



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 Wittek

Dean Yaxa

Chairman Wise began the meeting at 2:10. Due to the limited parking spaces vs. the high volume of guests, Chairman Wise allotted a few extra minutes to accommodate the parking situation. After introductions by the councilors present and the Director of the Marine Bureau of the DEC, James Gilmore, Chairman Wise went over the day's agenda.

### **Public Comment**

Referring to the agenda item "following up on recommendations to DEC" Captain. Neal Delanoy said that he believes it is written in MRAC's charter that, if DEC doesn't follow through on a recommendation from the Council, they need to publicly explain why. Chairman Wise clarified that State law requires that, when the Department makes a rule-making **AND** the Council has given an opinion on the proposed rule— if the rule that is adopted is different from the Council's opinion, the Department must explain why. Mr. Gilmore agreed and said there are very few instances where the Department has deviated from what the Council recommended.

Council John Davi said there are however, numerous instances where the Council has put together a subcommittee who in turn put together a recommendation for the DEC and they do not take any action or move forward with it – what is the recourse there?

Mr. John German asked that the agenda for each meeting be posted in a more timely fashion.

Mr. John Mihale read a letter from Ron Onorato – "After reviewing the landings of several states, and in particular Massachusetts, it is evident that the NYSDEC has been too cautious in the management of the Black Sea Bass. Massachusetts has exceeded its quota of BSB virtually every year (including 2013 by a staggering 16%). It is unconscionable that NYS has left several thousand pounds of NYS's small BSB quota go unharvested. Has Massachusetts paid a penalty for exceeding its quota every year? Going forward, the BSB season should extend through November for the fall period, regardless of where the NYS quota stands. In addition, Massachusetts has exceeded its striped bass quota every year except for 2013. Has New York every exceeded or even fulfilled its annual quota of striped bass?" Mr. Mihale supports Mr. Onoratos' views and believes there should be an objective to maximize the commercial harvest for striped bass and there needs to be a discussion before this year's allocation is decided.

William Wise  
Chairman

Kim Knoll  
Staff Assistant

Mr. Mihale added that it was his idea to include the agenda item regarding the follow-up surrounding recommendations to the DEC. He believes it might be best handled annually. Each year the Council's April meeting is always devoted to legislative bills dealing with marine resources; perhaps 15 minutes should be set aside to just do a quick follow up so the Council can understand where previous recommendations stand.

Mr. Wise said that both Mr. Mihale's items are actually linked. He recalled the Council endorsed a set of recommendations for handling the striped bass permit and one of the reasons for those recommendations was because of a chronic under-catch of the commercial quota. The report made the point that it is within the confines of the quota and there is no reason not to try and catch the quota. That was one of the rationales behind the principal recommendation to make the permit transferable. However, transferability is a big issue and the Department has not yet moved forward on this recommendation.

Commercial fisherman Pete Wenczel asked where the difficulty lies in trying to get the vacant commercial seat for the Council filled? He (and others) cannot understand what could possibly take this long especially since they know that people have already been nominated for the vacancies. Mr. Wise suggested that anyone could write a letter to Assemblyman Sheldon Silver to try and hurry the process along. *For those who are interested the address is : Assemblyman Silver Sheldon, LOB 932, Albany, NY 12248* Mr. Gilmore added that if anyone is interested in applying, they should contact their local assemblyman who will then put in a recommendation to Mr. Silver and once he approves it, it will then move on to DEC Commissioner Joe Marteens.

