



Marine Resources Advisory Council

Marine Resources Advisory Council

September 24, 2018

Sean Barrett

Robert Danielson

John Davi, Jr.

Melissa Dearborn

Vincent Finalborgo

Thomas Jordan

Hank Lackner

Joseph Paradiso

Christopher Squeri

Charles Witek

Steve Witthuhn

Dean Yaxa

Michael Frisk
Chairman

Kim Knoll
Staff Assistant

The meeting began by Chairman Frisk going over the day's agenda followed by introductions by the Councilors present as well as representatives of the DEC, James Gilmore and Lt. Riley. Dr. Frisk also introduced Dr. Paul Shepson. Dr. Shepson is the new Dean of SoMAS. Dr. Frisk explained that he serves as the Chairman of the Council as the Dean's designee. In the initial ECL Legislation, it was determined that either the Dean (him/herself) could act as Chairperson of the Council or it would be acceptable for the Dean to assign this task to a designee. Previously it was William Wise until he stepped down in 2015. Dr. Shepson stated that he was very supportive of the objectives of the Council and he looks forward to learning more about the Council and its achievements.

Public Comment – non agenda items

John Schoenig, Conservation Chairman from Imperial Sportsman and Suffolk Seniors was happy that the blackfish season opened earlier this season; however, because it was the coldest April in 30+ years, it wasn't very productive. He wonders if perhaps it would be better to open the season the third week in April and continue for two weeks into May – right up to the time the fluke season opens.

His second comment was that about 2-3 years ago New Jersey was upset regarding disparity between New Jersey and Delaware. While both states fish the Delaware River, fishers on the Delaware side had different and better regulations than the fishers on the New Jersey side. They complained enough and the regulations were changed so they both fished with the same regulations. Mr. Schoenig compared that situation to the Long Island Sound where New York and Connecticut both fish and he wonders if New York could broker the same sort of agreement, he would like New York to have the same regulations as Connecticut particularly with regard to the Black Sea Bass season – Connecticut's opens much earlier than New York. Mr. Gilmore stated that the topic of blackfish will be discussed during announcements and as far as Black Sea Bass, a group has been formed (as requested by the Council, Commissioner and the Feds) to look at black sea and come up regulations for the 2019 season that will make more sense; New York and New Jersey should have similar recreational harvest limits especially when targeting the same fish. Beyond that task, the group will be working on possibly putting together limits that will run for more than one year – possibly a three-year span.

John Mihale, NYS Commercial Hook & Line Association, stated he would like to see alternate councilors. He understands this isn't a jury but he feels the Council could be more effective if they were certain to have a quorum for each meeting. In addition, should a Councilor step down, there would be someone who could fill the vacancy immediately. The Council is currently looking to fill 2 seats and had there been alternate Councilors already in place, the

seats would have been filled by now. Mr. Gilmore asked if he was referring to having a proxy; whereby a Councilor could appoint someone to act as their second. Possibly yes, that might be a good idea. Mr. Danielson questioned where we currently stood with the replacement for the empty commercial seat. Mr. Gilmore said the last candidate was not approved so they need to go back and resubmit a new candidate. He asked if anyone in the audience was interested, if so, talk to him after the meeting and he would let them know how to proceed.

Richard LoRocco, a commercial fisherman, said it's been 3 years since the commercial section petitioned the department for an early season for Striped Bass and he wondered where things stood. Mr. Gilmore said he just briefed the Commissioner on this issue last week, they are hoping for a May 15th opening – a little later than first asked for but it's still earlier than the current season.

Announcements

Mr. Gilmore shared the Newsday article that highlighted Lieutenant Sean Reilly and his fellow marine officers. The article showcased the valuable and tireless contributions the officers give the marine district. Mr. Gilmore said that Kathy Moser, the Deputy Commissioner of Natural Resources has left the agency. Judy Drabicki, is acting as Interim Deputy Commissioner at this time.

Upcoming meetings:

This Thursday evening (9/27), there will be a public meeting regarding the Amendment for New York. This is a joint ASMFC/Mid-Atlantic Council meeting on the Summer Flounder Amendment which is a significant issue for the Commercial fishers right now. The Amendment is an attempt to try and improve the allocations for New York. The best option (highest) would give NY 10.5% which is still significantly lower than most states and although no one seems happy, it's at least showing some improvement. The meeting is being held at Stony Brook University/SoMAS in Endeavour 120 because they believe this will better accommodate a larger audience; the meeting is scheduled to run from 6:30 - ~9:00 p.m. He reiterated – this is a public hearing on the Amendment. The Amendment had been put together as a draft and it then goes out for public hearings and the findings are taken back, reviewed and a decision will be made in December.

