

**CAPT. JOHN MCMURRAY  
OWNER/OPERATOR ONE MORE CAST CHARTERS  
TESTIMONY ON H.R. H.R. 1411 "TRANSPARENT SUMMER FLOUNDER QUOTAS ACT".**

**SUBCOMMITTEE ON WATER, POWER AND OCEANS  
UNITED STATES HOUSE OF REPRESENTATIVES  
WASHINGTON, D.C.**

**April ,4 2017**

Mr. Chairman and Members of the Committee, thank you for inviting me to share my perspective on HR H.R. 1411 "Transparent Summer Flounder Quotas Act", which suspends the 2017 summer flounder specifications, and doesn't permit new specifications to be adopted until a new stock assessment is completed.

I own and run a charter fishing business, running two boats out of the Western South Shore of Long Island, NY. I also sit on the Mid Atlantic Fishery Management Council and am New York's Legislative Proxy on the Atlantic States Marine Fisheries Commission.

I offer this testimony today as a small business owner, a father of two 8 year-olds, and someone who is genuinely concerned about the current depletion of the summer flounder stock, future abundance and general availability to the angling community.

I want to be clear that I am here representing myself and not the two management bodies I sit on.

**Summer flounder science and the clear pattern of poor recruitment.**

The best available science is clear on summer flounder abundance trends. The stock is unequivocally trending downwards, due to six years of unexplained poor recruitment (aka poor spawning success).

That trend has been detected in and confirmed by thirteen unique fisheries-independent surveys conducted in states between Massachusetts and Virginia. And a lot of us see it on the water. We don't have the abundance of fish that we saw in previous years.

It is clear that the fish that we are harvesting aren't being replaced at a rate that will maintain the stock at a healthy level.

The benchmark summer flounder assessment was released in 2013. It is updated annually. The last such update, released in June 2016, reflected the health of the stock at the end of 2015. Thus, claims that the assessment is outdated aren't correct.

The latest update revealed that spawning stock biomass was just 58% of the target. Fishing mortality was about 26% higher than it needed to be to prevent a further decline.

Still, the stock is not yet “overfished;” it hasn’t yet fallen below the scientifically determined threshold that will trigger a new, legally-mandated rebuilding process, resulting in what will likely be much steeper restrictions on harvest than we are facing now.

According to the assessment update, the stock almost certainly will fall below that level if 2016 harvest levels are maintained.

Yet this is exactly what HR 1411 is suggesting.

### **One the water perceptions:**

The last good recruitment occurred in 2009. Some anglers are still catching larger flounder that were spawned before 2010, generally while fishing in the ocean, in 40-plus feet of water. And there are some places where flounder remain locally abundant, such as Eastern Long Island.

However, it’s not where the fish are, but where they aren’t that’s important here.

During a typical season in New York, summer flounder will be available in the bays, in the ocean and in Long Island Sound, with fish being caught from Raritan Bay on the New Jersey border to the ocean off Montauk at Long Island’s East End. In recent years, the general consensus amongst New York fishermen is that fishing has not been good in the bays and most of the Sound, and spotty, at best, in the ocean. Fish are not in the spots they were in just a few years ago, which has greatly reduced the general public’s access to the resource.

When a stock becomes depleted, tends to concentrate in core areas of abundance. People who happen to fish in such core areas often want to believe that the stock is doing fine, simply because they had a relatively good season.

The majority of anglers, who fish grounds that have grown far less productive, understand that is not the case.

All of the existing science tells us that, at current fishing levels, we are “overfishing” summer flounder. We are removing fish at a much higher rate than they can be replaced, and forcing the stock into decline.

If we keep fishing at status quo, as this bill would allow, it is very likely that the spawning stock biomass will fall below the threshold level, causing the stock to be designated “overfished” as early as the end of this year.

If, or when, that happens, we won’t be looking at a 30% reduction in fluke quota, rebuilding could require reductions much, much greater. Reductions that could be truly catastrophic to the recreational fishing industry.

### **Management measures for 2017 are not catastrophic**

The regulations that were approved by the Atlantic States Marine Fisheries Commission (ASMFC) early in February aren't catastrophic, given that we really do need to significantly reduce removals if we want to avoid an "overfished" designation.

In the New York, New Jersey and Connecticut region we're going up an inch in size, from 18 to 19 inches, and reducing the bag limit from five fish to three.

Such new regulations are constraining, but don't herald the end of the world. We will retain a full 128 day season, and thus anglers will still be able to fish, party boats will still be able to target summer flounder and fluke tackle will still be sold.

The reductions proposed for 2017 are equitable, and provide the greatest amount of opportunity for ALL anglers, everywhere on the coast. Yes, there may be some economic impact, but given the status of the stock, and what's at stake here, I'd go so far as to say they are very reasonable.

The Commission did what it was supposed to do. It implemented measures designed to get the stock back on track, while minimizing, to the extent it could, the economic impact to stakeholders.

New Jersey appears to be the only state adamantly opposed to such measures. I don't think I'm misrepresenting when I say representatives of that state don't believe in the science, don't believe that there's been poor recruitment and a significant decline in abundance, and don't accept ANY conservation measures when it comes to summer flounder. However the rest of the states do.

