



Marine Resources Advisory Council
April 18, 2017
11:00 a.m.

Volume XXVIII No. 3

Sean Barrett

Michael Craig

Robert Danielson

John Davi, Jr.

Melissa Dearborn

Vincent Finalborgo

Thomas Jordan

Hank Lackner

Joseph Paradiso

Christopher Squeri

Charles Witek

Steve Witthuhn

Dean Yaxa

Michael Frisk
Chairman

Kim Knoll
Staff Assistant

Chairman Frisk explained that due to the cancellation of the March Council meeting, it was thought to have this special meeting prior to the Legislative Review meeting (scheduled for 2:00 p.m. today) in order to bring everyone the most up to date information for Summer Flounder, Black Sea Bass and Scup.

Public comment is being pushed to the end of the meeting in order to ensure the three fisheries are completely covered in the 1 ½ hours allotted for this session.

Mr. Gilmore said they are considering webcasting for future meetings so as an experiment; Councilor John Davi will be participating via webcast for today's series of meetings. He then went on to introduce his students from the Fisheries Management course he teaches at Stony Brook University.

Announcements

Dr. Frisk introduced our two newest Councilor members: Mr. Hank Lackner who will be representing our commercial sector and Mr. Vincent Finalborgo who will be representing our recreational sector. With these changes, we now have one vacant commercial seat.

Summer Flounder


Mr. Gilmore began the topic by reminding everyone where things stood. The fall stock assessment showed that New York needed to lower their quota by 30% to compensate for the limited stock. On top of that when the data from MRIP came out, it showed that the recreational harvest went over their limit thereby bringing another cut of 11%. NOAA fisheries required all states in the fishery to reduce their recreational harvest limit by 41%. New York challenged this at the joint meeting in February between the Council and Commission because all indications of fishing in the area showed low numbers, no one was doing particularly well.

In the original Addendum, there were 5 options for the 2017 harvest. Mr. Maniscalco came up with Option 5 which instead of focusing on each individual state with regard to their numbers and percentage cut; it was thought to "share the pain." Here is what was decided on at that meeting

Summer Flounder - ASMFC Addendum XXVIII Option 5

STATE	2016 Projected Harvest	Example Size Limit	Example Possession Limit	Example Season (# of days)
MA	56,642	17"	4 fish	125
RI	92,821	19"	4 fish	245
CT	950,178	19"	3 fish	128
NY				
NJ*	782,142	19"	3 fish	128
NJ/ DEL BAY COLREGS**	8,916	18"	3 fish	
DE	191,636	17"	4 fish	365
MD				
VA				
NC	17,074	15"	4 fish	365

NOAA filed their proposed rule accepting these harvest regulations at 8:45 AM today

 Department of Environmental Conservation

Every state would go up 1" in size limit, go down in their bag limit; each state would have either a 3 or 4 fish bag limit. By doing this, it would preserve the season for each of the states. The DEC had been waiting for notification from NOAA that these measures were approved which they received the morning of this meeting. Mr. Gilmore commended Mr. Maniscalco and Mr. Heins for their herculean efforts to pull this together.

New Jersey, however, is doing everything they can to keep their 2016 limits. Mr. Gilmore isn't sure how this will end up, but he is staying informed.

Discussion by Council members:

Mr. Danielson wanted to acknowledge the efforts of Mr. Maniscalco and Mr. Heins and thanked both of them on behalf of the recreational fishing community.

Mr. Paradiso questioned what the consequences would be for New York in 2018 if New Jersey chooses to go out of compliance? Mr. Gilmore said the Commission meets the second week in May and should New Jersey go out of compliance, he is unsure of the trickle down affect should this occur.

Mr. Witthuhn asked when we can expect the newest bench mark stock assessment, in 2018? 2019? Mr. Maniscalco believes if the MRIP re-estimate data (that is using the new effort surveys) is received by the end of 2017, they can begin the bench mark process in 2018, but it will go into peer review and you might not see results until the beginning of 2019.

