

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

## Division of Marine Resources

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Michael Luisi, Chair  
ASMFC Summer Flounder Management Board  
MD Dept. of Natural Resources  
Fisheries Service  
580 Taylor Avenue, Building 2  
Annapolis, MD 21401

Dear Mr. Chairman,

We appreciate being able to participate in the Summer Flounder Regional Management Working Group over the past several weeks. Discussions during the working group calls were productive and promising. Especially encouraging was the general willingness to continue the regional approach to summer flounder recreational management. Though the final outcome is yet to be determined, it seemed those on the call agreed that the burden of addressing the current reduction needs to be shared. There are options in the working group document that reflect this sentiment. Even with the shared burden, however, implementation of those measures create the potential for serious social and economic injury to the summer flounder recreational fishery. While this is true across the management unit, it is particularly so in the Connecticut through New Jersey Region. We suspect there will be backlash from the recreational community, accompanied by political attention and possibly intervention. It seems reasonable to try to mitigate the impacts and avoid the political attention if possible. Given the constraints placed upon us by current management practices, this is a significant challenge.

The task ahead of us is even more challenging, as we believe that the process by which we currently calculate reductions, utilizing the MRIP data, does not produce credible results. Please allow us to explain and offer an alternative to our current methods.

**MRIP Variability.** There seems to be a poor relationship between the recreational measures (derived from calculations based on MRIP) and the performance (as estimated by MRIP). Regional summer flounder recreational management has been in place for the last 3 years (2014-2016). During this period regulations adopted by each region have not changed with the exception of NJ's portion of the Delaware Bay. This strategy has provided regulatory stability coastwide, which we had not experienced in many years. While this stability is generally appreciated by fishermen, managers benefit as well by having an opportunity to look at how capricious harvest and harvest estimates can be. Under consistent measures there are numerous factors that may influence recreational harvest in a state, with weather and fish availability to anglers



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among the most important. Harvest estimates are in turn influenced by the actual magnitude of harvest and the variability inherent in a survey (catch sampling and the subsequent catch expansion). Under 3 years of consistent regulations from 2014-2016, coastwide harvest estimates in numbers of fish have ranged from 1.6 – 2.5 million fish, varying as much as 50% between years. When we consider a smaller geographic scale, this variability increases to 66% between years in the CT-NJ region, *and an average of 139% at the individual state level*. It is difficult to say how much of this variability is due to estimation vs. actual harvest magnitude.

Additional problems with estimation are revealed in the apparent hyper-sensitivity of the survey in some states (NY and NJ in particular) to samples with a high catch or limit. For example, a *single intercept* (out of 411 NY intercepts with harvest) with 3 anglers each taking their limit (5 fish each) in New York, heavily weighted (8,500), accounts for 127,500 fish out of the 712,000-fish estimate through Wave 4. To put this in perspective, that number of fish is *higher than the projected 2016 harvest for NC, VA, MD, DE, RI or MA*. This shows that the estimates produced by MRIP for a state or region can be driven by a relatively small number of samples, greatly reducing our confidence in the estimates.

As changes to the surveys have been introduced in response to the NRC report, questions have arisen as to the value of MRFSS/MRIP as a time series. In 2012 improved analytical methodology was applied to all estimates produced from 2004-2012. No such work has been done to estimates prior to 2004, making the use of data from 1998 inappropriate for management purposes. Additionally, the APAIS was redesigned and the new survey implemented in Wave 2 of 2013. Several other changes to APAIS were made in 2013 and 2014. The states took over the conduct of the survey completely in 2016, but we're not finished there. The Fishing Effort Survey (FES) replaces the CHTS for 2018. The federal recreational surveys could be used for management on a coastwide basis at best. Now even that use is questionable. In light of the above information, we believe that chasing annual targets using MRIP is simply not effective at this time.

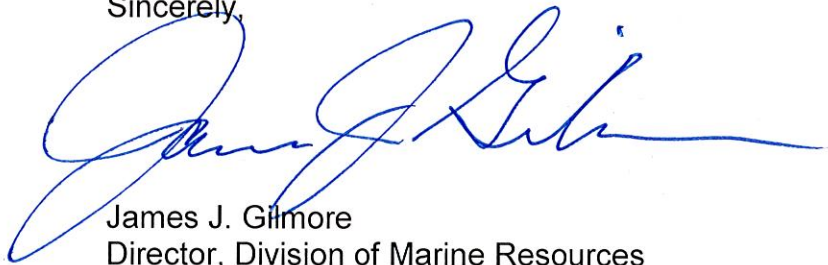
**Achieving a reduction.** Given a declining summer flounder stock biomass, lower catch limits have been recommended by the SSC and adopted by the Council. More conservative recreational measures must be adopted along the coast in order to take fewer fish. Given the variability discussed above, it is *impossible* to predict with any degree of accuracy the impact changing measures will have on recreational harvest estimates. Adopting more conservative measures should reduce harvest; we just do not know by how much with any degree of confidence.

We suggest a simple approach to decrease the number of legal fish available to anglers. Real reductions in mortality can be achieved with a size limit increase of one inch across the board for every state and region. Increased seasonal restrictions will also reduce harvest, though the change in season length needs to be significant in order to achieve meaningful reductions. Additionally, the seasons in some regions are already highly restrictive (128 and 132 versus 245 and 365 days). Cuts to the length of season will be more painful to some states or regions than others. We are not,

therefore, recommending cuts to seasons in regions with significant restrictions already in place. The impact of reductions in the possession limit are harder to calculate, but have the added benefit of reducing our exposure to the inflammatory potential of any single intercept (as in the NY example above). Bag limit reductions also get at the equity of access to fish up and down the coast, if that is indeed a goal of the FMP. Our suggestion is that no state or region have a bag limit higher than another, and that bag limit not exceed 4 fish.

In consideration of the discussion above, we suggest the best we can do at this time is to adopt more conservative measures *but* not hold ourselves to some target that we cannot effectively evaluate.

Sincerely,



James J. Gilmore  
Director, Division of Marine Resources

cc. Phil Boyle  
Emerson Hasbrouk  
Tony Dilernia  
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