

Marine Resources Advisory Council

Marine Resources Advisory Council
July 18, 2017

Volume XXVIII No. 5

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

July's Council meeting has traditionally been held in the evening to better accommodate the fishing industry's busy summer fishing schedule. Dr. Frisk opened the meeting by going over the agenda followed by introductions by the Councilors present. Mr. John Maniscalco was representing the DEC's Marine Fisheries at today's meeting since Mr. Gilmore was unable to attend.

Public Comment – Non agenda items

Mr. Marc Hoffman who sits on the Atlantic States Marine Fisheries Commission Advisory panel for Fluke, Scup and Sea Bass said at the most recent meeting (held in Maryland on June 28th) he left there feeling apprehensive about the validity of statistics that get bandied about during meetings. More importantly he worries about the decisions that are made based on the same wrong statistics.

Mr. Frisk brought up the letter that he and several of the Councilors have been working on that addresses concerns about how the MRIP data is used in the management process. The MRIP survey was primarily designed to provide a coastal estimate of the stock and is now being used to estimate catches by state, sector and wave. In doing it this way the variability is going to be high. Mr. Hoffman thought to have a greater impact the Council should combine efforts with other states. Mr. Maniscalco said the Commissioner has received many letters from the fishing industry in New York including concerns and objections from the DEC.

Since the meeting, the Chairman has sent the Council's letter to the Mid-Atlantic Council's Director – Christopher Moore – copy attached. (This was also sent to Senator Schumer, Congressman Zeldin, Assemblyman Thiele.)

Mr. Ron Turbin attended the public wind farm project meeting. He was very impressed with the presentation given. Most of the public's queries were about the cost associated with the project so Mr. Turbin thought to pursue another avenue; his question concerned the electro-magnetic field that will be created when the cables are embedded in the ground 6 ft below. What will happen when Striped Bass begin their migration; since they travel relatively close to the shore this would have a direct impact on them as they travel through these fields. He said, they did not have an answer for him; however, they directed him to their specialist in the room. This person told him that

Michael Frisk
Chairman

Kim Knoll
Staff Assistant

there is currently a survey being performed wherein they are using sharks, rays, skates and lobsters. He is concerned they are moving forward without knowing the consequences of the magnetic field beforehand. He would hate to see this installed only to find a crash in any fish population six months down the road. Mr. Turbin isn't against wind farms, and he agrees it's clean energy, he just thinks we need to proceed with caution. Mr. Danielson said he just returned from Block Island and he can attest to the fact that fishing is fine. Mr. Turbin is more concerned about long-term affects. Mr. Davi voiced his opposition to the windmills being installed altogether. Mr. Frisk said the reason they chose those species is because they believe those will be the most affected. Europe has performed studies and he is unaware of any detrimental long term effects. He also stated that there are currently magnetic fields running through the Hudson River in New York which seems to not have any adverse effects on the species that migrate through area.

Mr. Joseph McBride representing the Montauk Boatmen and Captains Association spoke and later submitted this memo to fully encapsulate his thoughts and concerns surrounding State and Federal Fishing Regulations

- I. Economics: Sea Grant
 - a. The Sport Fishing industry is a \$2 billion business on LI
 - b. It employs over 10,000 full and part time people
 - c. Figures do not include a multiplier effect or the sale of boats
- II. Demographics of customer base:
 - a. Most of their customers are from the Metropolitan area
 - b. Small or noncompetitive bag and size limits will result in their customers going to New Jersey or Rhode Island
- III. ASMFC: Blackfish Options:
 - a. The MBCA respectfully requests that NYS enact the 2016 Blackfish status quo for 2017
 - b. This should be done to protect the fishermen of New York State.
- IV. Politics: To Charter and Party Boats and other related businesses:
 - a. The MBCA strongly suggests that all geographic areas from Sheepshead Bay to Montauk enlist the aid of their local, state and federal representatives to assist us as does the New Jersey DEC.

His suggestion is for each fishing community to get in touch with their local, state and federal representative and let their voices be heard.

Mr. James Schneider referenced the last MRAC meeting and said that 99.999% of the comments made during "public comments" showed almost a complete consensus that the Blackfish fishery move forward with status quo. He believes when you have such a heavily endorsed agreement, it should weigh more and receive the deserved consideration, unless of course, there is something nefarious going on and then the meetings being held are just a sham and the outpouring of voices means nothing.

Mr. Davi said he agrees when the public comes out in droves, there is something wrong and they should be listened to. Mr. Danielson said the public information document that ASMFC came out with had two options. One was for status quo and the other option was for them to address how they take a look at how to "sweat out" the reduction necessary when taking into account the stock assessment. When the public information document said status quo it just referred to how they were going to apply the reduction, the term "status quo" was referring to continuing to go state by state. The new option

was to deal with creating new regions. So when folks talked about not taking a reduction and keeping things status quo that was not what the document was referring to. He believes there was a miscommunication. Mr. Schneider said their upset was over the documentation being used. He claims a DEC staffer, Sandy DuMais, used fraudulent data and numbers while on his boat. He said she stopped counting fish at a certain point; therefore, she is not showing a complete or accurate assessment of the fishing trip.

