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Northeast Skate Complex

Fishery Management Plan

2026 – 2030 Specifications

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

September 9, 2025

DRAFT for AP, Committee and Council

Prepared by the

New England Fishery Management Council

In consultation with the

National Marine Fisheries Service

New England Fishery Management Council

NOAA

Document history

Final Specifications Meeting:	September 23, 2025
Preliminary Submission:	TBD, 2025
Final Submission:	TBD

Cover image

Compilation of NOAA images.

2026-2030 SPECIFICATIONS FOR THE NORTHEAST SKATE COMPLEX FISHERY MANAGEMENT PLAN - DRAFT

Proposed Action: Propose skate fishery specifications for fishing years 2026-2030.

Responsible Agencies:

New England Fishery Management Council
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National Marine Fisheries Service
National Oceanic and Atmospheric Administration
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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 2026-2030. 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) 2026-2030 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 and applicable case law. The Council and the National Marine Fisheries Service (NMFS) have preliminarily 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 significant new circumstances or information that are relevant to environmental concerns and have a bearing on 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 NEFMC habitat staff.

3.0 PROPOSED ACTION

The proposed action would set the skate specifications for FY 2026-2027 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 2028-2030. 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. The Council is developing a concurrent omnibus management flexibility amendment that, in part, may allow extending the time-period for setting skate specifications for up to five years. Consistent with the omnibus action, the proposed action for these skate specifications includes recommended specifications for FY 2028-2030. 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 … [insert if Council proposes changing possession 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 2028-2030, 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 for expected dead discards (15,486 mt for FY 2026-2027; 13,937 mt for FY 2028-2030), state landings (547 mt), and recreational catch (154 mt) would be taken.

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 2028-2030 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 based on a recent increase in the winter skate survey index, 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 2028-2030 would likely to avoid future scenarios in which catch advice might lower more abruptly. The ABC recommended for FY 2028-2030 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 2026-2027 and 2028-2030 (proposed action).

	FY 2024-2025		Proposed Action			
			FY 2026-2027		FY 2028-2030	
	(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.						

[Note: the below text on possession limits will only be included if the Council includes a possession limit change in the proposed action]

Possession Limits. The Council is also proposing changes to the skate ??? possession limits (PL) in this action. The Council last revised possession limits for FY 2024-2025 through Framework 12 after receiving input from the Skate Advisory Panel; possession limits were increased for wing trips fishing on a Monkfish, Scallop, or Northeast Multispecies Day-At-Sea (DAS), on a B-DAS, and not on a DAS. [describe change proposed]

Table 2. Skate possession limits for FY 2024-2025 (Framework 12) and FY 2026-2027 (proposed action).

Fishery	Season	Dates	% of TAL	Sub-Fishery	FY 2024-2025	FY 2026-2027 Proposed Action
Wing	1	May 1 – Aug 31	57%	DAS	4,000 lb wing; 9,080 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	???
				B-DAS	275 lb wing	???
				Non-DAS	625 lb wing	???
Bait	**1**	May 1 – Jul 31	30.8%	n/a	25,000 lb whole	???
	2	Aug 1 – Oct 31	37.1%			
	3	Nov 1 – Apr 30	Remainder			

Notes for Advisory Panel and Committee to consider:

Bait limit:

- **Recommendations for FY 2026 and beyond**
  - In recent years, the Skate AP has not recommended changing the Bait PL, and this was informally reinforced by AP member comments in March 2025.
  - In August 2025, the PDT suggested status quo limits.
- **Fishery performance**
  - In FY 2020-2024, 45-65% of Bait TAL landed/year (Table 9).
  - Number of vessels landing bait in FY 2024 (31) declined from FY 2022 (51, Table 7).
  - In FY 2025, 45% of Bait Season 1 (May-July) was landed; 9% of Season 2 (August-October) has been landed
  - Vessels fishing primarily on Bait LOA trips, then groundfish sector trips; some minor monkfish and common pool trips in the southern monkfish area (PDT memo).

