

# Marine Resources Advisory Council

January 22, 2019

Sean Barrett

Chairman Frisk began the meeting by going over the day's agenda.

Robert Danielson

## Minutes of November 13, 2018 meeting

John Davi, Jr.

The Minutes were accepted as written unanimously.

Melissa Dearborn

## Public Comment – non agenda items

Vincent Finalborgo

Mr. John German, a commercial fisherman, said a friend of his is having surgery and would like to transfer his (foodfish) license for weekly trip limits for fluke to his son while he is out of commission, however, when he called the DEC Office he spoke to someone in the License Bureau and was told that cannot be done. Mr. Gilmore said since he is unaware of the specifics of this case, Mr. German should speak to him after the meeting so he could look into this. Mr. German also requested that the Whelk agenda item be moved up because most of the audience was in attendance only for that particular item.

Thomas Jordan

Hank Lackner

Mr. Fred Chiofolo, also a commercial fisherman, said that in the Great South Bay, the month of May was taken away for gill netting beginning in 1981 in order to help weakfish; he believes that the weakfish stock is never going to return so he would like to know if they could get back the month of May. Mr. Gilmore said the DEC will look into it.

Joseph Paradiso

Christopher Squeri

Charles Witek

Me. Steve Cannizzo would like to know if the scup season can be open for New Yorker's beginning next month to which Mr. Gilmore said they could look into it for 2020 but not for next month. He then asked for a February opening for seabass? John Manisclaco said no but he will be talking more about that in a few minutes.

Steve Witthuhn

Dean Yaxa

Mr. Cannizzo continued by speaking about the artificial reef program and wonders if there will be an opportunity for stakeholders to speak up and say where they would like to see this happen, specifically he would like to see the materials scattered near/on the 12 mile reef around Moriches? Mr. Gilmore, said that the 12 mile reef is an area that will be taken into account. Once Governor Cuomo became involved, they began to receive a lot more material than originally thought, however, they are finding much of the material received is inappropriate to use for the reefs or if it's usable, the cost for cleaning and deploying is high. They are also facing problems with regard to depth limitations, amount of materials different sites can take, and one area may be a few acres while another may be hundreds of acres. In any event, there is much to be considered. The general idea was to put material on every one of the reefs but what's going where and when it will be available are the things that need to be taken into account.

Michael Frisk  
Chairman

Kim Knoll  
Staff Assistant

Ralph Vigostad made an announcement that Mr. Ronald Turbin passed away in December, he was 79. Mr. Turbin spent most of his life being environmentally conservative and was a very familiar face at the Council meetings; his positive energy will be missed.

Mr. Vigostad continued his comments by saying that there are a number of species in the ocean that are not doing very well (i.e., striped bass, bluefish, etc.). In the third world people fish for protein, in the Western world, we want it for the taste. Unfortunately, the ocean can only produce so many fish. The world's population is currently 7.5 billion now but it increases by 1.2 billion every 12 years. The oceans cannot keep up. Changes need to be made and we all know what they are.

Scott Wagemann from Cornell Cooperative Extension stated that they currently have a grant from the National Fish and Wildlife Federation that enables them to give out a free iPad to commercial fishers who are willing to switch from paper reporting to e-reporting. They still have 4 iPads left and that will include training and support.

John Schoenig sang the praises of Mr. James Schneider and the wonderful things he gives back to the community especially to get children involved in fishing.

Audience member Zachary said he is 27 years old and doesn't see any other young people in the audience. He wanted to know what the DEC is doing to get the younger generation involved in fishing and what can he expect to see from them in the future? He would also like to see the Black Sea Bass quota go up.

Mr. Frisk answered that his point is being considered and there should be answers coming forth in the report being released by Mr. George LaPointe. This will be up for discussion at the March Council meeting.

#### Whelk Minimum Size Limit

Mr. Gilmore said there are only 2 states without a whelk size limit – NY and Conn. The DEP did not have the authority to set regulations, however, now they do and they will be taking another run at putting in a size limit for whelk. Mr. Davi wanted to know how New Yorker's feel about this – shouldn't there be some sort of economic impact statement created before moving forward with this?

Mrs. McKown gave the following presentation:



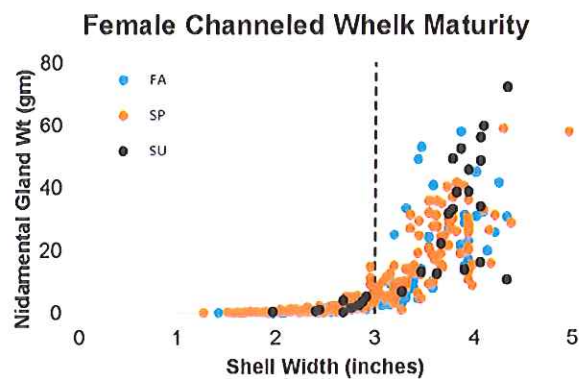
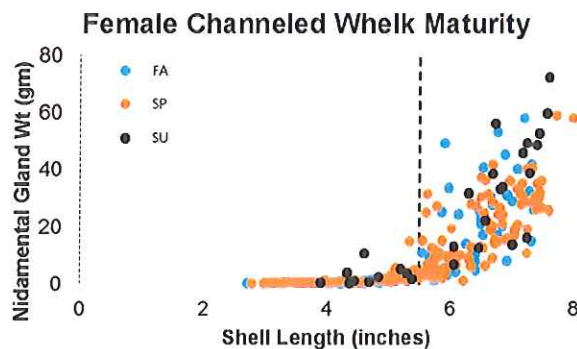
## **Whelk Regulatory Proposal**

January 22, 2019



## Proposed Whelk Regulations

- **Minimum Size Limit: 3" width or 5-1/2" length**
  - Allow immature females to mature before harvest
- **Mandatory Bait Bags**
  - Decrease the amount of horseshoe crabs used as bait
- **Pot Identification**
  - Assist enforcement and identification of lost gear
- **Prohibit pots set in navigation channels**
  - Navigation safety



