



Marine Resources Advisory Council

MRAC Bulletin

January 19, 2021

Sean Barrett

Robert Danielson

John Davi

Melissa Dearborn

Vincent Finalborgo

Thomas Jordan

Hank Lackner

Joseph Paradiso

Christopher Squeri

Charles Witek

Steve Witthuhn

Dean Yaxa

Due to restrictions still in place for large gatherings, today's Council meeting was once again being held via webinar. Stephanie Rekemeyer, NYSDEC's Public Participation Specialist, briefly went over instructions regarding the meeting's format along with instructions for Councilors as well as audience on how to participate.

Chairman Frisk welcomed everyone, went over the agenda, followed by introductions by Councilors in attendance as well as numerous members of the NYSDEC. Also joining today's meeting was Katherine Petronis, newly appointed Deputy Commissioner of Natural Resources at NYS Department of Environmental Conservation.

Public Comment

John Schoenig reminded folks at the last meeting he requested recreational Blackfish, Black Sea Bass and Summer Flounder be put on the agenda. He is interested in having a spring season for Black Fish once again. He noted it has been several years since they had the spring season for blackfish. They were allotted one additional month (30 days in April.) The reality is that the first 2 weeks in April is not very beneficial, what he would much prefer would be to have the last 2 weeks in April and the first two weeks in May moving forward for this year. Mr. Gilmore said he would have Mr. Maniscalco address this topic toward the end of the meeting.

Approval of November 17, 2020 Minutes

Councilor Dearborn referred to page 13 of the Minutes, second to the last line. It currently reads, "He did add that when using a circle hook, natural bait must be used." Ms. Dearborn said it should read, "When using natural bait, a circle hook should be used."

CARES ACT – The Minutes state that Councilor Danielson is a member of the subcommittee but Mr. Danielson said he hasn't been an active member and would like to be removed from the subcommittee. Even though it is not actually a correction, Chairman Frisk thought we could make note of Councilor Danielson's wish.

Councilor Paradiso made motion to approve with the noted change, Councilor Danielson seconded.

All in favor – 8, Opposed – 0, abstentions – 1

Motion passes

CARES ACT –

Mr. Gilmore explained that the Federal Government initially gave out \$300 million in revenue to be dispensed through the CARES ACT but since the pandemic has gone on for so long, they have added a second package of \$300 million to be given out to the fisheries in the United States. Mr. Gilmore said they are still awaiting word as to the way the newest allocation is going to work but they will be conferring with NOAA for more details and

Michael Frisk
Chairman

Kim Knoll
Staff Assistant

instructions. The following presentation was given by Julia Socrates regarding the initial \$6.7 million awarded to New York fisheries.

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CARES Act NY Fisheries Relief Program

- \$6.7 M for New York fishing industry sectors
- **Application period:** December 1 – 31, 2020
- 300 applications



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Applicants

	Applications	Min Loss	Max Loss	Total
Commercial Fisherman	56%	\$868	\$1,821,290	\$8,196,819
Aquaculture Operation	9%	\$4,019	\$2,751,387	\$8,022,625
For Hire Fishing Operation	21%	\$2,043	\$2,107,907	\$5,393,017
Seafood Dealer/ Shipper/ Processor	14%	\$5,603	\$10,808,476	\$65,181,143
Overall		\$868	\$10,808,476	\$86,793,604



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Awards & Denials

- **Base awards on tiers of losses**
 - <\$7,500; \$7,500 to <\$50,000; \$50,000 to <\$100,000, and \$100,000 or greater (subject to change)
 - Awards across tiers would be proportional to the loss experienced by those in the tier.
 - Within a tier, all applicants will receive the same award.
- **Initial application denials can be appealed**
 - DEC will work with the appellant on a case-by-case basis to provide an opportunity to satisfy the minimum eligibility requirements, especially in cases of undue hardship.



Remaining Implementation Plan

- **Review of Applications:** December 2020 - February 2021
- **Appeals Process:** February - March 2021
- **Send List of Awardees/Coordinate Payments with ASMFC:** February - March 2021



Councilor Davi John wondered if the first round would cover what has been asked for or would they need to dip into the second phase of monies? Would it cover all the awards? Mr. Gilmore said they are going to try to keep the money separate. Initially they had thought to set aside some of the money in order to cover the appeal's action cases but since they will receive a second installment of money, they're not sure yet.

Mr. Gilmore encouraged the Councilors as well as the audience to spread the word and get folks to apply. Not only New York but also many of the other states are seeing less applications than they believe are deserving of this money. Newsday did have an article in their paper, which is helping to give out information, but word of mouth would also be great.

Councilor Davi said he has been contacted by quite a few people who believe they do not qualify since they received unemployment during the same period of time – is this true? Ms. Socrates said where they seemed to have gotten confused is that the unemployment money should have been included as what was earned during that time period. It should be considered but they need to realize that the total amount will probably still be considerably less than what they would have earned during the same time period had they been working normally.

Councilor Dearborn questioned the timing for the second wave. Mr. Gilmore said they do not have an exact date but he hopes for it to be handled expediently.

Quota Distribution plans for 2021

Maureen Davidson of NYSDEC said due to the continuing pandemic, the quota distribution meeting was held virtually on December 9th. Menhaden and Horseshoe Crabs were also added to the agenda because they are both generating much interest.

