

Winter Skate

Leucoraja ocellata – Kesikewey Kekunaluej

SARA UPDATE

LIFE DENIED



2010 International Year of Biodiversity

Description

Skates are a disc shaped fish, related to the shark family. Skates are very flat and it is hard to tell what is body and what is fin. Their eyes are on top and their gills and mouth are on the bottom. A Skate's tail is thin and round with two small fins on the very end. They are usually light to dark brown on the top and the underside of a skate is white to grey in colour.

Skates are found throughout the oceans around the world. Two hundred species of skates are known, living in waters from very shallow to great depths. In Atlantic Canada, there are seventeen (17) known species of skates, which include *winter skate*, *thorny skate*, *smooth skate* and *barndoor skate*. All skate species are under threat from human activities. In 2005 the Committee On the Status of Endangered Wildlife In Canada (COSEWIC) assessed three populations of *winter skate* as species at risk and they are currently assessing three additional Atlantic skate species.



Winter Skate (taken from Species at Risk Book)

Winter Skate

The winter skate is also known as “big” or “eyed” skate, because it has large eye spots on top near the corner of the pectoral fins. *Winter skates* also have very long wing-like fins and a longer tail than most other skates. When skates are small it is hard to tell the difference between the *winter skate* and other skate species.

Science knows very little about the *winter skate*. We do know that they become adults between the ages of seven and thirteen (7 – 13), usually when they are about one half to three quarters of a metre long. We think that *winter skate* can live up to thirty (30) years. Skates usually eat rock crab, squid, worms, amphipods, shrimp, clams, and small fish.

Female *winter skates* lay eggs in an egg sack called a “purse”. The mother lays between six and fifty (6 – 50) eggs and attaches her purses to the ocean bottom of rocks. Within the egg purses, the embryos, baby skates grow and it takes about twenty-two (22) months [almost 2 years before] a baby skate can hatch from the purse and fend for itself.



Winter Skate Purse

Habitat

Winter skates live close to the ocean bottom, where they can camouflage themselves in the sand or gravel. Most *winter skate* live in water less than one hundred fifty metres deep, but some have been caught at four hundred metres deep. They are also very tolerant to cold temperatures and can live in water as cold as -1°

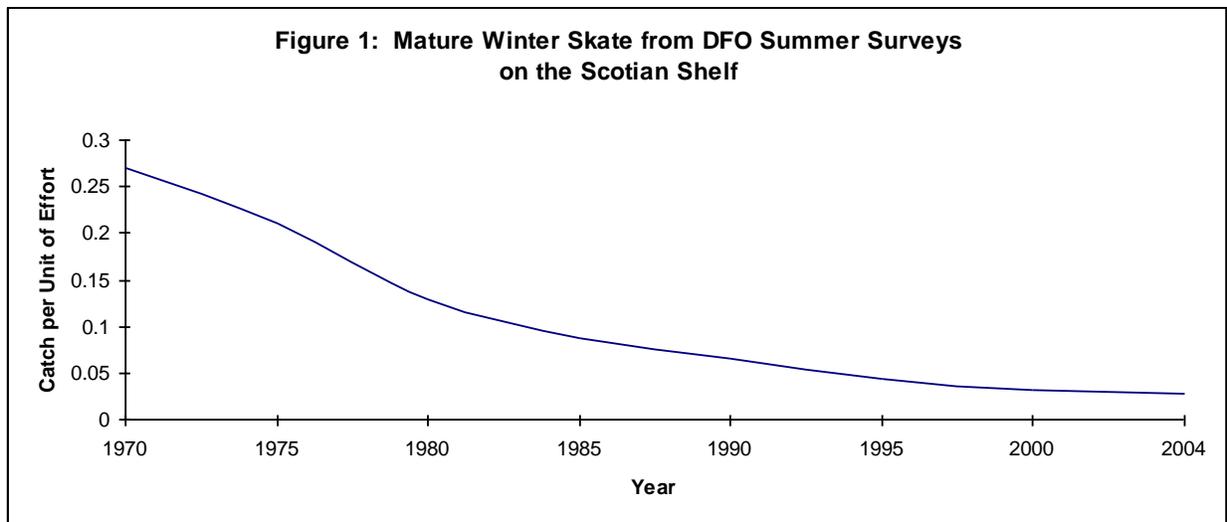
C and up to 19° C. In fact, they get their name “*winter skate*” in the Atlantic ocean because they prefer cold temperatures. They leave shallow warm waters in the spring (around southern New England) when the water gets warmer, and head to our Nova Scotian (Eastern Scotian Shelf and Southern Gulf of St. Lawrence) waters where it is still cool.

