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New England Fishery Management Council

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John Pappalardo, *Chairman* | Paul J. Howard, *Executive Director*

MEMORANDUM

DATE: January 26, 2009
TO: Skate Oversight Committee
FROM: Skate PDT
SUBJECT: Skate ABCs, updated reference points, and management recommendations

Using new catch time series developed by the Data Poor Assessment Workshop (DPWS), the PDT has been unable to find much technical support for using the catch/biomass median as the basis for setting an ABC and ACL. In lieu of this choice, the PDT offered five options that the SSC might choose for setting an ABC, with pros and cons of each choice (see attached memo from the PDT to the SSC). Depending on which option the SSC chooses, the existing Amendment 3 management alternatives may or may not achieve the TAL, or need some adjustment to do so. On the other hand, the existing management alternatives may on paper be insufficient to reduce landings to the TAL, but the TAC and accountability measure alternatives could act as an acceptable backstop.

In addition, the DPWS recommends updating the biomass thresholds and targets with survey data collected during the last decade. To do this, the PDT has determined that either a framework adjustment or amendment is needed to change the 'selected time series' that is hardwired into the FMP. The effects of these changes are explained in the attached memo from the PDT to the SSC. If the changes are accepted and approved, smooth and winter skate would not have been overfished. Biomass for these species has not dipped below the proposed threshold since 1997. The status of thorny skate would be unchanged. Landings of thorny skate are already prohibited but port agents have recently observed thorny skates in landings (8-10% of wing landings in some ports). More enforcement of existing skate regulations could minimize mortality and enhance rebuilding prospects.

The Skate PDT recommends that if the DPWS recommendation is accepted, that the Council change the skate biological reference points through Amendment 3, while setting the ABC and choosing management measures accordingly.

Changes in TAL and the effect of new discard estimates

During the development of Amendment 3, the perception was that discards had declined by 65% since 2002 and were being successfully managed through regulations in fisheries that have a significant skate bycatch. New discard estimates, however, indicate that 2007 discards are the highest since 2003 and may be increasing. As a result, the proportion of catch attributable to discards has increased from 38% (corrected) using Draft Amendment 3 data to 58-59% using the DPWS data, the average 2005-2007 discard rate, and an assumption that 50% of discards perish. As in the April 2008 SSC review, the recent discard rate would be deducted from the target catch level to determine a TAL, which would be further allocated to the skate bait and wing fisheries. Using the new discard estimates, the updated TALs are much lower (7,328-7,786 mt) than previously estimated (10,484 mt corrected) assuming that the discard rate remains constant.

Effects of new catch estimates and recent management actions on Amendment 3 alternatives

While the Interim Groundfish Action will certainly have an effect on skate discards, it is too early to determine the magnitude of those potential effects. Targeting of skates could however increase through new exempted fishery programs, as yet to be defined sector management, or unforeseen responses by fishermen. While overall skate discards may decline via the Interim Action or Amendment 16, spatial shifts in effort could increase discarding, particularly of thorny skate in the Gulf of Maine.

In the meantime, it would be a reasonable goal for amendments of other management plans to reduce skate discards by 50% from 2007 levels in regulated fisheries, and to approve Special Access Programs (SAPs) in the groundfish, scallop, and other fisheries only when skate discards are not higher than normally occur outside of a proposed SAP. The Council should also reconsider the proposed gear restricted areas.