The Mid-Atlantic Council is meeting October 2-4 in Cape May, New Jersey - this is their standard Council meeting. For more information: <http://mafmc.org>

The important meeting (a joint meeting with the Commission) will be held December 11 – 13 in Annapolis, Maryland; specs and rules regarding Summer Flounder, Scup and Black Sea Bass will be discussed and determined for the 2019 season. For more information: <http://www.mafmc.org>

The Atlantic States Marine Fisheries Council annual meeting will be held in Manhattan, NY Oct 24-25 in the Roosevelt Hotel. This will be a working meeting; there will be a discussion regarding coastal sharks. The Menhaden discussion has been postponed until February 2019. This is the perfect opportunity for folks who find it hard to attend Commission meetings in other states. New York hosts every 15 years and this is NY's turn.

Councilor Yaxa was happy to see the News article that put a positive spin on the law enforcement agency and the work they do.

Councilor Barrett had submitted a copy of a letter Massachusetts Senator, Edward Markey had written to the Director of Law Enforcement at NOAA regarding fraudulent seafood practices that came to light through an Associated Press investigation. Mr. Barrett hoped to get his fellow Councilors on board with this problem, however, Chairman Frisk said while the Council would be free to discuss the topic it really is out of the jurisdiction of the Council, this really falls under law enforcement and we cannot give advice to that agency. If legislation is brought before the Council, they could certainly give their opinions by their votes. Councilor Danielson recalled to his fellow Councilors that similar legislation has come before the Council.

Bill No. S1422 came before the Council on May 10, 2016 (*TITLE OF BILL: An act to amend the agriculture and markets law, in relation to labeling requirements for fish wholesalers. PURPOSE OR GENERAL IDEA OF BILL: This legislation would amend the Agriculture and markets law to require that wholesalers of fish may only sell such fish that is in sealed and clearly labeled containers; and to require that such labels include: 1) the identity and weight and standard measure or numerical count of the commodity, 2) the name and address of the shipper, packer, or distributor, 3) the state of commodity origin.*)

August Ruchdeschel said the Seafood Roundtable discussions that are coming up would be the perfect forum for this topic. <https://content.govdelivery.com/accounts/NYSDEC/bulletins/211d16a>

Approval of Minutes - May 8, 2018 (2:00 p.m. and 5:00 meetings)

The Minutes were unanimously approved as written.

Presentation – Marine Recreational Information Program

So often discussions held at the Council meetings involve the Marine Recreational Information Program (MRIP). More often than not, fishers are not happy with the quota numbers they are given which are based on numbers compiled from MRIP data. It was thought that it would be helpful to have someone come and explain the way in which the data is collected and how it gets translated to the quota estimates that are given out. Mr. Richard Cody, ECS, in support of NOAA Fisheries Office of Science and Technology came to the meeting with David Bard, who also comes in support of NOAA Fisheries and they brought with them a presentation they hope will give everyone a better understanding of the MRIP system as a whole.

They also hoped to receive feedback from the community for ways in which to improve the system.

****PLEASE SEE ATTACHMENT FOR THE COMPLETE DOCUMENT****

The following is the conversation *after* viewing the slide show.

Mr. Bard also wanted to mention that they are exploring to have the data recorded electronically by way of cell phones. This is something that he gets asked about wherever he travels. They currently have two pilot programs that they are working with (one in Mississippi and one in Alabama). They also had a pilot study with the University of Florida but they were not happy with their findings. Unfortunately what they have discovered is that once people download the angler app, 70% of the people never used the app again, so while people might be optimistic about using apps, so far the studies do not support that belief. They will continue to work to improve to app.

Questions from the Council for Mr. Bard following presentation:

Mr. Danielson said that Mr. Cody mentioned Northeast VTRs in his presentation yet it was his understanding that they haven't been used in accounting for for-hire vessels catch and harvest – are they indeed using this information for the for-hire industry? Mr. Cody replied they are using them for effort portion, so all that is counted is the number of anglers and the number of trips. Mr. Danielson said if people are taking the time to fill in the data, it is wise to make use of it.

