



Tuesday, September 13, 2022

The meeting was held in person at the DEC offices in Kings Park. It was also available via webinar for listening purposes only.

Chairman Frisk went over the day's agenda followed by introductions by all the councilors present. We did not reach quorum standards for today's meeting so we will not be approving the Minutes from May 17, 2022.

### **Public Comment**

Neal Delanoy wants to bring awareness to the situation surrounding skimmer clams and surf clams on the South shore of LI. He states that the fishery is virtually non-existent right now. There are currently 23 permits for this fishery and he knows for a fact that every vessel and every permit holder in NY State is in favor of more restrictive regulations to help save this dying fishery, specifically, the spawning stock. Currently the regulations are 900 bushels per day/trip which has depleted our stock. Massachusetts still has a healthy fishery and it's because they restrict the size of the cage as well as the number you can catch per trip. He understands we have other issues at play as well – water temp and/or quality, predation, etc. which they can't do anything about but the catch number is something that can be addressed. Mr. Gilmore said he and Debra Barnes have recently spoken about this exact thing, they know the population of clams on the South Shore is in very bad shape unfortunately they don't know how bad since there hasn't been a survey in a very long time (appx. 9 years). The fact that no one has reached their quota in several years is evidence the stock is in decline. They are in discussion about implementing a reduction but the specifics haven't been worked out yet.

Nancy Solomon, Director of Long Island Traditions wanted to remind everyone of the boat show that would be taking place that coming weekend. She also wanted to address (again!) the George LaPointe Report. What is taking so long and when can we see results from the recommendations made in the report? The fishermen are not getting any younger and things need to get moving, specifically the transfer of permits. If the Department isn't successful at moving this along, what can the average person or fisherman do to remedy the situation.

Mr. Gilmore said the DEC's liaison in Albany is working hard to get the information out. Legislators need to hear from people that this is something they need to see action on. He will be happy to supply names that folks can write to further plead this cause.

Sean Barrett

Robert Danielson

John Davi

Melissa Dearborn

Vincent Finalborgo

Thomas Jordan

Henry Lackner

Joseph Paradiso

Christopher Squeri

Charles Witek

Steven Witthuhn

Michael Frisk Chairman

Kim Knoll Staff Assistant

# **Northern Puffer**

DEC staff reviewed available data on Northern puffer life history and collected samples for aging.

### Quick Stats:

Commercial Landings: ~10,000 fish/yr Recreational Landings: ~150,000 fish/yr





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# Northern Puffer Life History

- Short lived and fast growing.
   Oldest specimens ~4 years old = 10in+ fish
- 50% are sexually mature at one year old which is approximately a 7 in fish.
- YOY born in May/June can reach 7 inches by fall

Size (inches)	Age	Number of Eggs (Fecundity)
7	1	86,000
8	2	148,000
10 +	4	341,800



Department of Environmental Conservation

# **Norther Puffer Next Steps/Options**

Potential Management:

- Size limit
- Season
- · Bag limit

As a starting recommendation: an 8 inch size limit means the fish get to spawn at least once.

Commercial Data: 65% above 8 inches

98% above 7 inches

Recreational Data: 54% above 8 inches 76% above 7 inches

Councilor Witek believes we need to work on this, we need a bay fish that's good to eat. Sometimes going out on a boat is not something that can be done because the water is too rough as well as other factors at play; this fish can be caught by standing on the bank. This is a family food fish but without regulations people take too many. Precautionary regulations would allow a decent number to be caught while maintaining control over the fishery.

Councilor Witthuhn hopes we are not too late in doing something to help this variety of fish. The longer we wait the harder it will be to save it. He thinks it's time to start thinking about helping King fish as well.

Mr. Delanoy believes the easiest way to help the fishery is through the season. The fishery should only open in June, once they have spawned to which Ms. Sysak replied that the fish have a protracted spawning season, they will continue to spawn through August. Mr. Lackner said we need to catch them when they are more important and reduce mortality. Councilor Finalborgo said he knows through his store that the availability is limited because the number being brought to his store is zero this year. So the consensus is that something needs to be done to protect this fishery.

Mr. Gilmore said a large part of the problem is to get anything accomplished for this fishery, it will have to be through regulatory authority which will extend the waiting period for something to get passed. The DEC will put together a draft outline and bring it to the Council for their additional thoughts.

