



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

August 18, 2003

SMALL ENTITY COMPLIANCE GUIDE

Dear Permit Holder:

New regulations implementing the Northeast Skate Complex (Skate) Fishery Management Plan (FMP) have been approved and take effect on September 18, 2003. The new regulations are designed to manage and prevent overfishing of the skate fishery resources. The regulations include management measures, a summary of which follows, and other measures for administrative and enforcement purposes.

Important note: ALL Northeast (NE) federally permitted vessels currently subject to reporting requirements must report all discards of skates, according to the size class of skates, on their Vessel Trip Reports (VTR)--see reporting requirements section below.

OPEN ACCESS PERMITS FOR SKATES

Beginning with the effective date of the skate regulations, any vessel that fishes for, catches, possesses, transports, lands, sells, trades, or barter skates in or from the Exclusive Economic Zone (EEZ) portion of the Skate Management Unit (see below) is required to obtain an annual Federal skate permit (open access). Restrictions on the possession and landing of certain skate species apply, as well as provisions related to the transfer of skates at sea (see "Possession Limits," "Species Prohibitions," and "Skate Bait Transfers At Sea" below). Detailed instructions on obtaining a skate permit will be provided in a forthcoming permit holder letter.

SEAFOOD DEALER PERMITS FOR SKATES

Any dealer receiving for purchase skates caught in or from the EEZ portion of the Skate Management Unit (see below) is required to obtain an annual skate dealer permit. Detailed instructions on obtaining a skate dealer permit will be provided in a forthcoming permit holder letter.



SKATE MANAGEMENT UNIT

The Skate Management Unit comprises the area of the Atlantic Ocean from 35/15.3' N. lat., the approximate latitude of Cape Hatteras Light, North Carolina, northward to the U.S.-Canada border, extending eastward from the shore to the outer boundary of the EEZ and northward to the U.S.-Canada border.

FISHING YEAR

May 1 through April 30 of the following year.

NE SKATE COMPLEX

The following species of skates comprise the NE skate complex and are included under the Federal skate permit: Winter skate (*Leucoraja ocellata*); barndoor skate (*Dipturus laevis*); thorny skate (*Amblyraja radiata*); smooth skate (*Malacoraja senta*); little skate (*Leucoraja erinacea*); clearnose skate (*Raja eglanteria*); and rosette skate (*Leucoraja garmani*).

SKATE WING POSSESSION LIMITS

Skates obtained by federally permitted vessels from the Skate Management Unit can only be landed while fishing on a NE multispecies, scallop, or monkfish day-at-sea (DAS), unless operating under the skate bait exemption program (see below).

On fishing trips that last no more than 24 hours (only one trip landing allowed each calendar day), federally permitted skate vessels may retain and land up to 10,000 pounds of skate wings (22,700 pounds whole weight). For trips that last longer than 24 hours, skate vessels may retain and land skate wings up to 20,000 pounds (45,400 pounds whole weight) per trip. The DAS call-in programs (NE multispecies, scallop, and monkfish) will be used to determine whether a vessel's trip is less than or greater than 24 hours.

SPECIES PROHIBITIONS

The possession of barndoor and thorny skates throughout the Skate Management Unit, as well as smooth skates taken in or from the Gulf of Maine Regulated Mesh Area, is prohibited for all vessels fishing, and all dealers who purchase skates caught, in the EEZ portion of the Skate Management Unit.

BAIT-ONLY EXEMPTION PROGRAM

A skate vessel owner/operator issued a Federal skate permit may request and receive from the Regional Administrator an exemption from the skate wing possession limits, in the form of a Letter of Authorization (LOA), provided: (1) The LOA recipient possesses and/or lands only whole skates less than 23 inches total length for use as bait only; (2) the LOA recipient complies with the transfer at sea provisions; and (3) the LOA recipient remains in

the exemption program for at least 1 month. To enroll and/or withdraw from the exemption program, call the permit office at (978) 281-9370.

The skate wing possession limits apply to vessels that fish for skate wings and/or any combination of skate wings and whole skates.

RECORDKEEPING AND REPORTING REQUIREMENTS

The owner or operator of any vessel issued a Federal skate permit to land skates, and seafood dealers who purchase skates are required to report all species, including the skate species landed and purchased. Species of skates shall be identified according to the following categories: Winter skate, little skate, little/winter skate, barndoor skate, smooth skate, thorny skate, clearnose skate, rosette skate, and unclassified skate. All discards of skates shall be reported according to two size classes: Large skates (greater than or equal to 23 inches total length) and small skates (less than 23 inches total length). All other vessel and dealer reporting requirements remain unchanged.

A detailed skate identification (ID) guide is attached to aid in the collection of species-level information on skates and to ensure that prohibited species of skates are not retained on board (see "Species Prohibitions" section). The VTR species codes for each skate species appear on this ID guide. For vessel owners/operators, additional details on VTR guidelines are enclosed with this letter.

Based on the best available information, NOAA Fisheries has determined that the species most likely to be encountered in the directed wing fishery are winter skates (also known as big skate, spotted skate, and eyed skate). In addition, the majority of the species encountered in the skate bait fishery are believed to be little skates and, to a lesser extent, juvenile winter skates. Additional information regarding skate reporting requirements while participating in a skate bait transfer at sea is indicated below.

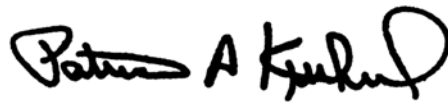
SKATE BAIT TRANSFERS AT-SEA

Vessels and vessel owners/operators issued Federal skate permits may transfer at sea skates taken in or from the EEZ portion of the Skate Management Unit provided: (1) The transferring vessel possesses on board an LOA (see "Bait-only Exemption Program" above); (2) the vessel and vessel owner or operator comply with the requirements of the skate bait exemption program; (3) the transferring vessel maintains a record of the quantity of skates transferred according to the current logbook reporting requirements; and (4) the transferring vessel provides the receiving vessel documentation showing the date and the amount of skates transferred, regardless of monetary exchange, and the transferring vessel maintains onboard, for a minimum of 1 year from the date of the transfer, a copy of the documentation.

This letter is only a summary of the skate fishery regulations at 50 CFR part 648, subpart O. To read the requirements in their entirety, I strongly suggest that you request a complete copy of the regulations by calling the Sustainable Fisheries Division at 978-281-9315, or by accessing the Federal Register through our Internet home page at <http://www.nero.noaa.gov/ro/doc/com.html>. For permitting related questions, contact the Northeast Region's permit office at 978-281-9370.

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

Sincerely,



Patricia A. Kurkul
Regional Administrator

Enclosures:

- 1) Skate Species ID Guide
- 2) Skate Bait Exemption Program flyer
- 3) VTR information flyer or dealer flyer