

Marine
Resources
Advisory
Council

Bulletin

January 24, 2023

Chairman Frisk announced that Mr. Gilmore is retiring in a week's time and that this would be the last meeting he would be attending. He thanked Mr. Gilmore for his many years of dedicated service to not only the Council but for his very important role in marine and environmental conservation. Ms. Julia Socrates who is the Assistant Director will assume the role of Acting Director. There is an active search taking place but it's understood that Mr. Gilmore's position will take several months to fill since it will need to come from the Governor's office.

Sean Barrett

Robert Danielson

John Davi

Chairman Frisk presented the agenda items followed by introductions by Councilors present including several members of the DEC staff. Councilor Davi joined the meeting utilizing Web-ex.

Melissa Dearborn

Vincent Finalborgo

Public Comment

Nancy Solomon, Director of LI Traditions said she is getting increasingly worried about whales. There have been so many news stories about whale mortalities. What she is hearing is that the construction for the windfarms is causing this and wonders what studies are being performed and if there is any truth to that statement.

Thomas Jordan

Henry Lackner

Joseph Paradiso

Christopher Squeri

Charles Witek

John Maniscalco repeated what NOAA has been saying. There is no obvious linkage with the work that is being performed because the work being performed is survey work which uses tools that don't produce sound waves that has been linked to whale mortalities. The autopsies on the whales have revealed the cause to be boat strikes and/or entanglements with fishing gear.

Steven Witthuhn

Councilor Witthuhn recalled an article written by Mark Harrington, in the article, he noted that since 2016 there has been 178 strandings. He said there has also been media outreach by FOX News, CNN, USA Today and he doesn't believe we can say without doubt that the wind farms do not bear any responsibility. Mr. Witthuhn doesn't believe enough research has been done before moving forward with this.

Approval of Minutes

The minutes from November 15, 2022 were unanimously accepted as written

Michael Frisk
Chairman

Recreational Black Sea Bass and Scup update – Presentation given by Rachel Sysak

Kim Knoll
Staff Assistant

The proposed regulations were developed in response to the Atlantic States Marine Fisheries Commission (ASMFC) and Mid-Atlantic Fishery Management Council (MAFMC) requiring recreational harvest reductions for scup and black sea bass. This amendment will address the ASMFC and MAFMC's required decreases to recreational harvest for black sea bass through changes to the size limit and possession limit, and for scup, through changes to the size limit.

DEC is adopting these changes in order to protect the general welfare of New York state citizens by complying with ASMFC fishery management plan requirements. If ASMFC determines that New York is non-compliant, it notifies the U.S. Secretary of Commerce. The Secretary could then promulgate and enforce a complete closure of New York's scup and black sea bass recreational fisheries if they concur with ASMFC's non-compliance determination.

Black Sea Bass and Scup Update

New process for 2023: Percent Change Approach

Under this process both black sea bass and scup will require a 10% reduction for 2023

Table 1: Process for determining appropriate percent change in expected harvest when developing measures under the Percent Change Approach.

Column 1 Future RHL vs Estimated Harvest	Column 2 Biomass compared to target level (SSB/SSB _{target})	Column 3 Change in Harvest
Future 2-year average RHL is greater than the upper bound of the harvest estimate CI (harvest expected to be lower than the RHL)	Very high (greater than 150% of target)	Liberalization percent equal to difference between harvest estimate and 2-year avg. RHL, not to exceed 40%
	High (at least the target level, but no higher than 150% of target)	Liberalization percent equal to difference between harvest estimate and 2-year avg. RHL, not to exceed 20%
	Low (below the target stock size)	Liberalization: 10%
Future 2-year average RHL is within harvest estimate CI (harvest expected to be close to the RHL)	Very high (greater than 150% of target)	Liberalization: 10%
	High (at least the target level, but no higher than 150% of target)	No liberalization or reduction: 0%
	Low (below the target stock size)	Reduction: 10%
Future 2-year average RHL is less than the lower bound of the harvest estimate CI (harvest is expected to exceed the RHL)	Very high (greater than 150% of target)	Reduction: 10%
	High (at least the target level, but no higher than 150% of target)	Reduction percent equal to difference between harvest estimate and 2-year avg. RHL, not to exceed 20%
	Low (below the target stock size)	Reduction percent equal to difference between harvest estimate and 2-year avg. RHL, not to exceed 40%

New Process Continued

As part of the percent change approach we are using a modeling approach to project harvest.

This process allows us to predict harvest for the current year without waiting for finalized MRIP numbers.

It also provides a harvest range instead of an absolute number to allow for uncertainty.

Table 1: Process for determining appropriate percent change in expected harvest when developing measures under the Percent Change Approach.

Column 1 Future RHL vs Estimated Harvest	Column 2 Biomass compared to target level (SSB/SSB _{target})	Column 3 Change in Harvest
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Scup – 10% reduction

Regional measures:
MA, RI, CT, and NY



- Season May 1 – Dec 31
Matches new federal season
- 9 inch shore limit
- 10.5 inch all other modes
- 50 fish limit reduced to 40 fish for party/charter 9/1 - 10/31



Black Sea Bass – 10% reduction

Currently we don't have a final suite of options to present to achieve the required reduction.

To date the only option explored that achieves the 10% is a minimum size limit of 16.5 inches.



Black Sea Bass Continued

Current model projections suggest the following are required to achieve the reduction, these are estimates:

- 2 weeks off beginning of season
- 6 weeks off the end of season

We are exploring combinations of size limit to beginning or end of season with the decrease in days to come up with additional options. Bag limit changes will have to be >1 fish change to achieve reduction.



Black Sea Bass Continued

Next Steps to meet timeline

- Meeting with finalized options
- Digital polling of MRAC and Stakeholders



Councilor Witthuhn said he was against 16" and is even more upset at it being raised to 16.5", is this the the only way to get us to where we need to be? This is totally unacceptable. To go out on a 6- man charter in order to catch ~42, 16.5" keepers, we're going to be throwing back 100, 150, 200 fish – how is that being conservative? There has to be another way besides taking off 6 weeks at the end of the season. Weren't we told that the end of the season didn't amount to anything so how would this be helpful? How can people afford to take 6 weeks off their business – that's ludicrous.