***Please note that in the following presentations, all changes being made from 2020 to 2021 are written in **RED**.

Bluefish Quota Distribution for 2020

2020	Coastwide Commercial Quota 2,770,000		NY Commercial Allocation 10,3851%			NY Commercial Quota 287,667 (*387,667 after transfers)
Periods	1 Jan - Apr	2 May - June	3 July - Aug	4 Sept - Oct	5 Nov - Dec	
Percent	15%	30%	30%	19%	6%	100%
Period Quota	43,170	86,300	86,300	54,657	17,280	287,667
Trip Limits	5000	750	750	750	1000	
Period Quota with Rollover		*200,549	50,622	102,123	65,899	
Estimated Landings (subject to change)	402	250,477	17,405	54,762	18,361	341,407
Estimated % of Quota Landed (subject to change)	1%	125%	34%	54%	25%	88%

Because of how quickly the quota was used in period 2, this only left ~30,000 lbs. for the rest of the year. The DEC did not envision running through the quota so quickly and the bluefish fishery was shut down. It was only through a transfer of 50,000 lbs. from two states (for a total of 100,000 lbs.) which enabled the fishery to remain open for the rest of the season.

Proposed Draft 2021 Bluefish Quota Distribution

The 2021 bluefish quota allocation is anticipated to be 287,667 pounds.
The quota distribution plan (subject to change) for bluefish is below:

Period	Dates	Quota	Proposed 2021 trip limit	2020 Trip Limit	% Distribution
1	January - April	43,150	1,000 *March 15 - 2,500 or 5,000 weekly	6000	15%
2	May - June	86,300	500	750	30%
3	July - August	86,300	500	750	30%
4	September - October	54,657	500	750	19%
5	November - December	17,260	1,000	6000	6%

Proposed Draft 2021 Bluefish Provisions to the quota distribution plan:

1. Daily 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 1 and 3, up to 10,000 pounds daily, 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 quota allocation is subject to change by adjustments to the quota made by NOAA Fisheries.



Councilor Davi said he really cannot come up with a better plan; he is not happy with the total number of fish that is being allocated but he believes the DEC is doing the best they can. Councilor Lackner was unable to attend today's meeting but prepared a statement that he wanted read at this time.

"Since I am traveling today, I would like to have the following comments reflected at today's MRAC meeting. They are in regards to Bluefish, more importantly the first period.

1. *Since we are referring to period 1, I believe it is important to have a larger percentage of quota allocated to it. My reasoning is justified by last year's overages in period two. The state went out and got quota transferred for their overage. Period one is multiday, trip vessels and not very many of them. That period will never be given the opportunity to receive a transfer. With that being said, I believe an increase to 25 % of the allocation is in order. If it goes uncaught, it can be transferred to another period.*
2. *I do like the 5000 pound weekly limit as well as the episodic event."*

Mr. Davi wonders where Hank would get the extra fish, he worries about not having any buffer toward the end of the season; he feels the DEC is trying to have the season remain open throughout the periods; he's against switching around the percentages. He asked if there were any fish left over from last year, Ms. Davidson said ~30,000 lbs. but to keep in mind that those were fish we had received through transfers. Ms. Fanelli said they tried to alleviate Mr. Lackner's concerns by having the 5,000 lbs. starting on March 15th, this way if the fish aren't harvested for that period there might be more of an opportunity after March 15th to catch the period quota, which they typically do not have.

Mr. Davi asked if the overall quota isn't met across the coast, would we still be penalized and Ms. Fanelli responded – yes. This is a fishery closely watched by NOAA unlike some other fisheries.

Councilor Witthuhn asked which gear type did the most damage. Ms. Fanelli said she would not hazard a guess without checking the stats; she will have to get back to him.

Councilor Danielson wondered if we might be getting a quota transfer again this year. Ms. Davidson said that is not something she wants to rely on. It sends the message that we cannot control our own fishery and we cannot rely on other states to help us each time. This is not something we are planning on.

Black Sea Bass Quota Distribution Comparison for 2020

2021	Coastwide Commercial quota 6,690,000		NY Commercial % 7.00			2021 NY Commercial Quota 426,300
Periods	1 Jan - Apr	2 May 15 - Jun	3 Jul - Aug	4 Sep - Oct	5 Nov - Dec	
Percent	10%	35%	30%	20%	5%	100%
Period Quota	42,630	149,205	127,890	85,260	21,315	426,300
Proposed trip limit	150	70	70	70	70	
2020	Coastwide Commercial quota 5,600,000		NY Commercial % 7.00			2020 NY Commercial Quota 390,600
Periods	1 Jan - Apr	2 May 15 - Jun	3 Jul - Aug	4 Sep - Oct	5 Nov - Dec	
Percent	10%	35%	30%	20%	5%	100%
Period Quota	39,060	136,710	117,180	78,120	19,530	390,600
Trip Limit	150	50	50	50	50	
Period Quota with Rollover		126,864	133,782	137,114	95,486	
Estimated Landings (subject to change)	18,126	110,262	74,788	82,093	100,117	385,386
Estimated % of Quota (subject to change)	46%	69%	56%	60%	105%	99%