Audience discussion

Stu Paterson said if we know that if 90% of the trawls will contain 19" fish that are mostly female – aren't we going to be back here come fall. Why would we catch the fish that are our breeding stock? We are just continuing this dysfunction.

Mr. Gilmore said there is data that catching 19" fish is NOT having a significant impact on the fishery. Mr. Maniscalco said everyone proposes a slot limit but are you going to accept a 30 day season?

Mr. Paterson asked the follow-up question - Are we more worried about the numbers than the fish? In any other species, we do not kill the mother source.

Mr. Maniscalco said there have been studies on the sex ratio of catch. They found that larger fish are predominantly female, inshore fish as well are predominately females. Males and females segregate so do you want to take away your inshore fishery and fish outside. You can't catch 19" fish in the bay? We cannot do a slot limit.

Mr. Ken Higgins asked why catching slot sizes, including a 14" fish only gives New York a 30-day season; don't they go by poundage? Mr. Maniscalco said, yes they do, however, since the availability of those fish are very high, instead of harvesting 700,000 fish at 18", you would end up harvesting 2,000,000/3,000,000 fish at 14" – 18". You would end up overfishing.

Mr. Tyler Quarsimo asked if the males can be considered less valuable, so you might catch more but would it matter as much? Mr. Maniscalco said you still need males to breed with the females so he's not sure how to answer this question.

The statement – "Inshore are females, males are offshore" – folks did not agree with this statement.

Anthony Quarasimo – agrees that males are predominately smaller fish but wonders why they shouldn't be targeting both male and female and by going with a slot size, you could do that.

Mr. Maniscalco said the fishery is targeting mostly females and it will hurt the fishery

Dr. Frisk said that Dr. Pat Sullivan from Cornell University has been working on a sexual dimorphic model and is looking at these specific issues. He would be happy to reach out to Dr. Sullivan and see if he would be able to attend a meeting to go over his findings. This is a sample of his work: <https://dnr.cals.cornell.edu/people/patrick-sullivan>. They are going into deeper waters.

Mr. James Schneider said everyone knows it's a female fishery and targeting the females in any other hunt would never happen. They are now being forced to go out into deeper waters, whereas they used to be able to fish in the bay – not only do their boats take a beating but you can't even bring young people on the boat because of the rough water, they become violently ill. Any experienced fisherman would disagree with the statement about targeting the females doesn't matter.

Councilor Danielson hears and understands what Mr. Schneider and others are saying and complaining about but the DEC doesn't control this. The Council is more than willing to help but it's not controlled at the State level, it's Federal.

Mr. Schneider said that Rhode Island lets you measure the fish with their mouth open, it's a slight "give back" that will add 1 ½ inches to the size. It might be slight but it's *something*. New York never gets anything.

Mr. George Bartenback said The Bay doesn't hold any large fish (14-18") and he can say this as a fisherman who has been fishing for over 50 years. Who makes NOAA be responsible for calling all the shots? Aren't they reading the VTRs that are being submitted? Where is the true data that says were overfished? The only time you hear from NOAA is if you filled your form out wrong. You have people in control who, at the end of the week get a paycheck one way or another – it seems that all they are trying to do is put us out of business.

Mr. Paterson wanted to know how do we create some accountability for NOAA? Mr. Vic Vecchio from NOAA was an audience member and he said he's listening to everyone's comments. Mr. Paterson said if there is nothing the Council can do to help, why do we bother coming to these meetings? Something needs to change. Councilor Danielson said everyone should think about where we would be now if Mr. Maniscalco and Mr. Heins didn't intervene with Option 5? There is good that comes from the Council and hopefully the Council can help in bigger and better increments.

Mr. Paterson said it's a disgrace that information doesn't come out in a timely manner. How are people supposed to run their businesses when they don't know dates, quotas, and limits? We're 30 days out and we still don't know what's what.

