



Tuesday, April 18, 2023

## LEGISLATIVE REVIEW

Chairman Frisk was unavailable to attend today's meeting due to a work conflict. Councilor Charles Witek was acting Chairman for the meeting. The meeting began with introductions by the Councilors attending as well as by John Maniscalco who was filling in for Acting Director of the DEC, Julia Socrates.

### Approval of Minutes – March 18, 2023

The Minutes were not ready for approval at today's meeting, so it will be postponed until the next Council meeting.

### Public Comments

>Tor Vincent, a commercial fisherman brought live fish infected with bacteria to the previous Council in March. He wanted answers as to what type of bacteria the fish had contracted. The fish were given to Dr. Bassam Allam at Stony Brook University who specializes in Marine invertebrate physiology and health. The bacteriological study has been drafted by SoMAS and is being reviewed by DEC before being released to the public. During the meeting, Mr. Maniscalco listed some bacteria that had been observed during the study. Mr. Vincent wants a full report in order for the fishers who have been impacted by this to follow through with some kind of settlement. He feels the problem of bacteria is directly related to having to use fin fish tags rather than tags specifically meant for use in fish's gills.

>Neal Delanoy, Director of Captree Boatman Association, recalled that in years back, there was more of a collaborative effort between stakeholders and the DEC when it came to proposed regulations. People used to just go out to dinner and brainstorm about different ideas and other possible regulations. They would talk about bad management, discard mortality and so many pertinent topics. He said those brainstorming sessions don't happen anymore but we should revisit that. He believes there are many other ideas that could possibly make things better, things that the DEC may not have thought about themselves. In the past, those discussions were very valuable and definitely worth considering again. He thought perhaps the MRAC Council could get involved. Councilor Danielson said the dinners Neal referred to were with the DEC staff and not Councilors, the Council becomes involved after the DEC comes up with regulations and limits. Mr. Delanoy feels the Council should be more proactive than reactive when it comes to legislative matters.

>Captain Joseph McBride, from the Montauk Boatmen & Captains Association and former Councilor of MRAC sent a letter to Mr. Maniscalco and wanted it recorded as part of today's Minutes:

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

Date: March 15, 2023

From: Montauk Boatmen and Captains Association (MBCA)

Subject: The DEC position on Black Sea Bass regulations for New York State (2023) and the advantages for both Connecticut and Rhode Island proposals (for the For-Hire industry)

1. Both of our competitive states draw their customers from the NYC metro area as do the NYS For Hire boats.
2. The For Hire industry serves the general public who cannot afford their own boat. The private boat owners can fish for the public resource (fish) seven days a week. The non-boat owning public has to utilize the For-Hire boats (either 6 pack or head boat).
3. The For Hire captains pay an annual fee of \$250.00 plus for the ability to maintain their businesses in NY waters.

The For Hire industry, directly and indirectly, contributes to the 4 billion dollar recreational fishing industry on Long Island (Cornell University survey). This is without a multiplier effect and exclusive of the sale of boats.

The MBCA would like the DEC to help us maintain an equal economic form of regulations so as to compete fairly with our neighboring states.

Respectfully Submitted,

Capt. Rick Etzel, MBCA President

Capt. Joe McBride, MBCA Legislative Representative

>Neal Steve sees the party boats getting squeezed out of business. The only fish they can work with are scup. They are basically starting the business on May 1<sup>st</sup>, scup season used to begin on January 1<sup>st</sup>, so with winter flounder having crashed and no longer a viable target, there are no longer any available species that can be targeted by party boats prior to that time.

>Mark Wooley, representative for Congressman George Santos, said his office will be happy to work with the Mid-Atlantic Council to formulate a plan that would help the party and charter boat sector improve their business.

### **Legislative Review**

**S2808 Lanza/A1821 Colton (MS)** – Prohibits disposal of spoils containing toxic pollutants into the waters of the marine district

This bill was previously discussed in May of 2021 and supported by MRAC. At the time Mr. Gilmore said it was important to understand what exactly "toxic pollutants" are. He recalled that New York was not able to use its own subway cars as artificial reefs because they were considered to have asbestos in the floor tiles and even though they would be 80 ft below the surface of the water, they were considered toxic pollutants. It was thought then and now that more information is needed before making a decision.

*Motion to support the bill by Councilor Danielson, seconded by Councilor Barrett*

All in favor – 1, Opposed – 2\*, Abstentions – 4. **Motion fails**

**A03420 Pretlow** – Prohibits the sale of live genetically modified salmon.

Councilor Danielson said he is against any fish being sold that is "genetically modified."

*Motion to Support the bill by Councilor Danielson, seconded by Councilor Barrett.*

All in favor – 6, Opposed – 0, Abstentions – 1 (Councilor Witek) Motion **passes**

**S2150 Addabbo/A2808 Pfeffer Amato & A2825** - Relates to the filling of borrow pits in Jamaica Bay

Discussion –Mr. Maniscalco doesn't know how loose or how strict those requirements are but this bill had been vetoed in 2020, 2021, and 2022. People might be opposed to this in order to protect habitats. *No action was taken by the Council.*

**A4817 Thiele** relates to the leasing of state-owned underwater lands for seaweed cultivation.

Councilor Barrett said New York is far behind other states in this endeavor and he recalls when this topic has been brought before the Council previously, the Council was in favor of this. It was questioned why the Governor had vetoed this bill, what was it that she had a problem with? Mr. Maniscalco read:

" VETO MESSAGE - No. 120

TO THE ASSEMBLY:

I am returning herewith, without my approval, the following bill:

Assembly Bill Number 9938, entitled:

"AN ACT to amend the environmental conservation law, in relation to permitting the leasing of state-owned underwater lands for seaweed cultivation"

NOT APPROVED

This bill would authorize the Department of Environmental Conservation (DEC) to lease state-owned underwater lands within the marine and coastal districts for seaweed cultivation.

