



BULLETIN

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Marine Resources Advisory Council

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Robert Danielson

John Davi, Jr.

Melissa Dearborn

Paul Farnham

Thomas Jordan

Joseph Paradiso

John Renaldo

Paul Risi

Christopher Squeri

Charles Witek

Dean Yaxa

William Wise
Chairman

Kim Knoll
Staff Assistant

Chairman Wise began the meeting at 2:00 p.m. to a packed room. After introductions by councilors present, Mr. Wise reviewed the agenda. He recognized the fact that there were many in the audience who were first-time attendees and he briefly described Council's purpose, who it represents, and the protocol for the way in which the meeting will be run. Mr. James Gilmore, Director of the Marine Bureau of the DEC, informed everyone that because the topic of striped bass in the Hudson River will be discussed at today's meeting, staff of the DEC Hudson River Program office were following the meeting via a conference call.

Draft Minutes, 18 November 2014 Council Meeting

Councilor Thomas Jordan motioned to accept the draft minutes as written Council Charles Witek seconded, followed by a unanimous vote to accept. Mr. Wise abstained. Motion passes.

Public Comment

Mr. John German, a commercial fisherman, brought up a Newsday article about oysters and clams and the concern that they may be placed on the endangered list. He asked for more information because he worries that if their classification changes, there will be new regulations put into place that will affect the fishing community yet again. Mr. Gilmore said they will NOT be placed on the endangered list.

Ms. Kathy Heinlein once again voiced her desire to receive documents being discussed at a Council meeting *prior* to the meeting so she, and others, would have time to digest and discuss what will be deliberated. Mr. Gilmore said they would be happy to do that, however, most of the time the information is simply not ready for public viewing. They will try to post a presentation that will be shown at the meeting and the agenda but that really is all they can ensure.

Mr. Hank Lackner, a commercial fishermen, feels that presently the Council is not equally represented by commercial and recreational sectors because of vacancies that have long existed on the commercial side. He noted that, at the present meeting there were 7 recreational fishery representatives and only 4 from the commercial fishery. He questioned how long are Councilor's terms and why are so many Councilors sitting for as long as they are, shouldn't there be more rotation? Mr. Gilmore stated that Mr. Michael Craig has been approved and will be filling one seat on the commercial side, he will be on by the next meeting. There are, however, two more commercial fishery seats currently open that require a nomination to the DEC Commissioner from the Speaker of the State Assembly. Mr. Lackner said that he would like to be on the Council and has already sent his request in.

Ron Turbin asked about the status of the money that was supposedly set aside for better boat ramps and water access. Mr. Gilmore said this money is being filtered through the Governor's Office and when they know more, it will be placed as an agenda item so they can let the fishing community know. Mr. Turbin also wanted to know what progress is being made with regard to refurbishing artificial fishing reefs? Again, Mr. Gilmore stated they are actively working on this and believes there should be good news to report by the March meeting.

Brad Lowen said approximately two years ago, the Inspector General began an investigation of DEC's Marine Bureau. When would a report available to the public on the results of this inquiry be released? Mr. Gilmore replied that he had been told the report would be released to the public; however, since DEC is the object of the investigation, they are not privy to its findings and plans for making these public. Mr. Lowen asked if there has been any changes within the Bureau since the investigation began and Jim replied that more staff had been added to the permit office. Mr. Lowen also wondered about the Councilor roles too. How long is each Councilor's term? Mr. Wise said the general term is 3 years, however, the term continues until the councilor is replaced or renewed. Some of the slots are handled directly by the DEC Commissioner which means he can appoint someone when he chooses, the other type of appointment must be handled through a nomination from the State Legislature leadership; these appointment/reappointments/replacements usually take much longer.

Ralph Vegnastead, Vice President for The Coalition for Recreational Fishermen, believes it's the system that is to blame, not one particular person, fishing community for the current problems.

Tom Ferrell stated that looking at the Council seats from a recreational angler's perspective, he feels that the individual angler, as opposed to those engaged in a recreational fishing business, is poorly represented given the Council's current composition. Only one sitting recreational councilor does not have some sort of financial stake in how the issues dealt with by the Council are resolved. Mr. Wise said that anyone who feels that the composition of the Council should be changed should work through the Legislature and/or the Commissioner's Office to effect a change. Nothing can be done on this issue by the Council itself. Mr. Gilmore said the shortfall of Councilors is a relatively new problem. Unfortunately, they do not have a large number of people knocking on the door asking to be put on the Council. This is a voluntary job, people on the Council use their own time, money, gas, etc. to get to the meetings and it takes commitment.

