



New England Fishery Management Council

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2010 Annual Monitoring Report

Northeast Skate Complex Fishery Management Plan

Replacing a requirement for a baseline review of each Council management action, Amendment 3 to the Northeast Skate Complex FMP (Skate FMP) requires an Annual Monitoring Report to be presented at the June Council meeting (see Section 5.1.4.1 attached). The baseline review had become relatively irrelevant and obsolete because most of the measures in other FMPs that the Skate FMP relied on to achieve its objectives had become redefined and modified. Over time, it became more difficult to relate new proposed measures to old baseline measures. Separation of Multispecies DAS allocations into a Category A and B is just one such example.

The new Annual Monitoring Report is both reactive and proactive. Reactively, the Report is intended to evaluate the most recent data on the skate fishery and to monitor the effectiveness of the management plan, and determine if accountability measures (AMs) were triggered, possibly leading to options for modified specifications, framework adjustments or plan amendments. Proactively, the Report is to include an evaluation of recent and pending changes to other FMPs that manage fisheries that catch skates. This evaluation could include recently implemented measures and alternatives that are under development. The latter task replaces the function of the baseline review.

Skate fishery update and effectiveness of Skate FMP

The Council submitted Amendment 3 to the Skate FMP in November 2009, which was approved in March 2010. NMFS published a proposed rule in January 2010, which was intended to become effective by May 1, 2010 (the start of the skate fishing year). This amendment established Annual Catch Limits (ACLs) and AMs. To keep the fishery from exceeding these limits early in the fishing year, the amendment also reduced the skate wing possession limit to 1,900 lbs. (4,313 lbs. whole), and established a seasonal quota system for the skate bait fishery with a 20,000 lbs. possession limit. The amendment also established this Annual Monitoring Report and a two year specification process accompanied by a SAFE Report.

Since the Council submitted Amendment 3, the Scientific and Statistical Committee reviewed updated information about the skate resource, including the 2008 fall biomass index and 2009 fishery performance. Discards were estimated for 2008 and the discard rate was updated to include 2006-2008 data, instead of 2005-2007 data. Preliminary 2009 discard estimates were provided and considered, but not used in the formal specifications due to incomplete data. The survey data could not be updated through 2009 at this time, because the data had been collected by the FSV Bigelow with new gear and calibration analyses for skates are not yet fully available.

As a result of this re-analysis and update of skate fishery and resource characteristics, the Council approved new specifications for the 2010 and 2011 fishing years, shown in the table below. NMFS is

considering these new specifications as part of the final rulemaking. Publication of a final rule for Amendment 3 with the new specifications is expected in June 2010.

Table 1. Revised skate specifications for 2010 and 2011 fishing years.

ABC	41,080 mt	Wing fishery possession limit	5,000 lbs. skate wings (11,350 lbs. whole weight)
ACT (75% of ABC)	30,810 mt	Wing fishery TAL trigger	80% of wing fishery TAL
TAL (assuming 53.7% discard rate)	14,277 mt	Bait fishery possession limit with a Letter of Authorization	20,000 lbs. whole weight
State waters catch	391 mt	Bait fishery TAL trigger	90% of bait fishery TAL
Wing fishery TAL	9,209 mt	Bait fishery quotas	
Bait fishery TAL	4,639 mt	May 1 – Jul 31	1,429 mt
		Aug 1 – Oct 31	1,721 mt
		Nov 1 – Apr 30	1,489 mt + any remaining from periods 1 & 2

Little new data is presently available to reassess the status and performance of the skate fishery. As of May 27, 2010, while still fishing under pre-Amendment 3 skate possession limits, the skate wing fishery had landed nearly 3.4 million lb (about 17% of the proposed TAL). Even after Amendment 3 possession limits are implemented, the wing fishery may reach 80% of its TAL half-way through the fishing year, meaning that the incidental limit of 500 lb wing wt. may be in effect for several months this year. During the same time period, the skate bait fishery has landed 480,356 lb of whole skate (about 15% of their Season 1 quota). All other recent information that could have been considered by the PDT was already addressed in the calculation that formed the basis for the revised 2010 and 2011 specifications. The potential effectiveness of the proposed possession limits were evaluated using 2009 fishery data and it is too early to tell how effective they will be in 2010, particularly given the magnitude of the changes in skate management and new regulations for other plans (notably Amendment 16 to the Multispecies FMP, see below) that become effective on May 1, 2010. There is no basis therefore to conduct a formal review of skate management under Amendment 3 because the amendment is not yet effective. More information will of course be available in next year's SAFE Report (prepared to set specifications in 2012 and 2013).

Changes to other FMPs that regulate fisheries catching skates and other information

Discussed below are several recent or expected changes to the Council's FMPs with a discussion of how the revised measures could affect skate catches. The Council should keep these effects in mind as it develops new measures and alternatives for fisheries that catch skates.

