

RI Marine Fisheries Council
Summary of Meeting Minutes of the
Groundfish/Federally Managed Species Advisory Panel Meeting
February 7, 2012 – 6:00 PM
URI/GSO Narragansett Bay Campus, Coastal Institute Building, Hazard Room

There were 10 people present (¹AP member; ²did not sign in).

- Jeff Grant, Chair (RIMFC interim rep for K. Booth)
- Jerry Tremblay (RICRRA)
- Aaron Gewirtz
- Ed Duckworth
- Greg Duckworth
- Terence Mulvey
- Jason Jarvis²
- Richard Fuka^{1,2} (RIFA)
- Gerald Carvalho² (RIFA)
- Eric Schneider, RI FW

Groundfish Members Absent: *John Gadzik, Douglas Kissick, Paul Westcott, Luke Wheeler, Al Conti, Michael Marchetti, John Troiano III, Frank Blount, Jr., Jim White, Carl Granquist, Stephen A. Arnold, Stephen Parente, William Mackintosh, and William Bento.*

Handouts: Agenda

There was only one Groundfish AP member in attendance, therefore there was not a quorum and the meeting was informational only.

J. Grant (Chair) called the meeting to order at approximately 6:05 PM. He noted that he was the RIMFC interim representative for K. Booth and that there was a lengthy agenda related to skate, so he turned the meeting over to E. Schneider (RI FW) to begin his presentation.

E. Schneider provided an overview of the presentation, which basically mirrored the agenda. He then summarized the purpose of the meeting by saying that due to a substantial increase in state-water landings during the 2010 fishing year (FY), the New England Fishery Management Council (NEFMC) has requested that states implement regulations as needed to compliment the Federal FMP and keep landings within recent levels to ensure the Federal FMP is not undermined.

- The purpose of this meeting was to discuss the RI skate fishery and give industry an opportunity to provide input into possible management options that would satisfy the NEFMC request maintain state-water landings at recent levels.

Meeting Agenda Items Discussed

1. Review current skate stock status

E. Schneider reviewed the stock status of the skate complex. There were no questions.

2. Review RI commercial skate fishery

E. Schneider reviewed the Federal FMPs and specifications since May 2010, including how the ABC, ACT, and TAL are calculated and how state-water landings are handled. **E. Schneider** also summarized RI federal and state-water landings for the wing and bait skate fisheries from May 2008 to Nov 2011.

- There were 3 areas of significant discussion: (A) recap of the 2010FY, (B) NEFMC proposed specifications for the 2012-13FY, and (C) RI landings data.

A. Recap of the 2010FY

The group discussed the 2010FY when the federal TAL-trigger was reached and the incidental possession limit for wings was enacted early in the FY (on Sept 3, 2010).

- During the 2010FY RI state-water landings accounted for more than the anticipated coastwide state-water landings and increased 110% relative to the 2009FY. Ultimately, during the 2010FY state-water landings coastwide increased from 6.7 to 12% of TAL. This increase caused NEFMC to request that states review and enact appropriate state-water FMPs to constrain state-water landings.
 - **The group acknowledged** that several factors contributed to the increase in state-water landings during the 2010FY, including a derby-style federal fishery with high possession limits that resulted in an incidental possession limit after 4 months of fishing; state-water landings from fishers that dropped their federal open access skate permit to fish in state-waters where there was no possession limit; and a large influx of skate available in state waters relative to previous years.
- **A. Gewirtz** noted that he had spoken with Toby Curtis (Policy Analyst, NMFS). **A. Gewirtz** provided a typed copy of these notes, which are attached as Exhibit A.
 - **A. Gewirtz** stated that according to T. Curtis, the goal of the federal program is to keep the fishery open year round with no closures. It appears that the recent increase in the federal quota (TAL) combined with current federal possession limits have provided consistency to the federal fishery, meaning that the fishery should run at the full possession limits for the duration of the 2011FY.
 - **A. Gewirtz** summarized that since only 67% of the wing TAL had been harvested by Feb. 6, 2012, that states do not appear to be impacting the federal plan and if states can maintain current landings the problems encountered during the 2010FY should be a thing of the past.