Proposed Draft 2021 Black Sea Bass Quota Distribution

The 2021 black sea bass quota is anticipated to be **426,300 pounds** (390,600 in 2020).
The proposed quota distribution plan is as follows:

Period	Dates	Quota (lbs.)	Proposed 2021 trip limit	2020 trip limit	% Distribution
1	Jan - April	42,630	150	150	10%
2	May - June (May 8 in 2020)	149,205	70	50	35%
3	July - August	127,890	70	50	30%
4	Sept - Oct	85,260	70	50	20%
5	Nov - Dec	21,315	70	50	5%

Proposed Draft 2021 Black Sea Bass Provisions to the quota distribution plan:

1. Daily 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 quota allocation is subject to change by adjustments to the quota made by NOAA fisheries.



There is good news – there is a larger quota for this year. Trip limits will be a little more liberal but they will remain cautious.

Mr. Witthuhn said from looking at these slides, we are assuming that things are returning to “normal”, i.e., before Corona, before a Presidential change. For the 2020 trip limits, shouldn't there be another column that reflects what went on during the pandemic for Black Sea Bass. Ms. Davidson referred to slide 15 where it shows that we left ~5,000 lbs. in the water. Mr. Witthuhn wants a breakdown of what happened in 2020 during the pandemic. Ms. Fanelli said that specific information was given out at the Quota Distribution meeting and they will make it available to Mr. Witthuhn.

Typo on slide 15 – the date for black sea bass will begin **May 1st** not May 15th as the slide reflects

Summer Flounder (Fluke)

2020 Summer Flounder (Fluke) Quota Distribution Comparison

2020	Coastwide Commercial Quota 11,530,000 (12,498,332 in 2021)		NY Commercial % 7.64699 (8.71% in 2021)			2020 NY Commercial Quota 882,839 (Includes 18,820 overage deduction)
Periods	1 Jan - Feb	2 Mar - Apr	3 May - Jul	4 Aug - Oct	5 Nov - Dec	
Percent	20%	15%	40%	20%	5%	100%
Period Quota	176,340	132,255	352,879	176,340	44,085	882,839
Trip Limit	1000 weekly / 70	70 / TBD	70	70	70/TBD	
Period Quota with Rollover			368,634	331,428	106,350	
Estimated Landings (subject to change)	107,261	116,299	213,546	338,242	55,087	848,434
Estimated % of Quota Landed (subject to change)	61%	88%	58%	102%	35%	96%



Proposed Draft 2021 Summer Flounder Quota Distribution

The 2021 summer flounder quota is anticipated to be **1,094,113 pounds** (881,698 pounds in 2020). The quota distribution plan (subject to change) for summer flounder is below:

Period	Dates	Quota (lbs.)	Initial trip limit (lbs.)	Weekly limit (max of 2 landings per week)	% Distribution
1	January - February	218,823	70	2,000	20%
2	March - April	164,117	70	TBD	15%
3	May - July	437,645	70	xxx	40%
4	August - October	218,823	70	xxx	20%
5	November - December	54,706	70	TBD	5%

Proposed Draft 2021 Summer Flounder Provisions to the quota distribution plan:

1. Daily 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. 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.
4. The Fishery Management Plan does not allow for one year's unused quota to be rolled over to the next year.
5. 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.
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 summer flounder resource and prevent the state allocation from being exceeded.
7. The final quota allocation is subject to adjustment to the quota by NOAA Fisheries.

The quota will be monitored and if any adjustments can be made during the season, they will be.

2020 Scup Quota Distribution

2020	Coastwide Commercial quota 22,463,972 (18,000,000 in 2021)	Summer Period % 38.95%	Summer Quota 8,752,054	NY Summer period % 15.8232%	2020 NY Summer Period Quota 1,420,065
Periods	1 May - June	2 July - August	3 September		
% Percent	65%	30%	5%		100%
Period Quota	890,542	411,020	118,503		1,420,065
Trip limits (lbs.)	900	800	600		
Period Quota with Rollover		524,603	136,735		
Estimated Landings (subject to change)	776,959	506,371	167,870		1,451,200
Estimated % Quota (subject to change)	87%	97%	123%		102%

Proposed Draft 2021 Summer Scup Quota Distribution

The 2021 summer scup quota allocation is anticipated to be **1,263,608 pounds** (1,420,065 pounds in 2020). The quota distribution plan (subject to change) for summer scup is below:

Period	Dates	Quota	Initial trip limit (lbs.)	Proposed 2021 % Distribution	2020 % Distribution
1	May - June	758,165	800	60%	65%
2	July - August	379,082	800	30%	30%
3	September	126,361	600	10%	5%

Mr. Davi was happy to see that 5% was taken out of period 1 and put into period 3 as was discussed during the Quota Distribution meeting.

Proposed Draft 2021 Scup

Provisions to the quota distribution plan:

1. Daily 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 quota allocation is subject to change by adjustments to the quota made by NOAA fisheries.



Horseshoe Crabs

Proposed Draft 2021 Horseshoe Crab Quota Distribution

The 2021 horseshoe crab quota allocation is anticipated to be 150,000 crabs.