Councilor Paradiso said we have an overabundance of stock, which the chart shows, yet once you add the MRIP numbers you come out with a 2-year harvest that is way over the numbers. We need to go forward using biomass indexes and not MRIP numbers – they distort the numbers for every fishery.

Mr. Gilmore said the largest part of the problem is Magnuson Stevens Act. It hasn't been updated since 2007 and it completely ties the DEC's hands. We are forced to follow the federal guidelines because this isn't being handled state by state. Things would be different if they were. We need to update Magnuson.

Captain Jamie Querasimo said this is ridiculous. The state blames the feds and the feds blame the states. Everything is a guess maybe it's time for the states to start extrapolating the numbers and start leaning their figures in favor for the fisherman. We are losing more fish just by their dying than we are to catching them, I am tired of throwing back sea bass.

Jimmy Schneider said sea bass are plentiful. They caught 42 fish in 3 trips. When they filet them, what they find in their stomachs are two things - lobsters and baby sea bass. You are not fixing anything with these regulations. He believes this started as a personal vendetta against their industry and has spiraled out of control. 64,000 families have left New York for Florida – our regulations don't allow fishers to make a living.

Pete Lauda said how well attended the Council meetings used to be but now everyone has lost faith in the system and people are just giving up; they don't come to the meetings because it doesn't matter, the complaints from the fishermen fall on deaf ears. They are tired of fighting and coming up empty.

Tautog

Tautog Recreational Season

MRAC requested NYSDEC explore shifting season from April to the fall.

Minimal spring harvest results in very little to no gains in the Sep/Oct wave.

Long Island Sound				
Wave	# Days	Harvest per day (lbs)	Days April	Adds
MAR/APR	30	3,035		
SEP/OCT	20	26,909		3
NOV/DEC	39	18,580		
NY Bight				
Wave	# Days	Harvest per day (lbs)	Days April	Adds
MAR/APR	30	30		
SEP/OCT	16	9,190		0
NOV/DEC	52	11,233		

Councilor Witthuhn asked if the information used is based on trip reports to which Ms. Sysak replied the numbers are based on MRIP data. This brought more disbelief from the audience, they are completely fed up with inaccurate MRIP data being used.

Mark DeJong said just to illustrate how wrong the MRIP numbers are take April 1st – April 20th the recreational harvest in LI Sound is **zero pounds** and if they are so wrong about this, they are wrong about *all* the numbers. They aren't even in the ballpark - if we are basing all the numbers on MRIP data every fisher is wasting their time.

James Schneider said there is a difference between a little activity and none. No one has ever caught a black fish before April 20th in Long Island Sound so where are these numbers coming from? The fishery is non-existent at that time. Then go to the fall, we are done on the 28th of November. Zero fishery in the Spring and we are done by the 28th of November.

Councilor Paradiso thought that a week back in October would be desirable but from the numbers, that doesn't seem to work. He said he would reach out to stakeholders to see what they think.

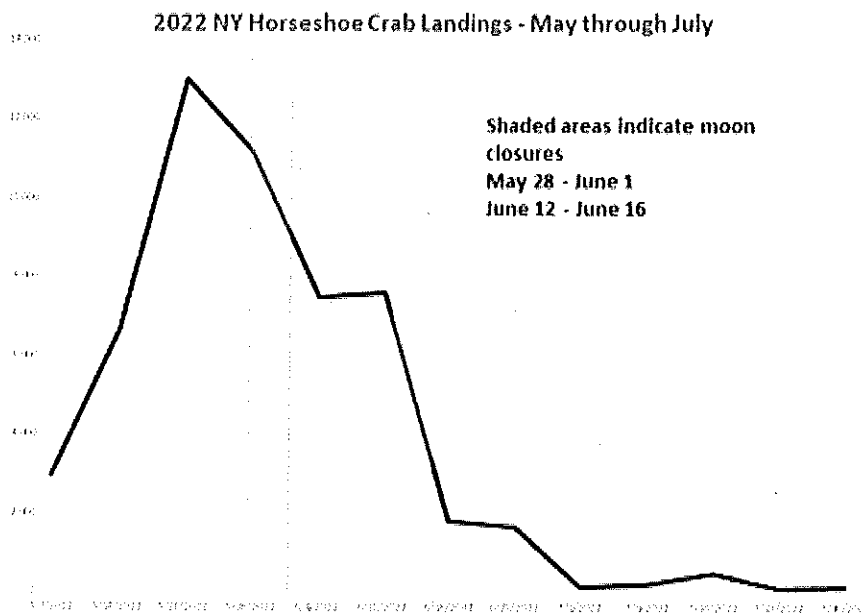
Commercial Quota Distribution

The following presentation was given by Jesse Hornstein and Peter Anderson.

Commercial Horseshoe Crab

- 2022 Quota – 150,000 crab
- 2022 Landings – 101,301 crab*

*as of December 31, 2022



DRAFT 2023 Horseshoe Crab Quota Distribution

Periods	Dates	Quota (# of crab)	Initial Trip Limit	% Distribution
1	January 1 - April 15	6,000	30	4%
2	April 16 – August 31	138,000	200	92%
2-closed	May 17 – May 21	closed	0	closed
2-closed	June 1 – June 5	closed	0	closed
3	September 1 – November 30	6,000	250	4%
4	December 1- December 31	TBD	TBD	TBD

Nancy Solomon wanted to say thanks for the many Bay men who depend on the horseshoe crab fishery.

