



Marine Resources Advisory Council

MRAC Bulletin

DEC Offices, 205 Belle Mead Road

October 22, 2019 -2:00 p.m.

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

Since this meeting was called specifically to go over Draft Addendum VI for Striped Bass, this meeting would be limited to Council deliberations only because public comments have been received through numerous meetings and survey results. Chairman Frisk underscored the importance of coming up with a decision that would best reflect the needs of the fishing community as well as the need to protect the resource.

Mr. Gilmore said that input from the Council will help next week when the New York representatives have to decide what to vote for at the ASMFC Board meeting being held in New Hampshire the week of October 28th.

Mr. Gilmore then explained that the DEC had put together a survey which has been circulating for several weeks with regard to Striped Bass. It is a very inclusive survey that spanned the numerous fishing sectors and they received approximately 1,500 responses.

Mr. Maniscalco then went over the survey results they had **received through the previous day**. Please note: By the time the survey closes on October 28th, the numbers may shift and change from what is being presented here.

For the presentation, please see attachment titled: Draft Summary 10-22-19 SB Survey

Discussion:

Mr. Maniscalco said regional consistency came through as being very important across the board.

Mr. Witthuhn wanted to know if the feelings have changed since the public hearings because the survey reflects more people leaning toward a slot size which is very different from the feeling of the Bethpage meeting. He wonders if we should extend the timing of the survey to really get a more cohesive picture.

Mr. Gilmore said the decision is going to be made at the meeting next week so any information received after would just be for information purposes only. Once the option has been chosen they will be turning toward conservation equivalency so he wonders if a different survey might be more beneficial.

Mr. Danielson questioned if someone would be able to "stuff the ballot box" and he was told that it was possible. Mr. Gilmore said that you would need to use an email address to answer the survey so that would cut down on the possibility of someone filling out the survey 100 times. Mr. Maniscalco was able to eliminate any duplicate email addresses but

that was the extent of their capabilities. Mr. Danielson said the people he spoke to were interested in one fish at 35" and one at 36" and this survey is showing something very different, so he finds he's skeptical about the results that are being shown. Folks he talks to are against a slot size. Mr. Squeri said even if it were the case that certain people were trying to sway the results their own way, the number of people doing that would be miniscule. Not everyone who answered the survey would be trying to do that so he personally isn't worried about that.

Mr. Witek says he doesn't know what to make of the survey, some things make sense and some things don't. He said when the number of responses is small, "stuffing the ballot box" would play a bigger role and could make a difference. Mr. Witek was at the Bethpage public meeting and no one mentioned status quo yet when you look at the marine district on the survey we have close to 40% supporting that. One of the patterns you see North of the Delaware River is that choosing one fish at 35" runs about 2 to 1 over any of the slot sizes combined but you turn around and see 3 to 1 in favor of a slot here? That doesn't represent what was heard at the hearing or on the waterfront, nor does it represent what's happening in any of the other states. The results seem anomalous.

Mr. Gilmore said the survey is only being used as a guide, it is not going to be deemed what is to be used for the end result decision. People he speaks to feel there is more bias at the public meetings because certain user groups are organizing bus-loads of people who all have the same mind set. Mr. Gilmore said they want to rebuild the fishery while hoping to hurt the user groups in the least possible way. Mr. Danielson said that while Mr. Gilmore is saying this survey is just a guide, he, along with the other Councilors will be looking heavily at the results before making a motion/suggestion here today.

Mr. Paradiso feels that the survey does seem to represent the voices of the people and Ms. Dearborn concurred with Joe. She also added that perhaps more people are comfortable with taking a survey rather than standing up in front of a room full of people and voicing a different opinion to what is being said.

Ms. Dearborn found that in talking to fishermen and shop owners they wish to have a slot size so they would be able to bring something home was scattered throughout the Island. Mr. Danielson understands that what he has heard might be in direct relation to the user group he deals with – anglers.

Mr. Squeri said the council needs to keep in mind that they represent the entire fishing community regardless of where or how they personally fish.

