

Congress of the United States
Washington, DC 20515

August 7, 2015

Honorable Richard B. Robbins
Council Chairman, Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, Delaware 19901

Mr. Christopher M. Moore
Executive Director, Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, Delaware 19901

Dear Chairman Robbins and Executive Director Moore:

We respectfully request the Mid Atlantic Fishery Management Council during its August meeting remand the Acceptable Biological Catch (ABC) recommendation for summer flounder 2016 specifications back to the Science and Statistical Committee (SSC). The SSC should reconsider the socioeconomic impacts of the ABC for 2016 and clarify its ABC recommendation. We understand that this action is consistent with the Mid Atlantic Fishery Management Council's policy described in subpart 4(j) of its Statement of Organization Practices and Procedures.

Furthermore, we feel strongly that the SSC could set the 2016 ABC at the Over Fishing Limit of 8,194 metric tons. This ABC level would not violate the risk of overfishing requirements while keeping the fishery intact and the stakeholders viable. By way of comparison we note that the current SSC recommendation of a 7,375 metric tons ABC for 2016 is less than half of the 2011 ABC of 15,397 metric tons.

This situation with summer flounder is precisely one of the primary reasons why the NJ commercial and sportfishing communities are supporting the increased management flexibility provisions contained in H.R. 1335, and those contained in NOAA's proposed revisions to the National Standard Guidelines. It makes perfectly good sense to allow responsible managers the ability to apply a more flexible approach to address overfishing on a healthy robust stock (like summer flounder); compared to the measures need to protect a stock that is in poor condition that is also undergoing overfishing or also overfished.

Please consider the following biological aspects of the summer flounder fishery and the past management that has been in place;

- 1) The 2015 Summer Flounder assessment update found spawning stock biomass to be 65% of B_{msy} which is roughly more than 11,000 mt above the 1982- 2014 mean SSB of 28,800 mt. Based on these numbers, the summer flounder stock continues to be extremely robust.
- 2) The current fishing mortality rate on summer flounder continues to be 75% lower than the rate experienced during the 1980's through late 1990's. In addition, the current fishing mortality rate is roughly a third lower than the rate from 1999 through 2004 when the summer flounder stock experienced significant growth.
- 3) The 2013 summer flounder benchmark assessment utilizes an out-dated model along with conservative assumptions that implies a lower level of steepness of the stock-recruitment relationship and fails to incorporate sexually dimorphic natural mortality or growth rates of summer flounder. Thus, the

biological reference points, in particular the overfishing limit (OFL) which is used to set the allowable biological catch (ABC) by the SSC, are already extremely conservative.

4) Precaution applied at the assessment level for summer flounder adequately accounts for scientific and management uncertainty and therefore, minimal, if any reductions to the OFL are needed to account for risk when setting the 2016 ABC

5) The terminal year is the often the least reliable data available to scientist and fishery managers. Based on the precedence with summer flounder, recruitment numbers in the 2015 assessment update will likely be revised upwards as the year classes fully enter the fishery. Therefore, taking management action which stands to have significant negative socioeconomic impacts on the commercial and recreational summer flounder using the least reliable data in the time series is not a wise course of action.

Summer flounder is a rebuilt fishery and in turn is supporting vastly important and valuable commercial and recreational fisheries consistent with the objectives of our domestic fishery management policy and laws. It is impractical to assume that once a stock has been rebuilt that its recruitment and SSB will remain static. In fact, the current depression of summer flounder SSB was predicted several years ago in response to below average recruitment. Considering that current fishing pressure is far lower than experienced during the period of rapid and massive rebuilding in the summer flounder fishery and the summer flounder biomass is expected to increase over the next three years, it is a rationale and reasonable course of action to the set the 2016 ABC at 8,194 metric tons.

Please know that we share your goal of protecting fishing stocks, but we are also committed to supporting those who earn their living from the sea. If this reduction is implemented jobs will be lost and coastal communities will be negatively impacted. We thank you for your consideration of this request.

Sincerely,



Tom MacArthur
Member of Congress

Sincerely,



Frank LoBiondo
Member of Congress

Sincerely,



Chris Smith
Member of Congress

Sincerely,



Walter B. Jones, Jr.
Member of Congress