

Marine Resources Advisory Council

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November 8, 2017

Volume XXVIIIV No. 7

Sean Barrett

Dr. Frisk explained that due to the very lengthy agenda, the rule for the 3 minute per person time frame during public comment will be strictly adhered to. He then went over the agenda.

Michael Craig

The councilors present as well as representatives from the DEC's Marine Resources, James Gilmore and John Maniscalco, introduced themselves.

Robert Danielson

John Davi, Jr.

Public Comment – Non-agenda items

Melissa Dearborn

Nancy Solomon, Director of LI Traditions, understands the DEC is presently having discussions about relocating their offices and is having a building built for them, this building would be a "green building". She personally believes the DEC should find a building that is already standing that would meet their needs because that would be the "greenest" solution possible. Mr. Gilmore explained that it's actually more expensive to re-fab an existing building to their specifications because of asbestos abatement, new building codes, etc.

Vincent Finalborgo

Thomas Jordan

Hank Lackner

Joseph Paradiso

She also wanted to acknowledge and thank the Nature Conservancy for providing funds to purchase TED's (Terrapin Excluder Devices) for the commercial fishers that need them.

Christopher Squeri

Charles Witek

Arnold Leo, representing the fishing industry for the Town of Easthampton referenced the \$10 million allocation the Governor has promised that should be going toward Long Island's water quality and shellfish populations. The actual news article stated that the state will invest \$3.25 million to obtain 28,000,000 shellfish from local distributors and harvesters. What is missing from the memo is how people can become involved in this initiative. Mr. Gilmore stated that Debra Barnes will be the orchestrator for this project and will be reaching out to folks when things start moving.

Steve Witthuhn

Dean Yaxa

Ralph Vigmostad, Vice President for the NY Coalition for Recreational Fishermen, wanted to alert folks to the fact that Magnuson Stevens Act is up for reauthorization and there are several bills in Congress that will be changing things quite a bit. A particular area of interest is HR2023, Sec 102, (8) under Alternative Fishery Management – "have the authority to use alternative fishery management measures in a recreational fishery (or the recreational component of a mixed-use fishery) in developing a fishery management plan, plan amendment, or proposed regulations, which may include extraction rates, fishing mortality targets, harvest control rules, or traditional or cultural practices of native communities". Basically we operate under rules that may be a little awkward at times but the previous statement would change things considerably and Mr. Vigmostad wanted to hear Mr. Gilmore and Dr. Frisk's thoughts about it. Mr. Gilmore said he is unsure because they haven't gotten to that in

Michael Frisk
Chairman

Kim Knoll
Staff Assistant

their discussion but it is on their radar and they will follow closely – Dr. Frisk concurred.

John Mihale would like to clarify an item from the Council's September bulletin. Since the Council's Minutes and bulletin are almost verbatim, it is important to get information as correct as possible. Mr. Mihale believes the bulletin gives the impression that he was in favor of a blackfish tagging program which he in fact is not – he said he was responsible for the emblem requirement on commercial fishing vessels.

James Schneider of James Joseph Fishing, Huntington, Long Island said he has a frequent customer who also happens to be a federal judge. Mr. Schneider has spoken to him about his frustration over the misrepresentation concerning the numbers that are being recorded for blackfish landings and asked for his advice on how to dispute them. He was told documentation would be needed and that would include videotape. So, on October 31st, Mr. Schneider's boat went out and he had a hired cameraman on board. His Vessel Trip Report for the day (6 hours fishing time) recorded:

Toadfish - 6 lbs total – kept 3, 10 were released

Scup – 58 lbs total – kept 10 at 20 lbs.

Tautog – kept 64 totaling 200 lbs.

Green crabs – 5.5 bushels

Blackfish – 723 blackfish were caught and released (alive) for an estimated weight of 1,486 lbs.

Approval of September 12, 2017 Meeting Minutes

Councilor Barrett stated that on page 9 of the Minutes, under the windfarm discussion, it was he, not Councilor Lackner, to suggest directing questions geared for the commercial fishing industry to contact LI Commercial Fishing Association.

As previously brought up, we will correct Mr. Mihale's statement as well. With both noted changes, Mr. Danielson made a motion to accept the Minutes as amended, Mr. Witek seconded. It was unanimously voted all in favor.

Updates:

Tautog

Mr. Gilmore reminded everyone about the drastic reduction that would need to take place with New York and Connecticut seeming to shoulder the most of the burden.