One vital habitat for winter skate is the Eastern Scotian Shelf, especially near Sable Island. It is believed that this area near Sable Island is one spawning area, where the egg purses are laid. This area is the twenty two month maternity ward (nursery habitat), which shelters and protects the delicate egg purses from natural causes while the embryos are developing.

Winter Skate Situation

The 2005 *winter skate* status report, by COSEWIC found that since the early 1970’s, the *winter skate* population in:

- the southern Gulf of St. Lawrence has dropped 98% - necessitating a COSEWIC assessment of ENDANGERED.
- the Eastern Scotian Shelf population has been assessed as THREATENED because of a drop of more than 90%.
- the population on George’s Bank, the Western Scotian Shelf and the Bay of Fundy has not declined as dramatically yet; however, if not carefully managed, this population may also become ENDANGERED. For now this population is SPECIAL CONCERN.



Values are estimated from information presented in COSEWIC status report and represent an estimation of Winter Skate caught per unit of time spent surveying (or Catch per Unit of Effort). CHP stands for Cod, Haddock, and Pollock

Threats to Winter Skate

In its assessment COSEWIC also found that the primary threat to all populations of the *winter skate* has been the large bycatch in the groundfish and invertebrate fisheries (the catch of *winter skate* when fishing for other species). The biggest culprits are the fisheries targeting *offshore clams*, *scallops*, and *flatfish*.

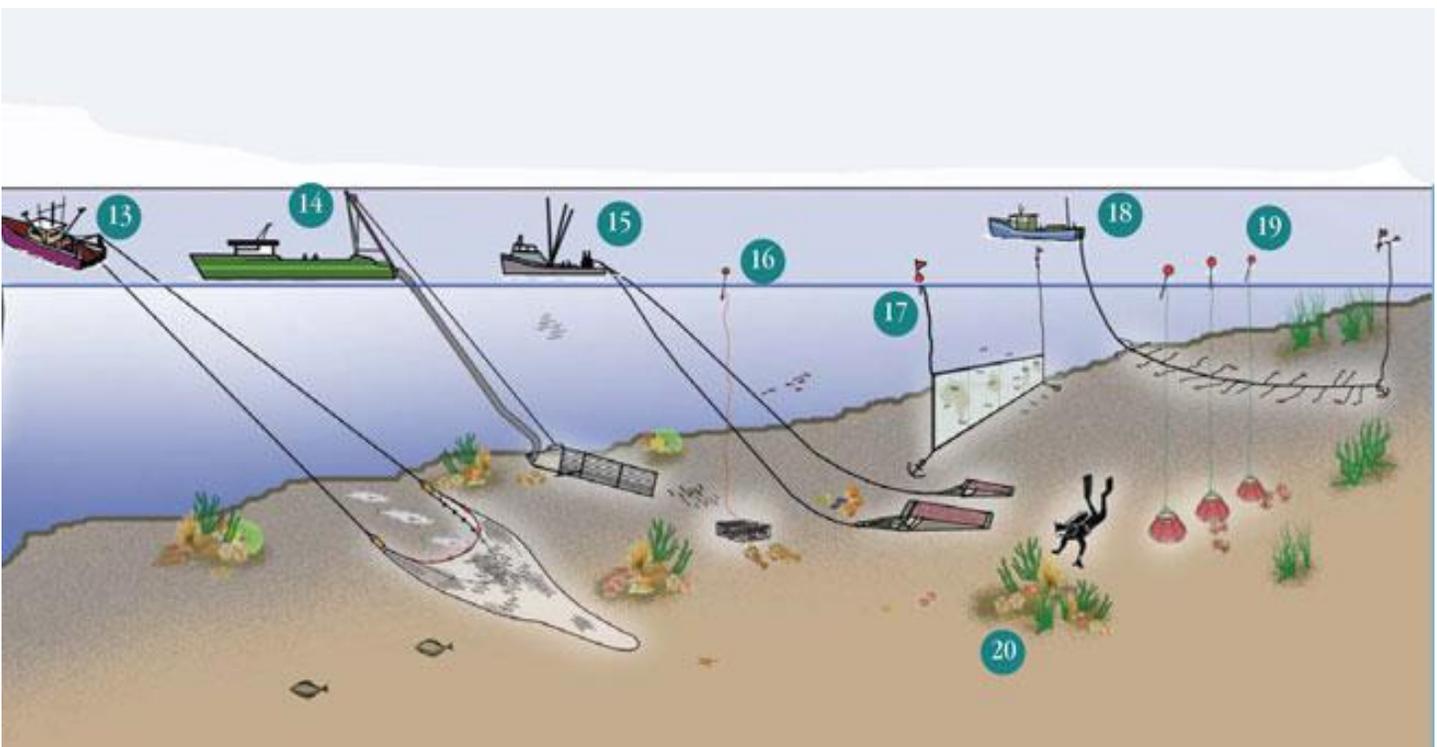
COSEWIC also found that *dragging/dredging gear* and *otter trawls* account for more than 90% of the total catch of skates destined as discards. The biggest area of concern is the NAFO fishing area 4VW, which includes the Sable Island maternity ward. In addition, dragging and dredging gear destroys critical habitat, the maternity/nurturing ward for *winter skate* by destroying the egg purses and egg purse beds.

