



Marine Resources Advisory Council
November 15, 2016

Volume XXVII No. 6

Sean Barrett

Michael Craig

Robert Danielson

John Davi, Jr.

Melissa Dearborn

Paul Farnham

Thomas Jordan

Hank Lackner

Joseph Paradiso

John Renaldo

Christopher Squeri

Charles Witek

Steve Witthuhn

Dean Yaxa

After introductions by the Councilors present as well as James Gilmore, Director of NYS's DEC and Major Timothy Huss of NYS's DEC Enforcement, Mr. Frisk went over the meeting's agenda. The Chairman was happy to note that the Council once again hosts a full complement of Councilors. The most recent additions are Sean Barrett, Hank Lackner and Steve Witthuhn.

Public Comment

Rich LaRocco, a commercial fisherman, referred to the last meeting when the topic of coinciding the opening date for striped bass for the recreational and commercial fisheries was brought up and discussed. It was noted that the rationale behind changing the date to later in the season was because of PCB contamination in the Hudson River which tends to be more prevalent in the earlier part of the season. In order to open the season earlier, there will need to be evidence that the PCB problem no longer exists, a study will need to be conducted and it is here that Mr. LaRocco feels he could help. To help move this along, he would be happy to provide samples at no charge. His personal feeling is that most of the PCB contamination was from pollution caused by General Electric and they no longer pollute the waters, he believes that whatever PCBs were in the water have settled and now reside in the sediment and will not be a problem. Because the quota size has been reduced so dramatically over the years, if the season opens earlier, this could be a way to help the fishermen. Mr. Gilmore said the DEC has talked to the folks in charge at the Health Department and they are pursuing this; Mr. Gilmore will give an update in a few meetings. The decision will be made by the health department not the DEC.

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Nancy Solomon, Director of LI Traditions wonders how the election outcome will impact the spending. Mr. Gilmore said they will just have to wait and see what the next budget cycle will bring.  
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Michael Frisk
Chairman

Kim Knoll
Staff Assistant

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Ron Turbin from Coastal Conservation Association NY and representative of the Gateway Stripers Club reiterated his comments from previous meetings, he believes better education for recreational fishermen is imperative. He feels this will help when it comes to enforcement because many people do not know the rules and therefore do not know they are breaking them. He believes other fisheries have information more readily available because they must purchase a license and a portion of that money is then used toward education

purposes. They are also given additional funding by way of the Wallop Breaux agreement. We need to move forward in trying to once again enforce a mandated fishing license for the recreational fishing community.

John Mihale brought up the topic of *predesignation of a beneficiary* once again. He handed out this chart showing information going back 5 years. He did not include 2016 because he did not have complete information:

| Year | Licenses Issued | Reporting | Reporting Landings | Reported "Not fishing" | Not Reporting | Total "inactive" | Percent Total Inactive |
|------|-----------------|-----------|--------------------|------------------------|---------------|------------------|------------------------|
| 2011 | 1019            | 701       | 678                | 23                     | 318           | 341              | 33%                    |
| 2012 | 1009            | 866       | 716                | 150                    | 143           | 293              | 29%                    |
| 2013 | 987             | 946       | 698                | 248                    | 41            | 289              | 29%                    |
| 2014 | 989             | 840       | 653                | 187                    | 149           | 336              | 34%                    |
| 2015 | 973             | 857       | 644                | 213                    | 116           | 329              | 34%                    |

Mr. Mihale wants this as a top priority item for January's agenda. He would like to repeal the existing license and come back with one that would require prequalification. He also feels that transferability should be limited to only once. Once a license is transferred it should then be designated as non-transferable. One more point that John would like to see is the possibility of transferring your license while you are still alive but either are unable to fish or no longer want to fish.

John German, a commercial fisherman commented about the observer program. Since the Council's last meeting when the program was discussed more fully, he has heard from numerous fishermen out in Montauk that feel that the observers have gotten more forceful and demanding about accompanying them on trips. The agents from the program have specifically said they want more cooperation and less attitude. Major Huss responded by saying Enforcement had been contacted by an observer who asked them to speak to a specific fisherman from Setauket about the program. Several audience members are against the strong arm technique because they do not believe in the program, they feel it is a degrading program to hard working fishermen. These are personal boats and they resent that they must take the agents on board, they consider them an added burden for numerous reasons. Councilor Davi understands that cooperation *before* is preferable to prosecution *after* but he feels there must be a better way. Something must be wrong with this process if you have so many people who are against it, the outcry should be listened to.

