

**Marine
Resources
Advisory
Council**

BULLETIN

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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 2:00 p.m.

Council Chairman William Wise, Director of DEC's Bureau of Marine Resources James Gilmore and the councilors present introduced themselves. Mr. Wise acknowledged Gordon Colvin, former DEC Director of Marine Resources, who was in the audience. Mr. Wise went over the day's agenda items.

Public Comment

Mr. Arnold Leo stated that a bill has been introduced into the State Legislature (S1762/A122) that he would like to be discussed at today's meeting. This bill deals with allowing the consolidation of multiple daily trip limits for commercial fishermen on a single vessel. The Council usually reviews marine legislation at its April meeting. However, Mr. Leo said that might be too late for this particular bill. It has been the Senate and is currently in committee in the Assembly. Mr. Wise responded that he would try to fit this in at the end of the meeting but, because of the full agenda today, that might not be possible.

Former Councilor Joseph McBride stated that there is another bill that the Council would find important, dealing with party and charter boats conforming to Federal regulations requiring mandated drug testing of crew. Mr. Wise asked Mr. McBride to send him the bill number and pertinent information so this can be addressed at the Council's April meeting.

Minutes, 18 September 2012 and 15 January 2013

The draft minutes for both the Council's 18 September 2012 and 15 January 2013 meetings were unanimously approved as written.

Updates/announcements from DEC

Mr. Gilmore made some brief announcements.

At the January 2013 Council meeting, Mr. Harry Mears' of NOAA Fisheries gave a presentation on the process that would be taking place under The Sandy Aid Bill with regard to the emergency damage relief monies allocated to New York State by the federal government and the steps put in place to access those monies. Mr. Gilmore stated that so far \$5,000 000 has been awarded. DEC must develop a spending plan for these monies (and New

William Wise
Chairman

Kim Knoll
Staff Assistant

Jersey DEP does likewise). Aside from the general directive that this money is to be used for fisheries disaster relief, there isn't too much more information available. New York State is putting together a program www.nysandyhelp.ny.gov – called **New York Rising** which is an assistance program for local businesses to receive storm-damage aid. Money from this program is separate from the \$5,000,000. Both commercial and recreational fishing industry businesses can apply.

Councilor Danielson questioned if there has been any response from the recreational sector regarding the surveys. At January's meeting, Councilor Dearborn had let the recreational fishing community know that she and Ms. Antoinette Clemetson from NY Sea Grant were gathering information and data for surveys pertaining to marinas. Ms. Clemetson stated that so far they have heard from approximately 100 persons within that community.

Anyone wishing to participate in the survey/questionnaire, please see links noted directly below:

NYSG Marina Economic Loss Questionnaire <http://www.seagrantsunysb.edu/articles/r/2238>

“Super Storm” Sandy Economic Injury Loss Questionnaire / Worksheet <http://www.seagrantsunysb.edu/articles/r/2236>

Senator Charles Schumer is holding a hearing on March 19th at 10:30 a.m. at the Russell Building in Washington, DC to discuss summer flounder state allocations for both recreational and commercial fisheries. Mr. Gilmore representing NYDEC and Mr. Emerson Hasbrouk from Cornell Cooperative Extension of Suffolk County's Marine Program will be attending from New York. Robert Beal from the Atlantic States Marine Fisheries Commission (ASMFC) and Chris Moore from the Mid- Atlantic Fishery Management Council will also be testifying.

Mr. Gilmore said that the ASMFC is taking up the Asian shore crab (*Hemigrapsus sanguineus*) issue and has recommended that each of its member states institute a prohibition on importing this exotic species. The International Union for the Conservation of Nature (IUCN) and the Commission believe the importation of *Hemigrapsus* poses a significant threat to the welfare of wildlife resources of the United States, even if the imported crabs are not alive when they are placed into the marine environment due to the introduction of parasites, pathogens and non-native species into U.S. waters.

