Marine Resources Advisory Council BULLETIN



17 July 2012 Volume XXII, No.4

**Meeting of the Marine Resources Advisory Council**

Chairman Wise began the meeting at 7:05 pm., announcing that there was not a quorum of councilors present. All agendas items requiring a vote (i.e., approving the minutes of the previous Council meeting) will be postponed to the Council's next scheduled meeting, which will be on 18 September 2012.

Mr. James Gilmore, Director of the Marine Bureau of DEC, announced that there has been an outbreak of *Vibrio parahaemolyticus* in Oyster Bay Harbor, the first since 1998. This bacteria can produce severe gastrointestinal disease in humans. The agent has been detected in oysters and clams and DEC has closed approximately 2,000 acres in the western part of the harbor to shellfish harvesting. Mr. Gilmore believes that the problem is likely caused by the warm water temperatures in the harbor. Unfortunately there are many more warm weeks ahead this summer and this condition may linger for some time. The department recognizes the significant economic impact of this closure and it hoped to be able to lift the ban speedily.

**Public Comments**

Mr. Mark Hoffman said that he attended the Atlantic States Marine Fisheries Commission (ASMFC) advisory panel meetings held in Baltimore, Maryland two weeks ago, specifically the bluefish, black sea bass, scup and fluke discussions. The general consensus is that they are not overfished and the stocks are in great shape. Mr. Hoffman said what is different this year is that they were able to give the advisory panel information and ideas to consider before the summer session convenes where the decisions will be made.

**Report, Commercial Foodfish Landing License Subcommittee**

Chairman Wise explained that this committee was put together to establish whether or not the State commercial foodfish landing license, which has been around in New York State since the late 1980's, is providing an unanticipated avenue to increase the number of "commercial" fisherman by allowing what are basically recreational fishermen to catch fish (especially blackfish [tautog]) in federal waters and land them in commercial quantities in New York State. There are few, if any, eligibility requirement to secure a foodfish landing license, unlike all State commercial fishing licenses. The foodfish landing license was originally created to allow out-of-state registered commercial

fishing vessels to land fish at Fishport, a planned large commercial fish handling facility in Brooklyn in the mid-1980's that never really got off the ground. Most of these boats would be fishing offshore, not in New York State waters. The license stayed around even though Fishport did not. Today if you pay $500 you can get a commercial foodfish landing license that allows you to catch fish in the EEZ (beyond 3 miles) and to bring them into New York waters to land and sell them. You must adhere to commercial restrictions and rules but you can sell them in commercial abundance. Unfortunately the number of these licenses has increased substantial in recent years and many believe that this is eroding the State's plans to manage the harvest of, especially, blackfish.

The subcommittee's first meeting was convened prior to today's Council meeting, Mr. Wise, as one of the subcommittee members, gave a briefing. He began by saying since today's meeting did not close with any conclusive decision, there has already been a pledge for a second meeting whereby the subcommittee hopes they will have a more narrowed down approach in mind. Below is a smattering of ideas discussed today:

- To impose a moratorium on the issuance of new such licenses. This approach could be used in order to buy time while a more productive alternative can been reached.
- Since a moratorium must be handed down through Legislation, it was suggested that perhaps the DEC might already have the regulatory authority be able to set a control date for the commercial foodfish landing license. This would mean that in order to get a license you would have had to have one at some point in time.
- Perhaps have a "Tautog only license" because tautog is the principle species that the concern has been raised about
- Changing the license to a "non-resident only license"

John Mihale wanted to clarify that with the exception of blackfish, which are not regulated in the EEZ, you would have to have a Federal Permit to land any other species (i.e., seabass, etc.). He also wanted it known that the subcommittee did discuss that fluke are specifically prohibited from the landing permit that is being issued.

**Mortality of Diamondback Terrapin in Crab Pots**

Chairman Wise began this topic by explaining that diamondback terrapins, or the salt marsh turtle, used to be a species of special concern in New York because of overharvesting, however, in 1999 regulations were put into place to protect them and consequently their situation has improved. Unfortunately because of their current predicament, they are back on the radar – it seems they are inadvertently getting trapped in crab pots. They are attracted to the pots because of the bait; they enter but are unable to get out. Being air breathing reptiles, they end up drowning once they become trapped in the pot. Mr. Wise introduced John Turner, a consultant to the Town of Brookhaven, who gave a presentation on this problem.