The following PowerPoint presentation was given by John Maniscalco (John.maniscalco@dec.ny.gov). He has put together alternatives that will hopefully spread things out over a few years:

ASMFC Tautog Amendment 1

- LIS Regional Boundary from Orient, NY to Watch Hill, RI.
- LIS Regional Reduction: 20.3%
 - Both Commercial and Recreational
 - Recreational:
 - 16" min size, 3 fish, -11 days in fall
 - Open all of April with 2 fish
 - Suggested (2018) fall season:
 - Fri Oct. 5 – Mon Dec. 3
 - Commercial reduction through season

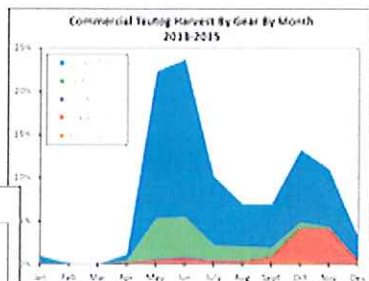
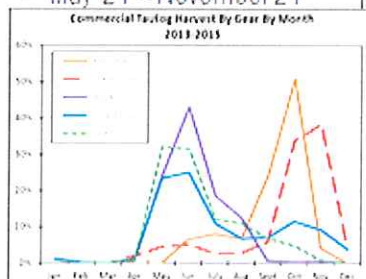


Department of Environmental Conservation

ASMFC Tautog Amendment 1 - continued

LIS Current Open Season:

- April 8 – End of February
- Possible Options for 20.3%:
 - May 26 – December 31
 - May 22 – November 30
 - May 21 – November 21



Mid-season closure? Provide suggestions.

This will be the subject of a public hearing

Department of Environmental Conservation

ASMFC Tautog Amendment 1 - continued

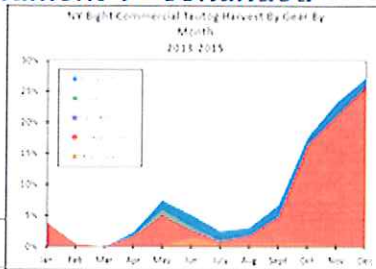
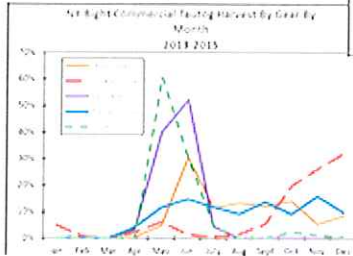
- NY-NJ Bight Region: 2% reduction
- Commercial reduction through loss of season
- Recreational:
 - 16" min size, 4 fish, -2 days in fall
 - Open all of April with 2 fish
 - Suggested (2018) fall season:
 - Fri Oct. 5 – Wed Dec. 12
- Commercial tagging implementation (both regions) ... 2019? Requires further development with ASMFC.

Department of Environmental Conservation

ASMFC Tautog Amendment 1 - continued

NYB Current Open Season:

- April 8 – End of February
- Possible Options for 2.0%:
 - April 8 – January 18
 - April 20 – End of February



Mid-season closure? Provide suggestions.

This will be the subject of a public hearing

Department of Environmental Conservation

Recreational Tautog – North Shore

Mr. Maniscalco asked for comments and suggestions. Mr. Danielson said that before the ASMFC meeting, he had the opportunity to poll recreational industry representatives from Pelham out towards Mattituck and as far as the fall season, people were willing to give up a week in October. The one caveat was that they would like to see the first weekend in December incorporated into the fishery. So if they moved back a week in October, it could be added to December. He received similar feedback from people on the Northfork.

Mr. Maniscalco would like to receive as much feedback as possible. Mr. Paradiso agrees, he would like a little more time to speak to folks in the industry, however, Mr. Gilmore said they really would like the information within the next couple of weeks, he doesn't feel it can wait until the next MRAC meeting due to the timing issues of moving a change through.

Neal Delanoy said when they talked about an April season previously, it was thought if fluke opens on May 17th, it might make more sense, if there was going to be 30 days in the Spring, to have it end on May 16th and go back 30 days bringing you to the middle of April. In doing it this way you wouldn't have 2 weeks with nothing to fish for. He still thinks that would be best. Mr. Maniscalco said the reason it was worked out this way was to keep it consistent with Connecticut.

An audience member questioned if New York and Connecticut will match. Mr. Maniscalco said the regulations are too different and if we follow Connecticut, we will lose days. Mr. Schneider asked if Connecticut is pushing back to have a later opening but Mr. Maniscalco did not know. He would be happier if the season began much later because he doesn't catch anything the first 5 days. It appeared that having the first weekend in December is something that everyone wants.