Mr. Gilmore said there has been recent movement to fill vacancies in both New York's ASMFC commissioners and on MRAC. Senator Majority Leader Skelos is aware there is a vacant New York seat on ASMFC and he is actively trying to fill it. Mr. Gilmore informed the Council that Mr. Robert Hamilton is being considered for one of the vacant commercial fishery seats on MRAC but he was unsure where his nomination currently stands in the process.

Instituting a MRIP Pilot Project in New York

Chairman Wise stated that there is a plan in place to institute a pilot project in NY as part of the National Marine Fisheries Service's MRIP, Marine Recreational Information Program. He introduced Mr. Steve Heins of the DEC who explained a few specifics of the program.

About a year ago, DEC was approached by MRIP program office. They wanted to partner with the Department to get the word out regarding MRIP, how it would work and to dispel the negative rumors that have already been circulating about the program and some aspects of its design and operation. An outreach focus group was established and began to discuss ways in which the program's outreach could be improved.

Under MRIP, as compared to its predecessor the Marine Recreational Fishing Statistics Survey (MRFSS), the way recreational fishing catch data is collected has changed. The new MRIP approach is being pilot-tested in New York, Florida, Massachusetts and North Carolina.

Mr. Gordon Colvin spoke next. He has been working with NMFS for several years to develop MRIP. He stated that the MRIP program had been initiated in several other states prior to coming to New York. That experience has convinced program officials that the best way to currently reach and effectively poll marine recreational fishermen is to use a traditional mail survey (snail mail). In New York, the initial angler list will be drawn from the State's marine recreational fishing registry. However, not all saltwater anglers in New York are in the registry. MRIP will use a mail address database maintained by the U.S. Postal Service (the Delivery Sequence File) to refine its estimate of marine recreational fishing effort. The new survey will draw a sample from the Delivery Sequence File and cross-match it against the State's marine angler registry data base. Where there are matches, they can increase the proportion of the sample that comes from the registry to increase efficiency. Mr. Colvin noted that the new angler survey will be premised on written responses submitted to NJMFS via snail mail but there will be an option to complete the survey on line. He reiterated that they are pilot testing this in Florida, Massachusetts, North Carolina and New York. It is a large and costly project with mailings going out to approximately 5,000 persons in each state. They expect to have preliminary results by mid-year to see if it's actually working and compare it against the telephone survey results coastwide. NMFS anticipated full program by March 2014.

Mr. Heins said the focus group is planning a workshop to be held in late April to help design an outreach effort about MRIP in New York. Marine Resource Advisory Councilors, elected officials and many others from the recreational fishing community will be invited.

NYS Commercial Fishing License Limits & Eligibility Criteria

Chairman Wise reminded the Council that, every few years, it works with DEC to review and when appropriate, suggest revisions to the limits and eligibility criteria associated with the issuance of marine commercial fishing licenses in New York. These discussions are also informed by the contributions from individuals outside MRAC and DEC who are invited to contribute. The DEC has recently requested that the Council join in another such review. Mr. Wise stated that the Council needed to establish a subcommittee to sit with designated DEC staff as a work group and conduct this analysis and, eventually, give its recommendations to the full Council. Changes to license limits and eligibility criteria will, for the most part, require legislative action. He suggested that it would be desirable for the work group to complete its assessment by September and to report back to the Council at its September or November meeting.

After some discussion, the Council subcommittee was constituted with the following membership: all the sitting commercial fishery representatives (Paul Farnham, Dean Yaxa, Tom Jordan, Karen Rivara and John Davi (Chairman) along with Councilor Paul Risi from the recreational fishery representatives and Chairman Wise. Mr. Gilmore indicated that Mr. Heins and Ms. Debra Barnes from the Bureau of Marine Resources will be the principal Department representatives on the work group. Chairman Wise stressed the importance of the work group providing a mechanism for outside input into its deliberations. How this is accomplished will be up to the work group. The work group will need to begin discussions the middle of the spring in order to keep to the timeline.

