wing landings reach the trigger, the Regional Administrator would reduce the skate wing fishery possession limit from 1900 lbs. of wings to 500 lbs. of wings.

On the other hand, less fishing for lower-priced bait would occur under either the wing fishery possession limit or the incidental skate possession limit, but some bait landings from trips targeting other species may still occur to supply the bait market. Furthermore, the committee believed that landings reports could be more reliable for the bait fishery, because of the small number of well-organized dealers. Advisors, however, expressed some concern that with the revised TALs, because the limits will be substantially lower than recent landings and some derby style fishing behavior may result. The advisors therefore recommended setting a 20,000 lb. whole weight skate possession limit for the bait fishery. A high possession limit would allow the bait fishery to operate effectively but would also help maintain a steady supply of bait, which could otherwise be jeopardized by a few vessels landing large amounts and precipitating a premature closure.

After the bait fishery TAL trigger is reached, the Regional Administrator would automatically reduce the skate possession limit to the wing fishery limit (1,900 lbs. of wings, or a whole weight equivalent) by declaring the Skate Bait Fishery Letter of Authorizations null and void, if the wing TAL trigger had not been met. If both the wing and bait fishery TAL triggers had been met, the bait fishery possession limit would be discontinued through the above process and the incidental skate possession limit would apply to all trips landing skates.

Based on the above considerations, the Oversight Committee set the bait fishery TAL trigger at 90% and added a 20,000 lb. whole skate possession limit to the final alternative.

The Oversight Committee and Advisors discussed the wing fishery possession limit, which in Alternative 3B, would be 1,900 lbs. of wings (and a whole weight equivalent). As written the possession limit would apply to a trip of any duration, but could not exceed 1,900 lbs. in any 24 hour period out of concern that short day-trips could be made where skates are close to shore, particularly if skate wing prices rise in response to lower landings. This approach is similar to the existing regulations, where vessels not having a skate bait Letter of Authorization may land 10,000 lbs. of skate wings per day, but no more than 20,000 lbs. of skate wings on a trip of any length. **The Oversight Committee and Advisors decided that the skate limit for Alternative 3B should be the same as it is in the existing regulations.**

Due to concerns about the effect of possession limits on skate discards aboard trips that target other species, **the Oversight Committee raised the incidental skate possession limit from 220 lbs. of wings/500 lbs. whole weight to 500 lbs. of wings/1135 lbs. whole weight.** The proposed skate possession limit in the DEIS for all vessels using a Multispecies Category B DAS was consistent with this limit in the DEIS. Raising the incidental skate possession limit, however, created an inconsistency. The Oversight Committee and Advisors discussed this issue and decided to investigate whether the B DAS skate limit in the Multispecies FMP could be raised to be consistent with the incidental skate possession limit in the final alternative.

NB: After the meeting, it was determined that the skate possession limit on trawl trips using a Multispecies Category B DAS had been set by Framework 42 to discourage vessels from configuring nets to target flounders and skates. Since raising the skate possession limit would have an effect on flounder mortality, a Multispecies framework adjustment would be needed or the measure would need analysis in Amendment 16 which is not on the agenda.

Council staff outlined the framework adjustment and specification setting process. Additional measures were added to both processes to give the Council the flexibility to address and adjust new measures in Amendment 3. After discussion, the Oversight Committee decided to move some items in the draft final alternative from the specification process to the framework adjustment process, particularly measures associated with the overfishing definition reference points and adjustments to the AMs. **The Committee decided that measures in the specifications process would include adjustments to the ACL, the ACT, the TALs, and skate possession limits. Changes to the TAL triggers, the ACT buffer, and other management measures would be made through framework adjustments, allowing adequate time for analysis and public comment.**

The Oversight Committee and Advisors considered the effects that the Interim Action and Amendment 16 could have on skates. While the effects on skate mortality are uncertain, some thought it could have a profound effect on the effectiveness of skate regulations. The Skate PDT recommended that the Council should consider policies that would reduce skate bycatch, including approving Multispecies and Scallop special access programs only when the skate bycatch is no more than that which would otherwise occur in open fishing areas, higher priority for RSA funded research, a general policy to reduce skate discards by 50% from current levels, and reconsideration of gear restricted areas in future skate management actions. The advisors and committee supported the research and general policies, but demurred on reconsideration of gear restricted areas.

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. **The Oversight Committee consensus was to bring the Advisory Panel request for a skate bait fishery control date forward at the April Council meeting.**