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Cc: Paul Howard, Terry Stockwell

John,

As I discussed with you at the SSC meeting, there are a number of problems with the skate management plan. The first part of the problem is that the various skate stocks are being managed as a complex rather than as individual stocks based on their region, and the fisheries in which they are caught. This causes a healthy stock like winter skate to be harvested at a lower level as a sort of counterweight to the lower biomass level of some of the other species in the skate complex. Harvesting less winter will not reduce the harvest of a skate stock like thorny or smooth skate. They do not swim together and are not generally harvested together. This is the fundamental flaw with the concept of managing all skate species as a stock complex. It literally necessitates mismanagement of one skate stock as a means of addressing concerns with another skate stock, despite the fact that they are completely unrelated. This flawed concept has driven the TAC for winter skate down, despite the now robust health of that stock.

A second aspect of the mismanagement of the winter skate stock comes from the implementation process of the present skate management plan. This plan was approved at the Mystic council meeting and was put into effect for fishing year 2010. The daily landing limit and annual TAC are both provided for in the management plan. However, the plan was not finally implemented until the normal times for the bureaucratic and public process had passed. Consequently, while the TAC remains what was approved by the council, the landing limit associated with that TAC did not go into effect for the first 10 weeks of the fishing year. Thus, for 20% of the year this fishery was operating with a landing limit that was double what was proscribed in the plan. We are now approaching 80% of the target established for this fishery which will necessitate the landing limit be dropped from 5,000 lbs to 500 lbs. This will have profound effects not only on the winter skate fishery, but also on the monkfish fishery in southern New England.

Another significant flaw in the skate management plan is the reduction of the landing limit late in the year to avoid exceeding the target. The optimal season for skate price is the spring Lenten season. This is when demand for fresh product is at its peak in the main wing market which is France. By ratcheting down the winter skate fishery in the spring, rather than addressing the TAC overage in a subsequent year, this management plan will likely undermine the position of New England fishers in their number one market for this product.

Winter skate has always been a bycatch stock for the monkfish fishery. However since the fall of 2008 when we first saw the enormous surge in the winter skate biomass, skate bycatch has often exceeded the level of catch for monkfish, despite monkfish being the target species. Since the fall of 2008, a monkfisher prosecuting that directed fishery will likely land between 3,000 and 5,000 lbs of skate per DAS through most of the fall season. This is not because they are being targeted as a side bycatch, but

simply because they are so omnipresent on the grounds due to the enormous biomass of winter skate at this time. Indeed, most fishers are trying to avoid skate to one degree or another because they tend to close one's monkfish nets and make it difficult to catch the more valuable monkfish. Literally every fisher in southern New England is catching a multiple of between 5 and 10 times the skate that has been historically caught in the monkfish fishery. All the while simultaneously trying to reduce that bycatch. Such is the magnitude of the increase in the winter skate biomass.

As a consequence of the new 500 lb. winter skate landing limit, anyone attempting to target monkfish this fall in southern New England will have to accept the need to discard several thousand pounds of skate each day in order to prosecute that fishery. While winter skate of all but the largest size can be removed from a gillnet and discarded in healthy condition, a fisher would be crazy to do that in this scenario. Essentially, he would be liberating the skate to hit his net again the next day. This creates a situation where we can expect regulatory discards of dead winter skate on the order of 3,00 to 5,000 lbs per DAS per vessel.

The most frustrating aspect of this whole process is that the biomass of winter skate is at all time highs. The real cause of the low TAC comes not just from the mismanagement I have laid out above; rather it comes from the fact that we are managing the winter skate stock with data that is now two years old. The present TAC for this fishery is established based on the fall survey data from 2008. To add insult to injury, the fall 2008 trawl survey is good science, it shows the beginning of the spike in the winter skate biomass that we began seeing in our nets in the fall of 2008. I am confident that if the fall 2009 trawl survey data were available, as it most certainly should be now 8 months later; this problem would be largely solved.

The real crux of the problem with this fishery and with most fishery management plans in New England is that the data our management teams are working with is too old. Our management process is constantly behind the curve precisely because our managers are forced to work with science and data that is out of date. Many in the fishing community complain that the science is no good. However, a closer examination of our situation reveals that much of the science is actually quite good, it is just old and no longer of real value. In the case of a rapidly changing stock status, old science is effectively bad science, and generally will be quite destructive. This is the core problem. Our fisheries management system will not be able to succeed if the scientific and assessment data we have spent so much time and money to acquire continues to enter our fisheries management process so woefully late.

Winter skate offers a perfect example of how good science that is 2 years old will lead to a disastrous fishery management plan. The fall trawl survey or 2008 perfectly nails what is happening with the skate biomass, the problem is that it is now the second half of 2010 and we are still using science from 2008. This type of science has very real temporal relevance.

The frightening prospect that this raises is that this may be a harbinger of what is to come as we switch to quota management and begin to rebuild our stocks. Old science will lead to lower and inadequate allocations of bycatch stocks which will force the closure of a directed fishery. This is exactly what is

happening with skate and monkfish fisheries without the closure that a quota management system would produce.

This use of old science caused much of the failure of DAS management. AS stocks declined our management system was always behind the curve and always underestimated the rate at which stocks were dwindling. This led to a never ending series of reductions which ultimately never were adequate because they were always based on science that described "what was" rather than something that more closely approximated "what is". Using outdated or old science in an environment of increasing biomass will have the opposite problem and lead to the types of closure I previously described. Essentially, our management system and its preponderant use of old science is only equipped to manage stocks which are maintaining the status quo and changing very little and very slowly. Sadly, this is one set of conditions which we all know will never exist.

I hope you will take the opportunity of the September council meeting to address the problem in the skate management plan in specific, and the problem associated with the use of old science in general. I believe the winter skate/monkfish situation is a harbinger of what is to come for all fisheries in which there is a bycatch of another stock which is increasing in biomass. Old science, in the case of winter skate, is causing us to effectively close not one, but two fisheries. Both of whose stocks are perfectly healthy. We should hold out no hope for successful fisheries management in New England so long as we continue to accept the use of old science in our management process.

Ted Platz