A question arose as to which commercial fishing licenses would be the subject of the group's work; specifically, would the State shellfish diggers license be included? Mr. Wise noted that the Council

has taken up shellfish license issues in the past, but recognized that State limits on this license are complicated by the necessity for clambers to also have a license issued by one of the towns on Long Island. Mr. John German commented that most commercial fishermen started out digging clams. This was almost the only way that new entrants could meet the \$15,000 income from fishing eligibility criteria associated with other commercial fishing licenses..

Councilor Paul Risi wondered if this subcommittee should work with DEC's Shellfish Advisory Council, but Mr. Gilmore did not think this would be necessary. Councilor Jordan was skeptical that there will ever be a time when we can overcome the complication of the towns limiting their shellfish digging licenses. This has been debated for years; should the work group even head down that road? Ms. Barnes said that in order to get a commercial license for shellfish harvest in a town, one must already possess a State diggers license. You can't get a town license without the state license. The towns have always maintained that they want to be able to make decisions on shellfish management in their waters, including the ability to restrict licenses to anyone they choose.

Chairman Wise directed the work group to include the State shellfish diggers licenses in its discussions. Any recommendations it makes on that license must account for the issue of the towns having a separate and independent licensing authority.

Mr. German suggested that the work group consider giving military personnel/veterans special consideration in revising any license eligibility criteria. He knows a combat veteran who has been trying to get a conk license for quite a while without success. Mr. Davi concurred and will bring this up in the work group discussions.

Fluke, Scup and Black Sea Bass Recreational Limits for 2013

John Maniscalco of DEC gave a PowerPoint presentation on this item (attached); certain slides from the presentation are presented below.

Scup –

2012 Measures in New York

- Private anglers: 20 fish bag limit at 10.5" minimum size; open season May 1 – December 31
- For Hire: 20 fish bag limit at 11" minimum size; open season May 1 – Dec 31; Sept. 1 – Oct. 31 bag limit is 40 fish

On 21 February 2013, ASMFC accepted the northern regional (MA-NY) option:

- 10" minimum size, all anglers
- 30 fish bag limit, all anglers
- Open Season May 1 – Dec 31
- For hire anglers only, 45 fish bag limit Sept 1 – Oct 31

