



Marine
Resources
Advisory
Council

BULLETIN

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Meeting of Marine Resources Advisory Council

Michael Craig

Robert Danielson

John Davi, Jr.

Melissa Dearborn

Paul Farnham

Thomas Jordan

Joseph Paradiso

John Renaldo

Paul Risi

Christopher Squeri

Charles Witek

Dean Yaxa

James Gilmore, Director of the Marine Bureau of the NYS Department of Conservation welcomed the Council's new Chairman, Dr. Michael Frisk. Mr. Gilmore explained that MRAC is based on the environmental conservation law, which states that the Dean/Director of The School of Marine & Atmospheric Sciences will act as Chairman, or appoint someone in his stead, and for the past 20+ years it has been William Wise. Mr. Wise stepped down in March. This is Dr. Frisk's first public meeting in his new role and he gave a brief description of his background in the field of fishery management.

Dr. Frisk received his PhD. from the University of Maryland in 2004 and came to Stony Brook University in 2006. His background and strength is in understanding population assessments and the science behind them. His research focuses on the health of marine populations; he studies growth and mortality in finfish and the factors that affect stock productivity including migration and stock structure. He is also very interested in ecosystem modeling within local waters including the health of the Great South Bay. His pursuit of local species range from winter flounder, Atlantic sturgeon, white perch, the skate complex (little skate/winter skate) in coastal and ocean waters, he's also studied dogfish with regard to understanding population trends including local abundance, overall health and effects on the ecosystem. More recently he has been involved with river herring in the Carman's River and blue crab in the Chesapeake Bay. His research has been very diverse. As far as management, he has been active on The Science & Statistical Committee of the mid-Atlantic Fishery Management Council providing scientific advice when reviewing the assessments as well as incorporating scientific uncertainty into the biological reference points that the council then votes on and approves. In addition, Dr. Frisk has served on international stock assessment committees specifically regarding the North Sea herring as well as mackerel assessments; their directives are similar to those of the United States.

Dr. Frisk continued by saying that although this is his first official public meeting, the Council had met in May, which was a closed door session for Councilors only. The meeting had been set up with the intention of going over possible changes to the meeting's format and rules with the hope of finding ways to improve voting productivity and ways to perhaps streamline each meeting's format for efficiency. Dr. Frisk then went over the changes moving forward that were voted and agreed on at the last closed door meeting.

Michael Frisk
Chairman

Kim Knoll
Staff Assistant

- Agenda and information pertinent to the discussion will be posted to the Council's web page 2 weeks prior to the subsequent meeting. No changes will be made to the agenda once posted.
- Moving forward, times and meeting venues will coincide with the agenda topics. For instance, a meeting that the Council feels will draw a large crowd will be held in the evening and at a larger venue to better accommodate the public. Topics with a lower interest will find the meeting held in the afternoon at the DEC offices. All information and venue directions will be posted on the Council's web page at least 2 weeks prior to the meeting. (September's meeting will be held at the DEC offices)
- According to the Councilor's Manual, quorum requirements for voting has always been a minimum of 4 recreational and 4 commercial Councilors for a lawful vote. Since we still have 2 vacant seats, the voting will change to a minimum of 3 recreational and 3 commercial Councilors in the interest of expediting items needing decisions until vacant seats are filled. It will then revert back to 4 and 4.
- For items needing immediate attention and a decision from the Council, teleconferencing will be allowed in order to have a vote. This will only be undertaken in emergency situations, it is not to be the "norm."
- People in the audience will be given 3 minutes to present their case on an agenda topic if they wish.
- Email accounts for each councilor will be available shortly. There will be an accessible link available through the MRAC web page.
- A law enforcement official will be available at each meeting in order to give regulation enforcement rules. They will serve in a non-voting role.
- Unruly and disrespectful behavior will not be tolerated. Anyone acting in a derogatory manner to either a Council member or another audience member will be given one warning; should their behavior not improve, they will be asked to leave and escorted out if need be.
- **Courtesy and respect will be the mantra moving forward.**

Approval, draft Minutes, May 21, 2015 Council meeting

Unfortunately we did not have a quorum so this will be moved to September's agenda.

