

## Marine Resources Advisory Council

# Bulletin

January 9, 2024 meeting

Chairman Frisk was out of the country so the meeting will be co-chaired by Councilor Robert Danielson and Mr. John Maniscalco of NYSDEC.

Due to numerous technical glitches, the meeting began by Councilor Danielson at 2:15.

### Public comment

Marc DeJung, who runs a fishing head boat out of Port Jefferson requests that the DEC begin to allow his customers keep the occasional flounder that they may catch while fishing during June, July, August and September. It's a by-catch fishery, so let people keep their by-catch. Mr. Maniscalco said it may be possible; he will talk to his staff about it.

Mr. Jaime Quarisemo, Miss Montauk, NY is thinking along the same lines but with just a little difference. He would like to see something open up for flounder – offshore. He is referring to Federal waters and not state waters and since everyone now uses GPS, there shouldn't be a question with law enforcement as to what waters they were fishing in. He thinks they should follow Federal regulations as well.

Council Witthuhn asked if there has been any kind of update on the closed waters of western sound, specifically when they may reopen? Mr. Maniscalco said the collections have concluded but the results will take a while – it will likely be more than a year for a change to take place.

Councilor Witek said when asking about the contaminants, of course PCB's come to mind what other possible contaminants are they looking for in the study? Mr. Maniscalco replied they are looking at a large suite of historical industrial contaminants such as lead, mercury, per and polyfluoroalkyl substances (PFAS), etc.

### Approval of Minutes – November 28, 2023

The Minutes were approved as written

### Commercial Quota Distribution

### Horseshoe Crabs

Robert Danielson

John Davi

Melissa Dearborn

Vincent Finalborgo

Thomas Jordan

Henry Lackner

Joseph Paradiso

Christopher Squeri

Charles Witek

Steven Witthuhn

Michael Frisk  
Chairman

Kim Knoll  
Staff Assistant

## Horseshoe Crab

- 2023 Quota – 150,000 crab
- 2023 Landings - 132,527
- 2024 Quota – 150,000 crab

Periods	Dates	Quota (# of crab)	Trip Limit	% Distribution
1	January 1 - April 15	6,000	30	4%
2	April 16 – August 31	138,000	200	92%
2-closed	May 21 – May 25	closed	0	closed
2-closed	June 4 – June 8	closed	0	closed
3	Sept. 1 – Nov. 30	6,000	250	4%
4	Dec. 1 - Dec. 31	TBD	TBD	TBD

The distribution plan is the same for 2024 as it was in 2023. The only difference being the moon closure dates.

### Atlantic Menhaden

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#### Atlantic Menhaden

- 2023 Quota – 4,298,217 lbs.
- 2023 Landings – 647,534 lbs.
- 2024 Quota – 4,298,217 lbs.
- 2024 Daily Trip Limit – 20,000 lbs.



The quota and daily trip limits will be the same in 2024 as in 2023.

Mr. Danielson asked how did other states see their landings because he sees a significant reduction. It was said that Maine did harvest much of their quota, however, Rhode Island was low.

Mr. Witthuhn said there are a lot of dates that show “no harvest – no fish”. He knows that tackle shops buy 500 /400/300 pieces from cast netters; there are about 40 tackle shops on the island alone – was that number even captured in the data? We really need to get those numbers as well because it is having an impact on the fishery. A lot of a little, begins to add up to A LOT. Mr. Hornstein said at the meeting, it didn’t necessarily include all the VTR landings which may come through some of the bait harvesters. The numbers used were preliminary. Mr. Witthuhn said it’s something that shouldn’t be overlooked, we need to know exactly what is being harvested. Mr. Maniscalco said the end result will be looking at all reports received.



## Scup

### Summer Period (May 1 through Sept. 30)

- 2023 Summer Scup Quota – 863,535 lbs.
- 100,000 lbs. transfer from Rhode Island in July.
- 2023 Final Quota – 963,535 lbs.
- Landings – **963,725** lbs.
- 2024 Quota – 1,303,423 lbs.  
51% increase in quota.



## Draft 2024 Summer Scup Distribution Plan

Periods	Dates	Quota (lbs.)	Trip Limit (lbs.)	% Distribution
1	May-June	782,054	(600) 900 daily/4,000 weekly	60%
2	July-August	391,027	(500) 800	30%
3	September	130,342	(500) 800	10%



Councilor Lackner wanted to know why the weekly trip limit didn't go up in proportion with the overall quota increase; is there any reason we kept it at a 4,000 lb. weekly trip limit? Mr. Hornstein said the 4,000 weekly trip limit is there to mirror the Federal small mesh exemption. Mr. Lackner asked if someone not to fish with a smaller mesh size and went by Federal guidelines of 5", shouldn't they be afforded the option to go to a higher weekly trip limit? He doesn't know of anyone who directly targets scup and wants to do it with small mesh. If you are directly going out for scup with a 4,000 lb. trip limit, you are going to be using bigger mesh; it seems that the trip limit should be raised as well. Mr. Maniscalco said that these numbers are a result of really large scup by catch in the squid fishery in a fairly small geographic area which is no longer happening because the year classes have passed through already. It would be extremely difficult if we had 2 different weekly trip limits administratively speaking although he does understand the practical purpose.

## Bluefish

- 2023 Quota - 560,031 lbs.
- 25,000 lbs. transfer to North Carolina in November.
- 2023 Final Quota – 535,031
- Landings: **452,973 lbs.**
- 2024 Quota – 348,947 lbs.
- 37% decrease in quota.



### Draft 2024 Bluefish Distribution Plan

Periods	Dates	Quota (lbs.)	Trip Limit (lbs.)	% Distribution
1	January-April	34,895	20,000	10%
2	May-June	157,026	500	45%
3	July-August	87,237	(500) 350	25%
4	September-October	52,342	(500) 350	15%
5	November-December	17,447	(500) 350	5%

Councilor Witthuhn questioned the 37% reduction – he wanted to know what that decision was based on. Mr. Hornstein answered that it was based on the most recent assessment for Bluefish. Bluefish is also currently in a rebuilding stage and the reduction will help to keep it on the right track. Mr. Danielson thought to clarify Mr. Witthuhn's question – Since the quota increased for 2024 compared to 2023, if there was an increase, why the reduction? Mr. Hornstein said we did get an increase in the overall coastwide quota percentage but he reiterated the reasoning why we are still looking at a 37% reduction.



