

Marine Resources Advisory Council

Bulletin

June 7, 2023 - Chairman Frisk began the meeting at 2:00 p.m. The day's meeting was being held at The School of Marine & Atmospheric Sciences at Stony Brook University instead of the DEC building due to venue availability.

Chairman Frisk went over the day's agenda followed by introductions by the Councilors present along with John Maniscalco who was filling in for interim Director, Julia Socrates, as well as introductions by DEC staff who will be giving presentations during the meeting. Mr. Frisk also wanted to acknowledge Stephanie Rekemeyer, DEC's Public Participation Specialist, because this would be her last MRAC meeting and Stephanie has been instrumental in setting the webinar, running the power point presentations and being the go-to person for anything technical for each meeting. She will be moving upstate and continue to work within DEC but her presence downstate will definitely be missed. We wish her well!!

Public Comment

Tor Vincent, LI Commercial Fisher spoke first. Mr. Vincent has been very vocal recently regarding his frustration with using the designated Blackfish tags and all the problems using them creates. He began by saying he was recently in the emergency room of the hospital to have a Seabass bone removed from his finger but took that opportunity to speak with people in the medical field about what he perceives to be the biggest problem of the mandated tags – mechanical damage and ensuing bacteria. He continued his mantra by once again repeating, the DEC needs to switch to T-tags. They are easier to apply, they're flexible, the wound actually can heal therefore, drastically reducing the likelihood of a bacterial infection. To him, the choice is obvious so he questioned who made the initial choice? He thinks it was the vendor who recommended the current tag system. He understands there is a study coming up being run by the DEC and he is requesting that the findings are run past the Council. Mr. Maniscalco said the DEC will be reaching out to the public for partnering in the study.

Mr. John German commercial fisherman has a problem with the way Striped bass tags are issued. He understands it would require a regulatory change but he said when you apply for your tags, you need to receive them immediately and not wait months before picking them up. Tags are held back because of this and it's not fair; he feels that if the tags that are held back don't get used after all, that is money coming out of his pocket. Mr. Maniscalco said the DEC could possibly come up with renewable timelines for individuals but worries that it could create other problems. For example, commercial fishermen who are in Florida for several months and cannot get back by the deadline, they would face the repercussion of not getting their tags.

Councilor Jordan who is a commercial fisherman said he does go to Florida for several months each year but he makes sure all his personal finances and important matters are in

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

order and this is included in that. Why should others be penalized by losing quota for stragglers, he agrees with Mr. German to move the deadline. The DEC will begin working on this.

Carl LoBue of the Nature Conservancy spoke about the water quality on Long Island. He said he is old enough to remember when the waters around Long Island didn't change colors with each season indicating algae blooms and such. He recognizes water quality problems on Long Island is a very serious issue since we all drink the water and we need it to be clean. There is, however, a lot of federal and state money available to work on this but it's challenging for local governments to access that without having a dedicated fund. A few weeks ago, the New York State legislature authorized Suffolk County to run a referendum to let taxpayers decide if they would want to create a dedicated fund. This isn't a partisan problem, it affects all of us. The county legislature is going to decide on whether they will let the voters decide so they need to hear from everyone about this. Carl said if anyone is interested in taking some kind of action, he would be available after the meeting to talk them through. Councilor Danielson asked if this will have a significant fiscal impact on homeowners in Suffolk County? Mr. LoBue replied it would create an increase of 1/8th of a cent which amounts to about 12 cents on \$100 and it would be a dedicated fund.

Approval of Minutes (March 7, 2023 and April 18, 2023)

Both sets of Minutes were approved as written.

Regulatory updates

Presentation by Chris Scott

SHARKS

6

Current Rulemakings

Sharks (Part 40)

Proposed gear restrictions specific to recreational shore anglers include the prohibition of:

- baited J-hooks exceeding a width of 7/8 inches and baited circle hooks exceeding 1 1/8 inches in width when measured at the widest inside dimension.
- the use of metal fishing leaders attached to baited hooks that exceed 12 inches in length.
- chumming within 600 feet of the shoreline except with mollusks and crustaceans.
- deploying baited hooks by means other than casting with rod and reel.
- and the use of artificial lures when taking sharks.



Shark handling and release requirements for recreational vessel and shore anglers:

- keeping sharks submerged;
- tackle cutting device;
- release without undue harm;
- and immediate release of prohibited shark species

To view the proposed regulations, visit: <https://www.dec.ny.gov/regulations/106216.html>



Current Rulemakings

Sharks (Part 40) (continued)



Action	Date
Introduced to MRAC	March 8, 2022
Notice of Proposed Rule Filed	May 16, 2023
Published in State Register	May 31, 2023
Public Comment Period	June 1, 2023 – August 7, 2023
Virtual Public Hearing	August 1, 2023 @ 6 pm

To view the proposed regulations, visit: <https://www.dec.ny.gov/regulations/106216.html>



