



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
John Papplardo, *Chairman* | Paul J. Howard, *Executive Director*

Comments For Amendment 3
to the
Skate Fishery Management Plan

Written Comments Received
via Mail, Fax and Email

Comments received between October 17, 2008 – November 10, 2008

#1

Subject: Fwd: Comments
From: SkateAmendment3@noaa.gov
Date: Wed, 12 Nov 2008 15:18:06 -0500
To: Tobey.Curtis@noaa.gov

Subject: Comments
From: chathamgreg@comcast.net
Date: Fri, 17 Oct 2008 15:46:50 +0000
To: SkateAmendment3@noaa.gov

Ms Kurkul,

My name is Greg Connors. My two gill net vessel F/V Synergistic and F/V Constance sea work out of Chatham MA.

I understand reductions to daily catch limits and DAS reductions are the only real regulatory option for this coming fishing year, but I strongly feel that when allocations come to the multispecies fishery they should also come to the skate fishery. The allocations should be based on the same landing years and criteria as the multispecies fishery as well. 1996-2006 is a fair representation of a fisherman's reliance on a species for his or her livelihood.

I have been displaced from the dogfish fishery and watched as regulators give MY landings away to state permitted bass boats and builders. While I am forced to discard thousands of pounds almost daily. I left the codfish fishery when catch limits forced me into sometimes grotesque amounts of discards. Please do not turn the skate/monk fishery into a by catch fishery as was done to dogfish and codfish. I feel as though during my 20 years as a full time fisherman I have left enough history behind for others

to exploit please leave the skate/monk fishery to the skate/monk fishermen.

Greg Connors.
permit #230558
#146922
#149575
#150597

Comments.eml **Content-Type:** message/rfc822
Content-Encoding: 7bit

#2

Nordstrom Seafood Traders, Inc.

Tiverton, Rhode Island

(508)294-2160

Attn: Patricia Kurkul, Regional Administrator
National Marine Fisheries Service
Northeast Regional Office
1 Blackburn Drive
Gloucester, MA 01930
Subject: Comments on Skate Amendment 3

November 5, 2008

I am writing to you as an advisor to the skate committee. My name is Daniel Nordstrom, owner of Nordstrom Seafood Traders. We are a bait-skate company. Dealing in Massachusetts, Rhode Island, and New Hampshire, we sell skate-bait to the offshore fleet of the lobster industry, where a year-round, consistent supply of an adequate amount of bait-skate is needed for their demand.

First, I would like to say that we support using Alternative 4 with a three-season quota period for the bait-skate industry. In addressing the TAL option, using the 1995-2006 base period, this is a more accurate way to show true historic conditions of the fisheries in question. 2005-2007 is only two years of history, and I don't know of any other fishery that has used a two-year base period to allocate landings. Therefore, 1995-2006 would show a more accurate account of the fisheries historic conditions and would be the best base period to allocate landings.

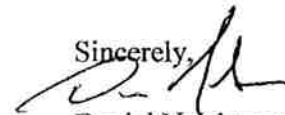
Being a skate-bait dealer, I prefer the three seasonal quota periods because this would provide a constant supply of bait for the lobster industry. Another benefit of this alternative is that it would prevent a "derby fishery" from occurring. This refers to a situation of competition and recklessness, where no one would benefit.

As to address how the proposed alternatives will affect me, I would like to restate that I support Alternative 4. A 14,000lb daily catch limit would cripple the whole skate-bait industry because this limit would provide no economic incentive for the owners of the fishing vessels that target the bait-skate for their livelihood. Adopting this limit, I would no longer be able to sustain my business, and would therefore have to close down. This unfortunate result would not only have a dire impact on me and my family, but would also impact the entire offshore lobstering fleet that I supply bait for. We are talking about a fleet of approximately 11 offshore lobster vessels, and all of their families as well.

In closing, I cannot stress enough that NMFS should do its best and apply its strongest efforts to adopt the 3 seasonal quota period that is part of Alternative 4. I am giving you my word that I will do all that is necessary, along with my colleagues in the bait-skate industry to ensure that this will work and be the best alternative for the bait industry.

Thank you for your attention to this matter.

Sincerely,



Daniel Nordstrom



Massachusetts Lobstermen's Association, Inc. #3

8 Otis Place
Scituate, MA 02066-1323
Bus. (781) 545-6984 Fax. (781) 545-7837 SF

November 5, 2008

Patricia Kurkul, Regional Administrator
NMFS Regional Office
55 Great Republic Drive
Gloucester, MA 01930

Dear Ms. Kurkul:

The Massachusetts Lobstermen's Association, Inc. would like to comment on proposals included in **Amendment 3 to the so called Northeast Skate Complex** currently under consideration by the Council and NOAA Fisheries.

Many of our lobster fishermen are dependent on skate as their source of bait. It is true that in our case our fishermen in lower Cape Cod Bay and along our south coast of Massachusetts are the ones that rely most heavily on this source of bait. Drastically curtailing the skate fishery will impact others in our industry in that it will lead to more pressure on other baits such as herring, menhaden and groundfish racks. This, in turn, ends up affecting those lobster fishermen who don't even use skates.

We are all in support of maintaining a healthy skate resource for obvious reasons, however, the Council and ultimately NOAA Fisheries needs to find a way to balance this management program so as not to cause other problems both biologically, socially and economically.

I'm sure you are keenly aware as are other managers, that this is what makes managing and balancing all these species such a challenge and, a "fun experience"??

We would like to suggest that given the proposed alternatives that Alternative 4 with a quota and a target TAC seems to be the acceptable alternative. Also if this program could be done using a trimester or quarterly approach it might result in a more even distribution of skate and keep this bait source available.

Given the other alternatives, this seems to be the one that will work best for our industry while, we feel, still being able to achieve the intended goals for the managers. We ask that you keep in mind the word "balance". There is a need to keep the resource healthy, There is a need to fulfill the requirements of fishery management laws and there is a need to accommodate those that rely on this resource. In this case it is the fishermen who catch them, the dealers who buy them and in our case, the lobster fishermen who use them to catch lobsters.

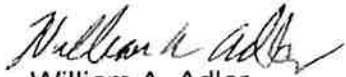
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We would also ask these questions. Is there sufficient resource data to honestly support placing heavy restrictions on skate harvests? If the answer is somewhat "foggy", might it be reasonable to take a somewhat more gentle approach and proceed from there? Will the Council and NOAA Fisheries please take into consideration the needs of the industries that depend on this resource? If you feel some action is warranted, then the Alternative 4 with trimester or quarterly TAC's might just be the right approach. Our lobster fishermen need this source for bait.

We hope the Council and the Service will consider these points carefully and we trust that the right and reasonable decisions will be made.

Please feel free to contact us if we can be of further help in making your decisions.

Respectfully yours,



William A. Adler
Executive Director

WAA/med

11/6/8

MS. PATRICIAL KURKUL,

My name is Pete Spang. I fished scallop all summer out of Point Judith R.I. Our traditional grounds were paved with skate all summer long. We were forced to go farther than usual to get away from them. A half-hour tow would produce on average 6-800 #5 of skate and very few scallop. Someone is not towing in the right place if you think they are endangered.

Pete Spang





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

OFFICE OF THE
REGIONAL ADMINISTRATOR

November 6, 2008

Patricia Kurkul
Regional Administrator
Northeast Regional Office
National Oceanic and Atmospheric Administration
1 Blackburn Drive
Gloucester, Massachusetts 01930

Re: Draft Amendment 3 to the Fishery Management Plan (FMP) for the Northeast Skate Complex and Draft Environmental Impact Statement (DEIS) (CEQ# 20080375)

Dear Administrator Kurkul:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, we have reviewed the Draft Environmental Impact Statement (DEIS) for Draft Amendment 3 to the Fishery Management Plan (FMP) for the Northeast Skate Complex. Based on our review of the DEIS we have no objections to the project as described and we rate this EIS "LO-I - Lack of Objections--Adequate" in accordance with EPA's national rating system, a description of which is attached to this letter.

