



## New England Fishery Management Council

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# MEETING SUMMARY

## Skate Committee

Fairfield Inn, New Bedford, MA

February 21, 2018

The Skate Committee met on February 21, 2018 in New Bedford, MA to: discuss the scope of alternatives to be considered in Framework 6, which could include revising the uncertainty buffer and adjusting the skate wing possession limits.

**MEETING ATTENDANCE:** Dr. Matt McKenzie (Chair), Mr. Richard Bellavance, Mr. Peter Burns, Ms. Libby Etrie, Mr. Peter Kendall, Mr. Scott Olszewski, Mr. John Pappalardo, and Dr. David Pierce; Dr. John Quinn (Council Chair); Mr. Lou Goodreau (NEFMC staff) and Dr. Fiona Hogan; Mr. Mitch MacDonald (NOAA General Counsel). In addition, approximately 15 members of the public attended.

### **KEY OUTCOMES:**

- The Committee tasked the PDT to analyze reducing the uncertainty buffer between the ACL and ACT.
- The Committee tasked the PDT to analyze giving the Regional Administrator the authority to reduce the skate wing or bait possession limit, if needed.

### **PRESENTATION: SKATE FRAMEWORK 6**

Staff provided the Committee with an overview of 2018 priorities and the options briefly discussed at recent Council meetings that could be included within Framework 6. The need for Framework 6 is to extend the skate wing fishery as long as possible into the fishing year. The two options included modifying the skate wing possession limits and adjusting the uncertainty buffer. The uncertainty buffer is currently set at 25%. The PDT did some preliminary work on quantifying the number of trips landing certain pounds of skate wings for calendar years 2015 and 2016. There are a large number of trips landing low amounts of skate wings (less than 500 lb) but the majority of landings are coming from a smaller number of trips that land larger amounts of skate wings.

### **AGENDA ITEM #1: SKATE FRAMEWORK 6**

A Committee member questioned whether state landings were of concern, for limited access in particular. The data pulled for the PDT analysis did not include state landings. However, the data could be further refined and examined at the individual trip level to identify if any boats landing in state waters also held a Federal permit. State landings are accounted for in the specifications setting process. Another Committee member considered the issue of whether the skates were caught in federal waters but attributed to states to be an enforcement issue. It was suggested that focus should be put on the uncertainty buffer and whether the 25% is still appropriate at this point instead of having the PDT analyze a number of trip limit options.

## Public comment

- Dave Borden – the management uncertainty buffer was set in 2008 and implemented in 2009 how was that crafted in terms what was its make up? What criteria did the PDT use? Agree with John. The Council has improved sampling program to make sure you get adequate coverage. Appropriate approach. Doesn't have to be the only approach.
- Ted Platz – I agree with John's perspective – you had looked at the incidental landings under 500 lb of trips, how well excavated and are there clear breakouts on where the incidental landings are coming in? In Monkfish what we tend to see, is an adjustment to an incidental landing limit – is that something we can look at? Consider looking at this in the next action – don't want to delay this action.

NOAA General Counsel advised the Committee that any changes to the uncertainty buffer should be based on what the management uncertainty was and should be reasonably relied on.

## Public comment

- John Whiteside – I realize over and over the Committee has referred to it as the management uncertainty buffer. My understanding is that the buffer is a combination of scientific and management uncertainty?

The PDT had discussed whether the buffer encompassed both management and scientific uncertainty. The final alternative in Amendment 3 (NEFMC, 2010) implied that it was management uncertainty buffer but the PDT could discuss this further.

### 1. MOTION: Pappalardo/Kendall

Task the PDT to evaluate reducing the management uncertainty buffer from 25% to 8, 10 and 12%.

*Rationale:* I included 3 options but I want to say put it as low as possible. I want the PDT to say we set a 25% buffer at the onset of this plan but given the performance of the fishery this buffer makes sense.

### MOTION #1 WITHDRAWN.

### 2. MOTION: Pappalardo/Pierce

Task the PDT to evaluate the current management buffer and recommend back to the Committee a more appropriate management uncertainty buffer given the performance of the FMP. The Committee believes that the current buffer may be set unnecessarily high.

A number of Committee members agreed that the buffer was likely set too high even in years of lower specifications and agreed that the PDT should consider a more appropriate buffer. The motion requested a single buffer from the PDT analysis but NOAA General Counsel recommended that the PDT provide a full range of alternatives for consideration.