Mr. Witthuhn doesn't think the survey captured enough voices, he considers Striped Bass the Holy Grail of the industry and there should have been 3 or 4 months of community involvement. Mr. Danielson said there have been public meetings and surveys have gone out. The fishing community has had time to bring their opinions.

Ms. Dearborn is very grateful for the DEC for putting together the survey. Having another tool in the toolbox is important and she wanted to thank those who worked so hard on this.

Ms. Carol Hoffman then went over the options once again, as shown below.

Status Quo (Option 1)

- Commercial – 795,795 lb. quota
- Recreational (Coast) 1 fish @28"TL
(Apr 15 – Dec 15)
- Recreational (Hudson R)
1 fish either 18-28" or >40" (Apr 1-Nov 30)



Other Draft Addendum VI Options

	18%/18% Option 2	coastal reduction	20%/1.8% Option 3	coastal reduction
recreational	35" min	18%	36" min	20%
	28-35" slot	19%	28-34" slot	22%
	30-38" slot	18%	30-37" slot	21%
	32-40" slot	21%	32-40" slot	21%
commercial	652,552lbs.	18%	781,471 lbs.	1.80%



Commercial Tag Estimates

Addendum VI Commercial Tags			
	(Status Quo)	18% Red	1.8% Red
	Option 1	Option 2	Option 3
Quota(lbs)	795,795	652,552	781,471
Part Share Tags	36	29	35
Full Share Tags	219	179	215



Mr. Danielson said that everybody has a place in this reduction and he believes an even split between the 2 sectors is legitimate. He understands that there is a problem with the under-harvested commercial quota coast-wide and asked what could be done to increase the number to those fishermen to help bring them closer to harvesting their 652,000 lb quota. Mr. Danielson wondered if at a certain point in the season, they could receive additional tags from people who haven't used theirs. Ms. Hoffman said most people don't turn their tags in until the end of the season so that really wouldn't be an option, not everyone fishes at the same time, some prefer to go later in their season. He asked if they could possibly receive 10% more tags initially and not wait until mid-season?

Councilor Jordan said the only way to attempt that would be to look at the history and keep giving out more tags until they don't over harvest. They have under-harvested for the last 15 years and if they do go over, they will be glad to pay it back because they are paying it back pre-emptively now.

Mr. Squeri said he believes Mr. Danielson is saying that he could see an equal reduction, but would like to ensure that the commercial sector takes their full harvest.

Mr. Jordan said that he sees the daily pressure, he sees the landings and he sees the effort. He sees the under-harvest every year and to have to share in an equitable reduction with the recreational sector does not seem fair. Considering the slot size for recreational fishing – you may or may not on any particular day be reducing the chance of someone taking a striped bass, depends on fish availability and other things. With an 18% decrease for the commercial side instead of 220 fish, they are only allowed 160 – 170. There is no maybe there, their hands are being handcuffed into taking less fish. What compounded their problems in recent years – for the past 2 years what they tried to do to make up for the previous cut, they went from a 24" fish to a 28" fish to try and gain poundage which has hurt them a lot. The 24" fish is readily available, the larger size is not. At every turn they are being penalized. Even though Option 3 doesn't seem equitable, with the situation they face in New York, he thinks it is fair.

Mr. Danielson said if you compare what was harvested in 2018, and then going down to 652,000 lbs now, in reality it would really represent a 6% reduction not the full 18%.

Mr. Jordan stated that on the eastern end of Long Island, the relocation of the resource is also adding to the difficulty in fulfilling the number of tags and that's why the DEC is seeing more and more tags being retuned.

Mr. Davi doesn't feel the commercial side needs to be cut in any aspect; they are not responsible for any overage and shouldn't have to face any kind of penalty. He said if the roles were reversed, he doesn't think the recreational side would be so willing to accept a reduction. The only fair option in his mind is Option 3.

Mr. Witek believes it should be 18% across the board. He heard what Mr. Davi had to say but he said you have to keep in mind we're talking about a cut to the quota and not actual landings while the recreational cut is a very real 18% cut from the fish that are actually being landed. The real world cut to the commercial side is to "potential landings". It has also been said that many of the commercial tags get returned which depends of what year class is available, for a long time we didn't have fish in the year class that were legal to take.