Councilor Robert Danielson requested that a discussion of State finfish landing licenses and tautog be placed as a future agenda item.

Councilor John Davi would like to the topic of modifying hand gear for the elderly who have shellfish diggers permits to also be discussed at a future meeting. He thinks the discussion should wait, however, until the Department's Shellfish Advisory Committee meets, which is sometime in February because he will have more information as to the needs and desires of that specific group after that meeting.

Species Management - Please see attachment "2015 Recreational Summer Flounder and Black Sea Bass Regulations – Update !!!" as your reference for the following discussions

Summer Flounder

Mr. John Maniscalco of DEC reminded the Council that the Atlantic States Marine Fisheries Commission (ASMFC) Board must vote to pass the Addendum; 11 votes are needed to adopt the Addendum and out of those, New York only gets one vote.

Mr. Gilmore added that when New York put this motion up in December 2014, there seemed to be a lot more cooperation among the other states. Most are now supporting regional management.

Mr. Danielson asked Mr. Maniscalco which did he personally feel would move forward? Mr. Maniscalco said he only knew of 2 options that he doesn't think will move forward – the split season for New Jersey and the Delaware Bay loan because it will be an enforcement nightmare. Mr. Gilmore thinks things will remain status

quo but New Jersey and Rhode Island are pushing very hard for a change because they believe they are at a disadvantage, however, they are in the minority so it might not matter.

Councilor Charles Witek looked at effort and doesn't believe there was any effort shift between New Jersey and Delaware therefore he doesn't think the split is even needed, there didn't seem to be any sign that anyone is losing business. Councilor Christopher Squeri is shocked that we are basing this year's numbers on stats taken from 1998 - 17 years ago.

Audience member Neil Delanoy— if we do go to regional management of fluke, wouldn't days in September have a lot less value than days in May? Mr. Maniscalco said it's mandatory to do it that way because you have to consider the season length for entire region, not just one state's view. Mr. Delanoy asked if we ever moved away from conservation equivalency, would we be looking at last year's figures for a more modern approach? Mr. Gilmore said that's one possibility and they are looking at how to modernize in order to get more accurate data. John Schoenig wondered if there is any kind of pressure put on New Jersey to alter their fluke recreational bag limit or catch since they went 95% over their limit last year? Mr. Gilmore said since we didn't exceed the *coast wide Recreational Harvest Limit (RHL)*, regionally, individual states don't suffer any repercussions.

Black Sea Bass

New York was over its RHL for this species in 2014 and we have to reduce recreational fishing mortality by 32.8 % in 2015. New York is looking at the MRIP data for possible loop holes but Mr. Maniscalco believes we will be looking at the full reduction of 32.8%. How will we reach the reduction? We need to keep in mind that the data interacts, so things may not be as straightforward as first believed. If you want to combine size limit and season for example, you would say, "5 fish and 10 days = a 16% reduction", however, there's an interaction involved that brings the number down to less than 16% and that needs to be considered for an accurate percentage.

New Jersey will be maintaining its 12.5" minimum size limit so if the vote is for increasing the size limit, we will be creating the disparity between the two states. He was unsure how Connecticut and Rhode Island would be voting.

Mr. Maniscalco has received several phone calls from folks questioning Wave 3 black sea bass recreational catches and what it would take to enable them to fish in May and June. He said that it would cost ~0.9% per day. Summer days cost about 1.0% so May and June days are a little less. If you start the open season on Memorial Day weekend, you are looking at a 14" minimum size limit and a 2-fish. That is the trade-off.

Scup

There is a scup stock assessment coming up this year and there's reason to believe that the current stock biomass is not really 200% of the biomass.