We offer the following comments for your consideration as you work to develop the FEIS for the project:

- The DEIS states that no changes to skate EFH descriptions or designations are proposed. The environmental impacts of the different alternatives with regards to EFH are not developed in the DEIS and do not provide a clear basis for choice among alternatives. We encourage you to include this information in the FEIS.
- The DEIS states that discards/by-catch of other fish and shellfish have not been estimated and are unpredictable. We believe the FMP should be structured to minimize discards. While both the Target Tac approach and the Hard Tac approach have the potential to increase skate discards, EPA supports the Target Tac approach because it is anticipated to result in a less dramatic increase than the Hard Tac approach.
- EPA recommends Alternative 2 (Option 1) as the preferred alternative. This alternative includes: time/area closures which may be beneficial during spawning, migration, foraging and nursery activities; and a prohibition on using

617-918-1010

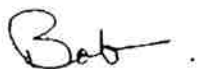
Internet Address (URL) • <http://www.epa.gov/region1>

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Multispecies Category B DAS to fish for skates. Also, we recommend Alternative 2 (Option 1) because it could have a relatively smaller effect on sea turtles than Option 2. This option also appears to have a better potential to prevent overfishing of larger skates (e.g. winter skates).

Thank you for the opportunity to review the Northeast Skate Complex DEIS. Please contact Timothy Timmermann of EPA's office of Environmental Review at (617) 918-1025 with any questions or comments.

Sincerely,

A handwritten signature in black ink that reads "Bob".

Robert W. Varney
Regional Administrator

enclosure

Summary of Rating Definitions and Follow-up Action

Environmental Impact of the Action

LO--Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC--Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

EO--Environmental Objections

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU--Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

Adequacy of the Impact Statement

Category 1--Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2--Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3--Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

#6

John Pappalardo, Chairman
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

11/7/08

November 7, 2008

Skate Oversight Committee

The skate bait industry depends on the consistent supply of an adequate amount of skates to meet the market demands. Although the lobster industry operates year round, the bulk of activity in the Northwest Atlantic occurs during the months of July through October. The next highest demand occurs during March through June as the shift from herring as bait back to skates takes place. The third trimester, in this scenario, would be November through February, in which time weather being more of a factor in determining lobster catching activity, demand is at its lowest. Also at this time Herring for bait increases especially here in southern New England and especially in Point Judith, due to the availability of locally caught Herring. With this in mind, Alternative # 4 is our preferred alternative with in season triggers based on reported landings. This method of seasonal quota management now exists and seems to be working in the Herring & Squid fisheries administered by National Marine Fisheries Service. This type of management system is also working in state managed fisheries: i.e. fluke, scup, and sea bass.

While the need for a reduction in the bait fishery is suspect, the need to address the overfished status in the winter skate is apparent. Because it has been determined that there is an impact on the juvenile winter skate while fishing for little skates, we are now required to have a reduction in the skate fishery to meet the mandates in the reauthorization of the Magnusson Stevens Act. We do not feel the impacts on the winter skates are as great as they are due to the bait fishery. The bait fishery targets little skates and the interaction with winter skate is less than 20 % of our catch. We do not feel the impact is so great as to warrant significant reductions in the little skate fishery, we feel the 1996-2006 bases for allocation is the preferred time frame. It is our suggestion that there be continued science to specifically indentify the times and areas where these impacts occur. With this knowledge there could come a better view as to what could be done to help the winter skate biomass recover, while preserving the lobster baits & lobster fisheries.

We have heard concern for the skate committee that if the wing fishery gets cut back there will be an overflow into the bait fishery. These concerns will not happen; the bait fishery has declined while the wing fishery has increased in the last ten years. The bait fishery is dependent on the lobster fishery and has that fishery has declined so has the bait fishery, we have lost many lobster boats due to conservation cutbacks. We are selling least bait because of trap limits and the economics of the fishery, due to the increase of fuel lobster boats are making fewer trips, letting their gear soak longer. Whith the increased Herring fishery it has taken away some of our customers on the North Shore because of the transportation cost the get bait from the south shore up to NH, and Maine.

3 OF 3

11/7/08

We the undersigned agree with this letter:

Name:

Address:

Phone:

Affiliation:

Robert Cabral

93 VAN BUREN TAUNTON, MA.

508 828 4584

F/V SEVEN SEAS

Peter Chen

188 Thimblepoint Rd
Cumberland Mass 01793

508 998 6476

F/V Capt R M Cho

Calvin Perrin

159 Gnamoli Rd. 02743
Acushnet MA.

508 951 9819

CIP BAIT

Jon Daniel Costa

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Costa's Bait

Alberto Costa

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NEW BRITAIN MA

508-916-0560

F/V Alyssa Zachary

John

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EXETER RI

508 997 0720

TEMPEST FISHING

John Nana

75 RIVERSIDE DRIV^{RI}

401-537-2995

F/V Five 5's

Elizabeth E. Middleton

65 RIVERSIDE

401-624-1822

Nord Sea Fish Traders

John

DRIVE TIVERTON
RI.

508 374 4160

NORSTREAM FTD

John

26 Coast Rd
Tiverton RI

401-634-2839

TRADERS
(BAIT SKATE)

John

16 Broadway Newport RI

508 557-4410

F/V Gustafson

John

Danny A

N. Truitt & Transport



ATLANTIC OFFSHORE LOBSTERMEN'S ASSOCIATION

54 Chatham Drive Bedford New Hampshire 03110
office 603.206.5468 fax 603.666.5601. offshorelobster.org

November 7, 2008

Patricia Kurkul, Regional Administrator
NMFS Regional Office
55 Great Republic Drive
Gloucester, MA 01930

Dear Ms. Kurkul,

I am writing on behalf of the Atlantic Offshore Lobstermen's Association (AOLA) in response to the Council's request for public comments on Amendment 3 to the Northeast Skate Complex. It is my intention to focus on the skate bait fishery.

As I know you are aware, the offshore lobster industry is highly dependent on skate as a primary bait source; therefore, we remain extremely interested in the protection and the management of this species. Through careful consideration of all the data gathered through the management process thus far, Alternative 4 of Amendment 3 to the Northeast Skate Complex, is the most practical and prudent alternative to protect the resource, as well as both the skate and offshore lobster industries.

Alternative 4 offers a quota based management scheme with a target TAC. We recommend a trimester or quarterly approach be implemented within the annual quota. Trimester or quarterly TACs are recommended in order to keep the supply of bait as level and available as possible. An annual or bi-annual TAC would likely create a derby fishery, thereby exacerbating the shortage of skate bait for longer periods of time until the next fishing period was to open. This situation would not only create havoc for the skate bait and offshore lobster industries but would encourage price gauging, as well. With smaller, more frequent TACs, the fishery would be more controlled and the amount of time between openings would be shortened. Using this approach, the supply of skate bait would be continuous, albeit reduced.

The other Alternatives focus solely on possession limits and seasonal closures as their main management methods. The small possession limits in the other alternatives favor small boats over large since they create a situation where it will not be practical for the larger boats to leave the dock. Along with that, there are few small boats targeting skate, certainly not enough to supply the needs of the offshore lobster fleet; in most cases skate bait is a by-catch for the smaller vessels, therefore, possession limits will not only economically impact larger vessels, they will also create a severe shortage of bait for the offshore lobster fleet. This is a matter of great concern. A short survey of a few AOLA members confirmed that 2007 skate bait usage varied among operations, some using as little as 65,000 pounds, others using up to 320,00 pounds, and one larger operation used approximately 900,000 pounds. Consider the ramifications to the inshore lobster industry, and the herring fishery if the offshore lobster fleet had to compensate the bait skate shortage with herring. Using tunnel vision in managing this fishery, and not realizing the broader impacts to the other fisheries would surely be irresponsible, to say the least.

These small possession limits and the seasonal closures are an impossible roadblock to keeping the directed bait fishermen gainfully employed, as well as bait dealers, and the offshore lobster industry. Consider also, the impact to the infrastructure that depends on the commerce from the larger vessels of both the offshore lobster and large boat skate bait fleets.

