



Marine
Resources
Advisory
Council

BULLETIN

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Robert Danielson

Meeting of the Marine Resources Advisory Council

John Davi, Jr.

Chairman Wise began the meeting at 2:04 p.m. After introductions by the councilors present and the Director of the Marine Bureau of DEC, James Gilmore, who also introduced Gordon Canary from State Senator Boyle's office, Chairman Wise reviewed the meeting agenda. He also announced that the Council would not have a quorum of members present at the meeting.

Melissa Dearborn

Paul Farnham

Thomas Jordan

Announcements

Mr. Gilmore stated that the commercial horseshoe crab season opened on the day previously. The only change taking place is that the fishery is being closed on the weekends. Harvesting is curtailed from 6pm on Friday evening to 6 pm Sunday evening.

Joseph Paradiso

John Renaldo

Paul Risi

Public Comment

Karen Rivara

John Mihale said that he sees a proposal to extend the winter flounder open season to from March 1st – December 31st. He asked why, with all the problems that fishery is facing, would we want to extend the season? He thinks it's important to curtail fishing in the fall when the fish are spawning.

Christopher Squeri

Charles Witek

Mr. Carl LoBue of The Nature Conservancy informed everyone that on April 4th there would be a meeting on the deteriorating water quality on Long Island. The meeting will be held at the Stony Brook University's Southampton Campus at 7:00 p.m. in Chancellor's Hall. It will be hosted by Dr. Christopher Gobler from Stony Brook University. Mr. LoBue believes this is an easy way for folks to get caught up on the science because Dr. Gobler is very versed in getting to the core of a problem while explaining the science in layman's terms.

Dean Yaxa

Mr. John Schoenig, Conservation Chairman for the Imperial Sportsman of Suffolk Seniors Citizens Fishing Club, reiterated that he would like to see a closure in the blackfish fishery during the spawning season. The most important objective is to improve the species' abundance and this can be easily accomplished by not disturbing the blackfish while they are spawning. Chairman Wise said this can be discussed further at the May meeting.

William Wise
Chairman

Kim Knoll
Staff Assistant

Mr. Ron Turbin feels that we need better enforcement with regard to blackfish; the number of fish is being poached is ridiculous. He asserted that more blackfish are being caught *illegally* than *legally*. He also questioned the

process for joining the State marine fishing registry. He said he has been having a great deal of difficulty working with the system that is now in place.

Mr. Gilmore said he should contact DEC's permit office for information, instructions and hands-on help with regard to the fishing registry.

Mr. William Young recalled that a blackfish subcommittee had been set up at one time and wondered about its status and results. Mr. Wise hopes to have a report from the subcommittee's Chair for the May meeting.

A boat captain from Howard Beach stated that flounder fisherman have been greatly impacted with the changes to the limits, he would like to see the fall fishery opened again.

Dr. Nancy Solomon questioned if there has been any developments concerning possible grants for the Terrapin Excluder Devices? Mr. LoBue said that he has been actively looking into grants; however, he will need additional data and information before he can complete the paperwork necessary to move forward. So far, he's been successful in seeking private funding but has not been able to secure State funding.

Revised Winter Flounder Regulations

DEC staffer Mr. John Maniscalco gave a presentation regarding what had been decided at the ASMFC meeting in February regarding 2014 recreational winter flounder management measures. They are described in the table below.

Winter Flounder	Minimum Size	Possession	Season
2013	12"	2	4/1-5/30
Proposed	12"	2	3/1 – 12/31

The stated reason for increasing the length of the fishing season for winter flounder is, "...to increase fishing opportunities in the southern range where other species' availability may be limited later in the year".