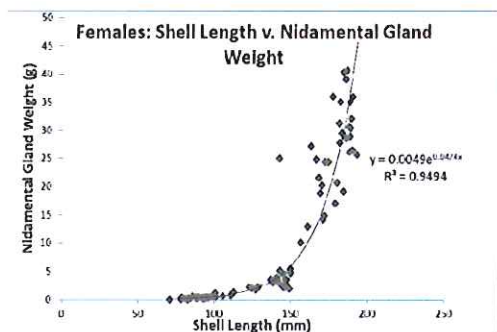
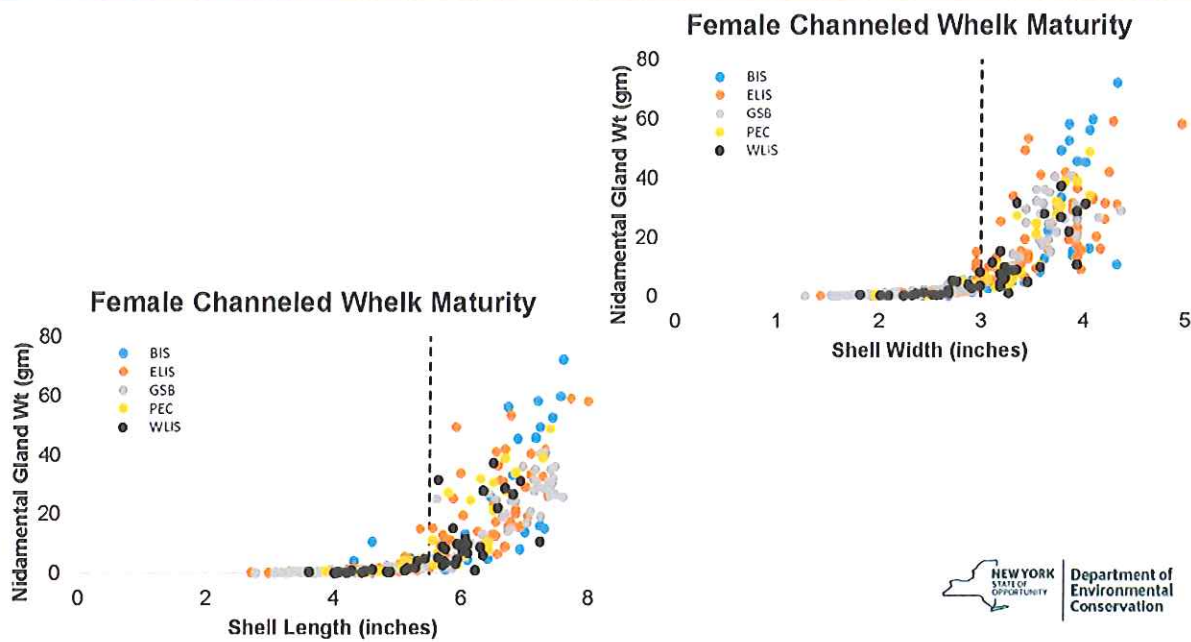


Figure 16– Linear regression, shell length (mm) vs. nidamental gland weight (g) for 83 female channeled whelk harvested from the Great South Bay, New York from May- June 2015.

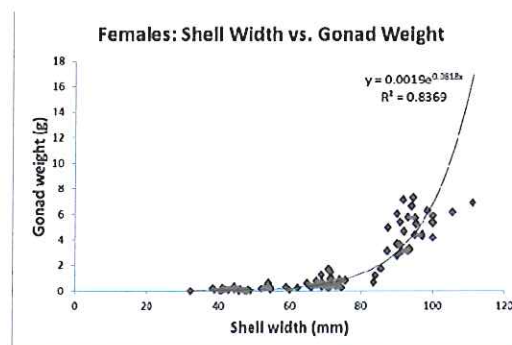


Figure 21 – Curvilinear regression of shell width (mm) vs. gonad weight (g) for 83 female channeled whelk harvested from the Great South Bay, New York from May- June 2015.

Lynn, 2018

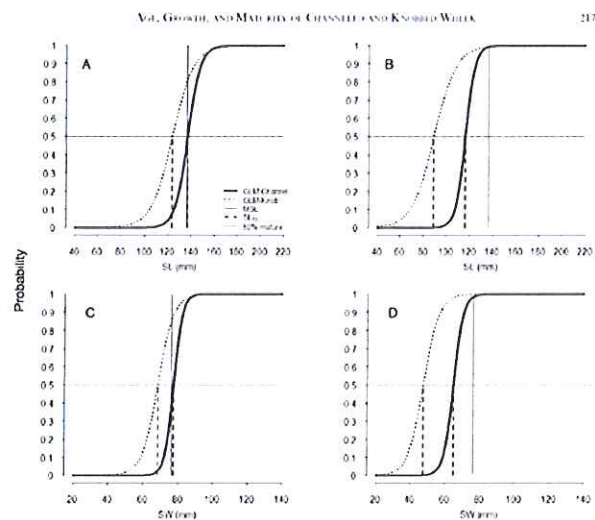
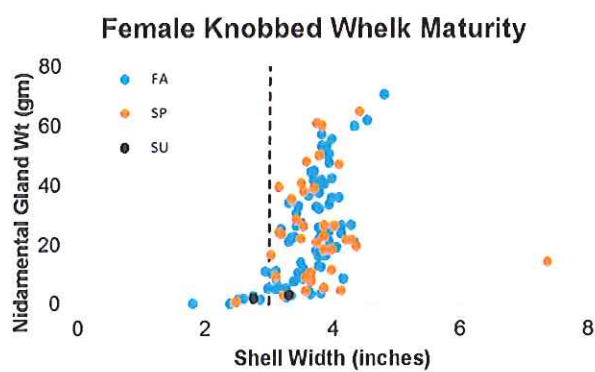
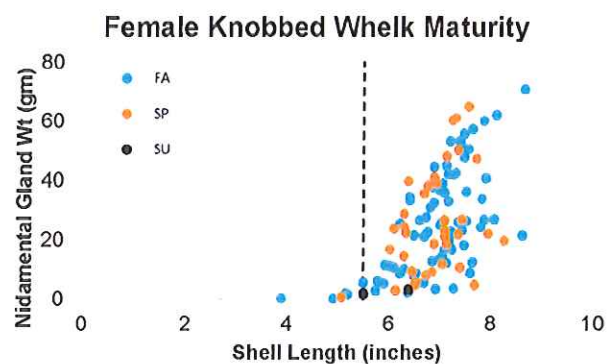


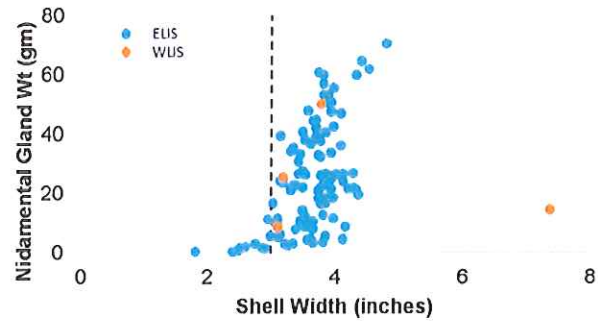
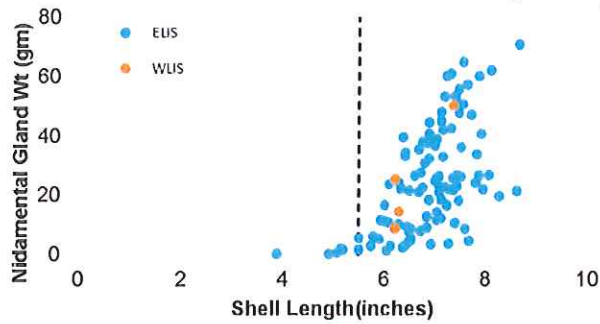
Figure 8. Size-at-maturity curves by species, sex, SL, and SW, with MSL and M<sub>50</sub> indicated. (A) Female channel and knobbed SL, (B) male channel and knobbed SL, (C) female channel and knobbed SW, and (D) male channel and knobbed SW.

