



## MRAC Bulletin

November 19, 2019

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

Chairman Frisk introduced himself, followed by introductions by all Councilors present. Mr. Gilmore, Director of the Marine Bureau of the NYSDEC, was in Albany and was being represented by Mr. John Maniscalco. Dr. Frisk then went over the day's agenda. He then segued to agenda items beginning in the New Year. Moving forward, we will have a sign-in sheet regarding items on the meeting day's agenda. Should an audience member wish to voice their opinion/concern about an item already on the agenda, they will place their name on the sign-in sheet and they will be given an opportunity to speak once that agenda item comes to the floor. Their allotted time is limited to once per topic up to 3 minutes.

### Public Comment – non-agenda items

Mr. John Schoenig, Conservation Chairman for Imperial Sportsman and Suffolk Seniors, wanted to thank John Maniscalco for all the work he put into getting the spring blackfish season back. He said there is a Blackfish meeting coming up in December and wondered if the limits could be pushed a little further and asked to have the last two weeks in April and the first two weeks in May. This would greatly benefit the for-hire folks because they could immediately roll right into the fluke season from there.

Mr. Carl LoBue stated when George Pataki was Governor of New York, he tasked The Nature Conservancy with coming up with a possible eco-system based management approach with regard to Northern Puffers, should the numbers in that resource ever come back. At that time, however, neither the resources nor the fish were available. They have since come back and there really needs to be a plan put into motion to help keep them around. Mr. Maniscalco said this is something the DEC already has on its radar and agrees they need to come up with a plan. Mr. LoBue said he would be happy to offer a summer intern to help. Councilor Danielson thought this should be added to January's agenda but Ms. Sysak of the DEC said that they are currently in the process of going through past data and the first set of samples so March would be a more realistic timeline to have information in hand. This will be brought up for discussion in the New Year.

Ms. Nancy Solomon, Director of LI Traditions shared sad news that fisherman Tony Sougstad passed away recently and she added that Maureen Davidson of the DEC had been very helpful to Mr. Sougstad's family in sorting through his various fishing licenses and wanted to thank her.

Mr. John Mihale agrees that the Northern Puffer along with Blowfish would greatly benefit by having regulations put in place. He also wanted to acknowledge the significance of

today's date in history. It was November 19, 1863 that our 16<sup>th</sup> President of the United States, Abraham Lincoln, gave the Gettysburg Address at the dedication of the Soldiers' National Cemetery. What resonates the most to Mr. Mihale are the words, "The **world will little note, nor long remember what we say here, but it can never forget what they did here.**" He believes all those who serve in our Country's military deserve our highest respect for the many sacrifices they have made and still make today.

Marc Hoffman, member of the ASMFC Advisory Panel for Fluke, Scup and Seabass, referred to a featured article in The Fisherman Magazine written by Tom Smith wherein Mr. Smith brings reference fluke analyses that have been conducted over several years. The analyses shows that too many of the breeders are being harvested and if we don't protect the spawning season commercially, the fish stock will not come back because they will be completely wiped out.

Mr. Ralph Vigmostad, Vice President for the NYS Coalition for Fishing stated after all the meetings that took place regarding Striped Bass, he was very surprised at the final decision regarding size limit made by the ASMFC which he found out was solely based on popular consensus. Mr. Vigmostad contacted Mr. Max Appleman and was told that the ASMFC had received 5,523 comments via email, mail, etc. And of those comments, they went with the size limit that most folks wanted to see which was a 28-35" slot size. Mr. Vigmostad was very disturbed by this because he feels that most people who chimed in, made their decision without having enough information to make an educated decision, they clearly do not understand the concept of spawning biomass. He feels that if we're only going to go with a popular vote, why do we even need the ASMFC for? Shouldn't the marine biologists and scientists who comprise the Council know better? If this fishery fails, some people will only lose a hobby while others who rely on this fishery to help earn a living will be losing much more.

