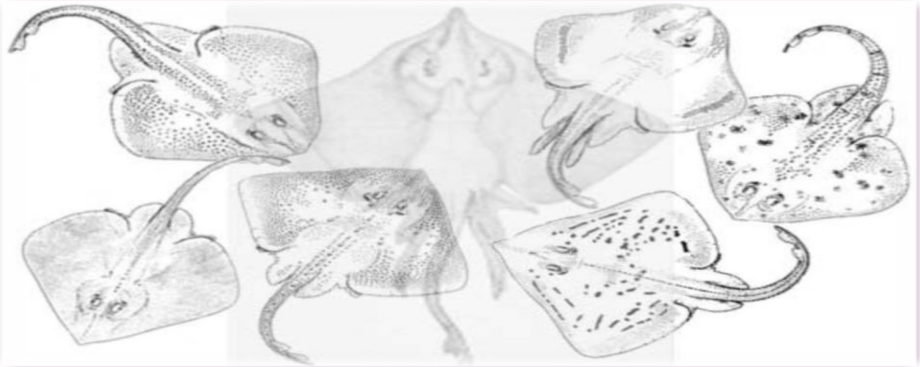
Northeast Skate Complex

Fishery Management Plan

2026 – 2028 Specifications

Including a Supplemental Information Report, Regulatory Impact Review and Initial Regulatory Flexibility Analysis



Final Submission

February 11, 2026

Prepared by the

New England Fishery Management Council

In consultation with the

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New England Fishery Management Council

NOAA

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2026-2028 SPECIFICATIONS FOR THE NORTHEAST SKATE COMPLEX FISHERY MANAGEMENT PLAN

Proposed Action: Propose skate fishery specifications for fishing years 2026-2028.

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Abstract: The New England Fishery Management Council, in consultation with NOAA's National Marine Fisheries Service, has prepared specifications for the Northeast Skate Complex Fishery Management Plan, which includes a Supplemental Information Report. The proposed action focuses on setting specifications for fishing years 2026-2028. This document addresses the requirements of the Magnuson-Stevens Fishery Conservation and Management Act, the National Environmental Policy Act, the Regulatory Flexibility Act, and other applicable laws.

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1.3 ACRONYMS

ABC	Acceptable biological catch	MPA	Marine protected area
ACL	Annual catch limit	MRIP	Marine Recreational Information Program
AM	Accountability measure	MSA	Magnuson-Stevens Fishery Conservation and Management Act
AP	Advisory Panel	MSY	Maximum sustainable yield
B_{MSY}	Biomass that would allow for catches equal to MSY when fished at the overfishing threshold (F_{MSY})	NAO	NOAA Administrative Order
BiOp	Biological Opinion, a result of a review of potential effects of a fishery on protected resource species	NEFMC	New England Fishery Management Council
CEQ	Council on Environmental Quality	NEFOP	Northeast Fisheries Observer Program
CFR	Code of Federal Regulations	NEFSC	Northeast Fisheries Science Center
DPS	Distinct Population Statement	NEPA	National Environmental Policy Act
EA	Environmental assessment	NMFS	National Marine Fisheries Service
EFH	Essential fish habitat	NOAA	National Oceanic and Atmospheric Administration
EO	Executive order	OFL	Overfishing limit
ESA	Endangered Species Act	OMB	Office of Management and Budget
FEIS	Final environmental impact statement	PDT	Plan Development Team
FMP	Fishery management plan	PRA	Paperwork Reduction Act
FW	Framework Adjustment	RFA	Regulatory Flexibility Act
FY	Fishing year	SIR	Supplemental Information Report
GARFO	Greater Atlantic Regional Fisheries Office	SSC	Scientific and Statistical Committee
IFM	Industry-funded monitoring	TAL	Total allowable landings
ITS	Incidental Take Statement	VEC	Valued ecosystem component
MMPA	Marine Mammal Protection Act	VTR	Vessel trip report

2.0 PURPOSE OF THIS SUPPLEMENTAL INFORMATION REPORT

The purpose of this supplemental information report (SIR) is to determine if the proposed fishing year (FY) 2026-2028 skate specifications will require a supplement to the environmental assessment (EA) that was prepared for Framework Adjustment 12 (FW 12) to Northeast Skate Complex Fishery Management Plan (NEFMC 2024b), as required by the National Environmental Policy Act (NEPA). Through FW 12, FY 2024-2025 skate specifications were set, skate wing possession limits were increased, possession of barndoor skate was increased, and possession of smooth skates was allowed.

In determining the need for additional analysis under NEPA, the New England Fishery Management Council (Council) considered and has been guided by NOAA's Policy and Procedure for Compliance with NEPA (Companion Manual, June 30, 2025) and applicable case law. The Council and the National Marine Fisheries Service (NMFS) have analyzed the proposed action and its impacts, in addition to those analyzed in FW 12. This document describes the proposed action and compares it to the alternatives and analyses presented in Framework Adjustment 12. It then considers whether there are any substantial changes or significant new circumstances or information that are relevant to environmental concerns and could affect the proposed action or its impacts. Based on these analyses, the FW 12 EA does not require supplementation.

For the consideration of new circumstances and information, the following have been consulted: the Council, Skate Plan Development Team (PDT), Skate Committee and Advisory Panel, the Greater Atlantic Regional Fisheries Office (GARFO) Protected Resources and Sustainable Fisheries Divisions, GARFO Environmental Analyses and NEPA Program, and Council habitat staff.

3.0 PROPOSED ACTION

The proposed action would set the skate specifications for FY 2026-2028. The first two years of the specifications (FY 2026-2027) would be set according to the acceptable biological catch (ABC) control rule and the specifications setting formula (Figure 1) established through Amendment 3 (NEFMC 2009) but with updated data.

The proposed action would also set specifications for FY 2028 to increase flexibility. Skate regulations indicate that specifications are set for a period of up to two fishing years (50 CFR 648.320(a)(4)). The Council has traditionally recommended skate specifications at two-year intervals, but recent reductions in federal agency resources have highlighted a potential need for increased flexibility in management and regulatory processes. In early February 2026, the Council submitted the final submission of a concurrent Omnibus Management Flexibility Amendment that, in part, would allow extending the time-period for setting skate specifications for up to five years. This specifications document assumes that this concurrent action will be approved and implemented, allowing skate specifications to be set for a third year (through FY 2028). Per existing regulations, skate specifications may be revisited if adjustments are warranted based on new information (50 CFR 648.320(a)(6)).

The proposed action would also increase skate possession limits for the skate wing and bait fisheries, that would allow for additional yield to be realized under the landing limits that would increase relative to FY 2025 limits.

ABC Specifications. For FY 2026 and 2027, the Council is proposing an ABC of 41,282 mt and an equivalent annual catch limit (ACL; Table 1). The Federal total allowable landings (TAL) would be 20,966 mt, the wing TAL would be 13,943 mt, and the bait TAL would be 7,024 mt. For FY 2028, the Council is proposing an ABC of 37,154 mt and an equivalent ACL. The Federal TAL would be 18,800 mt, the wing TAL would be 12,502 mt, and the bait TAL would be 6,298 mt. Deductions would be taken for expected dead discards (15,486 mt for FY 2026-2027; 13,937 mt for FY 2028), state landings (547 mt), and recreational catch (154 mt).

These specifications were derived from use of the skate ABC control rule, the median catch/biomass exploitation ratio for the National Marine Fisheries Service (NMFS) bottom trawl time series up to 2022 and the three-year average stratified mean biomass for skates; using the 2024-2025 spring Northeast Fisheries Science Center (NEFSC) survey data for little skate and the 2022-2024 fall survey data for barndoor, clearnose, rosette, smooth, thorny, and winter skate.

For FY 2026-2027, the ABC would be a 28% increase over the ABC for FY 2024-2025, largely because of recent increases in the trawl survey biomass for winter skates. The FY 2028 ABC would be a 10% decrease from the FY 2026-2027 ABC due to uncertainty about the index-based approach to catch setting. The recommendation for FY 2026-2027 is largely based on a recent increase in the winter skate survey index (Figure 2), and there is considerable uncertainty about the persistence of this survey biomass trend into the future. Per the Risk Policy Statement, stability in fishery specifications is an important consideration for the Council, and a slightly lower recommendation for FY 2028 would likely help to avoid future scenarios in which catch advice might lower more abruptly. The ABC recommended for FY 2028 is within the recent range (since 2012) of skate complex ABCs (31,081 to 37,236 mt) but is at the upper end of this contemporary range.

Table 1. Specifications for FY 2024-2025 (Framework 12), FY 2026-2028 (proposed action).

	FY 2024-2025		Proposed Action			
			FY 2026-2027		FY 2028	
	(mt)	(lb)	(mt)	(lb)	(mt)	(lb)
ABC = ACL	32,155	70,889,640	**41,282**	91,010,864	**37,154**	81,910,451
ACT (90% of ACL)	28,940	63,801,779	37,154	81,909,777	33,439	73,719,406
Expected Dead Discards	12,149	26,783,960	15,486	34,140,485	13,937	30,726,689
Expected State Landings	756	1,666,695	547	1,206,662	547	1,206,662
Recreational Catch	316	696,661	154	340,073	154	340,073
Federal TAL	15,718	34,652,258	20,966	46,222,558	18,800	41,445,982
Wing TAL (66.5% of TAL)	10,453	23,044,920	13,943	30,738,001	12,502	27,561,578
	*4,605	*10,152,287	*6,142	*13,540,970	*5,507	*12,141,664
Bait TAL (33.5% of TAL)	5,266	11,609,543	7,024	15,484,557	6,298	13,884,404
*This value is in wing weight. Otherwise, all values are in whole weight.						

Possession Limits. The Council is also proposing changes to the skate possession limits (PL) in this action. The proposed action would: 1) increase skate wing possession limits for trips fishing on Days-At-Sea (DAS) by 500 lb for each season, to 4,500 lb for Season 1 and to 6,500 lb for Season 2 (wing weight), and 2) increase skate bait possession limit by 5,000 lb to 30,000 lb (whole weight) for trips fishing on a Bait Letter of Authorization (LOA) for all three bait seasons (Table 2).

The Council last revised wing possession limits through Framework 12 for FY 2024-2025[1] after receiving input from the Skate Advisory Panel; possession limits were increased for wing trips fishing on Monkfish, Scallop, or Northeast Multispecies DAS, on B-DAS, and not on DAS (Table 2). Skate bait possession limits have been 25,000 lb since FY 2012, except in FY 2017-2019 when the Season 3 bait possession limit was 12,000 lb.

Given the proposed 28% increase in the ABC, and recognizing that there has been low utilization of the wing and bait TALs in recent years (Section 5.3), the Council feels that an increase in wing DAS and bait possession limits is warranted. However, modest increases are proposed, as the Council is concerned that a sudden increase in landings could lead to declines in skate prices that would negatively impact fishery revenues. The increased skate bait possession limit could help offset increased costs on skate bait trips that have experienced longer steam times due to avoidance of offshore wind areas. The increased skate wing possession limit would allow for additional yield on trips where skates have been a constraining factor, particularly for the monkfish fishery.

Table 2. Skate possession limits for FY 2024-2025 (Framework 12) and the proposed action.

Fishery	Season	Dates	% of TAL	Sub-Fishery	FY 2024-2025	Proposed Action
Wing	1	May 1 – Aug 31	57%	DAS	4,000 lb wing; 9,080 lb whole	4,500 lb wing; 10,215 lb whole
				B-DAS	275 lb wing	
				Non-DAS	625 lb wing	
	2	Sept 1 – Apr 30	Remainder	DAS	6,000 lb wing; 13,620 lb whole	6,500 lb wing; 14,755 lb whole
				B-DAS	275 lb wing	
				Non-DAS	625 lb wing	
Bait	1	May 1 – Jul 31	30.8%	LOA	25,000 lb whole	30,000 lb whole
	2	Aug 1 – Oct 31	37.1%			
	3	Nov 1 – Apr 30	Remainder			

[1] Implemented July 17, 2024.

4.0 BACKGROUND

The Skate FMP specifies the management measures for seven skate species (barndoor, clearnose, little, rosette, smooth, thorny, and winter skate) off the New England and Mid-Atlantic coasts. The Council sets specifications for the skate complex according to the flowchart below (Figure 1). The skate wing and bait fisheries have different seasonal management structures and are subject to effort controls and accountability measures (AM).

Due to problems with species identification in commercial catches, the original Skate FMP (implemented in 2003) did not derive or propose an absolute maximum sustainable yield (MSY) estimate or MSY_{proxy} for skate species or for the skate complex (NEFMC 2003, Section 4.3.2). Catch histories for individual species were unreliable and probably underreported. Furthermore, the population dynamics of skates was largely unknown, so measures of carrying capacity or productivity were not available estimating MSY or the skate overfishing limit (OFL). In their February 11, 2009, report, the Scientific and Statistical Committee (SSC) recommended that an OFL "cannot be determined, because overfishing reference points are survey proxies, and estimates of fishing mortality or fishing mortality reference points are not available." These issues are largely why skate specifications apply to the entire complex and are not set for individual species. In addition, dealers started reporting landings by disposition (wing or bait) in 2004, and in 2014, the reporting of species-specific landings was required. Species identification in the dealer and observer data has been improving, but there are still known errors.

Indices of relative abundance (stratified mean weight/tow) have been developed using NEFSC bottom trawl survey data for the seven species in the skate complex. These indices and their rates of change form the basis for all the conclusions about the status of the complex. The spring NEFSC survey data are used for little skate and the fall NEFSC survey data are used for the other managed skate species due to survey catchability. Section 3.1 of FW 12 describes how the biomass at maximum sustainable yield ($B_{MSYproxy\ or}\ B_{target}$) and the MSY_{proxy} are calculated, as set through Amendment 3. The B_{target} for each species (except barndoor; Table 3) and MSY_{proxy} for the complex was updated in 2023 through the management track assessment, which updated data through 2022. The MSY_{proxy} was corrected after receiving the 2025 data update. The MSY_{proxy} is being revised through this action from 41,698 mt to 41,555 mt.

Acceptable Biological Catch (ABC). The ABC control rule for the Northeast Skate Complex, established through Amendment 3 is:

> *The skate ABC is the median ratio of catch/biomass of each of the seven skate species multiplied by its three-year moving average stratified mean biomass (weight/tow) for skates, summed over the seven skate species in the management unit. This method is considered an interim proxy for an ABC until an OFL and its uncertainty can be quantified.*

For the FY 2026-2028 specifications, if following the control rule exactly, spring survey data for 2023-2025 would be used for little skate and fall 2022-2024 data would be used for all other species. However, Spring 2023 data were unavailable for little skate due to survey disruptions, so the survey indices for little skate only used 2024 and 2025 data. Fall survey data are complete and were used to develop indices for the remaining skate species.

Annual Catch Limit (ACL). The skate ACL is equal to the ABC. The ACL is a limit that will trigger accountability measures if catch exceeds this amount.