Angel, 2018



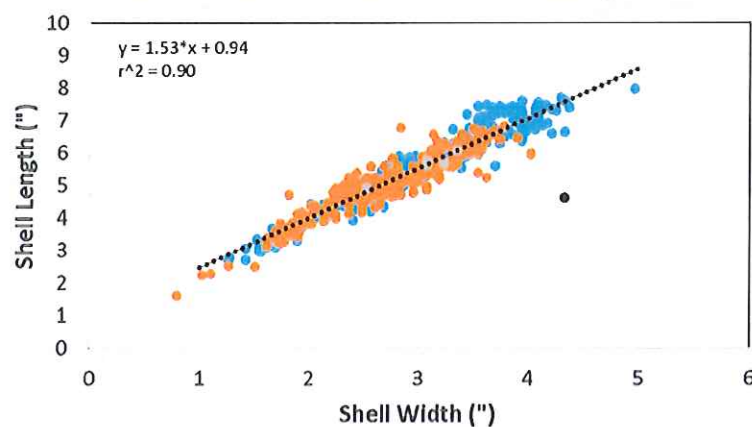
## Female Knobbed Whelk Maturity

## Female Knobbed Whelk Maturity

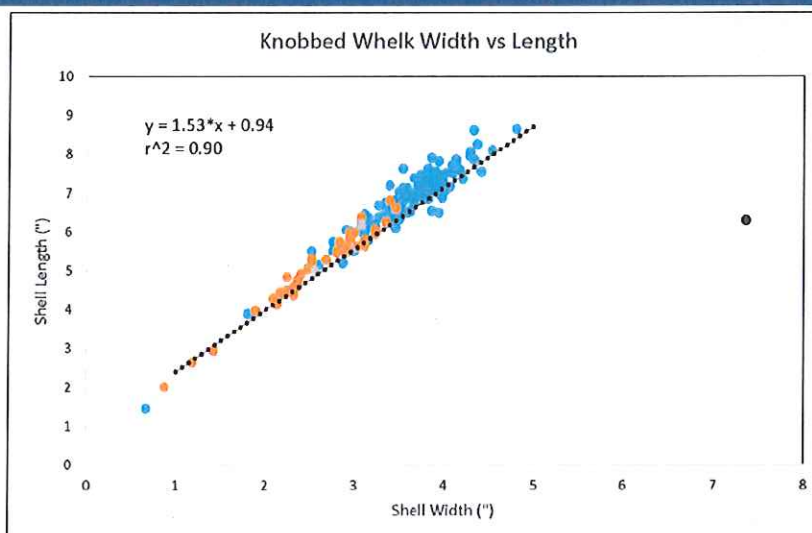


Shell Width	Shell Length
1	2.47
1.25	2.86
1.5	3.24
1.75	3.62
2	4.01
2.25	4.39
2.5	4.77
2.75	5.15
3	5.54
3.25	5.92
3.5	6.3
3.75	6.69
4	7.07
4.25	7.45
4.5	7.84
4.75	8.22
5	8.6

## Channeled Whelk Width vs Length



Shell Width	Shell Length
1	2.53
1.25	2.94
1.5	3.36
1.75	3.77
2	4.19
2.25	4.6
2.5	5.02
2.75	5.43
3	5.85
3.25	6.26
3.5	6.68
3.75	7.09
4	7.5
4.25	7.92
4.5	8.33
4.75	8.75
5	9.16



## 2018 Whelk Regulations by State

State	Species	Min Size	Bait bags
MA	channeled & knobbed	Use of 2- 7/8" chute gauge in any orientation	
RI	channeled & knobbed	3" width or 5-3/8" length	
CT	Whelk (conch)	None	
NY	channeled & knobbed	None	
NJ	conch	5" length	Yes
DE	channeled	3-1/8" width or 6" long	
	knobbed	3" width or 5" long	
MD	Conch (channeled, knobbed, lightning)	6" length (all conch) or 3-3/8" width for channeled whelk only	
VA	channeled	5-1/5" length or pass through 2-3/4" dia cull ring	Yes

## CTDEEP Trawl Survey Channeled Whelk

SL"	2013	2014	2015	2016	2017	Total
≤4"	17	4	1	1	8	31
4.24	5	0	1	2	0	8
4.49	1	5	3	1	3	13
4.74	4	3	0	3	3	13
4.99	5	1	1	2	0	9
5.24	22	1	1	3	1	28
5.49	6	2	2	3	2	15
5.74	12	2	8	6	1	29
5.99	15	1	3	3	2	24
6.24	6	1	0	1	0	8
6.49	4	0	0	1	0	5
6.74	5	4	4	2	1	16
6.99	5	2	0	1	0	8
7.24	2	1	1	1	0	5
7.49	3	0	0	0	0	3
>7.5	0	1	1	0	0	2
	112	28	26	30	21	217

%>5.25" 52% 50% 73% 60% 29% 53%  
 %>5.5" 46% 43% 65% 50% 19% 46%

## CTDEEP Trawl Survey Channeled Whelk

SL"	West	East	Unknown n	Total
≤4"	7	24	0	31
4.24	1	7		8
4.49	2	11		13
4.74	2	11		13
4.99	1	8		9
5.24	8	20		28
5.49	5	10		15
5.74	6	23		29
5.99	7	17		24
6.24	5	3		8
6.49	3	2		5
6.74	3	12		15
6.99	1	7		8
7.24	1	4		5
7.49	0	3		3
>7.5	0	2		2
	52	164		216

%>5.25" 60% 51% 53%  
 %>5.5" 50% 45% 46%



## CTDEEP Trawl Survey Knobbed Whelk

SL"	2013	2014	2015	2016	2017	Total
≤4"	1	1	0	1	3	6
4.24	0	0	0	0	1	1
4.49	1	1	1	0	2	5
4.74	1	1	0	0	0	2
4.99	2	1	1	0	0	4
5.24	2	0	1	1	2	6
5.49	2	1	1	0	0	4
5.74	1	3	2	0	1	7
5.99	6	1	3	0	1	11
6.24	3	3	2	0	2	10
6.49	5	4	3	0	3	15
6.74	2	3	7	1	0	13
6.99	3	4	1	1	6	15
7.24	8	5	4	4	5	26
7.49	4	2	6	4	0	16
>7.5	7	4	8	1	0	20
Total	48	34	40	13	26	161

%>5.25" 85% 88% 93% 85% 69% 85%  
 %>5.5" 81% 85% 90% 85% 69% 83%

## CTDEEP Trawl Survey Knobbed Whelk

SL"	West	East	Unknown n	Total
≤4"	0	6	0	6
4.24	0	1	0	1
4.49	0	5	0	5
4.74	0	2	0	2
4.99	0	3	1	4
5.24	0	6	0	6
5.49	1	3	0	4
5.74	0	6	1	7
5.99	0	11	0	11
6.24	2	8	0	10
6.49	1	11	3	15
6.74	0	12	1	13
6.99	0	14	1	15
7.24	0	23	3	26
7.49	1	14	1	16
>7.5	0	19	1	20
	5	144	12	161

%>5.25" 100% 84% 92% 85%  
 %>5.5" 80% 82% 92% 83%



Councilor Yaxa said this presentation is only talking about the Sound area, he has fished the waters of NS2 and NS3 longer than most folks in the room are alive and in all that time, he has never seen a whelk 5.5" long. That was proven 2 years ago by research conducted by Cornell's Cooperative Extension; the data is there the DEC just has to look for it. This is completely favoring the East End where they have the larger conch. It's simply not fair to eradicate the fishers out West.