Mr. Maniscalco was upset over the allegations being leveled at Sandy DuMais and wanted to address what he considers fraudulent claims. He stated that Ms. DuMais completed 68 head boat trips – 37 of them were on Tautog and 6 of them were on The James Joseph. Mr. Maniscalco wanted it on the record that she is an experienced Biologist; there has never been a complaint lodged against her that she failed to complete her job or quit in the middle of performing her duties. There may be a misunderstanding or a misperception of her job duties on Mr. Schneider's part but he doesn't believe Mr. Schneider's allegations are true. The misperception might also be surrounding how the data is used and that it could possibly compromise the assessment or drive the assessment which is false as well. They are simply fleshing out the size composition – how many small fish and what their sizes were so when they look at the number of discards that are estimated so they have an idea of what they look like – size wise and the same thing applies to the kept fish. Mr. Schneider said while she was on his boat, he cooperated fully. He would love to see her official data for Sea Robbins caught while on his boat because he knows her data says practically nothing while he actually caught almost 3,000. He would swear to it that she put her book away at 1:10 p.m. He fished as hard as he could and hand delivered the fish to where she was positioned on the boat. From his perspective, her data is 100% false and should not be trusted or used.

Approval of Minutes from May 16, 2017

Councilor Danielson made a motion to approve as written, Councilor Paradiso seconded. The Minutes were unanimously approved.

Artificial Reef Program

Mr. John Mihale had asked for this to be put on today's agenda. He appreciates the job the DEC is currently doing; however, he believes the program can be enhanced and it is that avenue he would like to address at this meeting. He understands and recognizes the vital job reefs play in promoting marine life. Currently, along the Wantagh Parkway and Meadowbrook Parkway where rocks have been deployed in order to prevent storm damage to bridge areas, there is an abundance of fish. He does know that most of the fish are sub-legal; however, it shows the attraction for the fish. Mr. Mihale also recognizes the loss of fish habitats for numerous reasons; many of his usual fishing haunts are no longer there which further reinforces the necessity of artificial reefs to help fish find habitats in which to live.

Before doing anything, Mr. Mihale thinks there are 3 things to consider:

- Should we have artificial reefs vs. shouldn't we have artificial reefs
- The amount of time needed to get permits, (i.e., letters to proper political channels detailing the endeavor and getting approval)
- Where do we get the money

He said one user group that has been overlooked in the past is the commercial fisherman and if we move forward with this project Mr. Mihale strongly believes they have to be included. When creating

artificial reefs they shouldn't be banned, there will need to be a compromise to see what works for all the user groups.

A project of this magnitude will require a large sum of money; therefore, we should consider finding corporate sponsors. One such company might be PepsiCo, since their headquarters are located in Purchase, NY. Why should they want to help us? Perhaps as we present our case, we ask them to keep in mind that as charter boats go out – they bring along refreshments; carbonated beverages, Gatorade, Aquafina water, Wise chips products, etc. Name the reef after the Pepsi company so it acts as a subliminal message to the users.

Step one is to find out the cost of such an endeavor.

Mr. Danielson agrees with Mr. Mihale that we do need more artificial reefs; however, there is a problem and it's the way everything sinks into the sand.

Councilor Davi would not like to pursue this because even though Mr. Mihale says it should include benefits for the commercial fisherman he's skeptical. He's afraid the reefs could have an adverse effect on the commercial fishery, yet again. He also stated that reefs put more pressure on the fish that inhabit them – the reefs draw the fish which in turn, draws fishing boats. The boats park right on top of the reef and begin to fish, it takes the sport out of it.

Mr. Chris Scott of the DEC has taken over this particular area since the retirement of Mr. Steve Heins; he said reefs enhance the local habitat and also play an important role in protecting the fish. The DEC has limited resources which need to focus on fisheries management; however, he does feel there is a need to create more reefs so finding a corporate sponsor would definitely help

Mr. Schneider said the topic of reefs had come up while attending a fisheries meeting in Connecticut. One of the points that was brought up was how the entire North Shore of Connecticut is made of rock from glacial droppings, from Rye, NY to Orient Point, its solid rock – there is no sand, it offers the most natural habitat on the face of the Earth for Blackfish. Taking that into account just think about the South Shore where there is one rock pile and two reefs, why would they even think about separating the two and give the part of New York state that has zero habitat, why would their limit be more liberal? How is that even feasible? It's mind boggling.