Mr. Danielson also questioned the sample survey and that small sample sizes give poor results – what has FES gotten back as far as the sample size – is it a solid response? Small sample? Large sample? Mr. Cody said the sample size could always be larger and this year the sample size was beefed up. He doesn't have figures right now but he could get them for Mr. Danielson, his best estimate is the response rate to be somewhere in the 30% range on average by state; which is pretty high for most surveys.

Mr. Danielson continued by asking when Mr. Cody mentioned effort – is that targeting registered anglers or is it coast wide as the telephone surveys used to be? Mr. Cody replied that it is hitting coastal states – what it does is that it looks for households and uses the state licensing systems to augment the sampling (i.e., fishing licenses). Mr. Danielson said that although the charts in the presentation show that effort is higher, what everyone hears from the for-hire industry and bait and tackle shops here in New York is that effort is actually *down* based on the number of trips, and the economic data from bait and tackle industry including manufacturers and distributors, etc. How do you correlate that information back into getting clearer numbers? Mr. Cody said they are very aware of the data and they look for any kind of biases that might exist. They have conducted a non-response survey which looks at the primary responders and does a follow-up to those who didn't respond, and then compares the answers both have given. It shows they were the same. Dr. Frisk then added that the new estimates wouldn't necessarily demonstrate whether that trend would show whether the decrease in effort is true or not, correct? Compared to the old method, this one is finding a higher effort. Mr. Cody agreed. Mr. Danielson then questioned if effort is 3-4 times higher in FES than it was in previous MRIP data, however, catch is different, it's only 3% different – why wouldn't it be the same? If we're seeing an increase in harvest (an increase in catch based on FES) doesn't that prove the stocks are in much better shape to support all the extra catch that we've been having since 1981? Mr. Cody replied that it would but only under certain circumstances. What they are most concerned with is if there is a change in the trajectory because it's one thing to have a higher number all the way through but it's another thing if it only goes up at one particular point, there are certain caveats. Mr. Danielson said, no matter where you look it shows the stocks are in much better shape simply because of what fishers are able to catch, they continually catch more than they should have. Mr. Cody said you simply cannot make a blanket statement or generalization because the ratios do change over time. Dr. Frisk added that every year when the model is updated, you realize you really aren't where you thought you were the year before – you might put too much catch, too little catch consistently over time.

Councilor Paradiso asked if that also pertained to sampling distribution too. There are ~5,000 sampling sites but because of different variables (i.e., staffing, etc.) you are not collecting the data the same from each site so how can you possibly weigh each site's information equally? Mr. Cody replied that is where the design aspect comes into play. Of course samples taken from a very busy site will be weighed differently than samples coming from a much slower site. The design now sets the weights for the samples unfortunately what that means is very low rates for the busy sites Councilor Squeri stated Long Island is an anomaly - you have the south shore, north shore and east endJuly and August finds Montauk catching Bass fish right and left but if you go 50-60 miles west, there aren't any Bass being caught – how does that get mixed into the equation. Are they just taking that number and lumping it together by saying LI Marine District? Would that get broken down any further? Mr. Cody said it *would* be broken down further but to keep in mind that when you are dealing with rare event species, you don't want to break it down too much. Mr. Squeri said he just gave Bass as an example – he wasn't specifically referring to that species of fish he was more or less trying to make a point that at any given time, different areas are catching different fish. Mr. Cody said there is definitely a way to do customized estimates that are site based. He thinks personally, that you reach the limits of sampling effectiveness the lower you go when you try to reach the higher resolution.

Councilor Yaxa referred to the hand out that he received which states, "While summer flounder is not overfished, the stock has been declining since 2010. Even though catch limits are generally not being exceeded, too many fish are being caught for the population to remain at sustainable levels." Mr. Yaxa continued by saying that as a hand harvester in an in-shore fishery here on Long Island he feels that cormorants are one of the largest problems facing summer flounder. Each time they dip down into the water, they come up with 4-5 inch fish. Cormorants are like an explosion – in a 30 minute period, they catch up to 10 fish, more than any fisherman can take in the same amount of time. Mr. Cody said the problem with that is it's very hard to quantify.

