

Marine
Resources
Advisory
Council

BULLETIN

July 15, 2014

Volume XXIV, No. 4

Meeting of the Marine Resources Advisory Council

Robert Danielson

John Davi, Jr.

Chairman Wise began the meeting at 7:10 p.m.

Melissa Dearborn

The July Council meeting is usually set in the evening in the hopes of accommodating more people within the fishing community. Due to the heavy work load in the summer months, it is thought an evening meeting would give more opportunity for people who are too busy to attend in the afternoon.

Paul Farnham

Thomas Jordan

Mr. James Gilmore, Director of the Marine Bureau of the NYSDEC, informed everyone that the email addresses of DEC staff have changed. The new system should make communicating with Department staff easier. To contact anyone, use their first name, then dot, then last name, then @dec.ny.gov (two examples: James.gilmore@dec.ny.gov, Karen.Chytalo@dec.ny.gov). Capitalization does not matter.

Joseph Paradiso

John Renaldo

Paul Risi

Christopher Squeri

Chairman Wise then went over the day's agenda. He reminded those present that there are new meeting rules. The opening Public Comment period is for issues **not** on the agenda. An issue raised during public comment may be added to the meeting agenda if time allows, or it may be deferred to the next meeting. In any event, any action by the Council on the suggested issue/topic will be deferred to the next meeting, to afford the Council an opportunity to hear from the public on the matter. Those guests or visitors wishing to address the Council will sit in a designated chair, make their statement, and then return to their seat. Should a motion for Council action be made, visitors and guests will have a limited amount of time to speak in favor of or opposition to the motion. Mr. Wise stated that the Council made these changes to its meeting procedures to help strike a better balance between discussion within the Council and receiving input from the public on agenda items, which had come to dominate Council proceedings in recent years. He reminded everyone that comments and correspondence to the Council can be made between meetings by contacting/writing him.

Charles Witek

Dean Yaxa

Public Comment

William Wise
Chairman

Mr. John Shoenig, President of the Imperial Sportfishing Club, brought up the topic of blackfish. As the Club's representative, he wanted it to be noted on the record: they would like the spring season to be open again for recreational fisherman and a prohibition placed on possessing blackfish during its spawning season. Mr. Wise said this suggestion will be put on the agenda of the Council's September 2014 meeting.

Kim Knoll
Staff Assistant

Nancy Solomon of Long Island Traditions asked after the status of the Sandy disaster money for the commercial fishing industry in New York. DEC staff Steve Heins responded that New York has not received the money yet from the federal government; they expect to have it by the end of the summer. New York should be receiving approximately \$2.5 million.

Species Management Updates

Menhaden – Mr. Gilmore recalled that last year the Atlantic States Marine Fisheries Commission (ASMFC) came up with a quota system for menhaden that was supposed to include the bait fishery, based on reported commercial landings of this species from each state. New York's target 2013 quota was 225, 987 lbs, which DEC estimates was only a quarter of what was actually landed in New York in that year. New York's reported 2013 landings of menhaden were ~200,000 lbs, well within the State's quota and, therefore, there was no closure of the fishery. Now, the cast net is considered part of the non-directed gear. This means that even though the 2014 fishery is officially closed (effective June 22), fishermen can keep up to 6,000 lbs per day as by-catch. Mr. Gilmore would like to keep the reports coming in, in the hopes of getting New York's menhaden allocation increased to a more realistic number, given the size of its recent menhaden fishery. The coastwide quota for menhaden is 370,000,000 lbs and 85%-90% of that is allocated to Virginia where a single firm, Omega Protein, operates a reduction factory in Reedville.

American eel – The current (2012) stock assessment shows that this stock is depleted. The ASMFC is working on an addendum (IV) to the Interstate Fishery Management Plan for American Eel to limit harvests in the glass eel, yellow eel and silver eel fisheries. The options go into a new quota management system based on historic landings. Mr. Gilmore said there had been a public meeting on Addendum IV the evening prior. However, anyone wishing to make further comments on it can send them to Mr. Gilmore or Mr. Heins. ASMFC will be voting on the specific measures to be adopted under Addendum IV in August. Councilor John Davi would like to see an equal allocation to all East Coast states rather than a system based on historic reported landings (which, in New York's case, have been relatively small). Mr. Gilmore responded that this is one of the options included in Addendum IV. Councilor Robert Danielson said he did not know about the meeting but would appreciate a brief summation of what was discussed, which Mr. Gilmore gave:

In the *glass eel fishery*, there are only two states that have an open fishery – Maine and South Carolina. Their annual reported commercial landings are ~15,000 – 20,000 lbs. Glass eels command a price of \$500 - \$2,000 per pound. For economic reasons, Maine does not want to see this fishery close or even be restricted. There has been much discussion on why Maine has nearly the entire fishery while other states cannot take part in it, why the inequities? Maine has now taken a 35% reduction, which amounts to ~10,000 lbs, but the recommendation in the addendum is for 6,000 – 8,000 lbs. New York does not have a glass eel fishery and, thus, it would not be affected by whatever additional limits are placed on this fishery. Mr. Gilmore noted that there are substantial enforcement difficulties in the glass eel fishery and the Department believes there is already a good bit of poaching of glass eels in the State.