In response to the Council's request to the question of support for either time series, AOLA members support the 1995-2006 allocation of 3,867 metric tons for the skate bait fishery. Taking a long term view of the status of the stock is much more pragmatic, as it levels the peaks up or downward and provides some history of the fishery. Further, two years worth of data would never be deemed acceptable for a stock assessment, nor should it be considered acceptable to create a comprehensive management plan.

As previously mentioned, AOLA does not support possession limits, instead, our members prefer Alternative 4 with a quota, and preferably with trimester or quarterly TAC periods within each annual quota; this is imperative to manage the availability of bait throughout the year. As indicated in the public hearing document with regard to the alternatives, "*All of the alternatives are intended to achieve the same skate catch limits...*" (Page 4), therefore, we believe strongly that the Council has the opportunity to provide good management for the protection of skate, as well as for the protection of several fisheries, and innumerable fisherman and fishing families up and down the northeast coast. Alternative 4 does that, any other choice for the skate bait fishery would be unconscionable.

It is my understanding the wing fishery's preference is Alternative 3B, that being the case we believe, since the Council and NMFS have chosen to split the fisheries, the management methods should also be split to best meet the needs of each fishery.

I appreciate the opportunity to comment on this very important issue. Please feel free to contact me should you have any questions relative to this correspondence.

Sincerely,

Bonnie Spinazzola

Bonnie Spinazzola
Executive Director

AG

ASSOCIATED FISHERIES OF MAINE

PO Box 287, South Berwick, ME 03908

207-384-4854

November 7, 2008

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

Dear Pat:

COMMENTS ON SKATE AMENDMENT 3

Associated Fisheries of Maine (AFM) supports Alternative 3B for management of the skate fishery.

Catch and landings of skates by our member vessels occurs as a bycatch in the groundfish and scallop fisheries.

We find the skate time area closure measures unacceptably complicated, especially when overlaid on the large number of management areas that groundfish fishermen currently contend with (permanent closures, seasonal closures, differential DAS areas, US/CA areas, etc.). The time area closures proposed in Amendment 3 would place a difficult burden on fishermen and enforcement personnel, without providing a commensurate conservation benefit.

We understand that there is support for Alternative 4 by participants in the bait fishery. If so, then AFM would recommend a management approach that would apply the measures in Alternative 3B to the wing fishery and the measures in Alternative 4 to the bait fishery.

As always, we appreciate your consideration of our views.

Sincerely,

M. Raymond

Maggie Raymond

Associated Fisheries of Maine is a trade association of fishing and fishing dependent businesses. Membership includes harvesters, processors, fuel/gear/ice dealers, marine insurers and lenders, and other public and private individuals and businesses with an interest in commercial fishing.

#9

Subject: Fwd: Comments on Skate Amendment 3
From: SkateAmendment3@noaa.gov
Date: Wed, 12 Nov 2008 15:17:23 -0500
To: Tobey.Curtis@noaa.gov

Subject: Comments on Skate Amendment 3
From: Lynda and Norman Edwards <potteryandfish@hotmail.com>
Date: Sat, 08 Nov 2008 22:15:59 -0500
To: SkateAmendment3@noaa.gov

Dear Ms Kurkul,

I am an inshore fisherman from eastern Long Island, NY and harvest skates for the skate wings and the local bait markets in the mixed fish fishery. Eventhough, skates are an incidental catch, they make up 2 percent of my annual fishing income. Because skates are most abundant inshore in the fall when other fisheries are closed, I would be most effected by a closure of the skate fishery.

Therefore, I would prefer that either alternatives 1B, 2 or 3B get adopted and that an annual rather than seasonal quota be established in Amendment 3. Operating out of East Hampton, NY, I would prefer to see no closure of the fishery and a lower skate possession limit adopted. If an incidental catch of 500 lbs of skates for bait and 200 lbs of skate wings becomes part of Amendment 3, it should have little impact on my fishing operations. I would prefer that accountability measures are taken for those boats who are targeting skates when 80 to 90 percent of the TAL is met and that the incidental catch be set at 500 lbs for bait and 200 lbs for for skate wings.

Thank you for giving me the opportunity to comment on the draft of amendment 3 to the Northeast Skate Complex.

Sincerely yours,

Norman C. Edwards, Jr.
Captain, F/V Petrel

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Comments on Skate Amendment 3.eml **Content-Type:** message/rfc822
Content-Encoding: 7bit

Subject: Fwd: Public Comment
From: SkateAmendment3@noaa.gov
Date: Wed, 12 Nov 2008 15:16:38 -0500
To: Tobey.Curtis@noaa.gov

Subject: Public Comment
From: Blue92357@aol.com
Date: Sun, 09 Nov 2008 21:30:00 -0500 (EST)
To: SkateAmendment3@noaa.gov

Patricia Kurkul, Regional Director
NMFS Regional Office
55 Great Republic Drive
Gloucester, MA 01930

Dear Ms. Kurkul,

Please consider the following as my public comment on Amendment 3 to the Northeast Skate Complex.

I am writing you as an inshore lobster fisherman, an Area 2 LCMT member and a Board of Directors member for the RI Lobstermen's Association. I have been a commercial fisherman for 27 years.

I would like to support Alternative 4 with a trimester approach within the annual quota. This approach would keep the supply of bait as level and available as possible to both inshore and offshore lobstermen while staying within the quota. It is an approach that would certainly meet your requirements to protect Skate while causing the least amount of disruption to the lobster industry which is the most valuable fishery on the East Coast. I would also recommend any disruption in the bait supply be part of the Economic Impact Study.

Your documents show a decline in the bait fishery over the last several years and a significant increase in the Skate wing fishery. It seems like common sense to me to address each fishery separately with different management measures that best meets the needs of each fishery, especially considering the different species of Skate being landed.

The Skate bait fishery needs to be considered it's own fishery, one that has landings declining and is not being over fished.

Sincerely,

Dennis Ingram
F/V Blue Moon
Newport, RI

Subject: Fwd: Comments On Skate Amendment 3
From: SkateAmendment3@noaa.gov
Date: Wed, 12 Nov 2008 15:16:54 -0500
To: Tobey.Curtis@noaa.gov

Subject: Comments On Skate Amendment 3
From: FVCaptainRobert@aol.com
Date: Sun, 09 Nov 2008 16:06:57 -0500 (EST)
To: SkateAmendment3@noaa.gov
CC: Nancy_Langrall@REED.SENATE.GOV, FVCaptainRobert@aol.com

F/V Captain Robert Fisheries, Inc.

November 7, 2008

Dear Ms. Patricia Kurkul,

Please consider the following as my public comment on Skate Amendment 3.

Regarding Skate amendment 3, I have the following comments, points, opinions and suggestions I would like to advise you of as you consider passing this amendment as- is. In fact I do not believe this document can pass as- is due to too many discrepancies which I feel have made it fatally flawed. I feel qualified to speak on the subject as I have been a scalloper and mostly a lobsterman for over 25 years and had spent 5 years as Pres. of the RI Lobstermen's Association.

I feel that this document would serve very well to help protect the species intended, winter, thorny and smooth skates, if it indeed focused on the **direct** problems affecting the species in need and the corresponding fisheries (gillnet and trawl skate wings), and did not conveniently blanket other species such as little skate that will do irreparable harm to two other fisheries, namely the Southern New England (SNE) lobster and Crab fisheries and their bait supply fishery.

*I Contest the document finding of 'nearly' overfished little skate, There are many more in SNE waters than found by the survey, they should not be even close to considered overfished... there was an ironic statement of one manager at a public hearing to a longtime fisherman "{he thinks} the little skates are nearly extinct", when NEFSC bottom trawl survey shows they are 'abundant' and is mentioned so in the document. All mobile gears find many little skate, in fact it is hard to get away from them, and we lobstermen even catch them in lobster pots! Simply enough, they are not defined as overfished and should not be covered by such a broad brush management measure!

