



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
55 Great Republic Drive
Gloucester, MA 01930-2276

Small Entity Compliance Guide

JUN 15 2010

Northeast Skate Fishery Regulations and 2010-2011 Specifications

Dear Northeast Skate permit holder:

This letter announces the implementation of new management measures for the skate fisheries consistent with the requirements of Amendment 3 to the Northeast Skate Complex Fishery Management Plan (Skate FMP), including a new annual catch limit (ACL), accountability measures (AMs), total allowable landings (TAL), possession limits, and seasonal quotas.

Effective July 16, 2010, through April 30, 2011, the ACL for skates, including landings and discards, is 90.566 million lb. According to the ACL framework implemented in Amendment 3, which includes deductions for scientific and management uncertainty, annual skate discards, and landings by state-permitted vessels, the Federal TAL for skates is 30.530 million lb. This TAL is allocated to the skate wing and bait fisheries as follows:

- Skate Wing Fishery TAL (66.5 percent) = 20.302 million lb (live weight).
- Skate Bait Fishery TAL (33.5 percent) = 10.227 million lb (live weight).

In order to possess and land skates from the EEZ portion of the Skate Management Unit, vessels must continue to carry a valid open access Federal Skate Permit. All skate landings will be applied to the appropriate TAL. Weekly quota reports, showing cumulative landings for each fishery, are available for viewing on the Northeast Regional Office (NERO) website: www.nero.noaa.gov.

Skate Wing Fishery Seasons and Possession Limits

Vessels fishing on a Northeast (NE) Multispecies, Scallop, or Monkfish Day-at-Sea (DAS) may possess and land up to 5,000 lb of skate wings (11,350 lb whole weight) per trip, with the exception that vessels fishing on a NE Multispecies Category B DAS (regardless of gear type) may only possess 220 lb of skate wings (500 lb whole weight) (Table 1).

Vessels not fishing in any DAS program, including NE multispecies sector vessels, may possess and land an incidental limit of 500 lb of skate wings (1,135 lb whole weight) per trip, as long as they possess a valid skate permit. Sector vessels that wish to land the higher trip limits described above must use a DAS.

When 80 percent of the Skate Wing TAL is landed, the Regional Administrator will reduce the 5,000-lb skate wing possession limit to the incidental limit of 500 lb of skate wings (1,135 lb whole weight) for the remainder of the fishing year, provided that doing so would not prevent the TAL from being attained.



Skate Bait Fishery Seasons and Possession Limits

Vessels with a valid Skate Bait Letter of Authorization (LOA) may possess and land up to 20,000 lb of whole skates per trip (Table 1), provided the vessel complies with all of the requirements of the Skate Bait LOA, which includes that no skates on board measure greater than 23 inches in total length. Vessels fishing with a Skate Bait LOA must fish on a NE Multispecies, Scallop, or Monkfish DAS, unless they are fishing in one of the skate fishery exemption areas defined in the NE multispecies regulations. Skate Bait LOAs may be requested from the NERO Permits Office at any time (978-281-9370).

The Skate Bait TAL is divided into three seasons to help maintain a supply of bait across the fishing year. The seasons and their respective quotas are as follows:

- Season 1: May 1–July 31. Quota = 30.8% of the Bait TAL = 3.150 million lb
- Season 2: August 1–October 31. Quota = 37.1% of the Bait TAL = 3.794 million lb
- Season 3: November 1–April 30. Quota = Remainder of Bait TAL = ~3.283 million lb

When 90 percent of the seasonal quota is landed in either Season 1 or 2, or when 90 percent of the annual Skate Bait TAL is landed, the Regional Administrator will close the directed fishery by reducing the skate bait possession limit to the whole weight equivalent of the skate wing possession limit in effect at that time (either 11,350 or 1,135 lb) for the remainder of the season or fishing year, provided that doing so would not prevent the TAL from being attained.

Accountability Measures

If skate landings exceed the Skate Wing TAL or Skate Bait TAL by more than 5 percent in a fishing year, the inseason possession limit trigger (80 percent in the wing fishery, 90 percent in the bait fishery) will be reduced 1 percent for each 1-percent overage. For example, if skate wing landings exceed the Skate Wing TAL by 10 percent, the inseason trigger would be reduced from 80 percent to 70 percent in the next fishing year.

If it is determined that total skate catch (landings plus discards) in a given year exceeds the ACL, then the 25-percent uncertainty buffer between ACL and the annual catch target (ACT) will be increased by 1 percent for each 1-percent overage. For example, if the ACL is exceeded by 5 percent, the buffer between the ACL and ACT would be increased from 25 percent to 30 percent in the next fishing year, possibly resulting in a lower TAL.

We encourage all vessels to make efforts to reduce skate bycatch and discards when possible, which will reduce the risk of exceeding the ACL and impacting the level of future allowable landings.

Prohibited Species

Possession and landing of **barndoor**, **thorny**, and **smooth** skates continues to be prohibited. Skate species identification guides are available on the NERO web site.

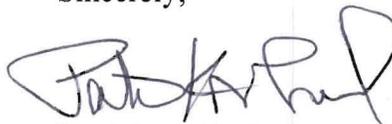
Table 1. Skate possession limits during open fishing seasons.

	Skate Wing Trip Limit (lb)	Whole Skate Trip Limit (lb)	Whole Skate Bait Trip Limit w/ LOA (lb)
NE Multispecies, Scallop, or Monkfish DAS	5,000	11,350	20,000*
NE Multispecies B DAS	220	500	500
Non-DAS	500	1,135	1,135

* This limit also applies to vessels fishing in an approved Skate Fishery Exemption Area defined in the NE Multispecies regulations.

This letter does not contain all the regulatory provisions that pertain to the Northeast skate fishery, and is not a substitute for the regulations. A copy of the regulations can be obtained through NOAA's National Marine Fisheries Service NERO web site: <http://www.nero.noaa.gov>. If you have further questions, please contact the Sustainable Fisheries Division at (978) 281-9315.

Sincerely,



Patricia A. Kurkul
Regional Administrator

This small entity compliance guide complies with Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996.