




UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., Bldg. 1
Seattle, WA 98115

FEB 13 2007

Donald Hansen
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, OR 97220-1384


Dear Mr. Hansen:

NOAA's National Marine Fisheries Service (NMFS), on behalf of the Secretary of Commerce, is required to notify the Pacific Fishery Management Council (Council) by letter that petrale sole was subject to overfishing in 2005. NMFS has made this determination under section 304(e)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) combined with our National Standard 1 guidelines at section 600.310(e)(3)(i) of the Code of Federal Regulations.

NMFS's Northwest Fisheries Science Center recently completed its report "Estimated 2005 Discard and Total Catch of Selected Groundfish Species," which is provided as an attachment to agenda item E.2. for your March 2007 meeting. In that report, we estimated that the catch of petrale sole in 2005 was 2,766 mt, 0.14% above the 2005 petrale sole Acceptable Biological Catch (ABC) of 2,762 mt. We are required to announce this notification of overfishing in the *Federal Register* for interested members of the public; we intend to include that announcement in the next *Federal Register* notice that we publish for an inseason groundfish action.

The Council is required under section 304(e)(3)(A) of the Magnuson-Stevens Act to prepare a fishery management plan (FMP), FMP amendment, or proposed regulations within one year of this notification to address petrale sole overfishing. However, preliminary estimates from 2006 indicate that the 2006 petrale catch was below that species' ABC. This lower catch was likely due to the Council having introduced winter trip limits for petrale sole via inseason recommendations from its November 2005 meeting (70 FR 72385, December 5, 2005.) We note that the 2007-2008 groundfish trip limits, established through notice and comment rulemaking, also include limits for petrale sole that were designed to keep catch within the appropriate level. Thus, we believe that the Council has taken the necessary steps under section 304(e)(3)(A) and we anticipate that it will continue to recommend any necessary adjustments through its standard management process.

Thank you for your time and attention in this matter.

Sincerely,



D. Robert Lohn
Regional Administrator