Wing DAS limit:

- **Possession limit history:** Season 1 and Season 2 PLs (here in wing weight) have increased twice since FY 2011:
    - FY 2011-2019: 2,600/4,100 lb
    - FY 2020-2023: 3,000/5,000 lb
    - FY 2024-2025: 4,000/6,000 lb (implemented 7/16/2024)
    - While these prior increases were to levels that had been recommended by the AP, after each change, the AP has remained concerned about continued constraints to monkfish landings.
- **Recommendations for FY 2026 and beyond**
    - In March 2025, AP members suggested increasing Season 1 to 6,000 lb.
    - In August 2025, the PDT suggested increasing Season 1 to between 5,000-7,000 lb, and Season 2 to a range up to 7,000 lb.
- **Recent fishery performance**
    - Monkfish DAS trips in Southern monkfish area from FY 2018-2024 (excluding FY 2020; 7,373 trips (see September PDT memo, task #3))[1]:
        - 69% of trips landed 0-75% of skate wing possession limits.
        - 26% of trips landed 75-100% of the skate wing possession limit.
            - The PDT looked at monkfish landings on these trips to see if skate wing PLs have been constraining.
            - On these trips, the average and median percent of monkfish PLs landed ranged substantially across permit categories and months (13-106% for average, 14-112% for median) but were highest in May and June.
            - This may indicate some constraints on monkfish landings from November – April, where monkfish landings were much lower than PLs.
            - The data are inconsistent with fishing industry input that skates are constraining in the late spring.
        - 5% of trips exceeded skate possession limits. Many of the overages are at about 225% which signals a conversion issue between landed vs live weight.
    - In FY 2020-2024, 42-77% of Wing TAL was landed/year (Table 9).
    - Number of vessels landing wing in FY 2024 (229) declined from FY 2022 (242, Table 7).
- **Potential landings from increased limits**
    - Predicting changes in landings is challenging, but the PDT made estimates based on recent performance. 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 Wing PL (see FW12). Assuming this frequency:
        - Season 1 @ 900 trips
            - 5,000 lb PL (1,000 lb increase) = 900K lb more wing landings
            - 6,000 lb PL (2,000 lb increase) = 1.8M lb more wing landings
            - 7,000 lb PL (3,000 lb increase) = 2.7M lb more wing landings
        - Season 2 @ 350 trips

[1] NOTE: The Monkfish and Skate PDTs again highlight evidence in the data that the overages are not solely due to fishing activity inconsistent with regulations but likely result from data errors related to miscoding and converting from landed weight to live weight.

        - 7,000 lb PL (1,000 lb increase) = 350K lb more wing landings
    - This assumption may be conservative
        - The increase in possession limits in FY 2024 (1,000 lb each season would have resulted in 1.25M lb more wing landings (1,000*900 + 1,000*350). However, the increase did not get implemented until 2.5 months into the fishing year and FY 2024 wing landings increased by 2.4M lb over FY 2023, higher than this assumption.
        - FY 2025 landings are proceeding at a higher rate than in FY 2024.
    - FY 2026-2027 Wing TAL would be 3.39M lb higher than FY 2024-2025; FY 2028-2030 Wing TAL would be 1.99M lb higher.
- **FY 2025 landings**:
    - 75% of Wing Season 1 (May-August) was landed.
    - An exempted fishing permit was approved that will allow seven participating vessels to exceed skate wing possession limits by 3,000 lb. The project did not take any trips in FY 2025 Wing Season 1 and is approved to take trips through the end of FY 2025.

Wing Northeast Multispecies B-DAS limit (wing weight):

- Limit increased in FY 2024 from 220 lb to 275 lb. At the time in FW 12, it was noted that very few vessels take B-DAS trips.
- In March 2025, the AP members did not comment.
- In August 2025, the PDT recommended status quo limits.

Wing Non-DAS limit (wing weight):

- Limit increased in FY 2024 from 500 lb to 625 lb.
- In March 2025, the AP members did not comment.
- In August 2025, the PDT recommended status quo limits.

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 NEFMC 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 NEFMC 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 2) and MSY_{proxy} for the complex was updated in 2023 through the management track assessment, which updated data through 2022. After receiving the 2025 data update, the PDT corrected the MSY_{proxy}. 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 2026-2030 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 is unavailable for little skate due to some survey interruptions, so the survey indices for little skate only used 2024 and 2025 data. Fall survey data is complete and was 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.