The quota distribution plan (subject to change) for horseshoe crabs is below:

2021 Horseshoe Crab Quota Distribution				
Periods	Dates	Quota (# of crabs)	Initial Trip Limit	% Distribution
1	January 1 - April 15	6,000	30	4%
2	April 16 - August 31	138,000	150	92%
2-closed	May 24 - May 28	closed	0	closed
2-closed	June 8 - June 12	closed	0	closed
3	September 1 - November 30	6,000	250	4%
4	December 1 - December 31	TBD ¹	TBD ¹	TBD ¹



Proposed Draft 2021 Horseshoe Crab Quota Distribution

The 2021 horseshoe crab quota allocation is anticipated to be 150,000 crabs.
The quota distribution plan (subject to change) for horseshoe crabs is below:

2021 Horseshoe Crab Quota Distribution				
Periods	Dates	Quota (# of crabs)	Initial Trip Limit	% Distribution
1	January 1 - April 15	6,000	30	4%
2	April 16 – August 31	138,000	150	92%
2-closed	May 24 – May 25	closed	0	closed
2-closed	June 8 – June 12	closed	0	closed
3	September 1 – November 30	6,000	250	4%
4	December 1 - December 31	TBD ¹	TBD ¹	TBD ¹



Proposed Draft 2021 Horseshoe Crab Provisions to the quota distribution plan:

1. Harvest limits are used to spread the quota allocation over each period and to avoid fishery closures if possible.
2. Overharvest/under harvest from Period 1 and Period 2 will be deducted from or added to the next period.
3. If there is quota remaining at the end of Period 3, the remaining quota may be released in Period 4. Initial harvest limits for Period 4 will be determined by the amount of available quota remaining.
4. Fixed gear may remain in-place during Period 2 fishery closures.
5. DEC may adjust harvest limits or this quota distribution plan to ensure maximum utilization of the horseshoe crab resource and to prevent the state commercial quota from being exceeded. If DEC determines through reported landings or low reporting compliance that the quota allowance for any given period may be exceeded, DEC may temporarily close the fishery to commercial harvest.



Ms. Fanelli noted the only real change is to the provisions. There had been numerous concerns from the fishers regarding fixed gear. They did not want to have to remove it only to put it back in the water again. It was decided in order to be fair to all gear types, fixed gear can remain in place during period 2 closures. Mr. Davi agrees with this change. He wonders if they would even be able to have ~5 or just *something* during the summer months without taking away from other periods. Ms. McKown said that if fishers wanted to take 5 horseshoe crabs a day for personal use, that would be acceptable. They are hoping that having those 2 lunar closures coupled with decreasing the initial trip limit number will slow down the rate that horseshoe crabs are harvested. Ms. McKown said they realize there are fishers who depend on horseshoe crabs year-round and they hope these provisions will help to keep the fishery under control.

Peter Wenzel recalled during the quota distribution meeting there was a discussion about finding ways to get the trip reports to the DEC quicker. He feels that timeliness plays an important role in controlling this fishery and wondered if any decisions have been made in that regard? Relying on historical data may or may not reflect what is currently happening in the fishery. Ms. Fanelli said they currently take VTR's in text, email – they take the information any way they can get it. Mr. Wenzel thinks making it mandatory for electronic reporting would be in everyone's best interest; Ms. Fanelli agreed – mandatory on line reporting is something the Department would like to see happen.

Chairman Frisk thinks this would be a good agenda item.

Scott Curatolor Wageman from Cornell Cooperative Extension of Suffolk County wanted to let folks know that CCE recently received a grant for an electronic reporting education program for NY commercial fishers to raise awareness and knowledge of the existing E-trips and fish online electronic reporting programs. Folks should reach out to Cornell if they are interested. (<http://ccesuffolk.org/>)

Menhaden

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2020 Menhaden Weekly Landings as of December 31, 2020

The 2021 menhaden quota allocation is **anticipated to be 2,934,618 pounds (3,266,014 pounds in 2020)**. The weekly landings and trip limits for 2020 are shown in the next slide. We will use the 2020 trip limits and pattern of landings to determine appropriate trip limits for 2021.