Commercial Menhaden

Commercial Menhaden

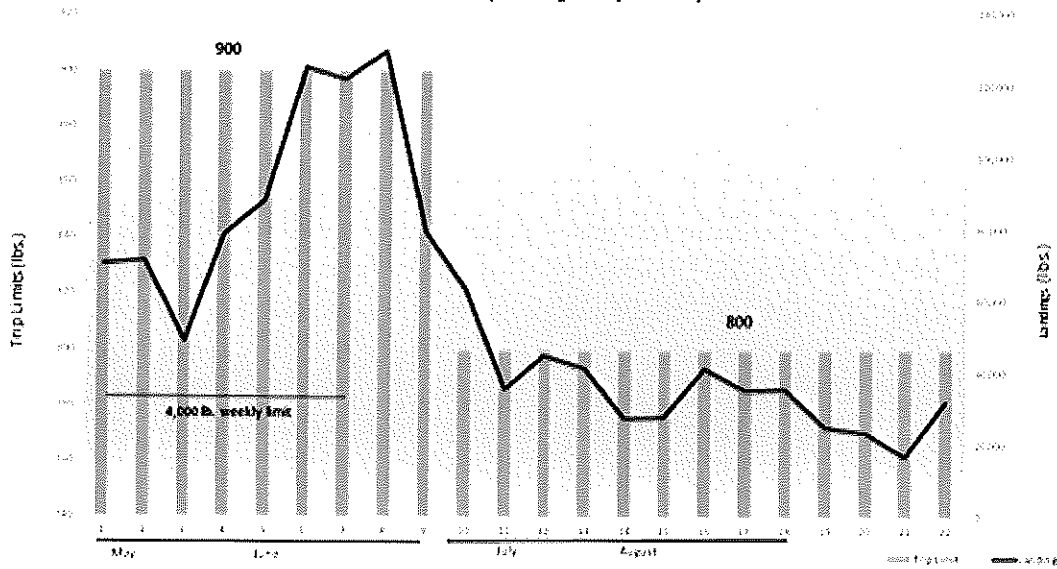
- 2022 Quota – 2,934,618 lbs.
- 2022 Landings – 985,775 lbs.*
 - *as of December 31, 2022
- Preliminary 2023 Quota – 4,296,646 lbs.
- 2023 daily trip limit – 20,000 lbs.

2022 Summer Scup

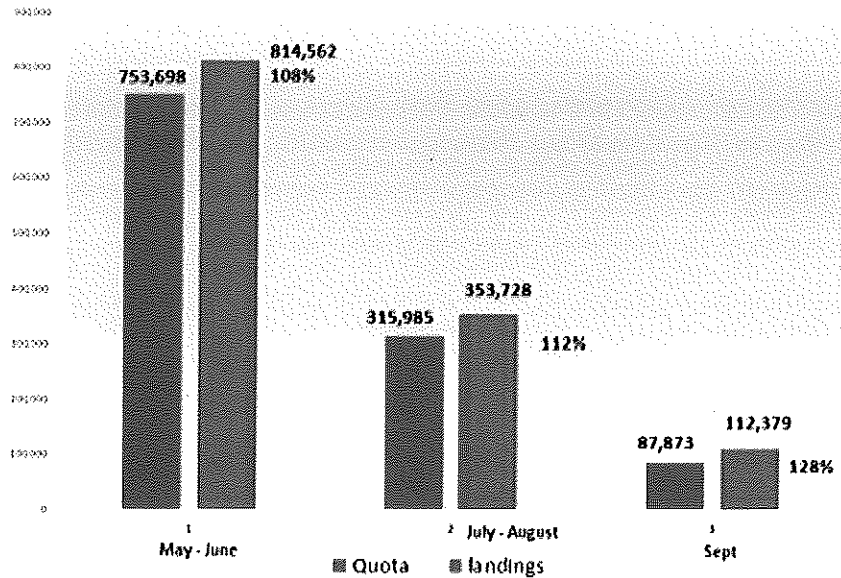
2022 Summer Scup – May 1 through Sept. 30

- Summer Scup quota – 1,256,163 lbs.
- Landings – 1,280,669 lbs.*
- *as of December 31, 2022
- 4,000 lb. weekly trip limit (maximum of 2 landings per week)
- Scup- In August of 2018, the Mid Atlantic Fishery Management Council (MAFMC) voted to set an incidental small mesh bycatch exemption to 2,000 lbs., April 15 – June 15.
- Primary management data source – SAFIS daily reports

2022 Summer Scup Landings & Trip Limits by Week



2022 Summer scup - Quota (with rollover) vs. Landings



DRAFT 2023 Commercial Summer Scup

Scup	Commercial quota	Summer Period %	Summer Quota	NY Summer period %	2022 NY Summer Period Quota
Distribution	14,010,000	38.95%	5,456,895	15.82466%	863,535
					Decrease of 417,134 lbs. 33%
Periods		1 (May - June)	2 (July - August)	3 (September)	
Percent		60%	30%	10%	
2023 Quota		518,121	259,061	86,364	863,535
Proposed Trip Limits		4,000 weekly/600	500	500	
2022		60%	30%	10%	100%
2022 Trip Limit		4,000 weekly/900	800	600	
2022 Quota Actual		753,698	376,849	125,616	1,256,163
2022 Quota Rollover			315,985	87,873	
2022 Landings		814,562	353,728	112,379	1,280,669
2022 % of Quota		108%	112%	128%	(24,506) 102%

Councilor Jordan was unable to attend the meeting but asked what the feedback was with regarding the 4,000 lb. weekly trip limit. Councilor Davi wondered if the 4,000 lb. weekly trip limit was contributing to the overage that we are seeing. Mr. Anderson replied that there was a very small percentage of fishers who were actually utilizing the full 4,000 lb. trip limit. Mr. Davi asked without the 4,000 weekly trip limit, would the daily number be able to increase? Mr. Anderson replied that hypothetically, there may be the ability to go up to 750 lbs. daily. Mr. Davi replied he would like to do away with the 4,000 lb. weekly trip limit because it is only benefiting the winter boats and it's interfering with the summer fish which is supposed to be *New York State's fishermen's fish* so we are basically getting screwed out of catching 150 lbs. of fish during that period. Take away the 4,000 lb. weekly trip limit and give it to the rightful fishers – the dayboats. Mr. Maniscalco said they will go back and see if there really is going to be the savings that you think there will be, he believes that we will be going over the limit in May and June regardless so he doesn't want to take the weekly away if there isn't going to be much of a difference. Mr. Davi said the 4,000 lb. weekly trip limit is enabling other vessels

to harvest that and it's taking away for the daily trip limit from fishers that only have New York State licenses that are waiting for those fish to come in and now their limit is reduced. This is the problem we have when we start to interfere with the summer fisheries coming out of the winter. This is a perfect example of the problem. He knows there are going to be so many fish thrown back this year and there are going to be complaints to the DEC, why not try to alleviate the problem beforehand. Even if you can only give an additional 50 lbs. - 50 lbs. a day is still 50 lbs. a day. We have always said that when we try a new concept, if it doesn't work, we'll go back to the way things were and he believes that is what is needed here.