*I contest the use of discard **estimates** for the bait fishery because more discards are naturally going to happen in all mobile gear fisheries with an abundant, higher biomass of little skates as currently exists. This would be fine if the document actually dealt only with the three species in question. I wonder if the managers are going to conveniently add in little skate discard estimates to close the fisheries early, to be 'safe' thus causing immense harm to the SNE inshore (state waters), nearshore(area 2 to 2/3 overlap, stat area 539/537), and offshore (area 3) lobster/ crab fisheries. I also contest the estimated state bait landings and discards, as you should get a firm grip on what is historically caught, landed, and discarded before guesstimating.

*I contest the method of using a **Hard TAC v. Estimated** discards in a data poor fishery! This will lead to overestimating on the 'safe' side and therefore a closing of our bait supply at times when we need it the most. I feel this will place an undue hardship on the SNE lobster fishery. I believe that there should be a target TAC with out AM during the implementation period as far as the bait fishery is concerned as it lands nearly 90% little skate, whereas the gillnet, offshore trawl and offshore scallop fisheries land mostly the species intended for protection in this amendment. I feel this policy should continue as the bait fishery is stable and should not be punished for the sins of the wing fleet. I further feel the Bait fishery needs to be considered separately from the wing fishery. In fact I feel this entire document pits the wing fishery against the SNE bait fishery and gives an unfair percentage (from 66.6% to 73%) to the users who are rapidly exacerbating the identified problem! I feel this creates a 'taking' from the bait industry and thus the SNE lobster industry, violating MSA National Standard 8! My current example of a closed fishery with no overfishing occurring, but placed on a quota would be the Gen Cat Scallop fishery, there is only failure on managements behalf when any fleet is out of work for any amount of time, and I see the same scenario setting up for different reasons for the bait fishery and thus the SNE lobster fisheries.

* I feel there is too much based on assumption "due to insufficient info about skate population dynamics" as stated in the document. This too makes me wonder how you can produce respectable discard estimates in the face of harming SNE bait supplies. Another assumption is the amount of bait landed as there may not have been full reporting as the document postulates, especially in SNE state waters.

* SAFE Report shows winter skates biomass to be **minimal** (with some minimal juvenile landings in the winter months) in SNE nearshore region all year, and most winter, thorny, smooth skates are well to the north & east of our region. If the Bait resource harvested is 90% plus little skate and 10 % juvenile winters in the fall or winter months, then logic should say to divide that 10% by 4 quarters of the year, producing a 'bycatch' of 2.5% per quarter thus gaining the SNE little skate bait fishery the ability to be an exempted fishery.

* SAFE Report 7-88, Yet again, there is no dredge survey data to accompany summer period 'winter' skate reports, report is thus incomplete without trawl or dredge data to fill in blanks... poor information!

*I would point out that while Bait fishery landings are relatively steady and even dropping slightly, wing landings have more than doubled in last few years without constraint...most likely due to need for fish to land in ever constricting and complicated groundfish management scenarios and a harsh economic scenario. In fact it is quite likely that the impending Groundfish AMD 16 will make this amendment a moot point! Management needs to strive to find ways to reach goals while keeping the fleet gainfully employed.

* SAFE report fig. 10 shows New Bedford landed half of all skates in New England with Chatham following, mostly wings in 2007, fig. 11 shows 2002 and '03 and 2006 and '07 doubled wing landings on A days while B days slightly rise, compared to bait fisheries steady and dropping A days and constant 0 B days.

*SAFE Report figs. 12&13 show A days targeting skates, gillnet landings since 2000 increased from

1mil to 8mil in 2007 and dredge and trawl landings bouncing between 4-7 mil. lbs. While gillnet B days show a massive increase exponentially in 2006 to '07. Since these fisheries are directed skate wing fisheries, and are landing great quantities of the proposed regulated species either through directed effort or bycatch, logic ought to point out that they are in need of constraint far more so than the SNE bait fishery!

* This document shows what we all know, that the bait fishery lands about 90% 'little' skate (which this document defines as not overfished) with some juvenile winter skate mixed in during the winter period. This document out of convenience blankets all skates landed for bait under a 'bait skate' label without consideration of major impact on bait supply, even though 90% is of an abundant, not overfished species. I feel this violates the MSA National Standard 6.

*I would point out that the bait fishery needs are reasonably well capped and due to closed Mass, RI, CT state lobster licenses, closed federal lobster areas 2,3,6 permits, capped trap efforts/ trap reductions in area 2 and 3, and fleet attrition by more than half in the last 8 years.

* I question the 'possession' rule with the quota system, as it needs to define what is a harvester from end user, as potentially even a lobsterman baiting traps with skates purchased or caught before a 'shutdown' could now be a violator while tending traps. I also see this is going to create the need for more 'red tape' with specified 'bait dealers' and now limit how a lobsterman may acquire, buy, or catch bait. I feel this amendment is a study for the law of unintended consequences ('unintended' I hope).

SOCIAL Report:

*7.5.6 SAFE Report, social & community information is extremely lacking and not updated since '02.
*7.5.1.1.4 SAFE Report, regulation issues, makes no mention of reduced need of the Area 2 mid shore lob fishery during winter/ spring due to poor weather and little effort during that period, convexly little/glossary mention of importance of steady bait supply from May to December, but does mention offshore lobster fishery and it's needs.

*SAFE Report 7.5 bait fishery covers LIS and offshore area3 trap fishery, but totally misses the area2 lob fishery @800 pots and the attrition, capped effort since 2002. It also barely mentions the existence and importance of this fishery and makes no mention of impending **negative impacts** to the nearshore lobster vessels but does cover mobile gear sector. I feel these points go directly against MSA National Standard 8.

*I find it repulsive that this SAFE report 7.5.4.4 and 8.2.7.3 only considers the direct value of wings (\$.30-.55) and the export market higher than 'bait' (\$.07-.10) directly, without looking at the multiplier factor of the value of the dependent inshore and offshore lobster and crab fisheries. One rule is true...NO BAIT= NO LOBSTER. Bait closures and shortages will create havoc in our industry! Again, I feel this violates MSA Nat Standard 8.

*The economic reports unfairly boost wings market value especially since the export market has grown recently (2005- 2007) against a stabilized bait fishery whose direct value has not, but the multiplier has due to increased value of lobsters over last 5 years, and the finally increasing landings since the North Cape Oil Spill in the SNE region. We have had a decade of hard struggles and now that there is sign of improvement in the SNE lobster resource, we see a move to severely threaten our

steady bait supply!

In conclusion I would say that if this document were written to **properly** to cover the intended species and offending fisheries, and not conveniently cover others such as little skate, I would pick Alternative 4 with option 3 as it gives the best time series to the bait fishery and somewhat minimizes the potential negative effects of bait shutdowns, **but** even this option still keeps that threat a potent probability. Lacking that, **I am currently only in favor of NO Action/ Status Quo until this document is fixed and the discrepancies to the MSA I point out are addressed.**

*I do agree with the skate closure areas as defined in the document.

*I suggest strongly that this is re-written to go after the gillnet and offshore trawl and offshore scallop wing fishery, which directs on the skate species needing protection. I feel that the directed use of B days in the Northern gillnet fishery is where your efforts should be applied the most vigorously. If any measure were to be considered, the opt 3 using the longest possible time series (1995-2006) is needed to help 'bait' and not reward most recent users (2005-2007 gillnet B DAS) who are exacerbating the over fishing problem. I would go further to stress that the SNE bait fishery **NEEDS** to be separated from the wing fishery and have our own ACL program and the limits should be placed no lower than the 2005 landing amounts shown on page 7-197 as that seems to be the median year for the time series.

*I would suggest that winged skates should have bodies accompany them when landed or be whole so bodies may be used for bait as well, minimizing waste and helping support the lobster and crab fisheries.

*I would suggest that since discards seem to be a worry in general category scallop fishery as mentioned and effort is now capped in that fishery, to allow incidental little skate landings up to 500lb/220wing for SNE as is allowed south and west of 72'30" and for all other gear types. By providing this 'fair and equitable access', this will help the bait situation some and give a small income to New England Gen Cat scallopers as well as provide better tracking of the biomass thru VTR reporting of landings potentially filling in a few missing blanks of data.