## Black Sea Bass

- 2023 Quota – 469,697 lbs.
- 25,000 lbs. transfer from North Carolina in July.
- 50,000 lbs. transfer from North Carolina in November.
- 2023 Final Quota – 544,697 lbs.
- Landings – **555,920 lbs.** (will be asking for additional 2023 quota from NC to cover the overage)
- 2024 Quota – 587,122 lbs.  
25% increase in quota.



Councilor Jordan and the fishers he represents are very much opposed to any change in the distribution between periods because just like the request for an 800 lb. bi-weekly early and the change in percentage to period 2, the fishery that exists mainly in April and May has been trying to get more of the quota in their hands for the last 10 years and it cannot happen. The original percentages are there for a reason – they are historic and they are justified. Anything else is just a resource grab for people that only fish in April/May.

Councilor Lackner Hank thinks there should be a bi-weekly trip makes a lot of sense in this day and age with the high cost of fuel. We don't want to have any discards, there are plenty of Sea Bass out there, it would allow them to make less trips for basically the same amount of fish. He agrees with Councilor Jordan – do not make a change in distribution between periods. He would also like the DEC would like to keep in mind how many fish they can put into a carton especially with the high cost of shipping. They would like to get as much in the carton to avoid having partially filled ones. The number 210 really doesn't work because that averages about 52 lbs. in a carton. It's something he hopes the DEC considers when setting numbers. Considering the ice they need to add when packing the fish, Mr. Lackner feels that 240 would be a good number. Mr. Maniscalco added that if we don't redistribute and go with 240 (as an example) in May, it means we're more likely to have to drop down later in that period to prevent from going over the period quota. It's just a riskier play. Councilor Jordan agreed with the boxing requirement but would rather see 180 than 240 and be able bump it up at the end of the period rather than risk having to close it at the end.

Councilor Jordan wanted to clarify that he is not totally opposed to the bi-weekly limit. He is just trying to make the point about some of the sector in that period. If we do have an 800 lb. bi-weekly, I just think the department needs to keep a close eye on the landings, especially in the month of April. As far as the winter period, he doesn't have a problem with that. Combined with the redistribution would not be a good thing.

## **Summer Flounder (Fluke)**

2023 number in **red**

## Summer Flounder

- 2023 Quota - 1,437,768 lbs.
- 100,000 lbs. transfer from NC in December.
- 2023 Final Quota- 1,537,768 lbs.
- 2023 Landings: **1,463,409 lbs.**
- 2024 Quota – 672,157 lbs.  
53% decrease in quota.



## Draft 2024 Summer Flounder Distribution Plan

Periods	Dates	Quota (lbs.)	Trip Limit (lbs.)	% Distribution
1	January-February	134,431	(280) 100 daily/ 800 weekly	20%
2	March-April	100,824	(280) 100 daily/ TBD weekly	15%
3	May-July	268,863	(210) 100	40%
4	August-October	134,431	(140) 70	20%

## Draft 2024 Summer Flounder Distribution Plan

Periods	Dates	Quota (lbs.)	Trip Limit (lbs.)	% Distribution
1	January-February	134,431	100 daily/ 800 weekly or 1,600 bi-weekly	20%
2	March-April	100,824	100 daily/ TBD weekly	15%
3	May-July	268,863	140	40%
4	August-October	134,431	100	20%

Period 5 is cut off from the slide but should read 70 lb. daily trip limit.

Mr. Lackner is in favor of the 1600 bi-weekly trip limit and for the same reasons used for Sea Bass.

Mr. Jordan added that if we did not exceed the period's quota, he thinks it prudent to do the same.

**Recreational Summer Flounder & Scup 2024-2025** – presentation given by Rachel Sysak

Ms. Sysak would like for the Council to weigh in on the suite of options that will be going out for public feedback through a digital survey and again at a public meeting later this month. [on.ny.gov/2024flukescup](https://on.ny.gov/2024flukescup)

# Recreational Summer Flounder 2024 - 2025

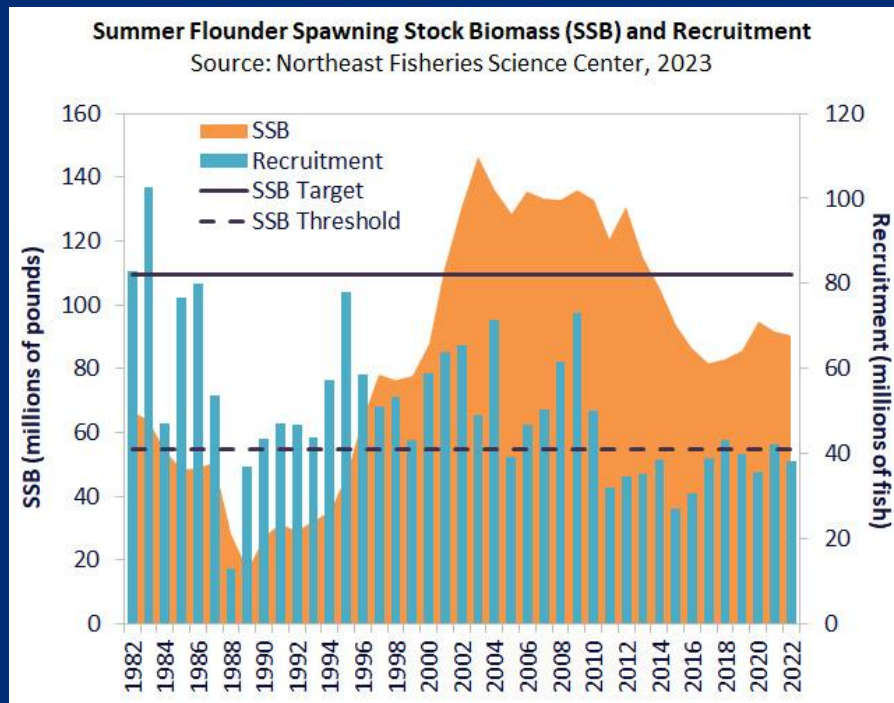
## 28% Reduction required

### Preliminary Timeline:

- January 15: feedback survey distributed
- January 31: Public meeting
- ASMFC meets on February 14, 1-330PM

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

# Summer Flounder Stock Status



The summer flounder stock is not overfished, but overfishing is occurring.

