



Marine  
Resources  
**Advisory  
Council**

# BULLETIN

14 May 2013

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## Meeting of the Marine Resources Advisory Council

Robert Danielson

John Davi, Jr.

Melissa Dearborn

Paul Farnham

Thomas Jordan

Joseph Paradiso

John Renaldo

Paul Risi

Karen Rivara

Christopher Squeri

Charles Witek

Dean Yaxa

Chairman Wise began the meeting at 2:03 p.m. A quorum of councilors was not present.

After self-introductions by the Councilors present and the Director of NYSDEC's Marine Bureau, James Gilmore, Chairman Wise went over the agenda.

Mr. Wise announced that, beginning 16 May 2013, he will become the Interim Director of New York Sea Grant. This situation should not, however, impact his ability to continue to serve as the Chairman of this Council. He retains his titles of Associate Director of the School of Marine and Atmospheric Sciences at Stony Brook University and director of the School's Living Marine Resources Institute or LIMRI. Should anyone need to contact Mr. Wise, his contact information remains the same.

The Council was scheduled to hear a report at today's meeting from Dr. Charles Flagg, who has been studying the breach at Old Inlet caused by Superstorm Sandy and the effects of the breach on the environmental of Great South Bay. Unfortunately because of a conflict in Dr. Flagg's schedule, he is unable to attend today's meeting so his presentation will take place during the Council's July 9<sup>th</sup> meeting. Mr. Gilmore said a decision on breach closure will be decided at the end of July. For further Sandy related items please see related bullet below.

Mr. Gilmore wanted to let everyone know what the final decision was regarding recreational fluke limits for 2013: 4-fish possession limit; minimum length of 19" and an open season of 01 May – 29 September.

### Public Comment

Mr. Carl LoBue of The Nature Conservancy suggested that the Council more regularly hear briefings about and discuss emerging issues affecting the health and functioning of New York's marine environment. The Council's discussions have in recent years, in his view, been dominated by strict fishery management issues. The Council should pay more attention to the health of the ecosystems that sustain our fishery resources, which is arguably more important to the vitality of fisheries over the long term than the management regulation in place for individual species in a given year. Mr. LoBue suggested inviting Dr. Chris Gobler of Stony Brook University to come to a meeting

William Wise  
Chairman

Kim Knoll  
Staff Assistant

perhaps in September to have a discussion about the health of the bays. Chairman Wise agreed; the Council should periodically step back and discuss trends in the marine environment that affect our fish stocks. The Council also agreed and was amenable to include scientific discussions at future meetings.

Ms. Antoinette Clemetson thought that it might be a good idea for the Council to dedicate one meeting a year to a specific scientific or environmental issue. Mr. Wise responded that he would be reluctant to add an additional meeting to the Council's regular meeting schedule to accommodate this and the Council is both a deliberative and a recommendation-making body. This suggestion requires more thought.

Two young men in the audience asked that the State commercial fishing license minimum age limit of 16 years be reduced to 14 years. DEC's Steve Heins thought this might be discussed by the Council's Commercial Fishing License Limits and Eligibility Workgroup, which it will.

Regarding the Atlantic States Marine Fisheries Commission (ASMFC) meeting next week, Mr. Arnold Leo asked if Mr. Gilmore had any thoughts as to what the Commission's feelings were surrounding the issue of putting eels on the endangered species list. Mr. Gilmore replied that reaching consensus on a listing for this species might prove difficult because of the different situations in different areas. There are areas where the population is nearly decimated; however, he personally doesn't think that the overall population is bad enough to warrant a listing. He believes the Commission may call for more stringent management actions to restore eel populations, rather than recommending a listing of the eel as endangered.