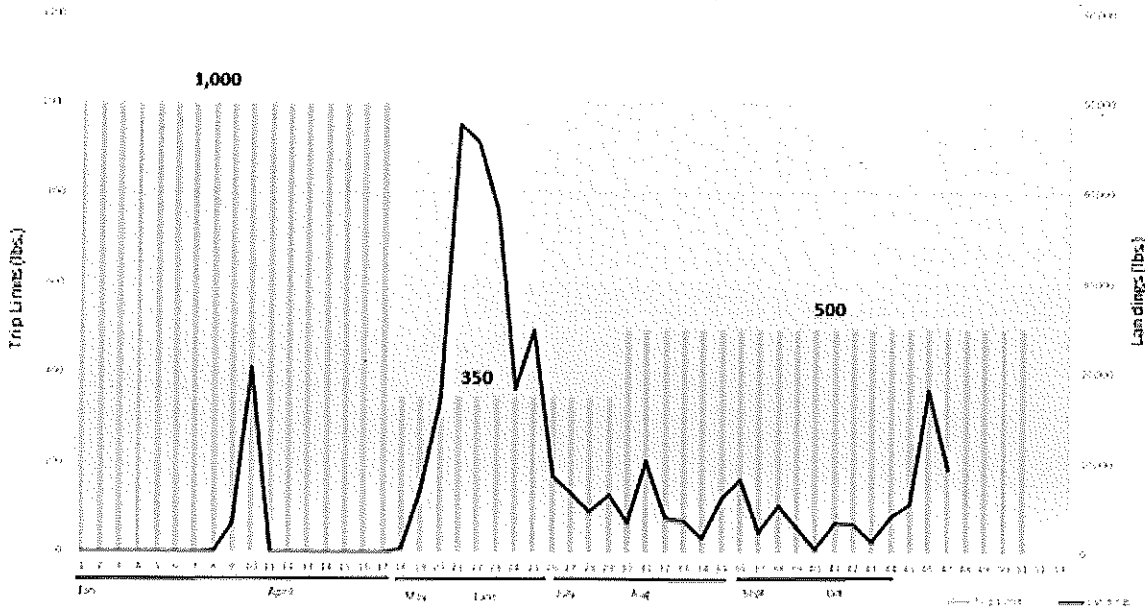
Commercial Bluefish

2022 Commercial Bluefish

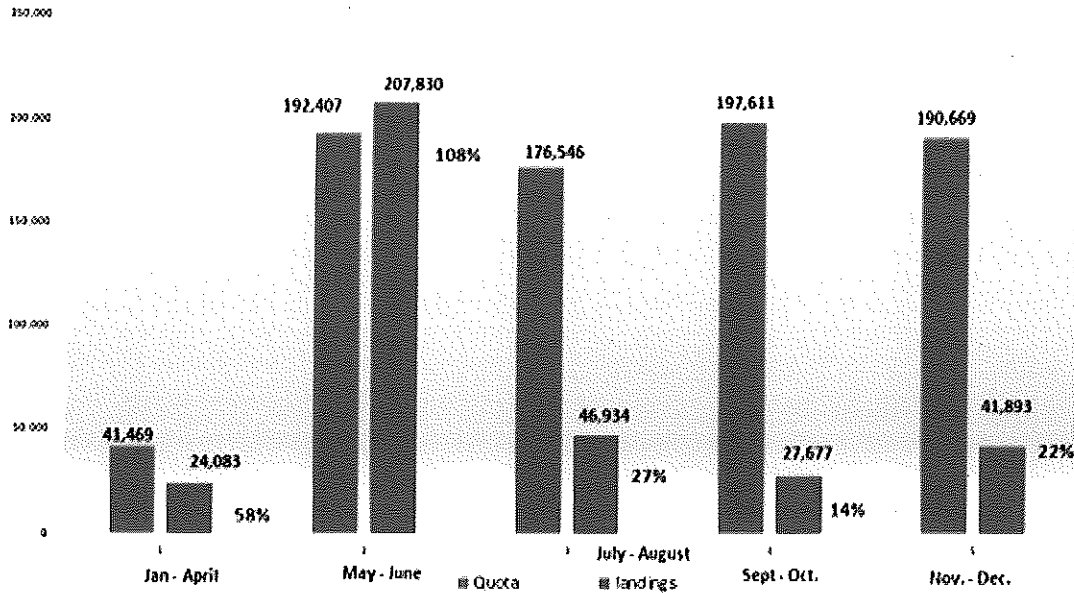
- **2022 Bluefish quota - 497,193 lbs.***
 *414,693 lbs. initial quota. 82,500 lbs. transfer
 (82,500 total in July)
- **Landings; 348,417 lbs.***
 *as of December 31, 2022