Councilor Dearborn thinks the Council should work towards more consistency in the regulations. We shouldn't need to figure things out year after year, we need to find options that can stick around for a while. In addition, there is something we can do as a council and an audience. This body of fish has moved further north and we have more access to them than we have had so when the Amendment comes through we all need to stay involved and fight for better allocation.

Mr. Gilmore added that the Magnuson-Stevens Act is up for reauthorization next year. Everyone needs to stay heavily involved. Your Federal elected officials will be weighing in for changes to the Federal Law. This only comes up every 10 years and now is the time to get involve.

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***Black Sea Bass***

Mr. Gilmore began by stating the stock is in very good condition and is way above the target. So we are finally able to liberalize. On the commercial side things will work out well. However, on the recreational side, MRIP is showing overfishing. Based on that information they are calling for a 28% reduction in harvest for 2017.

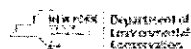
At the joint meeting in February as well as the follow up board meeting the states from New Jersey to Massachusetts have voted unanimously to keep the limits the and management the same as last year. Unfortunately, NOAA fisheries are showing overharvesting in Wave 6 for New York. The DEC is getting a briefing tomorrow to look at the data but Mr. Gilmore is not optimistic; he believes we will need to enforce a 28% reduction. New York and several others have banded together and are disputing the cut. This will be a major topic at the ASMFC meeting being held in April in Alexandria. If we stay status quo, this is what you have:

| State          | Minimum Size (inches) | Retention Limit | Open Season                                   |
|----------------|-----------------------|-----------------|-----------------------------------------------|
| Alabama        | 14                    | 10 fish         | May 15-September 31<br>October 15-December 31 |
| Arkansas       | 14                    | 10 fish         | January 1-December 31                         |
| California     | 15                    | 5 fish          | May 15-August 15<br>June 25-August 15         |
| Florida        | 14                    | 5 fish          | September 1-December 31                       |
| Georgia        | 14                    | 5 fish          | May 1-September 31                            |
| Hawaii         | 14                    | 5 fish          | June 25-August 15<br>September 1-October 31   |
| Idaho          | 14                    | 10 fish         | September 1-December 31                       |
| Illinois       | 12.5                  | 10 fish         | May 15-June 15<br>July 1-August 15            |
| Indiana        | 14                    | 15 fish         | October 1-December 31                         |
| Iowa           | 12.5                  | 15 fish         | May 15-September 31<br>October 1-December 31  |
| Kansas         | 12.5                  | 15 fish         | May 15-September 31<br>October 1-December 31  |
| Kentucky       | 12.5                  | 15 fish         | May 15-September 31<br>October 1-December 31  |
| Louisiana      | 12.5                  | 15 fish         | May 15-September 31<br>October 1-December 31  |
| Maine          | 12.5                  | 15 fish         | May 15-September 31<br>October 1-December 31  |
| Maryland       | 12.5                  | 15 fish         | May 15-September 31<br>October 1-December 31  |
| Massachusetts  | 12.5                  | 15 fish         | May 15-September 31<br>October 1-December 31  |
| Michigan       | 12.5                  | 15 fish         | May 15-September 31<br>October 1-December 31  |
| Minnesota      | 12.5                  | 15 fish         | May 15-September 31<br>October 1-December 31  |
| Mississippi    | 12.5                  | 15 fish         | May 15-September 31<br>October 1-December 31  |
| Missouri       | 12.5                  | 15 fish         | May 15-September 31<br>October 1-December 31  |
| Montana        | 12.5                  | 15 fish         | May 15-September 31<br>October 1-December 31  |
| Nebraska       | 12.5                  | 15 fish         | May 15-September 31<br>October 1-December 31  |
| Nevada         | 12.5                  | 15 fish         | May 15-September 31<br>October 1-December 31  |
| New Hampshire  | 12.5                  | 15 fish         | May 15-September 31<br>October 1-December 31  |
| New Jersey     | 12.5                  | 15 fish         | May 15-September 31<br>October 1-December 31  |
| New Mexico     | 12.5                  | 15 fish         | May 15-September 31<br>October 1-December 31  |
| New York       | 12.5                  | 15 fish         | May 15-September 31<br>October 1-December 31  |
| North Carolina | 12.5                  | 15 fish         | May 15-September 31<br>October 1-December 31  |
| North Dakota   | 12.5                  | 15 fish         | May 15-September 31<br>October 1-December 31  |
| Ohio           | 12.5                  | 15 fish         | May 15-September 31<br>October 1-December 31  |
| Oklahoma       | 12.5                  | 15 fish         | May 15-September 31<br>October 1-December 31  |
| Oregon         | 12.5                  | 15 fish         | May 15-September 31<br>October 1-December 31  |
| Pennsylvania   | 12.5                  | 15 fish         | May 15-September 31<br>October 1-December 31  |
| Rhode Island   | 12.5                  | 15 fish         | May 15-September 31<br>October 1-December 31  |
| South Carolina | 12.5                  | 15 fish         | May 15-September 31<br>October 1-December 31  |
| South Dakota   | 12.5                  | 15 fish         | May 15-September 31<br>October 1-December 31  |
| Tennessee      | 12.5                  | 15 fish         | May 15-September 31<br>October 1-December 31  |
| Texas          | 12.5                  | 15 fish         | May 15-September 31<br>October 1-December 31  |
| Utah           | 12.5                  | 15 fish         | May 15-September 31<br>October 1-December 31  |
| Vermont        | 12.5                  | 15 fish         | May 15-September 31<br>October 1-December 31  |
| Virginia       | 12.5                  | 15 fish         | May 15-September 31<br>October 1-December 31  |
| Washington     | 12.5                  | 15 fish         | May 15-September 31<br>October 1-December 31  |
| West Virginia  | 12.5                  | 15 fish         | May 15-September 31<br>October 1-December 31  |
| Wisconsin      | 12.5                  | 15 fish         | May 15-September 31<br>October 1-December 31  |
| Wyoming        | 12.5                  | 15 fish         | May 15-September 31<br>October 1-December 31  |