### **Providing Information to Council in Timely Fashion**

Mr. Heins addressed this topic. He attended the National Fisheries Conference in Washington, DC last week. One common theme at the meeting was dissatisfaction with the way U.S. marine recreational fisheries are managed, not just on the East Coast but throughout all coasts. Mr. Heins agreed that it's imperative for the Council to receive information early enough to give it time to weigh the information given before making a recommendation to the Department on it. He feels, however, that there aren't enough tools in the toolbox that allow flexibility in the way DEC receives its information. The strict guidelines written into the federal Magnuson Stevens Act do not provide much flexibility concerning information and data being gathered and shared. Thankfully there has been recognition recently that giving out information once a year while hoping for a quick turn around isn't working. Since this topic was brought up at the conference, there will be a formal recommendation that will hopefully change the way information is gathered and shared under the Magnuson Stevenson Act. It is believed this new change will speed the movement of important information allowing for a quicker turnaround time for regulatory recommendations and more stability.

Councilor Dearborn will speak more to this issue in July when hopefully there will be a full council. She spoke of the frustration many councilors feel in trying to make a decision at a Council meeting. She stated that even receiving information the day before a Council meeting would be an improvement over receiving it the day of the meeting. That would give each councilor some opportunity to reach out to their colleagues to get a sense of their thoughts and opinions about this issue under discussion, and the alternative options for dealing with that issue. Mr. John Mihale reminded the Council that he had suggested several years ago that setting regulations for a multi-year time frame might be a good approach.

Mr. Wise said that adaptive fisheries management came into vogue about a decade ago. Many people thought then that it would be a good way to handle regulations because fishing situations change from year to year. However, in his view, it is now evident that making quick decisions can come at a high price and we might have to rethink our approach to management. Changing regulations yearly in response to perceived changes in stocks, or for other reasons, may give too little time for any specific regulation to have its desired effect.

This topic will once again be addressed at the July meeting when there will hopefully be a recommendation(s) to discuss.

### **Potential Options, Sandy Disaster Aid Spending Plan**

Mr. Wise gave out copies of a report entitled The Impact on Great South Bay of the Breach at Old Inlet. This report was based on the observations and measurements assembled by Drs. Charles Flagg and Roger Flood of the School of Marine and Atmospheric Sciences, Stony Brook University. Mr. Wise suggested folks read the report and attend next month's meeting when Dr. Flagg will give a discussion. For up to date information he suggested visiting The Great South Bay project website: <http://po.msrb.sunysb.edu/GSB/>

Mr. Gilmore added that the Commissioner of DEC will base his decision to either close the breach or leave it open based on information, scientific data and monitoring that has been done. A letter from the Commissioner was published in Newsday wherein he states that because of the logistics in getting the funding in place (should they need to close it) he has already begun the process to work out the money issues with the Army Corps so it's available. The decision will be made the end of July; it has NOT been made yet. The Commissioner is putting together a technical panel who will advise him on this matter.

An audience member questioned exactly what information are they basing their opinions on? Mr. Gilmore said there has been constant monitoring going on in the affected areas and much of the information being considered comes from Dr. Flagg's monitoring activity. The panel will consider all the compiled data. That data, together with the knowledge from their individual areas of expertise, will be the foundation for a recommendation by the panel to the Commissioner.

Mr. Heins reminded everyone that a regional catastrophic fishery disaster was declared by the U.S. Secretary of Commerce shortly after Hurricane Sandy. Thereafter, a Sandy Disaster Relief bill awarded \$5M to New York and New Jersey to aid both states in dealing with the consequences of the storm to their fishing industries. This money was intended to be shared equally by the two states. Meanwhile, New York received millions of additional dollars in the form of community development block grants. There is a small business storm recovery program that has ~\$480M assigned to it and there is another \$20M in supplemental monies assigned specifically to the coastal fishing industry with an additional \$30M for seasonal tourism. DEC has been working with The Empire State Development staff to see which category potential applicants fall into to receive their designation of financial aid. Some people have already applied but many do not know about the money available to them; trying to get the word out to everyone isn't easy.

As far as the \$5M allotted specifically and solely for fisheries-related relief, New York needs to develop a spending plan. Mr. Heins invited ideas about the best plan for this money for New York. Councilor Dearborn would like to see the focus taken a little off the impacts to commercial fisheries and more focus given to the impacts on marine recreational fisheries to keep things on a more even

keel. She expressed support for the idea of using the money to provide direct stimulus checks to successful applicants.