Councilor Davi said there are two windows a year in the LI Sound when the conch are active – 3-6 weeks in the summer and 3-6 weeks in the fall. When it's said that the immature ones cannot sustain themselves, that isn't true because they can. When the temperature changes and it becomes colder, they slow down and retreat to the bottom. There are many conchs not being harvested. Ms. McKown said because they haven't had to record landings, they know their numbers are underrepresented. They understand when the lobster fishery decreased, the effort in the whelk fishery increased along with the price. Therefore by fishing on immature animals, you are not going to be able to sustain the fishery.

Mr. Danielson said what we have seen all across the island is increased pressure on every fishery for both recreational and commercial. Mr. Davi disagreed, he felt there isn't an increase in whelk for the commercial fisher – he said lobster fishers have always fished for conch in the lobster's off season but Ms. McKown concurred with Mr. Danielson – there is an increase in pressure on whelk but Mr. Davi wanted to see statistics. Mr. Gilmore said that is what the Department is trying to compile.

Mr. Peter Wenczel has been in favor of a size limit for a long time. He fishes out of Greenpoint and he believes that about 80% of his fellow fishers are also in favor of one. He sees that the fishery is in decline. What he also sees is a change in is the acceptability of small animals in the market; it used to be no one would take them but the Asian market wants to buy them. It doesn't take a genius to figure out if you take them when they are young/small, they will not be able to reproduce. We need to do something before the fishery collapses; a size limit must be imposed. Every state that has a size limit has seen the conch rebound – this is the right thing to do.

An audience member spoke up and said that our own Governor has said that clams are in danger – conch are responsible for predation against clams so why are you trying to protect the predator? We're also trying to protect water quality by planting oysters, helping the conch goes against that endeavor.

Mr. John German said we have never met the quota, the data that is being shown today is skimpy and should never be used as a means to bring about change – it doesn't encompass the true picture. Connecticut does not currently have nor will they ever have any regulations for conch. Mr. German has spoken to numerous folks in CT and they are adamant about this. The DEC needs to realize that conch are horrible predators against lobsters and all shellfish. Each of the towns has just received millions of dollars to improve the shellfish population – is that being done just to feed the conchs? Why would the DEC want to protect the very thing that will destroy all efforts put forth by the restoration process? A few months back, we all sat in this very room and watched a video that showed just how aggressive conch's are. There is **NO** ASMFC ruling coming down the pike. Mr. German remembered that it was the Council that voted against doing anything for conch about 3 years ago and he wonders what changed. Mr. Gilmore said the reason the ASMFC didn't do anything as far as a ruling is concerned is because every state stepped up and helped to work on their problem but now it's time for NY and Conn to step up. Mr. Gilmore questioned Mr. German and asked what part of the data that Ms. McKown presented he disagreed with. He said he agreed with what was said about the maturity aspect, what he disagreed with was when she said that 45% of the ones caught are over the size limit; evidently half of them are getting by.

Mr. Nathan Andresky, he doesn't have a conch license and has no interest in conching, but what he would like to say is that it's ignorant to hear folks say the fishery is sustaining itself. He works at a wholesale fish distributor and he sees the number of conch caught drastically decrease. It used to be 8-10 bags a day a few years back as compared to last year 1-2 bags a day.

Dr. Steven Tettlebach, from LIU and Cornell Cooperative Extension, spoke about the validity of the data. He and his students are responsible for most of the data collected and being used in the presentation. Originally, their study focused on the Peconic Bay, however, after questions arose about conchs in other areas, one of his students began collecting data in the Great South Bay and what they found was the exact same thing - they are maturing at 5-5 1/2 inches. The pattern of reproduction is pretty consistent. Also, Whelk do move, he has performed tagging studies and have found some have moved over two miles, that is not unusual. He also performed predation studies, five years ago

they looked at predation by whelks against scallops and what they found out was that knob whelks eat much more than channel whelks do. In terms of predation – crabs are far worse predators against scallops than any whelk. To say there shouldn't be any regulation against predators doesn't make sense – you have regulations for blue crabs and they are so much more detrimental to scallops; striped bass is another predator that has a voracious appetite. The argument that you can't regulate a predator does not hold water. He also wanted to add that he can testify to the decline in the whelk population – 2 years ago they only found one mature conch in the entire season and that came from actual diving at over 25 sites, this information was not gathered by trawling. Dr. Tettelbach offered to go over any of the data being used to anyone that would like more information.

#### Brief updates on Licensing Review and Revision and NYS's Commercial Fluke Lawsuit

Mr. Gilmore brought up the George LaPointe report. This report was compiled by Mr. LaPointe after hosting 9 meetings with all the various user groups. Once the final draft is put together, it will be reviewed by Basil Seggos, DEC's Commissioner; once he approves it, it will then go to the Legislation, MRAC and the public but Mr. Gilmore isn't certain as to the sequence. Mr. Gilmore said Mr. LaPointe has done a great job capturing the issues and the diversity of them. Assemblyman Theile has been in communication with Mr. Gilmore, giving updates and saying how pleased he is with the way things are heading. Mr. Gilmore thanked everyone who participated in the discussions. He reminded folks that this is a report with information as to what they would add, change or like to see happen with regard to licensing in the future.

#### Lawsuit

Please see link for information regarding the lawsuit regarding the commercial fluke allocation. The lawsuit is based on the national standards. This will not have an impact on fishing for 2019 but they hope it will bring change for 2020. They are really hoping for a new baseline.

<https://www.governor.ny.gov/news/governor-cuomo-and-attorney-general-james-announce-lawsuit-against-federal-government-over>

#### Commercial Fisherman Survey

Mr. August Ruckdeschel, from Suffolk County Department of Economic Development & Planning has been working with NY Sea Grant, Cornell Cooperative Extension and the LI Commercial Fishing Association developing a survey designed specifically for commercial fishers whom they hope will give an accurate assessment of the status of the industry. They hope to be able to bring economic opportunities to the industry by bringing in outside investments. He handed out the survey to the audience and asked for them to fill it out and return it to him.

A copy of the survey is attached.