Thank you for your time and consideration.

Sincerely,
Michael L. Marchetti
F/V Captain Robert Fisheries, inc.
401-742-7028
fvcaptainrobert@aol.com

Michael L. Marchetti

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Comments On Skate Amendment 3.eml

Content-Type: message/rfc822

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#12

The New England Management Council
50 Water St., Mill 2
The Tannery
Newburyport, MA 01950

To Whom It May Concern:

November 9, 2008

I am writing today in response to the proposed Amendment 3 of the skate plan. My specific concern is about little skates. Little skates are a large part of the local fishing economy in the state of Rhode Island and neighboring states. They supply bait for the lobstermen and provide many trawlers and gilnetters with a directed and bycatch fisheries. This helps offset a continuously over regulated profession where the expenses are getting higher and the gross stocks are getting lower.

According to your own stock assessment little skates are not overfished and no overfishing is occurring. It is my understanding that this was the mission of the Magnuson-Stevens Act. As a commercial fisherman, I target little skates for lobster bait and have taken out many observers in the past few years. If any one bothered to look at the observer reports they would come to the conclusion that the directed fisheries for little skates as bait is one the cleanest fisheries. Not only is bycatch low, I personally know that if the bycatch is high due to dogfish or fluke the directed fleet usually moves to find an area where the fishing is cleaner. Observer reports will also document that almost all of the skates caught in the directed bait fisheries in this area are little skates.

In conclusion I would like you to consider leaving little skates out of Amendment 3. Little skates could then be considered another victory for the NMFS. They could then pat themselves on the back and continue to do their part to drain money from a government with a record national debt, and come up with more worthless plans and amendments.

Sincerely,

John E Curzake, Jr.
F/V Emilia Rose
258 Chestnut Hill Rd
Wakefield, RI 02879
401-789-0699
jcurzake@cox.net

#13

Subject: Fwd: Comments on Skate Amendment 3
From: SkateAmendment3@noaa.gov
Date: Wed, 12 Nov 2008 15:17:08 -0500
To: Tobey.Curtis@noaa.gov

Subject: Comments on Skate Amendment 3
From: William R Palombo <Bill@wrpenterprises.com>
Date: Sun, 09 Nov 2008 14:53:22 -0500
To: SkateAmendment3@noaa.gov
CC: bonnie@offshorelobster.org

November 10, 2008
Patricia Kurkul, Regional Administrator
NMFS Regional Office
55 Great Republic Drive
Gloucester, MA 01930

Dear Ms. Kurkul,

I have been actively engaged in the offshore Lobster fishery for 37 years since 1971. Today I own three boats with offshore lobster licenses in the above company. I am writing on behalf of my company, Palombo Fishing, Corp. in response to the agency's request in response to the Council's request for public comments on Amendment 3 to the Northeast Skate Complex. It is my intention to focus on the skate bait fishery.

I strongly believe that conservation of the lobster resource is imperative, not only for the survival of lobsters, but for the industry's survival, as well. I personally have spent many years as President of AOLA and on many councils, boards and coalitions trying to bring reasonable and long lasting conservation practices to the Lobster Industry. I also believe that every species should be well managed, this is especially true for skate since the offshore lobster industry is highly dependent on skate as a primary bait source; therefore, I remain extremely interested in the protection and the management of this species. Through careful consideration of all the data gathered through the management process thus far, Alternative 4 of Amendment 3 to the Northeast Skate Complex, is the most practical and prudent alternative to protect the resource, as well as both the skate and offshore lobster industries.

The other Alternatives focus solely on possession limits and seasonal closures as their main management methods. The small possession limits in the other alternatives favor small boats over large since they create a situation where it will not be practical for the larger boats to leave the dock. Along with that, there are few small boats targeting skate, certainly not enough to supply the needs of the offshore lobster industry; in most cases skate bait is a by-catch for the smaller vessels, therefore, possession limits will not only economically impact larger vessels, they will also create a severe shortage of bait for the offshore lobster fleet. This is a matter of great concern to me and the entire offshore lobster industry.

My three boats use upwards of 750,000 pounds of skate and if I had to use herring not only would it be financially untenable but the increase in herring use by myself and all the rest of the offshore fleet would have wide ramifications to the inshore lobster industry and not realizing the broader impacts to the other fisheries would surely be irresponsible, to say the least.

Alternative 4 offers a quota based management scheme with a target TAC. We recommend a trimester or quarterly approach be implemented within the annual quota. Trimester or quarterly TACs are recommended in order to keep the supply of bait as level and available as possible. An annual or bi-annual TAC would likely create a derby fishery, thereby exacerbating the shortage of skate bait for longer periods of time until the next fishing period were to open.

This situation would not only create havoc for the skate bait and offshore lobster industries but would encourage price gauging, as well. With smaller, more frequent TACs, the fishery would be more controlled and the amount of time between openings would be shortened. Using this approach, the supply of skate bait would be continuous, albeit reduced. Shorter periods between closures/openings would allow bait dealers to continue to produce the skate through methods of freezing and salting.

The other Alternatives would have small possession limits and the seasonal closures would be an impossible roadblock to keeping the directed bait fishermen gainfully employed, as well as bait dealers, and the offshore lobster industry. Consider also, the impact to the infrastructure that depends on the commerce from the larger vessels of both the offshore lobster and large boat skate bait fleets.

In discussing the question of support for either time series, I support the 1995-2006 allocation of 3,867 metric tons for the skate bait fishery. Taking a long term view of the status of the stock is much more pragmatic, as it levels the peaks up or downward and provides some history of the fishery. Further, two years worth of data would never be deemed acceptable for a stock assessment, nor should it be considered acceptable to create a comprehensive management plan.

In summary I support Alternative 4 with a quota for skate bait because.....

- The possession limits in the other alternatives is too small – so small that it wouldn't be economically feasible for the skate bait fishermen to leave the dock
- Impacting the skate bait fishery also impacts the offshore lobster industry; if skate is not available, the offshore lobster industry will be forced to use the same bait as the inshore fleet and that would surely create a big problem, and a shortage of bait throughout the lobster industry, as well as create an opportunity for price gauging.
- According to the document (page 4), all of the alternatives are intended to achieve the same goals, therefore it would be wrong for the Council/NMFS to choose an option that severely impacts several different fisheries when one can be chosen that allows fishermen to go fishing.
- Finally, I support the longer time series for skate review from 1995-2006 (it give a higher TAC to the skate guys), because the other time series is only 2 years and it is not a reliable forecaster for the resource or the fishery.

I appreciate the opportunity to comment on this very important issue. Please feel free to

#14

Subject: Fwd: Comments on skate amendment 3
From: SkateAmendment3@noaa.gov
Date: Wed, 12 Nov 2008 15:16:25 -0500
To: Tobey.Curtis@noaa.gov

Subject: Comments on skate amendment 3
From: Gary Mataronas <lobster2@cox.net>
Date: Mon, 10 Nov 2008 09:13:35 -0500
To: SkateAmendment3@noaa.gov
CC: Bonnie Spinazzola <bonnie@offshorelobster.org>, Bob Buffinton <rkbuffs@aol.com>, saklob@aol.com, FVCaptainRobert@aol.com

Ms. Patricia Kurkul
NMFS
1 Blackburn Drive
Gloucester, MA 01930

Dear Patricia;

I am the owner of an eighty-three foot lobster boat out of Tiverton, RI. I am very concerned about not being able to get the required amount of skate lobster bait to continue lobstering if the quota is set to low or sporadically. I use approximately 320 thousand pounds of skate lobster bait a year. There needs to be a quota allocation set that will make skate bait available year round or it will have dire consequences to the lobster industry. **No Bait--No Lobstering**, which would put another fishery out of business.

I also own an inshore Area 2 lobster boat and use approximately 60,000 thousand pounds of skate bait in that lobstering operation. My son Gary Jr. has an inshore Area 2 lobster boat and he uses about the same amount of skate bait.

My brother James has a seventy-foot offshore lobster boat that uses about 300 thousand pounds of skate bait and his son Gregg has an inshore Area 2 lobster boat that uses 50 thousand pounds of skate bait.