Under the current addendum to the American eel fishery management plan, the coastwide minimum size on *yellow eels* (the next growth stage in the species life history) is 9". Addendum IV includes several options for quota management of yellow eels based on different factors. Several of the options have a stipulation that there cannot be an increase of more than 10,000 lbs. beyond a state's historic commercial landings. Unfortunately, Mr. Gilmore stated, the reported commercial landings of yellow eels in many states are believed to significantly underestimate what was actually caught. For example, New York's reported commercial landings of this species in 2010 were only ~13,000 lbs; this is almost certainly too low. There are other options for yellow eels under Addendum IV, since New York and other states do not yet have landing data for 2013, state-by-state allocation options may not be desirable or fair. DEC's preference would be to look at a coastwide option but

East End fishermen are opposed to this idea because they believe it would encourage a very brief “derby” fishery and perhaps give a state the ability to take the entire quota and there are no “payback” provisions in Addendum IV to punish quota exceedances.

The *silver eel fishery* is prosecuted mainly in New York and Delaware and targets the large adult eels that are leaving freshwater and the estuaries to return to the Sargasso Sea to spawn (and then die). In its initial formulation, Addendum IV would have banned harvests of silver eels altogether. However, it was argued that the purpose of the Addendum was to reduce harvest not eliminate fisheries completely. There are now four options for silver eel fisheries under consideration:

- eliminate the fishery
- continue current regulations for 1 year until another option comes along.
- seasonal restrictions on harvests
- cap on permits – Mr. Gilmore suggested that this, in his view, was the most logical, especially in the permits were transferable

Winter flounder

ASMFC is allowing states to extend the season for recreational fishing but not in New York. This is going through normal rule making. Right now the fishery is closed in New York.

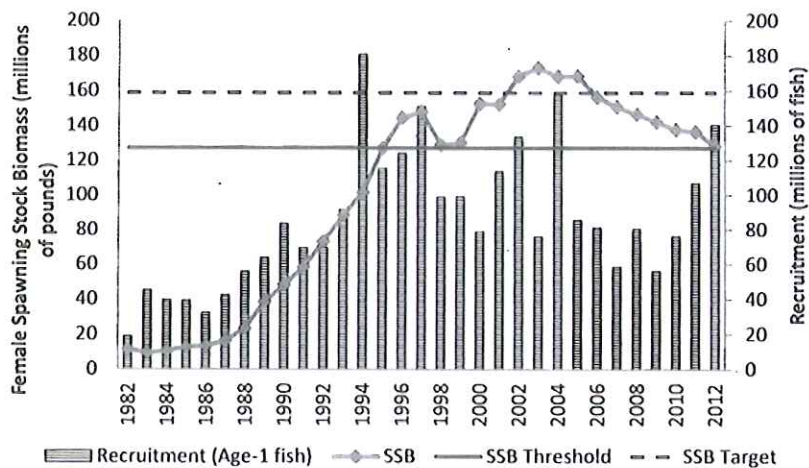


Figure 2. Atlantic striped bass female spawning stock biomass and recruitment (age-1) from 1982 to 2012.