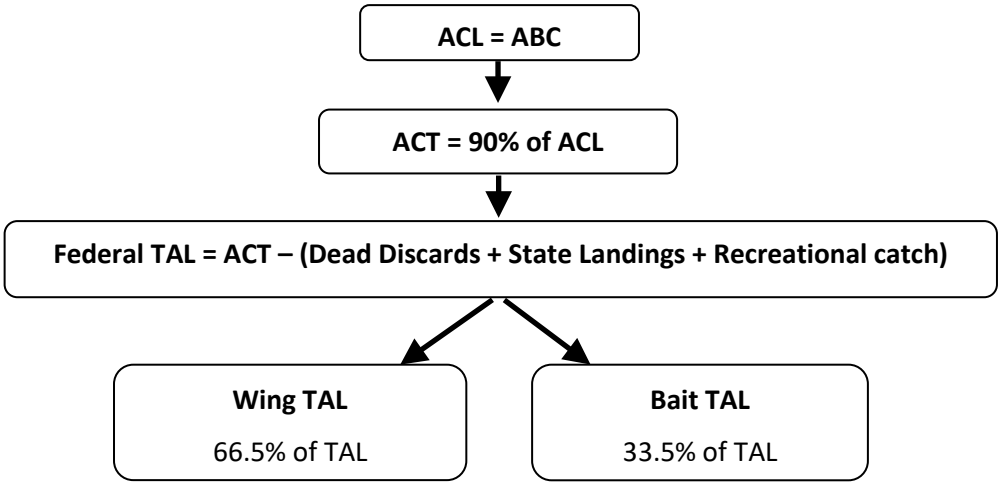
Annual Catch Target (ACT). The skate ACT is 90% of the ACL. There is a 10% uncertainty buffer between the ACL and ACT to account for scientific and management uncertainty (NEFMC 2018).

Total Allowable Landings (TAL). The skate federal TAL is set by subtracting deductions from the ACT for sources of catch outside of federal landings, using calendar year 2022-2024 data:

- Dead discards are calculated by applying the weighted discard mortality rate of the commercial discards from the most recent three calendar years (using observer and ASM data) to estimate skate dead discards. Then, the average proportion of skate dead discards to total catch from these years is applied to the ACT.
- State landings are the most recent average of three calendar years of skate landings by vessels that did not have a federal fishing permit on the day of landing.[2]
- Recreational catch is the most recent average of three calendar years of recreational skate catch used for ABC setting.

Wing and Bait TALs. The Wing and Bait TALs are set at 66.5% and 33.5% of the TAL, respectively.

Figure 1. Formula for skate specifications setting used since Amendment 3.



[2] For future specifications, the state landings deduction will be equal to the most recent average of three calendar years of landings by vessels that did not have a federal skate permit on the day of landing.

5.0 NEW INFORMATION AND CIRCUMSTANCES

This action considers new information and additional years of data, included in this section, in addition to information provided in the FW 12 Environmental Assessment (EA). Overall, the new information and circumstances represent minor changes to the skate resource and fishery. The fishery remains stable and like the conditions evaluated in Framework 12.

5.1 TARGET SPECIES

5.1.1 Stock Status

Indices of relative abundance (stratified mean weight/tow) have been developed from NEFSC bottom trawl surveys for the seven species in the skate complex. These indices and their rates of change form the basis for all the conclusions about the status of the complex. The spring NEFSC survey data are used for little skate and the fall NEFSC survey data are used for the other managed skate species, due to survey catchability. Winter skate continues to dominate the survey biomass, followed by little skate.

The official stock status is that overfishing is not occurring for any of the seven skate species, and only thorny skate is overfished. The stock status was updated for this action based on the 2025 NEFSC data update (Table 3), and those updates are consistent with the official status.

Thorny skate is the one species in the Northeast Skate Complex which remains overfished. The Original Skate FMP (implemented in 2003) established a rebuilding plan for thorny skate but did not adopt a rebuilding schedule due to the lack of critical life history information (NEFMC 2003). Through Amendment 3 (implemented in 2010), based on new life history parameter estimates, it was estimated that thorny skate would take longer than 10 years to rebuild; the Council estimated that it takes a female thorny skate 15 years to replace its own spawning capacity, i.e., its mean generation time (NEFMC 2009). The maximum rebuilding period allowed by the Magnuson-Stevens Fishery Conservation and Management Act (MSA) was 25 years (10 years plus one mean generation time). Amendment 3 established a 25-year rebuilding period for thorny skate, or by 2028 when counted from the start of the rebuilding period in 2003. It was estimated in Amendment 3 that, based on biomass at the time (0.42 kg/tow in 2007), it would take an average annual increase of 13.2% to rebuild to the B_{MSY} target of 4.41 kg/tow by 2028 (the target since changed to 4.13). Amendment 3 also concluded that the best estimate of the maximum intrinsic rate of population growth was 0.17, so achieving the biomass target within the rebuilding schedule seemed achievable.

The thorny skate rebuilding plan prohibits possession of thorny skate throughout the management unit. Also, if the 3-year moving average of the thorny skate survey mean weight per tow declines below the average for the previous three years, then the Council must take management action to ensure that stock rebuilding will achieve target levels. As of the 2025 data update, 22 years into the rebuilding period, the survey biomass has continued to be low overall for thorny skate (0.15 kg/tow in 2024) with no significant signs of rebuilding. This index is only 4.9% of the B_{target} (3.08 kg/tow).

Table 3. Recent survey indices, survey strata used, and biomass reference points of skate species.

	BARNDOOR	CLEARNOSE	LITTLE	ROSETTE	SMOOTH	THORNY	WINTER
Annual survey	**Autumn**	**Autumn**	**Spring**	**Autumn**	**Autumn**	**Autumn**	**Autumn**
Time Series Basis	**1963-1966**	**1975-2022**	**1982-2022**	**1967-2022**	**1963-2022**	**1963-2022**	**1967-2022**
Strata Set	**Offshore 1-30, 34-40**	**Offshore 61-76, Inshore 17,20,23,26,29, 32,35,38,41,44**	**Offshore 1-30, 34-40, 61-76, Inshore 2,5,8,11,14,17,20,23,26,29,32,35,38,41,44-46,56,59-61,64-66**	**Offshore 61-76**	**Offshore 1-30, 34-40**	**Offshore 1-30, 34-40**	**Offshore 1-30, 34-40, 61-76**
Biomass Target	1.57	0.96	6.76	0.053	0.23	3.08	7.59
Biomass Threshold	0.78	0.48	3.38	0.026	0.12	1.54	3.79
Survey Indices (kg/tow)							
2018	2.83 [a]	1.01	4.85	0.05	0.24 [a]	0.14 [a]	6.98 [b]
2019	1.80	1.39	5.75	0.05	0.23	0.17	12.55
2021	1.25	1.07	4.07 [c]	0.06	0.15	0.09	8.80
2022	2.12	0.47	3.77	0.06	0.16	0.10	8.21
2023	1.58	0.66	[d]	0.03	0.16	0.11	20.68
2024	1.91	0.95	4.86	0.05	0.19	0.15	10.50
2025	-	-	3.20	-	-	-	-
OVERFISHED METRIC (If 3-year moving average of survey biomass index < $B_{threshold}$ then overfished)							
2018-2019 2-year average	2.32 [a,b]	1.20 [b]	4.30 [b]	0.052 [b]	0.24 [a,b]	0.16 [a,b]	9.76 [a,b]
2019-2021 2-year average	1.53 [b]	1.23 [b]	4.91 [b,c]	0.053 [b]	0.19 [b]	0.14 [b]	10.67 [b]
2021-2022 2-year average	1.68 [b]	0.78 [b]	3.92 [b,c]	0.057 [b]	0.16 [b]	0.10 [b]	8.50 [b]
2021-2023 3-year average	1.65	0.74	3.92 [c,d]	0.048	0.16	0.10	12.56
2022-2024 3-year average	1.87	0.69	4.32 [d]	0.046	0.17	0.12	13.1
2024-2025 2-year average	-	-	4.03	-	-	-	-
OVERFISHING METRIC (If % change in 3-year moving average of survey biomass index > average coefficient of variation (CV) of the survey time series then overfishing is occurring.)							
% change 2019-2021 vs. 2018-2019	-34.1 [c,d]	+2.7 [d]	-7.4 [b,c]	+2.1 [b]	-20.0 [a,b]	-14.6 [a,b]	+9.3 [a,b]
% change 2021-2022 vs. 2019-2021	+10.2 [b]	-37.1 [b]	-20.1 [b,c]	+7.6 [b]	-17.6 [b]	-29.6 [b]	-20.3 [b]
% change 2021-2023 vs. 2021-2022	-2.1 [b]	-5.0 [b]	0.0 [b,c,d]	-16.2 [b]	+0.6 [b]	+6.3 [b]	+47.7 [c]
% change 2022-2024 vs. 2021-2023	+13.3	-6.8	+10.1 [d,c]	+4.2	+6.3	+20.0	+4.3
% change 2024-2025 vs. 2022, 2024	-	-	-6.7 [d]	-	-	-	-
% change for overfishing status determination	-30	-40	-20	-40	-30	-30	-20

Source: NEFSC (2025).

Notes: Grey shading indicates the assessment conclusion that a species that is overfished or overfishing is occurring.

a. Values were adjusted for missing Offshore strata 30, 34 and 35.

b. Spring and fall surveys not completed in 2020 due to COVID 19 restrictions.

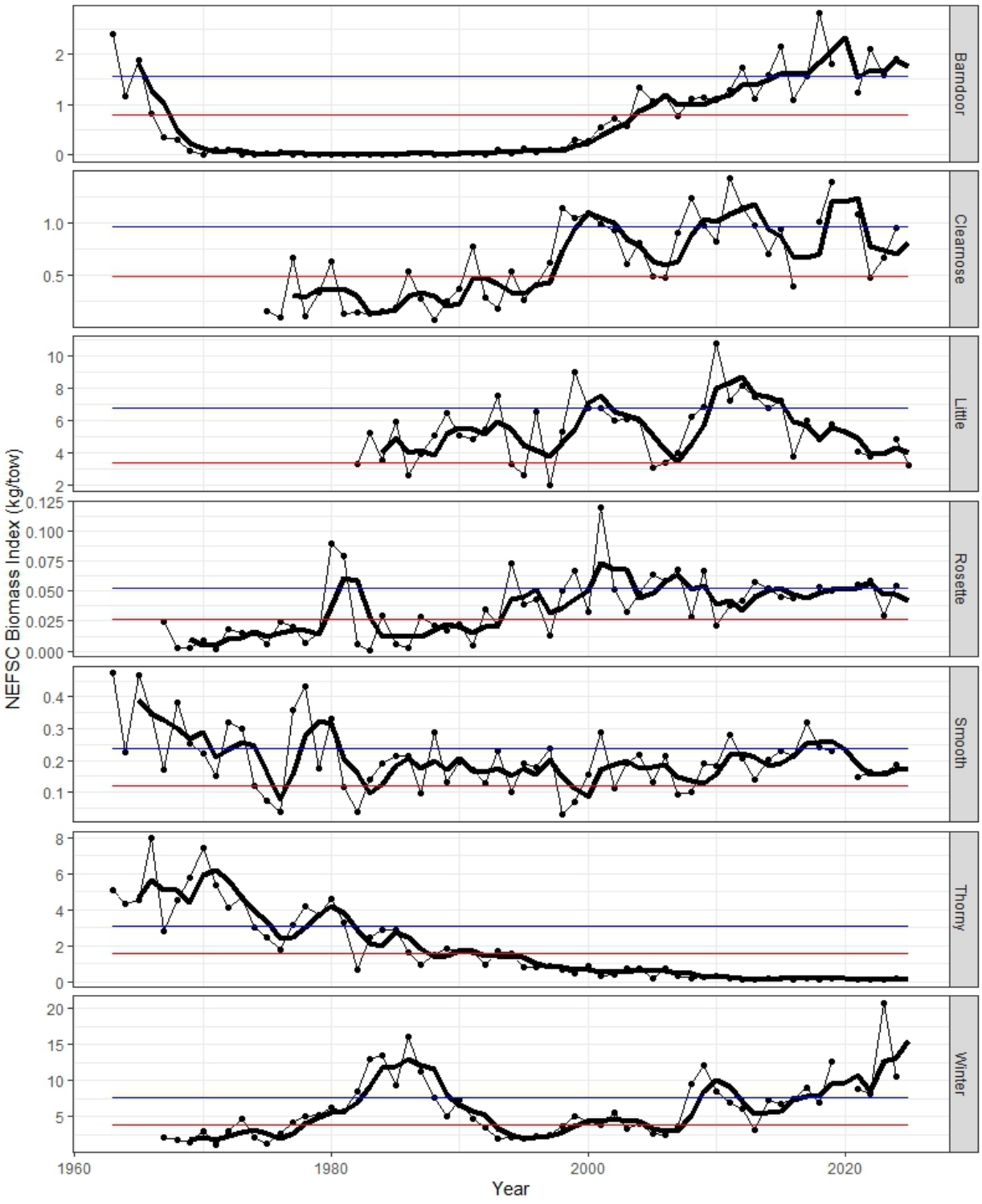
c. No survey tows completed in the most southern area in spring 2021. Values for 2021 were adjusted for missing strata (Offshore 61-64, Inshore 38, 41, 44) but may not be fully comparable to other surveys which sampled all strata.

d. The 2023 spring survey did not cover all the areas and only conducted the survey during daylight hours, so no data are available.

Figure 2. NEFSC survey biomass indices (kg/tow) through spring 2025.

Note: Thin lines with symbols are annual indices. Thick lines are 3-year moving averages. Thin horizontal lines are the biomass thresholds (red) and targets (blue) developed through 2007/2008 with consistent strata sets.

Source: NEFSC (2025).



5.1.2 Commercial Discards

For assessment and ABC setting purposes, commercial discards are estimated on a calendar year basis, rather than the fishing year, because they rely on the NMFS area allocation landings tables to expand observed discard/kept (D/K)-all ratios to total based on landings by gear, area, and quarter. The observed D/K-all ratios were derived from the Northeast Fishery Observer Program (NEFOP) and the At Sea Monitoring programs. An assumed discard mortality rate of 50% is applied for all gears and species, except in cases where research has provided species and gear specific rates (Table 4).

Table 4. Skate discard mortality rates by species and gear.

Gear Type	Barndoor	Clearnose	Little	Rosette	Smooth	Thorny	Winter
Gillnet	50%	50%	50%	50%	50%	50%	14%
Longline	50%	50%	50%	50%	50%	50%	50%
Otter Trawl	50%	50%	22%	50%	60%	23%	9%
Scallop Dredge	50%	50%	48%	50%	50%	50%	34%
All other gears	50%	50%	50%	50%	50%	50%	50%

Total commercial dead discards for 2024 were 8,361 mt, a slight increase from 2023 dead discards of 8,105 mt (Table 5). The assumed dead discard rate (dead discards/total catch) for 2023-2024 was 41.7% (a three-year average of the rates for 2022-2024).

Table 5. Commercial landings, and total and dead discards of skates (all species) for all gear types, CY 2003 – 2024.