Councilor Danielson said that when this was first proposed to the Council, he was opposed to the hook and leader proposal; he uses a minimum of 12 inches on a wire hook/wire leader for catching bluefish. The fish swallows the bait and the leader will come around if he uses a 6 inch and get cut off by the gill plate. He thinks that 18 or 24 inches would be more amenable to fishers who are targeting other fish, game fish in particular. The hook size is wrong in the fact that most fishers aren't using a 5-O or 6-O inch hook, they are using 8-O, 9-O, they're using sidewash hooks that have a wider gap – some of these proposals will just not work. And it's not for guys that are targeting sharks, it's guys that are legally targeting bass and bluefish. He personally has been using the same rig for over 30 years and only caught one shark (he actually could have hooked it but the shark broke his line because he doesn't use 80 lb. tess, he uses 30 or 40 lb. tess). The problem is the fishers that are using 5ft of wire sitting in a kayak. He believes the people that are catching the sharks off the beach are going to catch them regardless, and if the DEC is doing this just to prevent them from catching sharks, it's not going to matter because they are going to catch them as bycatch but the folks targeting sharks are using heavy duty rigs. It's not fair to negatively impact the fishers that are doing things legally. He thinks the J hook width is faulty.

Audience member Reed Reimer noticed an exemption for Spiny Dogfish and wondered about Smoothies to which Mr. Maniscalco replied, "Yes."

Neal Delanoy thinks the regulation shouldn't be ambiguous, when you say "keeping sharks submerged" – when you catch a 300 lb. shark you cannot bring the shark on board yet you cannot cut the hook if you're keeping it submerged overboard and you're above it by 6 ft. Mr. Maniscalco asked how would Mr. Delanoy normally handle the situation? While it's rare that he does catch a shark, he tries to cut the line as close as possible. Mr. Jamie Quarasimo said when he catches a shark that has to be thrown back, they pull it on board and will try to cut the line as close as possible, however, most times it just breaks off. He agrees with Mr. Delanoy though that the wording should be made as clear as possible if only to cover the fisherman from the possibility of getting fined.

Councilor Dearborn also has a problem with the size of the J Hook. As a shop owner, she said the most popular seller is a 7-O or an 8-O with an 18-inch leader and based on what you are showing, that would knock both of those sizes out. There are of course slight variations based on different manufacturers but basically none would work. Mr. Scott disagreed, he said the proposed hook would work with all the hooks Ms. Dearborn mentioned.

Mr. Quarasima wanted to know why is this even an issue all of a sudden. Councilor Davi explained that fishers in the South row out about half a mile with a hook and line, they drop the hook in the water with meat on it and when they get a shark hooked, it takes them about two hours to bring it ashore and they want that practice to stop.

Councilor Paradiso thought the wording should include "prohibited sharks" because there are certain species that are allowable to catch.

Councilor Dearborn thought using the wording artificial lures is too ambiguous as well, there are a lot of fishers using artificial lures. Mr. Maniscalco said the point of artificial lures was added at the request of law enforcement.

Ms. Dearborn added that the way this is written, it will have a severe negative impact on the tackle shops. It's happened before with the circle hooks for striped bass - when you try to implement a change too quickly, shops have stock, they have productions that's out 12-18 months and all of a sudden, they have stock they can't use. This is going to affect the fisheries that aren't targeting sharks as well. She reiterated that the point of artificial lures definitely needs to be rewritten because it is much too vague as is.

Mr. Maniscalco said everyone is welcome to comments and submit their suggestions and most folks attending said they would. (Public comment period – 6/1/23 – 8/7/23)

SHAD/COBIA

Presented by John Maniscalco

8

Current Rulemakings

American Shad (Part 10) and Cobia (Part 40)

- Noticed of Adoption pending
- Purpose:
 - a) Reduce shad limit from 3 to 2 fish/day for inland waters, excluding HR
 - b) Reduce cobia from 2 fish per vessel to 1 fish per vessel or shore angler
- ASMFC mandate
- Published in issue 10 of State Register on March 8
- Comment Period for Proposed Rule ended May 8, 2023 (none received)



Councilor Danielson said that Cobia is really not something that we typically see here on Long Island but wonder if there has been a recent stock assessment that shows more Cobia are moving into our area due to the reduction in harvest that has been implemented over the past several years. Mr. Maniscalco said he didn't know but would be able to find out.

STRIPED BASS

Presentation by Caitlin Craig

9

Current Rulemakings

Striped Bass (Part 40)

- Notice of Emergency Adoption
- 1st Readoption filed 6/1/23 to extend emergency (NPR filed 3/7/23)
- 1st Readoption expires 7/31/23
- Purpose:
 - a) Prohibit rec gaffing, remove commercial tag price cap, update federal reporting
- ASMFC mandate
- Public comment ended 05/22/23 (none received)
- Target NOA filing date: Early July



Councilor Davi asked what the price change per tag is. Ms. Craig said it was \$.25 and now it's \$.28. Mr. Davi wants to know what we can do to stop seeing an increase. Mr. Maniscalco said should the DEC start to see a major fluctuation in the price, they will shop around but to some extent they really are at the mercy of the manufacturers. Mr. John German said the company the DEC receives the tags from is Cambridge Seals. The company also makes the lobster pot tags which are exactly the same as the striped bass tags which cost \$.15, so why the difference in price, there is not one iota of difference in the tag? The difference is that the ASMFC has a contract for the lobster pot tags but not on the Striped bass tags. The company also works very nicely with the DEC – they agree to take the payment directly from the fisherman, they print the unique serial numbers, they will print odd numbers, etc. When Ms. Craig reached out to other companies this year for comparison, they wouldn't even give her a quote.