As you can see, if we are not able to get enough skate bait because the quota is set to low and sporadically, it will put four fishing families out of the lobster business.

F/V Edna May	320,000 Thousand Pounds
F/V Sakonnet Lobster	300,000 Thousand Pounds
F/V X-Terminator	60,000 Thousand Pounds
F/V Terminator	60,000 Thousand Pounds
F/V Happy Hours	50,000 Thousand Pounds
<u>TOTAL</u>	<u>790,000 Thousand Pounds of skate bait used!</u>

Please take this bait skate usage into account when considering skate quotas and skate quota management. We need a constant and steady supply of bait skate throughout the whole year.

Thank you for your consideration!

Fwd: Comments on skate amendment 3

Sincerely,

Gary S Mataronas

Comments on skate amendment 3.eml **Content-Type:** message/rfc822
Content-Encoding: 7bit

#15

Subject: Fwd: Comments on Skate Amendment 3
From: SkateAmendment3@noaa.gov
Date: Wed, 12 Nov 2008 15:15:47 -0500
To: Tobey.Curtis@noaa.gov

Subject: Comments on Skate Amendment 3
From: saklob@aol.com
Date: Mon, 10 Nov 2008 10:32:56 -0500
To: SkateAmendment3@noaa.gov
CC: FVCaptainRobert@aol.com, lobster2@cox.net, isolusine@hotmail.com, rkbufs@aol.com

Ms. Patricia Kurkul
NMFS - NERO
1 Blackburn Drive
Gloucester, MA 01930

10 November 2008

Dear Ms. Kurkul,

I am a commercial lobsterman fishing in Area 2 out of RI. My business along with the businesses of all other full-time lobstermen in this area rely on little skates as bait in order to continue profitable (most of the time) operation. **I feel it is unfair to the skate bait fishery to be lumped into this amendment since little skates are not overfished and clearly this amendment should be aimed at the fisheries that target smooth, thorny, and winter skates.**

Landings of wing skates have increased greatly in the last few years. Therefore using the 2005-07 period in reaching an allocation decision would be unfair to the bait fishery which has had stable landings for the 95-06 landings period. **Using the 05-07 period would be rewarding the primary offenders in this skate issue since effort/landings of the overfished species have increased and therefore overfishing the stocks in question.** If fishermen in the wing fishery weren't severely limited in what species they could catch, then less effort may have been directed to catching wings; in their eyes one of the few profitable endeavors left for them. I support using the 95-06 landings period.

Management should heavily consider the impacts new laws and amendments will have on other fisheries since closing/reducing the effort in one fishery almost undoubtedly increases the effort in another less restricted fishery. Also, since the lobster fishery heavily relies on skates as bait, the effects of this amendment on the lobster industry should be considered more strongly. If we don't have skates, we will not be able to fish for lobsters.

Applying a TAL to the wing fishery *alone* makes more sense in reducing the overfishing of thorny, smooth, and winter skates.

Increasing the number of monkfish days and setting a limit (500lb whole/220lb wing) on how many

#10

Subject: Fwd: Comments on Skate Amendment 3
From: SkateAmendment3@noaa.gov
Date: Wed, 12 Nov 2008 15:14:58 -0500
To: Tobey.Curtis@noaa.gov

Subject: Comments on Skate Amendment 3
From: David Spencer <drspencer1@gmail.com>
Date: Mon, 10 Nov 2008 14:17:05 -0500
To: SkateAmendment3@noaa.gov

Dear Ms. Kurkul,
Please find below my comments on Skate Amendment 3. I will restrict my comments to only the bait skate fishery.

Before I select an option to support, I would add a word of caution. Any socio-economic study of these measures should take into account the impact not only on the bait skate fishery but on the entire lobster fishery as well. The implications of these management measures may have very far reaching effects on two fishing sectors. This is a unique situation given the dependency of the lobster fishery on the bait skate fishery.

I support Option 4 managed on a trimester basis. I prefer a single quota on a trimester under this option because it would eliminate any derby fishing. The three season quota will increase the probability of a more continuous supply of bait thereby avoiding spikes in the price of bait and possible price gouging. Any of the other options contain possession limits that would not allow the directed bait skate boats to leave the dock. The amount of allowable skate possession would not render enough income to make it a financially viable business. The directed bait skate fishery is the main source of bait to the lobster industry. The small boat fleet will not be able to supply enough skate. Having a trimester quota rather than a possession limit allows **BOTH** large and small skate boats to remain financially solvent during the rebuilding process.

I prefer the TAL allocation period of 1995-2006. A longer time period is always desirable as it more accurately captures true effort. The shorter the time frame, the more susceptible the data is to short term spikes or trends.

Given that all of the options achieve the same results, I believe that Option 4 managed on a trimester gives the bait skate industry the most flexibility. Common sense would dictate that if all options achieve similar conservation benefits then the option with the most flexibility and the least amount of disruption to industry should be selected. That option is #4.

Thank you for the opportunity to comment.,
David Spencer

Comments on Skate Amendment 3.eml **Content-Type:** message/rfc822
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Fwd: (no subject)

#17

Subject: Fwd: (no subject)
From: SkateAmendment3@noaa.gov
Date: Wed, 12 Nov 2008 15:14:40 -0500
To: Tobey.Curtis@noaa.gov

Subject: (no subject)
From: LAD0626@aol.com
Date: Mon, 10 Nov 2008 14:37:07 -0500 (EST)
To: SkateAmendment3@noaa.gov

Patricia Kurkul, Regional Director
NMFS Regional Office
55 Great Republic Drive
Gloucester, MA 01930

Dear Ms. Kurkul,

I am writing to you as president of the Rhode Island Lobstermen's Association (RILA) and the Area 2 LCMT Chairman. RILA represents approximately eighty large and small scale lobster fishing businesses, bait dealers, gear suppliers and lobster wholesalers. The consequences to these business and the shore side infrastructure could be profound if amendment 3 was to go forward without proper consideration of the lobster industry needs.

I would like to support Alternative 4 with a trimester approach within the annual quota. This approach would cause the least amount of disruption to the lobster industry and also for the bait fishers and dealers who depend on the skate resource for their livelihood. Thank you for the opportunity to comment and for your careful consideration of the lobster industry.

Sincerely,

Lanny Dellinger
President
Rhode Island Lobstermen's Association

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#18

Subject: Fwd: comments on skate amendment 3
From: SkateAmendment3@noaa.gov
Date: Wed, 12 Nov 2008 15:16:09 -0500
To: Tobey.Curtis@noaa.gov

Subject: comments on skate amendment 3
From: FVCaptainRobert@aol.com
Date: Mon, 10 Nov 2008 09:49:58 -0500 (EST)
To: SkateAmendment3@noaa.gov
CC: FVCaptainRobert@aol.com

Dear Ms. Kurkul,

Please accept the following points as an addition to my previously submitted comment as apparently I cut out a page of my notes....

- One important point in all of this is to take a look at the table 46 of the Safe report (P. 203). If you assume that the 50 % dead discard rate is correct then estimated discards have declined by approximately 66 % in the last seven years. This means that discards have declined from 47,995 MT to 15,372 MT or 71,770,600 lbs. If 50 % are assumed dead, then 50 % are also alive, which means that the system has protected 36 million lbs. in the last seven years.
- To make matters worse, there is insufficient information to forecast rebuilding (P. 26), which make all of this that much more suspect and impractical.
- "Discards are still not identified by species" (all points from P. 24, # 4 unless noted otherwise);
- More discarded skates survive than estimated 50%.
- "60 % of the landing are unclassified by species";
- "Some landings are misidentified, both in the bait fishery and wing fishery";
- "No approved analytical assessment";
- The proposal also estimates the state water catch of skates at 1.9 % so I think there should be a higher allotment for State waters.
- Make a motion for a control date, most of the species are overfished or have overfishing taking place and redirection of effort is a major problem, particularly from Sector vessels.
- I would suggest a control date, most of the species are overfished or have overfishing taking place and redirection of effort is a major problem, could exacerbate skate problem.
- I do not feel an aggregate TAC is appropriate for a data poor complex fishery, separate out bait fishery.