The most recent assessment also noted that fish are reaching sexual maturity earlier, at smaller average sizes over the past decade.

RHL 10.62m lbs in 2023

RHL 6.35m lbs in 2024

The Percent Change framework significantly reduces the reduction we need to take.





# Summer Flounder Other States and Past

State	Minimum Size (inches)	Possession Limit	Open Season
Massachusetts	16.5	5 fish	May 21-September 29
Rhode Island (Private, For-Hire, and all other shore-based fishing sites)	18	4 fish	May 3-December 31
RI Shore Program (7 designated shore sites)	18	2 fish*	
	17	2 fish*	
Connecticut	18.5	4 fish	May 1-October 9
CT Shore Program (45 designated shore sites)	17		
New York	18.5	4 fish	May 1-October 9
New Jersey	Slot limit 17-18	2 fish**	May 2-September 27
	18	1 fish**	
NJ Shore program site (ISBSP)	16	2 fish	
New Jersey/Delaware Bay COLREGS	17	3 fish	
Delaware	16	4 fish	January 1-December 31
Maryland			
PRFC			
Virginia			
North Carolina	15	1 fish	September 1 -30

## NY Regulations

Year	Min Size	Bag	Season
2017	19	3	May 17 - Sep 21
2018	19	4	May 4 - Sep 30
2022	18.5	4	May 1 - Oct 9



## Summer Flounder

### Current Regs: 4 fish, 18.5in, 5/1 - 10/9

*New York will continue to work with Connecticut, its Regional partner, on final options.*

#### Potential Options

1. 3 fish, 19in, 5/1 - 9/8
2. 3 fish, 19in, 5/17 - 9/20
3. 3 fish, 19in, 5/01-7/24, 8/4-10/9

Reduction >28%

4. 4 fish, 19.5in, 5/1 - 10/31



### Summer Flounder

Numbers moving forward will be very similar to what is in place now. We are keeping consistent with Connecticut. Ms. Sysak has heard from folks that they want to at least ensure fishing from Memorial Day through Labor Day, which is option 1. Option 2 which is to try and maintain and option 3 came as a request from Connecticut, they wanted to see what a midseason closure would look like with the closure being about a week and a half. Several others folks wanted to go up to 19.5" and that reduction would be greater than 28% even if they extended the window out or raised the bag a little. It would be a higher reduction going up to that size mostly because most people are not catching that larger fish (based on stock status).

Mr. Maniscalco wanted to reiterate that the way the DEC is coming up with these options to be determined is very different than their normal process, so Ms. Sysak won't be able to shift things around very easily. She will need to go back and run each option on a model that NOAA is housing and it takes approximately one hour to do each one. She won't be able to do a hundred different requests but if they can get a sense of the kind of alternative options you would like to see, she will try and see if any of them will work to achieve the 28% reduction necessary.

Councilor Witek believes option 3 should be eliminated – the split season. He doesn't think it would be popular with private boats or the for-hire fleet. Losing a month in July when everyone is fishing is something he doesn't think anyone would like to see, it will leave people with just about nothing to fish for. Councilor Squeri said he has seen this movie and it doesn't have a good ending. Mr. Maniscalco said they said the exact same things to Connecticut and it's likely they will have to at least put it forward for approval from the ASMFC but whether or not it ever becomes a final regulation is a different discussion.

Councilor Paradiso agrees with Mr. Witek, he doesn't view option 3 as favorable, which leaves option 1 or 2. He thinks different parts of the island will want different things. His personal opinion though is against going to a 19.5" fish, he feels it will put NY at a great disadvantage. He would like to stay with the smallest fish even if we have to lose days. Councilor Jordan said since the Council only saw the options very recently, they haven't had time to get feedback from the people they represent. This needs to be shared with the public for their opinions. What is the timeline for this? Ms. Sysak said since the Council is meeting on February 6<sup>th</sup>, she will be sharing the results of the feedback survey and the public meeting at that time and can get the Council's opinions and possible decision then.

Councilor Witthuhn said as a business man, he needs days at sea. Option 4 gives him the same exact season and 19.5" doesn't bother him, 4 fish is great. We are basically keeping the same bag limit and size. We've even been at 21" at one time. I can't keep up with all the various models. He doesn't care if it's a greater reduction going with option 4 because we need all the reductions. We go from feast to famine management. Last year we got a 16% increase and this year we're going to get a 28% reduction – we need season and we're getting choked no matter what we do.

Councilor Danielson has spoken with Councilor Dearborn who was unable to attend today's meeting due to illness but she was in favor of option 4, the 19.5" fish.

Councilor Paradiso said that 19.5" might work for some people but doesn't believe it will work for many. Why would you want to take a greater reduction than even necessary? He, too, believes they need to hear back from people in the industry. Right now, he is thinking option 2.

Councilor Witek said that while he could live with a 19.5" fish, he agrees with Mr. Paradiso that option 2 is probably on balance for the best of them. He doesn't know how things are on other parts of Long Island but speaking for the Great South Bay/Fire Island Inlet where he fishes, boats



are going into the water later and later every year. We've lost the winter flounder and there's not too much to keep people attention – some weak fish, but a lot of people don't bother with weakfish and we don't lose an awful of fishing going May to May 17<sup>th</sup>. What we do get is a lot of people who like to fluke fish later in the season. Now, September there's actually a pretty good fishery inside the bay as the fish bunch up and start to move toward the inlet that a lot of people like to fish. He would like to see a season that last at least until late September, option 2 has a closure of the 20<sup>th</sup> so that would probably be a good compromise. He really wouldn't want to a 19.5" fish but it would increase discards and have a real effect on a lot of people who fish for fluke particularly in the Bay.

Jamie Quarisimo agreed with Councilor Witthuhn, we need days – to lose almost a month of his already short season would be crippling financially. He wondered if perhaps in the month of May, possibly come down on the number of fish, so instead of it being 4 fish, make it 3 fish in May and October and do something with the size to get it away from 19.5" but to let them keep sailing a full season and still catching. Of the options, he would go with option 4.

Mr. Maniscalco said to the audience to also let Ms. Sysak know what days of the week are important as well.