Current Rulemakings

Black Sea Bass/Scup

- Notice of Emergency Adoption and Proposed Rule Making
- Filed 5/1/2023
- Purpose:
 - a) Amend size limits for BSB and Scup
 - b) Amend bag limit for Scup
 - c) Amend open season for Scup
- ASMFC/MAFMC mandate
- Emergency Rule expires 7/30/23
- Public comment ends 7/17/23 (none received as of 6/5)



Mr. Maniscalco said because the emergency rule is expiring, the DEC will be looking to reapply and as of the day's meeting, they hadn't received any public comments.

Upcoming Rulemakings

Recreational Atlantic Cod

- Noticed of Proposed Rulemaking pending
- Purpose:
 - Keep NY consistent with federal measures for Georges Bank Atlantic Cod
 - NOT a mandate.
- Preliminary Measures:
 - Open September 1-May 31, Closed June through August
 - 5 fish
 - 23" minimum size
- NY will propose a rule after final federal rule is published.
 - Federal proposed rule published on 4/18/2023
 - Public comment period closed 5/3/2023



Mr. Maniscalco said that the Feds changed the Cod rules last July and then 6 month later they decided to change them again. They published a proposed rule on April 18th and that public comment period closed and they have not published their final rule but the slide shows their proposed rulings. Mr. Delanoy asked when the rule making would actually take place for New York and Mr. Maniscalco said this would be handled through regular rule making so we are most likely looking at September.

Upcoming Rulemakings

Jonah Crab (Part 40)

- Notice of Proposed Rulemaking
- Must be in place by October ASMFC meeting
- Purpose:

Establishes the Jonah Crab directed trap fishery:

To participate in the Jonah Crab fishery, an individual must either:

- Hold a current commercial lobster permit with trap tag allocations; or,
- Hold a current commercial crab permit and prove prior participation in the Jonah Crab fishery before June 2, 2015.

Establishes 1,000-crab incidental bycatch limit for Jonah Crab

- ASMFC mandate
- Target Filing Date: June 20, 2023



No discussion took place

PART 38

Presentation by John Maniscalco

Upcoming Rulemakings

Part 38, Reporting

- Notice of Proposed Rulemaking
- RIM is being reviewed, NPR documents being drafted
- Must be adopted by December 15, 2023
- Purpose:
 - a) Clarifies and consolidates in one place the reporting requirements
 - b) Requires party and charter boat license holders to submit VTRs online (SAFIS eTRIPS) starting January 2025
 - c) Requires federal lobster trap permit holders to install electronic tracking devices for fishing in certain LMAs by 12/15/2023
 - d) Updates DEC DMR address and other details in regulations
- Target Filing Date: June 30, 2023



Mr. Maniscalco said the reason it requires an adoption by December 15, 2023 is because it also includes electronic tracking devices for fishing in federal waters by federal lobster trap permit holders. This has been an ongoing addendum at ASMFC but ultimately electronic tracking devices need to be installed on lobster boats in federal waters by December 15th.

Rick Etzel said that he was listening to a public hearing for emergency action and it talked about electronic VTR's. The information that came out was that MRIP data is not even being used. Meanwhile, if he doesn't have that VTR started by the time he gets to the dock, an agent jumps on his boat and he gets a \$250 fine.

Mr. Maniscalco said once New York gets 48-hour electronic reporting for, For-hire and Party and Charter Boats, the DEC hopes to improve how they capture recreational harvest and effort information. They can't do that with paper information but they will be able to using electronic information.

COBIA

Presentation by John Maniscalco

14

Upcoming Rulemakings

Cobia- Authority to Close (Part 40)

- Noticed of Proposed Rulemaking pending
- Purpose:
 - a) Allow NY to close the commercial cobia fishery
- ASMFC Mandate



This rule would allow New York State to close the commercial fishery when the coastwide quota is reached. Even though the likelihood of that being necessary is not strong, the rule does need to be on the books. 72 hours' notice would need to be given. Councilor Lackner wanted it clear – when you close Cobia, there will no bycatch allowance either? To which Mr. Maniscalco replied that was correct.

MRAC in the Env Con Law § 13-0350

Such council shall be composed of fifteen members appointed by the Commissioner

- Two representatives of recreational and two representatives of commercial users of marine resources shall be designated by the Majority Leader of the Senate
- Two representatives of recreational and two representatives of commercial users of marine resources shall be designated by the Speaker of the Assembly.
- One member will be the Director of the Marine Sciences Research Center at SUNY Stony Brook or the Director's designee who shall act as Chairman.
- Seven total representatives of commercial harvesters and seven total representatives of recreational users.
 - Three representatives each of commercial and recreational users appointed directly by the Commissioner.
- Three-year terms



Direct Commissioner Appointments

Last Commissioner appointment record is from April 2017

- Jordan - re-appointment - Commercial
- Dearborn - re-appointment - Recreational
- Witek - re-appointment- Recreational
- Finalborgo - Appointment - Recreational
- Terms ending April 2020
- 2 "vacant" commercial appointments?