Mr. Wise worries about administrative costs consuming too much of the \$5M, especially if it is used to provide relief to a large number of qualified applicants. It costs nearly as much to administer a \$5,000 relief award as it does a \$100,000 relief award. Perhaps the Department should consider "farming out" the task of providing relief to another party, more experienced in doing this type of work. Using the money to fund one-time large project(s) with broad benefit to our fishing industries may be more effectual. Individual relief might be better sought through the huge State program.

Mr. Heins urges everyone to apply at [nysandyhelp.ny.gov](http://nysandyhelp.ny.gov) for their entitled portion of the money. Small business centers will be able to help you through the process (there is a center located at Stony Brook University, their webpage is: <http://www.stonybrook.edu/commcms/sbdc/>). Specific rules are a little in the air because so many factors change week to week but Empire State Development is figuring things/situations out as they go along.

Mr. Emerson Hasbrouck of Cornell Cooperative Extension stated that he has been working with Mr. Heins on this and strongly encourages folks to apply through the ESD program. That is where the most money is. The most important thing is to just get registered. Once an applicant is in the system, it is easier to put in claims or make adjustments, if additional expenses /impacts surface that were not originally anticipated.

### **Exemption from Commercial Fishing License Requirement for Harvesting Invasive Crabs**

Mr. Wise said he was contacted by a Mr. Magidson who asked that this be placed on today's agenda. Mr. Magidson is involved with aquaculture through the Stony Brook Yacht Club growing seed clams. To aquaculturists in some areas around Long Island, the invasive Asian shore crab could be considered public enemy #1. To harvest these crabs requires a commercial crabbing license. Mr. Magidson was asking if an exemption to the license requirement could be enacted for catching Asian shore crabs. It is an invasive species; taking it permanently out of the water is providing the State a service of sorts.

Mr. Carl LoBue of The Nature Conservancy said that it would be easy to put an exemption in the regulations for this particular species. Mr. Heins worries about what happens if someone decides to sell the Asian shore crabs for use as bait. Mr. John Mihale concurred in this concern. Ms. Rachel Sysak of DEC said the Department sympathizes with this situation and doesn't really see this as a problem as long as it's only a handful of people doing this but the agency must move cautiously. The law currently is that if you have commercial quantities of this crab in your possession, you must hold a commercial crabbing license. The question is if this Asian shore crab poses a clear threat to economic activity couldn't the rules be bent or waived if your efforts were viewed as providing a needed service? Mightn't this be covered under the law that mandates that certain aquatic species, once taken out of the water, are not allowed to be put back in alive (i.e., Chinese mitten crabs, sea stars, drum fish, etc)?

Mr. Gilmore thinks a license specific to harvesting Asian shore crabs would be a cleaner fix or perhaps to find a commercial crabber and strike a deal that might work for both of you.

Mr. Wise will get back in touch with Mr. Magidson and let him know that the Council does sympathize with his plight but would urge the Department to move cautiously so as not to create further entanglements.

## **2013 Council Meeting Schedule**

The following are the dates of the regularly scheduled meetings of the Marine Resources Advisory Council in 2013:

09 July\*\*  
17 September  
12 November

Meetings of the Council are held at **2:00 p.m.** at DEC's offices at 205 Belle Mead Road in East Setauket, New York unless otherwise noted.

\*\*While the July Council meeting has sometimes taken place in the evening, this one will be at 2:00 p.m.

## **09 July 2013 Council Meeting Agenda**

The following are the tentative agenda items to be addressed at the Council's 09 July 2013 meeting:

- Continued discussion of Council's timely receipt of information prior to decision deadlines
- Update, Sandy relief program for commercial/recreational fishermen
- Importation of Asian horseshoe crabs into US/NYS
- Menhaden regulations update
- Old Inlet breach report

Check the Council's web page <http://www.somas.stonybrook.edu/community/MRAC/index.html> for other agenda items, added to the list after this bulletin is distributed. 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: William M. Wise, Chairperson, Marine Resources Advisory Council; phone 631/632-8656; FAX 631/632-9441; [william.wise@stonybrook.edu](mailto:william.wise@stonybrook.edu)