Mr. Danielson brought up the fact that the National Marine Fisheries Service (NMFS) was supposed to fix MRFS data reporting seven years ago and still nothing – what can be done? We need to fix this poor recreational catch data issue NOW. All our numbers are off because of MRIP *which is really MRFSS just wrapped in different paper* so over-counting, undercounting and miscounting continues. Councilor John Davi asked if he would prefer mandatory reporting of recreational catches. Mr. Danielson replied, no, if they are going to do intercept surveys, do intercept surveys – that is what they were mandated to do. They have ignored what Congress told them to do in terms of improving the survey of marine recreational fishing catches and effort.

Mr. Gilmore said that the Federal Government has asked the states that have not taken over the intercept part of this survey to take it over, beginning January 16, 2015. In the 4 states that initially did take over the survey, they definitely produce better and more predictable data. This is handled by the Federal Government giving the individual states the money for the intercept data so instead of having a contractor go out to collect the data, we now have biologists who not only collect the data but can explain the data as well.

Marc Hoffman, who sits on the Advisory Panel for the ASMFC said the numbers being used are absurd, so much so that the numbers were actually thrown out. For the numbers to say that we were at 102% of our quota by the end of August 2014 was ludicrous. The panel recommended "no action" because the numbers were so ridiculous, it was impossible to make a decision using them.

Arnold Leo of the Town of East Hampton Fisheries Advisory Committee stated that he attended the Mid-Atlantic Fisheries Management Council meeting in December 2014 where it was universally acknowledged that the striped bass stock is colossally larger than was used to determine the allowable landings. The Council tasked the Science & Statistical Committee (SSC) with examining the data on the population of black sea bass to come up with a revised allowable biological catch. He asked what the Committee has recommended? Mr. Maniscalco commented that the SSC doesn't meet until mid-March (18th), so he isn't sure how the information will be received or perceived. Mr. Delanoy agreed with Mr. Leo, the stock is much bigger –science lags and the fishermen suffer. We need to pick the regulations that are the least harmful. The truly sad part is that these current numbers are going to put people out of business and whatever small relief we get, just won't be enough. Mr. Maniscalco offered to work with a group to develop better regulations. Mr. Delanoy and Mr. Hoffman will join this group. A person in Rhode Island is working on the black sea bass data and hopes to have the information to present to the SSC by the March 18th meeting. This is to determine if they can change the allowable biological catch that governs catch limits for recreational and commercial harvesters. Black sea bass will be assessed in a new way by 2016, a conservative way to base the catch limits on the biomass.

Striped Bass

This discussion was divided into three segments: recreational fisheries; commercial fisheries and Hudson River fisheries.

Recreational (see attached PowerPoint file)

Mr. Gilmore said that ASMFC had decided that a 1-fish possession limit and a 28" minimum size ("1 at 28") would be the standard coastwide. However, because conservation equivalency is allowed to be considered, after the meeting several states wanted to adopt different measures, specifically the for-hire sector. They wanted 2 at 32 for that sector. This started a snowball for different measures. Looking at the measures being considered by the Department (which have all been approved by the ASMFC Striped Bass Technical Committee) we need to keep in mind that other states are looking at different measures that we may need to consider.

Ms. Hoffman said that New York is also considering regulatory changes to eliminate the party and charter operators license but still require for-hires to report their landings.

- Massachusetts is also submitting 1 at 28 for everybody or 1 at 28 for private anglers with 2 at 32 for the for-hire or 1 at 28 for private anglers and 2 fish within a slot limit of 28"-34" and a 40" trophy.
- Connecticut wants a third fish program that is only on the rivers because, like New Jersey, they do not have a commercial fishery – either 1 at 28 for regular recreational anglers or 1 at 28 for private anglers and 2 at 32 for the for-hire; in addition, they have a special program on the river for a 22" size limit for each person enrolled in the program, they get 1 fish per season by using a voucher. They gave out ~4,000 vouchers annually, however, they are dropping that number to ~3,000.
- Rhode Island is only submitting one conservation equivalency option – 1 at 28 for private anglers and 2 at 32 for the for-hires.

Councilor Thomas Jordan observed that, pursuant to the lengthy discussion at the previous Council meeting, he is surprised not to see more options with a smaller fish, for instance options with 1 at 28 for recreational/private and for the for-hire industry. Is there no option like that? Mr. Gilmore said we will only complicate matters by adding more options. Mr. Jordan said he would at least like to see a 1 at 28 private mode combined with a for-hire slot size 28" – 34" and a trophy. Mr. Danielson clarified: 1 at 28 for private

anglers and 2 fish for for-hire anglers, one at 28" – 34" and one over 40". Ms. Hoffman noted that an option including a slot size and a trophy fish requires a different calculation.