## Black Sea Bass

ASMFC voted to maintain status quo (2016) recreational harvest measures for black sea bass

To be continued...



## Discussion by Council Members

Mr. Squeri said the time Wave 6 covers, no one was fishing, the weather was horrible, specifically the wind. He doesn't know of anyone and many of the audience concurred who caught Sea Bass in December. The statistics are completely wrong – how can you blame folks for not following regulations? Mr. Jordan said this is absolute insanity. This is what makes the Council's credibility so thin. To have a population that's 240% of expectations deal with a 28% reduction that was caused by managing a gigantic fishery *like it was minuscule* and not realize the error of your ways is ludicrous. This is the time to go to your local politicians and let them know how you feel.

Chairman Frisk asked what the Council would like to do as a body. There are issues with the survey for this species that produce those numbers; MRIP was originally intended to estimate on a much broader-scale and not on smaller scales (state by state).

Mr. Jordan said perhaps we should ask the Governor to write a letter to NOAA to look at the situation from outside of the system because clearly, the system is poisoned.

Mr. Witek said, that is the problem stated very succinctly. The survey is designed to measure catch over a large expanse both temporally and spatially but the regulations do not. Every state has different regulations; they are broken down by wave, by sector; making data collection very difficult. You do not have consistent regulations - state by state, wave by wave, sector by sector. It is probably the worst way to manage a fishery. We should be looking to do what we do for Scup. Have all the major harvesters on the same page, same regulations, same size limit, same bag limit, same season length. We would be in a lot better shape.

Ms. Dearborn said this is just like the Scup fishery from a few years back. She asked if there was precedence for ASMFC for going out of compliance against the Federal regulations. Mr. Gilmore said the concern is the size distribution issue. The problem with defying the regulation is the Feds could come back with a coast wide measure from New Jersey to the Carolinas'. Keep in mind who is voting – Fish & Wildlife as well as National Marine Fisheries Service – both entities sit on the Commission and will cast their vote; we will most likely lose.

