

Determination of Overfished Fisheries

The determination of the status of a stock relative to overfishing and overfished condition is based on both the rate of removal of fish from the population through fishing (the exploitation rate) and the current stock size. When the exploitation rate jeopardizes the capacity of a stock to produce its maximum sustainable yield (MSY) on a continuing basis, overfishing is occurring. Exploitation rates are usually expressed in terms of an instantaneous fishing mortality rate (F).

Another important factor for classifying the status of a resource is the current stock level. If a stock's biomass falls below its minimum biomass threshold, the capacity of the stock to produce MSY on a continuing basis is jeopardized and the stock is said to be in an overfished condition.

NMFS' Northeast Fisheries Science Center assessed the Northeast skate stocks at the 30th Northeast Regional Stock Assessment Workshop (SAW 30), in January 2000. Results of SAW 30 indicate that barndoor, smooth, thorny, and winter skate are overfished as discussed below.

Barndoor skate (Raja laevis)

The abundance of barndoor skate declined continuously through the 1960s to historic lows during the early 1980s. Since 1990, the abundance of barndoor skate has increased slightly on Georges Bank, the western Scotian Shelf, and in southern New England. However, the 1999 NEFMC autumn survey biomass index was less than 5 percent of the peak observed in 1963. F could not be estimated for the stock, nor could an F reference point be determined. However, the 1996–98 NEFMC autumn survey biomass index of 0.08 kg/tow was below the proposed biomass threshold of 0.81 kg/tow. Therefore, barndoor skate is overfished.

Smooth skate (Raja senta)

The abundance of smooth skate was highest during the early 1960s and late 1970s. F could not be estimated for the stock, nor could an F reference point be determined. However, the 1996–1998 NEFMC autumn survey biomass index of 0.15 kg/tow was below the proposed biomass threshold of 0.16 kg/tow. Therefore, smooth skate is overfished.

Thorny skate (Raja radiata)

The abundance of thorny skate has declined to historic lows. Current abundance is about 10–15 percent of the peak observed in the late 1960s and early 1970s. F could not be estimated for the stock, nor could an F reference point

be determined. However, the 1996–1998 NEFSC autumn surgery biomass index of 0.77 kg/tow was below the proposed biomass threshold of 2.20 kg/tow. Therefore, thorny skate is overfished.

Winter skate (Raja ocellata)

Winter skate abundance is currently about the same as in the early 1970s, at about 25 percent of the peak observed during the mid-1980s. Comparison of the current F(0.39), based on the NEFSC spring survey, to the proposed threshold F(0.1) indicates that overfishing is occurring. The 1996–1998 NEFSC autumn survey biomass index average of 2.83 kg/tow was below the proposed biomass threshold of 3.23 kg/tow. Therefore, winter skate is also overfished.

Section 304(e) of the Magnuson-Stevens Fishery Conservation and Management Act requires that within 1 year of being notified of the identification of a stock as being overfished, the affected Council must develop measures to end overfishing and rebuild the stock. On March 14, 2000, the NEFMC was informed that it had been designated as the Council having responsibility for the management of the Northeast skate fisheries and was notified of the overfished status of the barndoor, winter, thorny, and smooth skate stocks. The letter to the NEFMC reads as follows:

March 14, 2000
Mr. Thomas Hill
Chairman
New England Fishery Management Council
50 Water Street - Mill 2
Newburyport, Massachusetts 01950-2866
Dear Chairman Hill:

I am pleased to inform you that, on behalf of Secretary Daley, I have approved your request to designate the New England Fishery Management Council (NEFMC) as the responsible body for the development and management of the Northeast skate fisheries. Your responsibilities will include the management of seven species of skate found in the Northeast—barndoor, clearnose, little, rosette, smooth, thorny, and winter skate.

The Mid-Atlantic Fishery Management Council (MAFMC), at its August 1999 meeting, passed a motion to support the NEFMC's request to initiate skate management. The MAFMC made clear its desire to be an active participant with the NEFMC in the development of a fishery management plan for Northeast skates. The MAFMC also expressed the desire to place at least three voting members on the NEFMC's skate committee and to appoint at least three industry advisors to the NEFMC's skate advisory panel or its equivalent.

The National Marine Fisheries Service Northeast Fisheries Science Center undertook an assessment of the Northeast skate fisheries at the 30th Northeast Regional Stock Assessment Workshop (SAW 30), which was

completed in January 2000. Results of SAW 30 indicate that barndoor, smooth, thorny, and winter skate are overfished. The date of this letter will begin the 1-year period specified in the Magnuson-Stevens Fishery Conservation and Management Act for development of measures to address overfishing. A notice announcing the addition of these species to the list of overfished stocks will be published in the **Federal Register**.