#### Brief update on 2019 recreational fisheries (fluke, scup, black sea bass – impacted by federal shutdown).

Because of the Federal shutdown, information was limited; wave 6 data was not available at the time of the meeting. Mr. Maniscalco stated:

Fluke – the assessment has been completed but they will not be able to make any determinations until the peer review report comes out and the Council's Science and Statistical Committee meets. He really couldn't add anything because the new assessment may change things considerably, numbers could go up or numbers could go down, he has no way of knowing.

Black Sea Bass – projections say we are just over the RHL for 2019. They will be making the argument for status quo.

Scup – Under the RHL, they are able to relax regulations a bit. Things they are looking at possibly getting more of the season back or upping the bag limit.

Discussion:

Neil Delanoy – questioned how the numbers were looking for recreational Fluke leading up to wave 6. He realizes that the data from wave 6 shouldn't really influence things since only a few states participate. Mr. Maniscalco said he wouldn't know until the federal government opens up.

Jim Schneider – you are forcing pressure onto one fish because another one isn't open. This should be looked at environmentally instead of statistically. Your calculation formula should be coming from an environmentalist not a statistician if you are really concerned about the fish.

John Schoenig - spoke about Blackfish. He said that although we opened in April, it really wasn't very fruitful and he wonders if they would be able to increase their catch in the fall to make up for it. Mr. Maniscalco said they will have to monitor being open in April for a few years before they can see if a change is warranted.

#### Quota distribution plan (Scup, Bluefish, Summer Flounder, Black Sea Bass) for 2019

The following presentation was given by Gina Fanelli – any changes will be highlighted in red

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#### 2019 Summer Scup Quota Distribution

\*\*\*Changes from 2018 in red

The 2019 summer scup quota allocation is anticipated to be 1,477,920 pounds (subject to change).

	Dates	Quota	Initial trip limit (lbs.)	% Distribution
Period 1	May - June	960,648	4,000 weekly 5/1-6/15 800	60%
Period 2	July - August	369,480	600	30% (20% 2018)
Period 3	September	147,792	600	10% (20% 2018)

Provisions to the quota distribution plan:

- 1) A weekly limit is established for May 1 through June 15 with a maximum of 2 landings per week. Fishers landing under the small mesh exemption may not exceed the weekly limit. A daily limit is established during the same period for those who do not want to fish under the weekly limit. Registration for program is required. Details to follow in separate mailing.
- 2) Trip limits are intended to spread quota allocation over each period and to avoid fishery closures if possible. Consequently, initial period trip limits may be set at modest levels.
- 3) Any period's overharvest/underharvest will roll over to the next period. Currently, the Fishery Management Plan does not allow for one year's unused quota to be rolled over to the next year.
- 4) As per regulations, holders of a summer flounder fixed gear permit (pound net/trap net) will be exempt from any scup fishery closures, May 1 through October 31. In the event of a closure, a daily trip limit will be established for the fixed gear fishery.
- 5) If a period's quota is projected to be exceeded, that period will be closed until the next period to preserve quota for subsequent periods.
- 6) DEC may adjust this quota distribution plan if the level of harvest is different from what was projected to ensure maximum utilization of the scup resource and prevent the state allocation from being surpassed.
- 7) The final 2019 quota allocation is subject to change by adjustments made by the NOAA Fisheries.

Scup Quota Distribution Comparison for 2019 (proposed) and 2018					
2019	Coastwide Commercial quota 23,980,000	Summer Period % 38.95%	Summer Quota 9,340,210	NY Summer period % 15.8232%	2018 & 2019 NY Summer Period Quota 1,477,920
Periods	1 (May - June)		2 (July - August)	3 (September)	
% Percent	60%		30%	10%	100%
Period Quota	960,648		369,480	147,792	
Proposed trip limits (lbs.)	4,000 weekly (2 trips) May 1 – June 15 800		600	600	
2018					
% Percent	60%		20%	20%	100%
Period Quota	886,752		295,584	295,584	
Trip Limit (lbs.)	800		600	600	
Period Quota with Rollover			253,190	287,478	
Estimated Landings (subject to change)	929,146		261,296	117,775	1,308,217
Estimated % Quota (subject to change)	105%		103%	41%	89%

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#### DRAFT 2019 Bluefish Quota Distribution

\*\*\*Changes from 2018 in red

The 2019 bluefish quota allocation is anticipated to be **800,691** lbs. (subject to change). The quota distribution plan for bluefish is below.

	Dates	Quota	Initial trip limit	% Distribution
Period 1	January - April	112,840	10,000	15%
Period 2	May - June	188,067	1,000	30% (25% 2018)
Period 3	July - August	263,294	1,000	30% (35% 2018)
Period 4	September - October	142,931	1,000/2,000 – Oct.	15%
Period 5	November - December	45,136	10,000	10%

Provisions to the quota distribution plan:

- 1) Trip limits are established to distribute quota allocation over each period and to prevent closures if possible. Consequently, initial period trip limits may be set at modest levels.
- 2) Any unused allocation from Period 1 will be equally distributed to Periods 2, 3 and 4.
- 3) Any unused allocation from Periods 2,3 or 4 will roll over to the next period. Currently, the Fishery Management Plan does not allow for one year's unused quota to be rolled over to the next year.
- 4) A maximum episodic event trip limit may be established for periods 4 and 5, upon determination of the Department that enough quota is available.
- 5) If a period's quota is projected to be exceeded, that period will be closed until the next period to preserve quota for subsequent periods.
- 6) DEC may adjust this quota distribution plan if the level of harvest is different from what was projected to ensure maximum utilization of the bluefish resource and prevent the state allocation from being surpassed.
- 7) The final 2019 quota allocation is subject to change by adjustments made by the NOAA Fisheries.

Bluefish Quota Distribution Comparison for 2019 (proposed) and 2018						
2019	Coastwide Commercial Quota 7,710,000		NY Commercial Allocation 10.3851%			NY Commercial Quota 800,691
Quota distribution	Period 1 (Jan-Apr)	Period 2 (May-June)	Period 3 (July-Aug)	Period 4 (Sept-Oct)	Period 5 (Nov - Dec)	
Percent	15%	30%	30%	19%	6%	100%
Period Quota	120,104	240,207	240,207	152,131	48,041	800,691
proposed trip limits	10,000	1,000	1,000	1000 - 2000 Oct.	2,000 - 10,000 Dec.	
2018	Coastwide Commercial Quota 7,243,726		NY Commercial Allocation 10.3851%			NY Commercial Quota 752,268
Quota distribution	Period 1 (Jan-Apr)	Period 2 (May-June)	Period 3 (July-Aug)	Period 4 (Sept-Oct)	Period 5 (Nov - Dec)	
Percent	15%	25%	35%	19%	6%	100%
Period Quota	112,840	188,067	263,294	142,931	45,136	752,268
Trip Limits	10,000	1,000	1,000	1000 - 2000 Oct.	1,000	
Period Quota with Rollover			141,263	183,004	230,480	
Estimated Landings (subject to change)	93	310,098	101,190	92,628	17,779	521,788
Estimated % of Quota Landed (subject to change)	0%	165%	72%	51%	8%	69%

#### NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Marine Resources  
205 North Belle Mead Road, Suite 1, East Setauket, NY 11733  
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www.dec.ny.gov

#### DRAFT 2019 Summer Flounder Quota Distribution

The 2019 summer flounder quota is anticipated to be **510,054** pounds (subject to change). The quota distribution plan for summer flounder is below.