Mr. Turner handed out a fact sheet on the turtles which stated:

- The diamondback terrapin is the only turtle species in North America that lives in brackish water. They come ashore only to nest.
- Each late of the shell is made up of keratine (like our fingernails) and is unique to that turtle – just like the human fingerprint.
- The gender of the turtle is influenced by temperature. Generally, a cooler next produces males, and a warmer next produces females.
- Females scoop out a six inch deep hole for their 4-15 eggs with their hind webbed feet and then cover them without looking back.

- In the late 1800's to early 1900's turtle soup was a popular delicacy. Overharvesting greatly reduced populations. Since 1990, the harvest of terrapins has been regulated in New York. Yet, they continue to struggle with predation, pollution and development of habitat, and drowning in commercial and recreational crab pots.

*What to watch for:*
Size: Carapace (shell) length is 3 ½ - 5 ½ inches in adult males, 6-9 inches in adult females and 1-1 ¼ inches after hatching.
*Appearance:*

- Deep diamond-like circular patterns on individual scutes (plates) on top of its gray to brownish-black shell.
- Conspicuous black spots and blotches on the head and neck of a light colored body ranging from white to gray; webbed feet with claws. The tail is longer and thicker in males compared to females.

*Tracks:*
Two sets of alternating J swirl shaped tracks imprinted in the sand, with a track that runs down the center created by the tail.
*Where to watch:*
They can be found in brackish waters of coastal salt marshes, tidal creeks, estuaries, bays and coves.
They sometimes bask in the sun along creek banks at low tide or float motionless some distance from shore with just their head above the surface. Females can be found on beaches and in sand dunes when nesting.
When to watch:
From late May until early July check on the beaches for nesting females that retreat from the water to lay their eggs.
If spotted, make sure to keep some distance between you and the turtle, because if disturbed the turtle will abandon her nest.

Diamondback terrapins can be found in the coastal areas of the United States because they are an estuarine species; in New York they inhabit brackish waters in Suffolk & Nassau counties, Staten Island, New York City and the lower Hudson. You will not find them in creeks, rivers, ponds, lakes or freshwater bodies upstate. Their habitat includes salt marsh, tidal creeks, and wetlands and once in a while you will find them in deeper waters.

There are seven described subspecies which are distinguished by different sizes and color bands. The northern diamondback is the primary species that was used when making the turtle soup because it's the most delectable of all the species. Gestation is generally 70-80 days, depending on nest temperature.

Studies show that terrapins are decreasing in numbers and in certain areas at an alarming rate. This can be blamed on many things. In areas where roads run along the coast, terrapins walk on the roads and get hit by cars. One strategy to prevent this is road signs that warn motorists to be on the alert and use caution while driving on these roads. Fencing is being looked into as well. Predators such as raccoons, possums and even humans can be blamed for the dwindling numbers too. Possums and raccoons are notorious for digging up and enjoying the turtle eggs. As far as humans, we refer back to turtle soup.

Right now the leading cause for the mortality of the terrapins can be blamed on crab pots. Some are drawn to the bait in the pots but there are just as many that enter "ghost pots" out of curiosity. In either case, the terrapin becomes trapped, cannot get out and eventually drowns. Mr. Turner showed a slide that was taken in Georgia waters where 42 terrapins went into a ghost pot and drowned. He

also showed slides from various waters of New York including Jamaica Bay, Staten Island, West Meadow Beach, Amityville Cut, Stony Brook Harbor, Accabonic Harbor, East Hampton, Mount Sinai Harbor, Brookhaven and Cedar Beach in Southold where this happens as well. Councilor Witek also brought slides further verifying this happening in Amityville Cut (Babylon).

Mr. Turner hopes to bring attention to a device called a TED - *turtle excluder device* – they only cost about $.50 each. This is a very inexpensive solution to this problem. It would also be in the fisherman's favor because once a terrapin is in the pot, a crab will not enter it. There are three states that currently mandate the TED be used on all crab pots – Maryland, Delaware and New Jersey. Studies document that this will help to increase the size of crabs caught in pots as well. Mr. Gilmore pointed out that in the state of New Jersey when you purchase a crab pot, this device is included in the sale and it's already fitted for the pot. Mr. Turner said that even if you buy the device separately, fitting it to the cage/pot is not difficult.

