



## New England Fishery Management Council

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Daniel Salerno, *Chair* | Cate O'Keefe, PhD, *Executive Director*

May 21, 2026

Mr. Michael Pentony  
Regional Administrator  
NOAA Fishery Service  
Greater Atlantic Regional Fisheries Office  
55 Great Republic Drive  
Gloucester, MA 01930

RE: Comments on Bait Skate Utilization in the LAGC Scallop Fishery

Dear Mike:

I have reviewed the May 6, 2026, *Federal Register* notice (91 FR 24521) for an exempted fishing permit (EFP) that would allow for 12 fishing vessels with Limited Access General Category (LAGC) scallop permits to possess and land bait skate for research to determine if this would help to reduce skate discards and increase use of the skate bait total allowable landings (TAL). The skate bait fishery has been underutilized each year since fishing year (FY) 2018. There are substantial dead discards of skates in the scallop dredge fishery, some of which could be turned into landings under the EFP. While the Council supports exploring strategies to better achieve the skate TALs, we provide one factual correction and suggestions to ensure that the bait fishery remains sustainable.

We suggest that the EFP include an analysis of the impacts on lifting the skate landings prohibition for the LAGC scallop fishery. It would be important to collect data on the species and length of skate landed and discarded by the participating vessels and identify the degree of mortality of each species, particularly of juveniles. The EFP simply states that data on "bait skate catch" will be collected. The directed skate bait fishery primarily occurs in Southern New England waters in the vicinity of Block Island and targets little skates in waters less than 40 fathoms. Allowing possession and landings of skates up to 23" in length by LAGC vessels throughout the range of the LAGC fishery could result in additional juvenile mortality of barndoor skate, winter skates, and other larger skates. Impacts on juvenile mortality should be carefully evaluated prior to allowing the skate possession prohibition to be lifted for the LAGC fishery.

To reduce impacts on skates not targeted by the directed bait fishery, the EFP could consider limiting participation to LAGC A (individual fishing quota) vessels that largely fish in the southern range of the skate complex. While we assume that possession of the overfished thorny skate would be prohibited, though the EFP does not specify, and with the 2026 Northern Gulf of Maine (NGOM) fishery now closed, impacts on thorny skate from the EFP are likely minimal. Regardless, the EFP should clarify how impacts on overfished species would be mitigated.

The expected additional skate mortality due to the EFP is unlikely to result in the fishery exceeding specified catch limits, though the impacts on TAL use if the fleet-wide prohibition is

lifted should be examined. While the EFP estimates that the 12 participating vessels could land up to 1.7M lb of bait skate over 1,200 trips, or 15% of the FY 2025 Bait TAL (11.6M lb), the Bait TAL is expected to increase in FY 2026 to 15.5M lb. Thus, the contribution of the EFP landings is not expected to constrain the directed skate bait fishery (i.e., risk of triggering incidental landings is minimal), even with the expected increase in the possession limits for the directed fishery from 25,000 lb to 30,000 lb. Additionally, it is unlikely that the EFP vessels would take the proposed 100 trips each in the remainder of FY 2026. The FY 2026 LAGC IFQ scallop allocation of 853,923 lb allows for about 1,423 trips across this fishery sector this year.

Impacts on the LAGC scallop fishery should be considered as well to understand potential for targeting behavior of skates while on a declared scallop trip, and the downstream impacts that changes to possession rules could have on scallop fishing behavior. We suggest that the project also track total trip length, not just fishing effort and location, and the CFRF and/or NMFS evaluate effort and location data relative to trip data from non-EFP trips occurring during the project period.

The factual correction offered is that the Bait TAL use in FY 2021 was 47% not 16% as stated in the EFP. The EFP indicates that the Bait TAL use has ranged from 16-63% in FY 2021-2014 based on "NMFS's annual monitoring reports." The FY 2021 report available online indicates that the 6.2M lb of skate bait is 16% of a Bait TAL of 39.4M lb. In fact, 39.4M lb was the total Federal TAL and the Bait TAL was 13.2M lb, such that the 6.2M lb would be 47%. Council staff have already alerted NMFS staff of this matter.

Thank you for considering our comments. Please contact me with any questions

Sincerely,



Cate O'Keefe  
Executive Director