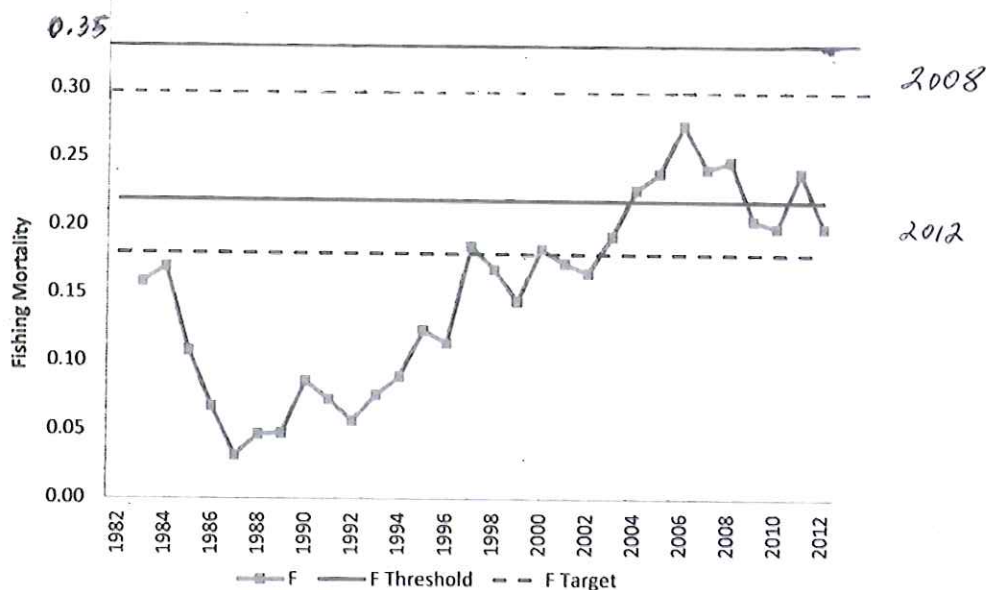


Figure 3. Atlantic striped bass fishing mortality rates relative to the proposed $F_{\text{threshold}}$ and F_{target} from 1982 to 2012.

Striped Bass –

There is currently an addendum to the Interstate Fishery Management Plan for Striped Bass in process with the ASMFC. The 2012 stock assessment revealed a problem - - a decline in the fishery, and it was recommended to reduce the fishing mortality limits. At the October 2013 Commission meeting, an addendum was initiated that would change the reference points (fishing mortality) and to look at management measures for a harvest reduction of different levels. The levels range from 20% to more than 50%. There is a degree of frustration because the original plan was that the addendum would be put out in the summer, however, at the May 2014 meeting there was already a draft addendum. That draft addendum included many changes that hadn't been previously discussed such as slot sizes, trophy fish, third year, etc. The plan development team is putting together all the things discussed at the May meeting and this will be brought to the August meeting. The earliest changes will only be voted on during ASMFC's October 2014 meeting.

Mr. Gilmore commented that the first part of the addendum is devoted to changing the mortality level to a more conservative number. The second part deals with alternative harvest restriction to achieve this lower fishing mortality rate. Councilor Danielson asked if the option of reducing the recreational bag limit from 2 to 1 and increasing the minimum size limit above 28" went out for public review? Mr. Gilmore said it was an option in the original addendum and will be an option in August. In August, there will be a vote on what alternatives to include in the addendum that is sent out for public comment. The comments received will be compiled and brought up at the Commission's October 2014 meeting. Mr. Danielson wanted a time frame to eliminate overfishing as far as the 1 year, 2 year or 3 year option was discussed. Mr. Gilmore said the easiest way to fix this is to come up with one set of measures that would cause a 35% reduction and implement them immediately. There are options that would phase this reduction in over the course of 3 years. Councilor Danielson said since we didn't have a quorum, he would like his personal opinion on the record; he is against a 2 or 3-year time frame, he wants the overfishing to end now, see the stock put back on track and wants to see this addendum in place by 2015.

Councilor Witek said when we look at Amendment 6 section 4.1 which refers to the triggers for management action, he said that we've been talking about trigger 3 but we haven't been talking about trigger 4 which is the biomass trigger – i.e., reaching the target biomass for 2 years in a row. He is also not hearing anything being said about a ten-year recovery plan that is a requirement of section 4.1. He's troubled that we have the best available science in October 2013 yet now we're going into August 2014 and nothing has been even put out for public comment. It will take at least another year to get something actually implemented and this delay is slowing down the management plan significantly. He is further troubled that we have section 4.1 where it lays out very clear action, i.e., if we violate the overfishing targets, we must end overfishing within 1 year. By discussing a 3-year option, we are totally ignoring the management plan, which is wrong.

Even though the rules are such that the public gets to state their cause/opinion once a motion is made, since there weren't enough Councilors to form a quorum and many of the audience came specifically to speak about the striped bass issue, Chairman Wise agreed to give them the opportunity to speak even though no motion had been put on the table..

Mr. William Young, President of the New York Coalition for Recreational Fishing, submitted a letter to the Council and proceeded to read what he felt was the most pertinent excerpts. Mr. Young and his group are deeply disappointed in striped bass management by ASMFC. Everyone knows the fishery is in trouble and ASMFC's failure to act is completely irresponsible. The Coalition wants to see ASMFC make immediate changes that will help the striped bass fishery. Their "demands" are:

- Immediate action – within one year, not three years
- A 31% reduction in fishing mortality in one year. Since any plan only has a 50% chance of success, delays will only reduce the odds of success, since more and more fish will have perished.
- They support one fish at 32" per angler per day-regardless of where, how and when the fish is caught. This regulation should be applied to all venues including party boats and charter boats. Making money on the fish does not justify providing these harvesters with an advantage. This provision has been a thorn in the sides of the majority of independently recreational fishers; it's time to end this unfair and scientifically unsound practice. Likewise, one fish at 32" should be standard in the Hudson River estuary as well. The notion that only small fish are caught in the River is nonsense. All places have their seasons and that's why anglers invest great effort in the estuaries around spawning time. It is true that fewer big fish are taken during off-spawning times in coastal rivers and estuaries, but they are caught.
- Minimize the dragger by-catch, either directed or truly accidental.
- Take immediate steps to end the severe poaching of small fish in the inner cities of Baltimore, Philadelphia, Boston, and New York.