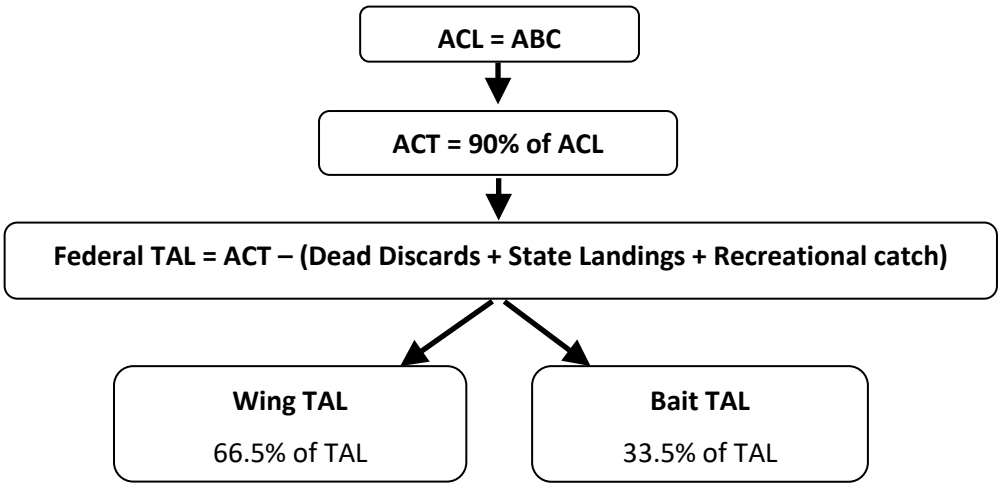
Annual Catch Target (ACT). The skate ACT is 90% of the ACL. There is a 10% uncertainty buffer between the ACL and ACT to account for scientific and management uncertainty (NEFMC 2018).

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 dead discards. Then, the average proportion of dead discards to total catch from these years is applied to the ACT.
- State landings are 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.
- Recreational catch is equal to the most recent average of three calendar years of recreational 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.



5.0 NEW INFORMATION AND CIRCUMSTANCES

This action considers the new information and some 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 generally 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.

The official stock status is that overfishing is not occurring for any of the seven skate species, and just thorny skate is overfished. The PDT updates based on the 2025 NEFSC data update (Table 3) are consistent with those conclusions. Winter skate continues to dominate the survey biomass, followed by little skate.

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. 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 NEFMC estimated that it takes a female thorny skate 15 years to replace its own spawning capacity, i.e., its mean generation time. 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). At the time, the PDT advised 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 is to prohibit 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 NEFMC 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.