Weekly Summary of 2020 Menhaden Commercial Dealer Landings						25	June 14 to June 20	10,000 / 30,000	61,962	1,337,086	1,928,928	
Quota:						26	June 21 to June 27	10,000 / 30,000	750,437	2,887,523	1,178,491	Corrected dealer report
w e e k	Period Dates	Trip Limit (pounds)	Recent Landings (pounds)	Cumulative Landings (pounds)	Remaining Quota	27	June 28 to July 4	10,000 / 30,000	42,600	2,135,123	1,125,891	
						28	July 5 to July 11	10,000 / 30,000	10,650	2,145,773	1,125,241	
1	Jan 1 to Jan 4	40,000 / 120,000	0	0	3,266,814	29	July 12 to July 18	10,000 / 30,000	32,900	2,178,673	1,088,341	
2	Jan 5 to Jan 11	40,000 / 120,000	0	0	3,266,814	30	July 19 to July 25	10,000 / 30,000	988	2,188,573	1,088,441	
3	Jan 12 to Jan 18	40,000 / 120,000	0	0	3,266,814	31	July 26 to Aug 1	10,000 / 30,000	288	2,188,773	1,088,241	
4	Jan 19 to Jan 25	40,000 / 120,000	0	0	3,266,814	32	Aug 2 to Aug 8	10,000 / 30,000	0	2,188,773	1,088,241	
5	Jan 26 to Feb 1	40,000 / 120,000	0	0	3,266,814	33	Aug 9 to August 15	10,000 / 30,000	1,200	2,189,973	1,088,951	
6	Feb 2 to Feb 8	40,000 / 120,000	0	0	3,266,814	34	August 16 to Aug 22	10,000 / 30,000	1,100	2,191,073	1,088,851	
7	Feb 9 to Feb 15	40,000 / 120,000	0	0	3,266,814	35	Aug 23 to Aug 29	10,000 / 30,000	0	2,191,073	1,088,851	
8	Feb 16 to Feb 22	40,000 / 120,000	0	0	3,266,814	36	Aug 30 to Sept 5	10,000 / 30,000	1,488	2,192,561	1,088,461	
9	Feb 23 to Feb 29	40,000 / 120,000	0	0	3,266,814	37	Sept 6 to Sept 12	10,000 / 30,000	700	2,193,261	1,088,751	
10	March 1 to March 7	40,000 / 120,000	0	0	3,266,814	38	Sept 13 to Sept 19	10,000 / 30,000	0	2,193,261	1,088,751	
11	March 8 to March 14	40,000 / 120,000	0	0	3,266,814	39	Sept 20 to Sept 26	10,000 / 30,000	4,288	2,197,549	1,078,951	
12	March 15 to March 21	40,000 / 120,000	0	0	3,266,814	40	Sept 27 to Oct 3	10,000 / 30,000	0	2,197,549	1,078,951	
13	March 22 to March 28	40,000 / 120,000	0	0	3,266,814	41	Oct 4 to Oct 10	10,000 / 30,000	6,300	2,193,753	1,078,251	
14	March 29 to April 4	40,000 / 120,000	0	0	3,266,814	42	Oct 11 to Oct 17	10,000 / 30,000	208,700	2,402,453	861,551	Corrected dealer reports
15	April 5 to April 11	40,000 / 120,000	1,288	4,200	3,268,102	43	Oct 18 to Oct 24	10,000 / 30,000	72,518	2,474,971	789,033	Corrected dealer reports
16	April 12 to April 18	40,000 / 120,000	225,882	227,882	3,038,132	44	Oct 25 to Oct 31	10,000 / 30,000	218,431	2,693,402	570,602	
17	April 19 to April 25	40,000 / 120,000	139,187	624,049	2,894,985	45	Nov 1 to Nov 7	10,000 / 30,000	176,289	2,871,691	394,313	
18	April 26 to May 2	40,000 / 120,000	148,676	772,725	2,493,289	46	Nov 8 to Nov 14	10,000 / 30,000	363,453	3,235,144	38,860	
19	May 3 to May 9	40,000 / 120,000	7,588	780,313	2,485,701	47	Nov 15 to Nov 21	10,000 / 30,000	221,509	3,456,653	309,371	500,000 lb transfer Closed November 24
20	May 10 to May 16	40,000 / 120,000	110,482	890,795	2,375,217	48	Nov 22 to Nov 28	10,000 / 30,000 / closed	240,904	3,697,557	68,467	
21	May 17 to May 23	40,000 / 120,000	205,387	1,096,182	2,169,830	49	Nov 29 to Dec 5	closed	137,164	3,834,721	(88,717)	
22	May 24 to May 31	40,000 / 120,000	110,666	1,206,848	2,059,164	50	Dec 6 to Dec 31	100	68,895	3,903,616	(138,582)	all landings after 12/12/20
23	May 31 to June 6	40,000 / 120,000	68,450	1,275,298	1,990,714							
24	June 7 to June 13	10,000 / 30,000	0	1,275,298	1,990,714							

Ms. Davidson stated that Menhaden are considered an important forage fish in the environment so their role in the ecosystem is being considered as well as what our needs are, therefore, the quota has been lowered.

She referred to the week of June 21st – June 27th. Over 750,000 fish were caught so it is obvious the fish can come in hot and heavy and we can go through our quota very quickly. Also note that in November, New York received a transfer of 500,000 lbs. Despite having received the transfer at the end of the year we had still gone over 138,592 lbs.

Ms. Fanelli referred to April 5th-April 11th and how quickly the numbers went up. She said that it appears the fish are there early, mid and late in the season, which is not what historical landings have shown. The DEC is going to be keeping close watch on the numbers. Moving forward, they are going to save a percentage to act as a cushion.

Mr. Davi said it blows his mind that the quota numbers are getting lower with the amount of bunker that is around. We are able to catch them left and right and they are washing up on the beaches in the tens of thousands. We were still seeing them through December.

Mr. Frisk said the former Chairman of the Council, William Wise, was/is writing a book about Menhaden and has done extensive research; he suggested it might be prudent to have Mr. Wise give a presentation to the Council at a future meeting.

Mr. Wenczel said in all his years of fishing, he has never seen as many bunker fish as he did this year, there were literally miles and miles of them.

Motion from Councilor Danielson – Move to approve the quota distribution plan as written. Seconded by Councilor Witek.

Discussion – No further comments were received by audience members.