Other:

- 1 each sector Senate designees "vacant"
- All appointments made over 3 years ago



A subcommittee had been formed in October 2022 to brainstorm. The subcommittee came up with several ideas, however, nothing has been done so far. It was thought to go back over the ideas and see what recommendations can and should be acted upon.

The Council is stumped because they don't understand what happens to the nominations once the Commissioner receives them. It shouldn't be that hard.

Former Director, James Gilmore said there has been a large turnover in the Executive Branch of the Government. Hopefully now, people are settled in their new roles and things can get moving.

Councilor Danielson made a motion that Chairman Frisk draft a letter to the Chairs on the Environmental Conservation Committee for the Senate and Assembly that they get somebody appointed as their Legislative representative. Councilor Paradiso seconded.

All in favor – 8, Opposed – 0, Abstentions – 1 - - Motion passes.

John German said a name was submitted and has been sitting there for 4 years, Basil Seggos is still in office, write to him.

RECIPROCITY FOR-HIRE PARTY/CHARTER PERMITS BETWEEN NEIGHBORING STATES

19

§ 13-0336. Marine and coastal district party and charter boat license.

- No owner or operator of a party boat or charter boat shall carry recreational fishing passengers in the marine and coastal district or land fish taken outside the territorial waters of the state without holding a party or charter boat license issued by the department for an annual fee of two hundred fifty dollars and a recreational marine fishing registration issued by the department. Such license and registration shall be issued only to persons domiciled in the state or in a state which affords reciprocal fishing privileges to persons domiciled in New York...
- RI offers reciprocal privileges (\$300) in law for non-residents
- CT offers reciprocal privileges (\$315) in law for all registrants



This is a topic that was requested by Councilor Paradiso. He said the reason behind the request is because the reciprocity fee with Rhode Island has gone up considerably. Should you wish reciprocity with three states, that would add up to about \$1,000. The Party and Charter Boat sector feel they are being unfairly targeted because if you hold a recreational license the fee doesn't apply.

An audience member thinks if the DEC could come up with one single piece of paper for however many states you choose, it would make life a whole lot easier. Mr. Quarisimo doesn't think this is doable because he said the reason Rhode Island raised the fee is to keep NY out of their waters, they won't go for this. Joseph McBride said that many of their customers come from the Metropolitan area and he is finding that many of those folks are now traveling to Connecticut or Rhode Island. This is especially true lately because costs out of the East end are skyrocketing forcing the charter boats to raise their rates. The fee for Rhode Island used to be \$25 and more NY boats headed to their waters than visa-versa. We need to work something out for all three states to be able to work harmoniously side by side and on a fair playing ground.

Background on Emergency Action

- ASMFC Striped Bass Management Board took Emergency Action at their May 2, 2023 Board Meeting
- States must implement a 28-31" slot size for the ocean recreational striped bass fishery
- Deadline for compliance is July 2, 2023
- Designed to protect 2015 year class
- Motion initiated based on decreased probability of rebuilding the stock by 2029 due to increased harvest in 2022 (compared to 2021)



Background on Emergency Action

- ASMFC Emergency Actions are uncommon and do not require typical public comment process
- Requires 2/3 majority vote [passed with a 15-1 vote]
- Motion to exempt for-hire from requirement failed [4-10, 2 abstention]
- Emergency Actions expires after 180 days
- ASMFC required to hold 4 virtual public hearings within 30 days of action, all interested parties from any state were welcome to attend
 - Held on May 17, 22, 23, 31



Rulemaking

- Notice of Emergency Adoption and Proposed Rule Making
- Would amend Part 10, Sportfishing Regulations and Part 40, Marine Fish
- Hudson River Regulations (18-28") would remain unchanged
- ASMFC Deadline is July 2, 2023 (a Sunday)
- Friday June 30, 2023 is last day for NY to file the rule on time



Rulemaking

2) Table D: Fishing regulations for Delaware River and its West Branch bordering Pennsylvania.

	'Species'	'Open season'	'Minimum length'	'Daily limit'
(f)	Striped bass	All year	28" to 31" TL (total length see ECL §13-0339(4))	1

40.1 (f) Table A – Recreational Fishing.

Species	Open Season	Minimum Length	Possession Limit
Striped bass (except the Hudson River north of the George Washington Bridge)	April 15- Dec. 15	28" to 31" TL	1

Coastwide Status

11 out of 14 Jurisdictions already have rule in place as of 6/5/2023

ME	May 18	31.0 max size limit
NH	May 26	<31.0 max size limit
MA	May 26	<31.0 max size limit
RI	May 27	<31.0 max size limit
CT	May 26	<31.0 max size limit
NY	Date TBD	**31.0 max size limit**
NJ	Date TBD	
PA	June 3	<31.0 max size limit
DE	May 21	31.0 max size limit
MD	May 16	31.0 max size limit
PRFC	May 16	31.0 max size limit
DC	May 16	31.0 max size limit
VA	Date TBD	
NC	June 1	31.0 max size limit

