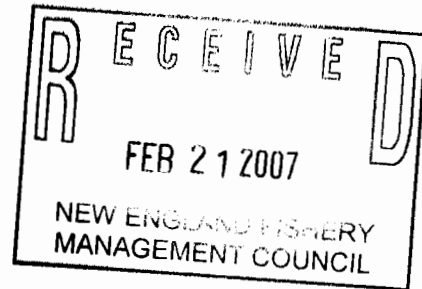




UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
One Blackburn Drive
Gloucester, MA 01930-2298

FEB 20 2007

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 winter skate (*Leucoraja ocellata*) is overfished. NMFS requests that the Council take appropriate action pursuant to section 304(e) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

According to the Northeast Skate Complex Fishery Management Plan (FMP), which became effective September 18, 2003, winter 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 one-half of the 75th percentile of the mean weight per tow observed in the autumn trawl survey from 1967-1998 (3.23 kg/tow). Based on the information provided to you under separate cover from Dr. Nancy Thompson, Director of the Northeast Fisheries Science Center, the 3-year average from 2004-2006 is 3.04 kg/tow, which is less than the 3.23 kg/tow threshold. Winter skate are therefore considered to be overfished.

The Magnuson-Stevens Act requires that, within 1 year of this notice, the Council prepare a fishery management plan amendment or proposed regulations to address the overfished condition of the overfished stock and to rebuild the stock. I intend to request the assistance of the Northeast Fisheries Science Center regarding options for next steps and make my staff available to discuss this issue with you further.

Sincerely,

Patricia A. Kurkul
Regional Administrator

cc: Dr. Nancy Thompson, NEFSC
Alan Risenhoover