DEC has the authority to declare that traps set in certain areas could be required to have a TED. This mandate would be based on the mortality numbers in particular areas and whether or not it is deemed excessive.

Mr. Turner stated that he recognized understands that DEC might not view this as a top priority marine resource issue considering the budgetary constraints it is facing, but he hopes that the Council would consider making a formal recommendation that the Department assess the severity of this problem and, in areas where turtle mortality is crab traps in high, to take action. Ms. Kim McKown of DEC said that they hope to do a study later this month through September to determine whether or not this is a problem here on Long Island. Mr. John Mihale said that he understands that we have to protect the terrapins; however, any management action should be done in a manner that won't have adverse effects on the crabbing industry. A member of the audience questioned if there is currently a license available to hunt for terrapins and the answer was yes. He thought mandating a TED was thus somewhat contradictory.

Chairman Wise said that hopefully Ms. McKown will have information and statistics for the September meeting so the Council can make an informed decision on any recommendations to the Department. Mr. Gilmore also suggested having information from New Jersey where TED's are required; it would be interesting to see if this had an effect on the crab industry – he suspects not.

**Historical Overview of Menhaden Fishing in New York**

Chairman Wise gave a presentation on the history and development of the menhaden (mossbunker) fishery in New York.

Although the menhaden fishery is a shadow of its former self it is still newsworthy because of the concerns of the withdrawal of the menhaden population on the east coast and by indirection, the effect of the ecosystem on coastal waters of the east coast. There are plans underway to restrict the harvest of menhaden in Chesapeake Bay because of concerns surrounding the important role this fish plays in the ecosystem.

The menhaden is a small, herring-like species of fish that has been sought over the years as a source of fertilizer, fish meal, oil and, more recently, pet food and omega-3 oils. It is edible but very bony and few eat it. The commercial fishery for menhaden was once the largest fishery in New York, by a wide margin. Nationally, the fisheries for Atlantic and Gulf of Mexico menhaden remain very important, although the species is no longer fished in New York except for use as bait. The menhaden fishery has gone through stages. It began in post-colonial Long Island as a beach seine fishery catching

whole fish for use as fertilizer on farmers fields. Eventually the fishery moved offshore as new fishing gear was introduced, the purse seine, which allowed entire schools of fish to be encircled and caught in open water. The early days of the purse seine fishery (1850's) used sail vessels. These were followed in the 1870's by steam-powered boats and, in the first decades of the 20th Century by gasoline and then diesel craft.

Social conflicts accompanied and affected the menhaden industry through this evolution, such as conflicts over the smells generated at the reduction plants and the complaints of sport fishermen that bunker boats were either routinely catching large numbers of game fish (untrue) or reducing the abundance of game fish by making large withdrawals of a favorite prey species.

The beginning.....

About 1780 or 1790 a large fishing initiative for menhaden began on Long Island and this was when "fishing gangs" came into play. Fishing gangs consisted of 10-20 fellows, they would each put up money to be part of the gang whereby they each received a portion of the profit, and their pay was based on the number of fish caught. They needed at least that many men to draw the huge seine nets in once they were filled with menhaden, as many as 1,000,000 fish or more in a single haul. They soon got tired of drawing the huge and very heavy seine nets and used horses to pull the nets to shore (about 1840). Initially they counted the number of fish by hand but it was too time consuming so they began to build standardized carts in various sizes. A full cart would mean you had 2,000 fish but there were other markings in the cart for when it wasn't full (i.e., markings for 1,500 or 1,000 – etc.) so they would then count carts and not individual fish. Each gang had their own stretch of shoreline and they had watchers who would be on duty Monday through Saturday (there was no fishing on Sunday.) When a school of menhaden was spotted, they would either send someone to the village with a horn announcing it, or they would send a piece of lady's undergarment up a flag pole to draw the fishermen to the shore.

At the height of the beach seine fishery, there were about 30-35 gangs operating on the shores of Long Island, primarily in the Gardiners and Peconic Bays area.

When the menhaden were first harvested for fertilizer they would spread them out on the fields raw but eventually they made compost with them. In 1847, John P. Osborne set up the first pot works on Long Island at Jessup's Neck to press menhaden for their oil. The first works used a pot over an open fire, however, that was soon replaced by steam heat because the steam option offered more control and it was more efficient overall. New York soon became the leading producer of menhaden oil, but the industry boomed throughout southern New England and New York. Several key factors led to this - industrialization in the Civil War began to drive up the demand for oil, decline of the US whaling industry, problems with Peruvian guano (which was the best fertilizer that Americans had available at the time), and the development of the purse seine.

