



Marine Resources Advisory Council

Tuesday, November 15, 2022

Chairman Frisk began by going over the agenda followed by introductions by all the Councilors and James Gilmore, Director of Marine Division for NYSDEC.

Public Comment

John Schoenig from the Imperial Sportsman Club talked about fishing for blackfish in the spring, would like to see a change in the season from the second week in April to the second week in May because the fish are more plentiful. He believes this would give the for-hire people a little more to fish for in the Spring.

Councilor Danielson said what he is hearing is that folks, particularly the for-hire industry, is they would rather have days added to the fall season. The reason being, it really doesn't benefit New York's recreational fisherman to fish at the same time Connecticut is fishing; the for-hire industry is not finding it productive having a spring fishing season. Councilor Paradiso said so many are finding it hard to book fishing trips. Councilor Dearborn concurred, she said people would prefer having the Columbus Day weekend. Councilor Danielson asked if Mr. Maniscalco would be able to come up with preliminary figures extending the fall season to be brought up at January's Council meeting. Mr. Maniscalco said even if he has figures ready for the Council in January, it might not be feasible to expect it in place for the 2023 season. It was asked what if the Council received the information *prior* to January's meeting so the Council would be well informed and ready to vote at the January meeting in the hopes of expediting the process. Mr. Maniscalco will work on it.

Matt Broderick, Managing Editor from the Long Island Fisherman said his paper has heard complaints from anglers that the boat ramps were pulled out of the water earlier this year and without any press release or warnings. Many of the anglers thought they had several more weeks of fishing based on previous years and were very irate. Mr. Gilmore apologized, he stated that the Department has several new employees in the Operations Department and due to communication errors, the ramps were pulled earlier than they should have been. He sends his apologies to everyone, they now understand that there needs to be numerous approvals before taking on that task.

Approval of Minutes

The Minutes from May 17, 2022 and September 13, 2022 were both unanimously approved as written.

Updates on ASMFC and MAFMC Fall Meetings

ASMFC

There is a full summary of the meeting on their website (<http://www.asmfc.org/home/2022-annual-meeting>) but Mr. Gilmore went over the more salient points.

Striped Bass – the stock assessment came out and it was fairly decent, things do seem to be improving for that fishery. There will be the same limits for 2023 as in 2022.

Draft addendum I – There was still a question surrounding quota transfers in the commercial fishery. Appropriate or not, there is still a lot of discussion taking place. This will be going out for public comment and there will be a hearing, no date yet, but they will need to vote on this in February so they hope to have a meeting set up before January 1st. One of the aspects being pondered is a transfer tax proposal. Draft Addendum I – Addendum VII has a statement that quota transferred would be allowed, however, if the stock is overfished there would be a 5% conservation tax to address discrepancies that have happened.

Councilor Danielson said there has been a lot of chatter about the proposal especially since the stock is still below the threshold, folks would rather err on the cautious approach for managing striped bass at this time. They are not in favor of a transfer. For the recreational community, as long as it's overfished and below the threshold and below the target, they don't want conservation equivalency to happen. He doesn't think the thought process for commercial would be different. Mr. Danielson isn't sure he completely agrees with that view but he did want the DEC to be aware of what folks are saying.

Mr. Gilmore hopes that people with strong opinions either way show up for the hearing to voice their concerns. In order to expedite this, the hearing may end up being remote.

Ralph Vigmostad listened to the Minutes of the meeting and pointed out that the opening statement was that the fishery is overfished but overfishing is not occurring. Numbers for spawning stock biomass for 2021 show 143 million lbs. while the threshold is 188 million lbs. and the target is 235 million lbs. so we are nowhere near the target. They said there is a 78.6% chance that we will meet our target by 2029. With all the dismal figures presented at that meeting, wouldn't it be logical to move the 28" figure up to 33" to allow the spawning stock from 2015 the ability to spawn and help the fishery? Mr. Gilmore said that suggestion was brought up at the meeting but wasn't met with significant support.

The next stock benchmark is scheduled for 2024. Next year (2023) will just be an update.