Steve Cannuzzo submitted a paper labeled: Reason for Summer Flounder Growth (1989-2003) that he wanted to have included with this bulletin, however, Mr. Cannuzzo contacted us the day after the meeting to replace that document with the one that is attached to this bulletin because recruitment statistics in the first cycle graph were reflected in metric tons as opposed to millions of new recruits.

Ms. Kristin Gerbino wanted to alert folks that Cornell Cooperative Extension received funds from The National Fish and Wildlife Foundation to help educate fishermen so they are able to switch from paper Vessel Trip Reports to electronic ones. This really applies to commercial fishers but if for-hire fishers are interested, they are also welcome to learn. This is their website for more information: <http://ccesuffolk.org/>

Councilor Danielson asked when the Council will have a chance to go over the information that is coming out regarding Summer Flounder stock from the National Marine Fishery Service Mid-Atlantic forecasting possible cuts to the fishery. Mr. Maniscalco replied there is a joint meeting early December and the Council will have a chance to vote if they would like coastwide measures, conservation equivalency or if there would be any reason to move from status quo. He doesn't anticipate harvest to reach the RHL; we currently appear to be on track. Of course that could change if Wave 5 data shows things in a different light. Mr. Danielson said that he heard that overall recruitment has been down for the past several years and Mr. Maniscalco said that is true, however, 2018 was actually above normal and he is not anticipating a cut recreationally.

Mr. August Ruckdeschel, from Suffolk County Economic Development and Planning, announced that there would be a meeting of the Suffolk County Aquaculture Lease Board the following day. This is their 10-year review for the Peconic Gardiners Bay area. This is a mandatory review where they will determine what works, what doesn't work – an overall review of the program. He welcomed people to attend and offer their comments and ideas.

#### **Approval of draft Minutes - September 17, 2019**

Councilor Witek had the following correction: Page 15, paragraph 7 – *"Mr. Witek agrees with Ms. Dearborn in that putting circle hooks in place for 2020 might cause problems economically, however, they do work and he does feel this is something that needs to happen. He is pessimistic that people will welcome using them and doesn't believe education*

*will be the answer. He was in bait and tackle shop and saw fishers buying treble hooks to catch Menhaden. He believes this needs to be mandated.” Mr. Witek would like the record to reflect that he objected to the use of treble hooks in Menhaden when live lining them for Striped Bass. That was the intent of his comment.*

With the above noted change, the Minutes were unanimously approved.

**Approval of draft Minutes – October 22, 2019**

Councilor Witek had the following correction: Page 5, paragraph 8 – “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.” Mr. Witek would like the record to reflect that he said “Striped Bass resource” not industry.

With the above noted change, the Minutes were unanimously approved.

**Striped Bass Management Options for 2020**

Mr. Maniscalco gave the following presentation.



Department of  
Environmental  
Conservation

## **ASMFC Striped Bass Addendum VI**

**MRAC November 19, 2019**

## Current Regulations

- 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)