Year	Landings (mt)	Discards (mt)				Year	Landings (mt)	Discards (mt)		
		Total	Dead	% Dead				Total	Dead	% Dead
2003	16,254	52,204	14,283	27%		2014	15,904	42,758	12,673	30%
2004	17,063	46,823	11,249	24%		2015	15,532	37,894	10,417	27%
2005	14,885	46,474	12,866	28%		2016	15,799	33,271	10,435	31%
2006	17,168	34,565	10,134	29%		2017	14,470	25,884	8,544	33%
2007	20,342	44,920	13,182	29%		2018	14,341	23,000	7,580	33%
2008	20,191	35,031	10,160	29%		2019	11,776	21,062	6,594	31%
2009	19,731	37,441	10,070	27%		2020	13,536	26,506	9,195	35%
2010	18,683	37,766	10,523	29%		2021	9,197	23,194	7,706	33%
2011	16,963	38,760	10,508	27%		2022	9,645	20,202	6,424	32%
2012	17,144	34,274	10,087	29%		2023	10,765	n.d.	8,105	n.d.
2013	14,698	42,674	11,551	27%		2024	11,493	n.d.	8,361	n.d.
Sources: NEFSC (2025).										

5.2 Protected Resources

Protected species are those species afforded protection under the Endangered Species Act of 1973 (ESA; i.e., for those designated as threatened or endangered) and/or the Marine Mammal Protection Act of 1972 (MMPA). Section 5.3 in the Framework 12 EA (NEFMC 2024b) provides a comprehensive description of all protected species that may occur in the affected environment of the FMP; those descriptions remain valid. Section 6.4 in the Framework 12 EA, which provides an assessment of the potential impacts of the specifications considered in the EA on protected species (i.e., ESA-listed and/or

MMPA protected), was used to inform the potential impacts of the proposed action on protected species (Section 6.0).

In addition to the information in the FW 12 EA, the following new information and circumstances for protected species are relevant to this action:

- On May 27, 2021, the National Marine Fisheries Service's (NMFS) completed formal consultation pursuant to section 7 of the ESA of 1973, as amended, and issued a biological opinion (2021 Opinion) on the authorization of eight FMPs, two interstate fishery management plans (ISFMP), and the implementation of the New England Fishery Management Council's Omnibus Essential Fish Habitat (EFH) Amendment 2.[3] On September 13, 2023, NMFS issued a 7(a)(2)/7(d) memorandum that reinitiated consultation on the 2021 Biological Opinion; this memorandum was updated with a new 7(a)(2)/7(d) memorandum issued by NMFS on January 8, 2025, and amended on November 25, 2025. Additional information on the reinitiation is provided in Section 8.4.
- Updated information on documented incidents of interactions with gear types like those used in the skate fishery (i.e., gillnet and bottom trawl). At the time the FW 12 EA was issued, depending on species, the best available information on documented gear interactions with specific protected species was provided through 2021. Since issuance of the FW 12 EA, updated information on observed/documented interactions between protected species and gillnet and/or bottom trawl gear has been issued. The updated information continues to reveal interactions occurring with these gear types and at rates or numbers that show relatively similar trends as provided in the FW 12 EA. It is important to note that, depending on species (e.g., sea turtles), modeling methods may have changed since the previous EA was issued. As a result, there may not be a one to one comparison in information provided between the previous and most recent information, and therefore, changes in estimated protected species bycatch rates do not necessarily signify significant changes in interaction risks/rates since the FW 12 EA was issued.

5.3 HUMAN COMMUNITIES

A detailed description of the commercial skate fishery and fishing communities may be found in FW 12 (NEFMC 2024b). Those descriptions of the bait (primarily whole little and small winter skates) and wing (large winter and barndoor skates) fisheries are still valid. There are eight primary ports in the Northeast skate fishery: Chatham and New Bedford, Massachusetts; Little Compton and Narragansett/Point Judith, Rhode Island; Montauk, New York; and Belford, Barnegat Light/Long Beach, and Cape May, New Jersey. There are also 20 secondary ports from Massachusetts to North Carolina. The number of vessels landing skate has declined since FY 2012 (528) to 243 in FY 2024. Skate revenue has fluctuated between $4.1-$12.1M annually from FY 2012 to 2024, largely due to changes in wing revenue. In FY 2024, there was an increase in skate revenue from $6.5 million in 2023 to $7.3 million. Wing revenue increased in FY 2024 while bait revenue decreased (Table 6). The total number of federal vessels landing skates decreased slightly from FY 2022-2024 (266 to 243 vessels), though the percent skate revenue of total revenue for these vessels increased over the same period (Table 7). The number of skate dealers also decreased slightly from FY 2022-2024, from 88 to 86 dealers in total (Table 8). The number of wing-only dealers increased from 62 to 65, while bait-only dealers decreased from 17 to 12.

[3] The eight Federal FMPs considered in the May 27, 2021, Biological Opinion include: 1) Atlantic Bluefish; 2) Atlantic Deep-sea Red Crab; 3) Mackerel, Squid, and Butterfish; 4) Monkfish; 5) Northeast Multispecies; 6) Northeast Skate Complex; 7) Spiny Dogfish; and 8) Summer Flounder, Scup, and Black Sea Bass. The two ISFMPs are American Lobster and Jonah Crab.

Table 6. Skate wing and bait revenue, FY 2022-2024.

Fishing Year	Number of Vessels*	Wing Revenue ($)	Bait Revenue ($)	Total Revenue ($M)
2022	267	3,839,978	2,060,131	5.9
2023	244	4,318,988	2,212,165	6.5
2024*	243	5,547,848	1,767,542	7.3
Note: * Data are preliminary. All dollar values are presented in 2024 real dollars. Data accessed from CAMS_LAND 8.2025, excludes home consumption.				

Table 7. Percent skate revenue of total vessel revenue for any federal vessel landing skate by wing/bait vessels, FY 2022-2024.

Fishing Year	Total # Federal Vessels	Wing Vessels			Bait Vessels			Both Wing and Bait		
		# Vessels	Average revenue	Median revenue	# Vessels	Average revenue	Median revenue	# Vessels	Average revenue	Median revenue
2022	266	215	7.3%	0.5%	24	12.7%	4.0%	27	12.4%	6.1%
2023	243	204	9.4%	0.7%	14	11.7%	4.1%	25	17.6%	12.5%
2024*	242	211	12.6%	0.8%	13	19.7%	8.3%	18	21.9%	21.9%
Note: * Data are preliminary. Data accessed from CAMS_LAND 8.2025.										

Table 8. Number of federal skate dealers by skate disposition and fishing year, FY 2022-2024.

Fishing Year	Total Skate Dealers	Dealers (Wing only)	Dealers (Bait only)	Dealers (Both Wing and Bait)
2022	88	62	17	9
2023	85	62	14	9
2024	86	65	12	9
Note: * Data are preliminary. Data accessed from CAMS_LAND 8.2025.				

Federal Landings – In-season Quota Monitoring

During the fishing year, GARFO monitors skate landings against the wing and bait TALs, which are managed in season, and produces weekly landing reports online. From FY 2020-2024, the overall federal skate TAL (bait plus wing) was not exceeded (Table 9). In 2020, 70% of the total TAL was landed. Landings were only 44-46% of the TAL in 2021-2023, before increasing to 68% of the TAL landed in 2024. Notably, TALs increased from FY 2021 to FY 2022 from 17,863 mt to 21,141 mt, then decreased in FY 2024 to 15,719 mt. Landings remained relatively steady from FY 2022-2024, with a slight increase in 2024. In July 2024, increases to the wing fishery possession limits were implemented via Framework 12, which were intended to help reduce skate discards by turning discards into landings. This may have contributed to the slight increase in landings in FY 2024; however, the implementation date of mid-summer occurred towards the end of the spring/summer skate fishing season, so many fishermen were unable to utilize the increased limits.

Table 9. FY 2020 - 2024 in-season monitoring of federal Northeast skate wing and bait landings.

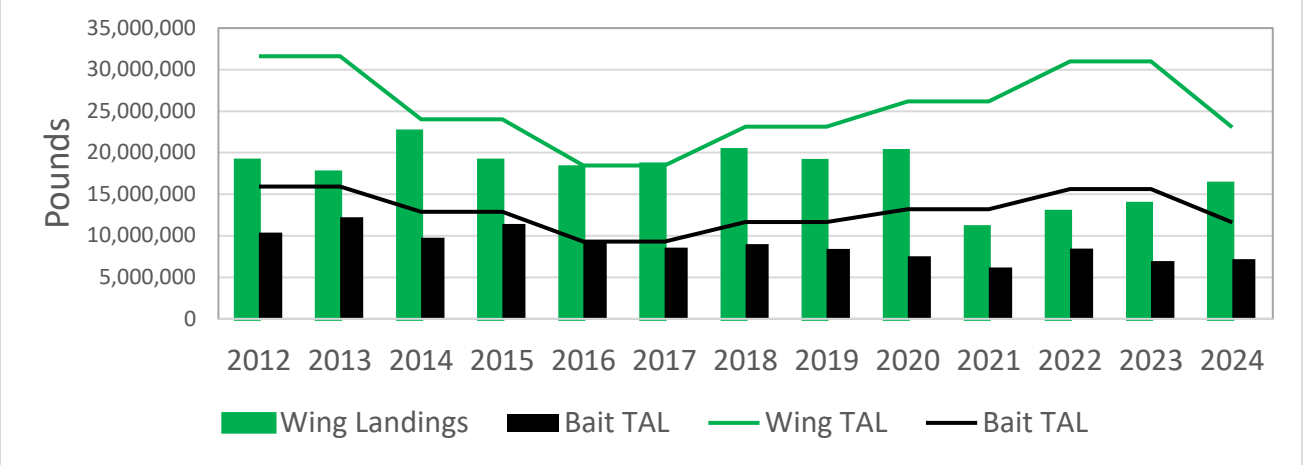
Disposition	Live Landings		TAL (live weight)		Percent of TAL Landed
	(lb)	(mt)	(lb)	(mt)	
FY 2020					
Wing	20,204,415	9,163	26,193,195	11,879	77%
Bait	7,541,100	3,420	13,194,720	5,984	57%
Total	**27,745,515**	**12,583**	**39,387,915**	**17,863**	**70%**
FY 2021					
Wing	11,029,410	5,002	23,193,195	11,879	42%
Bait	6,193,845	2,809	13,194,720	5,984	47%
Total	**17,223,255**	**7,811**	**39,387,915**	**17,863**	**44%**
FY 2022					
Wing	12,888,225	5,845	31,000,095	14,059	42%
Bait	8,449,560	3,832	15,615,810	7,082	54%
Total	**21,337,785**	**9,677**	**46,615,905**	**21,141**	**46%**
FY 2023					
Wing	13,854,015	6,283	31,000,095	14,059	45%
Bait	6,965,595	3,159	15,615,810	7,082	45%
Total	**20,819,610**	**9,442**	**46,615,905**	**21,141**	**45%**
FY 2024					
Wing	16,284,661	7,387	23,044,920	10,453	71%
Bait	7,191,627	3,262	11,609,543	5,266	62%
Total	**23,476,288**	**10,649**	**34,654,463**	**15,719**	**68%**

FY 2020-2023 Source: CAMS Database, accessed 2/12/2025. *FY 2024 Source:* CAMS Database, accessed 7/21/2025.
Note: wing landings include wing landings by vessels with a federal skate permit; Bait landings include all bait landings by vessels with a federal skate permit or sold to a federal dealer.

** In future, only landings with a federal skate permit will be monitored against the federal TAL.*

Figure 3. FY 2020 - 2024 in-season monitoring of federal Northeast skate wing and bait landings

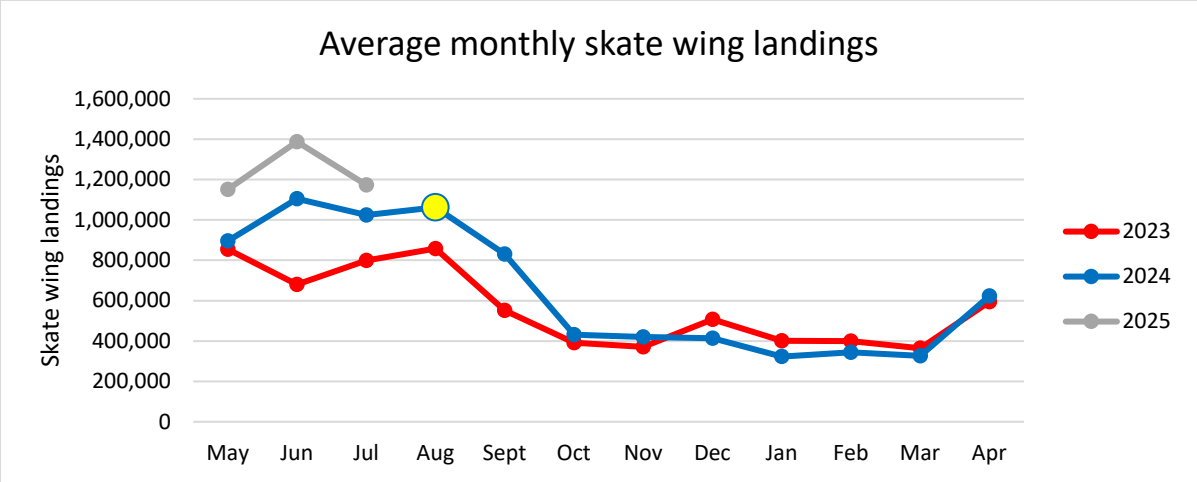
Source: Same as Table 9.

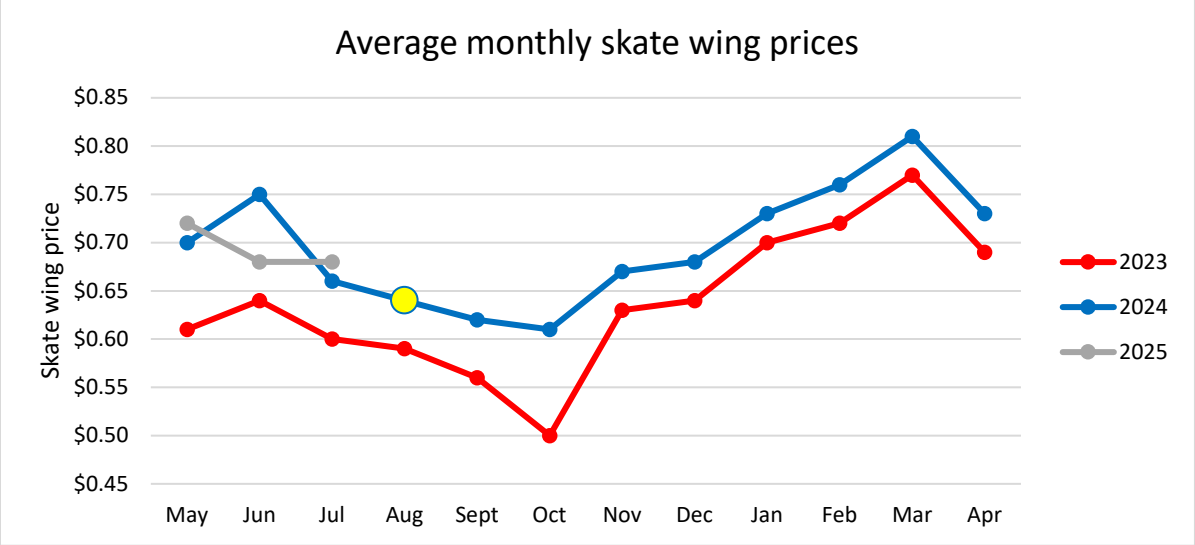


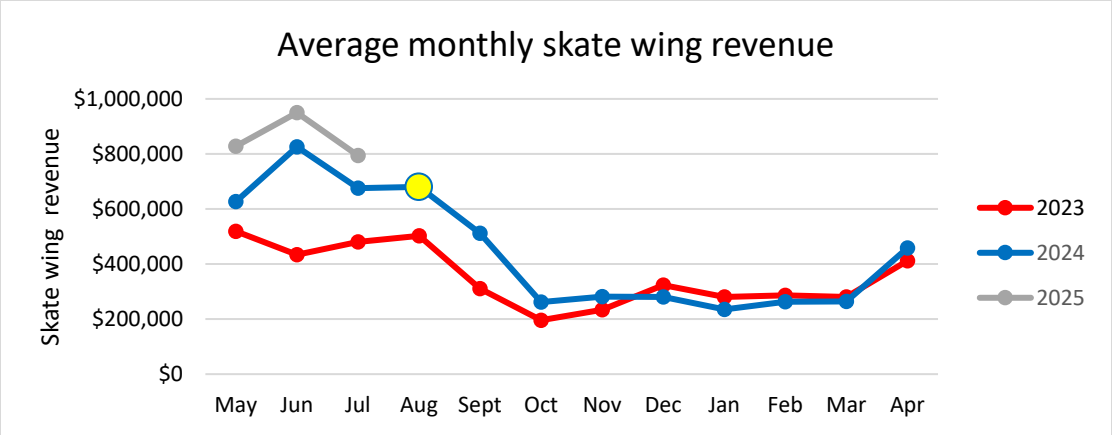
FY 2023-2025 Wing Fishery Performance

Skate wing possession limits were increased in July 2024 through FW12, and wing landings, prices, and revenues have been consistent to stronger relative to FY 2023 performance. Skate wing landings, prices and revenues were higher in FY 2024 compared to FY 2023 following typical seasonal patterns (Figure 4). Specifically, average monthly skate wing prices were higher in all months of FY 2024 relative to FY 2023. Averages were higher in May and July of FY 2025 relative to FY 2023 and FY 2024, except for a dip in average skate wing prices in June 2025 to below 2024 prices. Further discussion is in Section 8.11.