Public Comments

John German, a commercial fisherman, feels that having a Council meeting in July is a waste of time. Although he is in attendance he wanted the Council to note the very low audience attendance as well as the absence of commercial Councilors (except for Dean Yaxa). He doesn't think there should even be a July meeting. As far as the topic of conch that is on today's agenda, this is too important a topic to have when the attendance is so low.

Nancy Solomon, Director of Long Island Traditions, requested that Mr. Gilmore bring everyone up to speed regarding the horseshoe crab meeting that was held the Thursday prior in the town of Brookhaven. Mr. Gilmore said the Supervisor for the Town of Brookhaven had circulated information

in the news alluding to the possibility of restrictions which would closely resemble a moratorium. If you were in the town of Brookhaven, you would not be able to harvest horseshoe crabs from any in-shore area. Mr. Gilmore explained that this was not the most prudent way to handle this. By putting this ban in place, it was increasing the amount of poaching going on because the ban was driving the price of the crabs higher. He reminded the Supervisor that the DEC through several user groups have a program where they were monitoring the catch and had already reduced the harvest by 58% and they were trying to target the spawning areas for protection. The ban would also have a tremendous negative effect on the fishers who participate in the conch/eel fisheries. By the end of the meeting a restriction was **not** going to be implemented, new sites would be looked at and they would continue to monitor the data. Mr. German added that there are a dozen beaches that are being restricted; however, he believes there are still 2 beaches down in Moriches that are still open. Ms. Solomon said it was her understanding that a letter would be sent to the DEC for any implementation because the town does not have the authority to enact any of this. Mr. Gilmore said the DEC to date has not received a letter.

Ron Turbin, representing the Coastal Conservation Center and Gateway Striper Club brought up the \$6,000,000 in funds the Governor had allotted for fisheries access and he wondered when Long Island would begin to see that money and how much we can expect to receive? Mr. Gilmore was not sure but would try to find out for him. Mr. Turbin continued by saying that Jones Beach is going through a revitalization program. Field 9 has been closed for many years; however, it would be an ideal shoreline for surf fishing. There are many things that would work in that area. Since the state already owns this, wouldn't it be a great idea to include this when putting together an action plan? It wouldn't cost a great deal of money. It could be a joint venture together with the Parks Department so the costs could be divvied. Councilor Danielson said he sits on NYS Advisory Board for State Parks and this has been brought it up several times. This is under the prevue of state parks and the DEC has no authority on that land - this is under the discretion of State Parks and they are not entertaining this idea at all.

Mr. William Young, continues to worry about the blackfish population, he believes it is going down the tubes. Mr. Gilmore said that they are trying to resolve the loophole of the landing license and the management is going to be changing dramatically, the ASMFC will be switching to regional management. Hopefully there is a positive change on the horizon.

Whelk

Mr. Gilmore stated the DEC is putting together an omnibus regulation to cover whelk, Asian horseshoe crab and terrapin escape devices. The Council had put forth a motion and requested additional data which Ms. McKown has since collected and compiled to create the attached presentation. This is considered the first step in the normal regulatory rule-making change process that will take the better part of 6 months to complete. The DEC hopes to have more specific details for the September Council meeting and it might also be brought up again at the November meeting. This will give the Councilors at least 2 opportunities to consider and digest the documentation. It is being kicked off tonight to begin the process with the knowledge and understanding that this will take 6 months to complete which will be just in time for the 2016 fishing season. There will also be many opportunities for the public to weigh in with their thoughts and opinions.

Kim McKown gave a presentation with information gathered with the help of Dr. Stephen Tettiebach and his student Robin Lyn, from the Great South Bay. (Please see attachment).

Ms. McKown said one of the most important aspects of any changes that will be made, is the need to close the loophole with regard to those people who hold whelk licenses but do not hold a foodfish permit. Currently three State marine fishing licenses allow endorsement of the license/permit to a vessel (the lobster and food fish licenses state that the license- holder must be on board and is liable for any violations). This language is missing from the current crab law. DEC feels that omission is just an oversight but it must be revised in law.