Capt. Jimmy Schneider said that data suggests that current fishing pressure on winter flounder is close to zero. He asked what other factors managers are looking to explain the continued low abundance of this species. Environment? Cormorants? Mr. Maniscalco said that there are studies being conducted by Stony Brook University, however, those studies take years to compile, and it's a huge endeavor. Councilor John Davi worries about basing all estimates of flounder abundance on trawl surveys alone. Councilor Joe Paradiso said that if overfishing isn't the issue and environmental issues are, fishing *should* be kept open.

Councilor Dearborn wants to know what the other states are going to do in light of the Commission's recommendation on lengthening the open season, especially New York's neighbors New Jersey and Connecticut. Councilor Charles Witek reminded the Council that it is the policy of this State that the *primary principle* in managing New York's marine fisheries is to maintain the long-term health and abundance of the fisheries resources and their habitats. Is extending the open season on winter flounder consistent with this policy? Does extending the season mean we are making it available for future generations? If it does not, then it is a direct violation of that policy and, therefore, it is not something we should do. Mr. Witek handed out a document that states that the winter flounder

population is in sad shape; there are no flounder. He argued for taking steps to protect this resource now to help make it available for future generations. It could be replenished to mirror what it once was. But if you want to wipe out everything and maximize the harm, do it in June when they are all clustered together and easy to catch. In Mr. Witek's view, local flounder are our fish (New York's) and it's our responsibility to protect them. Chairman Wise agreed with Mr. Witek's views.

Mr. Davi said that New York is taking winter flounder management seriously – the possession limit is just 2 fish. He believes you need to give a little and take a little and fishery biologists have indicated that further restrictions on flounder fishing will be unlikely to make any difference in flounder recovery. Mr. Witek countered that he has never heard a biologist say that greater protection of winter flounder stocks would have to impact on the future the future of these fish. Mr. Wise said that winter flounder were overharvested for decades both recreationally and commercially. The resource declined to the point that other things in the environment are playing a much greater role in the condition of the resource than previously. He believes that each flounder that is saved **will** make a difference and just because fishing might not be the most important factor now is not an excuse for liberalizing fishing regulations on this species.

Capt. Schneider commented that anyone truly concerned about putting more pressure on flounder should oppose the closing of the fluke fishery from May 1st – May 17th. If people can't fish for fluke on those days, their effort will shift to flounder. In the same way, almost every sea bass he has caught has had a baby lobster in its mouth. Restricting the sea bass fishery results in the death of hundreds of thousands of baby lobsters.

Mr. Delaney asked if the proposed change in open season for flounder has been sanctioned by ASMFC yet (Yes). New York now has the option of implementing the proposed longer season, leaving its flounder regulations unchanged or making them more restrictive.

Commercial fisherman Mr. John German said, although he, "...doesn't have a dog in this fight", he agrees that cormorant predation is the real culprit that lied behind the current low flounder abundance and that needs to be looked at.

Mr. Witek noted that he thinks the commercial trip limit on winter flounder should dropped to zero.

Councilor Chris Squeri said he has a problem with cutting back on the winter flounder fishery because you still aren't addressing the real problem. He believes that water quality is a crucial issue that needs to be addressed. He also thinks predatory issues need to be looked at as well. Mr. Wise said that the amount of money spent each day looking at water quality issues on Long Island is staggering and to suggest that isn't getting any attention is baseless. Mr. Squeri said water quality was one issue; however, the predator issue should be #1 on the list to be looked at. He said that most people know how important the predator issue is, yet it really hasn't been addressed in a serious way. This issue has been dealt with on the Great Lakes and perhaps we need to look at how the situation was handled there and follow suit.

Councilor Tom Jordan referred to the same section of law Mr. Witek referenced earlier in the Environmental Conservation Law, noting that it also contained the following language in terms of the objectives for marine fishery management in New York, "...to optimize the benefits of resource use to provide valuable recreational experiences and viable business opportunities." Mr. Jordan believes it is up to the Council to determine the level of importance and to balance the risk and reward situation. Mr. Witek countered that the law does say the "primary purpose" is to sustain the resources in usable abundance for future generations, so the ranking of objectives is clear. He also commented that any

expansion of the open season for winter flounder should be handled through normal rule-making process and not by an emergency process. There is no “emergency” here.