QUOTAS
 Primary management data source – SAFIS daily updates

2022 Bluefish Landings & Trip Limits by Week



2022 Bluefish - Period Quota (with rollover) vs. Landings (in pounds)

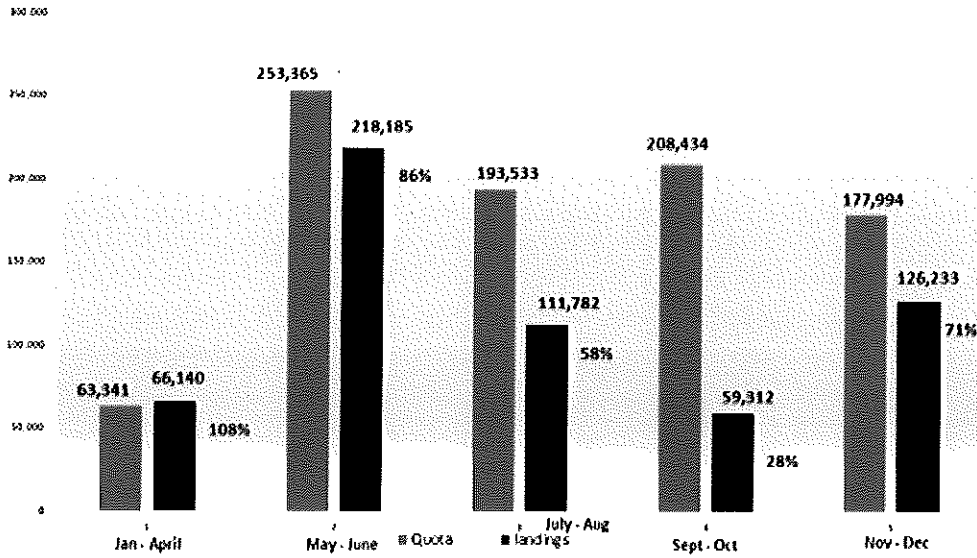


DRAFT 2023 Commercial Bluefish

Bluefish	Commercial Quota	NY Commercial %	2023 NY Commercial Quota				
	4,287,109	13.0631%	560,031				
Periods	Period 1 (Jan-Apr)	Period 2 (May-June)	Period 3 (July-Aug)	Period 4 (Sept-Oct)	Period 5 (Nov-Dec)		
Percent	10%	45%	25%	15%	5%	100%	Increase of 143,336 lbs.
2022 Quota	56,003	262,014	140,008	84,005	28,002	560,031	
Proposed Trip Limits	20,000	500	500	500	500		
2022	10%	45%	25%	15%	5%		
2022 Trip Limits	1,000	350	350	350	350		
2022 Quota Actual	41,469	186,612	103,673/186,173*	62,204	20,735		*transfer of 82,500 lbs.
2022 Quota with Rollover		192,407	176,546	197,611	190,669		
2022 Landings	24,083	207,830	46,934	27,677	41,893	348,417	70%
2022 % of Quota	58%	108%	27%	14%	20%		84% no transfer

Councilor Jordan said almost half of the increase shown is in the May/June period. We under caught drastically, maybe don't change the percentages. Remind everyone overage from period 2 rolls into the next subsequent period, increase the trip limits. He is in favor of taking it when we can, go to 750 to 1000 or whatever is reasonable number. This is one instance when frontloading the season makes sense. Percentages are forever.

2022 Black sea bass - Period Quota (with rollover) vs. Period Landings



DRAFT 2023 Commercial Black Sea Bass

Black Sea Bass	Commercial Quota	NY Commercial %	2023 NY Commercial Quota				
	4,800,000	9.79%	469,697				
Proposed Periods	1 (Jan - April)	2 (May - June)	3 (July - August)	4 (Sept - Oct)	5 (Nov - Dec)	100%	Reduction of
Percent	10%	40%	25%	20%	5%	469,697	163,716 lbs.
2023 Quota	46,970	187,879	117,424	93,939	23,485	469,697	163,716 lbs.
Proposed Trip Limit	130/400 weekly	130	130	130	130		26%

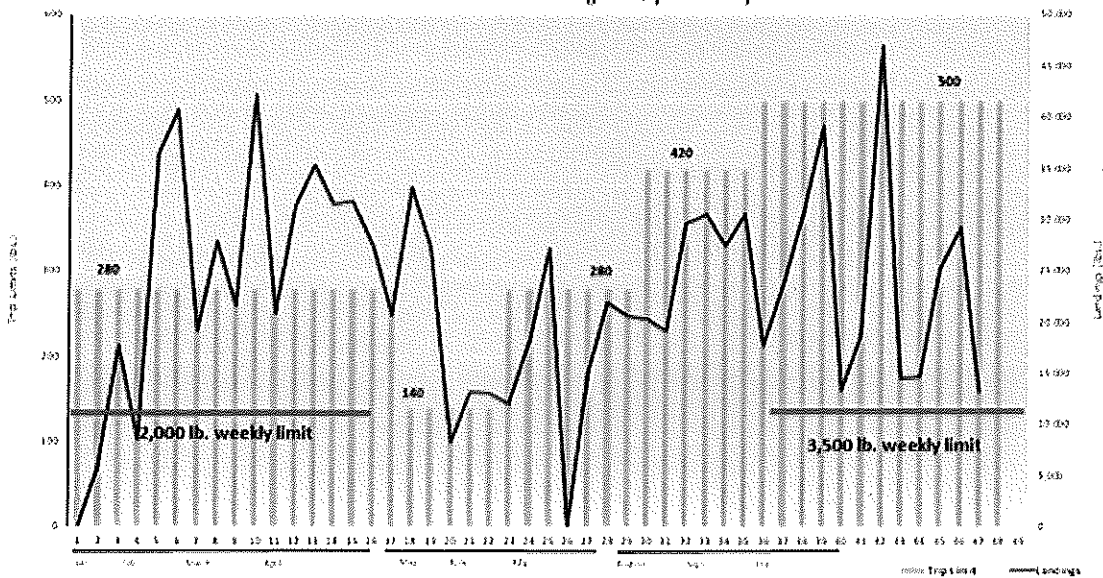
2022	1 (Jan - April)	2 (May - June)	3 (July - August)	4 (Sept - Oct)	5 (Nov - Dec)	0
2022 percent	10%	40%	25%	20%	5%	
2022 Trip Limit	150 / 500 weekly	100	150	150	100	
2022 Quota Actual	63,341	253,365	158,353	126,683	31,671	633,413
2022 Quota Rollover			193,533	208,434	177,994	
2022 Landings	66,140	218,185	111,782	59,312	126,233	581,652
2022 % of Quota	104%	86%	58%	28%	71%	92%