Mr. Joe Dorito from Captree Boatman's Association is against the split season, he does like the delayed opening and agrees with Jamie's idea about adjusting the number of fish. He would be happy to give up the early days in the season but wants keep the season open longer (through October). His group would like an 18" fish but understands we're looking at a reduction.

Councilor Squeri said he believes the only way a size limit variable would work would be to start out higher and then switch to lower.

Councilor Paradiso said if we could get a week prior to May 17<sup>th</sup> with a drop in the bag limit, he would go for that.

## Recreational Scup

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# Recreational Scup 2024 - 2025

## 10% Reduction required

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# Recreational Scup 2024 - 2025

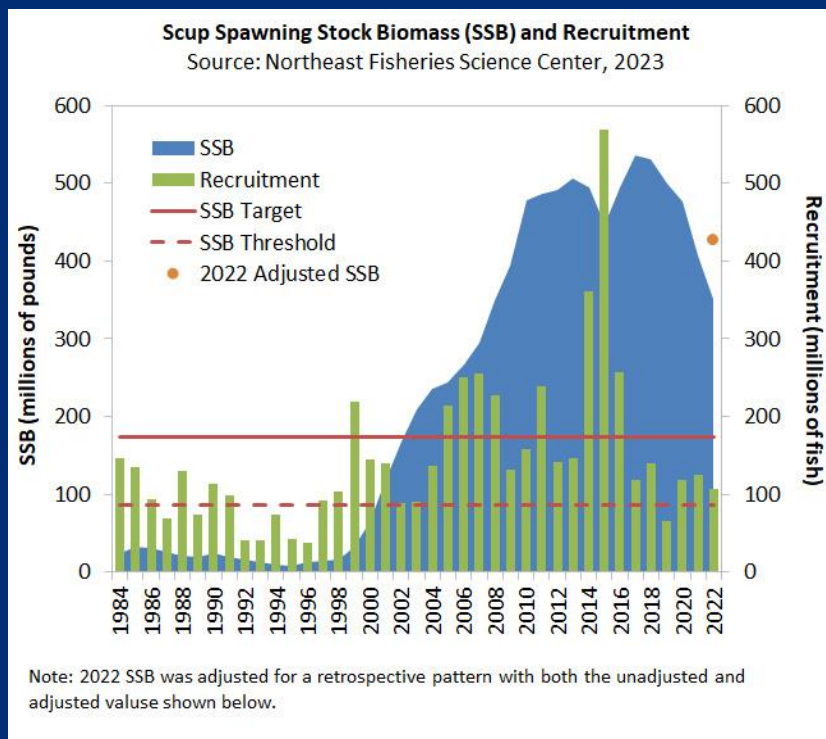
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# Scup Stock Status



The scup stock is not overfished, and overfishing is not occurring.

There has been a decline in SSB biomass since 2017.

RHL 9.27m lbs in 2023

RHL 13.8m lbs in 2024

The coast has been over the RHL by almost 200% the past few years

The Percent Change framework currently requires reductions when the RHL is projected to be exceeded but it minimizes the reduction for species with high biomass like scup



# Scup Other States and Past

**Table 5:** State recreational fishing measures for scup in 2023.

State	Minimum Size (inches)	Possession Limit	Open Season
MA (private vessel)	10.5	30 fish	May 1 – December 31
MA (shore)	9.5		
MA (party/charter)	10.5	40 fish	May 1 – June 30
		30 fish	July 1 – December 31
RI (private vessel)	10.5	30 fish	May 1 – December 31
RI (shore)	9.5		
RI (party/charter)	10.5"	30 fish	May 1 – August 31; November 1 – December 31
		40 fish	September 1 – October 31
CT (private vessel)	10.5	30 fish	May 1 – December 31
CT (shore)	9.5		
CT (Authorized For-Hire Monitoring Program Vessels)	10.5	30 fish	May 1 – August 31; November 1 – December 31
		40 fish	September 1 – October 31
NY (private vessel)	10.5	30 fish	May 1 – December 31
NY (shore)	9.5		
NY (party/charter)	10.5	30 fish	May 1 – August 31; November 1 – December 31
		40 fish	September 1 – October 31
NJ	10	30 fish	August 1 – December 31
DE	9	40 fish	January 1 – December 31
MD			
VA		30 fish	
NC, North of Cape Hatteras (N of 35° 15'N)		40 fish	

## NY Regulations

Year	Mode	Min Size	Bag	Season
2019	All others	9	30	Jan 1 - Dec 31
	P/C	9	30	Jan 1 - Aug 31
			50	Sept 1 - Oct 31
			30	Nov 1 - Dec 31
2022	All others	10	30	Jan 1 - Dec 31
	P/C	10	30	Jan 1 - Aug 31
			50	Sept 1 - Oct 31
			30	Nov 1 - Dec 31
2023*	All others	9.5	30	May 1 - Dec 31
	P/C	10.5	30	May 1 - Aug 31
			40	Sept 1 - Oct 31
			30	Nov 1 - Dec 31

\* Jan-Apr was not closed during 2023, regulations went into affect after May



Department of  
Environmental  
Conservation



## Scup

### Current Regulations 10.5in, 30/40 fish, 9.5in 30 fish

*New York will continue to work with its Regional partners (CT – MA), on final options.*

#### Potential Options:

1. 9.5 shore mode  
11 inches everywhere else  
Same possession limits and open season (May through December)
2. 20 fish possession for special party/charter season  
9 fish for all other modes/seasons  
Same size limits and open season



Councilor Jordan asked who has what percentage of the fishery overall? Mr. Maniscalco replied – approximately 17% recreational and 83% commercial, most recently there might have been a slight shift. Mr. Jordan said this boggles his mind; you are basing this on one stock assessment – commercial is getting a 51% increase and recreational a 10% decrease – do we measure the metrics independently? Ms. Sysak said if the fish are abundant, the recreational folks tend to exceed their harvest limit and because of the way the percentage is skewed toward commercial is why the difference. Mr. Jordan said he understands why Ms. Sysak just said but it is absolutely and insanely ridiculous.

Councilor Witek questioned – aren't both sectors increased by the same amount. It's only at the individual level where recreational anglers are taking the cut because they are taking more fish while the commercial sector has set quotas. So, the bag limits are going down but at the sector level they are near their ACL. It's only at the individual angler level where we're taking a cut because there are so many anglers catching so many fish that we're starting to exceed the ACL. It's not that the commercial side is getting an increase and anglers are getting a decrease at the sector level – both are getting the same increase.

