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

The Honorable Jon S. Corzine
Office of the Governor
P.O. Box 001
Trenton, New Jersey 08625

Dear Governor Corzine:

On February 14, 2008, I notified you that the Secretary of Commerce (Secretary) received notification from the Atlantic States Marine Fisheries Commission (Commission) that the Commission determined the State of New Jersey is not in compliance with the Commission's Interstate Fishery Management Plan for Tautog (Plan). The basis for the Commission action is its determination that New Jersey failed to implement measures that would reduce New Jersey's tautog landings by 25.6% to address scientific concerns that the species is overfished.

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, the National Marine Fisheries Service (NOAA Fisheries) completed its independent review of the Commission's determination, and concurs with the Commission that the State of New Jersey is not in compliance with the Plan. NOAA Fisheries also finds that the management measures New Jersey failed to implement are necessary for the conservation of tautog. 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.

To return to compliance with the Plan, New Jersey must take action to implement a recreational and commercial management program for 2008 that is consistent with the recreational and commercial management program set by the Commission 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, the Commission would 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 If NOAA Fisheries concurs, the moratorium in the state waters of New Jersey will be rescinded. To avoid or minimize any

THE ASSISTANT ADMINISTRATOR
FOR FISHERIES

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disruption in New Jersey's tautog fishery, I encourage you to work with the Commission in an expedited manner to address this issue.

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 determination. I look forward to working with you to resolve this matter.

Sincerely,

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

cc: David Chanda, Director, NJ DFW;
Thomas W. McCloy, Administrator for Marine Fisheries, NJ DFW