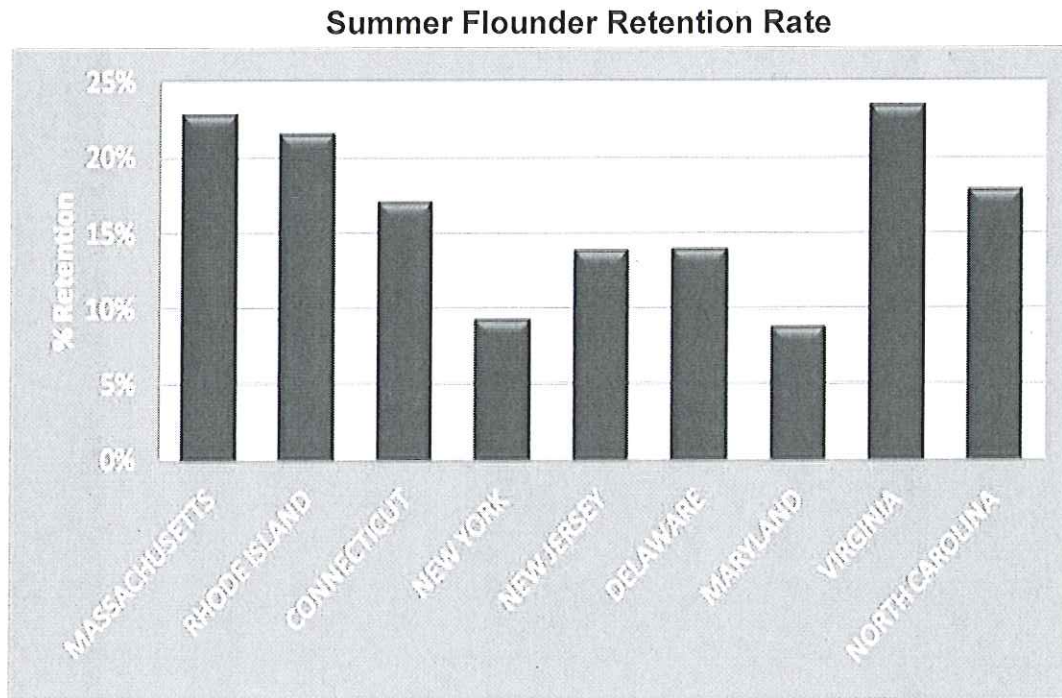
Proposed 2013 federal regulations

- 30 fish at 10" open season year round

Comments: Mr. John Mihale thinks the 10" minimum size is very small. Mr. Reed Reemer asked why the fishery would be closed to recreational fisherman from January 1st – April 30th? Mr. Maniscalco told Mr. Reemer that since there is no recreational catch monitoring during January and February, the ASMFC technical committee has always been against opening Wave 1 (January &

February). Commercial fishermen do have to file VTRs during those months so commercial catch data is available. If the fishery were to open in March or April, the proposed bag and size limits would need to be reduced. Mr. Reemer doesn't believe it should be closed completely during January and February. Councilor Risi disagreed; he believes 01 May – 31 December is a great season. To include a very few people in the winter, you would be affecting hundreds of people in the spring. Councilor Melissa Dearborn agreed.

Summer Flounder–



Mr. Maniscalco referenced the above retention chart. New York is at about 9%; we have to catch over 10 summer flounder to get 1 legal-sized fish. The only other state that has a similar problem is Maryland. The coastwide average is about 20%. ASMFC is attempting to get the same retention rate across all states to allow all states to experience the same kind of fishing. This might be one way to equalize the fluke fishing experience. Chairman Wise questioned if this approach is being looked at for other areas of fishing because the retention issue isn't unique to fluke. Mr. Maniscalco replied that there is still much work to be done here but there hasn't been a discussion about applying this method to other fisheries yet.

Mr. Gilmore informed the Council that there are nine states in the fluke fishery from North Carolina to Massachusetts with two of the states over harvesting - New York (14%) and New Jersey (15%) based upon 2012 harvest data. New York was going to have to take a reduction as was New Jersey but since New Jersey's size limit was already so low it wasn't going to be as big an issue. While other states are recovering, New York is faced with an increase in the minimum size for fluke. Prior to the ASMFC Board meeting in February, Mr. Gilmore and Mr. Heins made phone calls to other state directors. Because the other states were to be allowed to liberalize their recreational fluke regulation in 2013, they were willing to look at alternatives to fix the problem for New York. They secured a tentative agreement that would have the other states foregoing a "full" liberalization in the interests of

a fairer, "across the (geographic) range", set of guidelines. At present, one state cannot "give" fish or allocation to another state, so they moved forward with an agreement that would allow fish be "donated" to another state. This would be temporary so that any fish that are left for 2013 would be available to any state that overharvested. A subcommittee has been working on the particulars. We now have the mechanism in place by which we can take extra fish from those states and come up with a possible reduction of our size limit. The problem is that each state that agreed to this must set their size limits up through their own process and through their state so no one had any specific number as to how many fish are being considered. They hope to have the numbers by the end of March. The worst case scenario would be that New York has to take a 14.5% reduction in 2013. Hopefully, we will get more fish in which case our worst scenario would be that we remain status quo.

Councilor Dearborn questioned if New York will have to share the extra fish with New Jersey and Mr. Gilmore said that still remains to be seen. Hopefully New York's **need** will weigh heavily when all things are being considered.

Mr. Joe McBride commented that there should be a way to let the public know how hard Mr. Gilmore and Mr. Heins are working on behalf of New York fisherman.