Mr. Squeri brought up the conundrum known as Wave 6, specifically - black sea bass for the private boat angler from 2016 Fishers complained that due to one of the worst winters we have had in a long time, many people were unable to fish so the catch numbers should have been exceptionally low, however, the numbers MRIP brought forth showed record high catches (300 million pounds) which they all say would be impossible. It's because of things such as this that many people have mistrust and are completely skeptical about MRIP data. Mr. Cody said they know they have a good design because it works for most of the species, unfortunately the only time MRIP data gets mentioned is when there is a controversial issue that comes up but that is really the minority and not the majority of the time. Mr. Squeri said even when the numbers are good; people are still scratching their heads wondering where they were coming from. Mr. Cody said they recognize that sample sizes are the main crux for all the surveys. They have had a National Academy of Science review as well as numerous peer reviews for the last set of surveys and they do try to make them as independent as they can, however, there are limitations in the numbers since they are sample surveys. Mr. Squeri asked if there was something the fishing community could contribute to the process that would help acquire more accurate figures. He hears from so many people whose livelihoods are affected by the quota numbers created by MRIP and sadly, it's usually in an adverse way. People are losing their businesses – businesses that have been in the family for generations. Mr. Paradiso wonders if managing stocks instead of using annual catch limits to look at mortality would be the better way to go, set it for a few years at a time and then look at the trend of the collective years. There may be lesser variations that way. Mr. Cody said they would have to look at legal requirements which may present a problem if they did things that way. Mr. Gilmore said that at some point, when the estimates come in, if everyone realizes that the numbers do not reflect what is true, we need to be able to have the option to ignore it and continue with status quo. Councilor Dearborn doesn't believe weather is being considered as a factor right now and believes that it should be. Mr. Cody said that weather is being used as part of the process currently. If sampling cannot be conducted in a given day, its taken note of and those dates are not considered when calibrating the data.

Comments/questions from the audience

Mr. Marc Hoffman made the observation that in 2016, NOAA assigned surveyors to collect data for Wave 6 from Montauk Point and only Montauk Point – that is probably the most active port for recreational fishers on the East Coast. So when they took the numbers they gathered and multiplied it by the State and it's no wonder they came up with such an outlandish figure (about 1,000 percent OVER what is normally caught). To make matters even worse, it was claimed this was primarily taken by private boats when in fact, 99% of the marinas from mid-Jersey through New England are close October 31st. To say that 25% of the coastal quota for the year was caught in Wave 6 mostly by private boats at a time when 99% of the boats are out of the water is ridiculous. Those numbers should not be kept - they should be thrown out.

Mr. Cody said if there is some indication that the data isn't truthful, it does get thrown out but if the data is collected following proper protocols, they do not get rid of it. Mr. Hoffman said the data stated that 24% of the fluke catch was from shore – you can't get more nonsensical than that, 1% would be a great number – 24% absurd! Mr. Cody said you walk a very fine line if you start to pick and choose what data to use and what to throw away – the decision must be made by someone else. If they begin to throw away data, they violate the very design that was put in place.

Ms. Nancy Solomon, from LI Traditions believes there needs to be heavier dialogue between Mr. Cody's division, social science and the climate condition groups to determine what is causing such fluctuations. You should not be relying exclusively on the survey data. Mr. Cody agreed, they would welcome more collaboration.

Mr. Jamie Quaresimo said if they polled the room right now, there would be a unanimous agreement that we are so much worse now than before using MRIP data. He wanted Mr. Cody to realize how adversely the MRIP data is affecting livelihoods and he doesn't believe that Mr. Cody has faith in his own system.

Mr. Cody realizes improvements need to be made but he does have confidence in the process and the scientific credibility of the data. It was reviewed last year by the NAS and was fully endorsed by them. He believes we currently

have as good a system as the resources will allow. He knows there are lots of gaps and they are trying to work with different state agencies and regional partners, for example they know they are getting horrible Red Snapper estimates in Mississippi, however, Mississippi has a better state based survey which does a better job collecting harvest estimates, so they will try using their data for a few years. This practice cannot be handled this way for all the species because there are so many but this is one way to address the inadequacies.

Mr. Quaresimo said the fishing community physically sees the way in which the survey results are being collected and they see there are huge gaps in the way the information is gathered. He believes Mr. Cody should be coming to the actual users and asking, "What do YOU think we should be doing to make the information gathered more accurate?" Mr. Cody said that was the main reason for him being here at the meeting. The NAS has said improvement is needed when it comes to communicating with the public so they are trying to correct that; they've set up road shows as well as focus groups, they've partnered with various Councils to get their input and hopefully through the Council process they hope to receive more input from the actual anglers, both recreational and commercial constitutes.