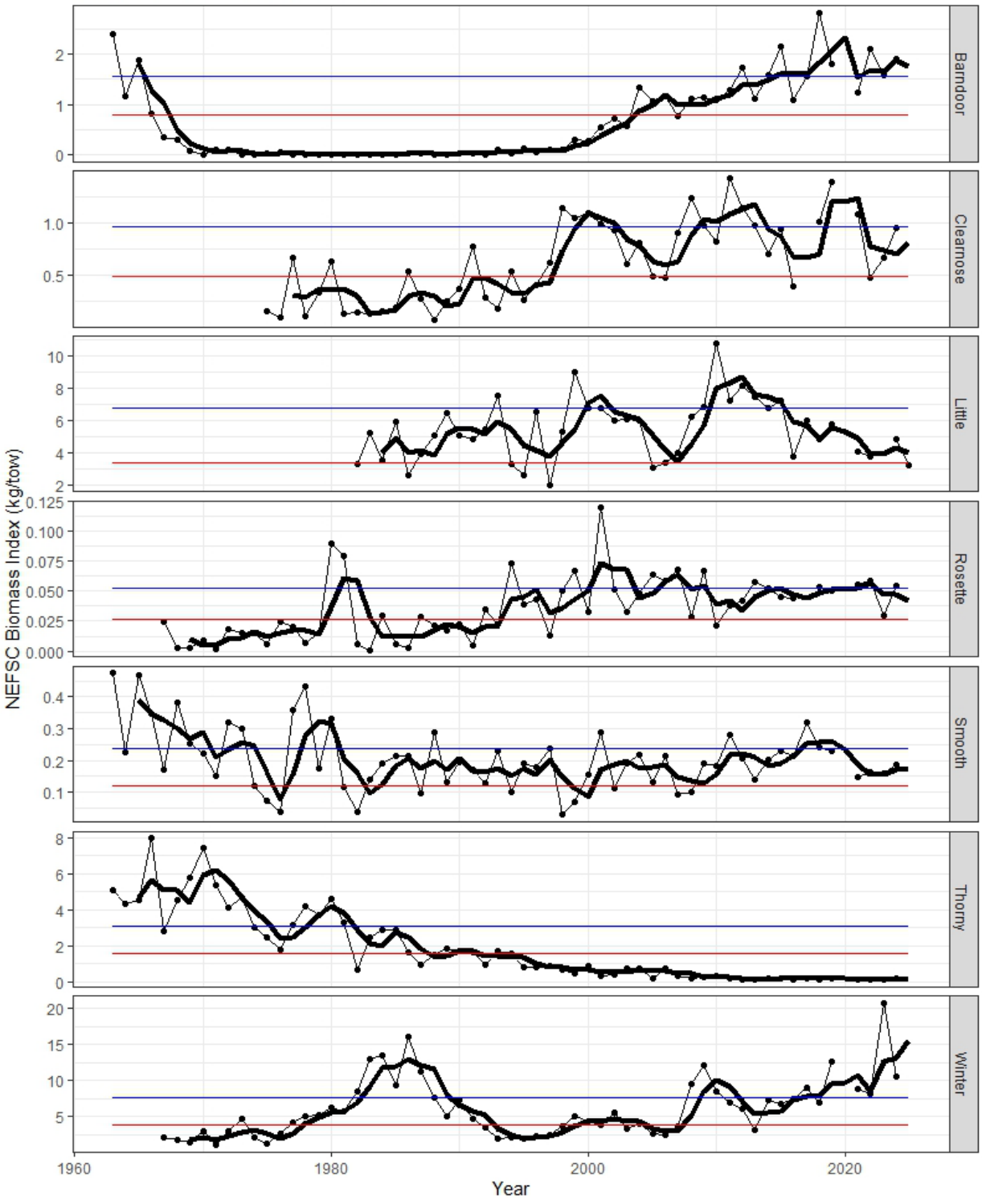
c. No survey tows completed in the most southern area in spring 2021. Values for 2021 were adjusted for missing strata (Offshore 61-64, Inshore 38, 41, 44) but may not be fully comparable to other surveys which sampled all strata.

d. The 2023 spring survey did not cover all the areas and only conducted the survey during daylight hours, so no data is 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 is 47.7% (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., Endangered

Species Act (ESA)-listed and/or Marine Mammal Protection Act (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.[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. Additional information on the reinitiation is provided in Section 9.4.

5.3 HUMAN COMMUNITIES

A detailed description of the commercial skate fishery and fishing communities may be found in FW 12 . 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. The tables below provide updated economic information for FY 2022-2024. In FY2024, there was an increase in skate revenue from $6.5 million in 2023 to $7.3 million. Wing revenues increased in 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 revenues 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.

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.				

[2] 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 7. Percent skate revenue of total vessel revenues 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	Median	# Vessels	Average	Median	# Vessels	Average	Median
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 on-line. This tally includes commercial skate landings from vessels with a federal fishing permit on the day of landing (dealer data and VTRs). Skate landings excluded from TAL monitoring are those by vessels that do not have any federal fishing permits on the day of landing, landings from research, and recreational landings.