Mr. Turbin said there *is* money to be had – a fishing license.

Mr. Neal Delanoy said in Ocean City, Maryland, there is a cooperative program between the state and party boat owners. There is a fund that people can contribute to - lots of party boats cooperate with it. He personally would be happy to contribute to something like that if New York started to do this.

Mr. Scott said they have been looking at the Tappan Zee bridge refuse and a verbal offer has been put on the table. Mr. Danielson thinks the first step would be a full presentation from Mr. Scott that would include his thoughts about what is needed to move forward with helping out the Artificial Reef Program. Once we know what's needed, we can move forward from there. This will tentatively be put on September's agenda.

Mr. Scott said many of the existing permits are expiring. He will speak to Mr. Gilmore to ensure September is feasible.

An audience member said acquiring rubble will be much easier than folks are anticipating. There are many contractors out there with very deep pockets, working on very big projects, who would be more than happy to unload their rubble. We would actually be doing them a favor.

Tautog – Amendment 1

The following presentation was given by John Maniscalco. *(Please note that the information contained on page 5 of the presentation was given to Mr. Maniscalco from someone outside of the DEC but he included it because he thought it makes a valid point. I have also included the presentation as an attachment to aid you in reading the fine print and charts.)*

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ASMFC Draft Amendment 1 to Tautog FMP

- Public hearing at NYS DEC office in East Setauket on June 20, 2017
- Public comment period ended on July 14, 2017
- Tautog Management Board meets on August 3, 2017 at 2 PM
- Main aspects of the draft amendment:
 - Propose regional management including separate LIS and NY Bight regions
 - Severe harvest reductions required in LIS based upon 2016 assessment update
 - Proposes commercial tagging program
 - Proposes new BRPs, goals, objectives, F targets, and stock rebuilding schedules



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ASMFC Draft Amendment 1 to Tautog FMP

- Final F and SSB estimates are 3 year averages from 2013-2015
- Both regions overfished w/ overfishing occurring
- LIS region requires **47%** harvest reduction
- NY-NJ Bight region requires a 2% harvest reduction
- Recruitment:
 - LIS- Largest year classes since 1990 in 2013 and 2015
 - Bight- Largest year classes since 1990 in 2013 and 2014
- Commercial harvest is roughly 10% of total removals in both the LIS and Bight regions

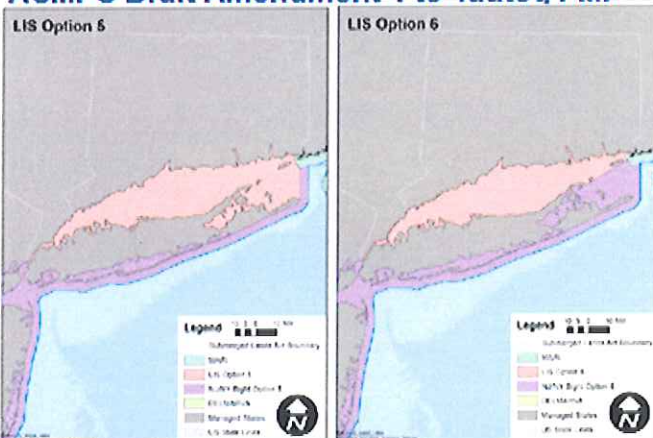


ASMFC Draft Amendment 1 to Tautog FMP

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ASMFC Draft Amendment 1 to Tautog FMP



ASMFC Draft Amendment 1 to Tautog FMP



Note: This is a public suggestion not reviewed or approved by DEC or ASMFC

Modified LIS Option 6 Regional Boundary (yellow)

- More closely mimics commercial sub-areas
- More angler land marks
- Preserves fishing opportunities



ASMFC Draft Amendment 1 to Tautog FMP

Current LIS Region Regulations for NY & CT

Table 17. 2017 LIS Recreational Regulations

STATE	SIZE LIMIT (inches)	POSSESSION LIMITS (number of fish/season/day)	OPEN SEASONS
Connecticut	16"	2	Apr 1 - Apr 30
		2	July 1 - Aug 31
		4	Oct 10 - Dec 5
New York	16"	4	Oct 5 - Dec 14

Table 18. 2017 LIS Commercial Regulations

STATE	SIZE LIMIT (inches)	POSSESSION LIMITS (number of fish/season/day)	OPEN SEASONS	2017 QUOTA (lbs)
Connecticut	16"	10	Apr 1 - Apr 30 Jul 1 - Aug 31 Oct 8 - Dec 24	
New York	15"	25 (except 10 per vessel when fishing lobster pot gear and more than six lobsters are in possession)	Jan 1 - Feb 28 Apr 8 - Dec 31	

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LIS Region Reductions - Recreational

Table 19. US recreational harvest reduction (of 47.2% or more) options to the status quo state-by-state measures