Mr. Gilmore restated his announcement from the last meeting; Patrick Augustine's tenure as a commissioner from New York on the Atlantic States Marine Fisheries Commission (ASMFC) is coming to an end. Governor Cuomo needs to either reappoint or replace Mr. Augustine. If anyone is interested or would like to recommend someone, they should contact Mr. Gilmore [jjgilmore@gw.dec.state.ny.us](mailto:jjgilmore@gw.dec.state.ny.us). The Commission meets four times a year and a commissioner must be able to effectively represent a particular segment of either the recreational or commercial fishing community of New York. Each meeting usually lasts from 8:00am – 6:00pm. While the position is unsalaried, travel costs are reimbursed. Mr. Augustine added that while performing your duties, you will sit on 17 boards. He added that no matter how well you do the job, keep in mind that you will not make everyone happy, whatever stance you take, there are people who will be upset with you. The meetings are run by Roberts Rules of Order and in reality; you should expect to hold your position for at least 5 years because it will take a few years to just understanding the workings of fisheries management.

The Mid-Atlantic Fisheries Management Council has 2 at-large seats open. John McMurry in the obligatory seat and Lori Nolan who is in the at-large seat are both up for re-appointment. They would both like to continue in their role, however, if you are interested you can apply. There is a small salary for each of these positions plus travel costs.

### **Approval of Council 12 November 2013 Meeting Minutes**

The draft minutes of the Council's meeting of 12 November 2013 were unanimously approved as written.

## Multi-species crustacean regulatory package

DEC staff person Kim McKown introduced the Council to the Department proposed rule-making package on marine crustaceans. On 16 December 2013, DEC held a public information meeting to elicit feedback regarding the multi-species crustacean regulatory package. Ms. McKown gave a Powerpoint presentation with information gathered from that meeting. In addition to the 48 people who signed in at the meeting, they received additional written and comments by phone from people who were unable to attend.

## Whelk Reporting

There was a general consensus that there is too much reporting now and most felt that there should be a change in the way reporting is currently being performed.

Whelk reporting options:

- Mandate trip level reporting for whelk permit holders (VTR)
- Status quota (no reporting)

Discussion: Councilor Davi said he supports reporting. At the public meeting it was learned that there are only a handful of people who weren't required to report so he would have no problem enforcing this. Ms. McKown said that this would simply mean that anyone who has a whelk license must report his/her harvest. **Councilor Davi moved that the Council support mandatory reporting for all whelk harvesters; second by Councilor Charles Witek. The motion carried 9 in favor; 0 opposed; 1 abstention (Wise).**

## Establish a Whelk Minimum Size Limit

The public comments on setting a minimum harvest size for whelk included:

- Don't need regulations, economics and mother nature will regulate the fishery
- Whelks are predators on bivalves, helping clam/oyster fishermen
- Connecticut has no whelk regulations
- Town laws prohibit release of whelks back into the water
- Whelk in some areas are smaller than in other areas
- A size limit should be implemented incrementally
- Need a 5.5" minimum size limit immediately
- Set a maximum size limit of 6.25"
- Raise whelk on shellfish leases

Options for Whelk Minimum Size Limit:

Option 1

- 5-1/2" length or 3 " width

Option 2

- Incremental increase in minimum size
  - 2014: 5-1/4" length or 2-7/8" width
  - 2015: 5-1/2" length or 3" width

Status Quo

- No minimum size limit

*Discussion:* Councilor Davi said that in speaking to folks for this particular fishing industry what they have a problem with is the size limitations. Right now Connecticut doesn't have any rules in this regard so you will have Connecticut fishermen fishing without restriction in the same waters with New

York fishermen that have to adhere to the rules. Once again, New York fishermen are at a disadvantage. He would be happy with status quo but believes the DEC will not be happy with that. One concern he has is the fragility of the shells when it comes to measuring. You could have a shell that measures up to the minimum size limit but due to handling, pieces could break off so when you bring them ashore, they do not measure up as they first did. He thinks a width size limitation would be easier to deal with; however, what he would really like to see though would be for the Department to allow more time before putting any restriction in place. He, along with many others, don't believe the data given and would like a grace period, possibly a year, in order for the fishermen to come up with their own data in order to get a true sense of what is really going on in the waters.

