



Contact: Maggie Mooney-Seus  
978 281 9175

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**NOAA Files Mixed-Stock Exception Analysis,  
Court Extends Suspension of 2:1 DAS Counting**

On February 19, 2009 NOAA's Fisheries Service filed an analysis ordered by the U.S. District Court for the District of Massachusetts ahead of the court's deadline of March 27, 2009. On Feb. 23, 2009 the court extended to April 10, 2009 its suspension of important measures that mitigate the effects of overfishing on rebuilding groundfish stocks, so that the New England Fishery Management Council may consider the analysis at its next meeting. The Court also ordered NOAA Fisheries to submit a report on April 10 after considering the Council's findings.

The NOAA analysis filed with the court on February 19, 2009, shows that the exception to ending overfishing may be used in a mixed-stock fishery if allowing overfishing on some of stocks does not undermine the stock rebuilding for any of the stocks harvested, as required by law. It also shows that continued overfishing on some groundfish stocks will prevent depleted stocks from rebuilding to a size that will produce maximum sustainable yield as required by law.

The government concludes that the exception did not apply to any of the groundfish stocks addressed in the last fishery management plan adjustment implemented in 2006, nor does it apply now to any overfished stock of northeastern groundfish.

NOAA Fisheries Service intends to comply with the court's order after the New England Council meeting in April.

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