



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

JUL 31 2009

Mr. Donald Hansen, Chair
Pacific Fishery Management Council
7700 NE Ambassador Place
Portland, Oregon 97220

Dear Mr. Hansen:

At its March 2009 meeting, the Pacific Fishery Management Council (Council) determined that Queets coho and Western Straits of Juan de Fuca coho salmon stocks had failed to meet conservation objectives detailed in the Salmon Fishery Management Plan (Salmon FMP) for three consecutive years and, therefore, met the criteria for an overfishing concern as defined in the Salmon FMP. The National Marine Fisheries Service (NMFS) has determined that the Salmon FMP criteria for an overfishing concern are consistent with the fishery status designation of "overfished" under the provisions of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), irrespective of the role of fishing in the failure of the stock to meet conservation objectives. Therefore, NMFS, on behalf of the Secretary of Commerce, notifies the Council by this letter that the Queets coho stock and Western Strait of Juan de Fuca coho stock have been assigned the status of overfished. NMFS has made this determination under subsection 304(e)(2) of the MSA, combined with our National Standard 1 guidelines at subsection 600.310(e)(3)(ii) of the Code of Federal Regulations.

For Queets coho the conservation objective is an annual escapement of 5,800 to 14,500 natural adult spawners. That escapement goal was not achieved in 2006 and 2007; preliminary estimates of escapement for 2008, presented by the Salmon Technical Team (STT) at the March 2009 Council meeting, was also below the conservation objective. Queets coho spawning escapement for 2005-2008 is presented in Table 1, below.

Table 1. Estimated natural spawning escapement for Queets coho.

2005	2006	2007	2008
6,500	5,700 ^a	4,600 ^a	4,300-4,700 ^{a,b}

Source: PFMC Preseason Report 1, February 2009

^a Estimated escapement below conservation objective

^b Preliminary estimate from Salmon Technical Team (STT)

The conservation objective for Western Strait of Juan de Fuca coho is an annual escapement of 11,900 natural adult spawners. That escapement goal was not achieved in 2005, 2006, and 2007; based on preliminary information, the STT reported at the March 2009 Council meeting that 2008 escapement was also below the conservation objective. Western Strait of Juan de Fuca coho escapement for 2005-2008 is presented in Table 2, below.



Table 2. Estimated natural spawning escapement for Western Strait of Juan de Fuca coho.

2005	2006	2007	2008
6,800 ^a	2,000 ^a	4,400 ^a	No escapement number available, but preliminary data suggest it to be well below conservation objective ^{a,b}

Source: PFMC Preseason Report 1, February 2009

^a Estimated escapement below conservation objective

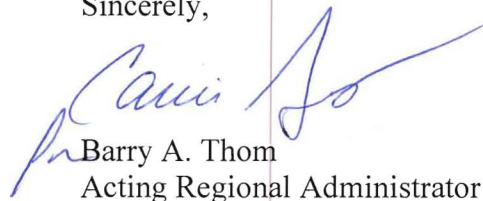
^b Preliminary estimate from Salmon Technical Team (STT)

The failure of the Queets and Western Strait of Juan de Fuca coho stocks to meet their conservation objectives for three consecutive years triggered the overfishing concerns and, therefore, the overfished status determinations. In addition to this notification to the Council, a notice of determination will also be announced in the Federal Register, for interested members of the public, as required under subsection 304(e)(2) of the MSA.

Consistent with the procedure detailed in the Salmon FMP, NMFS understands that the Council has directed an assessment workgroup to appraise fishing impacts on these stocks, consider if estimation errors or other factors contributed to inadvertent overfishing, identify any other pertinent factors leading to the overfishing concern, and assess the overall significance of the present stock depression with regard to achieving maximum sustainable yield (MSY) on a continuing basis. NMFS understands that the stock depression demonstrated by these stocks may not be due to fishing and that preseason forecasts indicate that both of these stocks will meet their MSY management objectives in 2009. Post season review by the STT will be used to determine whether these stocks met their conservation objectives in 2009.