Thank You.

Sincerely,

Michael L. Marchetti

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comments on skate amendment 3.eml

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NORTHEAST SEAFOOD COALITION

November 10, 2008

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

RE: COMMENTS ON SKATE AMENDMENT 3

Dear Pat,

The Northeast Seafood Coalition (NSC) supports Alternative 3B contained in the DEIS for Amendment 3 to the skate fishery management plan.

NSC members interact with one or more of the skate species at differing levels. For some NSC members the level of interaction is minimal, near zero interaction / small level of bycatch, while for others the fishery constitutes a directed fishery for some of the skate species.

NSC views the skate time area closure options unacceptably complicated, especially when viewed in conjunction with the large number of management areas that currently exists for the groundfish fishery (permanent closures, seasonal closures, differential DAS areas, US/CA areas, etc.). We believe that the time area closures proposed in Amendment 3 would place a very difficult burden on fishermen and enforcement personnel.

Therefore, NSC favors Alternative 3, version 3B, which utilizes the "Target TAC" approach / payback provision. Our rationale is to avoid zero possession periods that result in economic waste and little fishery statistics value. Once the skate fishery were reduced to the 500 lb bycatch possession limit it is likely that the wing value may reach a level that would promote full retention while providing accurate bycatch CPUE for fishery dependent data collection. Perhaps this method (3B) will mitigate, to some extent, the apparent forfeiture of any ability to achieve OY inherent in the method chosen for the setting of the TAL relative to the ACL in the Amendment 3.

In regard to the allocation options, although NSC recognizes the critical importance of the bait component of this fishery, the NSC would generally support an allocation method that favors the wing / food component of the fishery.

Lastly, we understand that there is support for Alternative 4 by participants in the bait fishery. If so, then NSC would also support a management approach that would apply the measures in Alternative 3B to the wing fishery and the measures in Alternative 4 to the bait fishery.

NSC appreciates the opportunity to provide comment on the development of these management measures.

Sincerely,

Jackie Odell

Jacqueline Odell, Executive Director

4 Parker Street Gloucester, MA 01930 Tel: (978) 283-9992 Fax: (978-283-9959)
62 Hassey Street New Bedford, MA 02740

#20

Hannah Boden Corp
1 Water Street
Fall River MA 02721

National Marine Fisheries Service
Gloucester MA 01930

Re: Comments on Skate Amendment 3

To Whom It May Concern:

I am writing on behalf of Hannah Boden Corp. in response to the Council's request for public comments on Amendment 3 to the Northeast Skate Complex. I have been an offshore lobsterman for over ten years and have depended on skate as my primary choice for bait. Any other fish degrades too quickly therefore my comments are stated below.

I support Alternative 4 with a quota for skate bait because...

- The possession limits in the other alternatives are too small, so small that it wouldn't be economically feasible for the skate bait fishermen to leave the dock.
- Impacting the skate bait fishery also impacts the offshore lobster industry; if skate is not available, the offshore lobster industry will be forced to use the same bait as the inshore fleet and that would surely create a big problem, such as shortage of bait throughout the lobster industry, as well as create an opportunity for price gauging.
- According to the document (page 4), all of the alternatives are intended to achieve the same goals, therefore it would be wrong for the Council/NMFS to choose an option that severely impacts several different fisheries when one can be chosen that allows fishermen to go fishing.
- Finally, I support the longer time series for skate review from 1995-2006 (it gives a higher TAC to the skate guys), because the other time series is only 2 years and it is not a reliable forecaster for the resource or the fishery.

I thank you for this opportunity to comment on this important issue.

Sincerely,

Jonathan Williams
President
Hannah Boden Corp

#21

Little Bay Lobster

158 Shattuck Way, Newington NH | 603-431-3170 | www.littlebaylobster.com

November 10 2008

Patricia Kurkul, Regional Administrator
National Marine Fisheries Service
Northeast Regional Office
1 Blackburn Drive
Gloucester, MA 01930

Comments on Skate Amendment 3

Dear Ms. Kurkul,

Little Bay Lobster Co. owns and operates eight vessels participating in the offshore lobster fishery. About a third of our lobster trap bait needs are provided by the directed whole skate fishery, with an additional fraction supplied by the wing fishery (skate bodies). We support Skate Amendment Alternative 4 (with allocation Option 2) for these reasons:

- With all Alternatives achieving the Plan's biological objectives, Alternative 4 produces the least harmful economic impact.

Fishery (allocation option 2)	Revenue change Alt 1	Revenue change Alt 2 & 3	Revenue change Alt 4
Whole fishery	(20.9%)	(19.4%)	5.8%
Wing fishery	(20.4%)	(24.2%)	(20.4%)

- The proposed bait fishery trip limits under Alternatives 1 – 3 appear to be economically infeasible under current market conditions.

Bait Fishery	General range of catch	Trip Limit Alt 1	Trip Limit Alt 2	Trip Limit Alt 3	Trip Limit Alt 4
Day fishery	5,000-20,000	6,800	8,200	8,200	(none)
Trip fishery	40,000-50,000	12,100	14,200	14,200	(none)

Little Bay Lobster

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- Alternative 4 minimizes discards.


Fishery (allocation option 2)	Additional discard mortality (lb) Alt 1	Additional discard mortality (lb) Alt 2 & 3	Additional discard mortality (lb) Alt 4
Whole fishery	683,687	487,408	0
Wing fishery	1,035,740	1,745,892	1,035,740

If landings are to be capped under a general fleetwide quota, we support a trimester or quarterly quota system to reduce the incentive to harvest the annual quota as quickly as possible.

We believe Allocation Option 2 more accurately represents historical participation in the fishery, and should be the preferred Option.

Though we use little product supplied from the wing fishery, we encourage the Service to consider alternatives for that fishery which avoid time/area closures. Much of the landings from the wing fishery come from the groundfish fishery, which is already operating under a myriad of time and area restrictions. Adding another layer would add even more regulatory burden to fishermen and law enforcement staff (we believe there are well over 50 named restricted areas in various Northeast and mid-Atlantic fisheries).

Sincerely,



Hank Soule
Little Bay Lobster Co.



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
John Pappardo, *Chairman* | Paul J. Howard, *Executive Director*

Comments For Amendment 3
to the
Skate Fishery Management Plan

Written Comments Received
via Mail, Fax and Email

Comments received after the comment period – November 11, 2008

#22

Subject: Fwd: Re: Re: Fw: Proposed Blanket Closing of Skates
From: SkateAmendment3@noaa.gov
Date: Wed, 12 Nov 2008 15:12:25 -0500
To: Tobey.Curtis@noaa.gov

Subject: Re: Re: Fw: Proposed Blanket Closing of Skates
From: liteangel3367@verizon.net
Date: Tue, 11 Nov 2008 08:51:03 -0600 (CST)
To: SkateAmendment3@noaa.gov

Please consider my comments for pending meetings. I apologize for being a day late, but I had sent this on time as of 10:55 last night, 11/10/08, but had many problems with delivery and was not aware of delivery failure until this morning. Thank you for your consideration and your awareness to my concerns.

Nov 11, 2008 08:05:37 AM, SkateAmendment3@noaa.gov wrote:

Thank you for submitting your comments to NOAA Fisheries Service.