There were two people from the program who asked the Councilors and audience if there was anything they could help with. They also said that the incident mentioned where enforcement agents were brought in was believed (on their part) to be more of an outreach. Audience members said they didn't feel that having uniformed officers show up could be considered "outreach."

Jim Braun, a fisherman for 32 years wanted to discuss fish spawning. Spawning of the fish – leave the fish alone while they are spawning. Give them a month window and it would increase populations many times over.

Gregory Mantzat from New York State Energy Research and Development Authority and Lyndie Hice-Dunton from Ecology and Environment, Inc. came to the meeting to discuss how New York is

moving forward with regard to offshore wind and how they would like to engage fishing communities. They recently released a blueprint for offshore wind development, however, what is needed is stakeholder input. They need that moving forward so they can develop their plan while taking into account the concerns and needs of the fishing community. They want to develop their plan while impacting fishermen in the most minimalistic way which also includes fish habitats. There is going to be a lease auction on December 15<sup>th</sup> for an energy wind area. This will encompass roughly 80,000 acres south of Long Island (12 nautical miles at its' closet point to Jones Beach). Should they be successful in acquiring the acreage, the State will have control over this site and that's why the fishing community's input is so important. For more information:

<file:///C:/Users/kknoll/Downloads/New-York-State-Offshore-Wind-Blueprint.pdf>

Councilor Davi believes this should be put on a future agenda item, possibly January.

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Mr. Ron Turbin would like to see the topic of Winter Flounder and what is being done to help this fishery put on the next agenda.

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Mr. Gilmore made the announcement that Steve Heins is now fully dedicated to Council and Commission activities and John Maniscalco has been promoted to Bureau Chief of Marine Fisheries.

#### **Approval of September 13, 2016 Minutes**

The Minutes were approved unanimously as written.

#### **Updates:**

The following information was provided by John Maniscalco in a power point presentation for each species:

##### **Summer Flounder**

- Projections suggest a coastwide 40% reduction will be required for the 2017 recreational fishery
- Commercial quota will decline by 30%
- Data for Wave 5 (which includes September) won't be available until mid-December
- The Commission is working on various regional scenarios that will be part of Addendum XXVIII to determine how we will manage the 2017 recreational fishery. The draft will be released after the joint meeting in December

*Discussion:* Many in the audience are perplexed by the numbers because they don't believe the stock to be in danger. The people who are out there fishing see plenty of summer flounder and do not believe the numbers to be accurate. The problem is there is no accountability. The Federal Government can decree the reduction but if their numbers turn out to be wrong, no one has to answer for it meanwhile, fishermen are losing their livelihoods.

Mr. Gilmore said the meeting to discuss 2017 details will be held in Baltimore on December 12<sup>th</sup>. If you are interested in attending, contact Mr. Gilmore or Mr. Heins for details.

## **Black Sea Bass**

- Assessment document has been prepared.
- Will be peer reviewed 11/28 - 12/2
- Assuming it passes review, the Council's Science and Statistical Committee will consider the results and set new catch limits in January
- Council and Commission will then have to move quickly to accept new catch limits and adjust measures.
- After Wave 4, the coast has already exceeded the 2016 RHL by ~20%

## **Scup**

- Projections suggest coastwide harvest of scup will exceed the 2016 RHL of 6.09 million pounds
- Data for Wave 5 (which includes September & October) will not be available until mid-December
- The 2017 RHL decreases to 5.5 million pounds
- A reduction may be necessary
- Stay tuned...

## **Menhaden**

Mr. Gilmore explained that several years ago there was a stock assessment that showed the Menhaden population to be at a low level which was when a 20% reduction across the board was called for. Approximately one year ago a new assessment came out that showed a different picture, therefore, at that time the Commission decided to increase the overall harvest by 10%. At this year's meeting the commercial industry (primarily Virginia) was looking for another increase and because of the health of the stock, they were expecting 40-50%, which was met with resistance from environmental organizations. A compromise was reached several weeks ago, so the increase is now 6.5%. This does not help out our bait fishery, however, this will put more fish in the fishery which will assist when seeking transfers from other states. Hopefully, Amendment III will help New York's allocation for the bait fishery moving forward. The only problem might be the timing, quite possibly Amendment 111, will only take effect in 2018, possibly 2019. While this isn't the best situation right now, New York is hanging on and thankfully we are able to receive transfers.