2022 Commercial Fluke

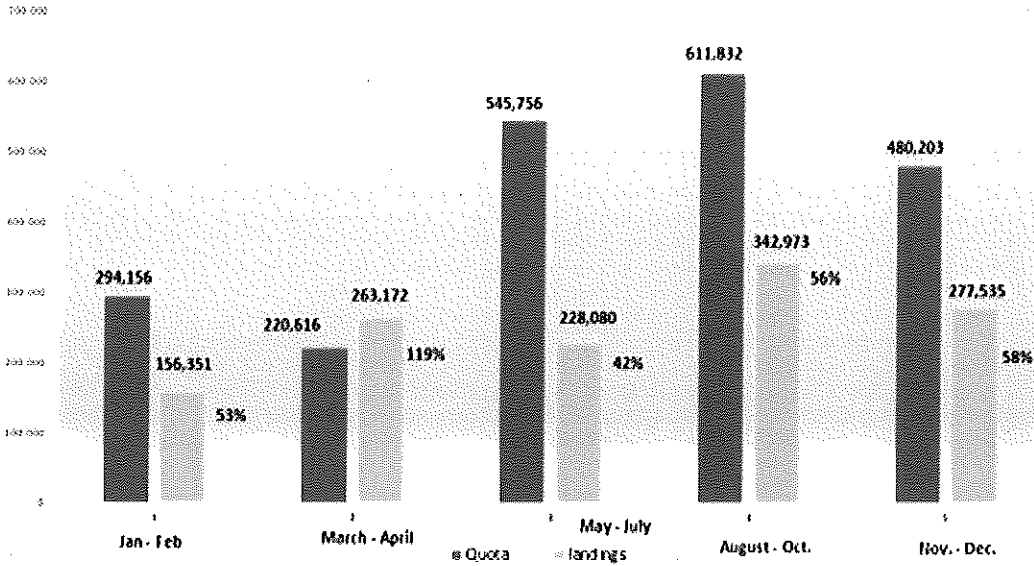
- 2022 quota – 1,470,779 lbs.
- Landings; 1,268,111 lbs.*
- *as of December 31, 2022

Primary management data source – SAFIS daily reports

2022 Summer Flounder Landings & Trip Limits by Week



2022 Summer flounder- Quota (with rollover) vs. Landings



DRAFT 2023 Commercial Fluke

Fluke	Commercial Quota *	2023 Quota					
Commercial quota	15,270,000						1,437,768
2023 Periods	1 (January - Feb)	2 (March - April)	3 (May - July)	4 (August - October)	5 (Nov - Dec)		reduction of 99,011 lbs.
% Distribution	25%	15%	35%	20%	5%		
2023 Period Quota	359,442	215,665	503,219	287,554	71,888	1,437,768	
Proposed Trip Limit	3,500/280	TBD/280	210	140	140		
<hr/>							
2022	1 (Jan - Feb)	2 (March - April)	3 (May - July)	4 (Aug - Oct)	5 (Dec)		
2022 % Distribution	25%	15%	35%	20%	5%		
2022 Trip limit	2,000/280	2,000/280	140	140	140		
2022 Quota	294,156	220,616	588,312	294,156	73,539	1,470,779	
2022 Quota with Rollover			545,756	611,832	480,203		
2022 Landings	156,351	263,172	228,080	342,973	277,535	1,268,111	
2022 % of Quota	53%	119%	42%	56%	58%	202,668	86%

A number of folks said they really wanted to see an increase in the daily limit instead of the weekly one.

Arthur Kersman would like to see more fluke in May-July so we are not chasing them in November. Front loading also brings in better prices.

Tautog Tagging Program

Beginning in 2023 Commercial Tautog Tags will cost license holders **30 cents per tag**. Please monitor your mail and email for detailed information on this change which will be sent out with the tautog tag reporting reminders in early February.



More information will be forthcoming, they are still sorting out various payment options.

It was asked why are we using metal tags and the answer was these were the tags approved by the ASMFC, therefore, we had to use them.

Mark Cusomono asked if the \$0.30 includes the cost of mailing and the answer is that it does.

David Bornamen asked if the tags have helped with enforcement and Officer Reilly said they definitely act as a deterrent to illegal fishing.

Striped Bass tag shares

Striped Bass Tag Shares

- Preliminary 2022 harvest (90.8% tags accounted for):

Pounds Landed	# of Fish
541,585	49,927

- 2023 shares anticipated to be similar to 2022 allotments, but not yet finalized (2022: full 193; part 32)
- Tag order materials will be distributed early February to permits holders who have:
 1. Renewed their 2023 Food Fish License and Commercial Striped Bass Harvester Permits
 2. Accounted and reported all 2022 commercial tags use



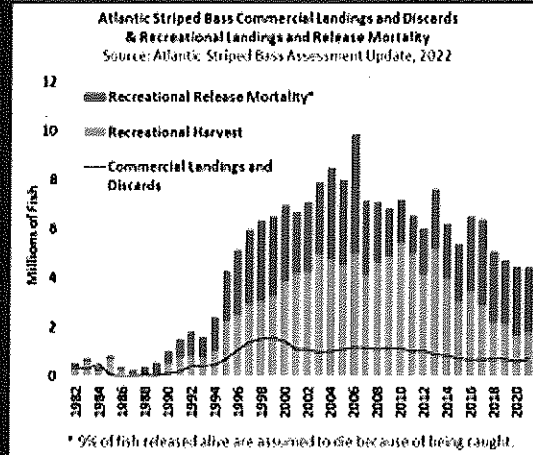
Councilor Witthuhn questioned Ms. Craig, who gave this presentation, if she has noticed an increase in gear type as opposed to rod and reel to which she replied, they have. Mr. Witthuhn said there needs to be more control because a rod and reel fisher cannot compete with other gear types and it can affect the price greatly. A rod and reeler might have gotten a price quote for earlier in the day from a vendor but if they receive a large number of striped bass from a gill netter, the price could drop considerably affecting the income for the rod and reeler. He had hoped the George LaPointe report was going to help with this situation but here we are, still waiting for the report.