Ronald Turbin representing the Striper Surf Club supported the comments made by Mr. Young, reiterating that we need to end the downslide now! The catch reports from 2006 – 2012 show a consistent slide down, roughly 70%. Maine shows a 90% decline. South Carolina's numbers are off the charts (in 2012 they only reported catching 650 striped bass). We don't have any time to spare – we need to fix this NOW.

Ralph Vigmostad echoed the previous statements that the fishery is in trouble and he believes everyone knows it. Both recreational and commercial are taking too many fish. In his view, no one's hands are clean. As far as spawning we need to act soon; we need to let the fish get healthy and that includes cleaning up the waters too. If we don't act soon, we are going to lose the fishery. It's time for draconian measures; we cannot afford to wait 3 years.

James Schneider thinks everyone is panicking for nothing. He believes the ocean is loaded with striped bass. He ran 126 "for hire" fishing trips in June and saw no evidence of a shortage of striped bass. 80% of the fish he caught still had their eggs. If there is to be a change because you want to relax pummeling the same year class over and over again, then you need to think like a conservationist. Have either a smaller sized fish or a slot size. Mr. Schneider sees a different problem – a bait shortage. Since Hurricane Sandy there is a tremendous bait shortage, there is no spearing. Until the spearing and sand (eels) recover, no one is going to catch a striped bass at the beach.

Matthew Iannott said that if someone doesn't think there's a problem in the striped bass fishery then they must be making a profit from it. He sees a difference from 2011, 2012 and now. He believes the fishery should be shut down completely now to allow time to let the stock recover.

Mike Campanelli remembers the moratorium in the 80's and he said it's a horrible thing to not be able to catch even one fish for the dinner table. We're sinking into the same hole. There is a huge problem here, and it needs to be addressed now. He recognized the animosity between commercial and recreational fishermen – he believes the federal government needs to step in create numerous fish hatcheries, raise fingerling striped bass and then add them to the water. When asked for his take home message, Mr. Campanelli said he'd like to see a slot size, say 28" – 36", and leaves it to the scientists to come up with a plan.

John German who has been a commercial fisherman for 48 years believes there are plenty of striped bass around. He thinks there are a lot of misconceptions; people are making decisions based on emotions but not on the data. He usually doesn't put much faith in the data but he feels you need to refer to the data for the most part to make a sound decision.

Mr. Danielson says that he hears so much about going to a slot size but he worries about how long it will take to change a slot size once it's implemented, you would decimate that year class. He wants people to think about all the negative aspects of a slot size.

Mr. Gilmore asked that if people have additional options they would like to see included in this new striped bass addendum, please send him an email. Mr. Danielson said that the draft addendum is not open to the public, only Mr. Gilmore has access to it right now. Mr. Gilmore said that he has a sense of what is wanted by the discussion today and will add anything he thinks the fishing community would like to see included that isn't already there. The public review period will be from August to October, the DEC will hold a public hearing and it will be brought up again at MRAC's September meeting. He will try to orchestrate the hearing and MRAC meeting for the same day to hopefully make things a little easier for everyone to attend both.

Status, crustacean multi-species regulatory proposal

This package has been divided into two parts because of the many issues facing whelk. The internal process hasn't been determined yet but Mr. Gilmore will have the information available at the September meeting where everyone will be able to view the two separate pieces of legislation.

Mr. German questioned the regulatory process and Mr. Gilmore said this will move through under normal rule making and not emergency. Mr. German also questioned the timeline for this. Mr. Gilmore said the original idea was to have this ready for the Spring of 2015, however, since it has been broken down into two parts he thinks the pieces that do not involve conch will move forward quicker.

New Business

Black fish will be brought up at the September meeting for discussion.

2014 Council Meeting Schedule

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

September 16th**

November 18th

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.

Tentative Agenda Items for the September 16, 2014 meeting

1. Suspension of Research Set-Aside Program
2. Striped Bass Addendum Update
3. Commercial Fisheries Sandy Financial Aid Program
4. Multi-species Crustacean/Terrapin Ruled-making Update

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.

****Please note that in addition to the MRAC meeting, there will be an ASMFC Public Hearing at 7:00 p.m. at StonyBrook University's Wang Center on Striped Bass Draft Addendum IV. Please see separate attachment also sent with this bulletin for particulars.**