When an area is depleted, it will take a long time for it to rebound. While we do not have much information in the way of relative abundance for our area, Ms. McKown has used information that was gathered from the Connecticut trawl survey in the Long Island Sound going back as far as 1999 as well as information gathered by independent fishermen. It is noted though that there has been a steady decline. Also from the information gathered, it was noted that the weight of the horseshoe crabs has decreased as well.

The DEC is also trying to propose that fishers either meet a minimum length, and if it doesn't meet the minimum length, then you would measure the width. This would be beneficial because of the fragility of the tail and how easily it breaks off.

Councilor Danielson disagreed with the "either/ or" scenario regarding anomalies in shell development. He compared it to catching a fluke, even if part of its tail has been bitten off by another fish, they would still be fined by enforcement if the fish did not meet the minimum size limit. Ms. McKown has already discussed this with law enforcement officials who did not perceive this to be a problem.

Councilor Risi believes the purpose of length is to determine age and he doesn't believe it's a matter of exclusion; it's a matter of maturity.

Councilor Yaxa said he understands how easily the tail breaks, by the time they are delivered; there probably isn't one that hasn't been broken. Is it fair to write a ticket? Mr. Gilmore said at least with either/or, you have the secondary measurement to take into account. Officer Denise Ferraro said it's also up to enforcement to use their discretion. Mr. Peter Wenczel said there is a very close correlation between length and width. Since you have an either/or situation, it's helpful especially when breakage is a problem. This could protect a fishermen from receiving a summons.

Mr. German is very disappointed that there isn't more data available, if this involved any other sport fish there would be plenty of data.

Ms. Solomon finds there is a difference between eastern and western waters and wonders if it would be better to have two separate management plans? Ms. McKown said whether the waters are eastern or western, the data supports the notion that the stock will be depleted if a change doesn't take place. The data is randomly selected. All of Ms. McKown's data shows the gonads to be immature and if you continue to fish immature animals, you will soon be unable to fish because there won't be anything to fish for.

Alec Duochere – a conch fisherman said that the trawl is not specifically dragging for conchs, they are focusing on lobsters. Ms. McKown replied that they are randomly sampling for many species, the survey isn't concentrating on any one particular species. Mr. German said it's a skewed survey because of the net they use, the little ones slip right through; you cannot consider this accurate data.

Mike Purdy reiterated trawl surveys are not the best way to catch conchs especially if they are performed in the day time hours, which Ms. McKown said they are. If you are randomly checking their gonads that's one thing but if you are looking at biomass, this is not the way to go about it because there are too many variables. Ms. McKown said these surveys have been performed the same way every year, it's a consistent survey and it's disturbing to see the decline in the conch that are actually caught.

Mr. Wenczel thought it might be interesting to look at the weight when measuring conch to demonstrate the overall size of your catch vs. the overall yield. He also thinks it might be wise to initiate a size increase in a given year, possibly September 1st because they undergo a huge growth spurt the end of August/beginning of September.

Terrapin excluder device

Ms. McKown continued her presentation. She stated that after the vote at the January 2014 Council meeting to include Terrapin Excluder Devices 1.75" x 5" throughout Marine Districts, the DEC has received numerous calls from fishermen who thought it was unnecessary for everyone to have this device installed because there are many fishing areas where this is not a problem. They feel it will put an unnecessary financial burden on them. The DEC said they will continue to work with enforcement to craft the language that everyone can live with.

They are also going to revive the Bellport Bay Study. It will once again cover the previously monitored sites; however, it will include 2 more areas where Diamond Terrapins have been spotted. The survey will start in mid to late August.

Mr. John Turner wanted to apprise folks that Mr. Carl LoBue, on behalf of The Nature Conservancy, is willing to commit \$1,000 toward the turtle excluder device. They are not quite sure how the funds will be allocated but will work with the DEC on that.