Councilor Witek asked where the size limit of 5-1/2" came from. Ms. McKown said that at 5-1/2" the females are just beginning to mature. This is based on data collected by Dr. Tettlebach of Long Island University, researchers in Massachusetts, Virginia, as well as data collected by the DEC itself. Councilor Yaxa worries about the impact these new restrictions will have on fishermen, particularly those in the Western Sound where the conchs are much smaller. This could possibly put many fishermen out of business. He questioned Ms. McKown on the means used to collect the conch and therefore the validity of the data. Ms McKown said some were from conch pots and some from trawl. The data from conch pots were not randomly selected and she assumes that many of them were large because that is what was being harvested. The size frequency from the Connecticut trawl survey in Long Island Sound showed a *higher* percentage greater than 5-1/2" west of Mount Sinai vs. east of Mount Sinai in the spring of 2013.

Councilor Yaxa disagrees with the data. If you question hand harvesters, those who use a rake, the gauge of the basket 7/8" in width but you're talking 1-1/2 – 2" on your conch pot, you're missing the smaller ones – they are absolutely reproducing in the Long Island Sound. He has nothing against reporting but does not want to see a size limit.

Captain George Doll has been fishing for conch for more than 30 years out of Northport and read from a copy of the Huntington Law that stipulates "starfish, drills, moon snails, and conchs, when taken should NOT be returned to the towns waters alive"; by placing a size limit, you are contradicting that law. If a size limit of 5 1/2" is enforced, he will lose 80% of his business and lose his livelihood. The conchs will be saved; they'll be able to eat all the clams in the harbor any many people will be out of business, does this make sense?

Mr. John German, a life-long lobsterman, said he is unable to fish for lobster because there is a moratorium in place. Now the DEC wants to protect conchs. He continued by saying that whether anyone wants to admit it or not, conchs are predators, they are a major predator on lobsters. While some people will argue that lobsters are predators too, they have never been officially classified as such; however, conchs have always had that classification. What he's most concerned about though is moving forward with a regulation that is so light on scientific data. You're willing to turn things upside down based on a handful of studies. He believes things should remain status quo. He believes this to be an abuse of regulatory authority.

James Schneider stated that he was confused by priorities, should we be saving snails? We currently have a fluke fishery that only harvests females at 18" + and that's okay but now we're worrying about protecting a snail. There are people who rely on conchs for their livelihood. He would wait a year to make a decision; DEC does not have enough data to make such a drastic change now. He would hope that if there was a change to take place, it would be done in increments to allow folks to earn a living.

Chairman Wise asked the law enforcement officers present to weigh in with their opinions. Officer Joe Billotto said to have this regulation in place by the spring is very optimistic. They will need to have enforcement guidelines as well as tools for measuring whelks. At the present time, they are currently short 4 officers as well.

Mr. John Mihale wanted to know which law people have to abide by, case in point, Huntington. According to Mr. Gilmore, State law always takes precedence over local law. Mr. Mihale also questioned if whelk is indigenous strictly to the bays? He said that nature has always taken care of itself – why are we getting involved in this?

An audience member said that if we really are trying to protect the resource, why can't we just throw the big ones back? Have a window size and throw back the ones that are too small and too large.

Officer Billotto said we need to take reciprocity into account as well.

Fisherman Pete Wenczel supported option 1 and believes in the data. The whelk fishery is in trouble and we need to address this now in order to help it. The overall size is going down, he fishes in this industry and has seen the change. The time to act is now.

Capt. Neal Delanoy wondered if having a bushel limit or a seasonal closure was considered? Ms. McKown said that wouldn't help make sure that you have mature females to keep a sustainable fishery.

Councilor Dearborn suggests keeping things status quo until we can gather more information. We can revisit this in a year's time.