As far as fish not being on traditional grounds – that's what happens, when a population declines and fish contract. That's the reason we're here today.

The recreational fishery fished within their regulations, they did not go over, which is what is mistakenly being thought. Being considered here today is total overall fishing mortality; not whether the fish died or didn't die as a discard. Were the regulations too liberal? Now, in hindsight, we probably say they were. There is no one to blame. However, when the stock is in better shape, everyone will benefit, therefore, everyone should share in the recovery effort.

Councilor Witek made a motion to accept Option 2 under Addendum VI (18% recreational, 18% commercial). Seconded by Councilor Danielson.

In favor – 5, Opposed – 5. Chairman Frisk abstained. He will let the vote stand because he believes the Councilors are reflecting how their constituents feel and felt that the fishing community was split on the issue.

Motion failed

Mr. Davi tried to convince others that by voting for Option 2, they are doing a tremendous disservice to the commercial sector; to take 40 tags away is just too many. Mr. Paradiso personally agrees that 40 tags are too many and he goes back and forth about it, however, in talking to the people he represents, they want him to go with Option 2 so he has to stick to his decision by going for Option 2. He wished that the Council had been given varying numbers to work with as well, perhaps a number not as drastic as 40.

Mr. Gilmore said that even though the Council cannot agree on an option, he would still like to hear the Council's thoughts with regard to size options because there will still be discussions with regard to which sub-option would be best. Keep in mind New York is just one vote in 15 but knowing what you would like to see happen will help.

Mr. Witek said the starting size limit in the slot section begins the same for recreational and commercial, the end is what is different so they should be looked at carefully.

Mr. Danielson said under Option 2, he would support a 35" minimum and for Option 3, he would support a 36" minimum. He would not like to see any slot limit put into place; he does not want to target anything below a spawning stock biomass counted fish. A 32" fish is guaranteed to spawn; less than that they are not guaranteed to spawn. The whole purpose of this Addendum is to rebuild the spawning stock biomass. He would not support any slot limit under 32".

Councilor Witek made a motion to approve a fixed minimum size whether it be 35" or 36" depending on the option selected. Councilor Danielson seconded.

Discussion:

Defending his motion, Mr. Witek said that we have to remember the primary purpose and that is to rebuild the stock. We should be doing what the striped bass industry needs not what either fishing sector wants. We are losing the older fish so we should be protecting year classes that will be spawning. We shouldn't be looking to harvest them at the first opportunity. If we go into another 7 year spawning decline, we are going to be in serious trouble. Let them grow to 35", let them grow to 36". The problem of a slot is it is going to focus all the angling effort of all the people who want to take fish home, on those big year classes when they pass through the slot. Remember abundance drives effort which isn't good because you will see a lot of abundance aimed at that slot and that is not good when dealing with an overfished stock.

Mr. Paradiso respectively disagrees completely. He feels that 35" isn't warranted, it is too excessive. Too many fish will end up dead as fishers try to catch such a large fish. He thinks a slot size – 28-35" and 28-34" would be best. The survey as well as public comments reflect that. There is no guarantee that either option will work so why experiment at the expense of the industry by going with such a high size limit. A slot throughout the island, from the east shore to the west shore from the north shore to the south shore is the most fair and equitable solution. He knows that people brought up the previous moratorium on striped bass and how going to a 36" fish helped to rebuild the stock, but he doesn't think we are in such shape that such a drastic measure is needed. Mr. Witek said to keep in mind that the moratorium wasn't universally applied, i.e., Massachusetts didn't see anything wrong with the stock and continued fishing because what you had was local abundance. What saved the stock was Addendum III, it actually wasn't a 36"

minimum, it was a minimum that increased steadily to protect the 1982 year class and all subsequent year classes until the spawning stock was rebuilt. The standard was a 3-year rolling average of 8 for the Chesapeake Bay in the Maryland young of the year survey. So, what works is if your spawning stock is too small, you have to grow it and in order to protect it, you need to protect the spawning females. That is why you need to go with a larger fish. Will folks be able to catch the smaller fish to take home – yes – but that is not what you want to see happen. Reducing landings is how you will reduce effort, if you reduce effort you reduce fishing mortality. If people are not taking home 28" fish, they will leave the industry and frankly that is exactly what this fishery needs – a reduction in effort.