Mr. Carl LoBue said to keep in mind that Columbus Day is October 11th and a lot of private boats use that weekend to fish. Mr. Schneider replied that they could go out and fish for porgies and sea bass.

Mr. Danielson made a motion that recreational Tautog in the North Shore for 2018 have a fall season from October 11th - December 9th with a 3 fish bag limit at 16". Seconded by Mr. Paradiso.

Discussion

Mr. Paradiso wanted clarification, he wanted to know if the bag limit is set as 3 fish – is there anything that can be done to get another fish? Mr. Maniscalco said there isn't, that aspect is locked in. Mr. Paradiso also wondered about enforcement, will this be an issue? The answer was that this is going to go strictly by possession limit, DEC Enforcement will actually look at the VTR to see what water was fished. Mr. Lackner questioned if you could switch fishing areas by perhaps starting in one area but moving to another later in the day – would that be acceptable? Enforcement said it would be legal.

Mr. Marc Hoffman is for the motion, however, he would like it on the record that he is against having a separate Sound district, there isn't a specific specialized spawning area – those fish do not spread throughout the rest of New England or come down the other side of Long Island or the New Jersey coast; those fish just move in and out. It's the same on the South Shore – the pots are waiting for them.

All in favor – 10, Opposed – 0, Abstentions – 1 (Frisk) Motion passes

Recreational Tautog – South Shore

Mr. Paradiso felt that it would make sense to open Long Island Sound and the New York/New Jersey regions on the same day. Mr. Maniscalco said the season will have 69 days open so if it opens on October 11th, he will go as far as he can.

Mr. Squeri said this could lead to confusion because of the difference in bag limits. He's all for going as long as possible on the South Shore even if it's late October. Mr. Lackner said we've discussed the line, there are 2 separate areas – the needs of the North Shore were met by letting the season go where it needed to go and now we need to meet the needs of the South Shore. If their season comes later, the dates should not matter – the season should be whatever suits their needs the best. Mr. Danielson questioned if December 31st would be a viable end date for the South Shore fishery for the for-hire industry or are the boats out of the water for the most part? It was said that the boats will be in the water as long as possible. Mr. Squeri thought that most boats favor December 15th as their date to pull their boats out so perhaps we should change the opening day by a few days. It was thought to be a good idea.

Mr. Squeri made a motion to open the South Shore recreational season October 15th and move forward 69 days from that point. Mr. Witek seconded.

In favor – 10, Opposed -0, Abstentions – 1 (Frisk). Motion passes

Commercial Tautog

Since there will be a separate meeting devoted to this topic and today's agenda list is so full, this will be discussed at a later time.

MRIP Wave 4 Harvest Estimates

MRIP Harvest Estimates Through Wave 4

	NEW YORK ESTIMATED HARVEST THRU AUGUST (NO. FISH)	
MRIP	SUMMER FLOUNDER	BLACK SEA BASS
2016	695,283	525,326
2017	188,774	115,877

Summer Flounder: Coastwide harvest is down 49%

- NY harvest is down 72%
- 2018 RHL increases by ~17%

Black Sea Bass: Coastwide harvest is down 23%

- NY harvest is down 78%
- 2018 RHL **decreases** by ~15%



Mr. Davi said that of course harvest is down, the regulations were cut back. Mr. Maniscalco agreed but he said that proves that the cut back worked. He's not happy it's 72% but he is glad the cuts worked. If there is to be any liberalization, it will be done slowly. Mr. Witek said he noticed that effort was also down significantly. He also questioned how is the size distribution for Sea Bass this year compared to past years because he found small fish to be plentiful while 4 lbs and above (18" fish) were hard to come by.

Black Sea Bass Recreational Fishery in Wave 1

Wave 1 Recreational Black Sea Bass Fishery

- Approved by the Council and the Commission in October
- Proposal: February 1-28, 12.5", 15 fish for all (FH and private)
- States can opt out of participation
 - If NY participates, NY has to pay back its "share"
 - This will be taken off our allowable 2018 recreational harvest
 - Wave 1 landings largely based upon VTR data
 - Participating vessels would have to cooperate with Marine Resources requests for sampling
 - A more formal program will be in place for 2019
- **Does NY want to participate?**
 - Could cost about a week of the regular season



Mr. Danielson said that speaking to people, this did not hold appeal because many of the private boats are already out of the water. The impact from July – December, those folks do not want to have a negative impact on the fishery. Mr. Witek is following the same line of thought, what you are going to have is a fishery prosecuted by a relatively small amount of vessels yet the impact of it, when we get the "give back", they will not be the ones giving back that week, it's going to be everyone who didn't fish at that time of the year. It is not an equitable distribution of responsibility. He is also concerned about the enforceability of such an action, there aren't as many people checking the numbers at that time of the year. The benefits cannot be weighed against the consequences.

Mr. Lackner said that the private boat owners do not own this resource, the public does. These people should have the opportunity in the winter to go offshore and harvest large fish. Party boats have been pushed out of a lot of things and if this would help pay their workers, this might be a way to compensate them. Perhaps you could limit the number of trips as a way of controlling this.

Mr. Maniscalco said there is almost no data on this. In order to give you some idea of what this will cost, it's 30,000 lbs. out of 500,000 lbs. Mr. Squeri, as far as the recreational angler is concerned, he thinks they would rather have the season open in the summer rather than a week in February. Ms. Dearborn said this is compounded – losing possibly a week on top of a reduction, there are too many uncertainties. Charlie doesn't understand giving up summer season for this, something that had been fought for previously. Mr. Lackner wonders if the numbers could be tweaked – limited days, so folks could actually get out at little in February and shake their cabin fever. There needs to be a compromise. Mr. Lackner thought perhaps a staff person could be on board to monitor the situation that it doesn't get out of hand. Mr. Gilmore said he was not opposed to this concept but for him it's a staffing issue. He would not be able to supply a staff person to go out on a boat in February.

Mr. Schneider said 45% - 90% of their customers on party boats are African-American and Hispanic. Right now there isn't a representative in the room. He believes the customers would like to have fresh fish in January/February for their families. Tackle shops are dying – this could help them.

Mr. Hoffman is against opening in February because he doesn't know what the payback is going to be.

Mr. Jamie Quarasimo would be for opening in February because it would be beneficial for his business but doesn't want something to benefit him while others will lose during the summer months. Because of the uncertainty, he is against this. What upsets him is that with the plentiful amount of sea bass in the water – this shouldn't even be an issue.

Mr. Rick Etzel of the Montauk Boatman & Captains Association said most of their members are against opening in February.

Stevie from Sheephead Bay, Brooklyn thinks this would really only amount to 1 or 2 days lost, no more than that so he is **for** having an opening in February.

Mr. Joe Tangel from Moriches agrees with the previous statement, he, too, believes it will only amount to a 1 or 2 day penalty and thinks it's worth it to be open in February.

Paul Forsberg of the Viking Fishing Fleet attended the ASMFC meeting and others and the one constant is people keep saying that they don't know anything about this fishery and don't know what to do about it – he thinks it's time someone found out about it and what is going on. At the ASMFC meeting, when this topic came up – they were talking about losing a few days at most – now all of a sudden, we're up to a week? Where did that come from? This is a fishery that is 241% rebuilt and the thought of taking days away from the fishers is ridiculous. He would be for opening in February.

Mr. Jordan feels if it goes forward it would need to be tightly controlled. He remembers conversations and arguments last year when trying to set the seasons and bag limits for the recreational fishery, his feeling then as it is now, is that you already have weighted the season to the full period where NOT the majority of fishers fish. We have taken most of the effort out of the summer season and weighted it to the later months, this will do more of that. From the party boat perspective, we will be removing their availability in the summer season which are the same guys that fish in the summer and the fall and the winter. He agrees with availability as

much as possible but this has the potential to do a lot of harm in the summer. This must be a strictly controlled experimental process.

Mr. Squeri wanted to know if the penalized days have to take place any particular time. He wanted to know if some sort of buffer could be implemented so when things start to get bad, you can shut things down immediately, thereby limiting the penalty. Mr. Gilmore said in 2019 they can use “real time monitoring” but it will not be available for 2018, so it will be a roll of the dice because they will have to wait for the data to come in.

Ms. Dearborn questioned, if we opt in must we follow this example – could the numbers be altered? Also, if Wave 5 data comes in and we’re not happy with what we see, can we at that point pull back and stop fishing so we don’t have to pay anything back?

Mr. Danielson thinks it’s short sighted.

Mr. Lackner made a motion to move forward with opening the Sea Bass Fishery in February on a trial basis. Mr. Barrett seconded.

Discussion

Mr. Witek doesn’t feel this is developed enough; perhaps in a year when you can have monitors on the vessels and the proper safeguards in place, it might be work prosecuting. Given the realities of the Sea Bass fishery and the inadequacies – Mr. Witek said this isn’t vetted enough.

Ms. Dearborn said she isn’t comfortable without having more data in front of her. She is all for open access but right now, no one has the complete picture. Mr. Lackner said the argument could be made that we are always in the position to make decisions without all the information but we need to at least try; let’s give them a bone. Mr. Danielson and Mr. Squeri both said they don’t want the industry to become upset when days are being taken away from them. Ms. Dearborn wanted to know which days would get cut because not all days are equal and it makes a difference.

Mr. Squeri said if Wave 5 comes in and the numbers are high, he wants to be able to put a stop to fishing in February. Mr. Gilmore said to keep in mind that it was only in Wave 6 last year that a problem was detected; he would be comfortable in 2019 but not for the next year.

All in favor – 2, Opposed – 5, abstentions – 5. Motion fails

This will be put on the agenda in January for further discussion for the 2019 calendar year. Wave 5 data will be available.

Lobster

The following presentation was given by Kim McKown (Kim.mckown@dec.ny.gov)
(FYI - SNE – Southern New England)

SNE Lobster Workgroup recommendations

- Don't reconsider Addendum XXV
- Review goal & objectives for SNE management
- Engage with Climate change work group
- Include SNE stock changes in 2020 Stock Assessment
- LCMTs develop proposals to reduce latent effort in LCMAs 4, 5, and 6



Lobster/Jonah Crab Draft Addendum

- *NY public hearing January 9, 2018 at 6:30 pm at Marine Resources Headquarters*
- Reporting
 - % of harvesters required to report (NY 100%, ME 10%)
 - Should additional information be collected
 - What scale should spatial data be collected
- Biological sampling
 - Expansion offshore



LCMA 4 state/federal inconsistencies

- Dual permit holders in LCMA 4 do not need to remove gear from other LCMAs during LCMA 4 closed season
- NY/NJ/NMFS will work together on conservation equivalency proposal for LCMA 4 to address issues about removal of lobster pots from federal waters during LCMA 4 closed season.



Southern New England stock is already in failure so goals need to be revisited. A New stock assessment is coming out in 2020. This will look at some of the changes that are being seen in the lobster stock.

Mr. Hoffman questioned if the studies of lobster in Southern New England were correlated to the rise in the Sea Bass population. Ms. McKown replied that what they have looked at in the last assessment is the increased natural mortality starting in 1998 to the end of the assessment, the models that increase natural mortality during that time period fit the data better than models that just have a flat natural mortality rate. They think several factors contributed – increasing temperature, possible prey fields or possible diseases.

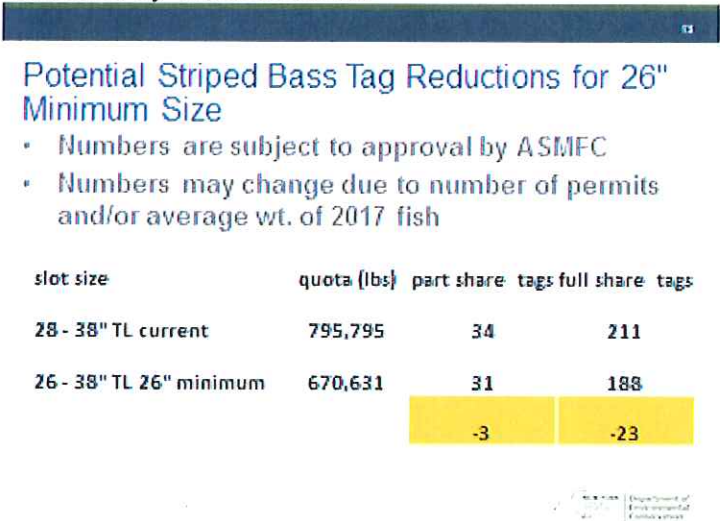
Mr. John German, President of Long Island Sound Lobster Association, said this is amendment 3 for Addendum XXV which means there are 25 Addendums to the original Amendment and each Addendum has 2-3 or even more restrictions on lobsters meaning since this Addendum has come out there have been more than 50-75 restrictions on lobsters. He wants to know at what point do you admit you don't know what the heck you're talking about. Landings continue to plummet. Ms. McKown said that sizes have increased about 1/8" and Mr. German replied that took about 10 Addendums to get there. Ms. McKown said that is why they are looking at other avenues.

Mr. Davi concurred with Mr. German – Is there a point in regulations when you realize you have no control and it's time to stop wasting everyone's time. Mr. Gilmore said he thinks they are at that point now and it's something they are considering.