	State	Minimum Size	Possession Limit	Open Season	% Harvest Reduction
A1. State-specific Reduction	CT	17"	1	Apr 1-30, Aug 1-31 Oct 10-Nov 30	48.1%
	NY	16"	1	Oct 5-Dec 14	49.5%

Table 20. US recreational regional harvest reduction (of 47.2% or more) options

Regional Options	State	Minimum Size	Possession Limit	Open Season	% Harvest Reduction
B1. Consistent Minimum Size & Possession Limit	CT	16"	1	Apr 1-30, Oct 6-Dec 6	47%
	NY			Oct 1-Dec 14	
B2. Consistent Minimum Size & Possession Limit	CT	17"	2	Apr 1-30, Aug 1-31, Oct 10-Nov 30	48.9%
	NY			Oct 10-Nov 30	
B3. All measures consistent	Regional	15"	1	Oct 1-Nov 9	47.1%

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LIS Region Reductions - Commercial

Table 21. US commercial harvest reduction (of 47.2% or more) options to the status quo state-by-state measures

Option	State	Minimum Size	Possession Limit	Open Season	% Harvest Reduction
A1. State-specific Reduction	CT	16"	10	Apr 1-30, Aug 1-31, Oct 23-Dec 4	47.3%
	NY	15"	25 (except 10 per vessel when fishing lobster pot gear and more than six lobsters are in possession)	Jan 1-Feb 28, Apr 1-30, Aug 1-Dec 31	51.3%

Table 22. US commercial regional harvest reduction (of 47.2% or more) option

Regional Option	State	Minimum Size	Possession Limit	Open Season	Quota (lbs)	% Harvest Reduction
B1. Quotas	CT	16"		Jan 1 - Apr 30, Aug 1-Dec 31	2,785	47.2%
	NY				39,021	

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LIS Region Reductions – Commercial & Recreational Slot

- Recreational fishery maintains current possession limit (4) and open season (10/5 - 12/14) with a slot size limit of 16-18"
- Commercial fishery maintains current trip limit (25/10), a season that includes a spawning closure (4/8 - 4/30, 8/1 - 2/28) and a slot size limit of 16-18"



ASMFC Draft Amendment 1 to Tautog FMP

Current Bight Region Regulations for NY & NJ

Table 24. 2017 NJ-NYB recreational regulations

STATE	SIZE LIMIT (inches)	POSSESSION LIMITS (number of fish/season/day)	OPEN SEASONS
New York	16"	4	Oct 5 - Dec 14
New Jersey	15"	4	Jan 1 - Feb 28
		4	Apr 1 - Apr 30
		3	Jul 17 - Nov 15
		6	Nov 16 - Dec 11

Table 25. 2017 NJ-NYB commercial regulations

STATE	SIZE LIMIT (inches)	POSSESSION LIMITS (number of fish/season/day)	OPEN SEASONS	2017 QUOTA (lbs)
New York	15"	25 (except 10 per vessel when fishing lobster pot gear and more than six lobsters are in possession)	Jan 1 - Feb 28 Apr 6 - Dec 31	-
New Jersey	15"	> 100 lbs requires directed fishery permit	Jan 1 - 15 June 11 - 30 Nov 9 - Dec 31	103,000



ASMFC Draft Amendment 1 to Tautog FMP

Bight Region Reduction- Recreational

Table 26. NJ-NYB recreational harvest reduction (of 2% or more) options to the status quo state-by-state measures

Option	State	Minimum Size	Possession Limit	Open Season	% Harvest Reduction
A1. State specific Reduction	NYB	16"	4	Oct 6 - Dec 14	2%
			4	Jan 1 - Feb 28	
	NJ	15"	4	Apr 1 - 15	
			3	Aug 21 - Nov 15	
			6	Nov 16 - Dec 31	

Table 27. NJ-NYB recreational regional harvest reduction (of 2% or more) options

Item 27: Harvest Reduction Regional Possession Reduction (by 2% of open season) options						
Regional Options	State	Minimum Size	Possession Limit	Open Season	% Harvest Reduction	
B1. Consistent Minimum Size & Possession Limit	NJB	15"	4	Oct 10 - Dec 12	2%	
	NJ			Sep 17 - Dec 31		
B2. Consistent Minimum Size	NJB	16"	4	Oct 6 - Dec 14	4%	
	NJ		4	Jan 1 - May 31		
			6	Aug 31 - Dec 31		

C1. Slot Limit with Consistent Possession Limits	NJB	15-18"	4	Oct 2 - Dec 26	2%
	NJ			Jan 1 - Mar 31 Aug 20 - Dec 31	



ASMFC Draft Amendment 1 to Tautog FMP

Bight Region Reduction- Commercial

Table 28. NJ-NYB commercial harvest reduction (of 2% or more) options to the status quo state-by-state measures