With oil and the primary desired product, the inherent limitations of a beach seine-based fishery became prohibitive and the introduction of the purse seine allowed the fishery to move offshore. Standard equipment was a 5-15 ton sloop, 2 seine boats, 1 stryker boat, a large purse seine and 1-2 carry away boats. Once the fish were caught and brought to the reduction plant the process was (and still is): cook the fish; press the fish; collect the liquids; decant the oil; dry the scrap; grind the dry scrap; bag the dry scrap and then sell the scrap and oil. Menhaden processing plants on Long Island developed on Barren Island in Jamaica Bay, in the Sayville/Fire Island area of Great South Bay; the Peconic Bays shoreline; on Shelter Island and at Napeague Harbor/Promised Land. [FYI – there are still remnants of a few plants including the Promised Land Plant should anyone wish to explore].

Soon, steamers replaced sloops. Steam-powered vessels were relatively free from the wind and tide worries, they were faster, you could eliminate the carry-aways boats and you needed fewer crew to run them. Using steamers meant more regular production but it also meant the end of the independent fisherman. Steamers were expensive to purchase and very few independent fishermen could afford one. Thus began the consolidation of the industry with the small factories being absorbed by larger ones or they would drop out. In 1870 there were 31 factories in New York; however, by 1890 there were only 13.

In 1897 an English syndicate came to America and bought up most of the plants/steamers from Delaware north. The deal was that they would give you more money than your plant/steamer was worth but you had to sign an agreement stating that you would remain inactive in the menhaden fishing industry for 20 years unless you worked for the Syndicate. They were unable to penetrate Virginia and North Carolina because they were a foreign company and the laws in those states stated that only state residents were able to catch menhaden. In 1898, they established the American Fisheries Company. They purchased all 8 of the factories/steamers then operating in New York and closed and dismantled all but 3 of them, the ones at Promised Land. Under the English many improvements were made to the factories.

Through the early decades of the 20$^{th}$ century, the menhaden reduction industry in New York slowly consolidated even further. By 1933, only one plant remained...at Promised Land, east of Amagansett. The Promised Land factory ran through 1969 when it was closed due to declining menhaden abundance. There is currently only one menhaden reduction plant operating along the US East Coast, Reedville, Virginia. Mr. Wise spoke of the recent decision by ASMFC to reduce menhaden harvests (purse seine) in Chesapeake Bay. He believe that this is likely the "handwriting on the wall" for the commercial menhaden reduction fishery and that, in time, the fishery will be phased out in favor of leaving menhaden in the ocean to play their central role in coastal ecosystem food webs.

Mr. Wise stated that his work on the menhaden fishery in New York will soon be available as a Special Report of the School of Marine and Atmospheric Sciences, Stony Brook University.

**Other Items**

Councilor Jordan commented on the sparse crowd at tonight's meeting. The July Council meeting is held in the evening with the hope of drawing a larger audience, however, Mr. Jordan doesn't feel there was enough of a difference to warrant an evening timeslot and would prefer to keep all the meetings in the afternoon. He and many others travel a distance to attend the meeting and feels a daytime meeting is preferable all around.

**2012 Council Meeting Dates**

The dates of the remaining regularly-scheduled meetings of the Council in calendar year 2012 are listed below. All meetings will take place at the DEC Offices located at 205 Belle Mead Road, East Setauket, NY 11733. The meetings generally take place at 2:00 p.m.; however, July's meeting will be at 7:00 p.m.

18 September
13 November

**18 September 2012 Council Meeting**

- Conversation with John Bullard, new Regional Administrator for NMFS
- Report, Council Subcommittee on commercial foodfish landing license
- NYS Draft Ocean Action Plan

Check the Council's web page, http://www.somas.stonybrook.edu/MRAC for additional agenda items for the 18 May 2012 Council meeting added after this bulletin was released. 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 to suggest an agenda item, contact: William Wise, Chairman, Marine Resources Advisory Council; PHONE: 631/632-8656 FAX: 631/632-9441; wwise@notes.cc.sunysb.edu.

FYI: Below is a link which is being viewed as a useful communications resource for obtaining information about current activities within the DEC.

http://lists.dec.state.ny.us/mailman/listinfo/fieldnotes