Mr. Schneider said lobster will never have a chance for recovery when you have the large amount of sea bass in the water. The predation is too strong, you need to increase the harvest for sea bass in order to help the lobster. Many of the audience agreed with this statement.

Commercial Striped Bass harvest size limit

Presented by Carol Hoffman



This presentation was based on the request of what would happen if we went to 26". Mr. Witthuhn had brought this up at a prior meeting but seeing that tags would be lost, he doesn't think anyone would be happy with that so he would rather things stay status quo.

Mr. Jordan said they always knew what the average poundage was that was landed, forget about formulas - - historically speaking what the previous year vs. the current year and so forth. They would like to know if there

has been an increase or decrease compared to previous years. He believes everyone would be interested to see what affect the change in size limit had on the overall landings. Ms. Hoffman will get that information and let folks know.

An audience member questioned why this topic had come up and Mr. Jordan gave a little briefing. He stated that the size limit had been changed in order to offset a major reduction that was mandatory last year, they didn't want to feel the reduction. Some of the people in some of the fisheries are saying that they are feeling the pinch because they are seeing smaller fish and want to go back to access those fish. That is how this came about – some folks wanted to know how it would hurt them to go back to the smaller sized fish. Bottom line – if we change it back the average full time person will lose ~\$1,000. This will be left as is.

Safe Harbor Issue

Presentation by John Maniscalco

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Safe Harbor

- Bill signed by the Governor of NYS on August 21, 2017.
- The bill amended Title 9 Enforcement of Articles 11 and 13
- Allowed for commercial fishing vessels operating under other state's permits to dock in NY ports and potentially land fish if:
 - a) The vessel encountered unsafe weather
 - b) The vessel experiences mechanical issues making the trip unsafe
 - c) Someone onboard experiences a medical emergency
 - d) The vessel loses essential gear or support systems
- On September 17, 2017 a vessel headed to NC w/ thousands of pounds of fluke onboard requested Safe Harbor in NY due to two hurricanes moving up the Atlantic Coast



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Safe Harbor - continued

- North Carolina agreed to transfer 3,000 lbs of fluke to cover some of the landings
- The fisher was allowed to land and sell a portion of the fluke onboard, and the rest of the fluke was landed and given to charity
- Some of NYS's limited commercial fluke allocation was consumed by these landings
- Medical and mechanical issues are hard to predict and relatively easy to verify.
- Weather is difficult to predict and 'unsafe conditions' difficult for the Agency to judge.



Safe Harbor - continued

The purpose of Safe Harbor is safety at sea.

The assumption, regardless of the safety issue, is that the fish will ultimately be landed in the intended, permitting state.

- This may not always be possible.
- Quota transfers are not guaranteed, states don't wish them to become the norm.

To protect all of New York's commercial fishers in the future, Marine Resources propose the following policy:

- To continue to allow commercial vessels requesting Safe Harbor due to unsafe weather to dock in NY ports, as required by Law.
- However, all offloaded landings in excess of NYS trip limits for quota managed species in place at the time of the weather driven event will be required to be donated to charity, regardless of the availability of quota transfers from other states.



Mr. Davi feels it should really be that any fish over New York State's limit gets thrown back into the water. If someone comes into our docks for Safe Harbor, they need to abide by our limits.

Mr. Lackner said he actually went to Baltimore to ask for them to consider reallocation amongst the states. He said we have an unfair piece of the pie regarding allocation of summer flounder - - he was laughed at. He then suggested flexible landings, we would land the fish in one state but they would be counted to the state where the vessel is registered - again, he was laughed at. What they did come back with was that they would consider a more flexible means of transfers. North Carolina was one of the states to agree to this. However, when this was put to the test, they balked. Mr. Lackner believes this is leaving no other recourse than to sue for equal access to the fish.

Mr. Gilmore responded that when that particular fisher called in to declare Safe Harbor, the NYSDEC checked weather conditions and found that he met the criteria - the 10ft sea limit was exceeded in Virginia. The next point was that North Carolina does honor Safe Harbor, however, their parameters only include mechanical failure, they do not recognize bad weather conditions. NYSDEC did convince them to cover half of the load (3,000 lbs). The Governor became involved and it was decided that it would come off NY's quota. Mr. Gilmore agrees, the way to fix this is to fix the allocation problem.

Mr. Danielson wants to know what they can do to make sure this doesn't happen again. Mr. Davi said perhaps it should come off that person's landings for the rest of the year. Or, could the fish be put back in the water?