Mr. Jordan made a motion: Move to submit a letter to NOAA's Regional Administrator as well as our Congressional leaders to maintain status quo and consider liberalization of recreational Black Sea Bass fishery in New York for 2017. Mr. Danielson seconded.

#### *Council discussion*

Mr. Paradiso thinks one of the arguments the letter should make is to point out the abundance of the stock assessment numbers (he believes it to be historical) vs. the reduction, shouldn't the assessment be used to offset the overharvest numbers?

Mr. Jordan believes the letter should address the specific issue of managing a gigantic fishery as if it were minuscule. How do you manage a fishery while ignoring its true size?

It was agreed that the motion would be of a general nature but a subcommittee can be formed to really work on the specifics.

Mr. Squeri said this is a perfect example of what is wrong with the system and when we consider making any changes or alterations to the Magnuson Stevens Fishery Conservation Management Act as it comes up for renewal, we need to keep this in mind specifically.

Mr. Witek doesn't believe the letter should be sent to our Congressional leaders, he doesn't feel this is the proper venue for fisheries management issues. If you are talking about broad policy management, then yes, but specifics such as this are not appropriate. The Regional Administrator would be the best fit for this. As a matter of fact, Mr. Witek ran into John Bullard who is very aware of this very problem. Mr. Bullard actually concurs, he, too, believes a mistake has been made.

Many of the Councilors said they would be including our Legislators simply to make them aware and hopefully have them rally for us. Perhaps we could send the letter as a "cc."

#### *Audience discussion*

Mr. Mihale said if you're going to send a letter, you should include **all** your grievances. For instance, earlier in the meeting it was brought up about the delay in knowing regulations for the upcoming year. You should always be one year ahead so people in the industry can plan their schedules.

Arnold Leo, representing the fishing industry of East Hampton said it would be significant to record that the recreational catch for Wave 6 showed an increase ten times higher than *anything* previously noted. The numbers are simply not credible. It certainly warrants liberalization.

Dr. Frisk also agrees, the numbers that came up, which led to the problem is due to the fact that the estimate is being estimated on sub-units and that's why the numbers do not seem to make sense. The numbers do not coincide with historic landings.

Mr. Gilmore said this is where amending the Magnuson Stevens Fishery Conservation Management Act is needed. NOAA must make their decisions using the guides as set within the management act. If they don't, they could get sued. The DEC is trying to show them how and why the numbers do not make sense and if they don't make sense, then why are we using them.

The audience was overwhelming in favor of the Council writing letters. They don't understand how we can have a stock assessment showing how healthy the stock is, yet; once again we're being penalized. Just ridiculous!

**Vote:**

**All in favor – 10 Opposed – 0 Abstentions – 2 (Frisk and Witek) Motion passes**

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Black Fish – Tautog

Mr. Gilmore reminded folks that there has been much discussion about coming back to an earlier spring season for black fish for 2017. The DEC has been in contact with ASMFC regarding this and while it is too late to do this for 2017, we can begin the process for the 2018 season sometime in the fall. Mr. Gilmore wanted it noted that while many folks want the earlier season, there seem to be just as many who worry about interfering with the spawning season and do not want to see this happen.

Mr. Danielson would like to Council to be able to view the correspondence received, or a tally of - in favor vs. not in favor. He's skeptical about people being against this in large numbers. He realizes not everyone will be for it, but surprised that *many* would not want to see this opened earlier. Both Mr. Gilmore and Dr. Frisk said they will keep a tally from any correspondence received.

John Schoenig said he personally has worked very hard to get this in motion and at the same time, he has stressed to keep the spawning season in mind. He believes we can have an earlier season while being cautious of spawning. He asked when this should be placed on the Council's agenda for optimal benefit and Mr. Gilmore said September's would be best. ASMFC will get together in October so the Council's request can be presented then.

John Mihale talked about the problem of a recreational fisherman keeping live blackfish which is illegal. He said the easiest way to solve this particular problem would be to require fishermen to cut the fish's neck so it can bleed to death. There is no reason for any recreational fisherman to be in possession of live blackfish. Tagging is another problem.

