

RESOLUTION NO. 638 -2014, DIRECTING THE COUNTY ATTORNEY TO EXAMINE THE FEASIBILITY OF COMMENCING A LEGAL ACTION TO CORRECT INEQUITABLE FISHING QUOTAS

WHEREAS, the Magnuson-Stevens Act (“MSA”) was enacted by the United States Congress in 1976 to restrict foreign fishing vessels in the United States’ offshore waters (from 3 to 200 miles off the shoreline); and

WHEREAS, the MSA also sought to regulate fishing in federal waters by establishing various management mechanisms such as a state-by-state allocation system for commercial fishermen; and

WHEREAS, advocates for the New York commercial fishing industry have long argued that the state-by-state quotas created by the Mid-Atlantic Fishery Management Council and the Department of Commerce’s National Marine Fisheries Services pursuant to the MSA, were based on a faulty data collection model which put New York at a severe disadvantage when compared to other states; and

WHEREAS, as a result of the faulty data collection model, New York’s quota for black sea bass, bluefish, scup and summer flounder is much lower than neighboring states; for example, in recent years, New York’s summer flounder quota was less than half of that allocated to Rhode Island, New Jersey, Virginia and North Carolina; and

WHEREAS, Suffolk County has the largest commercial fishing fleet in New York State; and

WHEREAS, the longstanding quota inequity described herein has hurt Suffolk County’s economy and causes job losses; and

WHEREAS, Suffolk County should explore the feasibility of commencing legal proceedings against the federal government to correct the inequitable fishing quotas described herein; now, therefore be it

1st RESOLVED, that the Suffolk County Department of Law is hereby authorized, empowered and directed to study the feasibility of bringing any and all legal actions in any judicial and/or administrative forum against the National Marine Fisheries Services and/or any other federal or interstate agency necessary to correct the inequitable fishing quotas that discriminate against New York and Suffolk County commercial fishermen; and be it further

2nd RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on

Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: July 29, 2014

APPROVED BY:

County Executive of Suffolk County

Date: