

Marine Resources Advisory Council

MRAC Bulletin

September 15, 2020

Sean Barrett

Robert Danielson

John Davi

Melissa Dearborn

Vincent Finalborgo

Thomas Jordan

Today's meeting was once again held via webinar due to the continued restrictions surrounding public meetings with regard to COVID-19.

Dr. Frisk opened the meeting, the Councilors present introduced themselves, he then went over the day's agenda. He also explained that Mr. John Maniscalco would be filling in for Marine Bureau Director, James Gilmore, for today's meeting as Mr. Gilmore is currently working with Governor Cuomo's office regarding the artificial reef program.

Ms. Stephanie Rekemeyer, NYSDEC's Public Participation Specialist, explained the technical aspects of the meeting and the way in which it would be run.

Public Comments

Comments were solicited prior to the meeting from the public for non-agenda items.

Ms. Albrey Arrington reached out to us to help introduce fishers to a free and useful fishing app:

Hank Lackner

Joseph Paradiso

Christopher Squeri

Charles Witek

Steve Witthuhn

Dean Yaxa

My name is Albrey Arrington and I am a co-founder of Fish Rules App. If you are not aware, Fish Rules App is a free smartphone app that helps anglers understand recreational fishing regulations. Presently, Fish Rules App includes recreational saltwater fishing regulations for state and federal waters from Maine to Texas, California, Hawaii, US Caribbean, and The Bahamas. If you have never seen Fish Rules App, you can download it for free from <https://fishrulesapp.com/> or the App Store or the Google Play Store.

Michael Frisk
Chairman

Kim Knoll
Staff Assistant

Announcements

Mr. Maniscalco announced The Atlantic States Marine Fisheries Commission (ASMFC) and Mid-Atlantic Fishery Management Council (MAFMC) have scheduled a series of public hearings to gather public input on the [ASMFC's Draft Addendum XXXIII \(PDF\)](#) and the [MAFMC's Black Sea Bass Commercial State Allocation Amendment](#). New York and Connecticut's public hearing is scheduled on **Thursday, October 15 at 6:00 p.m. – 8:00 p.m.** They hope to have a high attendance rate because of the importance of this issue. Commercial fishing industry and other

stakeholders are encouraged to provide input either by participating in the public hearing webinars or providing written comment. For registration links, details for submitting comments, and additional information, visit [MAFMC's website](#).

He continued by announcing DEC's Marine Permit Office is closed to walk-in customers until further notice. Please send all applications by mail and contact the Marine Permit Office with questions or concerns by calling 631-444-0470 or email MPO@dec.ny.gov. Should you need to take care of this in person, you will need to make an appointment. Be advised you will be asked to wait outside, regardless of weather conditions.

The DEC would also appreciate if you could provide them with the most current, up-to-date contact information (hopefully an email address) where they can reach you, email correspondence would be the most time efficient.

Ms. Nancy Solomon, Executive Director of LI Traditions wanted to share that her organization has developed a self-guided, cell phone tour app. It gives you an insight to the South Shore's maritime culture; you will hear stories from people who have made their living on the waterfront, lifeguards, fishermen and boat builders. She believes everyone will find it interesting. You can find it on the LI Traditions website under "Travel Story App."

<https://longislandtraditions.org/>

Approval of Minutes – July 14, 2020

Unfortunately, we did not have a quorum for the day's meeting, so the vote will be postponed until November's meeting. However, Dr. Frisk did poll the Councilors present, there were no corrections named.

CARES ACT Update

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CARES Act

On May 7 2020, the [Secretary of Commerce announced the allocation of \\$300 million in fisheries assistance funding](#). These funds are provided by Section 12005 of the Coronavirus Aid, Relief, and Economic Security Act, known as the CARES Act. New York State will receive \$6,696,362 million in funding for marine fishery industries that have been impacted by closures and lockdowns caused by the COVID-19 pandemic.

- DEC is working in cooperation with Atlantic States Marine Fisheries Commission (ASMFC) and neighboring states to develop a timely and concise fishery relief plan.
- Relief funding is intended to supplement and support the state's seafood and commercial fishing industries and recreational for-hire fishing fleets that have endured significant economic loss as a result of COVID-19.
- All states must submit plans by August 2020 to be approved by NOAA Fisheries.
- Once the New York fishery relief plan is finalized and approved, DEC will provide application instructions based on the final fishery relief plan criteria.
- At that time, DEC will work cooperatively with ASMFC to distribute funds as quickly as possible. New York State is currently not accepting applications.



CARES Act (cont.)

As required under the CARES Act, participants eligible for fishery relief funding must demonstrate economic revenue losses greater than 35% as compared to prior five years. Fishery participants that may be eligible for funding include:

- **Commercial/Aquaculture fishing businesses**
- **For-hire fishing businesses**
- **Seafood industry sector**



CARES Act (cont.)

TIMELINE

- **August 2020:** Submit Final Plan to NOAA Fisheries
- **September 2021:** All funds must be distributed to qualified recipients
- NOAA Audit requirement
- *Funds will be distributed through ASMFC*

<https://www.dec.ny.gov/outdoor/7903.html>



Mr. Maniscalco went over the preceding presentation from July's Council meeting and wanted to let everyone know what progress has been made and where things currently stand. NYDEC had received numerous survey responses which have been compiled and presented to NOAA. Together they are working out a few problem areas but once that document is completed, it will be sent to the Governor's office for approval. He hopes to have more information to share in the next few weeks.

Issue:

- ASMFC adopted Addendum VI to Amendment 6 (Oct. 2019)
- Requires circle hooks when recreationally fishing for striped bass using bait (by Jan. 1, 2021) to reduce discard mortality
- States can also add further details to regulations for the needs of their fishery



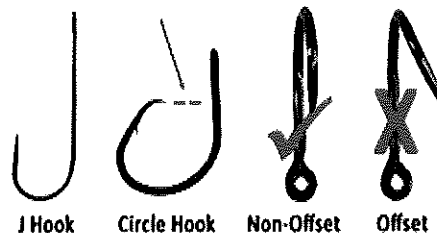
3.2 Circle Hook Provision



- The ASMFC defines circle hooks as “a non-offset hook where the point is pointed perpendicularly back towards the shank”

– ASMFC Special Report No. 77 (2003)

- The term “non-offset” means the point and barb are in the same plane as the shank



*Image from
Maryland DNR



Sample Language

Recreational anglers are required to use an in-line circle hook when fishing for striped bass with natural baits, whole, cut, or live. An in-line circle hook is defined as a fishing hook designed and manufactured so that the point and barb of the hook are not offset from the plane of the shank and bend, and the point is turned perpendicularly back towards the shank to form a circular or oval shape.



Timeline

- Aug 15, 2020 - States submit Implementation Plan to ASMFC
- Sept. 8, 2020 - ASMFC PRT Review Plans
- Week of Oct. 19, 2020 - ASMFC Board Approves Plans
- Fall 2020 - New York Proposes Rule
- 60 day public comment period after Proposal published in NY State Register
- January 2021 – New York Adopts Rule



Mr. Maniscalco added that there will be strict interpretation along the coast with two possible exemptions– 1) Massachusetts and Maine have asked for the use of tooth and worm tackle and 2) Massachusetts has staked their party and charter as exempt.

However, it remains to be seen whether the board will accept those exemptions.

Once the DEC hears back from ASMFC, normal rule making will begin, early winter 20/21 with the usual 90-day public comment period to follow.

Councilor Witek asked if DEC's Enforcement is comfortable with the wording "while fishing for Striped Bass" because what happens when Enforcement comes upon someone they believe is fishing for Striped Bass but says, "Hey, I'm

fishing for Bluefish, leave me alone.” Mr. Maniscalco replied that this scenario has come up in discussion and it’s something they are taking into consideration. They are examining the use of various hook sizes as well as other options.

Councilor Dearborn wonders when the Council can expect to see the final plan. Mr. Maniscalco said it can be placed on November’s agenda for discussion before it moves forward.