Mr. Maniscalco said that this is where we now stand:

- Not including NJ. The other states harvested ~626,000 fluke in 2012 and can harvest up to ~1,083,000 in 2013
- NY's 2013 fluke regulations are dependent upon the actions of other states:
 - NY's 2013 allocation = 441,000 fish
 - NY needs ~75,000 additional fish to remain status-quo
 - ~163,000 additional fish might allow the size limit to drop to 19.0"
 - ~340,000 additional fish could put us at a size limit of 18.5"
 - MA-CT & DE-NC have a total of 457,000 fish to use for themselves or make available to NY (and NJ?)

Mr. Maniscalco suggested that securing 75,000 additional fluke in our allocation fish is doable but getting 340,000 is quite unlikely. For the worst case scenario, if New York needs to reduce its fluke recreational fishing mortality in 2013, Mr. Maniscalco presenting the following alternative options:

Option	Season	Notes	Bag & Size	No. Days
2012	5/1 - 9/30	Current Season	4 fish @ 19.5"	153
1	5/3-8/22	1st Sat in May	4 fish @ 19.5"	112
2	5/10-8/27	2nd Sat in May	4 fish @ 19.5"	110
3	5/18-9/8	3rd Sat in May, 2nd Sun in Sept	4 fish @ 19.5"	114
4	5/17-9/4	Labor Day	4 fish @ 19.5"	111
5	5/20-9/15	3rd Sun in Sept	4 fish @ 19.5"	119
6	5/22-9/23	4th Sun in Sept	4 fish @ 19.5"	125
7	5/24-9/30	5th Sun in Sept	4 fish @ 19.5"	130
8	5/4-8/25	1st Sat in May	2 fish @ 19.5"	114
9	5/11-8/30	2nd Sat in May	2 fish @ 19.5"	112
10	5/18-9/23	3rd sat in May	2 fish @ 19.5"	129
11	5/13-9/5	Labor Day	2 fish @ 19.5"	116
12	5/14-9/9	2nd Sun in Sept	2 fish @ 19.5"	119
13	5/16-9/16	3rd Sun in Sept	2 fish @ 19.5"	124
14	5/18-9/24	4th Sun in Sept	2 fish @ 19.5"	130
15	5/20-9/30	5th Sun in Sept	2 fish @ 19.5"	134

Mr. Maniscalco noted that a drop in the bag from 4 fish to 2 fish only adds about 3% (5 days) to the open season.

Councilor Bob Danielson liked option 4. Councilor Dearborn likes option 3 because by opening on a Saturday in May instead of the Friday, you gain an extra weekend in September. On further consideration, Councilor Danielson agreed option 3 was better.

Mr. Mihale questioned what a 20" fish would get in terms of a longer open season; he thinks other folks would be happier with a longer season. Mr. Danielson said that a 20" fish would only garner halibut, and he thinks people in the industry would agree that a 20" fish would kill their business – too many shorts and anglers people would bolt to other states.

Councilor Risi could see both sides. Councilor Joe Paradiso feels that sacrificing a few days in the beginning of the season and keeping the size limit at 19" would be more beneficial than jumping to a 20" fish.

Mr. Gilmore said that the fluke fishery, and other fisheries, are going to be off this year. He believes that many in the fishing industry are going to be extremely cautious about being the first boats in the water simply due to all the debris Hurricane Sandy left in its wake. Councilor Chris Squeri replied that many people, including himself, were affected by Hurricane Sandy but we need to remain positive. We need to put the storm behind us and just move forward. He continued by saying that if we and shop owners don't anticipate the upcoming season with optimism, it will have a negative impact on their customers and businesses will be hurt – it's vital to remain positive. Ms. Dearborn agreed with Mr. Squeri and believes the industry needs to regroup and by keeping the fish at 19" hopefully we can do that, it would keep the season open longer.