Marc Hoffman gets very upset because the numbers are meaningless, they don't match up with what the fishermen are actually seeing on the water. Councilor Danielson said not everyone agrees with the numbers, however, we must abide by them because it's the only data that we have to work with.

Mr. Hoffman added that Omega Fish Oil is responsible for 85% of the catch for use in their products but he has heard that they are switching over to crude oil which would lessen their need, hopefully making more available to the fishing community.

## **Blackfish**

- The 4 region assessment has been accepted by the Commission
- New York is split between:
  - Long Island Sound Stock (w/ CT)
  - New York – New Jersey Bight Stock (w/ NJ)
  - BOTH stocks are overfished (abundance is too low) and overfishing is occurring (removal rate is too high)
- A draft amendment is being developed for February 2017 release
- Renewed interest in a spring season

- Decision was made by MRAC in 20xx
- Opening in the spring will require a tradeoff with days lost in the fall
- Options/Methods will have to be reviewed by the ASMFC
- The draft amendment (Feb 2017) will require a reduction
- Rough starting talking points:
  - Current season 10/5 – 12/14
  - 1 day in December = 6 days in April
  - 1 day in October = 20 days in April
  - Removing days from Oct is more likely to impact private boat anglers
  - A reduction due to the results of the stock assessment is coming

Mr. Gilmore wanted to know if, for the recreational fishery, the Council wanted to stay the course with regard to an early opening. Mr. Gilmore reminded folks that the Council had decided last year to open the season earlier.

Councilor Paradiso wanted to know about possibly opening in May because an opening in April is really still too cold for the east end. What would the numbers look like? Mr. Maniscalco said there hasn't been any fishing in May for quite a while and again, this is the spawning season and we really shouldn't consider opening the season then. Councilor Danielson said he also doesn't believe it should be open in April either.

Mr. Maniscalco stated if New York does need to lower its quota, he would recommend it across the board.

Councilor Witek thought that since a new amendment is coming out, we should be waiting because we might be looking at 2 different regulations – for the sound, one for the South Shore. Better to wait and do all the work at one time. Figures are on the ASMFC website should anyone want to look at them. Mr. Gilmore said that for enforcement purposes, they are going to insist on the same limits for Rhode Island to Raritan Bay, it's the only way enforcement would work. You cannot have it both ways – dividing Long-Island down the middle and at the same time having different size limits, it would be an enforcement nightmare.

John Mihale – The DEC keeps putting through proposals but does not have the patience to wait and see how the plan will work. We're now looking to make changes in the tautog fishery but should we be? All the fish that are in existence since the plan was put into effect are juvenile fish that have to be released.

Councilor Danielson continued Mr. Mihale's thought and asked Mr. Maniscalco if we are seeing recruitment in the tautog fishery? Mr. Maniscalco replied that, yes, we are seeing younger fish, they are definitely out there.

Mr. Schoenig said that everything he has read labels blackfish as more of a recreational fishery; which has been denied in the spring for 6-7 years now. It is his opinion that commercial fishermen have been fishing for blackfish for 10-11 months out of the year because of the decline in lobster as well as the advent of the Asian Community wanting live blackfish to put in their restaurants and fish markets. He recently learned that blackfish remain in the Long Island Sound, they do not travel, the same fish will be there in the Spring, Summer and Fall. He thinks we need to help the for-hire fisherman by giving them something to fish for in the spring. Commercial fishermen are catching 14" fish and quite possibly they do need to take a hit. But no matter which fishery, he does not want fish to be caught during the spawning season. They also don't believe there should be any *live* blackfish

on a recreational boat. Whatever means they have to put the fish down, should be done. Tagging on a commercial boat is a good way to stop recreational fishermen from keeping live fish.

This statement was vehemently opposed by Councilor Davi, he said commercial fishermen have been fishing for blackfish since before he was born, this is not something that has come about recently. Recreational fishermen only began entering this fishery when Striped Bass became problematic for the state of New York. When they were fishing for striped bass, they would throw the blackfish back. Once they lost the striped bass market, then blackfish started to look good to them.