Figure 4. Average monthly skate wing landings, prices, and revenues, FY 2023-2025.







Note: Yellow dot indicates the first full month that possession limit increased.
Source: CAMS data through July 2025. Revenue in 2025 real dollars.

Total Catch – Year-End ACL Accounting

At the end of each fishing year, NMFS tabulates skate catches into bins and compares the total to the annual catch limit (Table 10). From FY 2020-2024, the ACL was not exceeded and has not been exceeded since the inception of the FMP. Total Northeast skate catch (elements as defined above) was 84% of the ACL in FY 2020 (32,715 mt) and decreased to 46% in FY 2023 before increasing again in FY 2024 to 65% of the ACL. Recreational catch has been under 2% of ACL recently but increased to 7.5% in FY 2024. Dead discards have ranged from 18-42% of total catch since FY 2020. State landings have been under 3% of total catch.

Table 10. Year-end Northeast skate complex annual catch limit (ACL) accounting, FY 2020-2024.

Catch accounting element	Pounds	Metric tons	% of ACL
FY 2020 (ACL = 32,715 mt)			
Commercial landings	27,452,375	12,452	38.1%
State-permitted only vessel landings	1,657,130	752	2.3%
Northeast skate non-landed bait	484,046	220	0.7%
Estimated dead discards	30,223,461	13,709	41.9%
Recreational catch	683,145	310	0.9%
Total Northeast skate catch	**60,500,157**	**27,443**	**83.9%**
FY 2021 (ACL = 32,715 mt)			
Commercial landings	17,440,045	7,911	24.2%
State-permitted only vessel landings	1,326,519	602	1.8%
Northeast skate non-landed bait	385,967	175	0.5%
Estimated dead discards	21,746,496	9,864	30.2%
Recreational catch	1,168,971	530	1.6%
Total Northeast skate catch	**42,067,998**	**19,082**	**58.3%**
FY 2022 (ACL = 37,236 mt)			
Commercial landings	21,397,412	9,706	26.1%
State-permitted only vessel landings	2,031,083	921	2.5%
Northeast skate non-landed bait	396,995	180	0.5%
Estimated dead discards	21,505,283	9,755	26.2%
Recreational catch	1,260,933	572	1.5%

Total Northeast skate catch	**46,591,706**	**21,134**	**56.8%**
FY 2023 (ACL = 37,236 mt)			
Commercial landings	20,988,574	9,520	25.6%
State-permitted only vessel landings	620,857	282	0.8%
Northeast skate non-landed bait	290,638	132	0.4%
Estimated dead discards	14,401,112	6,532	17.5%
Recreational catch	1,407,859	639	1.7%
Total Northeast skate catch	**37,709,040**	**17,105**	**45.9%**
FY 2024 (ACL = 32,155 mt)			
Commercial landings	23,779,102	10,786	33.5%
State-permitted only vessel landings	694,279	315	1%
Northeast skate non-landed bait	406,675	184	0.6%
Estimated dead discards	15,949,909	7,235	22.5%
Recreational catch	5,341,767	2,423	7.5%
Total Northeast skate catch	**46,171,732**	**20,943**	**65.1%**

FY 2020 – FY 2022 Data Source: CAMS accessed 8/18/2023; Marine Recreational Information Program accessed 8/18/2023. For terminology and additional notes, see Table 17 in Framework 12 final submission.
FY 2023 Data Source: CAMS, accessed July 2, 2024; Marine Recreational Information Program reports, accessed July 2, 2024.
FY 2024 Data Source: CAMS database and the Northeast Fishery Observer Program database, accessed on 7/21/2025; and Marine Recreational Information Program reports, accessed 7/21/2025; 2025 MRIP data are preliminary.

Notes: MRIP data are preliminary. Northeast skate federal commercial landings are skate landings by vessels that had a federal permit on the day of landing. Northeast skate state-permitted only vessel skate landings include landings by vessels with no federal permit on the day of landing.* Northeast skate non-landed bait is catch reported as not sold.

** In future catch accounting, state-permitted landings will include landings without a federal skate permit on the day of landing.*

6.0 NEPA COMPLIANCE AND SUPPORTING ANALYSIS

NEPA provides a mechanism for identifying and evaluating the full spectrum of environmental issues associated with federal actions and for considering a reasonable range of alternatives to avoid or minimize adverse environmental impacts. Not every change to a proposed action, including the presence of new information, necessitates the development of a new or supplemental NEPA analysis. NMFS provided guidance to Councils on the use of "non-NEPA documents" to help determine whether a new or supplemental NEPA document is necessary or if a non-NEPA document (for example this SIR) may be used to demonstrate that an original NEPA document sufficiently considered and analyzed the proposed actions and its effect.

The basis for previously analyzed management measures (Framework Adjustment 12; NEFMC 2024b) would not be changed in this action. The FY 2026-2027 specifications would use the same ABC control rule and formula for setting specifications as for FY 2024-2025 based on data updates and availability. The ABC for FY 2026-2027 is an increase relative to the specifications established for FY 2024-2025, because of increases in survey biomass indices. The FY 2028 specifications would be lower relative to

FY 2026-2027 as a precaution due to environmental, assessment, and fishery uncertainties. Framework Adjustment 12 evaluated the impacts on the Valued Ecosystem Components (VEC; target species, non-target species, protected species, habitat, and human communities) of the skate fishery for the FY 2024-2025 specifications. The environmental impacts of the current proposed action are largely the same as analyzed in this prior action, which included an analysis of possession limit increases (Framework Adjustment 12; NEFMC 2024b). The increases in TAL and wing and bait possession limit increases could result in more directed fishing effort as vessels could extend trips to land more skates with the new possession limits and/or take more trips to achieve the TAL but fishing in new seasons or areas that differ from current operations is not expected. Any increases in effort would be minor relative to the total effort of the fishery. Notably, the ABCs (and ACLs) have never been exceeded for this FMP, with total catch and TAL use remaining well below the ABCs and TALs in recent years, indicating that the fishery has not been constrained by these values (Table 9, Table 10). Accountability measures are in place to prevent landings from exceeding TALs, and vessels are constrained by regulations set by other FMPs. Participation in the skate fishery has also declined in recent years, so large increases in effort due to new entrants to the fishery are not anticipated. Finally, the proposed possession limit increases would likely lead to vessels converting some discards to landings, increasing landings without necessarily increasing fishing effort (i.e., duration or frequency of trips).

As noted in Section 3.0, the proposed action sets specifications for three years (FY 2026-2028) and assumes that a concurrent omnibus management flexibility amendment will be approved that, in part, would allow extending the time-period for setting skate specifications for up to five years. The impacts of setting specifications for an additional year through the proposed action are within the range of impacts of measures previously analyzed through FW12 across all VECs. This conclusion is supported by the fact that the Council can review and recommend adjustments to specifications at any time based on fishery performance and other new information. Also, the third year of specifications is not expected to have additional impacts beyond those expected for the first two years and the proposed action is based on the best available information and support continued sustainability of the skate resource and stability in the fishery. Lastly, the Council is proposing more conservative specifications in FY 2028, which would limit any negative biological impacts.

6.1 Impacts on Target Species

The impacts of the proposed action on target species (skates) remain uncertain but would likely remain slight positive, like those previously analyzed in the EA. Impacts are uncertain because the lack of an analytical stock assessment precludes estimation of absolute biomass, fishing mortality rates, and an OFL for the skate species in the complex. Impacts on target species cannot be quantified because biomass projections are not possible to calculate for skates. Based on the 2025 data update, thorny skate is the only species in the complex that is likely to be overfished, and overfishing is not occurring on any species, consistent with the official stock status for skates.

The ABC increase proposed in this action is based on updated survey indices and has been determined to be a sustainable level of harvest that would likely prevent overfishing and prevent more skates from becoming overfished. The fishery would operate at specification levels that are based on outcomes of the latest (2023) stock assessment and (2025) data update. There should be slight positive impacts on the skate resource from setting fishery limits with the updated data. The decrease in ABC for FY 2028 is precautionary and another tool that limits any increases in fishery effort and associated impacts to target species. The ACT is substantially below the ABC, further minimizing the risk of overfishing. Possession limits help keep landings within the TAL (and therefore prevent the ABC from being exceeded), but the skate ABC has a more substantial (positive) impact on target species than possession limits. For thorny skate, the possession prohibition has more impact on limiting catch than the complex-wide ABC.

Increasing the skate wing and bait possession limits would likely have slight positive impacts. Though skate mortality could increase, some of the skates that are discarded dead under current possession limits would be landed instead, mitigating increases in total mortality. Although catch could increase, it is expected to remain within the ABC and thus prevent additional skate species from becoming overfished. Any increases in effort would be minor relative to the total effort of the fishery and there are accountability measures in place that would be triggered if a TAL or ACL is exceeded, further reducing the risk of overfishing and adverse impacts on skates.

Bait Possession Limit Increase

The proposed 5,000 lb increase in Bait LOA possession limits would offer an opportunity to land more skates per trip. Predicting changes in skate mortality is challenging, but estimates can be made based on recent performance. Applying the trip limit increase to recent fishery performance suggests that the 2026-2028 bait landings would be within the range of bait landings that have been observed in the fishery and analyzed in recent actions.

For little skate, which is the target of the bait LOA fishery, from FY 2021-2024, an average of 780 Bait LOA trips per year landed bait skate. Of these trips, 91% landed under 75% of the 25,000 lb possession limit, while 9% landed at least 75% of the limit (Table 11). The percentage of total skate bait landings coming from bait LOA trips averaged 71% in FY 2021-2024, making up most bait landings (Table 12).

Table 11. Bait LOA trip performance, FY 2021-2024 average.

% PL landed	Trips		Vessels (#)	Skate landings (lb)	Average Landings per Trip
	(#)	(%)			
<75%	708	91%	21	3,309,629	4,675
75-100%	32	4%	5	699,805	22,216
>100%	40	5%	3	1,066,725	26,502
Total	**780**	**100%**	*	**5,076,160**	**6,508**

* Number of vessels is not additive
Data Source: CAMS Database, accessed 9/26/25. Compiled by S.M. Turner.

Table 12. Percentage of total bait landings from Bait LOA, FY 2021-2024.

Fishing Year	Bait LOA Landings	All Bait Landings*	% Bait LOA
2021	4,414,360	6,193,845	71%
2022	4,271,598	8,449,560	51%
2023	5,393,189	6,965,595	77%
2024	6,225,491	7,191,627	87%
Average	**5,076,160**	**7,200,157**	**71%**

*Bait landings data source: Table 9
Data Source: CAMS Database, accessed 9/26/25. Compiled by S.M. Turner.

Estimates of expected landings are provided based on Bait LOA fishery performance in FY 2021-2024, assuming consistent fishing behavior but with an increase in the possession limit by 5,000 lb to 30,000 lb. Skate bait landings could increase by ~389,008 lb per year. This assumes that:

- Trips landing <75% of 25,000 lb possession limit (18,750 lb) would continue to land <75% of a 30,000 lb limit and not increase landings.
    - There were 708 trips/year by 21 vessels that landed under 18,750 lb, and the average landings on these trips were well below that level (4,675 lb, Table 11).
- Trips landing 75-100% of 25,000 lb possession limit would increase landings to 30,000 lb/trip.

    - There were 32 trips/year by five vessels that averaged 22,216 lb of skate landings per trip (Table 11). With a 7,784 lb increase in landings/trip on average, skate landings would increase by 249,088 lb per year.
- Trips landing >100% of 25,000 lb possession limit would increase landings to 30,000 lb/trip.
    - There were 40 trips/year by three vessels averaging 26,502 lb of skate landings per trip. (Table 11). With a 3,498 lb increase in landings/trip on average, skate landings would increase by 139,920 lb per year.
- Adding the above potential increased landings, the total increase in skate landings would be 389,008 lb per year.

Added to the average bait landings from FY 2021-2024 (7.20M lb), the total expected bait landings would be about 7.59M lb per year. If realized, about 49% and 55% of the FY 2026-2027 (15.5M lb) and FY 2028 bait TALs (13.9M lb), respectively, would be utilized. These rates fall within the range of bait TAL utilization rates, 45% to 62%, in FY 2021-2024 (Table 9).

Data from observed trips in the Bait LOA fishery suggest that skate landings are largely little skate. While the little skate survey biomass has been decreasing in recent years (Table 3, Figure 2), it is unlikely that any increase in mortality under the proposed action would cause little skate to be overfished. For Bait LOA trips in FY 2021-2024 that landed skates ≥75% of the 25,000 lb possession limit and were observed, 98% of the skate landings were of little skate. The observer rate was under 5% for these trips, but assuming all bait landings have a similar speciation, on average about 7.06M lb of little skate have been landed annually since FY 2021. Little skate landings under the proposed action could be about 7.44M lb, a 5.4% increase in little skate landings on average, though this is below the landings maximum since FY 2021 (8.28M lb in FY 2021). If little skate that would have been discarded dead could now be landed with the increased possession limit, the increase in mortality would be less than 5%. Fishing effort is unlikely to change substantially due to the increased possession limit as the vast majority (91%) of trips, on average, landed less than 75% of the skate bait possession limit per trip in recent years (Table 11). With a relatively small potential increase in skate bait landings (5.4%), it is unlikely that little skate would be substantially impacted by this action.