Councilor Witek said the only comment he would make is that he agrees with folks from other states that Option 1 seems to be the most sensible of the options in giving up a half inch rather than going to 9 fish. This is a food fishery and we should be thinking about bag limits – it's important.

Mr. Quarismo said if you are truly saying a 20 fish possession limit, you just about shut down every party boat in New York. People will not be heading to party boats to fish for 20 fish, especially on a fish that is so plentiful. Once again, it's on extrapolation of data which is not accurate. Mr. Jordan added that to be clear, it's only 20 fish for the latter part of the season, otherwise it's 9 fish.

Marc DeJung fishes for scup and he thinks the only viable option is 1. The notion that the fishery isn't as high as it was 7 years ago is false. He has never seen so many Scup in the Sound or Peconic Bay as he has in this past year – never. Saying that the way the data is received has improved is a very different scenario than saying the data received is good or accurate.

Ms. Sysak replied that without getting into a "data war" she just wants everyone to understand that they do not treat MRIP numbers as hard numbers, which is why they apply a percentage change approach. It now puts an arrow bar on either side which gives a range.

## **Addendum II for Striped Bass –**

It was at this point that John Maniscalco took over the Chairman seat. Caitlyn Craig gave the following presentation.

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### **Background on Addendum II**

2019 Benchmark Stock Assessment found the stock to be overfished (rebuild by 2029) and experiencing overfishing

2022 Stock Assessment Update found the stock is still overfished but no longer overfishing based on 2021 data

*Updated rebuilding projections based on 2022 data indicate low probability of rebuilding by 2029 if the high 2022 fishing mortality rate continues*



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### **Background on Addendum II**

Concern the Amend. 7 measures combined with the strong 2015 year class will lead to high catch in 2024

Concern that if the upcoming 2024 stock assessment indicates more management changes are needed, the Addendum process will take too long to respond

*Draft Addendum II was initiated to address these concerns and support stock rebuilding.*

*Emergency Action is temporary until 10/28/2024 (Add. II builds on EA to formally change FMP)*



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### **Background on Addendum II**

*Draft Addendum II considers options for:*

- Recreational and commercial measures to reduce removals to achieve fishing mortality target in 2024
- Allowing the Board to respond more quickly to stock assessments via Board action (faster than addendum process)
- Establishing minimum requirements for states that allow filleting of recreationally-caught striped bass





Councilor Jordan asked, on the commercial side, do we still have the ability to adjust the effective quota by sliding the slot limit up, to make up for a possible reduction. Ms. Craig said yes, you can't do conservation for recreational measures but you can do it for commercial. He also asked if there has been any feedback from other states as far as the split mode? Mr. Maniscalco said they haven't heard much as of that day.

Councilor Jordan said since the Council only saw the options very recently, they haven't had time to get feedback from the people they represent. This needs to be shared with the public for their opinions.

Councilor Witek said that he attended the meeting that was held in New Paltz on line and what he found interesting was there was more than one angler from the Hudson area who said they wanted to combine both the smaller slot size and a June 6<sup>th</sup> closure; they thought that would be the best way to go. You would avoid the warm water mortality and you are still shortening the slot size.

Councilor Witthuhn questioned how many folks attended the meeting and Caitlyn replied, 10. It was a day where the weather was particularly bad and they felt that really kept attendance low.

Mr. Gary said he was physically at the meeting and was quite surprised that most of the people wouldn't go up to the podium to make a statement. He was surprised that voices carried enough that Mr. Witek was able to hear. His take away from the meeting that most folks wanted to keep things status quo. He also wanted to point out that his staff received a standing ovation for all their efforts and it was much appreciated. Mr. Witek said the webinar worked well, you could hear everything quite clearly.

Councilor Danielson said as far as the ocean recreational fishery goes, he would support option B. He would also support option C, which give the for hire industry the bigger slot limit. That is based on the numbers as they are although there is always concern that MRIP numbers are not always correct. So far, all the reductions have come from the recreational sector and he thinks we've hit the turning point because we are not seeing the spawn success so he believes the reduction should come from all sectors.

Councilor Witek would support option B, we're all a part of the fishery and everyone who benefits from the fisheries should play an equal role in its recovery. He doesn't believe a single group of anglers should be given special privileges based on a platform they fish from. He also feels that option C offers a false promise because come 2027, they are not going to be any bass in the bigger slot. We know what happened in the Chesapeake and by 2027 the 2018-year class will have outgrown the slot. In a few years, the fish are not going to be there and your customers aren't going to be able to bring them home because of regulations, they're not going to bring them home because you can't harvest fish that were never spawned. The notion of doing business with smaller harvests is going to be a reality, the question is – when. He doesn't believe there should be an exception for any group of anglers. We are all recreational fishermen and we should fish under the same rules. Councilor Paradiso supports option C. If there is any relief to be given to a certain sector, it should be taken. The opportunity is there, it shows a negligible impact on the fishery. It's an insignificant percentage of reduction - .1 will not make a difference. This is an opportunity for New York to step up and show the industry that we care about our fisheries and our fishermen and give us the relief we deserve.

Councilor Jordan absolutely agrees with Mr. Paradiso and would like to go a little further. He has sat on this Council for more than 20 years and has watched the economic decline of the for-hire industry the entire time. It's rare that we have the opportunity to help. The mode split is important for the industry and the increase in business to the party and charter boat industry also affects bait dealers, fuel, mariners, etc. – we have a great effect. To not help this industry when it's costing you **nothing** all because of a political stance is a sin. I support option C – 100% and he hopes everyone makes their comments clear to the ASMFC how desperately important this is. Mr. Witek mentioned 2027 having less of whatever type of fish that will be available, well there will be less businesses around in 2027.

Councilor Witthuhn agrees with Councilors Jordan and Paradiso citing all the reasons given.

Councilor Witek said that yes, the for-hire fleet contributes to gas, bait, etc. but if we look at coastwide trips in 2022 we'll find that 98% of the economic benefits came from the private boat and surf sector. He added that we are now in the third decade of the 21<sup>st</sup> century and we are trying to perpetuate a business model that has remain semi-unchanged since the mid-20<sup>th</sup> century. Time population has changed, demographics have changed, economic conditions have changed, social conditions have changed, oceanographic conditions have changed and They are sharing the fishery less a biological conditions have changed. What an industry needs to do, to survive, is to change. Don't keep doing what you have been doing and ask to be subsidized – change is necessary. There are many corporations we knew as kids that aren't around anymore because they didn't learn that lesson.