Re: Re: Fw: Proposed Blanket Closing of Skates.eml **Content-Type:** message/rfc822
Content-Encoding: 7bit

#23

Fwd: Re: Proposed Blanket Closing of Skates

Subject: Fwd: Re: Proposed Blanket Closing of Skates
From: SkateAmendment3@noaa.gov
Date: Wed, 12 Nov 2008 15:12:48 -0500
To: Tobey.Curtis@noaa.gov

Subject: Re: Proposed Blanket Closing of Skates
From: TINA JACKSON <liteangel3367@verizon.net>
Date: Tue, 11 Nov 2008 09:04:34 -0500
To: TINA JACKSON <liteangel3367@verizon.net>
CC: SkateAmendment3@noaa.gov

----- Original Message -----

From: TINA JACKSON
To: Skateamendments3@noaa.gov
Sent: Monday, November 10, 2008 10:28 PM
Subject: Proposed Blanket Closing of Skates

DEAR MS. KURKEL:

THIS COMMENT IS TO HOPEFULLY OPEN YOUR EYES TO THE DAMAGE YOU ARE CREATING THROUGHOUT THE FISHING INDUSTRY. NOT ONLY AM I A CONSUMER, SINGLE MOTHER OF FOUR, BUT I AM ALSO LOBSTER WOMAN AND A DRAGGER WOMAN FOR OVER TWO YEARS NOW. I HAVE JUST READ THE BRIEF FROM FV CAPTAIN ROBERT, WHO I KNOW YOU ARE FAMILIAR WITH. IT IS NOT ONLY APPALLING WHAT YOU HAVE DONE TO THE FISHING INDUSTRY SO FAR, BUT EQUALLY OUTRAGEOUS AS TO WHAT YOU CONTINUE TO DO.

WHEN I PULL UP THE NET ON MY BOAT, 70 - 90% OF MY CATCH IS BAIT SKATE. HOW RIDICULOUS THEN IS IT THAT YOU PROPOSE A BLANKET SHUTOFF OF A SPECIES THAT IS IN SO ABUNDANT IN QUANTITY. NOT ONLY AFFECTING THE DRAGGERS IN SUMMER TIME, BECAUSE THEY ARE NOT ALLOWED ANY REASONABLE FLUKE LIMIT, BUT NOW YOU WANT TO PUT ALL THE LOBSTERMEN OUT OF BUSINESS BY TAKING AWAY THE VERY FISH THAT THEY BAIT THEIR TRAPS WITH. AND DON'T GIVE ME "THERE ARE ALTERNATIVES", NOTHING YOU HAVE PROPOSED MAKES ANY SENSE RATIONALLY OR ECONOMICALLY FOR ANYONE OF US. NOT ONLY DOES THIS AFFECT ME AS A CONSUMER, BUT IT ALSO AFFECTS ME A WOMAN WHO MAKES HER LIVING OFF OF CATCHING FISH. IF THIS IS THE CASE, I WANT YOU TO START PAYING MY BILLS. I WANT YOU TO CONSIDER THE VERY DAMAGE THAT YOU ARE DOING TO THE OCEAN. I HAVE LISTENED FOR YEARS ABOUT ALL THE DISINFORMATON YOU PROVIDE WITH YOUR SCIENTIFIC ANALYSIS. IT'S OUTRIGHT ALOT OF GARBAGE. EVERY OBSERVER THAT WE HAVE TAKEN ABOARD OUR BOATS HAS SAID THE SAME THING. THERE IS PLENTY OF FLUKE, PLENTY OF FLOUNDER AND PLENTY OF FISH IN GENERAL AND IF YOU ALLOWED US TO KEEP SOME OF IT, THERE WOULD BE LITTLE OR NO BI-CATCH. YOU THINK FISH MUST BUY REAL ESTATE AND HOMES UNDER THE WATER AND CONTINUALLY GO BACK THE EXACT SAME SPOTS EACH YEAR. THEY ARE WILD ANIMALS. AND IT'S NOT LIKE TRACKING A HERD OF DEER IN A FOREST, THEY ARE UNDER THE WATER AND IT IS A KNOWN FACT THAT WE KNOW THE LEAST ABOUT OUR OCEANS AS WE KNOW ABOUT SPACE AND THE MOON AND THE STARS AND THE PLANETS. YOU ENVIRONMENTALISTS SIT UP THERE ON SUCH A HIGH HORSE THINKING YOU KNOW

WHAT GOES ON. PRETENDING TO BE SAVING THE PLANET. WELL LET ME TELL YOU YOU ARE KILLING MORE FISH AND SPECIES THAN ANY FISHERMAN COULD POSSIBLY HAVE DONE IN A LIFE TIME. BY KEEPING ALL THE LIMITS SO LOW, THERE AN EXHORBATANT AMOUNT OF BI-CATCH THAT DOESN'T LIVE AND THAT MY FRIEND IS BECAUSE OF YOU AND YOUR SO-CALLED ENVIRONMENTALISTS.

NOW I DON'T KNOW ALL THE LEGAL JARGON, BUT I AM THANKFUL THAT THERE ARE PEOPLE LIKE MIKE MARCHETTI FROM THE CAPTAIN ROBERT WHO ARE KNOWLEDGABLE ENOUGH TO MAKE THE NECESSARY POINTS, WHICH YOU WON'T CONSIDER ANYWAY, BUT IT IS TIME FOR ALL FISHERMAN/WOMEN TO COME TOGETHER AND PUT A STOP TO THE RIDICULOUSNESS OF YOUR THEORIES AND DISINFORMATION PROGRAMS TO THE PUBLIC. LETS TAKE THE POGGIE BOATS HERE IN RHODE ISLAND FOR EXAMPLE. EVER SINCE THEY WERE SHUT DOWN, HUNDREDS OF THOUSANDS POGIES WASH UP DEAD EACH SUMMER ON OUR SHORES. IS THAT CONSERVATION TO YOU? WHAT ABOUT THE SCALLOP AREAS THAT WERE SHUT DOWN TO REPOPULATE AND THEN LEFT TO ROT. YEAR AFTER YEAR THEY HAVE CONTINUALLY GROWN ON TOP OF EACH OTHER BECAUSE THEY WERE NOT ALLOWED TO BE FISHED IN A REASONABLE TIME PERIOD SO THAT THEY ARE NOW BEDS OF STINKING ROTTING FISH THAT CAN'T FEED A SINGLE PERSON ON THIS PLANET, LET ALONE OUR OWN NATION. WHO'S POVERTY LEVEL IS ASTRONOMICAL AT THIS POINT. BUT YOU CONTINUE TO SHUT US DOWN AGAIN AND AGAIN SITING ENVIRONMENT, AND OVERFISHING. DO YOU REALLY THINK THE FISHERMEN/WOMEN OF THIS COUNTRY WANT TO PUT THEMSELVES OUT OF BUSINESS? THESE ARE JUST THE TIP OF THE ICEBERG IN THE AMOUNT OF DAMAGE THAT YOU HAVE CAUSED.

I AM SICK AND TIRED OF KNOWING THAT 85% OF OUR FISH COMES FROM OTHER COUNTRIES. AS A MOTHER AND CONSUMER I DO NOT WANT TO FEED MY CHILDREN FISH THAT HAS BEN FROZEN FOUR OVER A MONTH. IF THERE IS EVER A TIME TO STOP SHUTTING DOWN OUR FISHERIES AND PUTTING MORE AMERICANS OUT OF WORK NOW IS THE TIME. WE CAN NO LONGER AFFORD AS A NATION TO CONTINUE TO PUT AMERICAN LIVLIHOODS ON THE LINE. IT IS TIME FOR A CHANGE. A CHANGE IN THE CORRUPTION OF NMFS, AND ALL THAT YOU PRETEND TO STAND FOR AND I WILL BEGIN TO DEDICATE MYSELF AND EDUCATE MYSELF(AND THE PUBLIC) TO THE TRUE NATURE OF WHAT REALLY IS THE TRUTH AND WHAT YOU ARE DOING TO AMERICAN LIVES AS A WHOLE.. I, FOR ONE, WILL NOT STAND BY IDLY BY AND WATCH YOU TAKE AWAY MY HOME AND MY CHILDREN'S HOME THAT I HAVE FOUGHT TOOTH AND NAIL TO KEEP.

I WILL BE SEEING YOU ON THE 14TH AND THE 19TH TO VOICE MY STRONG OPPOSITION TO ANY AND ALL SHUTOFF OF BAIT SKATE AND YOUR FUTURE PROPOSAL OF 3 FOR 1 DAYS AND SHUTTING DOWN FLOUNDER FOR NEXT SEASON.

REGARDS,

TINA JACKSON

Re: Proposed Blanket Closing of Skates.eml

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