NMFS looks forward to reviewing the results of the Council's assessment of Queets and Western Strait of Juan de Fuca coho stocks and working with the Council to address issues identified in the assessment.

Sincerely,



Barry A. Thom
Acting Regional Administrator



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
55 Great Republic Drive
Gloucester, MA 01930-2276

APR 22 2009

Daniel T. Furlong
Executive Director
Mid-Atlantic Fishery Management Council
Room 2115 Federal Building
300 South New Street
Dover, DE 19904-6790

Dear Dan:

As you are aware, the Northeast Fisheries Science Center (NEFSC) conducted a Data Poor Stocks Working Group (DPSWG) biological reference point update and external peer review for both black sea bass and scup in December 2008. The final reports for this process have been available for some time, and NOAA's National Marine Fisheries Service (NMFS) has completed a comprehensive examination of the revised stock status. Both stocks are now formally considered by NMFS to have been rebuilt according to the criteria established in their respective Magnuson-Stevens Fishery Conservation and Management Act rebuilding programs.

Specifically, when the time series of black sea bass spawning stock biomass (SSB) was examined utilizing the DPSWG peer-review accepted modeling approach, the updated black sea bass rebuilding biomass target value (SSB_{maximum sustainable yield (msy)}) of 27.64 million lb was exceeded in both 2003 and 2004. Thus, the stock was rebuilt in those years, satisfying the rebuilding program requirement to achieve rebuilding by 2010 established in Amendment 12 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP).

However, the DPSWG information indicates that, in 2007, the most recent year for which updated information is available, the black sea bass stock was experiencing overfishing and SSB had continually declined below SSB_{msy} in each year since 2004. The Mid-Atlantic Fishery Management Council must take corrective measures as soon as possible to end overfishing on this stock. In addition, the DPSWG peer-review panel noted that the new stock status results for black sea bass contain a high degree of uncertainty. The appropriate value for natural mortality, modeling the unique sex change characteristics of the species, the likelihood of retrospective patterns in the model output that indicate previous SSB levels have been overestimated, true stock delineation, and discard information were all cited by the review panel as sizable uncertainties in accepting the revised biological reference points and model used for their derivation.

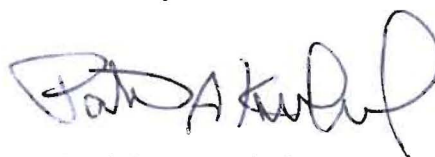
For scup, the 2007 biomass estimate resulting from the DPSWG peer-review accepted approach is 130 percent of the revised biomass rebuilding target (MSY) of 202.92 million lb. Therefore, the scup stock rebuilding program established in Amendment 14 to the FMP has been satisfied. In addition the stock was not experiencing overfishing in 2007. Similar to black sea bass, the peer-review panel indicated that many of the same uncertainties also apply to scup. Furthermore, the panel stated that rapid increases in



quota to meet the revised MSY estimate would be unwarranted, given uncertainties in recruitment. Instead, they advocated for a gradual increase in quotas, reflective of the uncertainty in the model estimates and stock status.

While I am pleased to report that, based on the best available scientific information, the black sea bass and scup stocks are considered rebuilt and are no longer under formal rebuilding plans, I encourage the Council to remain conservative in its management approach. In making use of the DPSWG information, the Council should give full consideration to the uncertainties associated with both stocks' revised assessments and continue to work diligently to ensure that these stocks do not become overfished. For black sea bass, measures to end overfishing should be enacted for the 2010 fishing year.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia A. Kurkul". The signature is fluid and cursive, with a large initial "P" and "K".

Patricia A. Kurkul
Regional Administrator

Cc: Richard Robins, Chair, Mid-Atlantic Fishery Management Council
Dr. Nancy Thompson, Director, New England Fishery Science Center