It is not good policy to continue overfishing and risk an "overfished" designation, which would require a rebuilding plan and likely much more restrictive measures imposed on every state, at the behest of one state.

### **New Assessment?**

H.R. 1411 calls for a new benchmark stock assessment. NOAA Fisheries Science Center is considering preparing one for 2018, but it's uncertain whether NOAA will prioritize it.

Opponents of summer flounder conservation currently suggest that incorporating a new model into the assessment, which considers the sex composition of recreational harvest, would allow an increase in harvest, and a liberalization of regulations.

They contend that high recreational size limits result in killing too many females, thus reduce the fecundity of the stock, and are the cause of the poor recruitment. But as far as I'm aware, there is no research to support their contention.

Commercial fishermen are allocated 60% of the harvest, and they may land 14" fish. At that minimum size, most of the fish harvested commercially would be male, and would serve as a counterbalance to the recreational harvest of female summer flounder.

Even if overall harvest is skewed toward large females, the majority of such females would be at least 18 or 19" long when landed, and so would have had a chance to spawn several times.

From a biological perspective, that's probably better than harvesting smaller fish (presumably through a slot limit), a good percentage of which would still be females, who have had little chance to spawn. One could certainly make the case that killing younger females, in order to include a larger percentage of males actually decreases the overall fecundity of the stock.

From an economic standpoint, one could also make the case that a slot limit will make it far easier for anglers to catch legal-sized fish, increase recreational landings, and thus force the imposition of a significantly shorter season to prevent overharvest. And as anyone in a fishing-related business will tell you, the longer the season, the more anglers will fish, and the better business will be.

I support continually working to improve the science. However, in this case, there seems to be nothing to suggest that an expedited stock assessment would result in the liberalized regulations that the New Jersey angling community expects.

Thus, allowing overfishing to occur while we wait for such a stock assessment seems foolish.

#### **On access**

I run a "light-tackle" charter-fishing business. My clients have no interest running out to 60' of water to use bait and 8 ounces of lead to catch a summer flounder. Yet, that's what the fishery looks like when it becomes depleted.

Four years ago I gave testimony to a US Senate Committee regarding the Magnuson Stevens Act. I spoke about how summer flounder was a management success story. A rebuilt fishery and a subsequent expansion of the stock offered opportunities for me and my clients to fish with light tackle, in shallow water, in the bays, when I couldn't get offshore. Perhaps more importantly I could take my then 4 year old twins out in the afternoon to catch a few fish, and perhaps bring some home for the table.

I don't have access to such fish when the stock is depleted and the remaining concentrations are offshore in deep water.

But this isn't about me. A healthy, abundant, rebuilt stock offers increased access to those fishing from small boats, from the beach etc.. Access isn't limited to the narrow special interests that can and do have access to summer flounder when they are depleted and concentrated in deeper water.

H.R. 1411 was introduced by politicians who are listening to, and trying to represent, specific, vocal stakeholder groups who will benefit, in the short term, from what all of the science tells us is an unsustainable harvest level.

But what about the wide array of anglers who might benefit from the continued precautionary management and future abundance and sustainability of the summer flounder stock?

Plenty of us out there on the water have seen a precipitous decline in fluke over the last few years. And plenty of us understand that we need to reduce fishing mortality when the stock is trending downward, overfishing is occurring and we are rapidly approaching an overfished state. At least if we are going to have a few fish around in the future... for ourselves, for our kids. We understand the need for conservation, even if it means some pain in the short term. It is our opinion that short-term economics shouldn't trump long-term sustainability.

The currently recruitment problems can't be tied to fishing, and why recruitment is down is still in question. But regardless of the cause it's pretty simple: If there are less fish around, we simply can't keep fishing them at the same level than when there were a lot around; not if we want to give the summer flounder stock a chance to recover. Not if we want to have a robust fluke fishery in the future and increased access for the general public. That seems pretty obvious to me.

## **Conclusion**

Undoubtedly, there is a part of the recreational fishing community that is upset about more restrictive summer flounder measures, and H.R. 1411 is a response to such concern.

Yet such measures represent the way management is supposed to work. If the stock is trending downward and approaching an overfished state, we try to reduce fishing mortality until the stock can right itself. It may be painful in the short term, but it is responsible, forward thinking and ultimately benefits the entire fishing public.

Doing nothing (aka status quo until we wait for some time and outcome-uncertain stock assessment) just isn't acceptable.

While we're waiting, it's more than likely the stock becomes "overfished," and we'll all be looking at what could very possibly be a 70% to 80% reduction down the road, because we'd ultimately be fishing under a fishery management council-mandated rebuilding plan.

But even without such severe cutbacks, one simple fact remains: An overfished stock won't allow either anglers or commercial fishermen to catch many fish. Not because of restrictive regulations, but because the fish just aren't there. New England cod more than adequately illustrate that fact.

If we want a healthy summer flounder stock and a fishery that is sustainable in the long term, not to mention one that allows the general fishing public, who depend on abundance, a reasonable chance to enjoy the resource, making harvest cuts right now is just the right thing to do.