Mr. Witthuhn agrees with Mr. Paradiso, he doesn't see an angler throwing back 33 or 34 inch fish. In theory what Mr. Witek says is great but the jump in size is too great. He doesn't believe that without the added benefit of a moratorium, going up to that drastic a change is going to help.

Mr. Paradiso said he understands the concern about pinpointing certain year classes in a slot size range, however, we tried with the 2011 year class and it didn't help, they never saw those fish. Everything is sub 26" or above 35". He thinks a slot would work perfectly.

Mr. Squeri said he would like to see a compromise. He personally, along with feedback he has received from the public, would be for 32 – 40" inch fish. We have an obligation to help the fishery and at the same time we need to ensure that businesses can survive. By going with 32 – 40", we're giving those fish a chance to breed a little more and won't be such a major impact on business. He is not in favor of going with fish over 35".

Mr. Danielson said if we go with a slot, say 32-40", and as part of conservation equivalency, we may not be able to go the other way and give the private angler a bigger fish, they want to see it supporting the fishery. Mr. Squeri thinks by going 32-40", you are giving the fish a lot more opportunity to spawn and grow – how is that a negative.

If we reduce the season from May 1st to November 30th, we will get some amount of credit for reducing the season and perhaps we can get to one fish at 32" or 33" inches and have a minimum size. That's where we can make up the difference. If we vote for a slot size, those options may not be sustained in New York because of our fishery. He would like Mr. Maniscalco to elaborate on what had been brought up at other meetings.

Mr. Maniscalco said there are a number of things that need to be reviewed and decided at the ASMFC level, but he does agree with Mr. Danielson that it might be more difficult from a slot to tailor some of the conservation equivalency regulations. Mr. Danielson said it is much easier to go down in size with conservation equivalency than to change a slot.

Mr. Paradiso doesn't think a decision should be based on what *might happen* with conservation equivalency, the fishing community has been hurt before trying to speculate how things might go, Mr. Squeri agrees. Mr. Paradiso reiterated, he thinks we need to have a slot.

Mr. Witthuhn asked if there were any numbers to see what the success rate might be for any of these options. Mr. Danielson said Mr. Max Appleman explained that based on a 10 year rebuilding there is a 95% chance of success if half the runs came in at meeting it within the 10 year period and half of them came in higher than meeting it within the 10 year period. Percent error was 95% in favor of meeting the target in 10 years (standard rebuilding period of time).

Vote: All in favor - 2 , Opposed – 8 , Abstained – 1

Motion failed

Councilor Paradiso made motion to support 2A2 or 3A2 (28-35" slot/28-34" slot). Councilor Witthuhn seconded.

Mr. Danielson said he couldn't support this option because those fish are not guaranteed to be in the spawning stock biomass which is what we are trying to protect.

Ms. Dearborn asked if there was any slot size that Mr. Danielson would support and he said only the slot that has a 32" and up size limit.

All in favor – 4, Opposed -5, abstentions – 2

Motion failed.

Mr. Danielson made a motion to adopt Option 2A4/3A4 (32-40" slot/32-40" slot). Seconded by Councilor Squeri.

In favor -6, Opposed -3, Abstentions -2

Motion passes

The next regularly scheduled meeting of the Council will take place on Tuesday, November 19th at 2:00 p.m. at the DEC Offices, 205 Belle Mead Road, East Setauket.

For further information about the Marine Resources Advisory Council, past and present bulletins, as well as any pertinent graphs, charts of 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); phone 631 632-8656; Staff Assistant, Kim Knoll, (kim.knoll@stonybrook.edu).