Mr. Wise asked for a show of hands in the audience whether New York should move forward with the ASMFC recommendation to increase the length of the winter flounder open season. It was almost unanimous that folks would like to move forward. Those councilors present who favored this action were John Davi, Tom Jordan, Dean Yaxa, Joe Paradiso and Melissa Dearborn. Chairman Wise and Charlie Witek opposed the proposed change. Chris Squeri did not express an opinion on this specific proposed change.

Black Sea Bass

Mr. Maniscalco presented the following information on options for revised 2014 black sea bass regulations authorized by ASMFC:

-7.0% Redux Required	Size Limit	Possession	Season	Days	Project Harvest	Reduction
2013 Measures	13"	8 fish	7/10 - 12/31	175	337,250	
Option 1	13"	8 fish	7/15 - 12/31	170	313,790	-7.0%
Option 2	13"	3 fish 8 fish	7/6 – 8/31 9/1 – 12/31	57 122 (179 total)	311,969	-7.5%

Councilor Witek stated that he opposes setting different possession limits for different parts of the open season (Option 2) because this would result in black sea bass becoming a recreational by-catch fishery for most of the summer. Councilor Paradiso agrees. Councilor Dearborn expressed concern about Option 1, which would result in a somewhat shorter open season in 2014 (5 days). Slow, marginal erosions of the length of the open season has become the norm – when will it stop? As she has stated previously, she and the Council would appreciate receiving this information prior to the meeting so they can get feedback from the industries they represent.

Mr. Gilmore responded that councilors (and audience members) should follow the ASMFC meetings through web casts. He said that you can listen to what is being said and some meetings let you actively participate in the discussion. If you are unable to participate for the live meeting, you can look for a copy of the webcast meeting on their website which will bring you up to speed on all decisions. The DEC would love to be able to take the information and have an immediate turn-around time to get the information out to the Council and public but they simply do not have the manpower. The information is available but people in New York need to take a more active role in looking for it. Anyone can sign up to be on the ASMFC mailing list; they will then get reminders for when the meetings are being held. Tina Berger is the communications person from ASMFC <http://www.asafc.org/> and Mary Clark is from the Mid-Atlantic Council. <http://www.mafmc.org/> Ms. Dearborn said that the web cast information is great but she was referring to more state-specific information and even receiving it the day before would be helpful.

Chairman Wise first polled the audience on the two black sea bass options for 2014 and they clearly favored Option 1, as did the Council, but not overwhelmingly so.

Summer Flounder

John Maniscalco presented the following information to the Council:

Addendum XXV to the Summer Flounder Fishery Management Plan requires that all states in a region have the same size limit, possession limit, and season length.

New York is in a region w/Connecticut and New Jersey

- Size limit = 18.0"
- Possession Limit = 5 fish
- Season length = 128 days w/a maximum of 45 days in Wave 3. May 17th is the earliest possible start date

	Size	Bag	Season Length	Season	# Fish
2013	19	4	152	5/1-9/29	500,167
Conservation Equivalency	19	4	110	5/15-9/1	426,223
2014 15% Reduction	19	4	135	5/19-9/30	
	19	4	106	5/1-8/14	
Regional Management	18	5	128	5/17-9/21	678,954
2014 ~150% of Allocation	18	5	128	5/23-9/27	642,980

Mr. Gilmore gave a brief summary of recent history surrounding summer flounder. Based on the most recent stock assessment, it was thought that New York was going to be facing a reduction in its 2014 recreational harvest quota. State by state conservation equivalency has been the rule recently for this species, which is why the size limit had increased to 21" and created such an inequity with our neighboring states. Governor Cuomo and Senator Schumer have gotten involved trying to create a fair allocation of fluke to New York. The DEC supported moving to coastwide management with a consistent set of rules for all states harvesting fluke. The southern states did not agree with this approach; the compromise was to implement regional management. Instead of doing either of the two extremes (state-by-state or "one size fits all"), the regional approach divides the coast into different regions, within which the participating states have identical management measures.