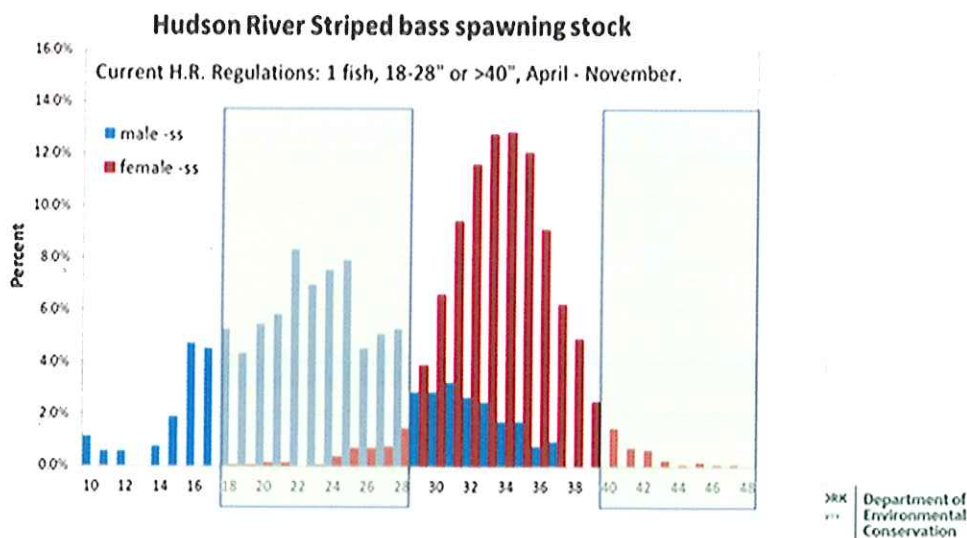


## Addendum VI Option

	18%/18%	coastal reduction
	Option 2	
recreational	28-35" Slot	19%
Mandatory Circle hooks when fishing with bait		
commercial	652,552lbs.	18%



# Current Hudson River Regulations



A few points that Mr. Maniscalco wanted to make was that the DEC does have the ability to craft more state specific regulations. The predominant opinion from the survey respondents was people asking for consistency state to state; they wish to remain as consistent as possible. NYSDEC will also be communicating with New Jersey, urging the possibility of closing the Raritan Bay fishery in April/early May to allow those spawning fish that aggregate there to actually make it up the Hudson River. The biggest problem with the way the Addendum was written is that it contains several loopholes. Should every state (including NY) try to take advantage of the loopholes – crafting their measures to allow for maximum opportunity for their anglers, we will once again be looking at a reduction? Carol Hoffman is looking at the numbers for other options. If we are required to reduce our recreational fishery by 18%, going with a 28-35" slot size would result in a much larger reduction – more like 26%. That would mean we could possibly play a little with the size of the slot or perhaps bring back a trophy fish. Another example would be if we went with a slot size of 28-38" would give a 19% reduction. If we wanted to maintain the slot and the smaller fish, we could expand the width of that slot or we could keep it at 28-35" and at some larger size, start a trophy size class.

## Discussion

Mr. Danielson said if we go with a minimum 28" size limit with no upper restriction, would that meet the criteria? Mr. Maniscalco replied that it wouldn't.

Mr. Maniscalco said having an early season closing in April and December would get them a 5% reduction in harvest but they would still need to figure in mortality but he doesn't think we would be able to stay at 28". Mr. Danielson would like Ms. Hoffman to figure out what the 18% reduction would do if we went to a 30" minimum size and how far up we can go with that closure in May to coincide with New Jersey and reducing the end of the season back to November 30<sup>th</sup>. He also asked if New Jersey is still talking about possibly closing Raritan Bay and Mr. Maniscalco replied they are. Mr. Danielson said Rhode Island should also be included in those talks because there is a certain amount of overlap between Montauk, Orient and Rhode Island. Ms. Dearborn also wanted to know what is the lowest we need to go to, to achieve the criteria. She could see a possible closure at the beginning and at the end to meet the needs without having such a large jump in size. We may have to revisit this again next year but certainly starting out with a 32, 34, or 35" size limit when we are at 28" now – is a tremendous jump.

Mr. Witek doesn't want to suggest a regulation at this time; he is actually more concerned with consistency – not just with our neighbors but up and down the coast. He has always felt that conservation equivalency is the Achilles heel of ASMFC Management plans because it prevents a resource from being managed consistently up and down the coast. Equivalent measures on paper don't always reflect the way things actually are. He would like the agency to find something acceptable to everyone up and down the coast. A worst case scenario would be for only some states to adopt a slot size with some states adopting an even higher slot or high minimum so that the Bass are never protected along the coast. He would ask that whatever regulation we adopt, we strive for the greatest possible consistency which would offer the greatest possible protection for the resource, in particular the upcoming year classes. It doesn't trouble him if we went to a 19% reduction because having a buffer in place would be a good thing.