### 2022 Quota Management

Maureen Davidson gave the following presentation.

Bluefish	Quota	Quota with rollover	Landings (SAFIS)	% of quota	Remaining quota
Period 1 January - April	41,469		24,083	58%	17,386
Period 2 May - June*	186,612	192,407	207,830	108%	(15,423)
Period 3 July - August	186,173	176,546	46,934	27%	129,612
Period 4 September - October	62,204	197,611	8,263	4%	189,348
Period 5 November - December	20,735				12
Total*	497,193		287,110	58%	210,083
*Two transfers, 40,000 & 42,500 lbs.		SAFIS r	eport Sept 9	, 2022	
Scup		Quota with rollover	Landings (SAFIS)	% of available quota	Remaining quota
Period 1 Jan - April			1,769,157		
State Summer Period I May - June	753,698		814,562	108%	(60,864)
State Summer Period II July - Aug	376,849	315,985	353,728	112%	(37,743)
State Summer Period III Sept	125,616	87,873	25,114	29%	62,759
State Summer Period Total	1,256,163		1,193,404		62,759

Bluefish numbers for May and June had the DEC anticipating they would run out of fish before the season was over so they asked for transfers from two states. They received about 40,000 lbs., however, now they are not worried about running out of bluefish, they are more concerned about utilizing what we have been given. Ms. Davidson believes we will probably be leaving fish in the water this year. No matter how high they have made the daily trip limit, we are just not catching it; so much less than in previous years. Ms. Davidson said there are large amounts in the waters in May and June but then they're gone and they're really not sure where they are going. Councilor Witek has been fishing in the same area for many years and he has not seen a bluefish in that area for the past five years.

Councilor Witthuhn wanted to know when the next bench stock assessment will take place. There was an updated assessment in 2019 but not a bench assessment. One should be coming up shortly.

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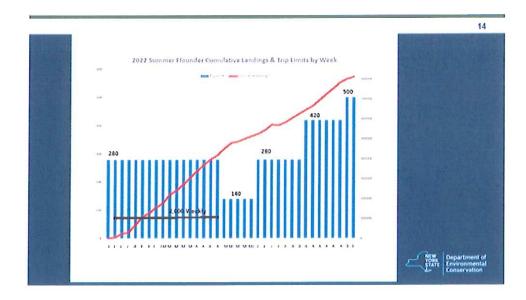
	Horseshoe Crab 2.67	Quota	Landings (#crabs)	% of quota	12
	Period 1 Jan 1 - April 15	6,000	0	0%	
	Period 2 Apr 16 - Aug 31	138,000	74,045	54%	
	Period 3 Sept 1 - Nov 30	6,000	6	0%	-
	Period 4 Dec 1 - Dec 31				
	Total	150,000	74,051		
	Menhaden	Quota	Landings (lbs)	% of quota	Remaining quota
	2022	2,934,618	495,950	17%	2,438,668
2)			Sept 9,	2022	
				Ł	New Conservation Department of Environmental Conservation

Horseshoe Crabs - Ms. McKown wanted to point out that the moon closures that were enacted in May and June had a significant impact on harvest during the summer because that is when they were the most available.

Menhaden - They are unsure why the landings for Menhaden are so low. We have typically had to get bumps from other states because we have run out of our own quota limit. Councilor Jordan said he has heard that the fish are here and gone in a blink making it difficult to plan.

