

RECEIVED
JUL 10 2008
South Atlantic
Fishery Management Council



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701
(727) 824-5305; FAX (727) 824-53008
<http://sero.nmfs.noaa.gov>

JUL 8 2008

F/SER25:JCM

Mr. George Geiger, Chairman
South Atlantic Fishery Management Council
4055 Faber Place Drive, Suite 201
North Charleston, SC, 29405

George
Dear Mr. Geiger:

NOAA Fisheries Service has determined, based upon best available scientific information, the South Atlantic red snapper stock is undergoing overfishing and is overfished according to the current definition of the minimum stock size threshold. This determination was based upon a review of the 2008 assessment of this species by the Southeast, Data, Assessment, and Review panel and the South Atlantic Fishery Management Council's (Council) Scientific and Statistical Committee. A final report for the stock assessment can be obtained from the Southeast Fisheries Science Center's Web site at: www.sefsc.noaa.gov/sedar.

The Magnuson-Stevens Fishery Conservation and Management Act requires the Council to prepare a plan amendment or proposed regulations to end overfishing within one year of notification that a stock is overfished. I look forward to working with the Council in developing a plan to end overfishing and rebuild the red snapper stock.

Sincerely,

Roy E. Crabtree, Ph.D.
Regional Administrator

cc: F/SER2 – Phil Steele
F/SEC – Bonnie Ponwith
F/SER25 – Joe Kimmel





UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
One Blackburn Drive
Gloucester, MA 01930-2298

JUL 21 2008

Paul J. Howard, Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Dear Paul:

By this letter, NOAA's National Marine Fisheries Service (NMFS), on behalf of the Secretary of Commerce, is notifying the New England Fishery Management Council (Council) that it has been determined that smooth skate (*Malacoraja senta*) is overfished, and thorny skate (*Amblyraja radiata*) is now subject to overfishing (see Attachment).

According to the Northeast Skate Complex Fishery Management Plan (FMP), smooth skate is considered to be in an overfished condition when the 3-year moving average of the autumn trawl survey mean weight per tow falls below $\frac{1}{2}$ of the 75th percentile of the survey time series from 1963-1998 (0.16 kg). Based on information provided by Dr. Nancy Thompson, Director of the Northeast Fisheries Science Center (Center), the 3-year average for 2005-2007 is 0.14 kg/tow, which is less than the 0.16-kg/tow threshold. Smooth skate is therefore considered to be overfished.

Thorny skate is considered to be subject to overfishing when the percent decline between consecutive 3-year moving averages of the autumn trawl survey mean weight per tow is 20 percent or more. Based on information provided by the Center, the 3-year mean weight per tow for thorny skate was 0.42 kg during 2005-2007, which is a 23.7-percent decline from 0.55 kg during 2004-2006. Thorny skate is therefore subject to overfishing.

The Center also provided new preliminary spring trawl survey data for 2006-2008 (5.04 kg/tow), which indicate that overfishing of little skate (*Leucoraja erinacea*) is likely not occurring (see Attachment).

Pursuant to Section 304(e)(3) of the Magnuson-Stevens Fishery Conservation and Management Act, the Council is required, within 1 year of this notice, to prepare an FMP amendment to address the overfished condition of smooth skate and to rebuild the stock, and to develop management measures to end overfishing of thorny skate. However, given that current regulations implemented under the Skate FMP already prohibit the possession of thorny skates throughout the Northeast Region, and smooth skates in the Gulf of Maine Regulated Mesh Area, and that an amendment to the Skate FMP is currently under development (Amendment 3), I recommend that these new stock status determinations be




addressed within the scope of the amendment in progress. Specifically, the objectives of Amendment 3, originally intended to implement a rebuilding program for winter skate and contribute to the rebuilding of thorny skate, would now also incorporate a rebuilding program for smooth skate and measures to end overfishing of thorny skate.

Additional analyses may be necessary in order to demonstrate that the alternatives under consideration will address the rebuilding of smooth skates, in addition to the other species in need of rebuilding. The amendment would also be required to formalize the rebuilding schedule for smooth skate. Presumably, these potential changes would not further delay the completion of Amendment 3, and would be reviewed by the Skate Oversight Committee prior to presentation to the Council.

Please contact me if you have any questions with these revised status determinations.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patricia A. Kurkul', written in a cursive style.

Patricia A. Kurkul
Regional Administrator

Attachments

cc: J. Pappalardo
C. Kellogg
A. Applegate