If necessary, the ASMFC has scheduled a Striped Bass Management Board Meeting to review state compliance with the Emergency Action on July 5, 2023



Addendum II Timeline

May 2	Board approves emergency action and initiates Draft Addendum II
May 17-31	Emergency action public hearings; Prep for TC removals and reduction calculations
June 1	PDT webinar to scope options and key issues/decision points
June 5	TC-PDT webinar to estimate 2023 emergency action reduction and percent reduction for 2024 TC/staff update reduction calculations based on TC input
June 6-14	PDT start drafting document and compile 2022 MRIP data for option analysis
June 15	PDT webinar to check in
June 28	TC-PDT webinar to review options and resolve questions
July 6-12	PDT webinar date TBD to wrap up
July 17	Deadline for Main Meeting Materials
July 25	Deadline for Supplemental Materials
Aug 1-3	ASMFC Summer Meeting



Release Mortality Estimation

- Joint TC/PDT Call on June 5, discussed methods to assess outcomes from the 31" max size
- ASMFC will post meeting notes online week of 6/12.
- TC discussed 2 methods for estimating 2023 removals:
 1. Using 2018/2019 data as a proxy to see trends of a strong year class (2011) moving from age 7 to 8. This is similar to the 2015 year class (currently age 8)
 2. Request to look at projection estimations to assess 2023 availability and catch. TC is currently working on these estimates.



Release Mortality Estimation

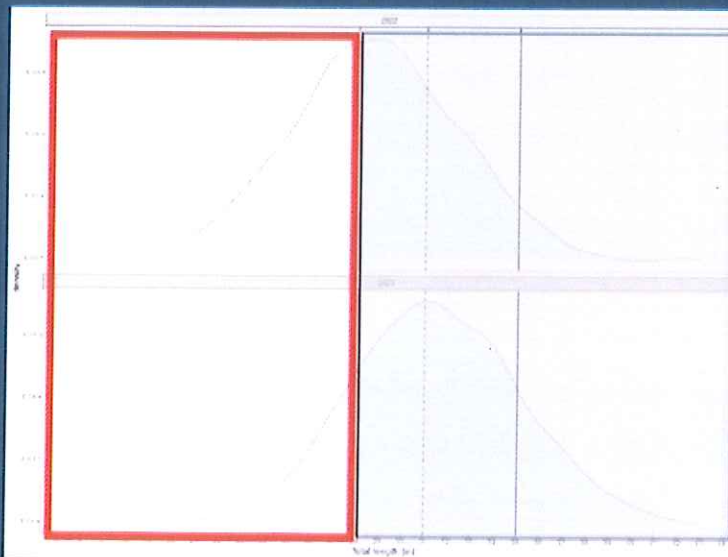
- 1st method (2018/2019 comparison) estimates a PRELIMINARY 29% reduction in removals in 2023 from 2022
- 1st method indicates a possible net decrease in live releases in 2023
 - In 2022, when 2015 year class was age-7, part of that abundant year class was >28" and in the slot. But part of that abundant year class was still <28" and therefore sub-legal.
 - Possible that many 2022 releases were releases of under-size fish.
- In 2023, the <28" may be in the slot, so less live releases of under-size fish than in 2022.



Release Mortality Estimation

- 1st method (2018/2019 comparison) estimates a PRELIMINARY 29% reduction in removals in 2023 from 2022
- 1st method indicates a possible net decrease in live releases in 2023
 - In 2022, when 2015 year class was age-7, part of that abundant year class was $>28"$ and in the slot. But part of that abundant year class was still $<28"$ and therefore sub-legal.
 - Possible that many 2022 releases were releases of under-size fish.
- In 2023, the $<28"$ may be in the slot, so less live releases of under-size fish than in 2022.

Release Mortality Estimation



-Graphs are NOT scaled for abundance to account for decrease in year class from 2022 to 2023

-Note smaller proportion of $>28"$ fish being released in 2023

Councilor Paradiso was perplexed why the ASMFC would put emergency measures into effect without having specific numbers for release mortality – they are basing all this on estimates?

Anthony Rieger said when considering the 2011-year class, did the DEC consider the natural disaster of Hurricane Sandy and what the consequences were to that year class? The answer was no. He continued his point by saying that the normal migration for this fish would be in the Fall and that was when Sandy hit forcing them to change their migration pattern. His second point was when it comes to filling out VTR's – no where on the VTR does it have anything other than "release." Why don't you add another column where we can add over 35"?under 28"so you know exactly

what is being released, whether it's oversized or undersized fish. This would at least give you a range of year class from people who are actually fishing and doing it on a daily basis. Not only would you have monthly data, you will have daily and hourly data.

Mr. Maniscalco said the cooperative angler program does exactly that and if Mr. Rieger is willing, the DEC will set him up with a log book and he could take scales and tell the size of the fish that you are catching. Mr. Rieger said how difficult would it be to just add another column on the VTR? Why make everything more complicated.