Councilor Jordan replied that to say by giving them a different mode is subsidizing them is absolutely ridiculous. It's allowing them to survive and we have cut their income every single year. Mr. Jordan realizes that he and Mr. Witek disagree on many things but on this particular stance, he simply cannot comprehend his view at all. He doesn't understand how Mr. Witek can look at the folks in this industry and undermine their livelihood by saying it's not fair for me to subsidize you. We are sharing the fishery at less than 1%. Mr. Witek countered that **we are** subsidizing them. It's a public resource and they are getting a greater share of the public resource, or more correctly, their customers, are getting a greater share than the rest of the angling community.

Councilor Finalborgo said it may be selfish on his part but he is in the food business and the charters are a big part of his business so it's not just marinas and gas stations that would benefit, it's people like him too. We're a tourist area and we need the charters. He would even be for giving



people the 40" fish again. They are going out on a charter and spending a lot of money, give them something in return. In helping them, it helps us.

## #1-Recreational Options, for Ocean

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### Recreational Options, ocean

Ocean Rec. Options				
Size Limit Options	Bag Limit and Season	Overall Reduction	Harvest Change	Release Mortality Change
<b>Option A.</b> 28" to < 35" all modes (or approved CEs)	1 fish; 2017 seasons (or approved CEs)			
<b>Option B.</b> 28" – 31" all modes	1 fish; 2022 seasons	-14.1%	-49.9%	+2.0%
<b>Option C.</b> Private vessel/shore: 28" – 31" For-hire: 28" – 33"	1 fish; 2022 seasons	-14.0%	-49.5%	+2.0%
<b>Option D.</b> 30" – 33" all modes	1 fish; 2022 seasons	-12.8%	-45.4%	+1.8%
<b>Option E.</b> Private vessel/shore: 30" – 33" For-hire: 28" – 33"	1 fish; 2022 seasons	-12.8%	-45.0%	+1.8%

*Any new size limit also applies to the Chesapeake Bay trophy fisheries.*

- Size limits apply to Ches Bay trophy fishery, too
- Hudson can submit alternative plans to meet 14.5% (or 16.1%) reduction
- Clarify for-hire language (if applicable)
- Add requirements for at-sea filleting (racks retained, skin intact, no more than 2 fillets per legal fish)



Councilor Paradiso made a motion to adopt option C. Seconded by Councilor Jordan.

All in favor – 7, Opposed -1. Motion carries.

## #2-Recreational Option for the Chesapeake Bay

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### Recreational Options, Chesapeake Bay

Chesapeake Bay Rec. Options							
Option A	1 fish at 18" minimum size with 2017 seasons, or approved CEs.						
	Min. Size	Max. Size	Bag Limit	Season	Overall Reduction	Harvest Change	Rel. Mort. Change
<b>Option B1</b>	19"	23"	1 fish (all modes)	same as 2022	-22.4%	-38.4%	+6.7%
<b>Option B2</b>	19"	24"	1 fish (all modes)	same as 2022	-15.9%	-27.5%	+4.8%
<b>Option B3</b>	19"	25"	1 fish (all modes)	same as 2022	-12.1%	-21.1%	+3.7%
<b>Option B4</b>	19"	26"	1 fish (all modes)	same as 2022	-10.3%	-18.1%	+3.2%
<b>Option C1</b>	19"	23"	1 fish P/S 2 fish FH	same as 2022	-17.9%	-31.4%	+4.9%
<b>Option C2</b>	19"	24"	1 fish P/S 2 fish FH	same as 2022	-11.0%	-19.3%	+3.0%

*(P/S=private vessel/shore anglers and FH= for-hire)*



Councilor Danielson would like to see option B2 .

Councilor Witthuhn asked which state requested to keep trophy fish and Mr. Maniscalco said trophy fish are not on the table right now.

Motion by Bob to support option Bs. Chris Squeri seconded

# Recreational Options, ocean

Ocean Rec. Options				
Size Limit Options	Bag Limit and Season	Overall Reduction	Harvest Change	Release Mortality Change
<b>Option A.</b> 28" to < 35" all modes (or approved CEs)	1 fish; 2017 seasons (or approved CEs)			
<b>Option B.</b> 28" – 31" all modes	1 fish; 2022 seasons	-14.1%	-49.9%	+2.0%
<b>Option C.</b> Private vessel/shore: 28" – 31" For-hire: 28" – 33"	1 fish; 2022 seasons	-14.0%	-49.5%	+2.0%
<b>Option D.</b> 30" – 33" all modes	1 fish; 2022 seasons	-12.8%	-45.4%	+1.8%
<b>Option E.</b> Private vessel/shore: 30" – 33" For-hire: 28" – 33"	1 fish; 2022 seasons	-12.8%	-45.0%	+1.8%


*Any new size limit also applies to the Chesapeake Bay trophy fisheries.*



- Size limits apply to Ches Bay trophy fishery, too
- Hudson can submit alternative plans to meet 14.5% (or 16.1%) reduction
- Clarify for-hire language (if applicable)
- Add requirements for at-sea filleting (racks retained, skin intact, no more than 2 fillets per legal fish)



# Recreational Options, Chesapeake Bay

Chesapeake Bay Rec. Options							
							
<b>Option A</b>	1 fish at 18" minimum size with 2017 seasons, or approved CEs.						
	Min. Size	Max. Size	Bag Limit	Season	Overall Reduction	Harvest Change	Rel. Mort. Change
<b>Option B1</b>	19"	23"	1 fish (all modes)	same as 2022	-22.4%	-38.4%	+6.7%
<b>Option B2</b>	19"	24"	1 fish (all modes)	same as 2022	-15.9%	-27.5%	+4.8%
<b>Option B3</b>	19"	25"	1 fish (all modes)	same as 2022	-12.1%	-21.1%	+3.7%
<b>Option B4</b>	19"	26"	1 fish (all modes)	same as 2022	-10.3%	-18.1%	+3.2%
<b>Option C1</b>	19"	23"	1 fish P/S 2 fish FH	same as 2022	-17.9%	-31.4%	+4.9%
<b>Option C2</b>	19"	24"	1 fish P/S 2 fish FH	same as 2022	-11.0%	-19.3%	+3.0%