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**MRAC Calendar Dates for 2017**

May 16<sup>th</sup>  
July 18<sup>th</sup> – 6:00 p.m.\*\*  
Sept. 12<sup>th</sup>  
Nov 14<sup>th</sup>

All meetings will take place at 2:00 p.m. at the DEC Offices – 205 Belle Mead Road, East Setauket unless otherwise noted.\*\*

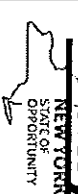
For agenda items and any pertinent graphs, charts or data, please check the Council's web page prior to a meeting.  
<http://you.stonybrook.edu/mrac/meetings/>

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](mailto:michael.frisk@stonybrook.edu)); phone 631/632-8656; Staff Assistant, [kim.knoll@stonybrook.edu](mailto:kim.knoll@stonybrook.edu)

## Summer Flounder - ASMFC Addendum XXVIII Option 5

| STATE                    | 2016<br>Projected<br>Harvest | Example<br>Size Limit | Example<br>Possession<br>Limit | Example<br>Season (# of<br>days ) |
|--------------------------|------------------------------|-----------------------|--------------------------------|-----------------------------------|
| MA                       | 56,642                       | 17"                   | 4 fish                         | 125                               |
| RI                       | 92,821                       | 19"                   | 4 fish                         | 245                               |
| CT<br>NY                 | 950,178                      | 19"                   | 3 fish                         | 128                               |
| NJ*                      | 782,142                      | 19"                   | 3 fish                         |                                   |
| NJ/ DEL BAY<br>COLREGS** | 8,916                        | 18"                   | 3 fish                         | 128                               |
| DE<br>MD<br>VA           | 191,636                      | 17"                   | 4 fish                         | 365                               |
| NC                       | 17,074                       | 15"                   | 4 fish                         | 365                               |

**NOAA filed  
their  
proposed  
rule  
accepting  
these  
harvest  
regulations  
at 8:45 AM  
today**



Department of  
Environmental  
Conservation



| State                                                       | Minimum Size<br>(inches) | Possession Limit | Open Season                                    |
|-------------------------------------------------------------|--------------------------|------------------|------------------------------------------------|
| Maine                                                       | 13                       | 10 fish          | May 19-September 21;<br>October 18-December 31 |
| New Hampshire                                               | 13                       | 10 fish          | January 1-December 31                          |
| Massachusetts                                               | 15                       | 5 fish           | May 21-August 31                               |
| Rhode Island                                                | 15                       | 3 fish           | June 24-August 31                              |
|                                                             |                          | 7 fish           | September 1-December 31                        |
| Connecticut (Private & Shore)                               |                          | 5 fish           |                                                |
| CT (Authorized party/charter<br>monitoring program vessels) | 15                       | 8 fish           | May 1-December 31                              |
| New York                                                    | 15                       | 3 fish           | June 27-August 31                              |
|                                                             |                          | 8 fish           | September 1-October 31                         |
|                                                             |                          | 10 fish          | November 1-December 31                         |
| New Jersey                                                  | 12.5                     | 10 fish          | May 23-June 19                                 |
|                                                             |                          | 2 fish           | July 1-August 31                               |
|                                                             | 13                       | 15 fish          | October 22-December 31                         |
| Delaware                                                    | 12.5                     | 15 fish          | May 15-September 21;<br>October 22-December 31 |
| Maryland                                                    | 12.5                     | 15 fish          | May 15-September 21;<br>October 22-December 31 |
| Virginia                                                    | 12.5                     | 15 fish          | May 15-September 21;<br>October 22-December 31 |
| North Carolina, North of<br>Cape Hatteras (N of 35° 15'N)   | 12.5                     | 15 fish          | May 15-September 21;<br>October 22-December 31 |

**Black Sea Bass**  
**ASMFC voted to**  
**maintain status quo**  
**(2016) recreational**  
**harvest measures**  
**for black sea bass**  
**To be continued...**



Department of  
Environmental  
Conservation