Multispecies FMP

Amendment 16 to the Multispecies FMP took effect on May 1, 2010, setting groundfish specifications for the 2010 and 2011 fishing years. Since there is a considerable overlap between participation in the multispecies and skate fisheries and multispecies DAS may be used to target skates, changes in the multispecies fishery regulations could have a significant bearing skate catches and the effectiveness of the Skate FMP measures.

Among other things, Amendment 16 decreases the allocation of Category A DAS by 50% and allows greater participation in groundfish sectors, a program where vessel associations may fish for groundfish while being exempt from specific multispecies regulations, most often DAS limits. About half of the vessels with limited access multispecies permits have enrolled in one of the sectors. This disassociation with DAS management and potential transfer of groundfish effort among sector vessels could increase the availability of Category A DAS to fish for skates. The table below shows that most of the skate landings were made by vessels operating on a Category A DAS, but it is unclear how much of those landings were from trips targeting skates as opposed to trips targeting groundfish. In any case, a greater fraction of those Category A DAS might be used by sector vessels to target skates, rather than groundfish. This potential has so far failed to materialize through May 27, 2010 (Table 3).

Table 2. Total skate landings (lb. live wgt.) by DAS program, 2000-2007.

Calendar Year	MUL A	MUL B	MNK	MNK/MUL	SC
2000	16,673,711	NA	1,037,993	2,817,080	66,012
2001	15,320,262	NA	764,437	3,037,382	6,405
2002	17,538,086	NA	665,661	3,845,897	2,796
2003	22,205,726	NA	601,063	4,123,343	63
2004	19,760,823	547,717	1,271,352	1,991,829	0
2005	17,715,403	967,069	1,911,588	2,754,418	10,835
2006	19,083,200	64,956	1,358,881	5,652,650	4,629
2007	20,349,972	1,715,633	1,087,857	2,571,196	0

Source: NMFS, Fisheries Statistics Office

Table 3. Landings and value by sector enrollment from May 1 to May 27.

	Non-sector		Inactive		Sector	
	2009	2010	2009	2010	2009	2010
Landings, lbs. whole	1,529,626	2,590,509	91,084	88,468	1,315,933	1,995,334
Value \$	215,755	335,892	12,499	11,215	204,645	316,945
Pct change		69.4%		-2.9%		51.6%

This potential increase in skate (and also monkfish and whiting) fishing by sector enrolled vessels may be offset by three other actions (see Section 7.7.7 of Amendment 16 for more detail). First, it is thought that sector vessels targeting groundfish will do so more efficiently and therefore potentially have less skate bycatch. This outcome and how it affects the various species of skates will of course depend on where and when fishing occurs under the new sector rules. A second factor is that Amendment 16 includes a 50% reduction in Category A DAS allocations for vessels enrolled in the common pool, governed by DAS restrictions. There were 286 active multispecies vessels that in January 2010 were not sector-enrolled and would be subject to the DAS restrictions, compared with 453 active vessels (and 359 inactive) sector vessels. It is unknown how many of the 359 inactive sector vessels fished for skates in 2009. A third factor is that Skate FMP Amendment 3 prohibits the use of Multispecies Category B DAS to target skates, although for reasons that are not as valid as they once were. This measure could reduce skate landings, particularly compared to the spike in landings observed in 2007.

Monkfish FMP

There is also considerable overlap in participation in the monkfish and skate fisheries, although a relatively small fraction of skate landings occur on a Monkfish DAS (see table above). Some vessels

target monkfish during one part of the year and skates (using either a Monkfish or Multispecies DAS) during other parts. Nonetheless vessels may increase or decrease the use of Monkfish DAS to target skates depending on a variety of factors, including relative prices, catch rates, and fishing restrictions.

No changes to monkfish regulations were implemented in 2010. The Council is developing a monkfish action which could tighten or loosen the monkfish regulations. At the present time, it is unclear how these alternatives would affect the skate resource or the effectiveness of the Skate FMP.

Scallop FMP

Many vessels targeting scallops also have a bycatch of skates, an amount that varies by season and area. This bycatch is a major source of skate discards, although there is scant research to quantify the proportion of dredge-caught skates that perish. Some scallop vessels land skates, but this is rare due to the disproportionate value of scallops and skates.