All in favor – 8, opposed -0, abstention – 1– *Motion passes*

Limited Entry Random Selection Process

Normally this process is handled in person at the DEC Offices, however, this year (due to the continuing pandemic) it will be handled virtually. The DEC is asking for 2 representatives from the Council to ensure that things are being run

aboveboard and to act as witnesses. This will be a "double blind" process. Mr. Davi asked if a date has been selected and asked how many licenses are going to be available. Ms. Davidson said it would take place over the next several weeks, she is unsure as to the number just yet.

Mr. Davi was still under the impression that it was two licenses in and one would go out but Ms. Davidson said that practice had stopped sometime in either 2016 or 2017. Mr. Davi was upset by that and wants to see the topic of license reform placed on a future meeting's agenda. This is something he feels very strongly about.

Rule Making Update—

31

Proposed Whelk Regulations

- **Minimum Size Limit: 3" width or 5-1/2" length**
 - Allow immature females to mature before harvest
- **Mandatory Bait Bags in whelk pots**
 - Decrease the amount of horseshoe crabs used as bait
- **Gear size, marking, placement & tending requirements**
 - Decrease user conflict and increase public safety
- **Clarify dealer and shipper reporting**
 - Consistency with food fish and crustacean regulations



This will be following the standard rule making process. This will be up for public comment - 60 days -when that is complete it should be ready for the MRAC May meeting. By that time, the DEC is hoping we will be back to in-person meetings so all interested parties can attend. Mr. Davi does not want this to move forward without input from them. He had asked that the Baymen's Association and Clammers Association be notified specifically about this. He would like to see options that address different lengths for the different areas. He doesn't want to make any kind of motion on this until such time. Chairman Frisk reminded Mr. Davi that there has been numerous discussions and many well attended meetings on this topic with plenty of feedback and views. Mr. Danielson concurred, he said previous discussions have included commercial fishermen from the east end, shippers and dealers, there was a gentleman from Greenpoint that had a long history in the whelk fishery, in addition to comments received by Kim McKown from various fishers. This topic has been discussed ad nauseam, the fishery is declining and it's time we move forward with a plan. This does not need to be tabled any further. Mr. Davi feels this is a commercial issue and we should wait until more commercial councilors are present. Chairman Frisk countered that they know there are people both for and against regulations and we are never going to come to a complete consensus. Councilor Squeri also agreed – this subject has been discussed repeatedly, it's time to do something.

Mr. Davi wants to see other options. Mr. Danielson said this is not a commercial issue, its basic science. The whelk are not reproducing because they are being harvested too young. Mr. Davi would like to see a stipulation about having a certain percentage in the bag, if a couple of them get chipped along the way they're not going to get beamed for having 2, 3, 4 or 5 conchs that aren't the right size. Maybe have a sector area. There should be other options.

Mr. Peter Wenczel said more and more fishers are supporting the size limit suggested. He's from the eastern end and knows they would support a 5 1/2" length. They realize they need to do something quickly or there will not be a fishery to even fish. Something should have been done 10 years ago and every month we wait on this is just a longer time the

fishery is going to have to take to recover. There is going to be a public comment period. We need to have a good healthy fishery. If Mr. Davi wants two different size limits, go for it but we need to move ahead and it needs to be done now.

John Maninscalco, of the DEC said we are going to go ahead and propose the rule as written; there will be a 60-day comment period. Ms. McKown can review Mr. Davi's point about an allowance for having a percentage of undersized conch. We certainly have had this topic up for discussion at MRAC numerous times with views from all the sectors of the fishing community over the past several years (pre-Covid) and he doesn't believe any further discussion will bring about a comment that hasn't already been brought up.

Councilor Witek reinforced, it is a rule that will be published with a 60 day comment period and looking at the full agenda today, we need to move forward.

32

Striped Bass Circle Hooks Update

Proposed Text:

Recreational anglers are required to use a non-offset circle hook when fishing for striped bass with any natural bait. Striped bass caught on any other type of hook baited with natural bait must be returned to the water immediately without unnecessary injury.



NEW YORK STATE Department of Environmental Conservation

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Definition

- 'Natural bait ' means all baits which entice or might be ingested or swallowed by fish including, but not limited to, fish (dead or alive), fish eggs, worms, shellfish, crustacea, amphibians (salamanders, frogs and toads), insects (including all stages of development as larvae, pupae, etc.), pork rinds, liver, meat, corn or other vegetable matter, tapioca, candy, cheese, bread and putty or dough-like scented baits.

NEW YORK STATE Department of Environmental Conservation

Public Comment on Striped Bass Circle Hook Proposed Regulation Open Through March 8, 2021

<https://www.dec.ny.gov/regulations/106216.html>

Send comments to fw.marine@dec.ny.gov or to:

Carol Hoffman
NYSDEC Marine Resources
205 N. Belle Mead Rd., Suite 1
East Setauket, NY 11733
Phone: (631) 444-047



The DEC has received much feedback with regard to circle hooks, there were numerous comments about the definition of "natural bait", and they hope slide 33 clarifies that. They are trying to get this in effect before opening day in April.