Table 1: Total Removals of Winter Skate in 4VsW¹, 2000-2004 (tonnes)

Year	Directed Canadian Skate	Total Bycatch in other groundfish fisheries (Halibut, Cod, Haddock, Pollock, Flatfish, Redfish & Hake)	Total Removals
2000	358	79	437
2001	235	109	344
2002	278	72	350
2003	39	48	98
2004	233	50	283

1. Total removals are from the directed skate fishery, the foreign silver hake fishery and bycatch of winter skate from the primary Canadian groundfish fisheries.
2. Source: Recovery Potential Assessment for Winter Skate on the Eastern Scotian Shelf (NAFO Division 4VW) DFO Can. Sci. Advis. Sec. Sci. Advis. Rep. 2005/062

Note: Totals do not include potential skate removals in sea cucumber, shrimp, offshore clam, and scallop fisheries which are currently unquantified.



15 – Dredge (scallop dredge) (taken from www.livingoceans.org)

Species at Risk Act - SARA

Canada is the second largest country on the planet Earth with three oceans (Atlantic, Arctic and Pacific) and twenty three eco regions. Canadians have told our elected governments through the Species at Risk Act (SARA) that all species of life (biodiversity) on land and in waters have ecological, social, cultural and intrinsic values beyond that of just making money.

Canadians depend directly on some individual fish species for food like some groundfish and shellfish. We also depend on the myriad of life interactions which together give us a vibrant nurturing biodiversity (living planet) on which we too, as part of the biodiversity must live. The frontier days of take, conquer, destroy and take are over. We must learn to respect Mother Earth and all her creations as a human species. We must first think and act toward

conservation, sustainable use, equal and fair access and sharing of resources. We must learn to think about leaving something for our future generations. We must learn how to balance *economic development, social progress and environmental integrity* as a new way of living on this our only planet. There is no other Earth in the Universe. If we are to survive as human beings (and we've only been here for 120,000 years), we better learn quickly. The shark family of fishes have been around for over four hundred million (400,000,000) years.

On December 12, 2002 we enacted the Species at Risk Act. Under the banner of species at risk, Canadians are moving to create a

“society that lives and develops as part of nature, values the diversity of life, takes no more than can be replenished and leaves to future generations a nurturing and dynamic world, rich in its biodiversity” – Canadian Biodiversity strategy 1995.

Fisheries in Atlantic Canada are part of the Maritimes economy and cultural identity. However, since the 1970's, the fisheries continue to be concentrated into the hands of a few large commercial fishing businesses. New lucrative fisheries like offshore clams and sea cucumber are licensed to a few. There is only one (1) license for offshore *surf clams (quahog)* in area 4VW which fishes a value equal to all the groundfish licenses in that area.