Management measures that allocate or redirect more effort and catch to Georges Bank and the Gulf of Maine would have a greater effect on winter skate, rebuilding barndoor skate, and overfished smooth and thorny skate. During 2010, the Scallop FMP allocated one trip for Georges Bank closed area access (the same as 2009) and three access area trips in the Mid-Atlantic (one less than in 2009). Overall scallop fishing effort in 2010 is expected to be less than 2009 because the fishery has been allocated one less access area trip and essentially the same number of open area DAS (37 in 2009 compared to 38 in 2010). Projected catch for 2010 is 47 million pounds, and catch in 2009 is already above 55 million pounds, so impacts on skates should be neutral or less compared to 2009 since there are no increases in Georges Bank closed area trips and the total amount of allowable effort is less in 2010 than it was in 2009.

Conversely, such an increase in Mid-Atlantic effort would be expected to increase the catches of clearnose skates, but this species is not overfished and overfishing is not occurring. Rosette skate would not be affected, since they occur too deep and do not overlap the geographical distribution of scallop fishing effort to any meaningful extent. Section 5.1.2.5 in Scallop Framework 21 describes the projected bottom area swept for 2010 and beyond. However, specific measures for 2011 and 2012 are being developed in Framework 22 and the fishery allocations for those years are not available yet.

Herring FMP

Skate catches in the herring fishery are believed to be inconsequential, so changes to herring regulations are not expected to have a meaningful direct effect on skate catches. Skates are however a potential substitute for herring as lobster pot bait. Reductions in herring landings could have a significant effect on prices for whole skates landed for the bait market, increasing the attractiveness of fishing for skates under a Skate Bait Letter of Authorization. This potential may be magnified by regulations in other fisheries which reduce the income of or idle vessels fishing for other species.

The 2010-2012 herring specifications reduced the ABC by 45% to 106,000 mt. In particular, herring are often used as lobster bait in the Gulf of Maine and the Area 1A TAC declined by 41% to 26,546 mt. Although most of the skate bait dealers are located in Southern New England, this decline in herring landings could open up new markets for alternative baits, some of it filled by either whole skate landings or by the carcasses of skates landed for the wing market.

In any case, the potential higher demand for skates landed for the bait market is unlikely to have an adverse effect on skate conservation and achievement of Skate FMP biological objectives since the skate bait fishery is limited by seasonal quotas. Higher demand may however spur more landings of

skates landed for bait and fill the quotas earlier than anticipated. An earlier closure could negatively affect the Southern New England lobster fishery if seasonal closures are longer than expected due to increasing skate bait landings elsewhere.

Habitat FMP

Alternatives for an Omnibus Amendment may include area restrictions that affect skate catches. These alternatives may take effect in late 2011, but there is no way at this time for the PDT to evaluate how the developing amendment might affect skates or skate management. How these alternatives may affect skates will depend on the location of such areas and how they affect vessels fishing with various gears.

5.1.4.1 Annual Review (From Amendment 3)

The Skate PDT will meet at least annually, prior to the June Council meeting, to evaluate the most recent data available on skate stock status, fishing mortality, landings, discards, changes to other FMPs that catch skates, and other available information. The term of reference for the PDT will be to monitor the effectiveness of the management plan and to develop options for framework adjustments and/or amendments such that the plan continues to meet the objectives. If not included as framework measures currently established by the Skate FMP and subsequent amendments and framework adjustments; new measures in Amendment 3 that may be adjusted by framework action include:

- § ABCs
- § ACLs and TACs,
- § The ACT buffer (accounting for scientific and management uncertainty)
- § TALs (accounting for changes in the discard rate and/or new information about skate discard mortality) and the TAL triggers (accounting for management uncertainty in discard and landings estimates)
- § Skate wing and bait fishery possession limits, and
- § Overfishing definition biological reference points (requiring approval of the Council's SSC)
 - Selected reference time series,
 - The selected strata, and/or
 - The selected survey used for status determination
- § Other measures contained within the Skate FMP.

If the PDT feels that adjustments to the FMP are necessary to meet FMP objectives, it will make recommendations to the SSC, which will review the PDT's analyses, and subsequently advise the Council at its June meeting on potential adjustments to the Skate FMP. If the Council agrees that action is required, it will initiate framework action at the June meeting. Final framework documents must be approved by the Council during their fall meetings, and submitted for NMFS review by December 1, so that proposed and final rulemaking may be completed by the beginning of the fishing year (May 1). In addition to the existing measures that may be adjusted by framework action, the Council may also modify the bait skate quota seasons, catch monitoring procedures, the ACT buffer, and the TAL triggers via the Specification Process to be consistent with the revised TACs, TALs, and estimates of scientific and management uncertainty.

The Regional Administrator will publish the Councils' recommendation in the *Federal Register* as a proposed rule. The *Federal Register* notification of the proposed action will provide a public comment period in accordance with the Administrative Procedures Act. If the Regional Administrator concurs that the Councils' final recommendation meets the Skate FMP objectives and is consistent with other applicable law, and determines that the recommended management measures should be published as a final rule, the action will be published as a final rule in the *Federal Register*.