Michael Wassman said that because you have taken away landing licenses, there is going to be a decline in the commercial landings, he doesn't think anything should be adjusted right now. He also believes there will be a decline recreationally when sea bass size limit is raised to 15" and you close in the Fall.

Mr. Gilmore appreciated everyone's comments but said they are a little premature. The DEC will be creating an amendment and once that plan is put together there will be ASMFC public hearings where everyone will be asked for their comments and thoughts.

Mr. Hoffman restated that no matter what – the spawning season needs to be a priority. His recollection is that the recreational folks always took more blackfish until the 1980's when pot fishing became prevalent. Most of the pot fishing went unreported.

Mr. German would like to set the record straight – the traditional fishery for blackfish was pot fishing but the commercial fishermen were regulated right out of business and then they turned the fishery over to the recreational fishermen.

Ron Turbin said everyone, both commercial and recreational, would be happier if enforcement would step up and make poaching in the blackfish market a priority, we need to have rules that are enforced. Enforcement officers in the room said it is a priority and they do what they can, they believe the tagging program will be a great help in this area. This was the main topic at the monthly law enforcement committee meeting earlier in the month. Enforcement is aware of the problem and are working hard to find solutions.

#### **Northern Puffer –**

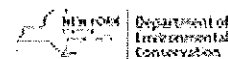
- Northern puffer is currently not regulated in NYS
- A letter writing campaign and other private individuals have requested that the Division of Marine Resources look into regulating the commercial and recreational harvest of these fish
- Young of the year start to show up in June (peak in July) in the Peconic Small Mesh Trawl Survey
- They grow to 5-6" by October and then move out as water temperature drops
- Fish return the following spring as 1 year olds and are sexually mature
- Largest fish (females) are 4 years old and ~11" in length

## Northern Puffer - continued

### Commercial Fishery Summary 2011-2016

| POUNDS LANDED | PERCENT OF TRIPS |
|---------------|------------------|
| 1             | 16%              |
| 5             | 33%              |
| 10            | 17%              |
| 50            | 25%              |
| 100           | 6%               |
| 150           | 2%               |
| 300           | 1%               |
| 500           | 0.2%             |

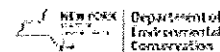
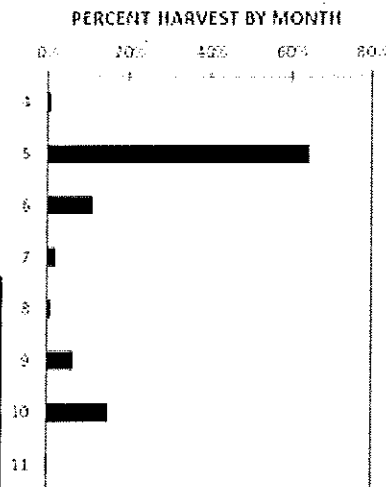
| GEAR TYPE                | PERCENT OF HARVEST |
|--------------------------|--------------------|
| FIXED NETS               | 94%                |
| POTS AND TRAPS           | 5.1%               |
| HOOK AND LINE            | 0.5%               |
| OTTER TRAWL BOTTOM, FISH | 0.3%               |



## Northern Puffer - continued

### Commercial Fishery Summary 2011-2016

| FISHING LOCATION                       | PERC HARVEST |
|----------------------------------------|--------------|
| BLOCK ISLAND SOUND - GARDINERS/PECONIC | 78.9%        |
| MORICHES AND SHINNECOCK BAYS           | 15.4%        |
| GREAT SOUTH BAY                        | 4.8%         |
| SHINNECOCK INLET TO MONTAUK            | 0.3%         |
| MORICHES INLET TO SHINNECOCK INLET     | 0.3%         |
| CENTRAL LONG ISLAND SOUND - SOUTH      | 0.3%         |



Puffers in the recreational harvest are not necessarily captured and that is why they haven't been included in the previous data slides, the numbers go up and down sporadically; mostly young of the year fish.

Mr. Maniscalco believes when considering options, size and season should be the same across the board for both recreational and commercial.

Mr. Gilmore said there have been requests for a management plan and they would like feedback – should they move forward to consider this and if so, what would you like to see?