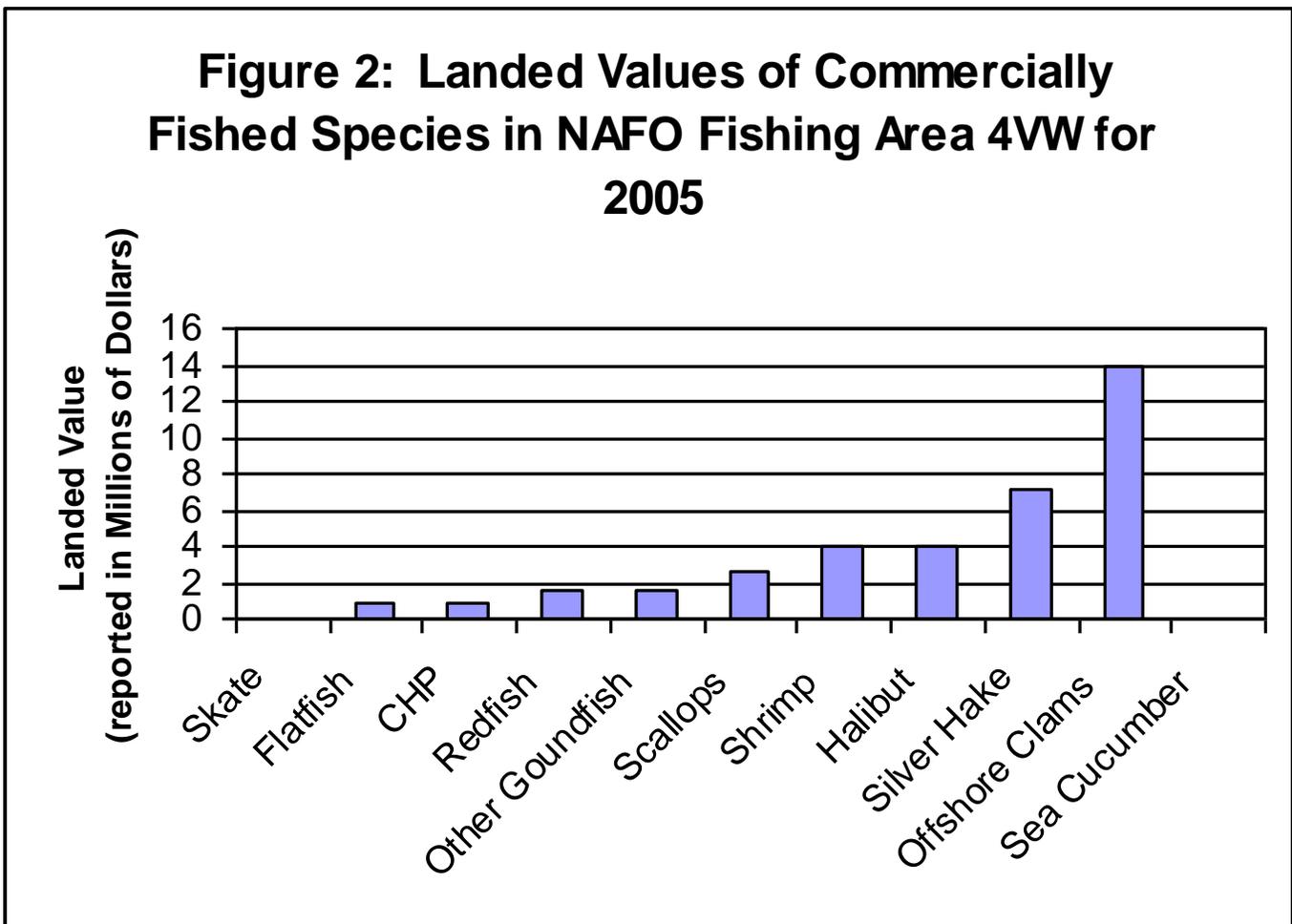


Figure modified from 4VW Winter Skate SEIS. Skate value was less than \$1,000. DFO has not disclosed the landed value of Sea Cucumber, so no information could be provided.

Some license holders opposed the listing of *winter skate* under the Species at Risk Act; because, such a listing would make it illegal for them to destroy *winter skate* vital habitat or harm or kill adults when dragging for bottom species such as clams or scallops. The draggers and dredgers do not avoid the slow moving *winter skate* or the permanently attached baby egg purses. Dragging gear destroys *winter skate* habitat, nursery grounds and makes it difficult for skate to return and reproduce. The rotation schedule of dragging gear through some areas is so frequent that *winter skate* never have enough time to develop and hatch.

