



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
NORTHEAST REGION  
One Blackburn Drive  
Gloucester, MA 01930-2298

JUL 21 2008

Paul J. Howard, Executive Director  
New England Fishery Management Council  
50 Water Street, Mill 2  
Newburyport, MA 01950

Dear Paul:

By this letter, NOAA's National Marine Fisheries Service (NMFS), on behalf of the Secretary of Commerce, is notifying the New England Fishery Management Council (Council) that it has been determined that smooth skate (*Malacoraja senta*) is overfished, and thorny skate (*Amblyraja radiata*) is now subject to overfishing (see Attachment).

According to the Northeast Skate Complex Fishery Management Plan (FMP), smooth skate is considered to be in an overfished condition when the 3-year moving average of the autumn trawl survey mean weight per tow falls below  $\frac{1}{2}$  of the 75<sup>th</sup> percentile of the survey time series from 1963-1998 (0.16 kg). Based on information provided by Dr. Nancy Thompson, Director of the Northeast Fisheries Science Center (Center), the 3-year average for 2005-2007 is 0.14 kg/tow, which is less than the 0.16-kg/tow threshold. Smooth skate is therefore considered to be overfished.

Thorny skate is considered to be subject to overfishing when the percent decline between consecutive 3-year moving averages of the autumn trawl survey mean weight per tow is 20 percent or more. Based on information provided by the Center, the 3-year mean weight per tow for thorny skate was 0.42 kg during 2005-2007, which is a 23.7-percent decline from 0.55 kg during 2004-2006. Thorny skate is therefore subject to overfishing.

The Center also provided new preliminary spring trawl survey data for 2006-2008 (5.04 kg/tow), which indicate that overfishing of little skate (*Leucoraja erinacea*) is likely not occurring (see Attachment).

Pursuant to Section 304(e)(3) of the Magnuson-Stevens Fishery Conservation and Management Act, the Council is required, within 1 year of this notice, to prepare an FMP amendment to address the overfished condition of smooth skate and to rebuild the stock, and to develop management measures to end overfishing of thorny skate. However, given that current regulations implemented under the Skate FMP already prohibit the possession of thorny skates throughout the Northeast Region, and smooth skates in the Gulf of Maine Regulated Mesh Area, and that an amendment to the Skate FMP is currently under development (Amendment 3), I recommend that these new stock status determinations be



addressed within the scope of the amendment in progress. Specifically, the objectives of Amendment 3, originally intended to implement a rebuilding program for winter skate and contribute to the rebuilding of thorny skate, would now also incorporate a rebuilding program for smooth skate and measures to end overfishing of thorny skate.

Additional analyses may be necessary in order to demonstrate that the alternatives under consideration will address the rebuilding of smooth skates, in addition to the other species in need of rebuilding. The amendment would also be required to formalize the rebuilding schedule for smooth skate. Presumably, these potential changes would not further delay the completion of Amendment 3, and would be reviewed by the Skate Oversight Committee prior to presentation to the Council.

Please contact me if you have any questions with these revised status determinations.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patricia A. Kurkul', written in a cursive style.

Patricia A. Kurkul  
Regional Administrator

#### Attachments

cc: J. Pappalardo  
C. Kellogg  
A. Applegate