Mr. Quaresimo said he is shocked that the fishing community is forced to work with the guidelines given by MRIP when even they realize that there is a great deal of work that needs to be done to make the process more accurate; he just doesn't understand that. Mr. Cody has complete confidence in the basic design of collecting; he thinks the system just needs adjustments.

Mr. Neal Delanoy asked why it seems that in looking back at the data from 30 years ago, there doesn't seem to have as much discrepancy as it does now. Mr. Cody believes it is because there was less fishing 30 years ago, although there were notable spikes here and there. The data seems to show that the trend seems to be increasing over the years; they believe this is due to advances in cell phone usage.

Mr. James Schneider asked if Mr. Cody would agree that 10% of the fishermen catch 90% of the fish to which Mr. Cody did agree. Mr. Schneider said there is a tremendous skill level and he considers himself among the 10%. He thinks he would be very helpful to collaborate with because he has been working in the fishing industry since he's a young boy. He fishes every day and his knowledge is extremely vast, he believes the program should be looking more toward working with seasoned fishermen for their input – they would contribute and educate more than any data they collect, they need to be working more with the people.

Mr. Cody said they have always tried to make it a transparent process and one that does seek input from the public and an inclusive process. Unfortunately the numbers that come out are not always the numbers people want to see. He still believes it's a better reflection of the reality. Mr. Schneider thought perhaps it was the interpretation where things get lost. You can't catch more fish if there aren't more fish especially when the regulations are tighter. We're seeing the numbers go up but we're keeping less fish yet we're catching more. Doesn't it make sense to say that means there are more fish? He also believes that the forces that determine funding for the program also consider job security for people that work in the program, therefore, sometimes the numbers have to be twisted to keep the money flowing. He reiterated - there needs to be improvement between the working groups.

Mr. Steven Cannizzo said the data should not be used for statistical purposes or setting catch limits, there needs to be data integrity per wave. He also doesn't agree that there are more people fishing now than 30 years ago. It's too expensive for most people and if the surveyors spoke to the bait and tackle shop owners or checked on marine fuel slips, boat registrations, they would hear and see the evidence of that. Mr. Cody countered that based on license data (for many of the states – he ceded maybe not NY), the trend has been that the numbers have been going up; Florida can be used as an example. He will admit that MRIP does not have good participation numbers; it's not something they

generate and that is why they work with effort and not numbers. They contact households and ask about the number of trips they take, they do not ask the number of participants, they count on US Fish & Wildlife data for that.

Mr. Danielson recalled that the really outrageous data from wave 6 was actually thrown out; however, Marc Hoffman said the data was put back in. Mr. Cody agrees there should be a process that would be able to earmark a particular set of data to say it's questionable and was not included in the management decision process. They are also looking at only publishing cumulative estimates that only have variance less than 50% but they are receiving push back with that. The people who use the data are saying that you shouldn't be able to pick and choose what data to include, whether good or bad.

Lt. Reilly asked if they would ever think of switching to selecting certain people and go with mandatory recruiters. Mr. Cody said they are looking at the effort survey to create a panel. What that would do is to keep certain people on the survey so they can create "history." This was a suggestion that was brought to their attention.

Mr. Schoenig noted that Mr. Cody said they accept personal surveys but Mr. Cody clarified – the person must be certified, and they are given certain criteria they need to work around. He continued by saying this would not work on a grand scale simply because when you have multiple surveys from multiple states, you will have calibrations times the number of states and you will need to maintain a historical time series. It's a huge undertaking to get all the numbers in a comparative state. For management purposes, it might be the way to go but there are definite caveats along the way.

Chairman Frisk, the Council and audience thanked Mr. Cody for attending the meeting and appreciated his efforts in explaining MRIP and how it works.

~~~~~

For further information about the Marine Resources Advisory Council, past and present bulletins, as well as any pertinent graphs, charts or data, please check the Council's web page: <http://you.stonybrook.edu/mrac/meetings/> Should you wish to suggest an agenda topic, contact the Chairman, Michael Frisk, ([Michael.frisk@stonybrook.edu](mailto:Michael.frisk@stonybrook.edu)) ; phone 631/632-8656; Staff Assistant, Kim Knoll, ([kim.knoll@stonybrook.edu](mailto:kim.knoll@stonybrook.edu)).

#### MRAC Meetings in 2018

November 13, 2018 – 2:00 p.m. DEC Offices, 205 Belle Mead Road, East Setauket