Joseph McBride stated the For-hire industry utilizes less than 5% of the striped bass stock and it will be extremely difficult to encourage customers to use party and charter boats when we offer such a narrow window of possession, we need to have 28 – 35" as a minimum in order to serve the non-boat owning fishing community. He also wants to point out that most of the opposition to the for-hire fishing industry comes from actual boat owners. When you wipe out the for-hire and charter industry, where can the public go to take advantage of this important resource? Mr. McBride said he could even point out that some of the white tackle boats that don't have charter licenses and fish illegally under the US Coast Guard regulations. Mr. McBride would like to see this proposal modified, he requests a sit-down meeting with the DEC where adjustments can be made to provide the industry with a competitive playing field. The economic impact they contribute to is great – their customers utilize hotels, restaurants, bars, etc. A loss to their business is a loss to many businesses. It's time the DEC supports the For-Hire industry. Other states support their industry and it's time New York does too.

Mr. Rieger wanted to know if the driving force behind this significant change is the state of The Chesapeake Bay? Mr. Mansicalco said it is a large part of the concern. Mr. Reger agrees that The Chesapeake Bay is a mess but in saying that, he wonders why they are still allowing a trophy fish season? He can't comprehend, it is horrendous. Mr. Maniscalco replied that the slot limit change was enacted too late to mean anything for the trophy season but when the books are opened as part of Addendum II, that trophy season is something that will definitely be addressed.

Mr. Rieger also spoke regarding release mortality – he asked if the DEC could honestly say that this change isn't going to negatively impact release mortality? Mr. Danielson replied that the 9% doesn't change, however, If the number of fish are affected by release mortality will increase. Your harvest goes down – release mortality goes up. The whole reduction in harvest is much more than the increase to release mortality. The overall effect will be a positive benefit to the stock. It's not the number of fish, you have to look at the percentage.

Mr. Quarasimo said so right now we'll be focusing on 28 – 31" – aren't we hurting that year class from North Carolina to Maine? Will we be sitting here in a few years saying, "Whoops, shouldn't have done that." We're trying to manage a fish and making that pot so small, it's going to bite us down the road rather than picking all different sizes out of that pot. He thinks this is a major mistake to the fisher.

Mr. Paradiso said all they are asking is that the ASMFC looks at and re-evaluate the 1 year of extrapolated data they are basing these emergency regulations on. They believe it's unnecessary and the rebuilding timeline is not set in stone, there is room for alteration. We have 1 year of data right? 40% in 2022 over harvested up front, that's double from 2021. We went from a ~ 90% chance of hitting our rebuild target by 2029, in 1 year down to 15% - that doesn't make any sense. It's a statistical anomaly and should have been treated as an outlier and definitely NOT used in any kind of fishery management plan. Any statistician worth their salt would have taken those numbers and thrown them out. You're protecting these 2015-year class fish and if we take them, we're going to collapse the whole fishery?

Mr. Danielson said he respectfully disagrees with Mr. Paradiso. The reason we are taking these drastic steps now is because harvest was so high in 2022 that we went from a 90% chance of meeting the rebuilding schedule down to something like 15%. Those 2015-year class that had a portion of them below 28", in the last year of data we have, are now over 28" (about 90%) and in the slot. If we harvest 28-35" all those larger fish from the 2015 and 2011 fishery are

just in that 31 – 35” we are going to over harvest again this year and completely knock up out of the park of ever achieving the goals of a 2029 rebuilding back to target. Mr. Paradiso countered that this decision is being based on numbers that have historically been overestimated and extrapolated, we should not be taking such a knee jerk reaction to the numbers. Mr. Danielson said if we are going to harvest 90% more than we did in 2021 again in 2022, then we on track to overfish in 2023 as well and you will put the breeding stock at risk. If we keep taking fish without replacing them, we’re in trouble – we have had no spawning success.

Mr. Maniscalco said NY needs to be in compliance because the Secretary of Commerce could choose by Federal Law to close the recreational and commercial fishery. We know we need to do an emergency rule while at the same time, acknowledging the fact that stakeholders really didn’t have a chance to talk about this and that’s why today’s meeting is important. Mr. Maniscalco made notes as to what the feedback in the room was and he will bring it back to the executive body as they discuss the rulemaking.

Mr. Gilmore, having been at the meeting, said the concern was missing the target date and the implication of that is, if we don’t do something now, next year there may be no fishery. The only way this could change is if one of the states on the supporting side would call for a reconsideration of the motion and they would need 2/3 majority and that is never going to happen. This will be moving forward and going into effect July 2nd.