### Summer Flounder

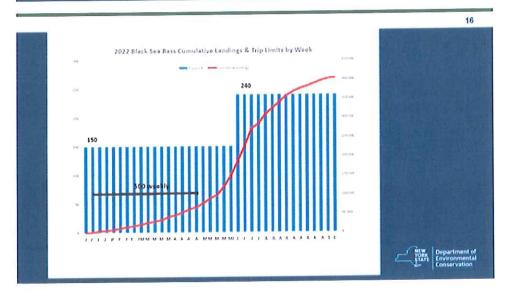
2022 Summer Flounder Weekly Landings Summary (pounds)					1,470,779					13	
Week	Dates	Trip Limit	Landings •	Landings	Remaining Quota	% Annual quota used	2022	Summer F	Flounder C	Quota Dist	ribution
18	4/30 - 5/6	140 daily	33,210	452,733	1.018,046	31%	2022	- Cuminor 7			
19	5/7 - 5/13	140 daily	27,420	480,153	990,626	33%	Period	Dates	Quota (lbs.)	Initial trip limit	% Distrib
20	5/14 - 5/20	140 daily	8,305	488,458	982,321	33%		Dates			
21	5/21 - 5/27	140 daily	13 206	501,664	969,115	34%		January - February	294,156	280 daily/2,00 0 weekly	Salarani
22	5/28 - 6/3	140 daily	13,083	514,747	956.032	35%	1				0.2
23	6/4 - 6/10	280 daily	12,031	526,778	944,001	36%					
24	6/11 - 6/17	280 dally	18,319	545,097	925,682	37%	2	March - April	220,617	280	0.15
25	6/18 - 6/24	280 dally	27,232	572,329	898,450	39%	-				
26	6/25 - 7/1	280 dally	-2,707	569,622	901,157	39%	3	May - July	588,312	140	0.4
27	7/2 - 7/8	280 dally	15,063	584,685	886,094	40%	3				
28	7/9 - 7/15	280 daily	21,909	606,594	864,185	41%		August -	794 100	140	0.2
29	7/16 - 7/22	280 dally	20,621	627,215	843,564	43%	4	October			
30	7/23 - 7/29	420 daily	20,388	647,603	823,176	44%	700	Nov - Dec	73,538	140	0.05
31	7/30 - 8/5	420 daily	19,249	666,852	803,927	45%	5				0.05
32	8/6 - 8/12	420 dally	29,728	696,580	774,199	47%	-	THE RES	San Park		L 5500 1
33	8/13 - 8/19	420 dally	30,548	727,128	743,651	49%					
34	8/20 - 8/26	420 daily	27,557	754,685	716,094	51%				Circ I.	
35	8/27 - 9/2	420 daily	30,541	785,226	685,553	53%			2	STATE ERV	artment of ronmental
36	9/3 - 9/9	500 dally	17,704	802,930	667,849	55%				Con	servation



Ms. Davidson said the fishers have the quota available but they are just not landing them. As of September 9<sup>th</sup>, we were at 55% of the quota. Councilor Witthuhn said ,"Isn't that saying that the fish are not there to be caught?" Mr. Jordan has spoken with Victor Vecchio, Fishery Reporting Specialist for NOAA Fisheries, who believes the low numbers are due to natural fish movement and relocation. What about the extremely high fuel prices? With fuel averaging about \$6.50 a gallon, fishers didn't go out as often as they normally would. Ms. Davidson said that was why they increased the daily trip limit – they understand the trip needs to be worth the fishers while. Mr. Jordan added commercial draggers have said what also added to the problem - once coastal boats (not just NY boats) discovered the winter off-shore fishery, they have been pounding the fishery and that has had a negative effect as well.

Ms. Davidson said we have 45% of the fluke quota to use from now until the end of the year - should we continue to increase the daily limit of fluke, i.e. 700, 800 lbs. a day? Institute the weekly trip limit as they have done in the past i.e., \$4,000 lbs. once a week? Councilor Jordan said sometimes when you flood the market with a large amount of fish, you defeat the purpose because the price will be too low. Ms. Davidson would like to receive feedback from the Council about what would be the best way to move forward.