Wing Possession Limit Increase

The proposed 500 lb increase in skate wing possession limits that apply to Northeast multispecies, Monkfish, and Scallop DAS trips, would offer an opportunity to land more skates per DAS trip. Predicting changes in skate mortality is challenging, but estimates can be made based on recent performance. From the analysis of the wing possession limit increase in FW12, in FY 2018-2021, there were about 900 DAS trips in Season 1 and 350 trips in Season 2 on average that landed skate wings at 90-110% of the wing possession limit (see FW12). Assuming this trip frequency persists into the future, a 500 lb increase in possession limits for Season 1 could result in a 450,000 lb increase in landings (900*500), and Season 2 could see an additional 175,000 lb in landings (350*500), for a total increase in wing landings of 625,000 lb (wing weight) or 1.42M lb in whole weight. The potential increase in landings represents around 4.6% of the proposed FY 2026-2027 TAL and 5% of the FY 2028 TAL. Given recent TAL utilization, these landings, if realized, are unlikely to trigger accountability measures (42-77% utilization from FY 2020-2024; Table 9). The increase provides some additional landings while also reflecting some of the concerns around market sensitivity and fluctuations that could result from increased landings noted by the AP. These estimates may be high as effort in the skate fishery has been declining in recent years - the number of vessels landing wings in FY 2024 (229) declined from FY 2022 (242, Table 7). In addition, the skate wing fishery largely targets winter skate, which has had an increase in survey biomass in recent years (Figure 2, Table 3). These potential increases in landings are unlikely to substantially impact winter skate biomass and are expected to have negligible impacts on other skate species.

6.2 Impacts on Non-Target Species

The impacts of the proposed action on non-target species would likely remain within the range previously analyzed in the EA, slight negative to slight positive depending on the stock status of the non-target species. Impacts would not be expected to change substantially under this action compared to what was previously described in the FW 12 EA. Increasing the TAL could cause a slight increase in fishing effort, which may lead to increased catch of non-target species, though this conclusion is uncertain. Catch of other species on trips landing skates are controlled by the DAS limits, sector rules, or other discard limiting measures in their respective FMPs, and catch of skates is largely incidental in other fisheries. Increasing the skate wing possession limits may also lead to some increased landings of monkfish, as industry members have noted that the abundance of skates can constrain monkfish catch. However, with the relatively small increase in possession limits, this would likely have a relatively minor impact on monkfish landings and would help prevent sudden or unexpected changes in the fishery. Any increased catches under the proposed action would be at levels that have been determined to be sustainable and are not expected to result in a change in the stock status of any non-target species. Increased wing and bait possession limits would likely also have slight negative to slight positive impacts depending on the stock status of the non-target species (unchanged from FW12 impact conclusions), given that the changes may have only minor changes in fishing effort and behavior as described in Section 6.1.

6.3 Impacts on Protected Species

The impacts of the proposed action on protected species would likely remain within the range previously analyzed in the EA, slight negative to moderate positive depending on the status of the specific species and its risk of interacting with gillnet and/or bottom trawl gear, the primary gears used in the skate fishery. Based on the new information in Section 5.2, and the information in the *Impacts to Target Species* and *Impacts to Human Communities,* substantial changes in fishing effort (e.g., number of vessels, amount of gear in the water, soak or tow duration) and behavior (e.g., area fished) are unlikely relative to that considered in the FW 12 EA.

The proposed ABC/ACL increase is unlikely to result in a substantial change to fishing effort or behavior. Skate catch has been well below ABC/ACL in recent years, and skate is largely incidental catch, and fishery participation has been declining in recent years, even in years when specifications increased (e.g., FY 2022 and 2023 relative to FY 2020 and 2021; refer to Section 5.3 above and Section 5.5 in FW 12). There may be minor increases in the volume and duration of gear in the water to land more skates, but if skates are more abundant, as the 2025 data update indicates, vessels may operate more efficiently by spending less time searching for skates, reducing the duration and extent of gear in the water. Any effort changes would be minor in the context of the fishery. Therefore, increases in interaction risks to protected species are not expected.

Increased wing and bait possession limits would also likely result impacts to protected species that are within the range identified in the Framework 12 EA (i.e., slight negative to moderate positive). Increasing the wing and bait possession limits would allow vessels to land more skates per trip (e.g., discards converted to landings) which could increase trip duration slightly, but is unlikely to substantially impact the number of trips a vessel takes or amount of gear fished, and, thus, is unlikely to result in increased fishing effort relative to recent operating conditions in the fishery. The majority of vessels fishing for skate wings or bait are landing below current possession limits and are not expected to change fishing patterns (see Sections 6.1 and 6.5). Any effort changes would be minor in the context of the fishery. Therefore, increases in interaction risks to protected species are not expected.

As noted in Section 5.2, on September 13, 2023, NMFS issued a 7(a)(2)/7(d) memorandum that reinitiated consultation on the 2021 Biological Opinion; this memorandum was replaced with an updated

7(a)(2)/7(d) memorandum issued by NMFS on January 8, 2025 and amended on November 25, 2025. Given the information provided above, the proposed action does not entail making any changes to the skate fishery during the extended reinitiation period that would cause an increase in interactions with or effects to ESA-listed species or their critical habitat beyond those considered in NMFS' amended January 8, 2025, reinitiation memorandum. Therefore, the proposed action is consistent with NMFS' 7(a)(2) and 7(d) determinations, and as such, this new information is not expected to change any of the impacts previously considered in the EA and FONSI.

6.4 Impacts on Physical Environment and Essential Fish Habitat

The impacts of the proposed action on the physical environment and essential fish habitat (EFH) would likely remain slight negative, like impacts previously analyzed in the EA. Gillnets and bottom trawls are used to target skates; gillnets do not cause adverse effects to EFH, but bottom trawls have an adverse effect. Changes to fishing effort would likely be minor relative to recent fishing years and would continue similar levels of adverse impacts to EFH in areas currently used by the skate fishery.

6.5 Impacts on Human Communities

The economic and social impacts of the proposed action on human communities would likely be slight positive, like the impacts previously analyzed in the EA. The proposed increase in TAL may lead to opportunities to increase landings and possibly revenue. The FY 2024–2025 data show favorable market outcomes in response to landings increases (Figure 4). Additionally, if the market responds more positively than predicted, the revenue benefits could be higher, unless processing capacity is reached. Increased wing and bait possession limits would likely have slight positive impacts, as skate and monkfish revenue could increase, and trips could become more efficient by increasing the economic output relative to inputs. Positive impacts may be reduced if an incidental possession limit is triggered during the fishing year. However, with the higher TAL, the proposed action is unlikely to trigger incidental possession limits, reducing the likelihood of disruptions to the fishery.

Given the determination that the resource can sustain an increase in the ABC, the industry could realize the benefits of additional yield that is supported by the best available science. The proposed action could work towards strengthening trust between management and industry members. Specifically, if fishermen perceive that managers are making use of the best available science in a timely manner; their attitudes, beliefs, and values towards management can be positively impacted. The proposed action would be less likely to constrain operations and limit income potential, which may improve job satisfaction for fishermen, which may increase the well-being of fishermen, their families, and their communities.

Bait Possession Limit Increase

The proposed increase in the skate bait LOA possession limits, from 25,000 to 30,000 lb per trip, would have slight positive impacts. As noted in Section 6.1, there have been just eight vessels in recent years that have been participating in the skate bait fishery with landings near the current possession limits, which may take advantage of this increase (Table 11). Most trips landing bait skate with the LOA have substantially lower landings and the increase would be unlikely to impact their participation.

While increasing the bait skate possession limits could increase TAL utilization by increasing landings on bait skate trips, the proposed increase is not expected to substantially impact fishing effort. Bait skate participation and landings have varied in recent years. From FY 2020 – 2024, 45-65% of the skate bait TAL was landed per year (Table 9). In FY 2025, the fishery landed 45% of skate bait Season 1 quota (May – July), and as of November 8, 2025, 55% of the quota in Season 2 (August – October) has been landed. The number of vessels landing bait skate has declined recently, from 51 vessels in FY 2022 to 31 in FY 2024 (Table 7).

Wing Possession Limit Increase

The skate wing fishery occurs in a broader geographic area than the bait fishery, but primarily in the waters off Cape Cod, and would most likely benefit from an increase in possession limits. The Wing DAS possession limits have increased twice since FY 2011 (Table 13). While these prior increases were to levels that had been recommended by the Skate Advisory Panel, after each change, the advisors have remained concerned about continued constraints to monkfish landings. Increasing the skate wing possession limits would allow vessels to land some additional skates per trip, offering an opportunity to convert some discards to landings and increasing efficiency per trip or take slightly longer trips to land more skates. Though this possession limit increase could increase TAL utilization with more landings per trip, it is not expected to substantially change fishing effort (i.e., frequency or duration of trips).

Table 13. Skate DAS possession limits (wing weight), FY 2011-2024

Fishing Years	Season 1	Season 2
FY 2011-2019	2,600 lb	4,100 lb
FY 2020-2023	3,000 lb	5,000 lb
FY 2024-2025	4,000 lb*	6,000 lb
* Implemented July 16, 2024		

Monkfish DAS trips that land skate may benefit from a skate wing possession limit increase by making skates less constraining on monkfish landings. The skate and monkfish fisheries primarily overlap in the Southern monkfish management area, and skate possession limits may have constrained monkfish landings for a subset of recent monkfish trips. For monkfish DAS trips in that area from FY 2018-2024 (excluding FY 2020), 26% of trips landed 75-100% of the skate wing possession limits. On these trips that were close to or reaching the skate possession limit, the average and median percent of monkfish possession limits landed ranged substantially across monkfish permit categories and months, signaling that factors beyond skate possession limits constrain the fishery (e.g., market demand, fish availability).

Table 14. Summary of impacts expected for each VEC as analyzed in Framework 12 and the proposed action.

VEC	Expected Impacts of Specifications	
	FY 2024-2025 (FW 12)	FY 2026-2028 (proposed action)
Target Species	slight positive	slight positive
Non-target Species	slight negative to slight positive	slight negative to slight positive
Protected Resources	slight negative to moderate positive	slight negative to moderate positive
Physical Environment & EFH	slight negative	slight negative
Human Communities	slight negative to slight positive	slight positive

7.0 CONCLUSION

In accordance with NOAA's NEPA procedures, after considering the proposed actions in Section 3.0 and new information in Section 5.0, NMFS has determined that a supplement to the EA prepared for Framework 12 to the Northeast Skate Complex FMP is not needed (NEFMC 2024b). Further supplementation is not needed because 1) the new proposed specifications do not amount to a substantial change relevant to environmental concerns; and 2) new circumstances and information do not alter the significance of the adverse effects that bear on the proposed action or its effects. The Finding of No Significant Impact signed on July 2, 2024, remains valid to support the proposed action.

8.0 APPLICABLE LAWS/EXECUTIVE ORDERS

8.1 MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT

8.1.1 National Standards

Section 301 of the Magnuson-Stevens Fishery Conservation and Management Act requires that regulations implementing any fishery management plan or amendment be consistent with ten national standards. Below is a summary of how this action is consistent with the National Standards and other required provisions of the MSA.

The Council continues to meet the obligations of National Standard 1 by adopting and implementing conservation and management measures that will continue to prevent overfishing, while achieving optimum yield for managed species and the U.S. fishing industry on a continuing basis. The primary goal of managing the skate fishery is to maintain long-term sustainable catch levels, and the second objective of the Northeast Skate Complex FMP is to prevent overfishing. This FMP established a fishery specifications process that ensures a consistent review of stock status, fishery performance, and other factors to manage annual catch limits (ACLs) and prevent overfishing. The measures implemented through this action should further achieve the goals/objectives and reduce the possibility of overfishing the northeast skate resource. Overfishing is currently not occurring on any of the seven skate species; only thorny skate remains overfished (Section 5.1).

This action is consistent with National Standard 2 because it was informed by fisheries-independent data from several surveys, commercial fishery landings data, stock assessments, and other scientific data sources. The FY 2026-2028 specifications are supported by the best available scientific information, and recommendations for Northeast skate catch during 2026-2028 are based on advice from the SSC. The supporting science and analyses, upon which the proposed action is based, are described in Section 5.0.

The Council manages the skate complex throughout the northeast region (Maine – North Carolina; National Standard 3). While most skates are landed in Massachusetts and Rhode Island, skate landings have been reported in every state from Maine through Virginia. To address that portion of the resource that is caught in state waters, the Skate FMP estimates expected state landings based on recent state landings and deducts that amount from the ACT. Furthermore, the management measures proposed in this action do not discriminate among residents of different states (National Standard 4); the measures are intended to be applied equally to Northeast Skate Complex permit holders of the same category, regardless of homeport or location.

The proposed 2026-2028 Northeast Skate Complex fishery specifications divide the overall skate ABC between the wing and bait fisheries in a manner that is intended to maximize opportunities for the fisheries while minimizing the potential for overfishing. The specifications proposed in this document should promote efficiency in the utilization of fishery resources through appropriate measures intended to provide access to the skate fisheries for both current and historical participants while minimizing the race to fish, and they do not have economic allocation as their sole purpose (National Standard 5).

The measures proposed account for variations in the fishery (National Standard 6). The 2025 data update for the skate complex noted no significant changes in biomass from previous assessments. Market fluctuations and environmental factors constantly introduce additional variations among, and contingencies in, the skate resource, the fishery, and the available catch. The proposed 2026-2028 Northeast Skate Complex fishery specifications represent a slight increase in allowable catch from recent years.

The Council considered the costs and benefits associated with the proposed 2026-2028 Northeast Skate Complex fishery specifications and revised skate possession limits. Any costs incurred because of the proposed action are necessary to achieve the goals and objectives of the Skate FMP and are outweighed by the benefits of taking the action. Consistent with National Standard 7, the management measures proposed in this document are not duplicative and were developed in close coordination with NMFS, the Mid-Atlantic Fishery Management Council, and other interested entities and agencies to minimize duplicity.

The proposed 2026-2028 Northeast Skate Complex fishery specifications consider the importance of fishery resources to fishing communities (National Standard 8). The measures proposed would likely have low positive impacts on communities engaged in and dependent on the skate fisheries.

This action also considers National Standard 9; Framework 12 (NEFMC 2024b) has information related to bycatch in the skate fisheries. Skates are typically the non-target species that are caught when fishing effort is being expended on more profitable species managed under other FMPs, e.g., NE Multispecies, Monkfish, and Scallop FMPs. These fisheries have ACLs, effort controls, possession limits, gear restrictions, and other measures that constrain overall effort on skates.

Finally, this action is consistent with National Standard 10 to promote the safety of human life at sea. The Council has the utmost concern regarding safety and understands how important safety is when setting the Northeast Skate Complex ACL. The proposed 2026-2028 Northeast Skate Complex specifications ensure that access to the skate fisheries is provided for vessels of all sizes and gear types.

8.1.2 Other MSA Requirements

This action is also consistent with the fifteen additional required provisions for FMPs. Section 303 (a) of MSA contains required provisions for FMPs.

1. *Contain the conservation and management measures, applicable to foreign fishing …*

   Foreign fishing for the Northeast skate resource is considered during the fishery specifications process. The proposed action does not apply to foreign fishing vessels; the domestic fishery has been shown to have the capacity to fully use the available catch.