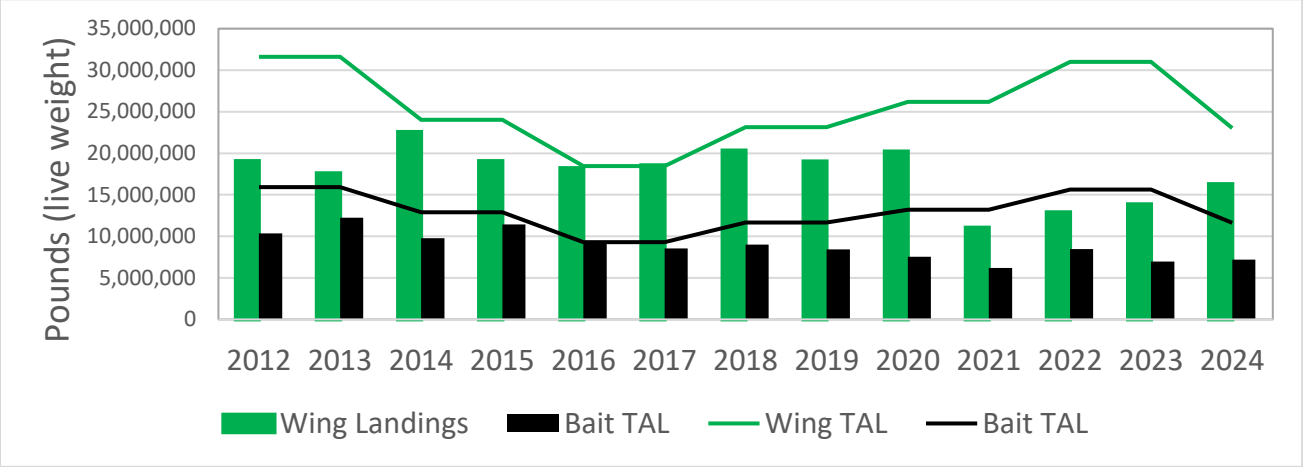
From FY 2020-2024, the overall federal skate TAL (bait plus wing) was not exceeded (Table 4). In 2020, 70% of the total TAL was landed. Landings were only 44-46% of the TAL in 2021-2023, before increasing to 68% of the TAL landed in 2024. Notably, TALs increased from FY 2021 to FY 2022 from 17,863 mt 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. Note: wing landings include landings by federally permitted skate vessels; Bait landings include all landings reported as bait or personal use.
FY 2024 Source: CAMS Database, accessed 7/21/2025.

Figure 3. FY 2020 - 2024 in-season monitoring of federal Northeast skate wing and bait landings
Source: Same as Table 9.



Total Catch – Year-End ACL Accounting

At the end of each fishing year, GARFO tabulates skate catches into a few bins and compares the total to the annual catch limit (Table 5). The "commercial landings" bin includes all skate landings by vessels with a permit number greater than zero. This includes landings by: 1) vessels with a federal fishing permit on the day of landing, 2) vessels with a federal fishing permit at any time of the year, and 3) vessels without a federal fishing permit that year but with one in the past. The "state-permitted only vessel landings" bin includes landings from vessels that never had a federal fishing permit (i.e., the permit # = 0) that were reported to the federal database; the "recreational catch" bin includes landings and dead discards from private anglers from Marine Recreational Information Program (MRIP) data; and the "estimated dead discards" bin is based on landings of all species and skate discards on observed trips (Table 5). The year-end calculation of dead discards is estimated on a fishing year basis, with different methods than those used to estimate the calendar year discards for stock assessment and specification setting purposes. Excluded from the year-end ACL accounting are the vessel-to-vessel skate transfers reported via VTRs (though included in TAL monitoring) and skate for personal use/home consumption.

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

NMFS estimates Federal commercial skate landings from the dealer weigh-out database and reports total skate landings according to live weight (i.e., the weight of the whole skate). This means that a conversion factor (2.27) is applied to all wing landings so that the estimated weight of the entire skate is reported and not just the wings. While live weight must be considered from a biological and stock assessment perspective, vessel revenue from skate landings is for landed weight (vessels in the wing fishery only make money for the weight of wings they sell, not the weight of the entire skate from which the wings came).

From FY 2020-2024, the ACL was not exceeded (and never has been). 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. State landings, defined as vessels that have never had a federal fishing permit, have decreased from 795 mt in FY 2017. 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.