Option	State	Minimum Size	Possession Limit	Open Season	% Harvest Reduction
A1. State-specific Reduction	NYB	15"	25	Jan 1 - Feb 28, Apr 14 - Dec 31	2%
	NJ	-	-	Jan 1 - 15, Jun 11 10, Nov 12 - Dec 11	

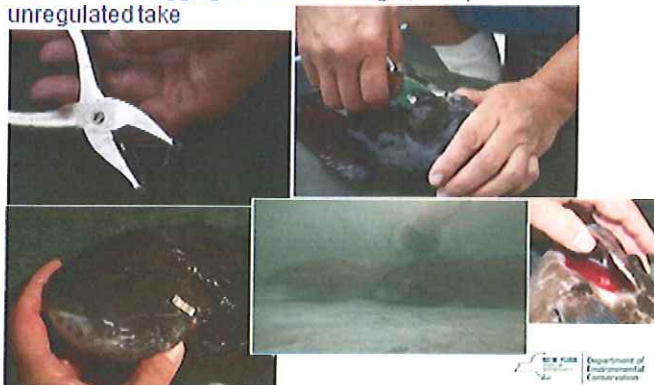
Table 29. NJ-NYB commercial regional harvest reduction (of 2% or more) options

Regional Options	State	Minimum Size	Possession Limit	Open Season	Quota (lbs)	% Harvest Reduction
B1. Consistent Minimum Size	NYB	15"	28	Jan 1 - May 31, Aug 1 - Dec 31	-	2%
	NJ	-	-	Jan 1 - May 1, Sep 19 - Dec 31		
B2. Consistent Minimum Size	NYB	16"	31	Jan 1 - May 31, Aug 1 - Dec 31	-	2%
	NJ	-	-	Jan 1 - May 11, Aug 1 - Dec 11		
B3. Quotas	NYB	15"	-	-	65,486	2%
	NJ	-	-	-	21,250	
C4. 15"-18" harvest slot	NYB	15-18"	34	Jan 1 - May 31, Aug 1 - Dec 31	-	2%
	NJ	-	-	Jan 1 - Apr 21, Aug 11 - Dec 11		

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ASMFC Draft Amendment 1 to Tautog FMP

Commercial Tagging to minimize illegal, unreported and unregulated take



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Commercial Tagging

- Improved reporting and accounting
- Easily identify legitimate commercially harvested fish on the docks and in the dealer environment
 - Undersized isn't the only problem
- Harvest in pounds divided by average fish size = number of tags
- Tags reported on VTRs and accounted for similar to striped bass

A. Tag application at harvest or prior to offloading **vs.**

B. Tag application by dealer

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Before the discussion began, Mr. Maniscalco asked for everyone's cooperation. He wants everyone to understand that his job is to explain things to everyone just as he tried at the public hearing. It doesn't mean that he is advocating what the Amendment is saying, he is simply trying to break it down for folks to understand what the Amendment is stating and means. This has been voiced many

times; however, it hasn't stopped people in attendance from their verbal attacks which only makes for a very unproductive meeting. He and others try to answer the questions presented but because of audience behavior, they can't even get to the answer, when this happens it prevents people from learning anything.

Discussion:

It was asked if this meant that coast wide management is now out of the picture and Mr. Maniscalco said it is, we are looking at state by state – it truly hasn't been coast wide for a while.

Councilor Lackner asked why there isn't more uniformity when it comes to breaking things down – why treat Scup one way, Fluke another, etc.? Mr. Maniscalco said the one good thing about this Amendment is that the regional breakout tries to take into account the fishes' biology. All fish have different life histories with distinct population groups and this Amendment is trying to work with this information.

Mr. Davi doesn't understand how other states can tell our state representatives to have a split between the South Shore and a North Shore and divvy up the Long Island Sound when practically everyone in New York is against this. Mr. Danielson said that New York is only one vote in the whole of the ASMFC which includes 13 states.

In choosing an option Mr. Davi would prefer one that ***doesn't*** have a quota system.

Mr. Danielson questioned if there was a way to increase the 16-18 inch recreational slot size - is there any way to increase the slot size, expand beyond 18"? Mr. Maniscalco replied he may be able to; however, the intention of the slot is to protect the large female breeding stock so his request may be counter intuitive. Mr. Danielson thinks the party/charter industry would welcome a possible 16-20" or 17-20" slot limit, it's something they would be able to work better with.

Mr. Paradiso wants to know if we should make a decision for the Council to oppose the Amendment before it even goes to a vote. This way they will know how the Council feels.

Mr. Paradiso then made a motion for the Council to oppose Amendment 1 as its written and support and request that there be no changes in the current management plan, Mr. Davi seconded.