2. *Contain a description of the fishery …*

   All the information required by this provision can be found in Framework Adjustment 12 to the Northeast Skate Complex FMP (NEFMC 2024b) submitted in May 2024 and Section 5.3 of this action.

3. *Assess and specify the present and probable future condition of, and the maximum sustainable yield and optimum yield from the fishery …*

   The present and probable future conditions of the Northeast skate resource were updated in the Annual Monitoring Report for Fishing Year 2023 (NEFMC 2024a). MSY_{proxy} was updated during development of this action. Information related to stock status and updated biological reference points are summarized in Section 5.1 of this document.

4. *Assess and specify-- (A) the capacity and the extent to which fishing vessels of the United States, on an annual basis, will harvest the optimum yield specified under paragraph (3); etc.*

   This MSA provision relates directly to the skate fishery specification process and is addressed when the Council develops the specifications for this fishery.

5. *Specify the pertinent data which shall be submitted to the Secretary with respect to commercial, recreational, and charter fishing in the fishery …*

Data regarding the type and quantity of fishing gear used, catch, areas fished, season, sea sampling hauls, and domestic harvesting/processing capacity are updated in Framework 12.

6. *Consider and provide for temporary adjustments, after consultation with the Coast Guard and persons utilizing the fishery, regarding access to the fishery for vessels otherwise prevented from harvesting because of weather or other ocean conditions …*

   The proposed action does not alter any adjustments made in the Northeast Skate Complex FMP that address opportunities for vessels that would otherwise be prevented from harvesting because of weather or other ocean conditions affecting safety aboard fishing vessels. Therefore, consultation with the U.S. Coast Guard was not required relative to this issue.

7. *Describe and identify essential fish habitat for the fishery …*

   Essential fish habitat has been identified for skates in the Northeast Skate Complex FMP and has been addressed through all subsequent related management actions in a manner consistent with the MSA. EFH designations were most recently updated via Omnibus Habitat Amendment 2 (NEFMC 2016). Framework 12 updated the description of the physical environment and EFH (NEFMC 2024b) and evaluated the impacts on EFH of the Proposed Action and other alternatives. Nothing in this action changes those descriptions and evaluations.

8. *In the case of a fishery management plan that, after January 1, 1991, is submitted to the Secretary for review under section 304(a) assess and specify the nature and extent of scientific data which is needed for effective implementation of the plan …*

   The NEFMC Research Priorities and Data Needs for 2024-2028 updates the list of data and research needs with respect to the skate fishery and its management program. The Skate Annual Monitoring Report for Fishing Year 2023 (NEFMC 2024a) and Section 5.1 of this action represent the best available information regarding the status of the skate resource currently. No new data are required for the implementation of this action.

9. *Include a fishery impact statement for the plan or amendment …*

   Any additional impacts from measures proposed in this action are evaluated in Section 6.0 of this document.

10. *Specify objective and measurable criteria for identifying when the fishery to which the plan applies is overfished …*

    The status determination criteria for skates were established in the Original FMP, revised through Amendment 3 (NEFMC 2009) and described in Table 3 of this action.

11. *Establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery …*

    This action would not change the existing standardized bycatch reporting methodology (SBRM), which helps assess the amount and type of bycatch in the skate fishery and identify ways the fishery can minimize bycatch and bycatch mortality.

12. *Assess the type and amount of fish caught and released alive during recreational fishing under catch and release fishery management programs and the mortality of such fish …*

    The Northeast Skate FMP does not regulate a catch and release recreational fishery management program. There is no specification for recreational fishing, but recreational landings and dead discards are included in year-end catch accounting. They constitute 1-8% of catches in recent years (Table 10).

13. *Include a description of the commercial, recreational, and charter fishing sectors which participate in the fishery …*

    A brief description is in Section 5.3. More information is in Framework 12 (NEFMC 2024b).

14. *To the extent that rebuilding plans or other conservation and management measures which reduce the overall harvest in a fishery are necessary, allocate any harvest restrictions or recovery benefits fairly and equitably among the commercial, recreational, and charter fishing sectors in the fishery.*

    The Proposed Action would not change the allocation of catch between the commercial, recreational and charter fisheries. The ABC control rule is applied stock-wide, so limits would be distributed across the fishery proportionally.

15. *Establish a mechanism for specifying annual catch limits in the plan (including a multiyear plan), implementing regulations, or annual specifications, at a level such that overfishing does not occur in the fishery, including measures to ensure accountability.*

    The Northeast Skate Complex FMP includes a multi-year specifications process for the skate fishery that complies with the ACL/AM provisions of the MSA. Future Council actions for this FMP will continue to address the mechanism for specifying ACLs and the need to ensure accountability in the fishery. The Proposed Action would not change the mechanism for establishing ACLs.

8.2 National Environmental Policy Act

NEPA provides a mechanism for identifying and evaluating the full spectrum of environmental issues associated with federal actions and for considering a reasonable range of alternatives to avoid or minimize adverse environmental impacts. We have determined that the proposed action and its effects fall within the scope of previous EAs as described above, and that those analyses remain valid for this action. Thus, there is no need for supplemental NEPA analyses or to revise the previous FONSI.

8.2.1 Point of Contact

Questions concerning this document may be addressed to:

Dr. Cate O'Keefe, Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950 (978) 465-0492

8.2.2 Agencies Consulted

The following agencies, in alphabetical order, were consulted in preparing this document:

- Mid-Atlantic Fishery Management Council
- New England Fishery Management Council, including representatives from:
  - Connecticut Department of Environmental Protection
  - Maine Department of Marine Resources
  - Massachusetts Division of Marine Fisheries
  - New Hampshire Fish and Game
  - Rhode Island Department of Environmental Management
- National Marine Fisheries Service, NOAA, Department of Commerce
- United States Coast Guard, Department of Homeland Security
- United States Fish and Wildlife Service, Department of Interior

8.2.3 List of Preparers

The following personnel participated in preparing this document:

- ***New England Fishery Management Council***. Dr. Rachel Feeney (Skate Plan Coordinator), Michelle Bachman, Emily Bodell, Jennifer Couture, Dr. Cate O'Keefe, Jonathon Peros
- ***National Marine Fisheries Service.*** Jason Boucher, Dr. Trish Clay, Ashleigh McCord, Danielle Palmer, Alicia Schuler, Katherine Sosebee, John Sullivan, Samantha Werner
- ***State agencies***. Eric Schneider (Rhode Island Division of Environmental Management)

8.2.4 Opportunity for Public Comment

This action was developed in 2025, and there were 12 public meetings related to this action (Table 15). Opportunities for public comment occurred at Advisory Panel, Committee, and Council meetings. There were more limited opportunities to comment at PDT meetings. Meeting discussion documents and summaries are available at www.nefmc.org.

Table 15. Public meetings related to FY 2026-2028 Skate Specifications

Date	Meeting Type	Location
2/6/2025	Skate PDT	Webinar
3/3/2025	Joint Monkfish and Skate PDT	Webinar
3/19/2025	Joint Monkfish and Skate AP	South Kingstown, RI and Webinar
3/20/2025	Joint Monkfish and Skate Committee	South Kingstown, RI and Webinar
5/29/2025	Joint Monkfish and Skate PDT	Webinar
7/16/2025	Joint Monkfish and Skate PDT	Webinar
8/5/2025	Skate PDT	Webinar
8/19/2025	Science and Statistical Committee	Boston, MA and Webinar
8/21/2025	Joint Monkfish and Skate PDT	Webinar
9/16/2025	Joint Monkfish and Skate AP	Webinar
9/17/2025	Joint Monkfish and Skate Committee	South Kingstown, RI and Webinar
9/24-9/26/2025	Council	Gloucester, MA and Webinar

8.3 Marine Mammal Protection Act

Section 6.0 assesses the impacts of the proposed action on marine mammals. The Council has reviewed the impacts of the proposed 2026-2028 skate fishery specifications on marine mammals and has concluded that the management actions proposed are consistent with the provisions of the MMPA. Although they are likely to affect marine mammals inhabiting the management unit, the specifications will not alter the effectiveness of existing MMPA measures to protect those species, such as take reduction plans, that may occur in the management unit of the Northeast Skate Complex FMP.

8.4 Endangered Species Act

On May 27, 2021, the National Marine Fisheries Service's (NMFS) completed formal consultation pursuant to section 7 of the ESA of 1973, as amended, and issued a biological opinion (2021 Opinion) on the authorization of eight FMPs, two interstate fishery management plans (ISFMP), and the

implementation of the New England Fishery Management Council's Omnibus Essential Fish Habitat (EFH) Amendment 2.[4] The 2021 Opinion considered the effects of the authorization of these FMPs, ISFMPs, and the implementation of the Omnibus EFH Amendment on ESA-listed species and designated critical habitat, and determined that those actions were not likely to jeopardize the continued existence of any ESA-listed species or destroy or adversely modify designated critical habitats of such species under NMFS jurisdiction. An Incidental Take Statement (ITS) was issued in the 2021 Opinion. The ITS includes reasonable and prudent measures and their implementing terms and conditions, which NMFS determined are necessary or appropriate to minimize impacts of the incidental take in the fisheries assessed in the 2021 Opinion.

The 2021 Opinion was reinitiated on September 13, 2023. The Federal actions to be addressed in this reinitiation of consultation include the authorization of the Federal fisheries conducted under the aforementioned eight Federal FMPs (see footnote 4). The reinitiated consultation will not include the American lobster and Jonah crab fisheries, which are authorized under ISFMPs. On December 29, 2022, President Biden signed the Consolidated Appropriations Act (CAA), 2023, which included the following provision specific to NMFS' regulation of the American lobster and Jonah crab fishery to protect right whales, "Notwithstanding any other provision of law ... for the period beginning on the date of enactment of this Act and ending on December 31, 2028, the Final Rule ... shall be deemed sufficient to ensure that the continued Federal and State authorizations of the American lobster and Jonah crab fisheries are in full compliance with the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)." Given this, the American lobster and Jonah crab fisheries remain in compliance with the ESA through December 31, 2028.

On January 8, 2025, and amended on November 25, 2025, NMFS issued a memorandum titled, "Section 7(a)(2) and 7(d) Determinations for the Extended Reinitiation Period for Endangered Species Act Section 7 Consultation on Eight Fishery Management Plans." This reinitiation memorandum determined that the authorization of these fisheries during the extended reinitiation period would not violate section 7(d) of the ESA and would not be likely to jeopardize the continued existence of ESA-listed large whales, sea turtles, Atlantic sturgeon, Atlantic salmon, or giant manta rays, or adversely modify designated critical habitat.

Given the information provided above, it has been determined that the proposed action does not entail making any changes to the skate fishery during the extended reinitiation period that would cause an increase in interactions with or effects to ESA-listed species or their critical habitat beyond those considered in NMFS' January 8, 2025, reinitiation memorandum, as amended. Therefore, the proposed action is consistent with NMFS' January 8, 2025, 7(a)(2) and 7(d) determinations.

8.5 Administrative Procedure Act

Sections 551-553 of the Administrative Procedure Act established procedural requirements applicable to informal rulemaking by federal agencies. The purpose is to ensure public access to the federal rulemaking process, and to give public notice and opportunity for comment. The Council did not request relief from notice and comment rule making for this action and expects that NOAA Fisheries will publish proposed and final rule making for this action.

[4] The eight Federal FMPs considered in the May 27, 2021, Biological Opinion include: (1) Atlantic Bluefish; (2) Atlantic Deep-sea Red Crab; (3) Mackerel, Squid, and Butterfish; (4) Monkfish; (5) Northeast Multispecies; (6) Northeast Skate Complex; (7) Spiny Dogfish; and (8) Summer Flounder, Scup, and Black Sea Bass. The two ISFMPs are American Lobster and Jonah Crab.

8.6 PAPERWORK REDUCTION ACT

The purpose of the Paperwork Reduction Act is to minimize paperwork burden for individuals, small businesses, nonprofit institutions, and other persons resulting from the collection of information by or for the Federal Government. It also ensures that the Government is not overly burdening the public with information requests. This action does not propose to modify any existing collections, or to add any new collections; therefore, no review under the Paperwork Reduction Act is necessary.

8.7 COASTAL ZONE MANAGEMENT ACT

Once the Council has adopted final measures and submitted this action to NMFS, NMFS will request reviews for consistency with the Coastal Zone Management Act by state agencies directly.

Section 307 of the Coastal Zone Management Act (CZMA) is known as the federal consistency provision. Federal Consistency review requires that "federal actions, occurring inside or outside of a state's coastal zone, that have a reasonable potential to affect the coastal resources or uses of that state's coastal zone, to be consistent with that state's enforceable coastal policies, to the maximum extent practicable." NOAA's National Marine Fisheries Service (NMFS) determined that this action is consistent to the maximum extent practicable with the enforceable policies of the approved coastal management programs of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and North Carolina. A general consistency determination was submitted on December 18, 2009, in conjunction with Amendment 3 to the Northeast Skate Complex FMP, for review by the responsible state agencies under section 307 of the CZMA. This general consistency determination applies to the current FMP, and all subsequent routine Federal actions carried out in accordance with the FMP such as framework adjustments and specifications. We received responses concurring with our consistency determination for Amendment 3 from the states of New Hampshire, New Jersey, Pennsylvania, Delaware, Connecticut, Virginia, and North Carolina. The states of Maine, Massachusetts, Rhode Island, New York, and Maryland did not respond. Therefore, pursuant to 15 CFR 930.41(a), we presume concurrence by these states with the Amendment 3 general consistency determination.

8.8 INFORMATION QUALITY ACT

Section 515 of the Treasury and General Government Appropriations for Fiscal Year 2001 (Public Law 106-554, also known as the Data Quality Act or Information Quality Act) directed the Office of Management and Budget (OMB) to issue government-wide guidelines that "provide policy and procedural guidance to federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by federal agencies." OMB directed each federal agency to issue its own guidelines, establish administrative mechanisms allowing affected persons to seek and obtain correction of information that does not comply with the OMB guidelines, and report periodically to OMB on the number and nature of complaints. The NOAA Section 515 Information Quality Guidelines require a series of actions for each new information product subject to the Data Quality Act. Information must meet standards of utility, integrity, and objectivity. This section provides information required to address these requirements.

Utility of Information Product

The proposed document includes a description of the management issues and the reasons for selecting the proposed action. The proposed action implements conservation and management goals of the FMP consistent with the MSA and all other existing applicable laws.

Utility means that disseminated information is useful to its intended users. "Useful" means that the content of the information is helpful, beneficial, or serviceable to its intended users, or that the information supports the usefulness of other disseminated information by making it more accessible or easier to read, see, understand, obtain, or use. The information presented in this document is helpful to the intended users (the affected public) by presenting a clear description of the purpose and need of the proposed action, the measures proposed, and the impacts of those measures. A discussion of the reasons for selecting the proposed action is included so that intended users may have a full understanding of the proposed action and its implications. The intended users of the information contained in this document are participants in the skate fishery and other interested parties and members of the public. The information contained in this document may be useful to owners of vessels holding a Northeast skate permit as well as skate dealers and processors since it serves to notify these individuals of any potential changes to management measures for the fishery. This information will enable these individuals to adjust their fishing practices and make appropriate business decisions based on the new management measures and corresponding regulations.