	Dates	Quota	Initial trip limit	Weekly limit (max of 2 landings per week)	% Distribution
Period 1	January - February	102,011	50	700	20%
Period 2	March - April	76,508	50	TBD	16%
Period 3	May - July	204,022	50	xxx	40%
Period 4	August - October	102,011	50	xxx	20%
Period 5	December	25,503	50	TBD	5%

Provisions to the quota distribution plan:

- 1) Trip limits are intended to spread quota allocation over each period and to avoid fishery closures if possible. Consequently, initial period trip limits may be set at modest levels.
- 2) A weekly limit, with a maximum of 2 landings per week, is not to be exceeded. The fishing week for the weekly program is Saturday to Friday. Participants must report to NYSDEC Law Enforcement at 631-444-0250 at least one hour prior to landing. The report shall include: name, vessel name, port, landing amount in pounds and time/date of landing.
- 3) Overharvest/underharvest from Period 1 will be deducted from/added to Period 5.
- 4) Overharvest/underharvest from Periods 2 through 4 will be rolled into the next period.
- 5) The Fishery Management Plan does not allow for one year's unused quota to be rolled over to the next year.
- 6) If a period's quota is projected to be exceeded, action will be taken, up to and possibly including closure of the remaining period, until the next period to preserve quota for subsequent periods.
- 7) DEC may adjust this quota distribution plan if the level of harvest is different from what was projected to ensure maximum utilization of the summer flounder resource and prevent the state allocation from being exceeded.
- 8) Any increase to the annual quota will first result in a creation of a November Period, roughly equivalent to period 5. Any additional quota will be equally distributed among the original periods.
- 9) The final 2019 quota allocation is subject to adjustment by the NOAA Fisheries.

Summer Flounder (Fluke) Quota Distribution Comparison for 2019 (proposed) and 2018							
2019	Coastwide Commercial Quota * 6,870,000	NY Commercial % 7.64699%	NY Commercial Quota 510,054				2019 Quota 510,054
Periods	1 (Jan - Feb)	2 (Mar - Apr)	3 (May - Jul)		4 (Aug - Oct)		5 (Dec)
% Percent	20%	15%	40%		20%		5%
Period Quota	102,011	76,508	204,022		102,011		25,503
proposed trip limit	700 weekly/ 50	50 / TBD	50		50		50/TBD
2018	Jan - March	April	May	June-July	Aug-Sept	Oct	December
% Percent	25%	10%	14%	27%	14%	5%	5%
Period Quota	114,003	45,602	63,842	123,124	63,842	22,800	22,800
Trip limit	50/490 weekly	50	50	50	50	50	50
Period Quota with Rollover				121,264	73,182	32,009	38,501
Estimated Landings (subject to change)	93,419	24,455	65,702	111,924	85,120	36,892	417,512
Estimated % of Quota Landed (subject to change)	82%	54%	103%	92%	116%	115%	92%
					August-October combined landings 122,012		

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#### 2019 Black Sea Bass Quota Distribution

\*\*\*no changes from 2018

The 2019 black sea bass quota is anticipated to be 246,400 pounds (subject to change). DEC's quota distribution plan for black sea bass is as follows:

	Dates	Quota (lbs)	Initial trip limit	% Distribution
Period 1	Jan. 1 - April 30	24,640	150	10%
Period 2	May 15 - June 30	81,312	50	33%
Period 3	July - August	66,528	50	27%
Period 4	Sept - Oct	61,600	50	25%
Period 5	Nov - Dec	12,320	50	5%

Provisions to the quota distribution plan:

- 1) Trip limits are established to distribute quota allocation over each period and to prevent closures if possible. Consequently, initial period trip limits may be set at modest levels.
- 2) Overharvest/under harvest from Period 1 will be deducted from/added to Period 5.
- 3) Overharvest/under harvest from Periods 2 through 4 will be rolled into the next period. Currently, the Fishery Management Plan does not allow for one year's unused quota to be rolled over to the next year.
- 4) If a period's quota is projected to be exceeded, that period will be closed until the next period to preserve quota for subsequent periods.
- 5) The final 2019 quota allocation is subject to change by adjustments made by NOAA fisheries.

Black Sea Bass Quota Distribution Comparison for 2019 (proposed) and 2018						
2019	Coastwide Commercial quota 3,520,000		NY Commercial % 7.00%			2018 & 2019 NY Commercial Quota 246,400
Periods	1 (Jan 1 - Apr 30)	2 (May 15 - Jun 30)	3 (Jul - Aug)	4 (Sep - Oct)	5 (Nov - Dec)	
Percent	10%	33%	27%	25%	5%	100%
Period Quota	24,640	81,312	66,528	61,600	12,320	246,400
proposed trip limit	150	50	50	50	50	
2018	1 (Jan 1 - Apr 30)	2 (May 15 - Jun 30)	3 (Jul - Aug)	4 (Sep - Oct)	5 (Nov - Dec)	
Percent	10%	33%	27%	25%	5%	100%
Period Quota	24,640	81,312	66,528	61,600	12,320	246,400
Trip Limit	150	50	50	50	50	
Period Quota with Rollover			60,627	75,407	27,772	
Estimated Landings (subject to change)	19,931	87,213	46,820	64,664	26,370	244,998
Estimated % of Quota (subject to change)	81%	107%	77%	86%	95%	99%

Discussion: Councilor Davi brought up scup, he was at the distribution meeting where it had been discussed to give the 4,000 lb. weekly trip limit a trial run; he would like to ensure that Law Enforcement continues to receive calls an hour before fishers dock so everything gets documented appropriately.

He would also like to see the additional 10% be placed in July/August rather than having it added to May/June. This would bring July/August up to 800 lbs. and be better because the profit would be greater at that time. Ms. Fanelli said it was originally placed in May/June because of the uncertainty of how the new weekly trip limit would play out and believed it would be rolled over in any event. Most folks liked Mr. Davi's suggestion better.

Mr. Mihale said he understands the scup weekly trip limit and he would support it as long as enforcement is strong and it will be monitored closely so it can remain open for the entire period so that the folks fishing on a daily trip limit do not get penalized should we go over the quota. Ms. Fanelli said there needs to be a phone call for each landing so they can monitor the situation and keep accurate records. He continued by speaking about sea bass – he believes that around June 12<sup>th</sup>, the season will close due to limits being reached. He is in favor of being pre-emptive especially because if they are wrong, the poundage that had not been caught can always be added to a future wave. Ms. Fanelli said that is exactly what happened in August of 2018.