Mr. Maniscalco said that they were caught in federal waters and therefore, they are going to need to be accounted for - someone will need to be held responsible.

Mr. Danielson wanted to amend this "guidance" to say that they can only land what the reciprocal state is willing to transfer in quota against what is on board that boat.

Mr. Squeri made a motion to move to require fish that exceed NYS's trip limit to remain with the harvester; provided, however, that if any state shall transfer a portion of its quota to New York to accommodate additional landings, fish equal to such quota transfer may also be offloaded in New York. Once safe harbor is initiated, the vessel must cease fishing and immediately head to port, Seconded by Mr. Davi.

Discussion

Mr. Mihale said you are putting someone's life in danger when you threaten to take his fish away. The simplest solution is to make it count against the other state, to which everyone agreed. Mr. Augustine said the people need to contact the Governor himself and explain how adversely this affected NY fishers.

Ms. Solomon wondered if there was a way to keep a buffer of sorts just for this purpose?

All in favor – 10, Opposed – 0, Abstentions – 2 Motion passes

Commercial Licensing Meeting

A sub-committee had been formed to go over transferability of licenses. Mr. Davi is the chairperson and he has put together a presentation, however, it is only in the beginning phase. The task for the group is to go over 3 aspects: 1) License transfer 2) Apprentice Program 3) and possibly a Buy Back Program. The bottom line is that if you currently have a food fish license now, you will be put into a specific category based upon VTRs. It won't change their fishing status, as long as they are the original holder of the license and should the quota go up, they can catch more fish. If the numbers go down, they also will have to abide by the regulations. Anyone new that comes in through an apprenticeship program or whoever is grandfathered in by showing proof that they have been working in the foodfish industry, will have to abide by the new rules. For instance, should a new entry want to receive a foodfish license, he/she would enter the apprenticeship program, upon completion they will receive a certificate and they would then be eligible for a transfer of a license from someone who holds a license.

He ran this draft by Assemblyman Fred Theile and Senator LaValle. Something that he believes strongly in is that a control date needs to be put in place and he would like it to reflect today's date. He feels this will protect everyone who now holds a license.

Mr. Jordan, who is a member of the subcommittee, wanted to set the record straight – there *wasn't* a set of meetings for this group. The entire package was presented to himself, Mr. Frisk, Mr. Lackner and Mr. Gilmore just a week ago. He personally did not have a hand in this, he feels it was a committee of one – Mr. Davi's alone. Mr. Jordan said when they saw the package a week ago, he had many reservations as did Mr. Lackner and he doesn't feel his name should be on it.

Mr. Lackner believes there is political pressure right now to come up with a commercial transferability program. He would welcome new entrants into the fishery but he feels the State is putting the cart before the horse. You cannot start transferability on a license that was handed out for free, was worth \$0 but now all of a sudden it has a price tag on it and now begin transferring. It's the wrong sequence. What needs to take place first is to determine as a state, who is and what are the commercial fishers – this has yet to be decided. He believes this plan has a great deal of merit and he wanted to thank Mr. Davi for his hard work, however, moving forward we first need to do a slight re-qualifier on the licenses and lengthen the process out. It's on too fast of a track. We shouldn't just be transferring licenses because currently there are too many licenses but not enough quota. We also need to look at the residents of this state and find out who has a license; there are still plenty of non-residents in this state that have a license; we also need to find out where the zeros are – where are the inactive licenses are, once we find them, they should go away. Now the pool is smaller, it's that simple. From there the next step might be to see who's full time and who's part time and then we move forward with transferability because we now know what our asset is and what we are dealing with. We cannot leave this to the political people because decisions need to be made by the people who use the resource; people who understand and know this industry. Mr. Lackner thinks Mr. Davi gave great thought and is being very fair, he just believes there is much more to be considered and doesn't want to rush into anything. Mr. Danielson also thanked Mr. Davi but said moving forward there needs to be representative from both sides of the aisle. That's

how subcommittees have always worked previously and should continue to follow that format. Anything we do as a Council should be all inclusive.

There is a big meeting with legislators, who are not fully versed in the Commercial fishing industry, tomorrow and instead of confusing them with something and losing their interest with something they will not understand and quite frankly is not completely agreed upon by us, our voice should focus on them identifying the overall condition of the fishery, what the problems are, and how they would like to see the fishery in the future. It will then be up to us to iron out the details. They also need to hear our concerns about latency, domicile and the rest of the matters.