*(P/S=private vessel/shore anglers and FH= for-hire)*





## Striped Bass Addendum II Decision Points

1. Ocean Recreational Fishery Option
  - Includes consideration of mode split
2. Chesapeake Bay Recreational Fishery Option
3. Other Recreational Considerations:
  - For-hire measures apply to patrons only or Capt & Crew too
  - Fillet allowances
4. Commercial Quota Changes
5. Stock Assessment Response
  - Status Quo (addendum process) vs. Board Action
6. Thoughts on Hudson River Recreational Measures



### **#3-Other Recreational Considerations**

#### ***For-hire measures apply to patrons only or Captain and Crew too***

Councilor Danielson asked for clarity. Mr. Maniscalco stated that if we just say that the for-hire mode goes through and it 28-33", under status quo, the captain and crew could also keep one fish each from 28-33" per day. Under option B, the captain and crew would be restricted from 28-31", it would only be the patrons on the vessels that would get 28-33". Mr. Danielson suggests that the number stays at 28-33" for the paying fares and the captain and crew NOT be allowed to harvest fish during a for-hire trip. Mr. Maniscalco said that is not an option. Councilor Paradiso believes it get confusing for enforcement having two different sets of numbers, just keep it 28-33" across the board.

Councilor Paradiso made a motion to keep to keep things as status quo. Councilor Danielson seconded.

All in favor – 7, opposed -0, Abstentions – 1. **Motion carries.**

#### ***Fillet allowances***

Mr. Maniscalco said that currently, for states that authorize at sea, shoreside filleting of striped bass, establish minimum requirements, including requirements for racks, 3 retained and skin to be left intact and possession to be limited to no more than 2 fillets per legal sized fish. States should consider including language about when and where racks may be disposed of specific to each mode allowed to fillet – at sea or shore. New York is already in compliance with the majority of items, except for the skin to be left intact. That we do not have in place. Public comment was they were fine with option B and some thought leaving the skin on was ridiculous. Councilor Witek asked Enforcement Officer Sean Riley if they run into identification problems when there is no skin left one. Lt. Riley said they haven't had a problem with things as there are now.

Councilor Witek made a motion to adopt Option B with the advice that the skin-on requirement be deleted. Councilor Danielson seconded.

All in favor – 8, Opposed – 0, abstentions – 0. **Motion carries.**



#### #4- Commercial Quota Changes

Councilor Danielson would like to support the 14.5 reduction to the commercial harvest quota. TJ recommends status quo and if there is any reduction necessary, we explore an increase in the slot size to make a negative impact out of the reduction because we are at ~600,000 lbs. and our actual quota is about 1,000,000 lbs. so we have some breathing room to make an adjustment to negate any possible reduction. He would be in favor of option A, status quo. Mr. Maniscalco deferred to Ms. Craig - would we have to narrow the slot or change the slot size to a larger fish to enable no tag loss? Ms. Craig isn't sure how to accomplish this and would need to work the numbers through but it is something to consider.

Councilor Lackner asked if the DEC knows how many pounds the commercial sectors has landed in each of the four past years? Ms. Craig said they are still calculating 2023 numbers but based on dealer landings, we at ~93% of 640,718 lbs. In (2022 - 623,000) (2021 - 629,000) (2020 - 530,000) (2019 - very low but it was before there was a quota reduction).

Mr. Witek moved for a 14.5 quota reduction across the board, option B. As he has stated before, everyone who benefits from the fishery should share a proportionate burden. This is a reduction from quota, not from actual landings which means the actual impact on landings will be less than the 14.5%. Yet we need a cumulative 14.5% cut across all measures to reach the fishing mortality target in 2024, therefore, he believes the full 14.5% cut is necessary. Councilor Danielson seconded.

John German, who has been a commercial fisherman for 58 years began by saying that he has never been recreational fisherman and has nothing against them. He believes if they catch it, they should be able to eat it, no matter what the size, that's just what he believes. The only problem he has with the quota reduction is that this is not a commercial problem and he doesn't understand why they are making it theirs. It's clearly the recreational side that can't keep their poles in their pockets and stop catching these fish. The commercial side has always come in under the allowance for as long as he can remember. He does recall one time when they did go over and the following year they took that exact amount away from them. If they took the 88% away from the recreational fishery that they went over - there wouldn't be a recreational fishery any more. It would be done, finished - OVER. This is not the commercial fishery problem, they didn't cause it and he is sick and tired of having to feel the brunt their overages create. If this was reversed and the commercial side was over the quota and they were taking it away from the recreational side, there would be Hell to pay. Enough is enough.

Motion: All in favor - 2, opposed -5 abstentions-1. **Motion fails**

Councilor Jordan made a motion to support option A, status quo. Councilor Lackner seconded.

All In favor -3, Opposed - 4, abstention - 1. **Motion fails**

#### **Stock assessment response #5**

Mr. Maniscalco said this bulleted item refers to how to respond to the next stock assessment. We can go with the addendum process which does take quite a bit of time or the Council can vote in favor of toing with Board Action which would provide public comment but will allow the Board to react much more quickly to the next round of stock assessment advice.

Councilor Witek made a motion to support option B - giving the Board discretion to act in response to the stock assessment. We're looking at a 2029 rebuilding deadline and there is not a lot of time left. If it should turn out that additional management measures are necessary we need to the Board the power to act quickly. Councilor Danielson seconded.

Councilor Paradiso has reservations giving the power to the board. He worries the Board might act unnecessarily quick putting an action into effect. Councilor Danielson said they would still be able to take emergency action even without putting this in place and can extend emergency action beyond 2024. Councilor Paradiso understands but would still like to see them go through the addendum process.

All in favor - 2, opposed - 5, abstentions - 1. **Motion fails**

Mr. Maniscalco asked if there was going to be a motion to support the Addendum process but no one chose to.