## Public comment:

- Dave Borden – I want to make sure the record reflects that the management uncertainty buffer has both the monitoring and science component. My recommendation is that their examination should look at both components. The second point is the situation is fundamentally changed since the council set this. You had 4 stocks that were overfished. Stock status has fundamentally changed so you can be less risk averse in your determinations.
- John Whiteside – Just for numbers we're talking about % and my rough approximate calculations are just for the wing fishery is that if buffer were reduced by 10% we're talking about an extra 2.6 million lb and 1.3 million lb for the bait fishery. That would remove any discussion on trip limits. When we shut down for 4-5 months we lose employees and we can't find those skilled workers when the fishery opens again. It takes time to train them only to lose them after a few months and it's a vicious cycle. Never mind when we don't have the product to sell customers they shift to something else and once we lose it is really difficult to get it back. Dr. Pierce knows too well when that happened with dogfish. I would appreciate this and hope this would come forward in a positive way and will celebrate this.

## **MOTION #2 CARRIED 8-0-0.**

### **Public comment**

- David Borden – Obviously the interest to the offshore lobster industry and crab industry is very similar to what John is characterizing. We don't want closures we want a strategy to slow down the fishery and one thing I would note that the RA does not have to slightly cut back on quota as you approach the landing levels and that might be a fairly simple concept to include in a document for public comment. They could ratchet it back as they approach the TAL.

### **3. MOTION: Pappalardo/Pierce**

Task the PDT, as a secondary measure to management uncertainty buffer analysis, to evaluate giving the RA the authority to reduce possession limits, wing or bait, as the fisheries approach their TALs.

A Committee member was opposed to tasking the PDT with analyzing possession limits so they could focus on analyzing the uncertainty buffer and increasing opportunities for landings. Another Committee member considered that some TAL has not be caught in all years so an intermediate possession limit would help improve that. Currently, when the TAL is projected to be exceeded and the incidental possession limit is implemented, the boats are done and the processing sector is sitting around. One of the goals would be to keep product going from the boat to the dock to the marketplace. Giving the Regional Administrator the authority to change the possession limit at any point of the fishing year outside of a trigger was considered to be dangerous. The fishery could experience increases in effort a certain times of year and if a projection was run at that time, effort could be forced to be slowed down unnecessarily when the fishery would have naturally slowed itself down. However, if the incidental possession limit continues to be implemented so early in the fishing year, an alternative approach that would allow the fishery to continue to operate would be preferred.

A Committee member wanted the PDT to look at the 500 lb incidental limit and whether a lower limit triggered later in the fishing year would work better or have a higher possession limit triggered earlier in the fishing year. However, there was concern that this would take too much time to adjust the possession limits. Another Committee member noted that the wing TAL was split into two seasons and that this concept didn't need to be completed quickly.

## **Public comment**

- John Whiteside – focus is on PDTs work and analysis on that buffer. This motion is important and at a different point in time I would have a different perspective on it and right now anything that would take away from PDTs limited time and resources and analyze and come back with substantial reductions to the buffer and even though I like what we're talking about and think it is important and at a different point in time I would be behind it 100%. Right now I'm opposed to having it go forward and take any time away from the PDT. It's just the timing and not the motion itself.
- David Borden – just a quick point I support the motion and I'll give you this year's example when the catch rates this year got sufficiently high in the low 60s I sent an email to Dr. Quinn and Regional Administrator (RA) because of the potential to shut down the directed Monkfish fishery which was supplying bait. Instead of being 4100 lb we could have ratcheted down to 3000 lb and not have any closures. That would have done all these small Monkfish fisheries taking place in the spring time would have continued at a lower skate limit and the problem is under the current regulations you could preclude that fishery. That's the concept that the PDT should have the flexibility to come back with that.
- Ted Platz – agree with Borden regarding possession limits. I think the motion is productive. I agree with Rick that we should be looking at it seasonally, we're going to prevent the first season from overrunning its TAL. That's an important part of getting it right. The landing limits are a product of a conversation that I had with 2 guys. I proposed a different split. That's what's been in place but those are big jumps and it would behoove us to look at more gradual changes and keep the Monkfish fishery going. We want to work this out and come up with some sort of option and want to reframe it because it'll get more complex than 2 seasons as they've been divided. That was 7 years ago. We should take a much more nuanced approach and better manage landings so we can get a better price in the fishing year. More stability and higher rate of landing on the fishery. I think the seasonality but will get into complex landing limits.

**MOTION #3 CARRIED 7-0-1.**