2022 Black Sea Bass Weekly Landings Summary (pounds)						633,413	12.0				
Week	Dates	Trip Limit	Landings'	Cumulative landings	Total Remainin	% Annual	2022 Black Sea Bass Quota Distribution				ibution
		150 1.7	0.001	76.121	g Quota 557.292	12%	Period	Dates	Quota	Initial trip	% Distr
18	4/30 - 5/6	150 daily	9.981		544.329	14%	renou	Dates	(lbs.)	limit	Dist
19	5/7 - 5/13	150 daily	12,963	89.084	534.859	15%	1	January - April	63,341	150 daily/500 weekly	10%
20	5/14 - 5/20	150 dally	9.470	98.554		19%					
21	5/21 - 5/27	150 daily	21,310	119,864	513.549						
22	5/28 - 6/3	150 daily	28,763	148,627	484.786	23%					
23	6/4 - 6/10	240 daily	37.921	186,548	446.865	29%	2	May - June	253,365	150 daily	40%
24	6/11 - 6/17	240 daily	40,139	226,687	406,726	36%					
25	6/18 - 6/24	240 dally	45,010	271,697	351,716	43%			-		
26	6/25 - 7/1	240 dally	12,628	284,325	349,088	45%	3	July - August	158,353	150 daily	25%
27	7/2 - 7/8	240 daily	24,440	308,765	324.648	49%					
28	7/9 - 7/15	240 daily	16,194	324.959	308.454	51%	112	Sept -	126,683	150 daily	20%
29	7/16 - 7/22	240 dally	15,623	340,582	292,831	54%	4	October			
30	7/23 - 7/29	240 dally	16,283	356,865	276,548	56%					
31	7/30 - 8/5	240 daily	10,913	367.778	265.635	58%	5	Nov - Dec	31,671	150 daily	5%
32	8/6 - 8/12	240 daily	8.446	376,224	257.189	59%	0				
33	8/13 - 8/19	240 daily	5.424	381,648	251.765	60%		Y HAVE LINE	111	THE RESERVE	
34	8/20 - 8/26	240 daily	7,357	389,005	244.408	61%	100			Chew I per	partment of
35	8:27 - 9:2	240 daily	7,102	396,107	237,306	63%	Take and			STATE EN	rironmental
36	9/3 - 9/9	240 daily	5.528	401,635	231.778	63%	the state of			L- Cor	servation



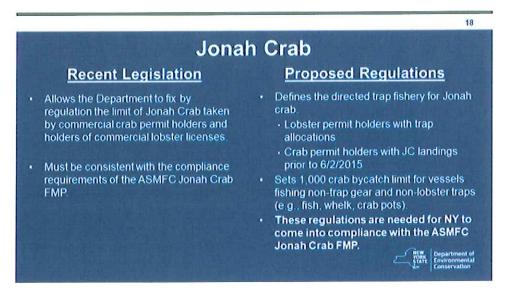
The Black Sea Bass fishery has many similarities. We are at 63% of the daily trip limit. Councilor Witthuhn reiterated that once again, fuel is playing a driving force for the low numbers plus the cost of Black Sea Bass has been the lowest that he has ever seen in more years than he can remember. Ms. Davidson said there really isn't anything the DEC can do about the prices fish go for in the market. It was also noted that we had a very hot summer and who knows how the temperatures affected the fishery.

Councilor Jordan said the price for Black Sea Bass this year was the worst he has seen in his memory, they were horrible but added that this has been such a strange year and the DEC shouldn't react too quickly to the numbers that have come in and Councilor Dearborn echoed his sentiment. Sometimes you have to let things play out.

Ms. Davidson asked if Councilor Jordon had any thoughts regarding other states landings on New York's market but he didn't have an answer. He did say that he is very concerned about the future of this fishery. There is a maximum demand to that resource and if we go over it, we will reduce its value forever. For him and many others, a daily trip limit of 240 was just too much. He would rather catch 100 lbs and receive twice the price, especially when you factor in the high fuel costs per trip. 240 lbs. is not good for the resource nor the fisher. Ms. Davidson said she understands the negative connotations regarding the daily trip limit, however, if the DEC feels they have the fish available, they are going to set limits to that, she remarked again that they really can't control prices in the market.

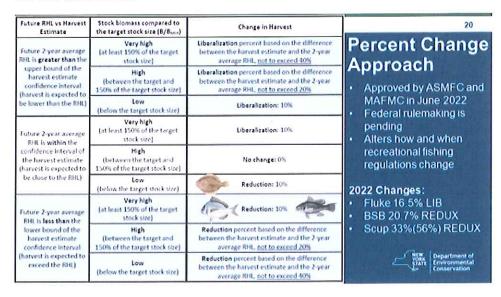
Councilor Dearborn noted that her clients spending is also down which is most likely a reflection of people's discretionary funds. She has seen a tremendous impact on spending habits.

### Jonah Crab



No discussion took place, this was really for informational purposes.