Councilor Witek said Northern Puffers are a fish that disappear for long periods of time then all of a sudden were inundated with them; it is even possible to have a plan in place? He does feel that there

currently isn't a "kid's fish" – something for youngsters to fish for and bring home. If we could regulate it so they are not a boom and bust fishery, it would be a good thing. We should try to maintain a more constant population.

Councilor Danielson agrees but thinks unless you get other states on board, it will be like spitting into the wind, these are migratory fish. We cannot do this alone.

Mr. Frisk questioned what their migratory history has been. Mr. Braun, who owns a charter boat said they come up the shore in schools and they catch them as fast as they can, the fish would then move into the bay where they would spawn. He could see having a 10 fish bag limit.

Mr. Paradiso feels we need more data before we make a decision but he would be in favor of a management plan.

Mr. Gilmore said that he will request more data for a future meeting.

A Center Moriches fisherman from the audience said that he and his fellow anglers are the ones responsible for bringing this topic to light. Over the last several years there has been a resurgence in the puffer fishery in his area which is great; it has made for fun fishing for the whole family. What is disturbing is that there is a select few commercial fishermen who set traps, empty them, reset them and come back to empty them again. Blowfish have a propensity for cramming themselves (as many as would fit) into these traps. This act goes on several times a day and has been witnessed by many. He, as well as the member of the Center Moriches Angler Clubs, are extremely worried about the life cycle of these fish. They want to ensure the continued recovery of this stock, therefore, they would like a management plan put in place.

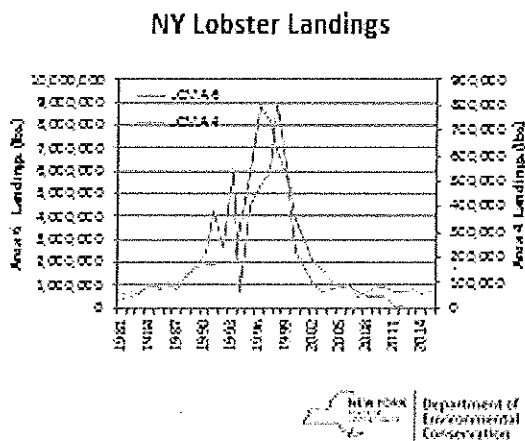
## ASMFC American Lobster Draft Addendum XXV

Kim McKown of the DEC gave the following presentation regarding lobster

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### SNE Stock Status

- SNE lobster Stock is at record low abundance and experiencing recruitment failure (ASMFC, 2015)
- Poor condition due to environmental factors and continued fishing mortality





#### Management Goal-

"Recognizing the impact of climate change on the stock, the goal of Addendum XXV is to respond to the decline of the SNE stock and its decline in recruitment while preserving a functional portion of the lobster fishery in this area."

#### Initial Management Response-

Addendum XXV was initiated to consider increasing egg production in SNE by 20% - 60% to increase chances of good recruitment if environmental conditions become favorable.

#### Management Tools Considered-

- Gauge size changes
- Trap reductions
- Closed seasons
- Trip limits
- V-notching
- culls

#### Lobster Addendum XXV Timeline-

- **Nov 2016** - Contact LCMT members via mail to see if they recommend additional management tools
- **Nov 30, 2016** – LCMT suggestions due to ASMFC
- **Feb 2017** Board meeting – finalize draft Addendum XXV – approve for public comment
- **Winter 2017** – Addendum XXV Public Hearings

Ms. McKown said the Department is very interested in getting feedback from LCMT's (Lobster Conservation Management Teams) before finalizing and she will be reaching out to them for their input.

Mr. German as the President of LI Sound Lobsterman's Association said he is very familiar with the impending regulations and is against most of them. There are many reasons the lobster population is down (although this year they did see an increase) – climate change is one but predation is the main culprit. A Sea Bass catches and eats more lobsters in a day than Mr. German could catch in a month. They eat them all day long and Sea Bass are plentiful. They are picking on the fisherman because that is the only aspect they can control. Mr. Hoffman concurs with Mr. German 100%, predation, specifically Sea Bass contribute **greatly** to the problem, more so than water temperature and climate change.