Commercial management of Commercial bluefish – slide 12

Quota:		337,667				12
	Period Dates	Trip Limit (pounds)	Recent Landings (pounds)*	Cumulative Landings	Remaining Quota	
7	Feb 8 to Feb 16	5,000	0	0	337,667	
8	Feb 16 to Feb 22	5,000	65	65	337,602	
9	Feb 23 to Feb 29	5,000	120	185	337,482	
10	March 1 to March 7	5,000	130	315	337,352	
11	March 8 to March 14	5,000	78	391	337,276	
12	March 15 to March 21	5,000	0	391	337,276	
13	March 22 to March 28	5,000	0	391	337,276	
14	March 29 to April 4	5,000	0	391	337,276	
15	April 5 to April 11	5,000	0	391	337,276	
16	April 12 to April 18	5,000	4	395	337,272	
17	April 19 to April 25	5,000	7	402	337,265	
18	April 26 to May 2	5,000* 750	1,716	2,118	335,549	
19	May 3 to May 9	750	546	2,664	335,003	
20	May 10 to May 16	750	819	3,483	334,184	
21	May 17 to May 23	750	4,935	8,418	329,249	
22	May 24 to May 30	750	41,879	50,297	327,370	
23	May 31 to June 6	750	61,245	111,542	276,125	
24	June 7 to June 13	750	70,242	181,784	205,983	
25	June 14 to June 20	750/closed	49,706	231,490	156,177	
26	June 21 to June 27	closed	19,082	250,572	137,095	
27	June 28 to July 4	closed	1,269	251,861	135,806	
28	July 5 to July 11	closed	456	252,317	135,350	
29	July 12 to July 18	closed	780	253,097	134,570	
30	July 19 to July 25	closed	357	253,454	134,213	
31	July 26 to Aug 1	closed	1	253,455	134,212	
32	Aug 2 to Aug 8	closed/140	-215	253,240	134,427	
33	Aug 9 to August 15	140	6,006	259,246	128,421	
34	August 16 to Aug 22	140	6,377	265,623	122,044	
35	Aug 23 to Aug 29	140	7,136	272,759	114,908	
36	Aug 30 1 to Sept 5	140	4,140	276,905	110,762	
37	Sept 6 to Sept 12	140	7,915	284,820	102,847	
38	Sept 13 to Sept 19	140	1,338	286,158	101,509	

Commercial Bluefish

Weekly Summary of Landings



Ms. Davidson stated there was approximately 100,000 lbs. left from the 2020 allowance for Bluefish. The daily trip limit is 140 lbs. per day. She said New York originally began with 287,000 lbs. and unfortunately caught that very quickly but luckily, New York then received two 50,000 lb. transfers, which is what we have to work with now. There has also been requests at this time for an increase in the daily trip limit since the fall run of Bluefish will begin soon. Ms. Davidson sought the Council’s advice on how they would like to see the fishery proceed. She referred to the chart above, weeks 22 and 23 specifically, the combined total caught for those 2 weeks amounted to what is basically left to fish through December. So, should they increase the daily trip limit and then close the fishery or keep it status quo in the hopes of spreading out the season? Discussion; what to do from now until Dec.

Councilor Lackner referred to lines 22 and 23 and wondered how much of that was caught in excess during that period. Ms. Davidson said it closed when they hit 61,000 lbs. Mr. Lackner believes this to be an anomaly; when you see, landing ramp up so quickly, isn’t it easier to drastically slow things down and get caught up then to let it run over and especially by so much? It’s always the user group at the end of the year that gets hit the hardest and it’s especially true this year because they were unable to fish at the beginning of the year due to COVID restrictions. Perhaps allocate 20-30,000 lbs. for the end of the year and consider what should be done for September/October, he thinks 140 lbs. is too low.

He wants to keep a little for the end of the year but wonders what did last year show for the fall season. Is there any wiggle room where they can raise the 140 lb. trip limit? We have six weeks left of the inshore season and based on the number of quota left, he thinks the allowance can go up at least another 70 lbs. per day. He does believe there is room to increase the number. Most importantly, he doesn’t want to leave anything on the table.

Councilor Dearborn said that although she is on the recreational side and this is really a commercial issue, she feels that Mr. Lackner made valid points and she agrees with his assessment to save 20,000 lbs. for the final period. She also

believes there is room to increase the daily trip limit but would be interested in knowing what last year's fall season shows before coming up with a figure.

Ms. Davidson asked Mr. Lackner what would be the numbers he recommends. Mr. Lackner replied that he would change the figure to 210 lbs. the beginning of September. Beginning in November, the number could be 500 lbs. and adjust accordingly.

Black sea bass

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Commercial Black Sea Bass Harvest: 6NYCRR 40.1(a)(1)

A 'trip limit' means the maximum amount of fish that can be possessed on board or landed by a vessel during a period of time, not less than 24 hours, in which fishing is conducted, beginning when the vessel leaves port and ending when the vessel returns to port. A vessel or fisher shall not land more than a possession limit or trip limit per species in any one calendar day, except that, where a weekly limit or biweekly limit is specifically authorized by the department pursuant to subdivision (i) of this section, a fisher authorized to take the weekly or biweekly limit shall not possess or land more than the weekly limit or biweekly limit in one calendar 1 day or; where one trip limit for each of two commercial license holders on board a single vessel is specifically authorized by the department pursuant to subdivision (i) of this section, a vessel with two or more commercial license holders on board shall not possess more than two trip limits of the authorized species in one calendar day.



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Commercial Black Sea Bass: 6 NYCRR 40.1(i)

A trip limit set by the department to be consistent with the requirements of the Interstate Fishery Management Plan for Black Sea Bass. The department, in its discretion, may authorize up to two commercial license holders per vessel to possess the black sea bass trip limit on any one calendar day.