Mr. Gilmore said ASMFC believes the stock to be decline based on regional data. He had asked for a "one size fits all" plan but that didn't happen. They would like to see each state manage their own fishery. Connecticut recognizes there is a problem with whelk and will be addressing it shortly. The way this would work would be for the Department to put together a package. This package would be up for public comment in February and if it stayed in a fast track mode, would be up for implementation sometime in May. That being said, the Department recognizes that there might be stumbling blocks along the way such as the enforcement issue, this alone could prevent the package from moving forward quickly. Mr. Gilmore stated that DEC was not trying to, "...protect snails." It is attempting to manage the fishery; if we wait another year, there might not be anything to worry about.

Chairman Wise agrees that something must be done but also agrees that folks need time to adjust, especially for those whose livelihoods depending on whelk. He feels we should start smaller than the size suggested and depending on data that is gathered, work your way up from there.

**Councilor Davi made a motion to keep size status quo for a year, he really wants to see Connecticut get their act together, and then revisit this. Councilor Paul Risi seconded.**

*Discussion:* Councilor Paul Farnham agrees that we need to find the defining point and start from there; he thinks it should be around 4". He also likes the idea of returning the larger ones. Councilor Risi agrees with Mr. Farnham and is all for management, however, he believes there are too many disparities right now, he has great concern that Connecticut fishermen will come and take away the conch that New Yorkers are trying to help.

Councilor Witek worries about delay because we are already seeing a decline. He does not condone "too little too late management." Everyone is worried about asking too much from the fishing

community but if we do nothing now and revisit this in a year, we may very likely find the situation so dire, that we may not be able to recover it. Wouldn't that be far worse for those fishing for conch?

Councilor Dearborn wonders about starting at 4" – what do folks think about that?

**The Council adopted Mr. Davi's motion. The vote was 5 in favor; 3 opposed; 2 abstentions.**

### **Asian Horseshoe Crab**

#### Public Comments

- Fisherman use them because they need bait and there aren't enough local HSC
- If there is a ban DEC should raise the domestic HSC quota to make up for the lost bait
- Importing Asian horseshoe crab increase risks of invasive species and pathogens

#### Asian horseshoe crab Options

##### Option 1

- Prohibit the importation, possession and use of Asian horseshoe crabs

##### Option 2

- Prohibit the importation, possession and use of Asian horseshoe crab
  - Request that our horseshoe crab quota be increased<sup>9</sup>

##### Status Quo

- No ban

**Council Davi made a motion to support Option 1, Councilor Witek seconded.**

Discussion: Chairman Wise asked if a state was able to prohibit the importation of **anything** from a foreign country. Ms. McKown said that we currently prohibit Mitten crabs from China. Mr. Gilmore added snakeheads; they both said there are many items that are prohibited.

**The motion by Mr. Davi carried: 9 in favor; 0 opposed; 1 abstention (Wise).**

### **Terrapin Excluder Devices**

#### Public Comments

- TEDs should only be required in creeks, rivers and marshes
- Hudson River should be included
- TEDs should be required on all new traps sold
- TED dimensions should be 1.75" x 5" rather than 2" x 6"
  - Reduce mortality by 73% compared to 46%
- Distribute TEDs free to fishermen
- Education and outreach
- Prohibit harvest of terrapins
- Remove ghost traps

#### Terrapin Excluder Device Options

##### Option 1

- Mandate use of TED in embayments of LIS and Peconic Bay and rivers/tributaries of south shore bays and Hudson River
- Sub-options – TED size
  - A- 1.75" x 5" (currently used in Delaware & Maryland)
  - B- 2" x 6" (currently used in New Jersey)

#### Option 2

- Require all new pots to have TEDs

#### Option 3

- Mandate use of TEDs throughout the Marine District

#### Option 4

- Mandate use of TEDs throughout the Marine District and in the Hudson River

#### Status Quo

- Not mandated

Discussion: For clarification – the excluder device is to prevent entry into the pots by making the opening smaller; it does not act as an escape hatch for terrapins. Councilor Dearborn asked what areas would be included in Option 2. Ms. McKown said it would apply for all new pots wherever they were to be used.