### Harvest control rules



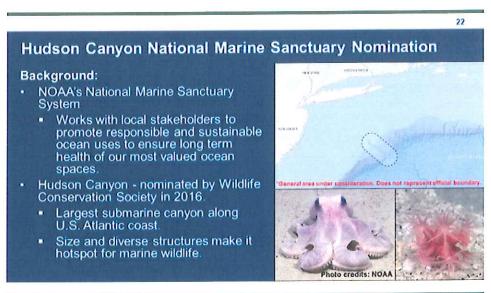
Mr. Maniscalco anticipates the dialogues surrounding this will begin sometime in October and continue into November and December – the discussion will involve implementation and the numerous specifics involved.

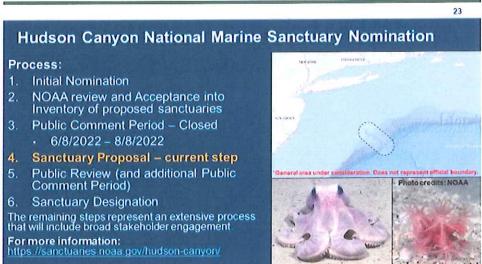
Mr. Neal Delanoy who was involved in the management strategy evaluation for summer flounder said there were several suggestions regarding the management of fluke with the whole point to basically harvest less mature and large females and to instead harvest younger males and hopefully move toward coastwide measures in 2023.

Mr. Maniscalco said he was very impressed with the Management Strategy Evaluation and applauded everyone who worked on that team. They created a model, they took angler survey information into account in addition to the biology

of the fish, maturing females being larger, etc. He understands that Mr. Delanoy wonders how this new approach will play into 2023 regulations. He continued by saying that we are not going to get away from taking a reduction if that is required or being given a liberalization but what he hopes is they will use the output from this information to inform where the regions or coast will go when choosing regulations because not only we learn about angler preference, we also learned about what gains can be made by changing the size and or possession limit and reducing discards. This approach is not ready for black sea bass or scup but it certainly looks like it will be ready Mr. Delanoy said one very good point that was brought up was that for years, we always complained that our percentage was unfair compared to New Jersey. It was said the numbers couldn't be changed unless there was a few years of coastwide regulation, and some of the proposals in the plan are to move toward coastwide harvest, it's possible the unfairness could be revisited. Mr. Maniscalco said he hopes to never go back to state by state.

Hudson Canyon Sanctuary Designation





## **National Marine Sanctuary Nomination:**

# To Be Determined: Sanctuary Boundaries Allowable Activities Oil, gas, and mineral development Offshore wind development Commercial and/or recreational fishing Research and Monitoring Education and Outreach

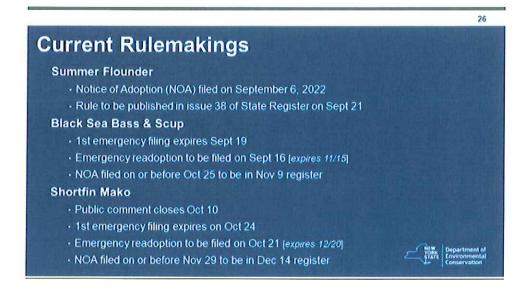
Located just over 100 miles southeast of New York City and rivaling the depth and scale of the Grand Canyon, Hudson Canyon is the largest submarine canyon along the United States' Atlantic coast and one of the largest in the world. Hudson Canyon is rich in biodiversity and provides habitat to a remarkable diversity of marine life, including deep sea corals, sharks, whales, and hundreds of species of fishes, sea turtles, seabirds, and invertebrates.

The National Oceanic and Atmospheric Administration (NOAA) is advancing the public process to designate the sanctuary.

Mr. Maniscalco said there are still many things that need to be decided – boundaries, what activities will be allowed, what things will be forbidden such as: offshore development, recreational and/or commercial fishing, gear types, etc. NOAA would like to hear from the public and they are very interested in your comments and views. The main focus will be on conservation.

Mr. Delanoy hopes that people get involved now, before decisions are made, rather than once they are and then all they have are complaints about what was decided.

### Current rulemaking



### 2023 renewals

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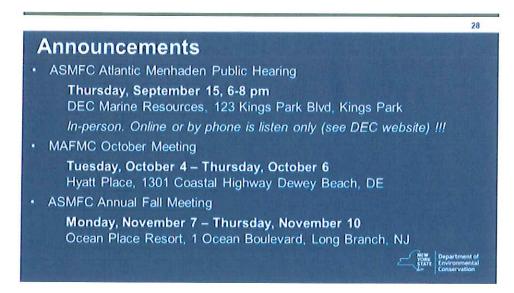
# 2023 Marine Permit and License Renewals

- Preparation for the 2023 renewal season has already begun.
- There are approximately 4,000 permit holders in the MPS system.
- There is about 10,000 permits/licenses that are issued each year.
- Look for your renewal in the mail by mid-November.
- · You may renew by mail or in person.