#### ASMFC Jonah Crab Draft Addendum II for Public Comment

##### **Claw Options-**

##### A. Status Quo

- Only whole crabs may be retained & sold
- Exception – NJ, DE, MD, VA with history before June 2, 2015

##### B. Coastwide whole crab fishery

##### C. Claw harvest permitted coastwide

- 2.75" min claw size (may harvest both claws)
- Bycatch limits – 1,000 crabs = 2,000 claws
- Whole crabs can also be harvested (4.75" min)

### **Bycatch Options-**

#### **A. Status Quo**

- Only whole crabs may be retained & sold
- Exception – NJ, DE, MD, VA with history before June 2, 2015

#### **B. Coastwide whole crab fishery**

#### **C. Claw harvest permitted coastwide**

- 2.75" min claw size (may harvest both claws)
- Bycatch limits – 1,000 crabs = 2,000 claws
- Whole crabs can also be harvested (4.75" min)

### **Timeline-**

- Oct 2016 – Board approves draft Addendum II for public comment
- Nov 2016 – Jan 2017 – Public comment period (*ends 1/6/2017*)  
    **December 5, 2016 – 7:00pm**  
    **Cornell Cooperative Extension**  
    **423 Griffing Ave, Riverhead**
- Feb 2017 Board meeting – Board reviews public comment and selects final option

### **Presentation from Dr. Maya L. Groner (VIMS) titled "Managing marine diseases despite large knowledge gaps: A case study of epizootic shell disease in the American Lobster"**

Due to the bulk of this presentation, it is being sent as an attachment rather than included directly in the content of the bulletin, please refer to the slides when following the discussion.

Antoinette Clemetson from NY Sea Grant introduced Dr. Groner who gave a presentation on her study of Epizootic shell disease in the American Lobster.

There is a bill currently before Congress, the Marine Disease Emergency Act, and she is minimally optimistic that they will receive funding to help continue and fund their research.

This disease causes necrotic lesions on the lobster's shell. This is not due to a single pathogen, scientists have not been able to narrow this down to one particular pathogen. They see numerous bacteria and a variety of species that are associated with this. Their belief is that something is causing the lobster to stress which seems to exasperate the disease. They have found lobsters that they believe had the disease but survived and they want to know what makes one stronger and able to fight the disease while another one would succumb to it.

Their studies seem to indicate that this disease is more prevalent in warmer waters. Ovigerous females are very affected, much more than non-ovigerous females or males.

Molting is critical for reducing current disease, and they are looking at whether chemicals and temperature are affecting the molt cycle? Temperature is relative whether it's dealing with the disease itself or the timing of the molt cycle.

There is possible evidence of acquired tolerance in lobsters that have survived; but this issue needs additional research. Eastern Long Island has more diseased lobsters than Western Long Island. Some wonder if an exceptionally cold winter would alleviate this disease entirely.

Mr. Hoffman asked what happens to the fish that eats one of these diseased lobsters to which Dr. Groner replied that it was **not** transferrable to fish.

Mr. German said that this was not something that was found in the 60's, 70's or 80's. He said it only appeared sometime in the mid 90's and it was first reported in the waters around New London. It could be coincidence but this disease seems to have started round the same time they dredged the Thames River and began dumping chemicals. Then, from New London, it began to spread to many other areas and many more lobsters.

Dr. Groner would be happy to answer any questions you may have and can be reached at:  
[mlgroner@vims.edu](mailto:mlgroner@vims.edu).

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MRAC Calendar Dates for 2017

January 17
March 14th -
April 18th - (legislative meeting)
May 16th
July 18th - 6:00 p.m. meeting
Sept. 12th
Nov 14th

All meetings will take place at 2:00 p.m. at the DEC Offices – 205 Belle Mead Road, East Setauket unless otherwise noted.

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Miscellaneous

Councilor Witthuhn thanked Major Huss for putting together the enforcement highlights that get sent out with the bulletin but he thinks it would be a great idea if they could go a little further. He and many others have expressed interest in the actual outcome of the cases that they read about. Perhaps if folks knew the penalties involved, it would make them think a little longer before doing something illegal.

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For agenda items and any pertinent graphs, charts or data, please check the Council's web page prior to a meeting. <http://you.stonybrook.edu/mrac/meetings/>

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: Chairman, Michael Frisk, Marine Resources Advisory Council (michael.frisk@stonybrook.edu); phone 631/632-8656; Staff Assistant, kim.knoll@stonybrook.edu