Mr. John Turner of the Huntington-Oyster Bay Audubon read the letter commenting on the terrapin excluder device proposal that he asked be included in the official meeting records. The first several paragraphs read, *"The undersigned appreciate the opportunity to express their support for the Department's proposed regulation to require that crab pots/traps used in New York's Marine District be equipped with Terrapin Exclude Devices (TED's). Also referred to as By-catch Reduction Devices (BRD's), this gear is designed to reduce mortality to diamondback terrapins, a brackish water turtle known to drown in crab pots/traps. As proposed in the draft regulation, the opening to all crab pots/traps would be required to be equipped with TED's that are no larger than 2 inches high by 6 inches wide.*

*The undersigned strongly support the adoption of the proposed regulation and commend the Department for drafting it and providing the public the opportunity to comment upon it at tonight's hearing. We urge the Department to move expeditiously to adopt the regulation, incorporating the amendments described below, so that diamondback terrapins emerging from hibernation in the spring of 2014 benefit from this important and new protective measure.*

*It appears that diamondback terrapins have declined significantly on Long Island over the past several decades and in no estuaries and embayments here can the species be considered abundant. Known causes for decline include loss of suitable nesting habitat (especially along the south shore), and direct mortality to individuals due to roadkill, boat collisions, and drowning in crab pots. We know definitely that terrapins have drowned in pots/traps situated in a variety of Long Island estuaries and embayments including Jamaica Bay, Accabonac Harbor, Staten Island, West Meadow Beach, Amityville Cut, Cedar Beach, and Mt. Sinai Harbor. Of these major causes of mortality drowning in crab pots/traps is, by far, the most easily remedied."* The letter was sent on behalf of John Turner, Dr. Russell Burke, Donald E. Axinn, Stella Miller, Carl Safina, James Monaco, Pat Aitkin, Leah Schmalz, Arthur Kopelman (should anyone wish to read the letter in its entirety, you may contact me at [kim.knoll@stonybrook.edu](mailto:kim.knoll@stonybrook.edu) for a copy) The full letter will be included in the Council's Minutes of the meeting.

Mr. Wise questioned the law enforcement officers about the ability to designate or differentiate areas in the water and Officer Bilotto responded that it's completely **unenforceable**. He stated that unless there are actual physical markers that fishermen can "see" separating one area from another, you will lose the case once it goes to court. You need something tangible, something that is not subject to personal interpretation. Mr. Mihale worries about reduction in the catch while using a crab pot with a TED but Mr. Gilmore said the evidence is that there is very little impact to the crab fishery. New Jersey had worried about the same thing but they have been using them for a number of years now

and they have found no difference, so they work. Ms. McKown added that Option A has been proven successful in Delaware and the cost is approximately \$1.50 each. Mr. Davi added that the amount of \$1.50 is without the cost of attaching it. He also wanted to know the amount of terrapins this affects. Ms. McKown said the number is quite significant. He continued by asking who is expected to foot the bill for adding the devices to all crab pots? Mr. Carl LoBue of The Nature Conservancy along with many others said they would be willing to apply for a wildlife grant that would help pay for the devices as well as distribution costs.

Councilor Risi thinks it would be great if money would be made available for this although the fishery is a strong fishery. He personally has a problem with animals dying needlessly and if having this device on a crab pot could prevent the turtles from drowning, why **not** do it? He would be happy to help with writing the grant.