Ms. Davidson recalled that after several discussions with commercial fishermen back in 2016, the regulations were amended – changes are noted in yellow. It was thought to be safer, economical and a more ecological approach to this

fishery to have 2 license holders per vessel. While the DEC thinks this will be helpful to the fishery, they will be tracking landings closely. Ms. Davidson welcomes comments from the Councilors regarding this.

Councilor Barrett said he has been approached by numerous fishers that do not agree in the concept that this is a good idea. With prices that are already low because of COVID, allowing the extra fish to enter the market will only further depress the price of the fish and they believe it will also increase the opportunity to cheat and bring latent license holders into the fishery. As the fluke season winds down, this will direct more fishers into the Black Sea Bass fishery. For instance, if just 10 boats land 240 lbs., the period quota will be eaten very quickly perhaps forcing a closure or a return to the 50 lb. trip limit. The same fishers have come up with a solution though, trip limits should be set at 140 lbs. and gradually raise the limit as is possible. This will give all fishers an opportunity to harvest the entire quota. Ms. Davidson said the DEC does not believe having two people on a boat at the same time promotes overfishing.

Mr. Lackner agrees with Mr. Barrett's statement and believes his points were valid. Along those lines, Mr. Lackner wonders if Bluefish could be a candidate for a weekly trip limit in the foreseeable future. Ms. Davidson said the problem right now with Bluefish is that too many are being caught too fast and she would worry that with a weekly limit the quota would be overharvested very quickly. Perhaps if the quota was larger, it would be something to consider. Mr. Lackner believes the opposite to be true. By having a weekly trip limit, the amount of fish caught is typically less than if someone fishes every day *especially* when looking at such a low quota limit. It would definitely be more efficient for the fishers when you consider the gas, time involved, etc. Ms. Davidson referred to a weekly scup program the DEC had, the weekly limit was slightly less than if they had fished seven days a week and they had fishers that insisted on fishing every day so they could catch the maximum number of fish. Mr. Lackner countered that while no fishing plan will work perfectly for everyone, there needs to be more diversity for the various user groups and for the DEC to *not favor* one group over another. It could be as simple as you marry into a particular program and you stick with it. This would give the freedom in allowing fishers to fish for different species on different days and they would be able to set up their week accordingly. He believes this would be beneficial for many.

Ms. Nancy Solomon, Director of LI Traditions, is happy to see this change in the BSB regulations.

Ms. Bonnie Brady questioned if historical averages are used when creating management plans but Ms. Davidson said not really. Many factors go into management plans but they don't really rely on historical averages when making decisions. For instance in winter months, because the fishers have to travel further off shore for their catch and the weather can also be problematic, the DEC increases the daily catch limit in order to benefit the fishing community. Ms. Brady asked if gear type was considered when changing the regulations and Ms. Davidson said it isn't. She added that only Federal boats were submitting data prior to COVID so historical information cannot be used because it doesn't encompass every gear type or user group.

General Updates

John Maniscalco gave brief updates for items currently being worked on by the DEC.

Changes to Bluefish regulations – it had been determined that Bluefish were being overfished and restrictions needed to be put in place; which is in the final phase of adoption. The new limits are as follows: recreational – 3 fish possession limit for private anglers and a 5 fish possession limit for anglers fishing from for-hire vessels.

Multi state limit rule for Fluke – this concerns fishermen fishing for Fluke, particularly in the winter, if they had a license to land in other states, they could be in possession of multiple states limits on board, there were a number of special procedures (you had to apply to the program and you also had to call in to the system, as a way to limit the amount of rule-breaking that might occur). That will be adopted in its final form sometime in the Fall.

Commercial Tautog tagging program - you can expect a final ruling over the next month or so. This program was supposed to be implemented in last winter 2020 but had to be suspended because COVID hit and it was determined not

to be safe to enact while pertaining to COVID guidelines. For more information, here is the link:
<https://www.dec.ny.gov/outdoor/119819.html>

There have been numerous discussions at MRAC meetings surrounding **Whelk**. The DEC will be moving forward with proposed rules that include commercial size limit, reporting requirements, gear mark requirements and also that bait bags be used when using horseshoe crabs for bait. It will go through the normal rule making process where folks will have a chance to voice their opinions.

Proposing rules prohibiting **shark species**. This topic will be brought before MRAC when they have some points ironed out. They are looking for a way to improve enforcement of the current rules.

2020 Meeting Calendar:

November 17th 2:00 p.m.

Please check the Council's webpage immediately prior to each meeting for information as to how the meeting will be conducted while the pandemic continues and social gathering restrictions are in place.

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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)).