Councilor Witek said the 78.6% probability was an assumption that the fishing mortality rate would remain the same as for 2021 which was actually ~300 to the point below the target. What came out at the meeting is that next year, as soon as the data is available, they will compare the actual 2022 landings against the projected numbers and if it seems like the fishing mortality rate is significantly higher than they expected, they may actually revisit the issue as early as the May meeting next year. Mr. Witek said he is happy to see that they are going to keep close tabs on the numbers and make sure that the mortality rate doesn't get away from us.

CARES ACT

Mr. Gilmore stated a few states had leftover funds and initially NY cut the allotment off at 40% (unless you were a large business then other considerations were taken into account). New York hopes to be able to give additional monies to the original qualifiers that would bring their amount up to 45%. They expect to be able to distribute approximately \$1M additionally and to do so quickly. The checks will once again be coming directly from ASMFC.

ATLANTIC MENHADEN

The stock assessment showed the stock had increased enough (even with ecosystem based reference points) and there were enough positives for an increase in the quota.

There has been another strain on the fishery since Atlantic Herring up in the Gulf of Maine has collapsed. They are now using Menhaden as their bait for the lobster fishery. Maine has gone from harvest 2M lbs. a year to 20M lbs. a year. Models indicated there could be an increase to 300M metric tons coastwide but most fishers didn't want to go that high. After a bit of back and forth they ended up with 233 metric tons. NY was getting about ½ percent but because

Menhaden is being used as a bait fishery, the demand was becoming greater. Bait fishermen will be able to continue in the fall. All in all, New York walked out of the room in better shape than going in. We still have transfers available should we go over but Mr. Gilmore doesn't anticipate that.

HORSESHOE CRABS

Some people are pushing for moratoriums but the DEC countered that this is not how you manage a fishery and you won't solve any of the problems this way. There does seem to be a slight uptick in the population. Councilor Davi believes the moon closures have been helpful and he said it even surprised him by how much.

MAFMC October Council Meeting Highlights

6

MAFMC October Council Meeting Highlights

- Set 2023 spiny dogfish specifications including a 55% reduction in the Acceptable Biological Catch and a 59% reduction in the commercial quota, compared to 2022
- Approved for public comment a draft amendment to modify the species separation requirements in the Atlantic surfclam and ocean quahog fisheries.
- Initiated an Omnibus (all Council-managed species) Essential Fish Habitat (EFH) Amendment
- Received a presentation on NOAA Fisheries Draft Ropeless Roadmap Report



7



Steve Heins was awarded the 2021 Ricks E Savage Award



Mr. Stephen (Steve) Heins was named the 2021 recipient of the Ricks E Savage Award. The award is given each year to a person who has added value to the MAFMC process and management goals through significant scientific, legislative, enforcement, or management activities. Mr. Heins retired in 2017 following 29 years of employment with the New York Department of Environmental Conservation. Early in his career, he headed New York State's artificial reef and fishing access programs. During his last 11 years at DEC, he served as the Chief of Marine Fisheries and coordinator of finfish and crustacean programs. In this role, he also served as the department's designee to the Mid-Atlantic Council. After his retirement, Mr. Heins was appointed to New York's obligatory seat on the Council and served for one additional term. Throughout his 14-year tenure on the Council, Mr. Heins contributed a wealth of knowledge and experience for every MAFMC-managed species as well as NEFMC managed species such as groundfish.

9

Upcoming Rulemakings

American shad/Cobia/Atlantic cod – normal rulemaking

- American shad – Delaware River only, drop possession limit from 3 to 2
- Cobia – Decrease possession limit to 1 per vessel (*de minimus* regulations)
- Atlantic cod – not a mandate, but NY has been asked by the NEFMC to makes its recreational regulations consistent with Federal waters (like MA, RI, and CT; NJ is reviewing the same request)
 - 95% of NY recreational landings come from Federal waters
 - Proposes a closed season from May 1 through July 31 (currently OPEN all year)
 - Proposes a slot limit from 22" – 28" (currently minimum length is 21")
 - Proposes a decreased possession limit from 10 fish to 5 fish



Mr. Maniscalco wanted to remind everyone that these changes are substantial and that 95% of New York's recreational landings come from Federal water so this is really about closing that loophole concerning crossing an imaginary line. Currently Cod is open all year, this will propose a closure for 3 months. Councilor Jordan thinks the only fishers to be upset by this will be the rule breakers and this will only impact those folks not doing the right thing.