Mr. Davi also asked for clarification regarding the weekly trip limit and how it works. Ms. Fanelli said that a fisher can actually switch back and forth between doing a daily trip limit for a week and the following week perform a weekly trip limit, they do not have to remain with either one way or the other. Mr. Davi does not feel this is a good idea, he thinks a choice needs to be made at the beginning of the month as to which method a person prefers and they need to stick with it for the period. Otherwise he doesn't feel the DEC will be able to gather accurate data.

Motion : Councilor Davi moved to adopt the quota distribution plan for 2019 bluefish as proposed, summer flounder as proposed, black sea bass as proposed and scup with the following modifications: 1) register for weekly trip limit for all of period 1. 2) Move 5% of quota from period 1(60% distribution) to period 2(30%) and period 3 as 10%.

With the noted changes, the motion was seconded by Bob Danielson.

Mr. Nathan Andreski spoke about Sea Bass; history shows they are constantly taking a hit in June when the price is the best. It reopens in July for a smaller and less marketable fish, while trying to compete with other states that have a much larger quota. It's impossible to vie with them on price. He would like to close it for July and then open it back up in August.

Ms. Fanelli said it has been discussed about removing July; however, there are many people actually against it. The hook and line fishers all want July to remain open. Mr. Davi said he was at the distribution meeting and agrees with Ms. Fanelli, there were many fishers who were adamant about having the fishery open in July. On the East End of Long Island, the fish arrive much sooner so what happens is if we front load June and July, it will only leave it for the East End.

Vote: All in favor: 8, opposed-0, abstained – 2.

Motion passes.

Brief discussion, commercial harvest limits for Atlantic Cod in winter/ Scup

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## Atlantic Cod

- Decrease the commercial size limit for Atlantic cod from 22 to 19 inches. This will make the size limit for cod in New York consistent with neighboring states and federal waters.
- Set commercial possession limit to 50 lbs. for Atlantic cod for NYS Food Fish License holders. Federal permit holders and dual federal permit/state license holders must follow federal rules.



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## NYS Fisher Cod Landings 2015 - 2017

- Minimum Federal possession limit is 25 lbs
- 2015-2017 average catch landed is 35 lbs
- 72% of total trips landed under 35 lbs.
- 60% of landings and 88% of trips are  $\leq 75$  lbs
- 74% of landings and 96% of trips are  $\leq 100$  lbs

Looking for feedback from MRAC regarding potential trip limits



## NYS Fisher Cod Landings 2015 - 2017

Year	Landings(lbs)	Trips	Average Catch (lbs)	Participants
2015	3290	88	37	21
2016	2697	91	30	30
2017	3341	83	40	31



## MRAC Data Request

- Number of vessels harvesting >100 lbs.
- Gear Types
- Area Fished
- Time of year
- Landing Port
- Permit Type



## MRAC Data Request

- Number of vessels harvesting >100 lbs. **Four**
- Gear Types **Trawl & Rod and Reel**
- Area Fished **Federal Waters (613, 537)**
- Time of year **December - February**
- Landing Port **Shinnecock & Montauk**
- Permit Type **Federal only, no NYS permitted fishers**



## Other considerations:

Use language to allow federally and dual NY/federally permitted fishers to transit state waters with their federal limit of cod and land in NY ports, similar to winter flounder.



## Scup

The department proposes to set an incidental small mesh bycatch exemption to 2000 lbs., April 15 – June 15, for scup as voted on at the August Mid-Atlantic Fisheries Management Council (MAMFC) meeting.



## Regulatory Proposal Timeline

### Winter/Spring

- Develop regulatory package
- Internal review and sign off
- publish in DOS register – 60 day comment period
- Assessment of public comments

### Summer/Fall

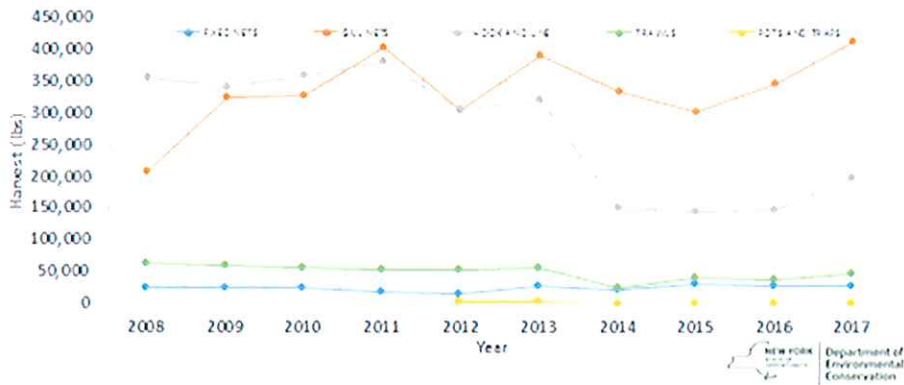
- Adopt the rules



New York Striped Bass

The following presentation was given by Carol Hoffman

## Commercial Gear – Pounds



## Commercial Gear - Tags



## Striped Bass Commercial Harvest 2010 – \*PRELIMINARY 2018

Year	Slot		Harvest (Pounds)	% Quota Harvested	Tags		% Tags Returned
	Size Limit (Inches)	Slot Quota (pounds)			Issued	Returned	
2010	24 - 36	828,293	782,402	94.50%	90,101	7,164	8.00%
2011	24 - 36	828,293	855,271	103.30%	93,546	5,961	6.40%
2012	24 - 36	801,855	681,399	85.00%	82,501	14,574	17.70%
2013	24 - 36	828,293	823,801	99.50%	87,121	10,778	12.40%
2014	24 - 36	828,293	531,456	64.20%	80,971	27,770	34.30%
2015	28 - 38	795,795	516,251	64.90%	72,421	25,393	35.10%
2016	28 - 38	795,795	575,012	72.30%	70,400	19,036	27.00%
2017	28 - 38	795,795	701,313	88.10%	74,751	12,645	16.90%
2018	28 - 38	795,795	*696,662	87.54%	76,601		*18%

## Striped Bass Commercial Size Reduction

	28-38 Slot Limit	26-38 Slot Limit
Quota	795,795 lbs.	636,636 lbs.
Full Share	215	178
Part Share	35	29



## Proposed Rulemaking:

- Open Commercial Season 2 weeks earlier (May 15 instead of June 1)
- Cannot extend closure season after December 15, unless there is a legislative change in the ECL.



### Discussion

Mr. Schneider wanted to enlighten everyone why the gill net percentage has gone up but hook and line has gone down. The reason is when the DEC began giving out tags approximately three generations ago to commercial fishers who fished from Montauk to the Long Island Sound, the giant fleet that participated in the fall, fishers were eliminated from the fishery but they still paid their taxes and reported their catch and received striped bass tags. 50% of the commercial fishers cannot fish for striped bass because fishing has been eliminated from Orient Point to the Throgs Neck Bridge.