Mr. Paradiso agrees with consistency; he does think it would be good for the resource and would also support a buffer. He's been hearing a lot from the fishing community wanting a trophy fish and wonders if this is something that could possibly happen although he, himself, isn't sure about what size would work.

Mr. Danielson said if New Jersey goes to a May 15<sup>th</sup> closure, we should do the same. Consistency is foremost.

Mr. Squeri asked how does the rest of the Council feel about April and December and wonders when Ms. Hoffman might have the numbers for consideration. Mr. Maniscalco believes when all is said and done - probably February.

Mr. Danielson answered Mr. Squeri's question by saying he would support the spring closure in Raritan Bay to meet with New Jersey doing the same. He doesn't believe it would be a problem to close on November 30<sup>th</sup>. He has trepidation about trophy fish because the idea is to rebuild the spawning stock biomass and by going with a trophy fish, it wouldn't be beneficial to that endeavor. He would prefer to leave the slot and not put a trophy fish in.

Mr. Squeri understands consistency but at the same time we have many different variables in New York. We need to look at how to help all the anglers, in all the areas on Long Island. We need to help our people first. Of course, rebuild the stock but give New Yorkers the ability to fish.

Ms. Dearborn said many fishers have expressed to her that they would like to have a trophy fish + a slot and she would be okay with that. What she has a problem with is opening on May 15<sup>th</sup>; taking one month off the season is asking too much, it would create a very real hardship for the industry. The momentum *needs* to begin earlier – keep the opening in April. Beginning May 1<sup>st</sup> would be the latest she could see the season beginning. To take a month of fishing away just to match New Jersey, would create numerous problems for the industry in New York. For a seasonal business, May 15<sup>th</sup> is a very long wait. Mr. Paradiso agrees, we cannot wait until May 15<sup>th</sup>. Mr. Jordan also agrees – the East End would really feel the hit, it would hurt them terribly. Ms. Dearborn recalls when St. Patrick's Day was the beginning of the season for the fisheries and it wasn't very long ago. That is something she will be considering when options are being discussed.

Mr. Witek would like to continue with a 1 fish bag limit. And there is a big difference between a small fish **plus** a trophy fish, and a small fish **or** a trophy fish. We need to ask ourselves – do we want to get as many fish as possible out of these numbers or do we want to see Addendum VI succeed. We need to remember that the 18% reduction would help realize the most success; we need to do the right thing.

Mr. Squeri said we are all going to take a hit, but let's make it so that we suffer as little as possible in doing what we need to do.

Mr. Witthuhn questioned where this left having a separate section for the For-Hire Industry? Mr. Maniscalco thinks that simplicity is better. Private anglers have also expressed that everyone fish on the same regulations. Mr. Witthuhn would still like to have a separation looked at.

Mr. Squeri said this is really looking at 2 separate issues. One question being the timing and the other the size. Should New Jersey go with a 28" size limit, would it be a hamper to New York if we went with 30"?

Mr. Danielson recalls a concern expressed by Captain McBride who said that if a neighboring state has a smaller size limit than New York, New York will lose business to that other state. It's already happened with New Jersey and it is a cause for great concern so, yes, 2" will make a big difference.

Mr. Jordan wanted to make a request for the commercial side of the equation. Could Ms. Hoffman please prepare numbers that would reflect what the additional reduction in pounds and tags would be if we went with the 2017 slot limit. There is much interest in returning to the 24" size. Ms. Hoffman will also gather those numbers as well.

Ms. Dearborn recalled a previous discussion where the Commercial Councilors said that they haven't even caught their allotted quota for the last several years and to take a cut on top of that is what they can't understand. Ms. Dearborn feels that above all else, there should be a way for the Commercial sector to be able to fulfill their tags and thinks the Department should look into it.