## Potential Conservation Equivalency Options for Hudson River (above GW Bridge) for 2024

Current: 1 fish, 18-28", April 1 – November 30

- A. Close season in summer (removing July-August)
- B. 18"-26" slot
- C. 19"-27" slot with season closing early June 16<sup>th</sup>
- D. 21"-28" slot with season closing early August 1<sup>st</sup>
- E. 21"-28" slot with season opening later April 15<sup>th</sup>
- F. Season opening May 1<sup>st</sup>



Department of  
Environmental  
Conservation

Councilor Danielson thinks many of the items could be helpful but he really believes more information is needed from the public. Mr. Maniscalco said they are gathering input from stakeholders on this and it should be available shortly. Councilor Witek concurred with Mr. Danielson, he said if all of these things achieve almost the same thing we should wait to hear from the folks in the Hudson River on how they would like to proceed. Mr. Maniscalco said they will get back to the Council when that information is gathered.

### Rulemaking Updates

## Current Rulemakings

### Part 38, Reporting

- Notice of Proposed Rulemaking
- Purpose:
  - Clarifies and consolidates in one place the reporting requirements (new Part 38)
  - Requires party and charter boat license holders to submit VTRs online (SAFIS eTRIPS) within 48 hours of trip ending, starting January 2025
  - Requires federal lobster trap permit holders to install electronic tracking devices on federally-permitted lobster & Jonah crab vessels (LMA 6 is excluded from tracking requirements)
  - Updates DEC DMR address and other technical details in regulation



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Conservation



## Current Rulemakings

### Part 38, Reporting

• Comment period is open through March 7, 2024.

Written comments can be submitted to:

Maureen Davidson  
NYS Department of Environmental Conservation  
123 Kings Park Blvd  
Kings Park, NY 11754  
E-mail: [fw\\_marine@dec.ny.gov](mailto:fw_marine@dec.ny.gov)

### • Public Comment Hearing

A public comment hearing for the proposed rulemaking will be held before an Administrative Law Judge (ALJ) via electronic webinar.

Date: February 27, 2024

Time: 2:00 p.m.

Link to Register:

<https://meetny.webex.com/weblink/register/re58e47e4412781851dac555844736149>



## Current Rulemakings, other

- **Sharks:** NOA being prepared
  - Must be adopted by 5/31/2024
- **Jonah Crab:** NOA being prepared
  - Must be adopted by September 2024
- **Atlantic cod:** NPR published in 1/24 register
  - public comment hearing on 4/4/24; 2 pm, virtual
  - public comment period open 1/25/24 - 4/10/24
- **Cobia:** awaiting executive sign off before filing



Councilor Danielson questioned Mr. Maniscalco if the proposed shark fishing regulation changes were made to NOT include a leader length and hook size requirement. He replied that he didn't recall how the regulation was written.

## Upcoming Rulemakings

### Part 40, Commercial Eel

From ASMFC FMP Review:

#### New York's regulations for minimum mesh size do not meet the requirements of the FMP.

Addendum III requires states and jurisdictions to implement a  $\frac{1}{2}$  by  $\frac{1}{2}$  inch minimum on the mesh size used in commercial yellow eel pots. New York's regulation is as follows: 'Minimum mesh size must be one inch by one-half inch, unless such pots contain an escape panel that is at least four inches square with a mesh size of one inch by one-half inch located so that the panel is on a side, but not at the bottom of a pot.'

Addendum III allowed states to use a 4 by 4 inch escape panel constructed of a mesh size of at least  $\frac{1}{4}$  by  $\frac{1}{2}$  inch mesh in order to reduce the financial burden of gear changes on the fishery for three years (until January 1, 2017). Because this provision has expired, New York should require the minimum mesh size for all yellow eel pots, regardless of the presence of an escape panel.



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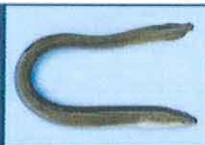
## Upcoming Rulemakings

### Part 40, Commercial Eel

#### • Notice of Proposed Rulemaking

#### • Proposed Text:

- (1) It shall be unlawful to use eel traps or pots in the waters of the marine and coastal district for commercial purposes with mesh sizes smaller than one inch by one-half inch ~~(one half inch by one-half inch)~~ unless such pots contain an escape panel that is at least four inches square with a mesh size of one inch by one-half inch located so that the panel is on a side, but not at the bottom of the trap or pot.



## Upcoming Meetings

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### Upcoming Meetings

#### Atlantic States Marine Fisheries Commission (ASMFC) 2024 Winter Meeting

January 23-25, 2024, Arlington, Virginia

<https://www.asmfc.org/2024-winter-meeting>

#### Mid Atlantic Fishery Management Council

February 6-7, 2024, Arlington, Virginia

<https://www.mafmc.org/council-events/2024-february-council-meeting>

#### ASMFC Summer Flounder, Scup and Black Sea Bass Management Board (Recreational Scup and Summer Flounder Measures approval)

February 14, 2024 1PM-330PM (Virtual only)





2024 Calendar Meeting dates

February 6<sup>th</sup> – 2:00 p.m.

March 12<sup>th</sup> – 2:00 p.m.

April 9<sup>th</sup> – 2:00 p.m. Legislative Review

May 7<sup>th</sup> – 2:00 p.m.

July 9<sup>th</sup> – 6:00 p.m. (tentative)

September 17<sup>th</sup> – 2:00 p.m.

November 12<sup>th</sup> – 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.

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Councilor Jordan would like to know what is being done to fill the vacant commercial council seats. He is getting very disheartened how long the seats have been vacant and the endless red tape it seems to be taking to get them filled. He has requested that a letter go out to license holders, expressing that commercial representation is needed on the Council and if anyone is interested to contact ...whoever. He just received his renewal license and there was nothing enclosed. This would be a fairly simple way to find interested parties and he can't understand why that isn't be done. There are many times a topic comes up regarding commercial issues and he needs support. Mr. Gary believes progress has been made and thinks they will be filled within the next several meetings.

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Councilor Witthuhn asked how the survey will be going out and John said it's going to be digital. It will go out to the DEC's list serve as well as the Council's list serve and should anyone else want to publish it, they would be more than welcome to do so. It should be available by the 15<sup>th</sup> and folks will have two weeks to respond. The Council will be discussing this further on February 6<sup>th</sup> at the next Council meeting. (post meeting: [on.ny.gov/2024flukescup](https://on.ny.gov/2024flukescup))

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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](mailto:Michael.frisk@stonybrook.edu)); phone (631) 632-8656 or Staff Assistant, Kim Knoll ([kim.knoll@stonybrook.edu](mailto:kim.knoll@stonybrook.edu)).