6.0 NEPA COMPLIANCE – CHANGES TO THE ORIGINAL ACTION

The basis for previously analyzed management measures (Framework Adjustment 12; NEFMC 2024b) would not be changed in this action. These FY 2026-2027 specifications would use the same ABC control rule and formula for setting specifications as for FY 2024-2025. There would just be data updates and modifications based on data availability. The FY 2028-2030 would be lower as a precaution. The updated ABCs are increases relative to the specifications established for FY 2024-2025, which evaluated the impacts on the Valued Ecosystem Components (VEC; target species, non-target, protected species, habitat, and human communities) of the skate fishery. The environmental impacts of the proposed action are largely the same as analyzed in the previous action, which included an analysis of possession limit increases (Table 6) (Framework Adjustment 12; NEFMC 2024b). 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). The TAL and wing possession limits [if included] increases may result in more directed fishing effort; however, 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 are not anticipated.

Impacts on Target Species

The impacts of the proposed action on target species (skates) remain uncertain but would likely remain slight positive. Impacts are uncertain, because the lack of an analytical assessment precludes estimation of absolute biomass, fishing mortality rates, and an OFL for the skate species in the complex. The ABC increase 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 recommended by the SSC that are based on outcomes of the latest (2023) stock assessment and (2025) data update. The decrease in ABC for FY 2028-2030 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 would 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. [if included] Increasing the skate wing possession limits would likely have slightly positive impacts. The higher limits would likely cause a minor change in fishing effort and behavior. Landings and discards would increase but are expected to remain within the ABC. Though mortality could increase, the increases in skate wing possession limits are expected to decrease the proportion of dead discards to landings on each trip.

Impacts on Non-Target Species

The impacts of the proposed action on non-target species would likely remain slight negative to slight positive depending on the stock status of the non-target species. Impacts would not be expected to change under this action compared to what was previously described in the 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 non-target species is largely controlled through other FMPs and catch of skates is largely incidental in other fisheries. Any increased catches under the proposed action would be at levels that have been determined to be sustainable and not expected to result in a change in the stock status of any non-target species. [if included] Increased possession limits would likely have slight negative to slight positive impacts depending on the species stock status given that the changes are unlikely to change fishing effort and behavior. Increases in possession limits would allow for some discards to be converted to landings.

Impacts on Protected Species

The impacts of the proposed action on protected species would likely remain 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 gear types used in the Skate FMP. Based on the new information provided in Section 5.2, and the information provided in the *Impacts to Target Species,* 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), relative to that considered in the FW 12 EA, are unlikely. In theory, the ABC/ACL increase may increase the time gear spends in the water (or in some cases increased gear in the water), though vessels may be able to operate more efficiently, reducing the duration and extent of gear in the water. However, the ABC/ACL has not been limiting in recent years, and skate is largely incidental catch, therefore, this change is unlikely to result in a substantial change to effort/interaction risk/impacts. Any change would be minor in the context of the fishery. [If included] Increased possession limits would also likely result in similar impacts to those described in the Framework 12 EA. Increasing the possession limits would allow vessels to land more skate wings per trip, which could increase fishing time slightly but is unlikely to substantially impact the number of trips a vessel takes or amount of gear fished. Thus, impacts to protected species will likely remain slight negative to moderate positive.

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. 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' January 8, 2025, reinitiation memorandum. Therefore, the proposed action is consistent with NMFS' January 8, 2025, 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.

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. 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 small relative to recent fishing years and would continue similar levels of adverse impacts to EFH in areas currently used by the skate fishery. [include note about increased PLs if needed]

Impacts on Human Communities

The economic and social impacts of the proposed action on human communities would likely be slight positive. The increase in TAL would lead to opportunities to increase revenue, tempered if an incidental possession limit is triggered during the fishing year. With the higher TAL, the proposed action is unlikely to trigger AMs, preventing economic disruptions. [if included] Increased possession limits would likely have slight positive impacts, as skate and monkfish revenue could increase and trips could become more efficient.

Given the Scientific and Statistical Committee 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 might cause more trust in management among the industry if fishermen perceive that managers are making use of the best available science in a timely manner; their attitudes, beliefs, and values towards management will 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.

Table 11. Summary of impacts expected for each VEC as analyzed in Framework 12 and the proposed action.

VEC	Expected Impacts of Specifications	
	FY 2024-2025	FY 2026-2030 (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, NMFS is documenting its preliminary determination that 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. Supplementation of the EA for Framework Adjustment 12 to the Northeast Skate Complex FMP is therefore not needed (NEFMC 2024b). The Finding of No Significant Impact signed on July 2, 2024, remains valid to support the proposed action.

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