Does SARA Compromise its Purpose

Directed Winter Skate Fishery

Just on pure economics, closure of the *winter skate* fishery will affect only twelve (12) license holders who direct for *winter skate*. Even then, *winter skate* accounts for less than 1% of the total catch for most of these twelve fishers. Only one (1) license holder has ever exceeded a total catch that included more than 50% of *winter skate*, and that was only in 2002. Since, *winter skate* has made up less than 10% of that license holders total catch, a closure of the *winter skate* fishery would only amount to a loss of approximately 45,000 dollars per year, and if spread over the twelve licenses less than 3,700 dollars from the bottom line profits per year. Taking the precautionary approach for *winter skate*, DFO has already closed this fishery in 2006, so the actual economic loss today should be nil yet DFO includes it in its review and we continue to see *winter skate* killed with nursery grounds and vital habitat recklessly destroyed.

Fixed Gear Groundfish Fishery

If the fixed gear ground fishery were closed in NAFO fishing area 4VW, about fifty (50) vessels would be significantly effected (those vessels which were more then 25% dependent on groundfish in that area). That would be a total loss of approximately six million dollars per year to the entire industry. For the fifty

vessels the closure could mean a profit loss of \$300,000 to \$900,000 per year (or about \$6,000 to \$18,000 per vessel).

Mobile Gear Groundfish Fishery

If the mobile gear groundfish fishery in fishing area 4VW were closed instead, the total loss would be almost \$10,000,000 per year. Though a more profitable fishery, only half as many vessels and license holders would be affected. The profit loss for each vessel would be approximately \$20,000 to \$70,000 per year.

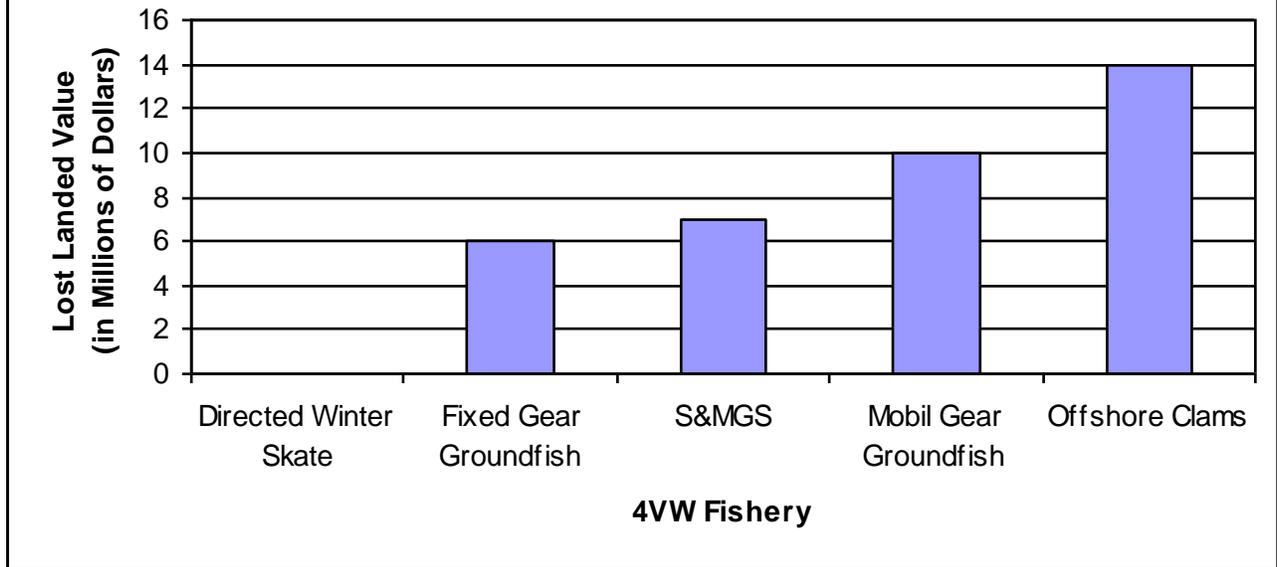
Offshore Clam, Scallop, Mobile Gear Shrimp, Sea Cucumber Fisheries

If the offshore clam, scallop, mobile gear shrimp fishery, and sea cucumber fishery in fishing area 4VW were closed instead, the total loss would mostly affect only one (1) very large license holder. This sole license holder drags and dredges for surf clams using two vessels, and is currently constructing a third new vessel to maximize its surf clam harvesting profits. Clearwater Seafoods has stated to DFO that a closure of the surf clam fishery monopoly in area 4VW would essentially close their entire surf clam operation, which produces a economic return of between \$3,000,000 to \$9,000,000 profit for Clearwater, and generates between \$34,000,000 and \$49,000,000 in processed clams.