Discussion:

Mr. Witek feels the amendment is multifaceted. There are things he doesn't like (i.e., splitting NY into 2 separate regions, for a number of reasons) while there are things he does like - regional management makes sense. He is also very much in favor of the commercial tagging site, it offers numerous advantages and would not want to vote against that. He would support opposing portions of the amendment but not all of it.

Mr. Danielson said what if we would state in the motion that we oppose the Amendment except for the tagging system but Mr. Paradiso said he wanted his motion to stand as is.

Mr. Schneider is for the motion but he asked if there was any concern for the shift in pressure that will be caused if the Sound is separated from the ocean. For example, wherever there is an opening,

that's where the boats will head. Also, as far as the slot size – this will be a nightmare for enforcement. You are going to have zero compliance amongst the small boat fishery. The most favorable instrument onboard a boat will be scissors.

Mr. Mihale is in favor of the motion; we need to leave things as they are.

Mr. Jamie Quaresimo is for the motion; he does not want to see NY split.

Mr. Marc Hoffman is for the motion; however, he would very much like to see a tagging program.

Mr. McBride representing the MBCA supports the motion.

Mr. Richard Jensen, representing North Folk Captains Association – one of the largest charter boat fleets for Blackfish, is **completely** for the motion. Splitting the Sound in half would be a total disaster. Something as simple as a wind shift would have people crossing into areas they should not be. In addition, he would actually like to see a separate category for Charter/Party Boat catch limits.

Mr. David Bornemann is for the motion.

Mr. Mark Cusumano is for the motion but he wanted to address the tagging system issue. He has a foodfish license and recognizes that it's getting harder and harder for new folks to get into the fishery and make a living. If you take away blackfish how can he pass down his license to his son as many others do? It was the reason he got the license in the first place.

Mr. Davi wondered if perhaps we should be working on something that would allow transferring tags from one fisherman to another on a state level to help the younger generation.

*Vote: All in favor -8, opposed -1, abstentions -1 (Chair). **Motion passes***

***Note – The letter that was sent is also attached.*

Mr. Mihale would like to know how the vote turns out – how each state votes. Mr. Frisk said it is all on public record.

Mr. Danielson wants to know what would happen if NY goes out of compliance, what are the implications? He knows Mr. Maniscalco doesn't have an immediate answer but would like him to find out.

Mr. Witek responded by saying The Atlantic States Cooperative Fisheries Management Act would govern the issue. That Act gives ASMFC the authority to enforce its management decisions by finding a state out of compliance and then referring it to the Secretary of Commerce. The Secretary of Commerce (after the referral) has 30 days to investigate the matter. The out of compliance State has the power to speak directly to the Secretary of Commerce and the Secretary must then find two things: 1) That the state is in fact out of compliance and 2) finds the ASMFC measure is necessary for the conservation of the species. If he makes positive rulings for both a moratorium will be imposed.

What happened in New Jersey is that they were found to be out of compliance; however, the regulations were adequate for the conservation of the species thus no moratorium was going to be imposed.

This particular Secretary of Commerce has made two major decisions as far as the fisheries are concerned, one of which related directly to the ASMFC and the other was to extend the Red Snapper season in the Gulf of Mexico. The New Jersey question was arguable on the facts. The red snapper issue was clearly illegal, it violated the law in a number of ways and a lawsuit has since been filed. Should New York go out of compliance and do nothing more, there will most definitely be a moratorium imposed. If New York can put together an argument with credible data there is a fair chance it will be accepted.

Update – summer flounder, scup and black sea bass –

The following presentation was given by John Maniscalco:

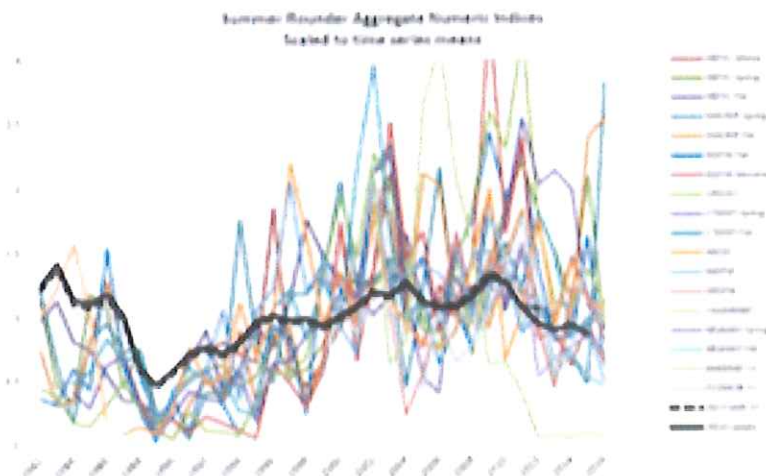
BRIEF UPDATE: July 19, 2017 MAFMC SSC

Science and Statistical Committee will review assessment and data updates for Summer Flounder, Scup, and Black Sea Bass