Councilor Danielson questioned if the plan is still to submit this proposal even though there are so many questions/issues. Mr. Gilmore replied that yes, the proposal will be submitted and the whole point of the comment period is to bring problems to the surface and to tweak and adjust where necessary. Consistency among states is the ultimate goal; they do not want various rules for various states. They need a solution that will work with all the states.

Councilor Witek stated that when we get into regulations, especially ones that have penal implications, words matter. Because of that, he thinks it is unfortunate that we are carrying forward what is essentially a freshwater regulation into saltwater without looking at the purpose of the regulation. In freshwater there are things such as fly-fishing only areas, there are places where bait isn't permitted for legitimate management reasons but here we are talking about a regulation *specifically intended* to prevent gut hook. When we talk about that and the definition of natural bait, the operative words that are in the existing natural bait definition are "all baits which entice or might be ingested or swallowed by fish." So far, we have been talking about that in terms of things like pork rinds, which are not ingested by fish but are included in the existing regs. One thing that has generated a lot of talk is something that *is* ingested by fish quite commonly and if you read the product description, is intended to be a substitute for natural bait, is something like Berkley Gulp, which fish eat all the time. This leads to ambiguity. Regulations should be written clearly to avoid situations such as this.

Councilor Danielson said he hopes that folks will use common sense in crafting this regulation that doesn't take away mechanisms of harvesting or catching striped bass while negatively impacting the angler that is trying to catch them.

Councilor Witek said he is talking about common sense but we are really talking about the law and sadly, they do not always walk in each other's footsteps.

Councilor Dearborn had a problem with the definition of *natural bait* from the beginning. She, too, believes the wording leaves too much open for interpretation. A question she had early on is does this pertain to synthetic items such as pork rinds? We need more clarity as to what "natural bait" means. She hopes that many people will want to do the right thing as we work out the kinks moving forward using circle hooks. She also has an issue with the non-off set circle hook fishing term and having them include in-line because that is a terminology that will be placed on packaging and it will help consumers identify when they go into the shop as to what are the proper hooks that can be used.

Councilor Paradiso said he believes that the idea of circle hooks initially came up as a way to reduce discard mortality in breeding estuaries; he doesn't think anyone foresaw the amount of dialogue this has generated. He asked Mr. Gilmore if

the ASMFC is looking for ideas on how to reword certain items and to add certain exemptions from each state. Mr. Gilmore replied they are not; they are trying to come up collectively with ideas. Mr. Paradiso wonders if, perhaps, a subcommittee is warranted; Mr. Gilmore thought that perhaps further down the line.

Ms. Dearborn asked for clarification of the following statement, which she found on the NYSDEC website with regard to circle hooks:

"A new subparagraph 40.1(g)(2)(i) is added to read as follows:

Recreational anglers are required to use a non-offset circle hook when fishing for striped bass with any natural bait. Striped bass caught on any other type of hook baited with natural bait must be returned to the water immediately without unnecessary injury."

The intention of that phrase is to help enforcement. If we were to allow someone to keep a bass caught by some other means there are going to be a lot of "accidentally caught" bass. Ms. Dearborn thinks it's a good point, however, she believes that phrase also needs more clarification. As written now, it will lead to confusion. Mr. Maniscalco asked Ms. Dearborn if she was against this statement. She said she would like to see the language cleared up before making any comment, possibly yes or possibly no.

Councilor Witthuhn wonders what the magic number the DEC is looking for. Mr. Gilmore said the overall goal is to see the population rebound; there really isn't a magic number they are looking for.

Councilor Danielson wanted to comment on the point Ms. Dearborn brought up about by-catch. He said that he DOES have a problem, he definitely objects. If you allow by-catch of Striped Bass fishing in the commercial fishery particularly for the draggers, why can't I keep a fish if I am fishing for Bluefish but happen to catch a Striped Bass along the way. It's one fish that was legally caught except for the fact that it's by-catch while I was targeting another species, why should I have to throw it back? He also has a whole host of issues with the circle hook regulation in and by itself. He has given his thoughts by every means available; he is against having these rules incorporated into the regulations or the FMP. He feels the common sense approach we should be taking for Striped Bass conservation has gone off the deep end. Mr. Maniscalco understand the objection to the new rules but by making an allowance for even one fish to be retained, it undermines what they are attempting to do.

Councilor Witek believes circle hooks are a good idea. Enforceability in the reg is important. He thinks we start running into problems when we weigh certain things against others, we may need to make sacrifices if we want to bring back Striped Bass by giving up a technique or two. He would like to see a regulation that is saltwater specific rather than the natural bait definition we have here while keeping in mind that we have an ASMFC compliance obligation to consider. His suggestion is for the DEC is to encourage them to think about the intent of the rule, the enforceability, and if they can - regional consistency.

Ms. Dearborn asked if this would come back to the Council once public comment is over. Mr. Maniscalco said the public comment period ends March 8th and MRAC convenes March 23rd so a discussion at the next meeting won't work. Comments from the Council will need to be made timelier if the new rule is to be published by April 1st. Chairman Frisk asked if Mr. Maniscalco could give the Council their assessment once it is made and he replied he would.

Ms. Dearborn said that because of the pandemic many of the shops are not receiving their supplies as they normally would and she hopes that Enforcement will keep that in mind at least for the upcoming year since things have not returned to normal yet. Circle hooks may not be as readily available to meet the demand.