The lost profit of a closure on scallop vessels and the mobile gear shrimp fishery would be similar to that of the fixed gear groundfish fishery. Up to forty five (45) scallop draggers and twenty eight (28) shrimp trawlers could be affected. Per vessel, the yearly profit loss would be around \$5,000 to \$15,000.

For sea cucumbers, only one (1) license holder would be affected. However, the Department of Fisheries and Oceans refuses to release any information about this secretive and exclusive fishery; the license holder's name or gross landed value of the catch is not known. Does this fishery have an impact on *winter skate*? We are not privileged to know, however, there is somehow an economic loss factored in the "life denied *winter skate* decision".

Figure 3: Estimated Average Potential Loss of Landed Value for all 4VW Fisheries Impacted by SARA Listing

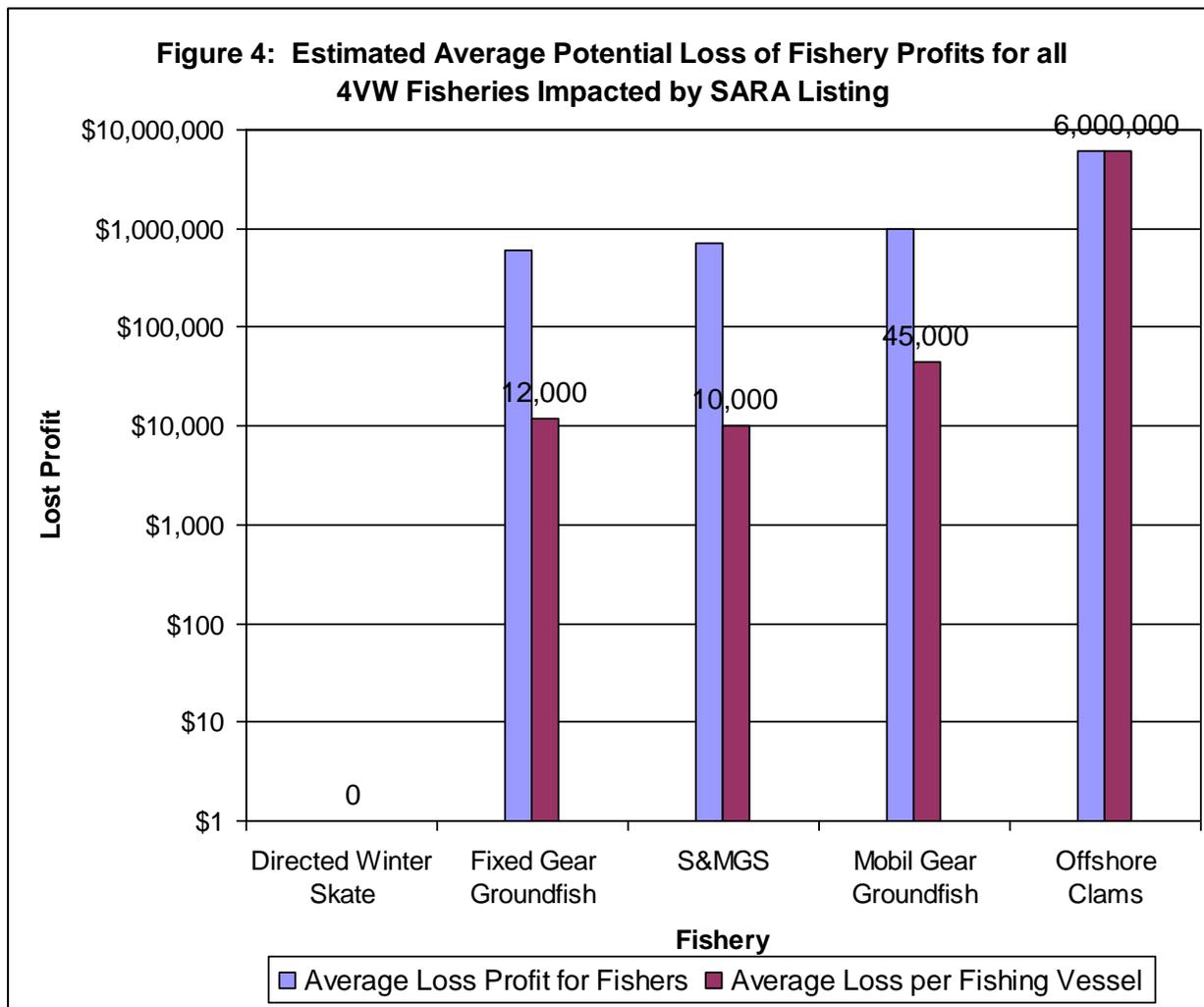


Directed Winter Skate fishery is closed, so estimated loss is zero. S&MGS stands for Scallops and Mobile Gear Shrimp

