

Letter Received via E-mail on June 15, 2011 from Jeff Kaelin

Dear Chairman Goethal, Vice Chair Tooley and members of the Skate/Whiting Oversight Committee:

Earlier today, in Portland, ME, the SSC adopted PDT advice to increase the ABC for the Northeast Skate Complex to 50,435 mt.

We understand that your committee meets tomorrow to develop specifications for the skate fishery, for fishing years 2012 and 2013 and that the agenda includes setting a specification for the incidental possession limit on skate wings.

I am writing on behalf of Lund's Fisheries, Inc., and the other members of the Garden State Seafood Association (GSSA) to ask that the Committee increase the incidental possession limit on skate wings, from 500 pounds to 1250 pounds, which, as you know, was agreed to by the Committee and Council but disapproved by the agency earlier this spring.

Now that the Skate Complex ABC will likely be increased by the Council, Agency objections that this change could create an overage in the skate wing TAL should disappear. Making this change will reduce skate discards and have a positive effect on industry's ability to catch monkfish, which has been constrained by conservative fishing limits on the skate complex.

I apologize for the lateness of our request, and for the fact that I will be unable to attend tomorrow's meeting to make this request in person. I am writing from Arlington, VA after leaving Portland earlier for an ASMFC menhaden meeting being held here tomorrow. Other GSSA members are similarly conflicted with the MAFMC being held at this time in Port Jefferson.

Attached is a letter that GSSA sent to the Agency in April, opposing their determination to leave the possession limit at 500 pounds, as part of FW1, which will provide you with additional rationale for our request to you today.

Please do not hesitate to contact me if I can provide you with additional information. Thank you for your attention to and your consideration of our request.

With best regards,

Jeff Kaelin
Lund's Fisheries, Inc. and for members of the Garden State Seafood Association

April 18, 2011

Ms. Patricia A. Kurkul, Regional Administrator
National Marine Fisheries Service, Northeast Regional Office
55 Great Republic Drive
Gloucester, MA 01930

Via: www.regulations.gov

Re: Comments on Skate Framework 1 Proposed Rule – 0648-BA91

Dear Ms. Kurkul:

On behalf of the fishermen and fish processors organized as the Garden State Seafood Association, I am writing in strong opposition to the agency's decision to disapprove the New England Fishery Management Council's action to increase the incidental possession limit for skate wings, from 500 pounds per trip to 1250 pounds per trip, which would apply after the skate wing possession limit trigger is reached.

When the Council took action in January to approve Framework 1 to the Northeast Skate Complex FMP, fishing industry representatives at the meeting agreed unanimously to support all of the proposed elements of FW1, taken together as a package. Council members, council staff and industry were unanimously convinced that reducing possession limits earlier in the fishing year would work to extend the fishery until later in the year when prices are higher, that increasing the incidental possession limit would work to significantly reduce discards in the fishery and that changing the incidental possession limit trigger, from 80 percent of the skate wing TAL to 85 %, would provide additional flexibility to fishery managers to both maximize the value of and minimize discards in the skate wing fishery. Taken together, everyone anticipated that these actions would improve the fishery will continuing to avoid an overfishing situation.

The agency's decision to disapprove the 1250 pound incidental possession limit on skate wings, is apparently based on a staff analysis that projected this new limit would have the effect of exceeding the skate wing TAL by 'more than 7%.' It was clear during the Council's discussion in January that this projection was, simply, preliminary and that any potential overage that would appear in the landings data, as the fishery progressed during the year, could be adjusted through the implementation of the possession limit trigger. Also, it is widely anticipated that skate wing indices of abundance are moving in a positive direction so that exceeding the TAL, with the change to a 1250 pound incidental possession limit, would be unlikely.

Our greatest concern with the agency's decision is that it will create more discards in the skate wing fishery, and will have a negative effect on the industry's ability to land monkfish. In the April 8 Federal Register announcement concerning the agency's approval of two EFP's in the monkfish fishery, the agency recognized "the fall monkfish fishery was less productive than expected because of skate bycatch issues." The Council's decision to increase the incidental possession limit to 1250 pounds was in direct response to this problem. The agency's action to disapprove this measure seems arbitrary to us and we are disappointed that you have taken an action in opposition to all other advice on the matter. We urge you to reconsider and approve the 1250 pound limit prior to the beginning of the next fishing year.