Mr. Gilmore thought Mr. Lackner laid out the plan perfectly for the next day's meeting and how we should proceed. The allocation issue is probably the biggest issue of all; then you get into over capitalization of the fishery. We need to begin by asking for more quota first, secondly we have to reduce the number of licenses that are in the fishery to get rid of the latent licenses – this issue is an important one because this involves millions of dollars. Transferability and new entrants should follow.

Mr. Jordan said his biggest problem with the document is that its now forcing the assignment of value on permits that right now have no value. Years ago these licenses were made non-transferable by the state for a reason, the reason is control. Without the state having control the fishery could expand to the point of participation where it would implode (where we're almost at now) or where it would wither away to nothing. The lack of transferability allows the State to control the survival of the fishery. The State realized that and pointed it out to us when it originally gave out corporate permits and realized corporate permits ALLOWED transferability and they shut the door on that loophole as soon as they realized that. In the world we live in right now, licenses do not have a value – we made a mistake 10 years ago when we tried to help families where the breadwinner died with fishing assets that couldn't be disposed of without a license to go along with it. That has now become a back door to transfer every license and our mistake has already started to give value to licenses that have no value. Mr. Davi's document increases the perception of latent licenses to those people who fight tooth or nail to retain them because we're telling them they will be worth something. Now try to get those licenses back – it won't happen! This is the wrong direction to take. We have too many players and not enough fish. We need to shut this down and explain why. He is against transferring of licenses.

Mr. Davi said it's easy for Mr. Jordan to say because he doesn't own a commercial boat or business. Mr. Jordan countered that he has many businesses, 2 corporate boats and multiple boats.

Mr. Davi made a motion to come up with a control date today (NOVEMBER 8TH) on any future history building that would affect the transfer of licenses. Seconded by Mr. Lackner.

Mr. Lackner then gave a friendly amendment -

Move to establish a control date as well as a requalification of commercial fishing licenses to address possible latent effort as a precursor to the building of a transferability program. Control date being November 8, 2017.

All in favor – 4, opposed – 1, abstention -7 motion passes

Jonah Crab Management

The following presentation was given by Kim McKown (Kim.mckown@dec.ny.gov)

Jonah Crab FMP and Addenda

FMP Adopted (August 2015)

- 4.75" minimum size
- Directed fishery limited to lobster permit holders and lobster gear

Addendum I (May 2016)

- Bycatch limits for non-trap gear (net, trawl, etc) 1,000 crabs per trip
- Bycatch limits for non-lobster gear (crab pots, etc) 1,000 crabs per trip

Addendum II (February 2017)

- Claw Harvest: If keeping > 5 gallon bucket of claws there is a 2.5" size limit
- Bycatch definition: Weight of Jonah crab retained must be less than target species for the trip



Jonah Crab Proposed Rules

Minimum size

- 4.75" for whole Jonah crab for both commercial & recreational fisheries

Claw only harvest option

- If > 5 gallon bucket is kept there is a 2.5" size limit
- Only applies to commercial fishery, recreational fishers must harvest whole crabs.

Bycatch limit

- Rules to give NY authority to set bycatch limits from non-trap gear & non-lobster trap gear.

Gear Definitions

- Changes to existing gear and escape panel definitions to include all crab pot and trap gear and add additional escape panel design.



Jonah Crab Proposed Legislation

Recommend the department legislative package include revisions of ECL 11-0329 to allow for lobster permit holders to directly target Jonah crab with lobster pot gear.

Bycatch rules wont be enacted until this legislation is in place.



Jonah Crab Regulatory Proposal Timeline

Currently

- Regulatory Initiation Memo has been approved

Late Fall/Winter

- Develop regulatory package
- Internal review and sign off
- publish in DOS register – 45 day comment period
- Assessment of public comments (Jan - Feb 2018)

April

- Adopt the rules



Ms. McKown said they are looking for authority to set by-catch limits and once they have that Legislative authority they will be able to do so. Without that change, there won't be a means for the fishers to have a directed harvest. Once this regulatory proposal is given, there will be a 45 day public comment period.

The topic of For-Hire non-compliance on today's agenda will be placed on January's due to the length of today's meeting.

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: <http://you.stonybrook.edu/mrac/meetings/> Should you wish to suggest an agenda topic, contact the Chairman, Michael Frisk, (Michael.frisk@stonybrook.edu); phone 631/632-8656; Staff Assistant, Kim Knoll, (kim.knoll@stonybrook.edu)

Meeting dates for 2018

January 23, 2018 (we will then choose the remainder of the calendar year's meetings)