Councilor Witek said people are quick to say the MRIP data is wrong but they are just kidding themselves if they don’t see how unusually high the catch is in every wave and in every state in 2022. There is a clear trend that harvest was higher in 2022 which is what you would expect with the 2015-year class moving in. People think the 2029 deadline isn’t written in stone but it really is; it originally came out of Amendment VI. We just went through the Amendment VII process and the management triggers and rebuilding time were up for consideration – public opinion was 95%+ in favor of keeping that rebuilding trigger and the 10-year rebuilding time. The public does not want to see the ASMFC kick the can down the road one more time. In 2011, we had a stock assessment update that said in 6 years this fishery is going to be over fished. Everyone said we didn’t have a problem yet so let’s not do anything. In 2014, two more management triggers were tripped. One said we have to get fishing mortality down to target, we did that. The second said we need to put a 10-year rebuilding plan in place but the then fishery management coordinator (who, not surprisingly is now an advocate for the tackle/trade group) thought no change was necessary because there was too much uncertainty. Then we had the 2018 benchmark assessment, management triggers again dictated we had to get fishing mortality down and that was scripted in Addendum VI along with a 10-year rebuilding plan. Once again, nothing was done, it was thought to put Amendment VII in place and there were those who thought we could lower the biomass target threshold thinking we wouldn’t need to rebuild that high, again, losing another 2-3 years of that 10-year rebuilding time. Finally, Amendment VII was done and it kept the right things in place but we only have 7 years in which to rebuild. The Commission is doing the right thing by putting an emergency regulation in place. It’s Mr. Witek’s opinion that after the 2024 assessment update comes out, we’re going to be looking at another change in order to make the rebuilding deadline. He has witnessed a stock collapse once and it’s not something he wants to see happen again.

Last year 35% of the trips taken in NY were targeting striped bass while back in ‘1982 only 1 ½% of the trips were targeting striped bass. So if you’re in the tackle or for-hire business, ask what you’re going to use to fill in that 34% if we lose striped bass.

Councilor Jordan said he is coming at this from a completely different side. He believes that the ASMFC and the Technical Committee live in an arithmetic bubble. Nothing they do or say relates to what the fishing community see in the real world. Last year the Striped Bass they saw in Montauk was across the size range, every size was represented. They’re basing everything on the “best” available science – there is nothing measurable. He appreciates Mr. Danielson and Mr. Witek’s passion but they swallow that technical information like a pill and defend it. The decisions we have to

make are based on “best” guesses. He knows what he physically sees in his community. If you want to know about the effectiveness of ASMFC and their studies, all you have to do is look at Sea Bass. Sea Bass is a prime example. The first study came out in 210% population – cut it down. The population assessment before that was rejected due to technical issues. There is no way that reductions in the Sea Bass fishery relate to the real world but you want people to believe that for Striped Bass, they are right on the money – it’s insane. Mr. Jordan would like it on the record that the next threatened species is the For-Hire fishery in New York. Fluke fishing, very inconsistent lately. They wait until July to catch 19” Sea Bass. First we took away the trophy Striped Bass, then they’re given a slot size and now we’re taking it down to a 3” slot. Is there no way that we can protect that industry? Can we lower the bottom of the slot, can we exempt the charter boat industry? This is going to be the final blow for a lot of people in that industry. Everything is being based on numbers that do not jive with what we are physically seeing. It’s time to give the industry and the fishermen heavier weight in these very important decisions. All this confidence in the statistical numbers is absolutely ridiculous. Councilor Danielson said it’s not nonsense when all of a sudden we’re not seeing those 20+lb fish and all we’re seeing are schooly fish and that’s because we had some really good years – 2011, 2015 and to him a 30+” fish is still a schooly. We are not seeing all those fish spread out across the age class like we had 15, 20 years ago. He doesn’t think a 28-31” is a bad thing. If we keep taking fish out without putting something back in, we’re going to end up with less and less fish in the fishery. You’re going to see only big fish because we protected them but nothing coming in behind them. Mr. Paradiso countered that no one is taking into consideration the economic impact these decisions are having on the industry.

Councilor Lackner said that he agrees completely with Councilor Jordan’s comments. This will be a death knell for the for-hire industry. People are forgetting how the fishery itself has changed yet the surveys haven’t adapted to the changes. Migration patterns have changed, there are more fish outside the 3-mile radius than you can imagine, our shorelines have changed and the bait the fish eat has changed. He is catching fish in areas he never has before, there are a lot of fish not being accounted for and the only thing not changing are the surveys. They are outdated and they need to have adjustments made to make them current. He also wanted to know how windmills are being incorporated into the statistics – they are definitely having an effect on the migration pattern of the fish – is that even being considered in the data? They are going to drive thousands and thousands of piles all throughout the coast line – what if nothing comes back down along the coast – will the fishers get blamed for that too? Many of the audience agreed with this. Councilor Lackner understands this is a 180-day rule and wants to know what happens on the 181st day - where is the data going to come from, how is it going to be collected to say what the next step is going to be?

Councilor Witek said it can be extended for another year for two additional years. Councilor Dearborn wants to know that it will definitely sunset in 180 days. She is upset that even though this is emergency rule when the 180-day period is over, this can be extended by a snap of the fingers, without putting it out for a public hearing or reevaluating figures. Mr. Maniscalco said to keep doing emergency adoptions is not easy, it requires a lot of work. Ms. Dearborn wants to know if this is emergency ruling, why doesn’t it revert to the old limits once the 180-day period is over. Mr. Maniscalco said he doesn’t believe the Commission is going to do that. What upsets Ms. Dearborn is that there have been no actions by New York State to show some type of support for the folks that will be most impacted by this change. Mr. Gilmore said that wasn’t true, the DEC sent many emails out to the public.

Councilor Witthuhn said for something to have to go to emergency rule making which indicates to him that there is a managerial failure, this is extremely upsetting to him. We should have a management system in place that prevents having to resort to emergency measures. He believes there will be many going out of compliance once this is put in place.