The DEC will begin the renewal process shortly. Folks should be aware they will be receiving paperwork for renewing licenses by mail. Fishers should receive this by mid-November.

Councilor Jordan asked if there is going to be a push to make pre-designation mandatory? Ms. Davidson said that it is supposed to be mandatory, however, they are not enforcing that "without it you will be unable to receive your renewal". What they are doing is keeping a list of people who do not comply and corresponding with them the need to complete that designation. They are going to have all the necessary forms on line and if people want to change their mind about who they have designated, they will be able to do that as well. Unfortunately, this past year 2 commercial fishers passed away without having a designation on file. The DEC was forced to say they were very sorry but the license will now be terminated because there isn't a pre-designation name on file. They understand the news is upsetting and especially at such a difficult time but this is something that can be avoided if they just take the necessary steps. Mr. Gilmore said he can set his watch to it – by the second week in in January, he begins to get phone calls that someone has died and they want that person's permit. Mr. Jordan said that every year when he applies for his shellfish license, he needs to complete several questions or he will not receive his license, for a license, shouldn't people have to meet the DEC's laid out standards - can't the DEC create something similar for pre-designation?



Menhaden commercial allocation public hearing is being held in the DEC offices on September 15th. The current allocation numbers aren't working. Some states need transfers every year while other states never harvest their full quota. The commission will be looking at the numbers and making more appropriate changes to the allocation.

Mr. Gilmore said that New York currently has a 3,000,000 lb. quota which we typically go over. Over the 3M, it is considered incidental catch which has to be non-directed gear. The gear that is used in New York is a beach seine and is considered a directed fishery. We will not have a fishery soon, it will be shut down completely. A beach seine is not a purse seine and we need to make that point known. The nets we now use can only catch about 1,000 lbs. where larger gears were able to catch more at any given time. The DEC needs menhaden fishers to weigh in and stress that this is a conservation issue and add that this is a bait fishery that people are relying on.

### Filling Council Seats

We have a long-standing issue about keeping appointments up to date and getting empty Council seats filled. We are currently holding 3 empty commercial seats and that is not even counting the fact that each of the Councilors (both commercial and recreational) standing appointments have all expired. Council seats that have appointments by the Commissioner are ones that we can hope to fill (and renew) without problem, the remaining seats need to be appointed through the Governor's office and require a more lengthily process. Legally, the Council should not even be meeting because the bylaws say that the Council should only meet when they achieve a quorum and with only Councilor Jordan representing the Commercial side, we clearly are not reaching a quorum today. We need to come up with a plan moving forward. Chairman Frisk would like to generate a subcommittee to tackle the various problems surrounding these issues.

Mr. Gilmore said the DEC is required to receive input from the Council so its vitally important that MRAC maintains a full contingent of Councilors

Chairman Frisk asked for volunteers to serve on a subcommittee to work on these issues and to hopefully come up with constructive ideas for enticement of possible appointee nominations and ways in which to retain them. Councilors Jordan, Danielson, Dearborn, Paradiso, Witek and Witthuhn all stepped up and volunteered. The subcommittee will meet and bring their ideas to the next Council meeting on November 15<sup>th</sup>.

Chairman Frisk ended the meeting ended at 4:55 p.m.

Next Meeting -

Tuesday, November 15, 2022 2:00 p.m.

Please note that all meetings, unless otherwise stated, will take place at the DEC's offices located at 123 Kings Park Boulevard, Kings Park, 11754. We will be choosing calendar dates for 2023 at the November 15<sup>th</sup> meeting.

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: <a href="https://you.stonybrook.edu/mrac/meetings/">https://you.stonybrook.edu/mrac/meetings/</a>

Should you wish to suggest an agenda topic, contact the Chairman, Dr. Michael Frisk, (<u>michael.frisk@stonybrook.edu</u>); phone 631 632-8656 or Staff Assistant, Kim Knoll (kim.knoll@stonybrook.edu).