Councilor Danielson said normally closing for 2-3 months would have made him crazy but he said realistically, the fish just aren't there. Mr. Maniscalco agreed, he said that the Cod fishery is in trouble right now and he hopes to get the Council behind these measures. January's Council meeting would be a good time to have the Council's endorsement/decision.

Mr. Delanoy believes it's good to have consistency between state and federal waters. It makes enforcement much easier and for the fisher to know what the rules are.

Upcoming Rulemakings

Shore-based shark fishing – normal rulemaking

Atlantic striped bass – normal rulemaking (early January 2023?)

- No gaffing recreationally (Part 40 and 10)
- Remove \$0.25/tag price cap
- Revise commercial reporting language for federal permit holders (outdated)



Northern Puffer

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



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



Northern Puffer Options

Potential Management:

- Size 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



Northern Puffer Options

Potential Management:

- Season

As a starting recommendation:

If you go with a smaller size limit than 8 inches, a season closure in spring could protect early spawners.

Most of the commercial and recreational harvest occurs in the fall.

Commercial Data:

100% occurs after April
74% occurs after May
71% occurs after June

Recreational Data:

100% occurs after Wave 2 (March/April)
90% occurs after Wave 3 (May/June)
77% occurs after Wave 4 (July/August)



Northern Puffer Options

Possession or trip limit?

- DEC does not have sufficient data to inform a possession or trip limit.
- Happy to hear feedback from Councilors and other stakeholders.



Thank You

- Sandra Dumais
- Marine Finfish Unit
- 123 Kings Park Blvd,
Kings Park, NY 11754
- Sandra.Dumais@dec.ny.gov
- 631 444 0445

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Councilor Danielson said the folks he has talked to is definitely on board with trying to protect this species. His recommendation would be for a 7 ½" size and a bag limit. Even if folks are going to break the law, we are giving the enforcement officers something to work with. Mr. Witek is leaning toward 8" giving the fish a chance to spawn and a bag limit of 15-20 fish. Mr. Delanoy said he is 74 years old and old enough to remember when this was a healthy fishery. He would recommend a spring closure and perhaps 12 fish and a size limit of 8".

Between now and January the councilors will do outreach to their various fishing communities to gain opinions and suggestions so it can be voted on in January.

Councilor Dearborn believes that 12 fish bag limit is too low especially since we will be the only ones putting forth a regulation on this fishery. She thinks 15-20 would be a decent amount to catch. She also thinks it's important for there to be a fishery for kids to be involved with.

Councilor Jordan said that kids aren't fishing for their dinner, they are fishing for fun and if they need to throw them back, they will be fine with that. He, too, believes its important for this fishery to grow again.

Councilor Davi worries that when this goes through regulation eventually this will begin to hit the commercial fishermen as well, which is what usually happens. He thinks New York should wait until a federal regulation comes out, he believes the recreational community is hurting themselves. Councilor Danielson said they would hope this regulation will cut down on gluttony in the industry and protect the species. Mr. Delanoy thinks it would be a good idea for an 8" size limit for commercial fishers too.

Mr. Broderick wouldn't want to discourage people from catching fish and he personally doesn't see 8" fish.

John Schoneig thinks we need to protect this fish and would go with an 8" fish and a 15-20 bag limit. He believes they are local and this is mainly a New York problem.

Sandy Dumais will be spearheading this endeavor and welcomes all comments. Her contact information is noted above.

Mr. Gilmore started by saying the DEC is putting together a management plan for Skate because there has been a new feature that's developed in Delaware. People are fishing at night using lights and they are taking a significant number of Skates – so much so, the DEC believes it is going to affect its population. He wanted to know if anyone else has heard of this newest technique. He continued by saying if anyone does hear about this to please contact him and let him know. He isn't sure if this is a commercial or recreational problem right now, he doesn't have enough information.