B. NEFMC proposed specifications for the 2012-13FY

While discussing the NEFMC proposed specifications for the 2012-13 FY the following points and concerns were expressed by the group.

- The NEFMC proposed specifications accounted for discards in state-water fisheries; however, since states have no possession limit there is no incentive to discard. The RI state-water gillnet wing fishery has zero discards, which can be verified by NMFS observer logs.
 - After discussion **the group noted** that assuming other state-water fisheries (wing and bait from other states) operated in the same fashion as RI, applying the appropriate discard rate (of zero) to state-water landings would result in a net gain of a couple hundred mt by basically converting discards to state-water landings.
 - **The group agreed** that this was important and something they wish pursued through the appropriate channels.
 - **A. Gewirtz and E. Schneider** both said that they would follow up with NMFS in the coming weeks regarding discards.
- The group spent substantial time reviewing the proposed specifications, in particular trying to design a state-water FMP that would “keep catch within recent levels”, without exceeding the NEFMC proposed state-water expected landings. A significant problem being that the proposed specs actually reduce state-water landings to 3% of TAL, rather than using recent landings estimates at

6.7% (2007-09FY) that are used in current specifications. This reduction is in contrast to the NEFMC suggestion of keeping catch within recent levels.

- **G. Carvalho** stated that the NEFMC proposed reduction in state-water landings is not acceptable, especially in light of the recently increased federal quota and history of state-water landings. RI can't afford to lose that percentage of allocation and the associated revenues and employment that is sustained by the fishery. There is no justification for reducing state-water catch below recent historic catch levels.
- **E. Schneider** noted that NMFS is still reviewing the proposed specifications. Since their review was not finalized NMFS could offer no specifics. **E. Schneider** noted that he had no specific insight, but felt it wouldn't be unreasonable NMFS to increase the state-water expected landings to recent levels (6.7% of TAL) in their final rule, which is essentially what the NEFMC requested of states (i.e. keep catch at recent levels).
- **E. Schneider** restated that the Division is not proposing to cut state-water landings, but trying to respond the NEFMC request to enact some regulations to keep catch within recent levels.
- Nonetheless, the lack of finalized specifications and/or a finalized target complicated the task of crafting a responsible, yet not overbearing state-water FMP. Proposals and discussions are noted in the Industry Proposals Section below.

C. RI skate landings

E. Schneider reviewed RI landings data for the federal and state-water wing and bait fisheries from May of 2008 to Nov. 2011. There was a productive discussion regarding how the proposed federal possession limits would affect the state-water fishery and landings.

- **The group acknowledged** that if the current and/or proposed federal possession limits/seasons were applied to state-waters, it would ruin the state-water wing fishery.
 - **T. Mulvey and others** stated that the state-water skate fishery is a 6-month fishery running from May – Nov. when skate are available in state-waters; opposed to a federal fishery that can find skate year round in federal waters.
 - **G. Duckworth** stated that applying the federal possession limits/seasons to state-waters could result in as much as a 70% reduction in landings of wings, which would ruin the state-water fishery, and basically put many, if not all gill netters out of business.
 - With some effort the potential reduction in catch could be calculated from the histograms and landings data provided in the presentation; however, the values weren't readily available.
 - Based on the histograms the **group agreed** that that the fishery would be substantially impacted and that the reduction in landings would be converted to discards.
 - **E. Schneider** said that he would calculate the potential reductions in lbs, and follow up if necessary.

3. Review letter from the NEFMC requesting states take action to ensure that the state-waters skate fishery does not adversely affect the federal fishery management plan.

E. Schneider read the letter and the group discussed the data tables provided by NMFS in the letter. Comments and discussion related to this item have been summarized elsewhere in the minutes.

4. Division of Fish and Wildlife proposed changes for 2012 skate fishing year

The group agreed that the proposed changes would cause substantial reductions to the state-water fishery and provided several alternatives (see Industry Proposals).

- **E. Schneider** reminded the group that Option 2 contained in the Public Hearing document was not being offered as the Division recommendation, but was included essentially as a benchmark representing what the Division expected would be the most restrictive option.
 - By design, this should allow proposals that ranged between Option 1 (status quo) and 2 to be discussed at the public hearing and next RIMFC meeting.
 - Due to the 30-day public notice period for the public hearing commencing prior the AP meeting, the Division had to propose measures and thus proposed mirroring the federal plan.
- **E. Schneider** reminded the group of the purpose of this meeting (mentioned above) and that proposals developed during this meeting would be presented at the public hearing.