Councilor Danielson made a motion that the Council recommend option #3, above; Councilor Charles Witek second. Mr. Witek believes that dropping the minimum size to 18.5" is scary at best. He would like to see 18.5" eventually, but this is not the year to do that.

Mr. Reemer questioned why there were no options that included a bag limit of 3 fish. Mr. Maniscalco replied that he didn't have enough data to put that option together. He doesn't believe that going to 3 fish would help anyway.

Should New York actually receive more fish, the Department would consider dropping the size limit and keeping the season May 1st – September 30th. If we need to take a reduction, Mr. Gilmore said it will come from the length of the open season.

An audience member questioned the importance of the numbers received 4 years ago through The Weibull Curve because at that time, the curve showed that most effort took place in June, July and August but now the new figures show it's the opposite – that the beginning May counts for more. Mr. Maniscalco said that there is nothing that differentiates the beginning of May from the end of May, the numbers are calculated in 2 month waves and the technical committee didn't feel that the numbers obtained through the Weibull Curve needed to be counted.

Ms. Dearborn said she understands the east end wants to get the early opening, however, by going with the first two options, the season will close in August and that is not acceptable to the entire island. An audience member pointed out that later in the season, more options for different types of fish open up so even if the season for summer flounder closed early, most people would still have something to fish for – in the beginning of May, there isn't any fish to try for.

The motion to recommend option #3 from the above chart was approved by a vote of 6 in favor, 3 opposed, 2 abstentions (Mr. Wise & Mr. Davi).

Mr. Wise asked Mr. Gilmore when he hoped to have the final numbers so they know where they stand and Mr. Gilmore believed they would have them by next week.

Ms. Dearborn wondered what would happen if we actually got less than 75,000 fish, can we do something with that number and Mr. Gilmore said he hopes so. Mr. Risi prays that there will be a surplus but he wants it on the record that he voted "no" because he could not vote for something without seeing a 20" fish option. He knows that folks want the early opening. Councilor Davi said the disconnect within the Department upsets him because the staff that are creating options sometimes do so without having all the facts at their disposal simply because they're new to a particular job. Mr. Gilmore said that many things come into play when the options are put together, there are different values for different days, different recording issues and so on. DEC is trying to do the best it can for all parties concerned.

Black Sea Bass

- 2012 New York Regulations: 15 fish bag limit; 13" minimum size; June 15 – December 31 open season
- ASMFC voted for regional measures in 2013:
 - the northern region must reduce harvest by ~32% (instead of ~45%)
 - New York is part of a northern region (MA, RI, CT, NY, NJ)
 - New York will share regulations with RI and CT

Mr. Maniscalco then presented a table with black sea bass options for 2013 but these have **NOT** been approved by the ASMFC yet:

Option	Min Size (In)	Bag Limit	Season
2012	13	15	June 15 - Dec. 31
1	13	10	July 30 - Dec. 31
2	13	8	July 23 - Dec. 31
3	13	5	July 8 - Dec. 31
4	13	5	June 15 - Oct. 19
5	13	3/8	June 23 - Aug. 31 / Sept. 1 - Dec. 31
6	13	1/10	June 15 - July 31 / Aug. 1 - Dec. 31
7	13.5	15	July 18 - Dec. 31
8	13.5	10	July 12 - Dec. 31
9	13.5	5	June 15 - Nov. 30

In two instances, the bag limits get reduced in various ways during the season, (i.e., in the early part, June 23 – August 3, it would be 3 fish and then from September 1 – December 31, it would be 8 fish). The ASMFC Technical Committee is advising the Board to NOT utilize size increases to achieve the required catch reductions – black sea bass are hermaphrodites, they change sex as they get larger, so if size limits are increased, the males will be targeted thereby creating havoc with the black sea bass hierarchy.

Chairman Wise said he is uncomfortable making an important decision with information that has just been handed to the Council and wondered when is the latest it can give a recommendation to the DEC. Mr. Gilmore said there is going to be a conference call in about 2 days time.