Mr. Witthuhn asked if the quota was met for 2021 and Councilor Jordan said we have never met our quota. Ms. Craig said it closed last year at 98%. Mr. Witthuhn would like to see the DEC give Striped Bass tags to some guys who have had a food fish license for the past 20 years, they deserve the opportunity.

ASMFC Atlantic Striped Bass Addendum I – Voluntary transfer of commercial quota

ASMFC Atlantic Striped Bass Addendum I – Voluntary Transfer of Commercial Quota

	Option A: No transfers	Option B: Transfers allowed, with overfished tax	Option C: Transfers allowed, except no transfers when overfished	Option D: Board discretion transfers, with overfished tax	Option E: Board discretion transfers, except no transfers when overfished	Comments Unrelated to Options
Individual	731	9	0	0	1	18
Form Letter	1,190					
Organization	29				1	
Written Total	1,950	9	0	0	2	18
Hearings						15 None
Illinois	41		1			6
Virginia	29	2	2	1	3	9
Massachusetts	11					7
Rhode Island	21					21
New York	23	1			1	9
Delaware	2	12		2		16
MD/VA/DE/DC	15		1		4	10
North Carolina	6	1				2
Hearing Total	135	16	4	3	8	5



ASMFC Atlantic Striped Bass Addendum I (continued)

"The most common rationale was concern about expanding harvest and increasing fishing mortality at a time when the stock is rebuilding, still overfished, and experiencing poor recruitment. Commenters noted that management shouldn't focus on maximizing harvest; it should focus rebuilding the stock. Comments noted that allowing quota transfers would jeopardize stock rebuilding."

- 2.4 million pounds of commercial quota from the Ocean
- ~300,000 pounds of quota available from NC (12.5% of total Ocean quota)
- Rec harvest is 3.5x commercial harvest, and 7x total removals in numbers of fish
- Options included no transfers when stock is overfished (rebuilt 2029?)
- Transfers of limited use for NY (maybe cover an overage?)
- *Status quo* reasonable?



Mr. Maniscalco does admit to being a bit confused by the feedback they received because the majority of mortality does come from the recreational fishery, the commercial fisheries represent a relatively small portion of the ocean mortality, and there were options that allowed transfers only when the stock is no longer overfished. The preponderance of feedback cited no transfers because we need to focus on rebuilding at a time when the stock was of relatively low abundance. The summary document from ASMFC was concerned about expanding harvest and increasing fish mortality while the stock is rebuilding and at the same time, still being overfished. He thinks a smarter adaptive management would only allow transfers when the stock is rebuilt (and that is an option). The vast majority of commentators prefer status quo. Mr. Maniscalco agrees with going status quo but he wanted to receive feedback from the Council. Councilor Witek said there is a difference between not overfished and slightly above the threshold and rebuilt. He hopes to see at the May meeting a new management action that says the 2022 recreational landings have been so high, we need to reduce those again. The folks Mr. Witek knows who have opposed this is because they want to see NO increase in landings until the stock is completely rebuilt and want rebuilding to occur no later than 2029. Anything that increases fishing mortality is not what people want to see. As far as Delaware wanting more fish is concerned, we should reduce proportionally all the commercial quotas of the other states in order to give Delaware what Delaware thinks it should have. At this stage don't take Delaware's fish out of the rebuilding population, take it out of the other commercial quotas. Only when the stock is rebuilt and all conservation tags should apply to all transfers not just when the stock is overfished.

Councilor Witthuhn agrees with Mr. Witek – there are a lot of variants that need to be considered but he believes we are on the right track. If Delaware is the headache, then work it out with Delaware. Mr. Maniscalco said it wouldn't necessarily just be Delaware taking advantage, he thinks Massachusetts would be interested too. If the stock is rebuilt transfers would work, they do make a lot of sense. Councilor Jordan would like it on the record that he is for supporting transfers. He believes they should be able to use all of the functional quota in New York State. He endorses transfers.

Recreational Cod

Federal regulations for recreational Georges Bank Atlantic cod were proposed on April 20, 2022 and made final on July 15, 2022. The NEFMC has urged NY and NJ to adopt these changes in State waters. We are not mandated to do so.

Current NYS Regulations

- Open all year
- 21" minimum length
- 10 fish limit

Proposed (consistent w/ Feds)

- Closed May – July
- 22" to 28" slot
- 5 fish limit



Councilor Jordan said the slot fishery is a killer – 22" would be fine but the upper is a killer and he is speaking recreationally. Councilor Witek said If you're going 40 miles, you've already got the slot, because you're in Federal waters, this would only apply inside of 3 miles. He thinks we should conform to the Feds, whatever that would be.

Councilor Dearborn agrees that the slot size will be an issue but she does feel we should conform to the Federal mandates. She will continue to ask for feedback though.

Mr. Delaney completely agrees that the state and federal should be the same whenever possible even though he doesn't feel the Federal one isn't right at this time.

Paul Risi recalled that the Friday previously was the Groundfish meeting where he said different aspects were talked about except for slot size. A big topic was that New York and New Jersey were not in compliance. There was also talk about a size limit of 22" or 23" but there will be further discussion when The New England Council meets.

Commercial Cobia

Commercial Cobia

- A rulemaking is being proposed to allow DEC to fulfill the requirement to close the commercial cobia fishery should the ASMFC determine the coastwide commercial harvest trigger is reached.
- The rulemaking maintains consistency with the interstate fishery management plan for cobia.



Recreational striped bass, Emergency rule, ASMFC compliance mandate

Proposed Language

Part 40 (new addition)

(b) For the purposes of this section, gaff or gaff hook shall mean a pole with a hook or barbed spear used for taking or landing fish. It shall be unlawful for any person to gaff or attempt to gaff any striped bass at any time when fishing recreationally.

Part 10 (already prohibited use of gaff in State waters except marine and coastal)

(1) For the purposes of this section, gaff or gaff hook shall mean a pole with a hook or barbed spear used for taking or landing fish.