The Department of Fisheries and Oceans provides further details on these economic costs in their Socio-Economic Impact Statement. DFO provided decision makers in Ottawa with only four (4) possible options to choose from. In the four options, the single largest destroyer of *winter skate* maternity wards and vital habitat was never mentioned. Instead, DFO proposed blanket closures which would affect many other less destructive fisheries. The DFO options do not reflect courage to do what is right rather in our view they “fuel perverse incentives” and “subversive compromises” on the intent and integrity of SARA.



Winter Skate (taken from elasmodiver.com)



Directed Winter Skate fishery is closed, so estimated loss is zero. S&MGS stands for Scallops and Mobile Gear Shrimp

Option 1
NO SARA Listing with Closure of Directed Skate Fishery in 4VW

- Eastern Scotian shelf (4VW) winter skate would not be listed as threatened.
- The directed skate fishery would be closed.
- All currently opened 4VW fisheries would remain open.
- Mandatory tagging and discarding of winter skate bycatch caught in all fisheries would be implemented.
- A monitoring program would be put in place in all other potentially impacted fisheries.
- Effects of oil and gas activities on marine species would continue to be considered through the environmental assessment process.

Option 2
No SARA Listing with Closure of Directed Skate and All Mobile Gear Groundfish Fishery in 4VW

- Eastern Scotian shelf (4VW) winter skate would not be listed as threatened.
- The directed skate fishery would be closed.
- All mobile gear groundfish fisheries in 4VW would be closed.
- Other currently opened 4VW fisheries would remain open.
- Mandatory tagging and discarding of skate bycatch caught in all fisheries would be implemented.
- Effects of oil and gas activities on marine species would continue to be considered through the environmental assessment process.

Option 3
SARA Listing with Closure of
All Groundfish in 4VW

- Eastern Scotian shelf (4VW) winter skate would be listed as threatened.
- The directed skate fishery would be closed.
- All groundfish fisheries in 4VW would be closed.
- Other currently opened 4VW fisheries would remain open.
- A monitoring program would be put in place in all other potentially impacted fisheries such as scallop, offshore clams, sea cucumber and mobile gear shrimp in 4VW to determine the skate bycatch in these fisheries. If the monitoring program in these fisheries indicated any bycatch of winter skate, then these fisheries would also be closed.
- Effects of oil and gas activities on marine species would continue to be evaluated through the environmental assessment process.

Option 4
SARA Listing with Closure of All Groundfish, Scallop,
Offshore Clams, Sea Cucumber and Mobile Gear
Shrimp in 4VW

- Eastern Scotian shelf (4VW) winter skate would be listed as threatened.
- The directed skate fishery would be closed.
- All groundfish, scallop, offshore clams, sea cucumber and mobile gear shrimp fisheries in 4VW would be closed.
- Other currently opened 4VW fisheries would remain open.
- Effects of oil and gas activities on marine species would continue to be evaluated through the environmental assessment process.

The Decisions of the Government

In their Regulatory Impact Analysis Statement (RIAS) for *winter skate*, the Department of Fisheries and Oceans recommended to the federal cabinet that they do not protect any of the three populations of *winter skate* under the Species at Risk Act. To quote DFO:

“the potential socio-economic impacts of listing [under the Act] the Southern Gulf or the Eastern Scotian Shelf populations are significant. Impacts of listing would likely incur closures in some or all commercial groundfish and shellfish fisheries in these areas, with a subsequent loss of revenue of millions of dollars for the fishing industry, communities, and Aboriginal groups. It is estimated that significant job losses would occur.”

This argument is based on DFO’s asserted assumption that the listing of *winter skate* under the Act is likely to have no bearing on its survival. As evidence for their assertion, DFO states that the:

“Reductions in bycatch [in the ground fishery] and the closure of directed skate fisheries have had little to no impact on the decline of the species thus far”.

DFO on the other hand does not place a lot of weight on the known devastating affects of bottom dragging and dredging gear on *winter skate* purses and their critical habitat or maternity wards. The department sheepishly writes:

*“It is **possible** [emphasis added] that high levels of natural mortality may be the dominant factor responsible for the decline of, and lack of recovery potential for, the species.”*

People who respect natural life and support the intent of SARA and advance the *precautionary approach* clearly can prove DFO wrong. It is not natural mortality that is killing the *winter skate*.