Ms. Hoffman said the boundaries cannot change without a widespread PCB study.

An audience member said the reason for the shift is because of the availability of striped bass in the summer months – they simply aren't there to be caught. They are in Shinnecock waters and that's why fishers head there.

Arnold Leo recalls that the true reason you cannot take striped bass west of Wading River to Shinnecock Canal is because of unacceptable levels of PCB in the fish – it wasn't because of a bias against West End fishers.

Bob Rocchetta who is a long time fisher and fishes out of Orient Point said he would prefer to fish on the 26" striped bass and be penalized if caught rather than fish the 28" fish as recommended by the Mid-Atlantic Council. He would rather have a lower slot size and 178 tags, it's better than 107 usable tags.

Councilor Paradiso believes it's time to reduce the slot size to 26" or open up areas that are closed. It was a prudent thing to do several years ago but now it's time to spread out the harvest. It will also cut down on discard and waste on the South Shore of Shinnecock.

Councilor Danielson said before we make any decisions, we need to wait for Councilors Jordan and Barrett who were instrumental in bringing this to the table; this is something that they would have much to say about. In any event, nothing can be done until the stock assessment has been completed.

Mr. Gilmore brought up two other points. There is a rule making on the table for opening the season beginning May 15<sup>th</sup> as had been discussed and agreed upon and they are optimistic this will pass. What had also been discussed was to move the line, however, in order to do that, they had to replicate the study which is currently in the process but the results won't be available for this year – hopefully next.

**Councilor Davi made a motion for status quo on commercial striped bass size limit – 28". Councilor Dearborn seconded.** She had a question though – she wanted to know if you were to submit it at 26" to get approval for it does that mean you have to necessarily put it through or is it just *getting the ability* to get approval for getting to do it but still having the ability to come back for further discussion. Ms. Hoffman said there wouldn't be time to do a regulatory change for this year plus the stock assessment is going on at the same time. Mr. Gilmore wanted to add that if you charge the staff to do something and they put work into it but you don't go through with it that will not go over too well.

Councilor Danielson made a motion that this discussion be tabled until the stock assessment is completed and the Councilors who this affects the most are present. Councilor Witek seconded. In favor -8, opposed -0, abstentions -2 (Yaxa & Frisk.) Motion passes.

This motion will remain on the table until taken off and addressed.

Ms. Hoffman said she still needs to hear from the Council if they approve for the early opening. Councilor Danielson believes this, too, is premature until the findings from the stock assessment are available for review. Councilor Davi countered that this doesn't affect anything because it's still the same number of tags.

Motion by Councilor Davi: move to support the May 15<sup>th</sup> opening. Councilor Barrett seconded. All in favor -8, opposed -0, abstentions -2. Motion passes.

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*All assessment related numbers, results and conclusions presented here are tentative until the peer-review report is released and the ASMFC Board considers the results and votes on their approval*

# Benchmark Stock Assessment

## Preview



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## Two-Stock vs. One-Stock Models

*Preliminary*

Two-stock Model:

|                  | Two-stock Model: |            |
|------------------|------------------|------------|
|                  | Overfishing      | Overfished |
| Ches. Bay        | N                | Y          |
| Hudson/Del/Coast | Y                | Y          |

\*One Stock SCA Model:

|                          | *One Stock SCA Model: |            |
|--------------------------|-----------------------|------------|
|                          | Overfishing           | Overfished |
| SCA Model                | Y                     | Y          |
| *Accepted by Peer Review |                       |            |



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## One-Stock SCA Model Reference Points\*

*\*(Needs ASMFC Approval):*

*Preliminary*

| SCA Reference Points: | Threshold | 2017 status |
|-----------------------|-----------|-------------|
| SSB (1995)            | 91,436 mt | 68,476 mt   |
| F                     | 0.240     | 0.307       |



Chairman Frisk said in the interest of time for today's meeting, and since any discussion will be speculative, we will hold off a discussion until the Council has all the pertinent information in front of them before addressing any changes that may or may not be warranted.

## Striped Bass Management by John Mihale

Mr. Mihale said prior to 1984 you did not need a fishing license to fish for anything/anywhere in New York State. Beginning in 1984, a fishing license was issued for striped bass and with it, you were able to fish anywhere in the marine district. Then in 1985, regulations came down and you could fish for striped bass from Wading River to somewhere between Shinnecock and Moriches and it now extends to the East Rockaway Inlet. The striped bass fishery closed in 1986 but when it was reopened, you could contact the DEC and obtain a document that said you could transfer your striped bass tags. Mr. Mihale said that he, himself executed that right several times. However, that practice has since been discontinued and he would like to know what would need to be done to get it reinstated. Mr. Gilmore said he wasn't sure why it had been discontinued so he would need to find that out before giving any sort of answer. Mr. Mihale stated that unfortunately a number of people took advantage of the system by putting their entire family on the books – the mother, father, grandfather, etc. and then took all their tags. The real question is because no one can get Striped Bass tags any longer; perhaps this can be revisited? He also wonders what is taking place for the marine district?

Mr. Gilmore stated that the marine district had been closed by the Health Department due to unsafe PCB levels. They agree that the areas may now be safe but the study needs to be repeated and the facts analyzed before being reopened. It is a 2-year process that is currently in the works.

Mr. Mihale also wanted to touch base with regard to slot sizes. The fact is that we have under harvested the striped bass fishery by many hundreds of thousand lbs., averaging approximately 129,000 lbs. per year. He had suggested at the November meeting and he still believes this fishery could be handled more efficiently if it was done on a 3 year period. You could be a lot more aggressive if you knew what your numbers were going to be. If there was an overage within a 3 year time frame, the overage could be taken from the next 3-year period. Perhaps the council could make a motion to have the Chairman (Dr. Frisk) to Mr. Gilmore as head of the ASMFC to put this through.

He thought of another approach – to write a letter to folks who have tags but don't use them. The letter would state that they would not be penalized for not using their tags but to let the DEC know if they don't intend to fill them, you might have a great number of people who would turn in their tags.

Mr. Danielson doesn't think the ASMFC would go for a 3-year approach. They would need to change too many aspects of the fishery and he doesn't think it's viable.

Mr. Danielson thinks that many of the people who don't use their tags – choose to not use them, they might be doing it as a conservation measure.

Councilor Paradiso asked what would happen if he was able to get more tags – who would get the tags, existing tag holders or open it up to new entrants? There wasn't a definitive answer.

**2019 MEETING CALENDAR** – The following dates have been chosen as meeting dates. Meetings will generally take place at 2:00 p.m. at the DEC Offices 205 Belle Mead Road unless otherwise noted. Please check the MRAC website prior to all meetings for a possible change in time or venue as well as for the day's agenda topics.

January 22<sup>nd</sup>

March 26<sup>th</sup>

April 16<sup>th</sup>

May 21<sup>st</sup> July 23<sup>rd</sup> (evening meeting – exact time to be determined)

September 17<sup>th</sup>

November 19<sup>th</sup>

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)).