19

Commercial Tautog Management

- Beginning in 2023, Commercial Tautog Tags will no longer be free.
- Please monitor your mail and email for detailed information on this change which will be sent out with the tautog tag reporting reminders in January.



20

Multi-State Harvest Program

- Application will be on DEC's website in early December.
- Program anticipated to run from 1/9 – 4/30.

2023 Quota Distribution Meeting

- Meeting to be held December 6, 6-9pm at DEC Marine Resources Headquarters. Participate virtually through a link on DEC's website: <https://on.ny.gov/commercialfishing>
- We will discuss the 2022 quota managed fishery performance and solicit feedback from the industry for 2023.



Electronic Notifications for Permit Holders

You may choose to receive notifications by email or text.

- Changes to trip limits
- Reporting issues for fishermen and dealers
- Meetings and hearings
- New artificial reef deployment locations

Sign-up: VTR@dec.ny.gov



Councilor Jordan would like to see the Commercial Tautog Tagging Program as an agenda item for January. He states the program is still riddled with problems. This program was to aid enforcement in being better able to manage and curtail illegal fish being sold in markets. He would like to see data regarding this because there are still so many restaurants and markets serving and selling fish that do not have tags. There needs to be cooperation from the end user in order for this to work. Mr. Gilmore said he will have enforcement here at the January meeting to go over the results.

2022 Fishing Season

Season ends **December 15, 2022**

- Reports due 5 days after all tags have been filled
- Unused tags returned 5 days after close of season

Letter will be sent last week of November with reminder of deadlines and individual summary of reports/tag usage



Past Seasons

Timeline for determining tag allocations has been dependent upon:

1. Renewal deadline (need # of permit holders)
2. Late reporting/late return of tags (need to ensure we didn't go over quota)
3. Need to have an accurate average pound per fish being caught



2023 Fishing Season

Tag order packets will be sent out first week of February (gives ~15 weeks prior to start of season)

In order to get your order packet early February you must have:

1. Permit renewed for 2023
2. All reports in and complete (pounds and count) and unused tags returned and accounted for



Permit Renewals

STB permit renewal deadline is April 15

- Encourage you to renew well in advance of deadline if you want your tags by start of season



Takeaway – the Permit Office will get you the package you need to renew your tags but you must supply *all required* information to DEC.

Renewals 2023 and Random Selection

2023 Marine Permit and License Renewals

- **The 2023 renewal season has already begun.**
- Renewal packets have been mailed and 2023 renewals have been issued.
- You may renew by mail or in person.
- **The last day to renew 2022 licenses or permits is Friday, December 30, 2022.**

There are approximately 3,500 permit holders in the MPS system and about 10,000 permits/licenses that are issued each year.



Random Selection

- The application period is open for new 2023 limited entry licenses.
- Applications for 2023 limited entry licenses must be received by Tuesday, January 3, 2023 to be considered.
- The random selection will be scheduled for February or March 2023.

For information on applying for a limited entry license please contact:

Robert Sayers

Robert.sayers@dec.ny.gov

631-444-0455



Reporting requirement

Harvester Reporting Compliance

- Harvesters are required to report monthly.
- Reports are due the 15th of the following month.
- Notices of missing reports were mailed in October and included in permit renewals.



Dealer Reporting Compliance

- Reporting requirements are determined by the dealer status.
- Weekly reporting is required.
- Reports are due within 3 days of the end of the week.
- Compliance notices will be sent out every quarter.
- Dealers must report on eDR.



MRAC Subcommittee Update

The subcommittee was formed to address areas of concern surrounding the Council itself. We have been trying to fill three vacant Council seats on the commercial side for several years and attendance for currently seated Council members (both recreational and commercial sides) can also be problematic.

The subcommittee met on October 13th to discuss these matters and to collaborate on possible solutions. Chairman Frisk went over some of the more salient ideas and welcomed feedback from others.

Changing the time of the meetings to evening meetings.

It was thought this would draw a greater audience because most people work during the day and cannot take off just to attend a meeting. There was some skepticism about this because we have had evening meetings in the past and there wasn't much difference in the attendance. January's meeting will be held in the evening as a trial test to see if this change might be helpful. It was also said that it's really the important topics that draw the crowd.