At the October 2014 ASMFC meeting, New York moved that New York switch to regional management for fluke and this was passed by a very slim margin. At the December 2014 joint meeting between the Mid-Atlantic Council and ASMFC, some states tried but unsuccessfully to remove regional management and go back to a state-by-state approach. Mr. Gilmore commented that, if that had occurred, New York would have been facing a disaster in terms of fish size and bag limits. At a meeting in February 2014, the ASMFC Board approved regional management for New York. Our region includes New York, New Jersey and Connecticut. DEC met with its counterparts in the other two states to hammer out a set of uniform regulations for recreational fluke in 2014. The result (18" size limit, 5-fish bag, 128-day open season) was a compromise between the different regulations of the three states. The only way the math works with this is to have a May 17th – September 21st or a May 23rd - September 27th open season.

Mr. Gilmore characterized this regional management approach as a, "...great experiment but just a one-year fix." At the end of 2014, we have to go back and do this all over again. New York was trying to be a little more conservative in 2014 because we do not want to exceed this year's

coastwide recreational harvest limit. If that occurs, in his view, no one will remain interested in regional management. As we had last year, fish sharing is built into this plan. Southern states will leave fluke unharvested and they will be available for reallocation to other states.

Councilor Dearborn asked if New York does harvest 678,000 fluke in 2014 (i.e., stays within its quota), but in 2015 reverts to a conservation equivalency next year, will it be penalized for its 2014 harvest because it greatly exceeds the conservation equivalency-based allocation of 500,000 fish? Mr. Gilmore said as long as the coast-wide quota is not exceeded in 2014, New York will not be penalized. Councilor Paradiso wanted to know if New York was more conservative and only took 4 fish, could we take a week back in May? Mr. Gilmore said the bag limit wouldn't solve the problem.

Councilor Jordan asked about the 45-day cap in Wave 3 (July – August) and its purpose. Mr. Maniscalco said the region looked at a number of options and submitted each option to the ASMFC. They applied their consideration of risk which includes a 5% buffer for the RHL. The option of 45 days ended up being the middle ground compromise. 52 days in Wave 3 is still more expensive than the 5th fish. Days in Wave 3 are worth 3 times as much as any other times.

Mr. Joseph McBride, on behalf of the Montauk Boat Captain Association, acknowledged the work of Senators Schumer and Gillibrand along with Congressman Bishop and Governor Cuomo for addressing the fluke-related issues being faced in Montauk and Long Island with positive political action.

Mr. Jim Hutchinson said that at the January 2014 Council meeting everyone agreed to a 128-day season. However, it was stated that the time that we could pick and choose which begin date and end date we wanted for New York. There was a caveat that this may be subject to change. The fishermen knew that they would have to take pressure off Wave 3. However, Mr. Hutchinson continued, if folks knew then that we would not be able to have a May 10th opening – there would have been a much different discussion and subsequent vote. He is upset that New York fishermen will not be able to fish for more than 45 days in wave 3. In every other state, this is the height of the fluke fishing season, but because of how harvest data is extrapolated for New York, it's multiplied using numbers taken across the state and we always exceed our fluke allocation. This is atrocious and it all comes back to inaccurate data. Mr. Hutchinson called on DEC to go back to the other states in the region and assert that New York requires a May 10th opening to the 2014 recreational fluke fishing season.

Mr. Gilmore responded that we cannot make any changes because we are no longer state-by-state and this regional approach has already been negotiated. He reminded the Council that this is only a one year test but it will take several years before we will see a difference. He cautioned that a return to a state-by-state approach will result in much more restrictive limits for New York in 2014.