What is killing the *winter skate* is the rampant uncontrolled exploitation and destruction of natural vital *winter skate* habitats by one license holder and a few large industry fishers. This destruction is proven by several international conservation organizations, such as the International Union for the Conservation of Nature (IUCN) and the Marine Conservation Society (MCS), who have conducted extensive research on skates and other members of the shark family, and all conclusions point to a dire reality.

“Harvesting and habitat destruction by humans in every corner of the sea means that no population of skate is safe – in fact, most are endangered or threatened.”

SeaChoice (www.seachoice.org) highly recommends that Canadian consumers avoid buying quahog (surf clams) and dredged scallops because of the lethal bycatch and rampant destruction of habitat. The fixed gear groundfish fishery in the Northwest Atlantic (with the exception of those for sharks and skates) are a preferred fishery.

We propose a **fifth** option to government: listen to Canadian citizens and to leading international research. Close the most destructive fishery in our Atlantic environment, do not renew the single lone license holder who dredges for surf clams (quahog). The destruction of the *winter skate* maternity ward, vital nurturing habitat is the final straw, on top of a multitude of other impacts, which has caused the demise of *winter skate*. The Species at Risk Act was enacted to address the most serious issues of biodiversity loss – the forever extinction of a species. We cannot allow the profit of one or a few large companies to trump the overwhelming evidence and majority will of Canadians to protect and restore natural life or to adopt at minimum sustainable practices. Do not deny *winter skate* a life.

At a minimum the federal government must list *winter skate* under schedule 1 of the Act. DFO still has the power to issue permits to license holders who practice less destructive fishing methods and accommodate them for any accidental catch of *winter skate*.

Serious proponents of SARA, sustainable development, precautionary approach and the convention on biological diversity suggest there is a fifth option.

Option 5

SARA listing with closure of offshore clams

- Eastern Scotian Shelf (4VW) winter skate would be listed as threatened.
- The directed skate fishery would be closed.
- Offshore clams fisheries in 4VW would be closed.
- All other scallop, groundfish, and mobile gear shrimp fisheries in 4VW would be reevaluated and, as necessary, closed, reduced, and or bycatch permits issued. Additional observer coverage would be implemented.
- Information about the sea cucumber fishery would be made available, and evaluated for impacts.
- Other currently opened fisheries in area 4VW would remain open and be subject to periodic monitoring.
- The affects of oil and gas activities on marine species would continue to be evaluated through an enforced and required, Environmental Effects Monitoring Program (EEMP), which must become a standing agenda item, on the Nova Scotia Offshore Petroleum Board (CNSOPB) – Fishery Advisory Committee (FAC) meetings.

Sadly, on March 17, 2010, the government of Canada refused to list all three populations of *winter skate* under the Act. DFO focused a report with options highlighting negative economic impacts over the social and environmental principles for sustainability and biodiversity.

When we celebrate Oceans Day in June this year, and every year thereafter, let us remember the fate of *winter skate*. Winter Skate has been condemned to the road of extinction, its life denied for the benefit of a few and for those who do not have the courage to look far and wide for other options and solutions.



Female Winter Skate



Maritime Aboriginal Aquatic Resources Secretariate

*Collectively advancing the rightful share of Atlantic Aquatic Resources
for the sustained economic growth of the Maritime Aboriginal peoples*

For additional information see:

COSEWIC Assessment and the Status Report on the Winter Skate

(http://www.sararegistry.gc.ca/species/speciesDetails_e.cfm?sid=855)

Potential Socioeconomic implications of Adding Eastern Scotian Shelf Winter Skate and Georges Bank-Western Scotian-Bay of Fundy Winter Skate to the List of Wildlife Species at Risk in the *Species at Risk Act* (SARA*)

(<http://www.dfo-mpo.gc.ca/ea-ae/economic-analysis-eng.htm>)

Regulatory Impact Analysis Impact Statement - Canada Gazette Part. 1, Dec 5 2009, Vol. 143, n°49

(<http://canadagazette.gc.ca/index-eng.html>)

SARA listing decision for winter skate – Canada Gazette Part. 2, March 17, 2010, Vol. 144, n °6

(<http://canadagazette.gc.ca/index-eng.html>)

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