The information being provided in this action is based on landings and effort data through FY 2024 fishing year and some FY 2025 data when possible. Information presented in this document is intended to support this action, which has been developed through a multi-stage process involving all interested members of the public. Consequently, the information pertaining to management measures contained in this document has been improved based on comments from the public, fishing industry, members of the NEMFC, and NOAA Fisheries.

Until a proposed rule is prepared and published, this document is the principal means by which the information herein is publicly available. The information provided in this document is based on the most recent available information from the relevant data sources, including detailed and relatively recent information on the skate resource and, therefore, represents an improvement over previously available information. This document will be subject to public comment through proposed rulemaking, as required under the Administrative Procedure Act and, therefore, may be improved based on comments received.

This document is available in several formats, including printed publication, and online through the Council's web page (www.nefmc.org). The *Federal Register* notice that announces the proposed rule and the final rule and implementing regulations will be made available in printed publication, on the website for the Greater Atlantic Regional Fisheries Office (www.greateratlantic.fisheries.noaa.gov), and through the Regulations.gov website. The *Federal Register* documents will provide metric conversions for all measurements.

Integrity of Information Product

Integrity refers to security – the protection of information from unauthorized access or revision, to ensure that the information is not compromised through corruption or falsification. Prior to dissemination, information associated with this action, independent of the specific intended distribution mechanism, is safeguarded from improper access, modification, or destruction, to a degree commensurate with the risk and magnitude of harm that could result from the loss, misuse, or unauthorized access to or modification of such information. All electronic information disseminated by NMFS adheres to the standards set out in Appendix III, "Security of Automated Information Resources," of OMB Circular A-130; the Computer Security Act; and the Government Information Security Act. All confidential information (e.g., dealer purchase reports) is safeguarded pursuant to the Privacy Act; Titles 13, 15, and 22 of the U.S. Code (confidentiality of census, business, and financial information); the Confidentiality of Statistics provisions of the Magnuson-Stevens Act; and NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics.

Objectivity of Information Product

Objective information is presented in an accurate, clear, complete, and unbiased manner, and in proper context. The substance of the information is accurate, reliable, and unbiased; in the scientific, financial, or statistical context, original and supporting data are generated and the analytical results are developed using sound, commonly accepted scientific and research methods. "Accurate" means that information is within an acceptable degree of imprecision or error appropriate to the *kind* of information at issue and otherwise meets commonly accepted scientific, financial, and statistical standards.

For purposes of the Pre-Dissemination Review, this document is a "Natural Resource Plan." Accordingly, the document adheres to the published standards of the MSA; the Operational Guidelines, Fishery Management Plan Process; the Essential Fish Habitat Guidelines; the National Standard Guidelines; and NOAA Administrative Order 216-6, Environmental Review Procedures for Implementing NEPA. This information product uses information of known quality from sources acceptable to the relevant scientific and technical communities. Several data sources were used in the development of this action, including, but not limited to, historical and current landings data from the Commercial Dealer database, vessel trip report data, and fisheries independent data collected through the NMFS bottom trawl surveys. The analyses herein were prepared using data from accepted sources and have been reviewed by members of the Skate Plan Development Team and by the SSC where appropriate.

Despite current data limitations, the conservation and management measures considered for this action were selected based upon the best scientific information available. The analyses important to this decision used information from the most recent complete fishing years, generally through FY 2024. The data used in the analyses provide the best available information on the number of permits, both active and inactive, in the fishery, the catch (including landings and discards) by those vessels, the landings per unit of effort (LPUE), and the revenue produced by the sale of those landings to dealers, as well as data about catch, bycatch, gear, and fishing effort from a subset of trips sampled at sea by government observers.

Specialists (including professional members of PDTs, technical teams, committees, and NEFMC staff) who worked with these data are familiar with the most current analytical techniques and with the available data and information relevant to the Northeast skate complex fishery. The proposed action is supported by the best available scientific information. The policy choice is clearly articulated in Section 3.0, the management changes considered in this action.

The supporting science and analyses, upon which the policy choice was based, are summarized and described in the 2024 Annual Monitoring Report (NEFMC 2024a), Section 5.0 of this document, and Framework 12 (NEFMC 2024b). All supporting materials, information, data, and analyses within this document have been, to the maximum extent practicable, properly referenced according to commonly accepted standards for scientific literature to ensure transparency. The review process used in preparation of this document involves the responsible Council, the NEFSC, GARFO, and NOAA Fisheries Service Headquarters. The NEFSC's technical review is conducted by senior-level scientists specializing in population dynamics, stock assessment, population biology, and social science.

The NEFMC review process involves public meetings at which affected stakeholders have opportunity to comment on the document. Review by NMFS staff at GARFO is conducted by those with expertise in fisheries management and policy, habitat conservation, protected species, and compliance with the applicable law. The NEFMC also uses its SSC to review the background science and assessment to approve the ABCs, including the effects those limits would have on other specifications in this document. The SSC is the primary scientific and technical advisory body to the NEFMC and is made up of scientists that are independent of the NEFMC. A list of current committee members can be found at https://www.nefmc.org/committees/scientific-and-statistical-committee.

Final approval of the action proposed in this document and clearance of any rules prepared to implement resulting regulations is conducted by staff at NOAA Fisheries Service Headquarters, the Department of Commerce, and the U.S. Office of Management and Budget. In preparing this action for the Northeast Skate Complex FMP, NMFS, the Administrative Procedure Act, the Paperwork Reduction Act, the Coastal Zone Management Act, the Endangered Species Act, the Marine Mammal Protection Act, the Information Quality Act, and Executive Orders 12630 (Property Rights), 12866 (Regulatory Planning), 13132 (Federalism), and 13158 (Marine Protected Areas). The NEFMC has determined that the proposed action is consistent with the National Standards of the MSA and all other applicable laws.

8.9 Executive Order 13158 (Marine Protected Areas)

Executive Order (EO) 13158 on Marine Protected Areas (MPAs) requires each federal agency whose actions affect the natural or cultural resources that are protected by an MPA to identify such actions, and, to the extent permitted by law and to the maximum extent practicable, in taking such actions, avoid harm to the natural and cultural resources that are protected by an MPA. The EO directs federal agencies to refer to the MPAs identified in a list of MPAs that meet the definition of MPA for the purposes of the EO. The EO requires that the Departments of Commerce and the Interior jointly publish and maintain such a list of MPAs. A list of MPA sites has been developed and is available at: https://marineprotectedareas.noaa.gov/nationalsystem/nationalsystemlist/. No further guidance related to this EO is available at this time.

In the Northeast U.S., the only MPAs are the Stellwagen Bank National Marine Sanctuary (SBNMS), the Tilefish Gear Restricted Areas in the canyons of Georges Bank, and the National Estuarine Research Reserves and other coastal sites. The only MPA that overlaps the Northeast Skate Complex fishery footprint is the SBNMS.

This action is not expected to more than minimally affect the biological/habitat resources of the SBNMS MPA, which was comprehensively analyzed in the Omnibus Habitat Amendment 2 (NEFMC 2016). Fishing gears regulated by the Northeast Skate Complex FMP are unlikely to damage shipwrecks and other cultural artifacts because fishing vessel operators avoid contact with cultural resources on the seafloor to minimize costly gear losses and interruptions to fishing.

8.10 Executive Order 13132 (Federalism)

No federalism issues or implications have been identified relative to the measures proposed in this action, thus preparation of an assessment under EO 13132 is unwarranted. The affected states have been closely involved in the development of the proposed action through their representation on the NEFMC (all affected states are represented as voting members of at least one Regional Fishery Management Council). No comments were received from any state officials relative to any federalism implications that may be associated with this action.

8.11 Regulatory Impact Analysis (E.O. 12866)

The purpose of Executive Order 12866 (E.O. 12866, 58 FR 51735, October 4, 1993) is to enhance planning and coordination with respect to new and existing regulations. This E.O. requires the Office of Management and Budget (OMB) to review regulatory programs that are considered to be "significant". A significant action is any regulatory action that may:

1. Have an annual effect on the economy of $100 million or more; or adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, territorial, or tribal governments or communities;
2. Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
3. Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
4. Raise legal or policy issues for which centralized review would meaningfully further the President's priorities or the principles set forth in this Executive Order as specifically authorized in a timely manner by the Administrator of OIRA in each case.

In deciding whether and how to regulate, agencies should assess all costs and benefits of available regulatory alternatives. Costs and benefits shall be understood to include both quantifiable measures (to the fullest extent that these can be usefully estimated) and qualitative measures of costs and benefits that are difficult to quantify, but nevertheless essential to consider.

8.11.1 Management Goals and Objectives

The management goals and objectives are as those previously adopted for the Skate FMP.

8.11.2 Statement of the Problem

Changes to the ABC and possession limits are discussed in Section 3.0 of this document.

Increasing allowable catches allows for the opportunity to increase landings, though managing with possession limits and seasons assist in distributing the timing of landings over the fishing year. Neither the bait nor wing fisheries have encroached on the TAL in recent years (Figure 3).

Increased possession limits are expected to increase total landings. If skate supply is currently suppressed by current possession limits, increases in possession limits would allow for potential increases in economic efficiencies as well as profit increases. Specifically, increases in the bait fishery possession limits are expected to offset the loss of fishing grounds within wind energy areas and increased steam time costs (e.g., fuel) reported by industry due to offshore wind areas. Conversely, if quantity demanded is currently satiated and harvesters do not have full information, increasing possession limits could overwhelm processors and depress prices in the short run. Short run price depressions could cause economic hardship which may disproportionately impact smaller vessels and businesses or those who depend more heavily on skates as a primary revenue source.

8.11.3 Description of the Fishery and other Affected Entities

Section 5.3 has a description of the fishery. Changes in the ABC and the possession limits would have direct as well as secondary economic impacts on the fishery.

8.11.4 Economic impacts relative to the baseline

ABC Specifications: The increases in ABC are expected to have potential positive economic impacts depending on whether the additional TAL is utilized. Given the seasonal trip possession limits, the increase is not expected to exacerbate race-to-fish conditions. Additionally, given that the TAL has been underutilized in recent years, conditions related to market flooding are not anticipated due to this change alone. Increased ABC will allow for flexibility at the business level.

Possession Limits: As described in the problem statement, there are potential benefits and costs associated with increased possession limits. The benefits include elevated economic efficiency at the trip level with decreases in cost per unit effort and opportunities to decrease constraints on landing other species such as monkfish on skate trips. In the bait fishery, increased trip possession limits can also contribute to offsetting costs from increased trip duration. Possession limit increases could cause short-term price depressions if market gluts occur (Section 6.5).

8.11.4.1 Realized Wing Possession Limits Increases and Impacts on Prices (FY 2023-2025)

Skate wing possession limits increased from FY 2023 to FY 2024. Specifically, Season 1 (May 1–August 31) increased from 3,000 to 4,000 pounds of skate wings and Season 2 (September 1–April 30) increased from 5,000 to 6,000 pounds of skate wings. The changes, however, were not implemented until July 2024. An assessment of multiple economic indicators across FY 2023-2025 was conducted to better understand price trends as they relate to quantity landed and revenues within the skate wing fishery in the wake of increased possession limits (Table 14). Specifically, the number of trips, average landings per trip, total landings, average ex-vessel price, average revenue per trip, total revenue, and average revenue per vessel were assessed at the monthly level across the three fishing years (FY 2023, 2024 and 2025). Higher values relative to the previous year are noted (see cells highlighted in green in Table 14). All monetary values are reported in 2025 real dollars.

Analyses were conducted to examine the potential for increases in possession limits between FY 2023 to FY 2024 related to potential price depressions. The results suggest that total monthly landings increased in FY24 relative to FY23 for 8 out of the 12 months, with notably higher landings in June-September. Despite these increases in landings, the average monthly price remained strong and was higher in all months of FY24 relative to FY23.

Total revenues and average revenues per trip and per vessel also followed similar trends to landings, with higher values than FY2023 for most of the first half of FY24, then decreasing in the second half of the fishing year. Within FY24, landings dipped slightly from June to July, and prices also decreased, thus not offsetting the decrease in landings. However, revenues remained relatively stable in July and August but suffered due to a plunge in landings in September. Lower revenues in the latter half of FY24 were most likely driven by lower landings rather than weakening skate prices.

The total number of trips in FY25 was lower than FY24 Season 1; however, average landings per trip were higher, along with total landings, total revenue, and average revenue per trip from May-July which may relate to increases in economic efficiencies. The overall price was also higher during most months in Season 1 of FY25 relative to Season 1 of FY24. Note that the data only extended to August 11, 2025.

In conclusion, the skate wing prices have remained relatively consistent in the wake of increased possession limits and actually increased in Season 1 of FY24 relative to FY23 despite higher landings. The average price was relatively strong in FY24 and the first months of the FY25 fishing year, along with overall higher total landings, revenues, and average revenues per trip and vessel when comparing Season 1 values from FY23 to FY24 to FY25. There was a slight weakening of prices within Season 1 of FY24 when comparing within FY trends; however, the revenues were not heavily impacted until landings dropped in September. Season 2 of FY24 shows overall lower landings, though higher prices, relative to FY23. The cause of the lower landings and lower total and average revenues in the latter half of FY 2024 was likely driven by a combination of influencing factors and requires further investigation.

8.11.4.2 Wing Possession Limits Increases and Expected Impacts on Prices

Results from the increases in possession limits in FY24 relative to FY23 indicate that prices did not weaken in the wake of increased landings, which may signal a potential shift in both supply and demand driven by expanding markets in response to additional quantity landed. Given that skate prices did not weaken, multiple economic indicators, including total and trip/vessel revenues were also positively impacted when landings were higher. Given the modest increase in possession limits proposed (500 lb per trip per season), along with possible evidence of enhanced market conditions, similar market opportunities for FY2026-2028 are expected.

8.11.4.3 Skate Wing Baseline description

Ideally, the use of supply and demand models or an inverse demand model would be implemented to capture the changes in prices driven by the altering possession limits. These models, however, do not exist for the skate wing market. Additionally, setting price as a function of landings alone would cause biased results such that the estimates would not be informative and potentially misleading. For that reason, price thresholds are used developed from existing data coupled with a retrospective model to estimate predicted landings and revenues supported by the trends identified in the past two fishing years.

In this analysis, FY 2024 is used as a baseline for comparison. Specifically, the total number of trips landing within 70% of the possession limit within this fishing year are used to create a retrospective analysis. Using these trips, the additional 500 lb is added to estimate future potential landings under the new possession limits. Unfortunately, this technique does not account for vessel owners to choose to take additional trips under the newly imposed possession limits. For that reason, the estimates of total landings can be thought of as a lower bound. Given the price increases in FY 2024, along with the increase in landings and prices in FY25 relative to FY24, the average FY24 price per month will be applied to the landings estimated from the simulated trips to estimate revenues.

Table 16. Skate wing trips, landings, prices and revenues at various scales by month and fishing year.