Councilor John Renaldo questioned whether the Council would support a split mode, he thinks it would just waste more time waiting for the new calculations.

Mr. Danielson made a motion to **not support** option 3 – remove it entirely and Mr. Witek seconded.

Councilor Paul Risi was against making motions to "not support" the options – wouldn't it be easier to just pick one and support it? Councilor Chris Squeri said out of all the options, this is not an option we would like to see. By so doing, it sends a message to the DEC. All in favor- 3, Opposed-1, Abstentions-8. **Motion to not recommend Option 3 carries.**

Mr. Wise agreed with Mr. Risi, he would rather move forward on a positive note by picking the option(s) they would like rather than the opposite.

Mr. Witek made a motion that the Council recommend Option 1 to DEC; Mr. Danielson seconded.

Mr. Witek believes going with Option 1 is the only way we will truly hit the target number for 2015. New York is the largest striped bass user and we should be the ones setting the standard and goal. Mr. Witek addressed the notion that people move from state to state going with the place they can catch the most fish but he stated that the numbers don't reflect people are actually doing that, they are staying put and until he sees documented data, he won't believe it. Without the numbers, it shouldn't be a basis for a management decision. Mr. Risi asked Mr. Witek why he would choose to believe data from MRIP which has been cited many times as inaccurate yet he won't believe people who actually witness the plentitude of fish and see with their own eyes folks traveling between the states? The numbers can't be used only when it's good for your argument. Mr. Witek believes he's showing trends.

Mr. Jordan said even though he is a commercial fisherman, he personally hears all the time from friends, family, co-workers, and business acquaintances about how much business is being lost to Rhode Island and Massachusetts. *Anyone* who operates a for-hire boat will tell you how much business was lost to both states. It takes place in the fluke fishery, in the scup fishery and in the blackfish industry. You cannot say this is not happening and to dismiss this by saying the numbers don't show this to be true is insulting.

Councilor Melissa Dearborn said that she polls the bait & tackle shops she deals with routinely, she knows what the general feeling is. What she has a problem with is that conservation equivalency has come onto the table when, initially, everyone was pretty much on board with Option 1, although no one was thrilled with it. She worries that, if the Council recommends 1 at 28 and it's then in DEC's hands, when the DEC is at a meeting and are faced with neighboring states who want to split the modes and give 2 fish to for-hire anglers, you change course and go with Option 2.

Mr. Squeri has been talking to people on website, Facebook, etc. and Option 1 had 50% support and Option 5 (B7) had the other 50%. According to the numbers we've been given, what are we going to do with a 3% (the difference between 28 and 31)?

Mr. Danielson said he understands the concern surrounding the accuracy of the numbers we've been given; the science lags but we need to address the decline that has been happening all across the board for a number of years. He feels that a universal 1 at 28 is the best option.

Councilor Joseph Paradiso wanted to clarify a misconception. It's not really the for-hire industry that put these options out there, it was the ASMFC because they put conservation equivalency on the table. We're taking what's available to us. He believes the 2-fish options are best.

Councilor Dean Yaxa feels we need to go with a 2-fish option. To go fishing and take just one fish, people can walk into a fish store and buy it. It's not worth the money they spend to go home with only 1 fish.

Ms. Dearborn asked Mr. Danielson how he felt about split modes; Mr. Danielson said he's definitely against it. Ms. Dearborn said she is conflicted.

Mr. Renaldo spoke against a split mode recommendation. Public comments at the ASMFC meeting were overwhelmingly in favor of the 1-fish option. However, when he began to speak to people *after* the meeting, he realized that the line was really more gray than black and white.

Mr. Davi said that he's upset the commercial fishery will have to take a hit of 25% because recreational fishing went over last year. One sector shouldn't be held responsible for the other. He's going to vote for Option 1.

Mr. Jordan said that New York always takes the higher conservation road, particularly in the striped bass fishery, and received no reward. ASMFC has given us an option to go with conservation and he believes we should just go with it. Why should New York always take a hit?