No person may use or possess gaff hooks when fishing in waters of the State, except that anglers may use gaff hooks when:

- (i) fishing for species other than striped bass in the marine and coastal district;
- (ii) fishing through the ice or;
- (iii) bowfishing.



Mr. Maniscalco asked what the Council thought the definition of a “gaff” should be, the attorneys are requesting specific language to use. They would like the wording to be tight and not allow for “loopholes.” Mr. Gilmore said they will most likely add photos to eliminate any uncertainty just as they had done for circle hooks.

Commercial Striped Bass Tags

Commercial striped bass Emergency rule, combined with rec gaff

Commercial Tags

- Price cap for commercial striped bass tags will be removed from regulation.

Federal Reporting

- Language will be updated to reflect the federal reporting processes.



Councilor Witthuhn said while on the topic of striped bass, he asked when the areas that have been closed will be allowed to reopen. What is the criteria for making that happen? Mr. Maniscalco said the DEC is currently in the process of sampling Striped Bass which began in June of 2022. Unfortunately, they had a freezer malfunction and they lost the

fish from July's sampling. Their plan is to sample Striped Bass in the marine district each month beginning in April and working through December. Working together with the Department of Health, the samples will be analyzed for various contaminants and if deemed safe, the areas will be re-opened. The EPA dictates what fish can be sold in markets because of strict guidelines they follow to ensure that fish are safe for consumption.

Councilor Witthuhn said he hopes they open soon because he knows there is a lot of fish going to markets under the table. What is the timetable? Mr. Maniscalco said they will do the sampling in 2023 followed by analysis and he really can't give a specific date right now.

Councilor Witek questioned the specific protocols for the analysis. He believes different parts of the fish may contain different contaminants. Mr. Maniscalco said they will use the same standard fileting process. There are videos showing exactly how this is done and he will be happy to share the video with anyone who asks.

Sea Kelp Bill

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New York State Sea Kelp Legislation

- Bill vetoed by Governor Hochul December 21, 2022
- Last year, Governor Hochul approved a pilot project on kelp culture in the Peconic and Gardiner's bays.
- "Assessing potential environmental conflicts, commercial and recreational user conflicts and spatial planning must be undertaken before" further leasing is considered..."
- "It is premature to consider a broader leasing program for seaweed aquaculture on state-owned lands at this time as the state is still considering the pilot program."



Mr. Gilmore said contrary to what some people may have heard, the Sea Kelp Legislation is not a dead issue. There is currently a pilot program in the works and the DEC believes that once Governor Hochul sees how well the pilot program is going, she will change her mind with regard to this Bill. They believe the location is causing the most concern – being in the Peconics; spatial planning is just one of the concerns. Aquaculture is a growing enterprise and should be worth considering but it must be balanced and done correctly.

Nancy Solomon hopes that the women from the Shinnecock Indian Nation who make a living at farming sea kelp are not negatively affected if the bill should be passed. She believes their rights should be taken into account when considering this.

Councilor Davi wants to know if they are considering Long Island Sound for this project. Mr. Gilmore said all state waters are capable but some places are more expensive for shipping and that will also needs to be taken into account.

Enforcement of 70-foot law:

ECL 13-0349. Taking of fish for commercial purposes.

1. No person shall take food fish, shellfish, or crustacea from the waters of the marine and coastal district for commercial purposes using a commercial fishing vessel longer than seventy feet in registered length. For purposes of this section a person shall be presumed to be taking food fish, shellfish or crustacea for commercial purposes when setting, maintaining, operating or using nets,...



Ms. Davidson said this is a complicated issue for a number of reasons. When Enforcement see a vessel in the water they can't simply take them off the water, they have to sort through not only the DEC's grandfathered list but many of the vessels have been sold, or their names have been changed. This means all research needs to take place using their document numbers; it can get very complicated. It was then questioned, "What about out of state vessels?" Ms. Davidson said the owner could carry a non-resident permit – again, it's complicated.

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Councilor Witthuhn asked what the status was with regard to the empty commercial Council seats – have any names been submitted? Mr. Gilmore said the person who handled appointments in Albany retired so this was pushed aside for a while, however, the position has been filled and he is optimistic they will get moving shortly. He added that even though all the seated Councilors' appointments have expired, their seats are still active and they should continue working on the Council, their formal appointment paperwork should be coming through soon. The hardest part is getting people to apply for a commercial seat and an added complexity is that 1/3 of the appointments come from the Commissioner, 1/3 comes from the Assembly and the Senate does 1/3 as well. He encouraged the Council to reach out to their constituents for candidates.

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Councilor Witthuhn brought up the topic of the work that is taking place in the Long Island Sound regarding submarine building/repairs. His worry is what is actually being deposited into the Long Island Sound because according to an article he read, the company doing the work is able to put dredged material directly into the waters around Fishers Island. Is anyone monitoring the work and seeing what is actually being disposed of? The area around fishers Island is a big fishing area and he worries that this could affect the fish. Mr. Gilmore said the DEC has looked into the items being disposed of and they do not feel there is a problem with contaminants. The Department of State may also be looking into this and come up with a different result, there is a debate.

2023 MRAC Calendar

Tuesday, March 7th – 2:00 p.m.
Tuesday, April 18th – 2:00 p.m.
Tuesday, May 16th – 2:00 p.m.
Tuesday, July 18th – 6:00 p.m.
Tuesday, September 12th – 2:00 p.m.
Tuesday, November 14th – 2:00 p.m.

Please note that all meetings, unless otherwise stated, will take place at the DEC offices located at 123 Kings Park Boulevard, Kings Park, 11754.

For further information about the Marine Resources Advisory Council, past and present bulletins, as well as any pertinent graphs, charts or data please check the Council's web page: <https://you.stonybrook.edu/mrac/meetings/>

Should you wish to suggest an agenda topic, contact the Chairman, Dr. Michael Frisk, (Michael.frisk@stonybrook.edu); phone (631) 632-8656 or Staff Assistant, Kim Knoll (kim.knoll@stonybrook.edu).