Mr. Witek wondered what kind of a season you could have if you curtailed the season a bit before 31 December; most people have their boat out of the water at that point. Mr. Maniscalco said that November and December are virtually worthless; so few sea bass are caught at that time of year. Councilor Danielson disagreed with this statement. He further stated that every boat that was fishing out of Montauk in January and February were taking sea bass. They might not have been targeting them, but they definitely were catching them. Councilor Tom Jordan said while he agrees with Mr. Danielson that days in November and December should be worth *something*, he feels Mr. Danielson is putting too much value on that time period. He said the boats that sailed out of Montauk in January/February, which amount to about two party boats and a few charter boats a week, caught a negligible amount of sea bass. Mr. Danielson said he was talking more about the fall. Mr. Jordan agreed, but suggested that the number of boats fishing and the amount of people fishing in open boats at that time of year just doesn't compare with the activity levels in June, July, and August.

Councilor Risi stated that Long Island Sound was never a sea bass fishery, however, this year during June, July and August proved just the opposite. In that time, more sea bass were caught and kept than all the boats that fished in January, February and December. You can't count six party boats fishing once or twice a week or two party boats fishing once or twice a week against 800 – 1500 private boats.

Chairman Wise said rather than having the Council make a quick decision about something that affects so many people without having the benefit of hearing the views of those same people, he asked Mr. Maniscalco if these options could be sent to him for further distribution. Once received, Chairman Wise would then send it out to the Council and bulletin recipients asking for feedback from any and all interested parties. And while Mr. Wise said he has resisted having the Councilors vote via email and/or fax, in this case he believes the Council would be doing a disservice to the fishing community by not making an exception here especially in view of the severity of the options. Ms. Dearborn agreed wholeheartedly but thought this should be done for the fluke options as well because the representation in the room could not be considered heavy with stakeholders who would have given some direction as to which way to go. Mr. Wise said that she would be free to do that for fluke too, but that he was against revisiting the fluke issue. Mr. Gilmore needs to make a decision on sea bass by Thursday afternoon.

New York's Compliance with Mandated Reductions in Menhaden Harvests, 2013

Last December, ASMFC voted to reduce the allowable harvest of Atlantic menhaden for the commercial industry. This was prompted by heavy pushing by environmentalist groups. Menhaden have historically been harvested for fish meal and fertilizer but more recently they are being used in aquaculture feeds and in omega oil supplements and other products. ASMFC is now calling for each of the states to come up with measures to bring about a 20% reduction in commercial menhaden harvests.

Mr. Gilmore indicated that New York had hoped to be excluded from this requirement. New York harvests less than 1% of the coastwide menhaden fishery; it's menhaden fishery is primarily a bait fishery. However, the decision was made that each state would need to comply with the 20% reduction requirement. The Department plans on having a scoping meeting on the evening of the 09 April 2013 MRAC meeting at which industry participants can give their thoughts, comments and feedback. A decision will be needed by May.

Mr. Gilmore turned the topic over to Rachel Sysak. Ms. Sysak stated that right now DEC is gathering data but they would like general advice from the Council on measures pertaining to what should be considered to reduce our menhaden landings – trip limits, area closures, gear restrictions and anything else the Council thinks should be included at this time. New York's fishery for menhaden is conducted with gill nets, cast nets and pound nets. Recorded landings are about 300,000 lbs. annually, but it is believed there is significant under- or non-reporting.

Mr. Wise questioned if we could reduce the activity out-of-state fishermen in New York waters to achieve our required reduction. Mr. Davi concurred, saying it's not fair when out-of-state boats who have landing licenses come to New York and take more fish in a few sets of a purse seine than we do in our entire fishery. This is a situation that needs to be addressed during the scoping meeting.

