

# STATE OF NEW YORK

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S. 3197

A. 2514

2017-2018 Regular Sessions

## SENATE - ASSEMBLY

January 20, 2017

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IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

IN ASSEMBLY -- Introduced by M. of A. THIELE, MURRAY, PALUMBO -- read once and referred to the Committee on Environmental Conservation

AN ACT in relation to directing the state attorney general to bring any and all legal actions against the National Marine Fisheries Services or any other federal or interstate agency challenging existing inequitable fishing quotas that discriminate against New York state commercial fishermen

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Legislative findings. The Magnuson-Stevens Act (MSA) was  
2 enacted by the United States Congress in 1976 to restrict foreign fish-  
3 ing vessels in the United States offshore waters from 3 miles to 200  
4 miles off the shoreline. The MSA also sought to regulate fishing in  
5 federal waters by establishing various management tools such as a state  
6 by state quota allocation system for commercial fishermen. These state  
7 by state quotas created by the Mid-Atlantic Fisheries Management Council  
8 and the U.S. Department of Commerce's National Marine Fisheries Service,  
9 pursuant to the MSA, are based upon faulty and incomplete collection  
10 data, which discriminate against commercial fishermen in the state of  
11 New York. As a result of these discriminatory practices, New York's  
12 quota for black sea bass, bluefish, scup, and summer flounder are much  
13 lower than would be allocated under a fair non-discriminatory system.  
14 For example, New York's summer flounder quota was less than half of that  
15 allocated to Rhode Island, New Jersey, Virginia, and North Carolina.  
16 This discriminatory quota system has resulted in unwarranted economic  
17 and job losses. It is the purpose of this act to direct the state attor-

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 ney general to commence legal proceedings challenging this discriminato-  
2 ry fishing quota system.

3 § 2. The state attorney general is hereby directed to commence any and  
4 all legal actions against the National Marine Fisheries Services and any  
5 other federal or interstate agency necessary to overturn said fishing  
6 quotas as arbitrary, capricious and discriminatory against residents of  
7 the state of New York.

8 § 3. This act shall take effect immediately.