**Councilor Davi made a motion to recommend the status quo for the time being. However, should money becomes available through a grant; this issue can be revisited for the 2015 season. Councilor Dearborn seconded.**

Councilor Witek said that we have the technology and the knowledge; we'll be able to save  $\frac{3}{4}$  of the bycatch and believes we should do this now rather than later. Why have another year of Terrapin mortality when it can be avoided? **Councilor Witek amended the motion to include TED's 1.75" x 5" and added the specification, "... throughout the Marine District." Councilor Risi seconded.** Councilor Farnham wanted to add a friendly amendment to change the size, however, Councilor Witek did not accept this amendment. Chairman Wise reverted to Councilor Witek's amended motion. **This motion carried. The vote was 4 in favor; 3 opposed; 3 abstentions.**

## **Ban the Release of Out-of-State crustaceans**

### Public Comments

- Should be regional
- Fishermen already use bait from different areas of the coast
- Lobsters from other areas are being penned in NY
- Introducing other resources may be a good thing-especially Dungeness crabs

## Out-of-State Crustacean Options

### Option 1

- Prohibit the release of non-native crustaceans

### Option 2

- Prohibit the release of crustaceans not harvested in the region
  - Sub-option (Regions)
    - A: East Coast of U.S. – Maine through Florida
    - B: Massachusetts south of Cape Cod through Cap Hatteras
    - C: New Jersey, New York, Connecticut, Rhode Island

### Option 3

- Prohibit the release of crustaceans not harvested in New York

## Status Quo

- No prohibition

Councilor Dearborn said Option 2 would need to include the East Coast because you deal with fiddler crabs coming in from Florida and green crabs coming from New Hampshire. Option 3 would be too restrictive because it's too small of a region. Option 1 would be all inclusive. Councilor Witek feels the only option that would work is 1 because it's easy to know when something is non-native. Chairman Wise said to keep in mind this relates to animals that are not native to New York; it wouldn't cover fiddler crabs, it wouldn't cover green crabs.

**Councilor Davi made a motion that the Council recommend Option 1, to prohibit the release of non-native or non-naturalized crustaceans. Second Mr. Wise The motion carried: 9 in favor; 0 opposed; 1 abstention (Wise).**

#### Regulatory Timeline

- Develop regulatory proposal – early January
- Present proposal to MRAC 1/14//2014
- Proposal public comment period – February/March
- Present Proposal to HREMAC March 2014
- Adopt new rules – spring/early summer 2014

#### **Summer Flounder 2014 Quota Adjusted for 2013 Overages**

Mr. Gilmore reminded the audience that there would be an ASMFC hearing on Addendum XXV this evening following the MRAC meeting at 6:30 pm.

John Maniscalco of the DEC then spoke regarding summer flounder and black sea bass.

#### *Summer Flounder –*

#### 2013 Regulations:

- 4 fish at 19" May 1 – September 29
- NY harvested 500,167 fish

#### For 2014

- NY's allocation is 426,223 fish
- Under Conservation Equivalency (only), NY would have to take a 14.8% reduction
- Under Addendum XXV there is the possibility of regional management or fish-sharing as in 2013

The recreational harvest for New York has decreased under the new stock assessment so the fluke allocation for 2014 will be 426,223 fish. In the event of returning to conservation equivalency, supposing Addendum XXV does not pass, New York would have to take a 14.8% reduction. With Addendum XXV, there is potential for regional management or additional fish sharing so New York wouldn't have to take a reduction, however, it will depend on the management vote on February 4, 2013.

Should we need to take a reduction, these are the options in terms of the length of the open season

#### State by State Conservation Equivalency

2013 May 1 – September 29 – 152 days

Example 1: Thursday, May 15 – Wednesday, September 3 – 112 days

2: Saturday, May 17 – Friday, September 19 – 126 days

3: Monday, May 19 – Sunday, October 5 – 140 days

**\*\***Memorial Day is May 26<sup>th</sup> and Labor Day is September 1<sup>st</sup>.

Also included in the meeting tonight regarding Addendum XXV will be an ad hoc regional approach works that there is one large pot of fish but everyone works on their own regulations.