Last year, I signed a bill that amended the Environmental Conservation Law to authorize seaweed cultivation in underwater lands ceded to Suffolk County in Gardiner's and Peconic Bay. Suffolk County's pilot program for kelp cultivation does not end until 2026.

There is currently no commercial scale for seaweed cultivation in New York. Assessing potential environmental impacts, commercial and recreational user conflicts and spatial planning must be undertaken before leasing is considered on state-owned underwater lands. It is premature to create a broader leasing program for seaweed aquaculture on state-owned underwater lands at this time as the state is still considering a pilot program.

Therefore, I am constrained to veto this bill.

The bill is disapproved. (signed) KATHY HOCHUL"

Councilor Witek initially worried how much of public land would be restricted by this but the following discussion revealed it was for leases already being held. Councilor Danielson would like the language in the rewrite of this bill to specify that this is for **NOT** for new leases, it would only be for leases that people had the change is going to be that it will include cultivation. Councilor Dearborn thinks that the wording should say "current lease holders" to avoid any confusion. Councilor Lackner wondered if the language should be more specific by saying sugar kelp instead of seaweed cultivation.

*Motion to support this bill by Councilor Barrett, seconded by Councilor Jordan.*

Councilor Jordan wanted to know what verbiage could be added to this Bill to give it more of an impact and to receive more approval.

Chris Fallier, a recreation fisher, thought perhaps the wording should restrict the bill to native plants and not invasive species being introduced. Councilor Barrett said the current bill already has verbiage about native and indigenous and wanted it noted that recreational fisherman actually like to fish around the periphery of the kelp farms

In favor - 4 opposed – 2 abstention – 1 (Councilor Witek) **Motion passes**

**S605 Kavanagh** – Prohibits the release of certain balloons (Prohibits the outdoor release of ten or more balloons filled with helium or a substance which causes the balloon to rise or float in the atmosphere, within a 24-hour period, in order to reduce litter and protect the marine environment)

The Council has discussed bills similar to this in the past but the difference is that this bill is addressing balloon releases on a large scale (i.e., sporting events, graduations, etc) and the Councilors all feel this intentional practice should be curtailed.

*Motion to support this bill by Councilor Danielson, Councilor Dearborn seconded.*

All in favor – 6, Opposed -0, Abstentions – 1 (Councilor Witek) **Motion passes**

**S2262 Palumbo/A3851 Thiele** – Relates to the prohibiting the release of certain balloons.

While the previous bill discusses the large scale purposely released balloons, this bill could affect a single balloon release. It was said the who doesn't have a child that at one time or another accidentally released a balloon into the air, are you going to fine an 8-year-old?

Motion to oppose this bill by Councilor Danielson, Councilor Jordan seconded.

Councilor Barret thinks the Council should endorse this bill, not oppose it. Released balloons affect the environment so negatively, this would at least send a message this is not a practice anyone should do no matter what the scale of release.

All in favor – 4, Opposed -2, Abstentions – 1 (Councilor Witek) **Motion passes**

**A2005 Thiele** – Relates to certain commercial fishing and shellfish licenses and permits (LaPointe bill)

This bill is acceptable but there appears to be a typo – it says "crab and crab" where it should say "crab and whelk."

Motion to support A2005 with language change reflecting the duplication of crab from Councilor Jordan, seconded by Councilor Barrett.

All in favor – 5, Opposed – 0, Abstentions – 2 (Councilors Danielson and Witek) **Motion passes**

## **Announcements**

ASMFC meeting for Summer Flounder, Scup and Black Sea Bass Technical Committee and Monitoring Committee will take place on Thursday May 11 at 1:00 p.m.

## **Description**

Please note this is a working meeting of the Technical Committee and Monitoring Committee. The public is welcome to listen in, but there will be limited opportunity to provide comments during the call/webinar. During conference calls/webinars, we ask that the public and other non-participating attendees please mute their lines in order to minimize distractions to the Committees' deliberations.

### Draft Agenda

Webinar: <https://midatlanticfisheriesmc.webex.com/midatlanticfisheriesmc/j.php?MTID=m8178b02ccbc516bcbd33cd6c6ec7b1de>

Meeting Number (access code): 2334 645 3190

Meeting Password: WmPdingF664

## **2023 MRAC Calendar**

~~Tuesday, May 16<sup>th</sup> – 2:00 p.m.~~ New meeting date to be determined

Tuesday, July 18<sup>th</sup> – 6:00 p.m.

Tuesday, September 12<sup>th</sup> – 2:00 p.m.

Tuesday, November 14<sup>th</sup> – 2:00 p.m.

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](mailto:Michael.frisk@stonybrook.edu)); phone (631) 632-8656 or Staff Assistant, Kim Knoll ([kim.knoll@stonybrook.edu](mailto:kim.knoll@stonybrook.edu)).