Councilor Paradiso said the grumblings he has heard is that this is turning into a catch and release fishery and they believe that is the agenda behind all of this.

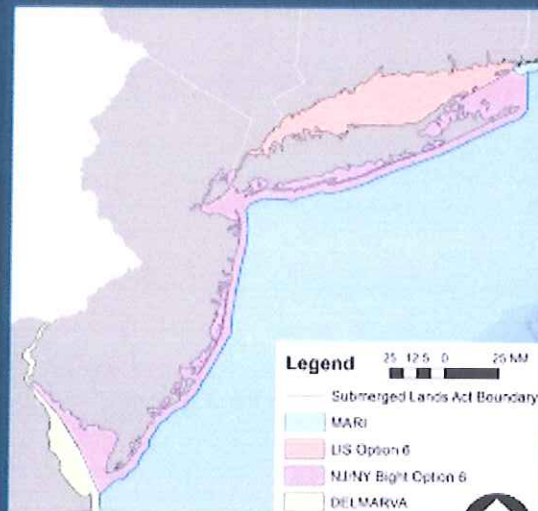
Mr. Maniscalco would like to have the Council’s approval on this prior to the cut off date. The Councilors feel this is a done deal and there really isn’t anything they would be able to say or do to prevent this from going into effect.

Tautog Regional Management

The Long Island Sound and NY Bight management regions were established by ASMFC's Amendment 1 to the Tautog FMP in 2017.

Both regional stocks were overfished, and overfishing was occurring based on the most recent stock assessment at that time. However, the reduction needed for the LIS region was significantly larger than the reduction required in the NY bight.

LIS: May 7 – July 31 Sept. 1 – Nov. 23
NYB: April 16 – Jan. 25



Tautog Regional Management

Tautog stock assessment update would occur at its earliest in 2024. Last update in 2021 indicated improvement overall.

However, NY Bight was still overfished, and while LIS was not overfished nor was overfishing occurring, the assessment indicated there was still significant risk of overfishing for the LIS. Significant stock improvement would be needed for liberalizations.

Stock Region	Spawning Stock Biomass (in millions of pounds)			Fishing Mortality			Stock Status
	Target	Threshold	2021 Estimate	Target	Threshold	5-year Average	
MARI	10.03	7.57	14.23	0.26	0.29	0.23	Not overfished; overfishing not occurring
LIS	14.83	11.32	14.71	0.26	0.38	0.30	Not overfished; overfishing not occurring
NYB	14.45	10.78	10.54	0.19	0.30	0.26	Overfished; overfishing not occurring
DelMarVa	9.50	7.40	9.66	0.17	0.27	0.16	Not overfished; overfishing not occurring

Tautog Regional Management

In order to change the management regions, changes would need to be made to the Tautog FMP either through addendum or amendment.

A benchmark stock assessment would be needed in order to revisit regional management.



Council Davi requested this topic to be added to the day's agenda. He would like to see opening the Blackfish season in the Long Island Sound so it coincides with the East End. This is for financial reasons; the East End fishers get the fish and get a good price for them and load the marketplace. By the time the LI Sound opens the price is lowered considerably, he would just like to level the playing field. Change the opening date from May 7th to April 16th. Since the fish are now tagged, he doesn't understand why this couldn't be done.

Mr. Maniscalco isn't going to be able to equalize those seasons. Unfortunately, because regional management was forced on New York by the ASMFC, there are two different sets of regulations New York bight and Long Island Sound. The Long Island Sound regulations had a higher reduction requirement based on a stock assessment. In order for LIS regulations to change, there would need to be another stock assessment that would show cause to liberalize the season. Mr. Maniscalco would have to speak with the ASMFC to see what they might consider. The next scheduled stock assessment will take place 2025.

Mr. Davi also wanted to see about a change for blackfish. Currently lobstermen that have 6 lobsters, can keep 10 fish but since there are tag regulations now in place, they are hoping to be able to take 25 as others can do, it would be an increase of 15. He isn't sure why the number ever changed because years back the lobstermen were allowed 75, then it went to 50 and all of a sudden, they received notice that the number was 10. He is unaware of any rhyme or reason for that drastic change. Councilor Danielson said if the number changes to 25, that is the same allowance for folks that are specifically targeting blackfish, how can it be considered a by-catch then? Councilor Lackner said regardless, fishers are governed by their tags. Blackfish are a by-catch for Sea Bass as well. It was said that such a change could really only affect about 10 lobstermen. Councilor Jordan recalls a meeting that he attended in Assemblyman Sweeney's office and they would have been able to have a 25-fish limit if they were willing to throw other gear types under the bus, which they weren't willing to do. Mr. Maniscalco said that it would require a regulatory change and he will go through the rulemaking package to ensure there are no obstacles preventing this change from taking place. ECO Officer Sean Reilly said there would need to be a change in the opening size of the pot; it would need to change to a legal fish pot. Mr. Maniscalco will be looking into it.

2023 MRAC Calendar

Tuesday, September 12th – 2:00 p.m.

Tuesday, November 14th – 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); phone (631) 632-8656 or Staff Assistant, Kim Knoll (kim.knoll@stonybrook.edu).