### *Black Sea Bass (Ad Hoc Regional Measures)*

#### 2013 Regulations

- 8 fish at 13" July 10 – December 31
- NY is projected to harvest 366,307

For 2014 (based upon Wave 6 projections)

- Under Addendum XXV, Northern region (MA-NJ) has to reduce harvest by 6.9%
- Southern region has already proposed a harvest reduction of 9.9%
- This **could** mean 8 fish at 13" July 16-December 31 for New York in 2014 (loss of 6 days in July)

Mr. Mihale questioned when the scup season will begin, Mr. Maniscalco answered, May 1<sup>st</sup>. Mr. Delanoy questioned if there was an option available for a smaller bag limit for sea bass? Possibly a bag limit of 6? Mr. Maniscalco said that if people were interested in that, it could be considered. Others argued that it had been looked at last year and realized it wouldn't work.

Mr. Gilmore wanted to let everyone know that New York's contingent - Anthony DiLernia, Pat Augustine, Kathy Henlein (who represents Senator Boyle) John Maniscalco, and Steven Heins to name those that are present, have been working extremely hard to come up with solutions and most of what is in the Addendum came from this contingent. Most of the states believe that a regional approach is warranted at this point, however, there are a few outlaws right now. Currently there are a series of hearings, but the actual vote will take place on February 5<sup>th</sup> in Alexandria at the ASMFC meeting. Rhode Island is insisting on maintaining an 8-fish bag limit; they are and will be the only state on the East coast to have that. They still don't believe they will have fishing charters if there is a 4 fish bag limit put into place. In addition, there was a motion put through to the Mid-Atlantic Council that initiated an amendment to the overall fisheries management joint plan that will look at the commercial allocation and the 7% issue. It will take a long time to go through but at the last meeting in December, that was put up by the Executive Committee of the Mid-Atlantic Council, so the overall management of fluke will be reviewed and hopefully modernize management. A regional management addendum would be for one year and then it will be revisited.

Mr. DiLernia has heard from recreational fishermen for years to eliminate the state by state quota system and go to coastwide management. That has not been very successful but he believes that regional management is a good compromise. He's seeking support for regional management from New York. Mr. John Schoenig asked if Rhode Island has to be included. Mr. Gilmore said Rhode Island is going to oppose anything that will change their 8 fish bag limit, however, as more discussions take place, it's possible that other options may come along, one that Rhode Island might end up being happy with as well as others.

## **Improving Commercial Harvest Quota Management**

Chairman Wise said that he has been contacted numerous times over the past several months from the commercial side of the aisle to express their frustration and concern that the current approach to quota management in New York is not serving the fishing community well. He asked Councilor Jordan to encapsulate what he sees as the basic issues that make up the majority of the complaints. Mr. Jordan said there was a quota management meeting last week and he believes that most of the points made at the meeting will be taken seriously by the department. Basically, when it comes to scup, seabass and fluke management over the summer, they have always done a good job with allocation over the period, trying to retain access for users over the course of the season. They're very good at setting up those parameters; however, it's the follow through where things fall apart. One of the most pertinent points made at the meeting was the realization that there needs to be improvement when tracking the season because waiting until you hit the trigger point in order to act, is just a waste of time. Instead of looking at fluke landings that NOAA produces and waiting to get to the point where you need to close the season, they have learned that there is enough information to forecast the season. By forecasting 3-4 weeks ahead of time there is enough time to send out a closure notice. A notice of such importance should go out in a timely manner. We need to recommend closures ahead of time, anticipate the future by looking at past numbers. They have found the landings reports to be very consistent and would make it easy to do so. For the past several years, the fluke fishermen have been totally punished in wave 5 and they need to stop doing that. **The point being - it's better to shut a fishery down for a week or two during a period rather than waiting too long and then having to shut down the fishery for 2 months at the end.**