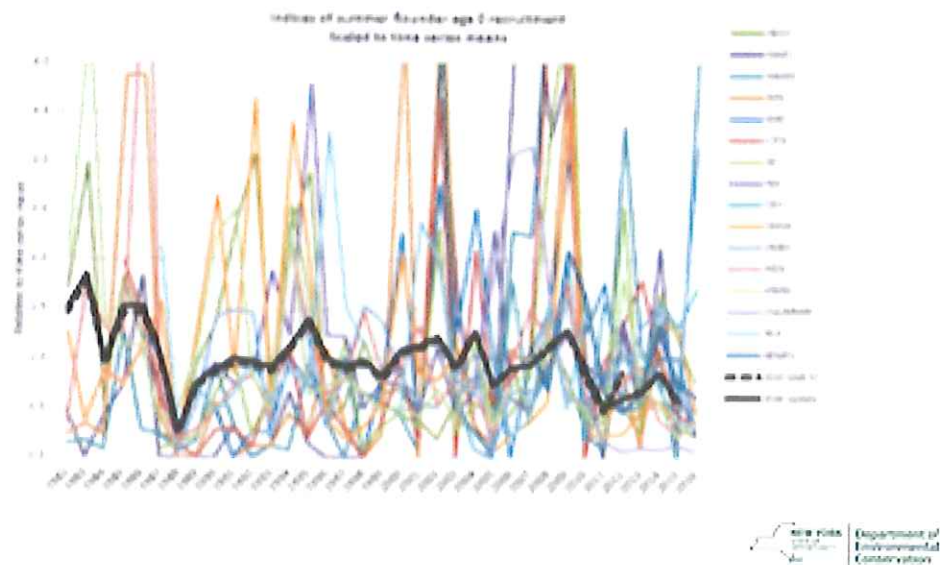
- Data update: a review of latest survey/index data (Summer Flounder and Black Sea Bass)
- Assessment update: feeds recent years of data into a previously used assessment model (Scup)
- Documents available for this meeting on MAFMC.org



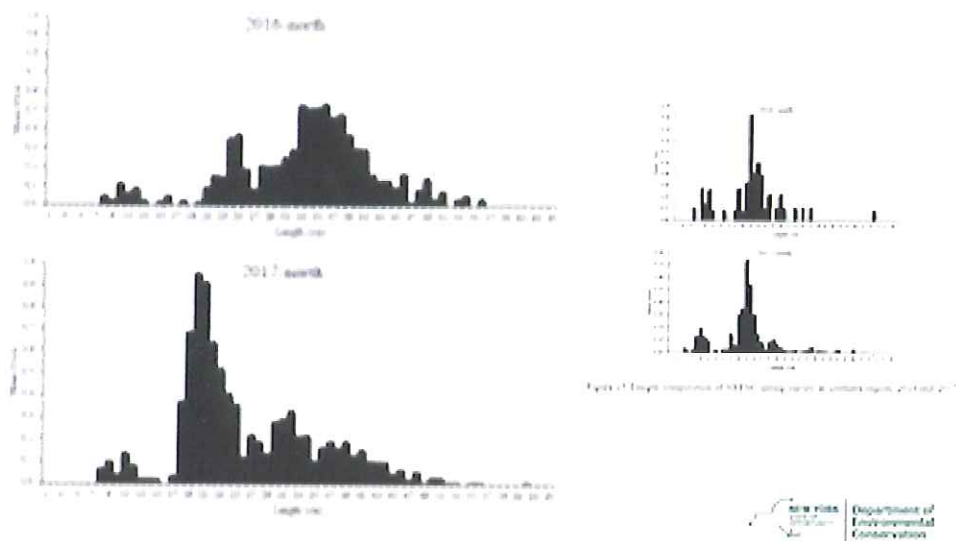
July 19, 2017 MAFMC SSC: Summer Flounder



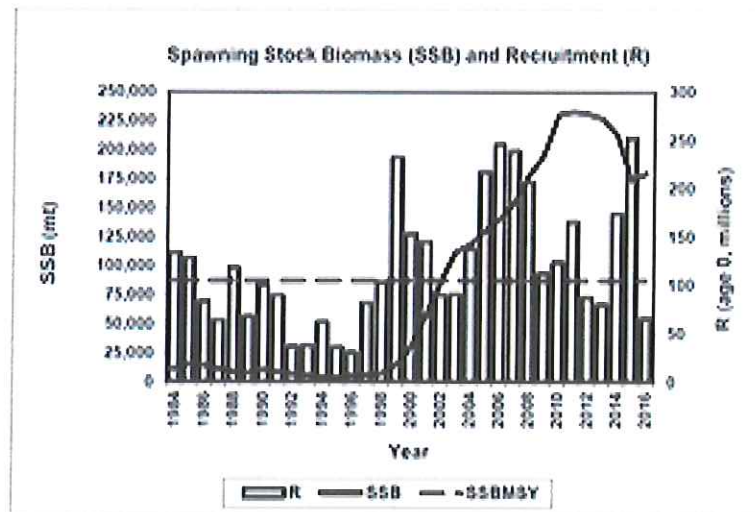
July 19, 2017 MAFMC SSC: Summer Flounder