Capt. Schneider noted that he has 39 "for-hire" fishing trips scheduled between May 1st and May 17th. He employs 16 people. The proposed open season for recreational fluke will put him out of business and others, too. Councilor Dearborn believes we were thrown under the bus, noting that those involved in the January 2014 discussions were willing to work with a 128-day season and understood that certain days in May are weighted more than days in September. The goal was to find something that would be economically viable for New York State as a whole. Under the compromise regulations, the entire 1st half of May is closed and this will hurt everybody (hotels, bait and tackle shops, bus companies, etc.) Ms. Dearborn observed that May 10th sees the industry coming off the winter, when many people aren't collecting any paychecks, they try to plan accordingly in terms of individual finances. To now find out the money has to stretch even further will be a tremendous challenge – we need those days in early May.

Mr. Gilmore replied that most other states had wanted to take a year to develop these regional approaches. If they had their way, and we retained the state-by-state system for 2014, New York would be looking at an opening day for fluke of May 19th with a closing sometime in August. The regional approach is much better than that.

Mr. Hutchinson said that doesn't change the fact that this was not what was agreed to in January. Mr. Gilmore said that we are now in a collective effort – regional management – in which New York cannot singly determine its management regulations. What we said we wanted in January was voted down. Compromises were made; there aren't enough fish to go around and we are dealing with problematic data.

It was asked if all three states were starting on the same day. Mr. Gilmore said New York and Connecticut will be starting on the 17th but New Jersey will be starting later.

Mr. John Mantione of the New York Fishing Tackle Trade Association said folks need to realize the true economic impact this is going to have on the recreational fishing and related businesses. One week of a fishery closure can exceed the economic losses associated with Hurricane Sandy.

Chairman Wise asked Mr. Hutchinson if he had any thoughts as to what he thinks would work with regard to the inaccurate data, it's usage and how to fix the problem because this is something that comes back to haunt fishermen over and over. Mr. Hutchinson replied he would like to see the House and Senate, a bi-partisan commission, come together to put NOAA on the spot. NOAA needs to be held accountable. Mr. Wise said that subsequent to this meeting, he would like to sit down with Mr. Hutchinson to come up with a plan as to how to move forward. Mr. Wise thought it also might be prudent to have representatives from several regions (New Jersey, Connecticut) present as well to have broad representation. Mr. Gilmore thought it would be hard to orchestrate but Mr. Wise thought it would worth the effort.

Councilor Squeri said if we had gone with State by State we're only talking about a couple of days. Our representatives worked really hard to get the best they could for us and we have to be grateful for that. We can learn from this and work on something better for next year.

Mr. Mihale brought up cod fish regulations, specifically the size limits. He believes a change needs to take place for New York because other states have already lowered their size limits. Since this can be changed through regulatory process, we do not have to change the law, Councilor Squeri suggested it be put on the calendar for May so we will hopefully have a quorum, thereby, having the ability to cast a vote after a decision is made. Chairman Wise agreed and will put cod on May's calendar.

2014 Council Meeting Schedule

The following are the dates of the regularly scheduled meetings of the Marine Resources Advisory Council in 2014:

April 15th
May 20th
July 15th
September 16th
November 18th

Agenda for April 15, 2014 Meeting

Each year, the April meeting of the Marine Resources Advisory Council is devoted to legislative bills currently pending before the New York State Legislature that concern marine fisheries. Legislation to be discussed at the April 2014 meeting will be found on the Council's web page (see below).

Except as noted, all regularly scheduled meetings of the Council are held at 2:00 p.m. at DEC's offices at 205 Belle Mead Road in East Setauket, New York.

Check the Council's web page <http://www.somas.stonybrook.edu/community/MRAC/index.html> for other agenda items, added to the list 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, Chairperson, Marine Resources Advisory Council; phone 631/632-8656; FAX 631/632-9441; william.wise@stonybrook.edu.