Crabs

The DEC has also added modifications to the crab endorsement – currently you can endorse your crab permit to a vessel and anyone on the vessel can collect crabs, however, right now it is not clear who would be responsible for any illegal activity on a vessel. With this new rule the permit holder will be responsible and will most likely *have to* be on board.

For safety reasons, they are changing the rule to include two harvest limits aboard a vessel instead of the one that is currently on record. More than two might get confusing so it's being kept at 2.

Mr. Wenczel said in addition to the safety aspect, he is now able to fish with his son. It also makes the fishery more environmentally and economically friendly because it means fewer boats on the water. He hopes to see the same change in the Sea Bass fishery.

Asian Horseshoe Crabs

There will be a proposal put forth to ban Asian horseshoe crabs and also the release of non-native or non-naturalized crustaceans. Placing non-indigenous organisms into our waters can create havoc to our habitats. Once they are here they are difficult, if not, impossible to remove. Right now the rule only covers fish, it doesn't cover crustaceans; the purpose of the new proposal will be to get rid of that loophole.

Mr. Gilmore said the package will be put together and there will be a document ready for public viewing, comments and discussion by September's Council meeting. Folks will be able to comment at that time. This package will be handled and submitted through normal rule-making guidelines and time line.

Fisheries update

Winter flounder - Due to overwhelming outcry from the public as well as research that is being performed at Stony Brook University, the season has **not** been extended. It is believed that this is in the best interest of the fishery.

Black Sea bass – The size limit is going up to 14", the bag limit will stay at 8, however, in November the bag will change, it will then go up to a 10 fish bag limit. The season opens July 15th.

Hurricane Sandy Disaster Aid – Mr. Steve Heins said disaster relief program applications are going to be opening soon. They are in the process of testing the on-line application process. They hope to have all the kinks worked out and have the final process in place by August. This will remain open for 90 days and completing the application should take approximately one hour to complete, downloading a person's pertinent documents will add to the time. For people who aren't computer savvy, they will be able to go to Small Business Development Centers, where there will be people to help you. The DEC will have a list of the Centers available .

Recent fish kills – As most people are aware, there have been several very large fish kills in the months of May and June. Through investigations, the DEC has discovered a link between the Hudson River, Manhasset Bay and Peconic Bay fish kills, all the fish samples taken showed a virus. Originally the press releases stated they were caused by Whirling disease, however, that was a misnomer because that virus usually targets trout. They now know the actual disease responsible is Spinning disease, which had been found previously in the Chesapeake Bay area. In addition, the fish kill in Peconic Bay was further compromised by the vast number of fish in such a small area; there just wasn't enough oxygen to support such a large number of fish. To complicate matters even further, harmful algae blooms were also found to have played a part. Most of the fish affected were Menhaden; other species caught up in the fish kill were fish that just seemed to have been in the wrong place at the wrong time. There will be a report coming out shortly.

Discussion:

Reed Reemer is greatly concerned about the winter flounder fishery. It's obvious that the management in this part of the country is NOT working and he would like to see more action in trying to make the fishery healthy again. He knows the fishery in Massachusetts is rebounding and thinks perhaps we should follow their example by doing whatever it is they did. Mr. Gilmore said there is research being done along those lines.

With regard to the fisheries in general, Mr. Gilmore said to keep in mind that the Magnuson Stevenson Act is being reauthorized and there will be many changes to the various fisheries. If New York wants to have allocation based fisheries, there needs to be a way to adjust the numbers.

The following are the remaining, regularly-scheduled meetings of the Marine Resources Advisory Council in calendar year 2015.

September 15th – 2:00 p.m. – 205 Belle Mead Road, East Setauket

November 17th – 6:00 p.m. - Stony Brook University, 120 Endeavour Hall - for driving directions, check MRAC's web page:

<http://you.stonybrook.edu/mrac/meetings/>

For agenda items and any pertinent graphs, charts or data, please check the Council's web page 2 weeks prior to a meeting. <http://you.stonybrook.edu/mrac/meetings/>

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: Chairman, Michael Frisk, Marine Resources Advisory Council (michael.frisk@stonybrook.edu); phone 631/632-8656; secretary, kim.knoll@stonybrook.edu