July 19, 2017 MAFMC SSC: Black Sea Bass



July 19, 2017 MAFMC SSC: Scup



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Sec. of Commerce: NJ in compliance

- NJ made a "compelling argument"
 - That same argument was judged insufficient by ASMFC, MAFMC and NOAA technical staff
- First time that a Commerce Secretary has failed to uphold a ASMFC noncompliance recommendation
- If unchallenged or upheld, ASMFC could be challenged by other states
 - Individual states pursuing their own self-interest w/o consequence is not a good thing for fish or fisheries.
- New York's Governor will respond
- ASMFC meets the first week of August

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Conservation

Mr. Davi says we keep cutting back and cutting back on quota but we're not in any better shape. He believes, even if the fishery was shut down for 25 years with no one fishing; coming back to it we'd be in even worse shape. He goes out at 6:00 a.m. and is back by 9:00 a.m. because he hits his limit. He and everyone he talks with believe the fish are more plentiful than the surveys reflect.

In looking at the variances, Mr. Hoffman wondered if weather was related to any of the highs and lows in the survey statistics? What drastic occurrence led to the changes from one year to the next? John said they do account for changes in the temperatures/change of seasons whether early or late. The coverage is very complete. Mr. Maniscalco continued by saying the surveys are not stating that there aren't **any** fluke but that they're on a downward trend and that's what they are trying to compensate for. As far as the data that is being captured, it's true that certain data might be missed in any given year but they will not miss the data five years straight.

Mr. Frisk said there is a substantial biomass of adults but there has been poor recruitment, that's what folks have to keep in mind. He thought perhaps it would be a good idea if he gave a presentation that would explain the objectives of scientific surveys which are very different than the objective of fisheries – it might be a way to help understand both sides.

Mr. Lackner said the problem with surveys is that they do not adapt to the way the fish change. State surveys are ineffective now because the fluke are deeper and staying tight to the beach in the summertime. The Bigelow survey does not adapt nor does the science – it doesn't adapt at the same pace and manner the fish do.

The surveys also do not represent flat fish well, he said they are currently looking at this particular problem in the Trawl Advisory Panel; they are hoping to find a way for the nets to catch better. The survey is missing a large section of the water, thus, a large component of the fish - where the cutoff is for the Bigelow in 60ft of water and the State survey out to the 3 mile line – there's a large gap.

Mr. James Quaresimo said we need to be level headed, good regulations for *all* fish – we need to stop going up and down and back and forth. Most of the problems facing the fishery can be blamed on Mother Nature and not the fisherman.

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Other Business

Mr. Lackner said the DEC has been under pressure from legislative bodies to look at the transferability of commercial foodfish licenses as well as latent permits. He thinks that before this goes to the public, it might be good if the Council would come up with criteria that would be useful when these discussions come up. What would also be helpful is to come up with a definition for - "What is a commercial fisherman", "What does being a true commercial fisherman entail?" It should also be broken down by full time vs. part time – different definitions for both.

Mr. Danielson said this was discussed years ago and there was a subcommittee formed, Mr. Lackner should talk to Mr. Joe McBride and Councilor Tom Jordan; they should be able to share information. Mr. Davi said he, too, will work on this but he is tired of feeling that he is spinning his wheels without actually getting anywhere. This will be the last subcommittee he works on if he doesn't see anything come to fruition and he will leave the Council as well. Mr. Frisk asked when they would like this on the agenda, it was thought November might be best. Mr. Maniscalco said this is a very controversial issue because it affects people's livelihoods and there will be much discussion. Whatever gets decided, it will need to have the full support from the Council if they want to see any changes taking place. The Governor will only move forward if he sees almost a complete consensus. Mr. Danielson said it would be a good idea if the Council could see a copy of the report that was created by Mr. Jordan from the last subcommittee's meetings. Mr. Mihale said they will also need to decide who will be eligible to transfer their licenses; hopefully, this will be changed in the near future and someone won't have to die in order to do this.

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MRAC Calendar Dates for 2017

September 12<sup>th</sup> – 2:00 p.m. – NYSDEC Offices, 205 Belle Mead Road, East Setauket

November 14<sup>th</sup> - 2:00 p.m. – NYSDEC Offices, 205 Belle Mead Road, East Setauket

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