Mr. Ron Turbin submitted a written statement in which he noted that none of options presented take poaching into consideration.

Willie Young spoke for 1 fish for all anglers in New York State.

Arnold Leo believes the for-hire should be separated from the recreational industry. The for-hire industry needs 2 fish. If the private recreational sector wants to take 1 fish, they should only take 1 fish.

Mr. Wise polled the audience as to its support of the motion to support Option 1 (1 at 28 for everybody). The audience was overwhelmingly against the motion. The Council then voted and the motion to recommend Option 1 was defeated by a vote of 2 in favor, 6 Opposed with 4 abstentions.

Councilor Jordan motioned that the Council support Option 2; Councilor Paul Farnham seconded. Councilor Danielson has a problem that 2 at 32 is the same as 2 at 33. These options would devastate the population, especially the spawning population. Councilor Squeri agreed.

Councilor Jordan agreed to amend his motion to reflect that the Council recommend Option 5 (B7). Councilor Risi motioned for Option B7: 2-fish possession limit for all anglers; 1 fish within a 28"-34" slot and one fish at 36" or larger. (The allowable size of the trophy fish will be the smallest at or above 36" that achieves an overall 28% reduction in fishing mortality from 2014. That is, if 36" gives only a 27% reduction, you move up to 38", etc.). Joe Paradiso seconded. The audience strongly supported this motion. It was adopted by a Council vote of 8 in favor; 1 opposed and 3 abstentions.

Commercial

Brad Lowen thinks we'll probably go to the 28" and he is probably the only pound fisherman in the room. He doesn't run across this size fish but can catch a larger fish earlier in the season. The 15th of May would be better than the 1st of June. As a season opening date. He urged the Council and DEC to find the route that causes the least harm to commercial fishermen. If it means opening the season earlier, do it. Rich LaRocca would like the mesh size to remain the same and to have the season open on the 15th of May.

John German would like to go with a 26" minimum and believes the commercial fisherman is more conservative than recreational because they don't want the larger fish because they are the breeders.

Arnold Leo suggested that there was strong consensus of commercial fishermen to support a 28" minimum size commercial limit.

John Mihale understands the dilemma of a larger mesh headache and the early opening too, but he prefers a smaller fish.

Councilor Jordan moved that the Council support a 28" – 38" slot size for commercial fishermen, an earlier season opening date and maintaining the current mesh size. Councilor Davi second. Most in the audience supported this motion, which the Council then adopted (9 in favor, 0 opposed, 2 abstentions).

Hudson River

Councilor Danielson made a motion to recommend Option HR1; it was seconded by Councilor Witek. Mr. Witek thinks they should be looking at circle hooks because they can make a difference in the bait fishery. There were public meetings; however, it was a mixed bag of comments, no really straight forward response. Councilor Danielson spoke of the need to protect spawning fish in the Hudson. By going with this option, trophy fish tournaments in the river would come to an end. The motion on Option HR1 was defeated by a vote of 2 in favor, 4 opposed and 5 abstentions.

Councilor Paradiso moved that the Council recommend Option HR3 with the additional requirements for circle hooks for bait fishery. Councilor Farnham seconded. This motion passed with a vote of 10 in favor, 0 opposed and 1 abstention.

Sandy Emergency Relief Fund

The grant to the Office of Storm Recovery from NOAA is still suspended. DEC is working with that office to move forward with this. Bill offered to write as Chairman but DEC did not think this was needed or would be useful.

Meetings

The next regularly scheduled meeting is Tuesday, March 10th at 2:00 p.m. at the DEC Offices – 205 Belle Mead Road, East Setauket. The remainder of the meetings for the 2015 calendar year will be decided at that meeting.

10 March 2015 Council Meeting

The following are tentative agenda items:

- striped bass update
- foodfish landing license restrictions

Check the Council's web page, <http://www.msrb.sunysb.edu/MRAC/>, for agenda items added after this bulletin is distributed. For further information about the Marine Resources Advisory Council or items covered in this bulletin, to make arrangements for addressing the Council on an agenda item or submitting written comments on an agenda item, or to suggest an agenda item, contact: William M. Wise, Chairman, Marine Resources Advisory Council; phone 631/632-8656; FAX 631/632-9441; William.wise@stonybrook.edu