Mr. Gilmore included the fact of staff shortages. When there is only one person responsible for tracking and that person becomes ill, it doesn't get done. He was happy to report that there has been approval for the DEC to hire additional staff. Mr. Farnham would be willing to pay \$100 more per food fish license in order to hire someone to count our fish. He has said all along he believes it's wrong for New York to not count their own fish. Let's create jobs and at the same time be able to better track our fish. Maureen Davidson said that if people other than the DEC did the collecting, it would require even more people to gather and sort through the data so that might not be the best idea. Mr. Gilmore said that Mr. Witek is chair of the committee that is actually looking at the marine account and the different efforts this account funds. One such effort is comparing different states and the way in which they count their fish, focusing on the states who do a better job than New York. There are states that have a budget for this 2-3 times larger than New York so of course, their data is better. In order for New York to receive more money to put toward this effort, the DEC needs people to contact the Legislature and request more allocation for this. Until they receive more money, they will do the best they can with what they do have.

## **Impact of New Inlet on Eastern Great South Bay**

Mr. Wise gave a brief overview of what is happening in the Great South Bay post hurricane Sandy. As most folks know, hurricane Sandy created a breach which is almost facing due north now. One of the concerns caused by this new inlet was the potential for flooding in the area because more seawater would be able to enter the Great South Bay with a fixed volume and the tidal range would go up. However, data gathered over a period of 14 months after the hurricane suggests the average water level is unchanged and there is no physical evidence that having the new inlet has increased flooding events. When flooding occurs now, it's not because of the new inlet, the flooding would have happened regardless. The amount of water in the bay is very strongly a function of the direction of the wind, the duration of the wind and how fast it blows. When it blows from the west, you have lower water stands and when it blows from the east, the effect is to push more water into the bay but it is a coastal phenomenon. The deepest point right now is 20 feet. Based on sophisticated measurements taken by equipment placed in various areas by Dr. Charles Flagg of Stony Brook University, the

amount of water needed to go from low tide to high tide in the basin has been calculated at 8%. Most of this is felt in the eastern portion of the bay, specifically the Bellport Bay area. Bellport Bay is showing lower nutrient levels on average, less chlorophyll which basically means less plant life (phytoplankton); the water is cooler and significantly saltier. Prior to the inlet, the salinity was 24-25, the day after the inlet 26-27 – it can now at times; compare to oceanic which is about 29. There is strong evidence that that area of the bay is more vigorously flushed and some of the things that traditionally accumulate at the back end portion of the bay are being flushed out into the ocean.

Beyond the water quality parameters, more work is being done to study the impact to life forms of the bay. This will be a longer term study and more difficult – the higher up in the ecological chain you get to tie cause and effect together. The inlet shows no signs of closing on its own which inlets can do. Typically inlets such as this one can last anywhere from a month to 40, 50 or 60 years. The last time there was an inlet at this particular location, it closed about 1860/1870 but it had been open for a long time. No demonstrative horrific negative effects have occurred. Some people think it's a good thing and by and large the assessment has been that the inlet is considered healthy for the bay. As long as there is equipment in the bay, the University will continue to monitor it.

Councilor Dearborn asked the Chairman to poll the Councilors to see if they are in favor of a regional approach to the fluke situation because if they were, she would make a motion. Mr. Wise thought that regionalization as opposed to the selections offered made a good deal of sense. **Ms. Dearborn moved that Chairman Wise write a letter on behalf of the Council to support Option 3 for the adaptive regional management in Addendum XXV. Councilor Witek seconded. This motion carried by a vote of 8 in favor; 0 opposed; 1 abstention (Wise).**

## 2014 Council Meeting Schedule

The following are the dates of the regularly scheduled meetings of the Marine Resources Advisory Council in 2014:

March 18<sup>th</sup> (note date change)  
April 15<sup>th</sup>  
May 20<sup>th</sup>  
July 15<sup>th</sup>  
September 16<sup>th</sup>  
November 18<sup>th</sup>

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.

## 18 March 2014 Council Meeting

Check the MRAC website (see below) for agenda items for the 18 March 2014 Council meeting.

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).