5. Advisory Panel proposals for 2012 commercial skate fishing year

In summary: industry would rather keep what they catch, without discards, during the 6-months when skates are available and stop fishing when a certain trigger is hit, opposed to working under a restrictive possession limit that would greatly reduce daily and total landings, result in lots of discards, wasting of the skate resource, and ultimately risk ruining their businesses. Especially considering that the stock is not overfished, overfishing is not occurring, and it doesn't appear that the federal TAL triggers will be hit or the TAL exceeded.

- The group discussed several different options including:
 - **T. Mulvey** suggested that a possible solution would be to combine the two possession limits (i.e. 6,300 lbs/day) for 6-months opposed to 2 seasons over 12 months with lower possession limits.
 - **T. Mulvey and G. Duckworth** suggested that setting a state-water TAL and possession limit reduction trigger, similar to the monkfish fishery.
 - **E. Schneider** noted that it would be very difficult if not impossible for the Division to track state-water wing landings in real time relative to a TAL. Similarly, deriving 'an appropriate TAL' could be challenging. He suggested the group consider all options in addition to setting a state-water TAL.
 - After much discussion regarding how to set an appropriate level for the TAL, **the group agreed** that a TAL based on a 3-year average of state-water landings was consistent with the NEFMC suggestions.
 - The 2009-2011FY 3-yr average = 2,476,817 lbs (1,123.47 mt)
- **The group requested that the following proposals be presented at the Public Hearing.**

Proposal 1: Set State-water TAL to 3-yr average of state water landings, with no possession limit. When 90% of the state-water TAL is achieved, the federal possession limit will be enacted.

Proposal 2: Set State-water TAL to 3-yr average of state water landings, with no possession limit. When 90% of the state-water TAL is achieved, the federal incidental possession limit will be enacted.

Proposal 3: Enact 6,300 lb possession limit for wings and the federal bait possession limit.

- **The group noted** that at least one more proposal will be submitted prior to the public hearing.
- **J. Grant (Chair)** suggested that the group submit any other proposals to E. Schneider at least 3-days prior to the public hearing or bring the proposals the public hearing.
- **J. Grant (Chair)** adjourned the meeting ~8:50 pm.

Notes of Conversation with Toby Curtis Lead Policy Analyst Skate Wings NMFS

2011 and 2012 quota for skate wings 31.6 million lbs

NMFS data indicates roughly 7% of skate wing landings come from state waters in both RI and MASS (data as recent as 2010)

As of Feb 6 2012, 67% of quota harvested (year ends April 30)

Next year's split limits could go as low as 2200 and 3600. However if quota is not overharvested by end of year, limits *should* stay 2600 and 4100

Goal of feds is to keep fishery open year round with no closures

NMFS does not want to see a return to 2010 where federal closure of skate wings (to incidental limit of 500 lbs) saw state percentage of total landings climb from 7% to 12%

Conclusions

Federal skate limits are no longer managed "derby style."

Instead of opening up the fishery with extremely high trip limits and then enduring months of closures, the fishery is now managed with lower limits so as to maintain a constantly open season.

When federal quotas are established, state landings (regulated or otherwise) are calculated for.

State waters boats are thus **not** adversely affecting the FMP for skate wings when 2 months of the fishing year remain and over 30% of the total quota is yet to be harvested. State waters boats are not fishing for skate now, and with the March gillnet closure, **cannot** become active until the 1st of April at the earliest. At that point, inclement weather and seasonal abundance of skates will both act to prevent high landings from occurring in state waters. All available data indicate that a status quo management strategy will keep us in line with the FMP provided state waters skate landings do not drastically increase and that the new management strategy (as of 2011) from NMFS prevents closures of the fishery at the federal level.

Suggestions

- Maintain a "status quo" approach to managing skate wing possession limits in Rhode Island state waters.
- Closely monitor state waters landings. If it is determined that landings from state waters boats have a realistic chance of impacting the FMP we should revisit the issue of possession limits at that point.