Announcements

Announcements

- Winter 2021 Special Harvest Programs
- ASMFC & MAFMC Public hearings and meetings
- Atlantic States Marine Fisheries Commission meeting, February 1-4, 2021
- Mid-Atlantic Fishery Management Council meeting, February 9-11, 2021
- MAFMC Vacancy – Send letter & resume to:
Eileen.murphy@dec.ny.gov
- Reporting compliance for Food Fish and Crustacea Dealer/Shipper License Holders



******Winter 2021 Special Harvest Programs** -(Information taken from NYSDEC's website (<https://www.dec.ny.gov/outdoor/115861.html>))

NYS Commercial Summer Flounder Permit Holders Only

The weekly summer flounder harvest program will run from **January 5, 2021** through **April 30, 2021**, unless otherwise specified by DEC.

The weekly limit is set at **2,000 pounds** for registered participants.

Registered participants will be permitted to possess and land summer flounder in excess of the normal daily trip limit (280 pounds) up to 2,000 pounds in one trip or multiple broken trips, but in no event may a participant possess or land more than 2,000 pounds in a fishing week, Saturday through Friday.

Black Sea Bass Weekly Harvest Program

The weekly black sea bass harvest program will run from **January 5, 2021** through **April 30, 2021**, unless otherwise specified by DEC.

The weekly limit is set at **500 pounds** for registered participants.

Registered participants will be permitted to possess and land black sea bass in excess of the normal daily trip limit (150 pounds) up to 500 pounds in one trip or multiple broken trips, but in no event may a participant possess or land more than 500 pounds in a fishing week, Saturday through Friday.

NYS Cooperative Multi-State Possession and Landing Pilot Program

NYS Commercial Food Fishing License Holders who participate in the Summer Flounder and/or Black Sea Bass Weekly Harvest Programs only.

The New York State Cooperative Multi-State Possession and Landing Program (Multi-State Program) will run **January 5, 2021** through **April 30, 2021**, unless otherwise specified by DEC.

The Multi-State Program allows holders of a New York State Commercial Food Fishing License to possess onboard multiple trip limits of summer flounder and/or black sea bass intended for ports in cooperating states (CT, RI, and MA). Program participants may only land the trip limit allowed by the respective state's current regulations.

The Multi-State Program does not permit the landing of summer flounder or black sea bass in New York in excess of New York's weekly trip limit.

******To participate in DEC's Winter 2021 Special Harvest Programs, you must complete and submit the Winter 2021 Special Harvest Programs Registration Form (PDF).**

For assistance completing the fillable PDF application and eSignature, review the PDF Application Help Guide (PDF) for helpful instructions. For further assistance, contact commercial.fisheries@dec.ny.gov.

Councilor Davi is not in favor of flexible landings with other states because he fears they will flood our markets. He does understand this will take place only in the winter months though.

ASMFC & MAFMC Public Hearings and Meetings

On March 2nd, there will be a virtual meeting to discuss the draft Amendment for Summer Flounder, Scup and Black Sea Bass – commercial and recreational allocations. They are going to decide the best way to divvy up the resource. This meeting will be held jointly with Connecticut. To register for the virtual public hearing or for information on how to submit comments, visit: <https://www.mafmc.org/newsfeed/2021/sfsbsb-allocation-am-hearings>.

MAFMC Vacancy –

If you are interested in applying for the at-large vacant NY Council seat send letter and resume to:
Eileen.murphy@dec.ny.gov

Reporting compliance for Food Fish and Crustacea Dealer/Shipper License Holders

Starting in 2021, they will be enforcing compliance of reporting requirements. Non-compliance will involve fines for the violators.

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Mr. John Schoenig wanted a spring Blackfish season to once again be placed on the agenda. Mr. Gilmore suggested Mr. Schoenig should write to the DEC with his request and then it can be dealt with in a more formal manner and be placed as an agenda item.

Councilor Witthuhn asked where we stand with the George LaPointe Report, are we any closer to seeing it? Mr. Gilmore said once COVID hit, which was then followed by a second wave, the DEC needed to prioritize items and unfortunately the report, was not considered top priority. It is currently before the Commissioner and while things are being delayed, the thought is to perhaps break down certain aspects of the report and address the “low lying fruit” items such as random selection (to give credit to someone who has been in the fishery multiple years). However, to further complicate the matter, many of the DEC staff are now being deployed to work at different job sites in an effort to expedite vaccinations. The Governor has said that COVID is everyone’s top priority.

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Councilor Dearborn asked if we are looking at status quo for most of the fishing industry moving forward in 2021. Mr. Maniscalco said because of the lack of data, the Federal Government are keeping things status quo.

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**Meeting calendar for 2021**

- March 23<sup>rd</sup>
- April 20<sup>th</sup>
- May 18<sup>th</sup>
- July 20<sup>th</sup> p.m. – hopefully we will be in the DEC's new conference room in Kings Park.
- Sept 14<sup>th</sup>
- November 16<sup>th</sup>

All meetings will take place at 2:00 p.m. unless otherwise stated. Check the Council’s webpage prior to the meeting for the agenda topics as well as format details (webinar instructions, in-person, venue, etc.)

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)).