I am pleased that you will begin work on management measures for these fisheries. If you have any questions, please do not hesitate to contact me.

Sincerely,
Andrew A. Rosenberg
Acting Assistant Administrator
for Fisheries

Dated: March 15, 2000.

Penelope D. Dalton,

*Assistant Administrator for Fisheries,
National Marine Fisheries Service.*

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 679**

[Docket No. 991228352-0012-02; I.D. 011100D]

RIN 0648-AM83

Fisheries of the Exclusive Economic Zone Off Alaska; Emergency Interim Rule To Implement Major Provisions of the American Fisheries Act; Correction

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Emergency interim rule; revisions to 2000 harvest specifications; sideboard directed fishing closures; correction.

SUMMARY: This document corrects the emergency interim rule, which implements major provisions of the American Fisheries Act (AFA) and revises interim 2000 harvest specifications and sideboard directed fishing closures. This correction is being made to clarify that AFA crab processing sideboard limits do not apply to the processing of Community Development Quota (CDQ) crab.

DATES: Effective January 21, 2000 through July 20, 2000.

FOR FURTHER INFORMATION CONTACT: Kent Lind, 907-586-7228.

SUPPLEMENTARY INFORMATION:

Need for Correction

The emergency interim rule that implemented major provisions of the American Fisheries Act (65 FR 4520, January 28, 2000) established AFA inshore processor and AFA mothership crab processing sideboard limits at § 679.64. NMFS did not intend for these crab processing sideboard limits to be applicable to the processing of CDQ crab. The AFA contains language that would cap crab processing in the directed crab fisheries, under the authority of the North Pacific Fishery Management Council, but does not contain language as to whether CDQ crab is part of the directed crab fisheries. To include the CDQ crab counts toward the cap would be highly disruptive to this entity because the CDQ crab fishery is not a directed fishery and comes after the open access crab fisheries. Therefore, NMFS has made a policy judgement to exclude CDQ crab from the processing caps and is correcting the AFA emergency rule by incorporating its interpretation of this policy in the emergency rule.

Correction

In the emergency interim rule To Implement Major Provisions of the American Fisheries Act, published in the **Federal Register** on January 28, 2000 (65 FR 4520), the following

corrections are made in the regulatory text.

1. On page 4544, in § 679.64, paragraphs (a) and (b), the first sentence of paragraph (d), and paragraph (e) are corrected to read as follows:

§ 679.64 AFA inshore processor and AFA mothership crab processing sideboard limits.

(a) *Applicability.* The crab processing limits in this section apply to non-CDQ crab processed by any AFA inshore or mothership entity that receives pollock harvested in the BSAI directed pollock fishery by a fishery cooperative established under § 679.60 or § 679.61.

(b) *Calculation of crab processing sideboard limits.* Upon receipt of an application for a cooperative processing endorsement from the owners of an AFA mothership or AFA inshore processor, the Regional Administrator will calculate a crab processing cap percentage for the associated AFA inshore or mothership entity. The crab processing cap percentage for each BSAI king or Tanner crab species will be equal to the percentage of the non-CDQ total catch of each BSAI king or Tanner crab species that the AFA crab facilities associated with the AFA inshore or mothership entity processed in the aggregate, on average, in 1995, 1996, and 1997.

* * * * *

(d) *Conversion of crab processing sideboard percentages and notification of crab processing sideboard poundage caps.* Prior to the start of each BSAI king or Tanner crab fishery, NMFS will convert each AFA inshore or mothership entity's crab processing sideboard percentage to a poundage cap by multiplying the crab processing sideboard percentage by the non-CDQ (open access) pre-season guideline harvest level (GHL) established for that crab fishery by ADF&G. * * *

(e) *Overages.* In the event that the actual harvest of a BSAI crab species during a non-CDQ crab fishery exceeds the non-CDQ pre-season GHL announced for that species, an AFA inshore or mothership entity may exceed its crab processing cap without penalty up to an amount equal to the AFA inshore or mothership entity's crab processing percentage multiplied by the final official harvest amount of that crab species as determined by the ADF&G and announced by NMFS on the NMFS-Alaska Region world wide web home page (<http://www.fakr.noaa.gov>).

Dated: March 16, 2000.

Penelope D. Dalton,

*Assistant Administrator for Fisheries,
National Marine Fisheries Service.*

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