#### Public Comment

Mr. Ron Armorotta is in agreement with Mr. Jordan, he believes by going back to a smaller size limit, the commercial sector would have a better chance of fulfilling their tags and meeting their quota.

Mr. Neal Delanoy said there has never been a slot size for the party boat industry and he's been in the business since 1974. He knows that by changing the size, it will not put them out of business – as long as they are able to keep something. His question is if there was a value placed on the 5%, it would be good to know how much would we would be able to save, it might make a difference when determining what size to shoot for. The best thing for the industry would be to give up days when folks don't want to go out fishing but the catch would be great. He is not in favor of a trophy fish.

Mr. Rick Etzel agrees with Mr. Delanoy, it would be great to know what the value of those 15 days in April would mean; he would favor a smaller fish over a slot size.

Mr. Craig Robin is in favor of a slot size 30-3" in order to give the smaller fish a chance to spawn. The goal is to reduce mortality and increase abundance across the fishing industries. He does, however, worry about Conservation Equivalency because when you look at what happened in Maryland with the 2011 year class, it was a cluster and a lot can happen in a 5 year period where nothing was done. To be successful, you have to be able to monitor the fishery closely; you need a sense of how many fish are being taken out at a time. We need to watch out for the senior year class, we can't march all over them. He is against a trophy fish. Actions need to be taken to enforce a slot size and Enforcement needs to step up.

Mr. Paradiso said he would support a trophy fish only because he is against putting a dead fish in the water. They shouldn't be targeted but if they are caught and will die regardless, they should be harvested. Are there going to be people that abuse this? Absolutely, there are always idiots out there that think they are above the laws.

Mr. Joseph McBride said consideration needs to be taken for the for-hire industry. They pay \$250 a year for their license, what is being done to help them? They serve as a public resource. When considering New York's limits, he would appreciate if the DEC would take into account the many differences between New York and our neighboring states, specifically, how much higher the cost of doing business is in New York. We're constantly competing with New Jersey whose regulations are more lax and when you factor in the higher cost of hotels in New York, the higher cost of maintenance as well as dealing with the aggravation of traffic conditions for Long Island. We need to make folks want to come to New York to fish.

Mr. Carl LoBue said no matter what differences of opinion were voiced at the Bethpage meeting, the one common denominator was almost everyone thought the most important thing was to rebuild the stock.

Mr. Danielson questioned what was said at the technical committee regarding Conservation Equivalency and Mr. Maniscalco said, Mr. Jason McNamee is very aware if all the states go with different regulations, we will not achieve the goal of the Addendum VI. Jason McNamee is Chief of Marine Resource Management at the Rhode Island Department of Environmental Management. He is one of RI's Commissioners on the ASMFC Management Board for Striped Bass.

Mr. Danielson believes New York should be looking at a slot size of 28-35" and doing whatever it can to see that Addendum VI succeeds so the spawning stock biomass is rebuilt, hopefully, within a 10-year period.

Ms. Dearborn would like the Council to be able to have numerous options in hand so there will be less guessing and saying, "What if ....." She would also request that the Council receive the information and options in a timely manner so they have a chance to digest and discuss the options with their stakeholders.

### **Black Sea Bass Update**

Mr. Maniscalco stated that "on paper" it looks like the recreational sector is facing a 30% cut. The Council as well as Feds realize that something is amiss and the fishery management plan needs to be adjusted so he fully expects the fishery to remain at status quo for 2020. However, on the commercial side, there will be a significant increase. The DEC has secured an additional 15,000 lbs. from North Carolina so they could extend the season commercially to the end of 2019.

He continued by saying that he received an official notification by NMFS that Blue Fish stock is overfished. This means we will need to come up with a rebuilding plan within 2 years. This news did not come as a surprise because the assessment showed this to be happening. The stock will need to be rebuilt. Mr. Witthuhn attended the meeting regarding Blue Fish and said the bag limit is currently 15 fish and the talk is to drop down to 3 fish – this is very scary. Mr. Maniscalco said although nothing is written in stone, the last he heard a reduction to a 5 fish bag limit at 19" would achieve the reduction they need. This would need to be approved by the Council as well as the Feds.