Month	5	6	7	8	9	10	11	12	1	2	3	4
FY 2023												
N Trips	683	452	396	427	269	325	405	445	352	295	315	518
Average Landings / Trip	1,250	1,507	2,019	2,010	2,050	1,207	917	1,141	1,139	1,353	1,156	1,148
Total Landings	853,852	681,006	799,548	858,088	551,535	392,120	371,308	507,879	400,886	399,070	364,245	594,606
Average Monthly Price	0.61	0.64	0.6	0.59	0.56	0.5	0.63	0.64	0.7	0.72	0.77	0.69
Average Revenue / Trip	760	961	1,212	1,177	1,153	603	579	727	798	970	890	795
Total Revenue	519,043	434,256	480,118	502,750	310,174	195,924	234,396	323,450	280,736	286,249	280,227	411,647
Average Revenue / Vessel	4,553	4,825	10,002	8,978	5,442	2,612	2,694	2,967	2,507	2,752	2,669	3,005
FY 2024												
N Trips	759	587	528	527	408	279	331	405	305	274	315	460
Average Landings / Trip	1,180	1,882	1,939	2,015	2,036	1,545	1,270	1,022	1,059	1,258	1,038	1,356
Total Landings	895,273	1,104,807	1,023,772	1,061,804	830,714	430,982	420,313	413,770	323,058	344,618	326,906	623,844
Average Monthly Price	0.7	0.75	0.66	0.64	0.62	0.61	0.67	0.68	0.73	0.76	0.81	0.73
Average Revenue / Trip	826	1,407	1,280	1,291	1,254	939	849	693	771	959	837	996
Total Revenue	626,831	825,832	675,964	680,168	511,749	262,024	281,101	280,684	235,135	262,673	263,808	458,353
Average Revenue / Vessel	4,785	7,576	9,941	10,306	7,526	3,853	3,748	2,807	2,305	2,478	2,537	3,581
FY 2025												
N Trips	669	567	417	86								
Average Landings / Trip	1,721	2,447	2,814	2,823								
Total Landings	1,151,511	1,387,570	1,173,633	242,783								
Average Monthly Price	0.72	0.68	0.68	0.7								
Average Revenue / Trip	1,238	1,675	1,904	1,974								
Total Revenue	828,313	949,895	793,986	169,782								
Average Revenue / Vessel	6,680	10,214	14,436	7,074								

Source: Data pulled from CAMS in September 2025 (data only available through August 11, 2025).
Note: All monetary values are presented in 2025 real dollars. Cells highlighted in green indicate a higher value than the previous fishing year.

8.11.4.4 FY2026-FY2028 Wing Possession Limits Increases and Benefits (Gross Revenues)

Results suggest an increase in revenues by $98,802 in Season 1 and $176,426 in Season 2 when predicting values for FY26 under the new possession limits, all else being equal ($275,228 total, Table 17).

Table 17. Potential benefits from FY 2026 increase in skate wing possession limits.

	Total wing landings from trips ≥ 70% of the possession limit (lb)		Average wing price from trips ≥ 70% of the possession limit (2025 $/lb)		Total wing revenues from trips ≥ 70% of the possession limit (lbs.) (2025 $)		Estimated change in revenue from trips ≥ 70% of the possession limit (2025 $)	
	Season 1	Season 2	Season 1	Season 2	Season 1	Season 2	Season 1	Season 2
FY 2024 (Realized)	3,176,550	1,895,138	$0.79	$0.69	$2,430,780	$1,239,693	$98,802	$176,426
FY 2026 (Simulated)	3,651,550	2,052,638			$2,529,582	$1,416,119		

8.11.4.5 Realized Bait Possession Limits Increases and Impacts on Prices (FY23-FY25)

The impacts of bait possession increases on prices is uncertain but may be minor. The bait fishery has operated at 25,000 lb possession limits since FY 2012, except in FY 2017-2019 when the Season 3 bait possession limit was 12,000 lbs. As described in Table 11, 28% of vessels (n=8) landed >75% of the possession limit with average landings per trip ranging from 22,216 lb to 26,502 lb. There has been relatively little fluctuation in bait prices over the past three fishing years (Table 18), and the TAL utilization rate within the bait fishery has been relatively low, ranging from 45-62% over the past five fishing years (Table 9).

Table 18. Average ex-vessel price of skate bait landings by month, FY 2023-2025.

Average Monthly Price (2025 USD)	MONTH											
	5	6	7	8	9	10	11	12	1	2	3	4
FY 2023	0.29	0.24	0.2	0.2	0.22	0.21	0.21	0.22	0.2	0.2	0.2	0.22
FY 2024	0.22	0.23	0.2	0.22	0.24	0.22	0.22	0.22	0.21	0.21	0.21	0.18
FY 2025	0.18	0.2	0.22	0.2	0.19							
Source: CAMS database, accessed 9/25/2025. Compiled by S.L. Werner.												

Table 19. Average trips, vessels and landings from Skate Bait LOA Trips in reference to the possession limit and the percent of the trip possession limit Landed, average of FY 2021-2024.

	Percent Trip Limit Landed	Average Number of Trips	Average Number of Vessels	Total Average Landings (lb)
FY 2021-2024	<75%	708	21	3,309,629
	75-100%	32	5	699,805
	>100%	40	3	1,066,725
Source: CAMS database, accessed 9/26/25. Compiled by S.M. Turner				

8.11.4.6 FY2026-2028 Bait Possession Limits Increases and Benefits (Gross Revenues)

A retrospective analysis is used to simulate the expected increase in landings on trips which landed within 75% of the bait possession limit on LOA trips from FY 2021-2024 (Table 20). Specifically, a total of 1.8M lb were landed on trips landing 75-100+% of the possession limit over that time. The average price of $0.22 (Table 18) was used to calculate revenues equating to $388,637. Using the average number of trips landing ≥75% and the proposed possession limit of 30,000 lb, bait landings of 2,160,000 lb are estimated from LOA trips. A $0.20 average price is used to account for a slight decrease in prices to account for the inverse relationship between price and quantity demanded. This results in a total of $432,000 in revenues and an increase of $43,363 under previous possession limits, all else being equal.

Table 20. Average number of Bait LOA trips, total landings from trips landing 75% or more of skate bait possession limits, average bait prices, total revenues, and estimated changes in revenues for FY 2021-2024 (average) and FY 2026 (simulation).

	Average number of bait LOA trips		Poss. limit (lb)	Total landings from bait LOA trips ≥75% of possession limit	Average bait price ($/lb)	Total revenue from on bait LOA trips ≥75% of possession limit (2025 $)	Estimated change in revenue on bait LOA trips ≥75% of poss. limit (2025 $)
	75-100%	>100%					
Averaged Values FY21-24	32	40	25,000	1,766,530	$0.22*	$388,637	$43,363
FY26 (Simulation)	32	40	30,000	2,160,000	$0.2	$432,000	
Source: CAMS database, 9.26.25 initially pulled by S.M. Turner, further analyzed by S.L. Werner. * Note: All bait landings were used to calculate average prices.							

8.11.5 Total Benefits (Gross Revenues) of the Proposed Action

The estimation of future revenues requires the discounting of future values, adjusting future values to present dollars. Table 21 summarizes the total gross revenues from the proposed action after applying two discount rates, 3% and 7%, over FY 2026-2028. For the wing fishery, the total revenue ranges from $778,286 to $721,184 after discounting. For the bait fishery, the total revenue ranges from $122,621 to

$113,625. Ultimately, the increase in possession limits is expected to yield a total of $900,908 to $834,809 in additional gross revenues for the combined bait and wing skate fishery over FY 2026-2028.

Table 21. Gross revenues in the skate fishery (wing and bait) from the proposed action over FY 2026-2028.

Fishing Year	Fishery	2025 Value (2025 USD)	3% Discount Rate (2025 USD)	7% Discount Rate (2025 USD)
FY 2026	Wing	275,228	259,429	240,395
	Bait	43,363	40,874	37,875
FY 2027	Wing	275,228	259,429	240,395
	Bait	43,363	40,874	37,875
FY 2028	Wing	275,228	259,429	240,395
	Bait	43,363	40,874	37,875
Total	Wing	825,684	778,286	721,184
	Bait	130,089	122,621	113,625
Total Benefit		**955,773**	**900,908**	**834,809**

8.11.6 Determination of Significant Regulatory Action

The proposed action does not constitute a significant regulatory action under EO 12866 for the following reasons: 1) the proposed action will not have an annual effect on the economy of more than $100 million as supported by the analysis in the prior sub-sections; 2) adverse impacts on fisherman and fishing businesses, ports, recreational anglers, and operators of party/charter businesses are expected to be minimal to nonexistent; 3) there is no expected interactions with activities of other agencies and no impacts on entitlements, grants, user fees, or loan programs; and 4) the proposed action does not raise novel legal or policy issues. As such, the Proposed Action is not considered significant as defined by EO 12866.

8.12 Regulatory Flexibility Act

Under Section 603(b) of the Regulatory Flexibility Act (RFA), an RFA must describe the impact of the proposed rule on small entities and contain the following information:

- A description of the reasons why the action by the agency is being considered.
- A succinct statement of the objectives of, and legal basis for, the proposed rule.
- A description—and, where feasible, an estimate of the number—of small entities to which the proposed rule will apply.
- A description of the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities that will be subject to the requirement and the types of professional skills necessary for preparation of the report or record.
- An identification, to the extent practicable, of all relevant federal rules that may duplicate, overlap, or conflict with the proposed rule.

8.12.1 Reasons for Considering the Action

The purpose and need for this action are presented in Section 2.0 of this action.

8.12.2 Objectives and Legal Basis for the Action

The objectives of this action are presented in Section 2.0 of this action, and the legal basis is in Section 8.0.

8.12.3 Description and Estimate of Small Entities to Which the Rule Applies

Regulated Commercial Harvesting Entities

The increases in Skate ACL and possession limits would impact vessels or affiliate groups that hold Federal skate permits and affect both bait and wing fisheries. The higher TAL and possession limits in this action are expected to create net benefits for the fishery.

Impacts on target species indicate that landings will likely increase, and the profits/revenues from fishing for skates may increase slightly (Section 6.0). A comparative economic analysis in this section, based on FY 2024 conditions, is used to match with the NOAA Affiliates database. The affiliates data are assembled by NOAA, as of June 1st each year, for analyses required by the Regulatory Flexibility Act. Fishing vessel permits are linked together, an industry determination is made (finfish, shellfish, no revenue), and firms are classified as small or large based on SBA guidelines. Following SBA guidelines, a 5-year trailing average is used to determine which entities are classified as small business entities under the NOAA guidelines, as well as to measure total revenues for affiliate groups.

During the most recent fishing year (2024), there were 1,929 federal skate permits issued (Table 22). These permits are affiliated with 1,304 unique entities. Regarding affiliate groups, there are nine groups that classify as "large" all of which are in the commercial fishing sector, which includes 124 permits. The remaining affiliate groups are classified as small, of which 837 (1,273 unique permits) are in the commercial fishing sector, 158 (195 unique permits) are in the For Hire sector and 300 had no skate revenue (337 unique permits). The large commercial affiliates averaged $16M in revenue and an aggregate sum of $146M. Average gross revenues for the small commercial fishing entities was $637K and $193K for the For Hire affiliates.

8.12.4 Record Keeping and Reporting Requirements

There are no additional record keeping or reporting requirements associated with this action.

8.12.5 Duplication, Overlap, or Conflict with Other Federal Rules

No relevant federal rules have been identified that would duplicate or overplay the proposed rule.

Table 22. Skate fishery summary data for FY 2024 fishing year and affiliate groups for calendar years 2019-2024: Small and Large Businesses.

	Affiliate Size	
Entity Type	**Small**	**Large**
Commercial Fishing		
Number of Entities	837	9
Number of Permits	1,273	124
Total Affiliate Gross Revenues ($)	$533,158,490	$146,433,919
Average Affiliate Revenue ($)	$636,987	$16,270,435
For Hire		
Number of Entities	158	
Number of Permits	195	
Total Affiliate Gross Revenues ($)	$30,438,352	
Average Affiliate Revenue ($)	$192,648	
No Revenue		
Number of Entities	300	
Number of Permits	337	
Source: PERMIT data and NOAA RFA affiliates databases.		

8.12.6 Impacts of the Proposed Rule on Small Entities

The proposed rule is unlikely to disproportionately impact small businesses. Results from the previous possession limit increase did not demonstrate price gluts but did demonstrate that economic performance was enhanced with the increased landings. It is expected that the increase in possession limits will positively impact small businesses, similarly to large businesses with potential opportunities for increased landings, revenue, and trip efficiency gains. Allowing for additional catch can also contribute to a greater utilization of the TAL to meet the nation's demand for skate products, which has additional positive economic impacts.

8.12.7 Summary of the Proposed Action

The measures that would be implemented by the FY 2026-2028 Skate Specifications final rule would increase both the short- and long-term economic benefits on fishing businesses. The proposed action increases the total allowable landings and trip-level landings in both bait and wing fisheries. Overall, long-term impacts of the proposed action ensure that management measures and catch levels are sustainable and contribute to rebuilding stocks and, therefore, maximizing yield, as well as providing additional flexibility for fishing operations in the short term. The increase in possession limits is expected to yield additional benefits to the bait and wing fishery as well as the nation, with the potential for revenue increases up to $900,908.

9.0 REFERENCES

NEFMC. (2003). *Fishery Management Plan for the Northeast Skate Complex including Final Environmental Impact Assessment and an Initial Regulatory Flexibility Analysis*. Newburyport, MA: New England Fishery Management Council and National Marine Fisheries Service. 443 p.

NEFMC. (2009). *Final Amendment 3 to the Fishery Management Plan for the Northeast Skate Complex and Final Environmental Impact Statement*. Newburyport, MA: New England Fishery Management Council and National Marine Fisheries Service. 459 p. https://www.nefmc.org/library/amendment-3-3

NEFMC. (2016). *Final Omnibus Essential Fish Habitat Amendment 2*.Vol. 1-6 plus appendices. Newburyport, MA: New England Fishery Management Council. 490 p. https://www.nefmc.org/library/omnibus-habitat-amendment-2.

NEFMC. (2018). *Framework Adjustment 6 to the Northeast Skate Complex Fishery Management Plan*. Newburyport, MA: New England Fishery Management Council in cooperation with the National Marine Fisheries Service. 150 p. https://www.nefmc.org/library/framework-6.

NEFMC. (2024a). *Northeast Skate Complex Fishery Management Plan Annual Monitoring Report for Fishing Year 2023*. Newburyport, MA: New England Fishery Management Council. 14 p.

NEFMC. (2024b). *Northeast Skate Complex Fishery Management Plan Framework Adjustment 12*. Newburyport, MA: New England Fishery Management Council in cooperation with the National Marine Fisheries Service. 175 p. https://d23h0vhsm26o6d.cloudfront.net/240530-Skate-FW12-final-submission.pdf.

NEFSC. (2025). *2025 Data Update: Northeast Skate Complex*. Woods Hole, MA: U.S. Department of Commerce. Prepared by the Population Dynamics Branch of the Northeast Fisheries Science Center. 25 p.

Stevenson D, L Chiarella, D Stephan, RN Reid, K Wilhelm, J McCarthy & M Pentony. (2004). *Characterization of the Fishing Practices and Marine Benthic Ecosystems of the Northeast U.S. Shelf, and an Evaluation of the Potential Effects of Fishing on Essential Fish Habitat*. Woods Hole, MA: U.S. Dept. of Commerce. NEFSC Technical Memo NMFS-NE-181. 179 p.

Thunberg EM & SJ Correia. From Fishing Capacity to Diversity: Changing Fishery Management Priorities in the New England Groundfish Fishery. Proceedings of the 17th Biennial Conference of the International Institute of Fisheries Economics and Trade; 2014; Brisbane, Australia.