UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910

THE DIRECTOR

MAR 1 1 2008

John V. O'Shea, Executive Director
Atlantic States Marine Fisheries Commission
1444 Eye Street, N.W., 6th Floor
Washington, D.C. 20005

Dear Mr. O'Shea:

In accordance with the delegation of authority under the provisions of the Atlantic Coastal Fisheries Cooperative Management Act (Act), 16 U.S.C. §§ 5101 et seq., from the Secretary of Commerce, the National Marine Fisheries Service (NOAA Fisheries) completed its independent review and concurred with the Atlantic States Marine Fisheries Commission's (Commission) determination that the State of New Jersey is not in compliance with the Commission's Interstate Fishery Management Plan for Tautog (Plan). NOAA Fisheries also finds that the management measures New Jersey failed to implement are necessary for the conservation of tautog.

I have notified the State of New Jersey of NOAA Fisheries' finding in a letter dated March 11, 2008. A moratorium on fishing for, possession of, and landing of tautog by the recreational and commercial fishermen within New Jersey waters will be imposed effective April 1, 2008. The moratorium would continue until the Secretary concurs with a determination from the Commission that the State of New Jersey has come into compliance with the Plan.

It is my understanding that New Jersey must take action to implement management measures to achieve a 25.6 percent reduction in tautog exploitation, as was required by Addendum IV and Addendum V to the tautog Plan. In my letter to New Jersey Governor Corzine, I encouraged New Jersey to work with the Commission to address any outstanding issues concerning how best to meet the Plan's fishing mortality targets and thereby avoid or minimize any disruption in the recreational and commercial tautog fisheries in New Jersey waters. Similarly, I encourage the Commission to review it's earlier deliberations associated with New Jersey's proposals to meet these targets and, as appropriate, provide the State of New Jersey with information necessary for the State to achieve the objectives specified in the Plan.

If the State of New Jersey does enact such measures, and the Commission determines that the measures are compliant with the Plan, under the Act, the Commission would immediately notify the Secretary that the State of New Jersey is in compliance with the Plan. If NOAA Fisheries concurs, the moratorium in the state waters of New Jersey will be rescinded. .

Please contact Mr. Harold Mears, Director, State, Federal and Constituent Programs Office, NOAA Fisheries, Northeast Region, One Blackburn Drive, Gloucester, MA 01930, telephone

978-281-9243, if you need additional information on this finding. I look forward to working with you to resolve this matter.

Sincerely,

James W. Balsiger, Ph.D.
Acting Assistant Administrator for Fisheries