Mr. Arnold Leo is surprised that ASMFC will not allow "*diminimus*" state for New York when they allow it for everything else. We need to make the argument that by cutting back 20%, it's equivalent to closing the fishery. Mr. Heins said that we are the "*diminimus*" state in the menhaden regional fishery management plan, but Virginia was successful in arguing that all states had to take on the

management restrictions; Virginia accounts for 88% of coastwide menhaden landings. The problem that New York has is that our landing data are fairly incomplete. The reference point that we are supposed to reduce to is the years 2009-2011 and since we feel our records are not complete, reducing on a lower number is actually a much higher number so we're losing more than we should. Ms. Sysak is attempting to get as much data as she possibly can to fight those numbers.

Pat Augustine said that he tried to get this away from a state by state but was unable to get a second for the vote. Virginia pushed for state by state because they have 88% of the quota and they cried because they make \$88 million and they were going to have to lay off about 100 people. So there was sympathy around the table for them. He also argued that years ago, New York was one of the biggest menhaden fisheries on the whole east coast but no one cared. Mr. Wise asked if anyone had any suggestions at this point.

The department hopes to have more information for the April meeting but the general consensus was that New York MUST dodge this bullet.

New Bill, S1762

"AN ACT to amend the environmental conservation law, in relation to authorizing the catching and possession of five times the daily limit for any species of fish during any seven consecutive day period and daily limits of any species of fish for which a person aboard such vessel hold a license for the taking thereof; and providing for the repeal of such provision upon the expiration thereof"

Mr. Leo stated that this bill would allow commercial fishermen combine their daily catch quotas on a weekly basis. For example if they're allowed 400 lbs. of scup a day they could take go out once and bring back 2,000 lbs. because the total is 5 times the daily limit. This trip limit consolidation would be allowed to each licensee aboard a boat. The second part of the bill provides for any given vessel there can be an unlimited number of permit holders, for example, if 5 permit holders get together on a trawler and go out one day they can actually come in with 10,000 lbs of scup.

Councilor Jordan said the bill states that you can take up to 5 times the daily limit within the confines of a week, however, there was no stipulation for one day or multiple days. You could do two trip limits on Monday, two trip limits on Wednesday and one trip limit on Friday. You could do anything to accumulate your trips for the week. He said this will be an enforcement nightmare.

Most did not like this particular bill, however, there does need to be some kind of consolidation of trip limits because of the high costs of fuel. Mr. Gilmore said the Department was opposed to this bill because of the difficulty in enforcement. Mr. Wise said that a few years back trip limit consolidation was allowed in the ocean surfclam fishery, on a 2-for-1 basis. Then, everyone realized that unrestricted consolidation was not something to be contemplated. This bill does not have ANY limit on consolidation and he personally thinks this is a bad idea.

Mr. Davi doesn't believe we should drop this bill entirely, he thinks that with some work and tweaking, this could be a way to help fishermen with their expenses and to make fishing more efficient. Whether it's one additional license on the vessel and not ten or to lower the limit – something needs to be done. Latent permits are going to come out of the woodwork if this gets enacted, commented Councilor Farnham.

Mr. Leo noted that the East Hampton Baymen's Association opposes this legislation. Mr. Wise observed that, in past discussions of similar bills similar, DEC's Division of Law Enforcement has

always looked at quota/trip limit consolidation askance because of the difficulty in enforcing. He suggests that those interested in this bill, go on the senate web page and search for it:
<http://open.nysenate.gov/legislation/api/1.0/html/bill/S1762-2013>

This bill and all other bills dealing with marine legislation will be discussed at the 09 April 2013 meeting of the Council.

2013 Council Meeting Schedule

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

09 April
14 May
09 July
17 September
12 November

Except as noted, all regularly scheduled 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.

09 April 2013 Council Meeting

The Council's April meeting will be largely devoted to a review of marine resources legislation that has been introduced into the current session of the New York State Legislature. The bills to be discussed will be posted on the Council's web page (see below) on Friday, 05 April 2013.

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; wwise@notes.cc.sunysb.edu.