Mr. Gilmore suggested making the meeting from 4:00 p.m. – 7:00 p.m. and Mr. Danielson reiterated that it is more the topic than the timing of the meeting. Mr. Davi said for the commercial fisherman changing the time by a few hours is not going to make a difference, if they are out on the water, they would still have to come in early in order to get to the meeting on time.

Councilor Jordan said it's really about commitment. Not all commercial fishermen are out on the water and we're talking about 6-7 meetings a year. Councilor Danielson concurred, it's about making the commitment and who has a knowledge base that can sit in the chair. He believes strongly in the purpose this Council fills and we need to find others that feel the same way.

Dropping one or two meetings during the year

Possibly the Legislative Review meeting in March and/or July's meeting which is more often than not dropped because of a lack of topics. Dropping the Legislative Review meeting was met with strong opposition. Most felt it is the most important meeting and should NOT be dropped. Some thought we should keep July's meeting on the calendar but list it as "tentative" and depending on whether or not there is something that needs to be discussed will determine whether a meeting will be held.

Attending and voting virtually

Possibly have some members attend virtually though a satellite office. It was thought this would be beneficial for the Council members who live a great distance from the NYSDEC building. We have Councilors who live more than 40 miles away and traveling to the meetings especially in inclement weather takes a considerable amount of time. Because of the way the by-laws are written right now this would not work because a Councilor would not be able to cast their votes. If this were to happen there would need to be a change. It would be an operational change though, it would not need to go through Legislation.

Mr. Gilmore added that even though most meetings are being held hybrid right now (since Covid began) and will be for the next several years, he doesn't think this would be a positive step. When important issues come up it's extremely difficult to have a back and forth discussion. For more routine matters, that might work but on a whole he really is against this. Mr. Davi said he has a lot of connections in numerous fisheries and he is still willing to sit on the Council if he could do it remotely sometimes.

Councilor Dearborn said it's the wave of the future and we might need to be more flexible in order to move forward and have a full contingent of Councilors.

Financial Compensation

Another incentive was to perhaps have the Councilors receive payment for being on the Council, not reimbursement money for mileage, etc. This was met with **strong** opposition from the subcommittee and from the Council members at the days meeting. It was thought that perhaps people would only apply because they were being paid, which could affect the quality and commitment of their appointment. They also didn't want it to appear that being paid would possibly sway their voting to go a certain way.

Reaching out

To solicit someone in the shellfish area, a commercial person who is not at sea for long periods of time, someone in aquaculture to name a few areas to outreach to. It was also thought to come up with a template/application of sorts to make appointing someone easier and not so time consuming or daunting. Possibly look at the ASMFC website for their Advisory Council application and modify accordingly.

The Process

Mr. Gilmore said the Commissioner confirms all the appointments but he actually chooses 1/3 of the seats, the Senate picks 1/3 of the seats and the assembly picks the remaining 1/3. The DEC does not really get involved.

A large part of the problem has been on the administration side. Mr. Gilmore said three candidate's applications were sent up to Albany, however, no one has gotten through. He has also spoken to the new liaison for the Chamber who has been tasked with bringing all committees, boards and councils up to speed. Currently all MRAC members renewal appointments are overdue. He's very optimistic that things will move quicker going forward.

Councilors questioned Mr. Gilmore as to the exact process involved. Mr. Gilmore said there are three ways to get appointed. You can either send a letter to the commissioner or you can reach out to the head of the Senate or Assembly. For instance, if you were from the East End, you could approach Fred Thiele and say that you would like to be on MRAC as a commercial representative and he could then propose your request to the Head of the Assembly. The same for your district's Senator. Once someone applies, Mr. Gilmore can follow through with his endorsement.

2023 Calendar Year

The next meeting will be an evening meeting and will take place on **Tuesday, January 24, 2023 at 6:00 p.m.** The remaining calendar dates for the year will be chosen at that time.

Please note that all meetings, unless otherwise stated, will take place at the DEC offices located at 123 Kings Park Boulevard, Kings Park, 11754.

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: <https://you.stonybrook.edu/mrac/meetings/>

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