

# New York State Department of Environmental Conservation

## Assistant Commissioner

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Joe Martens  
Commissioner

October 9, 2013

To the members of the Atlantic States Marine Fisheries Commission (ASPMC) and the Mid-Atlantic Marine Fisheries Council (MAMFC):

Management of the summer flounder (fluke) fishery has been challenging for the East Coast states and a significant issue for New York. Since the mid-1990s there have been numerous management measures applied to address changes in the fishery, many of these measures implemented to comply with Magnuson Stevens Act (MSA) in rebuilding a depleted stock. The combined issues of poor data, changes in abundance and distribution, among other factors, have resulted in questionable management decisions. New York fishermen have endured significant hardship for many years with the hope that once the fishery had been rebuilt to MSA standards, the East Coast would return to a productive and equitable fishery for all states.

The summer flounder fishery was declared rebuilt by the National Marine Fisheries Service in 2012. The use of outdated data and management measures that no longer work is negatively impacting fluke management. Recent research by Richardson, et.al. "*Evaluation of changes in spatial distribution of Summer Flounder*" has demonstrated the stock has significantly changed over the last decade or more; fluke abundance has increased with the bulk of the population occurring off the south shore of Long Island between New Jersey and Rhode Island. Recent work by Wiedemann and other experts "*Evaluation of Management and Regulatory Options for the Summer Flounder Recreational Fishery*" has proposed new management approaches that provide an equitable and productive fishery for all East Coast states.

The Fishery Management Plan for the recreational summer flounder fishery contains state-by-state allocations that are based on obsolete, nearly ten year old survey data. Although New York has been allowed to slightly relax certain management measures related to minimum size limits, the allowable landing levels in New York remain artificially low based on the application of the same obsolete data. These inequities have only worsened as the percentage of summer flounder located off of New York's shores has grown since 1998 when the survey was taken yet New York's allocation remains the same. In 2011 (the last year for which complete data is available), recreational fishermen from New York caught more than 7,500,000 summer flounder. Because of the state's allocation, only about 375,000 of these fish could be legally harvested. This is a poor management practice.

New York's commercial allocation for summer flounder is also flawed. Much of the information used to develop New York's commercial quota is based on historic landings from the 1980s. The management strategy for summer flounder should take into account the regional nature of this fishery, increases in abundance of summer flounder, and the most current information about the distribution of fish. It is fundamentally unfair for outdated information

and an obsolete state-by-state model to dictate the allocation process for a species which is such a vital source of revenue (\$3.7 million) for New York's commercial fishermen.

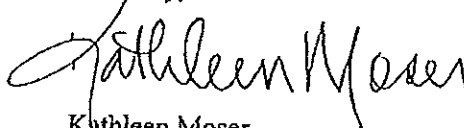
New York is requesting that you work with us in developing and implementing appropriate solutions to bring management into conformance with current science and understanding of the fishery and include adaptive strategies to provide for future changes in the fishery. New York State Department of Environmental Conservation will do everything possible during the October 30 Board meeting at the ASMFC annual meeting and the December 11 joint ASMFC/MAFMC meeting to accomplish these objectives.

In light of these concerns, New York intends to take the following steps to ensure that fair management strategies for summer flounder are implemented:

- Prior to the joint meeting in December, New York will be submitting to both the Commission and the Council recommendations for an overhauling of summer flounder management.
- New York intends to secure an outside expert to assist in developing solutions and provide additional scientific resources between now and the December 11 meeting.
- New York will make a motion at the December meeting for a vote on the management options that are identified in the above recommendations to the Council and Commission. This motion will include proposed amendments to summer flounder fishery management plans.

I believe by working together we can find solutions that are fair and equitable for all Atlantic Coast states. Thank you for your attention to this important matter.

Sincerely,



Kathleen Moser

Assistant Commissioner, Natural Resources

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