### **Commercial Licensing Program**

Ms. Davidson said Mr. LaPointe has just completed his revision to the report from the comments received while presenting the reports across the span of 9 public meetings. Currently DEC is in possession of the report and they are reviewing it, from there it will go to the Commissioner, Basil Seggos, then onto the Legislation and then the public. Ms. Solomon asked if the MRAC will get a chance to view it prior to it going to Legislation. Ms. Davidson said the Council would see it about the same time the public does. This worries Ms. Solomon because it was her understanding that there was going to be push-back from the industry and Governor. Mr. Maniscalco said all the points in the report will be looked at and reviewed before any drastic changes will take place.

### **Commercial Tautog Tagging - NYS Proposed Implementation**

Please see attached PDF presentation. It was too large to place within the bulletin.

Marine Resources held a public meeting on November 7<sup>th</sup> to go over the commercial tautog tagging program with fishermen, at the presentation they received feedback which is encapsulated in the slides.

### **Discussion**

A question was asked by an audience member: he currently files his VTR's by poundage and he wants to know what is the metric going to be that converts lbs. into number of fish? Ms. Sysak said the metric being used is 3.3 lbs. = 1 fish. That is based on commercial sampling that has been done as well as some folks do report both lbs. and #of fish on their VTRs. Since the metric is conservative, you are actually faring better.

The Department will be responsible for doling out the tags for the time being; they will not be coming from the manufacturer. However, this will be looked at to make it easier for people who do not live in the immediate vicinity of the DEC Offices.

Mr. Witthuhn wants to know if there is ever going to be a limited entry fishery. Rachel said right now, overwhelmingly, folks do not want to see that happen. They will keep it allocation free as long as they are able.

Mr. Mihale would like this to be presented again at the January meeting, after everyone has a chance to digest the information given today. He respectfully disagrees with where the DEC is going with this. Looking over the statistics given, he believes the landing numbers have been pumped up – why is there a steady increase – has the fishing all of a sudden gotten better? Someone who has never harvested one nickel from the sea, whether lobster, crab, horseshoe crab, clams, party and charter boat, who are commercial fishermen, if you’ve never earned money from your license – those folks don’t deserve one tag EVER. Ms. Sysak said after today, this will be open for 60 days for public comment – today is purely for the Council’s feedback but this will not be placed on January’s agenda because after today this will be moving forward for the regulatory process. Mr. Mihale is free to give his opinion during the public comment portion and she has already made note of his views expressed at today’s meeting. Mr. Maniscalco added that the goal of the tagging program is to improve recording of legally harvested fish and to make it easier for Enforcement to spot a black market fish in a tank. Mr. Mihale would like this program to be conducted as a trial, let’s not consider this a “done deal,” we need to leave an opening to stop the program when it’s realized that it’s not working. Mr. Frisk asked for last comments on this topic. Mr. Danielson said he would increase the minimum size to 2 sleeves at 50 fish.

Mr. Cannuzzo believes that New York needs to protect itself. The number of pots has doubled; this is what is killing the fishery. The stock is being depleted and eventually this will be a quota fishery – we need to be pro-active NOW – and do what’s best for the fishery NOW. He also wondered if a provision could be added to the ACL 40.185 pertaining to the landing of fish. The wording is such that the tag must be secured to the fish prior to reaching the dock – that can be very difficult to do when you’re out on the water, there may not be a place to secure your boat for stability while performing this task. Mr. Maniscalco said they have heard this same complaint from numerous people and they will be looking into this.

#### **Meeting dates for 2020**

January 21<sup>st</sup> – 2:00 p.m. DEC Offices – 205 Belle Mead Road

The rest of the calendar dates will be chosen at January’s meeting.

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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, Mr. 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)).