

September 12, 2023

Chairman Frisk began the meeting by going over the day's agenda followed by introductions by the Councilors as well as the DEC staff who will be participating in today's presentations.

Approval of Minutes – June 7, 2023

The Minutes were approved as written.

MRAC Appointments

Chairman Frisk reported that on August 23, 2023, he, along with Councilors Robert Danielson, Thomas Jordan and staff member Kim Knoll met with Assemblymember Deborah Glick in her Manhattan office to discuss the important role the Council plays with regard to New York fisheries. In so doing, Chairman Frisk also spoke of the frustration the Council faces due to the lack of a full contingent of Councilors, especially on the Commercial side. He enlisted her help in trying to get the various empty seats filled by helping to expedite the process someone goes through while waiting for approval as well as to find appropriate people. Ms. Glick was very interested in helping and assured the group that she will do whatever she can to remedy this situation. She also asked for current Councilors names and contact information so she can facilitate their reappointments as well.

During the meeting, Ms. Glick also mentioned the recent closure of Horseshoe crab harvest in Connecticut, she wondered how much of an impact that is having on their fishery. Councilor Jordan remarked that since we weren't sure how many fishers were involved in that particular fishery, we couldn't answer that question. Mr. Jordan asked the DEC members at today's meeting if they had any information. Mr. Maniscalco replied that the closure in Connecticut was for hand harvest only, not the trawl industry. Their hand harvest totals ran about 15 -20,000 crabs in total. In any event, the closure was negligible.

Recreational Salt Water License

Mr. Gilmore, former Director of the Marine Division of DEC who was very active in the original process of creating a recreational salt water fishing license 12 years ago spoke with regard to the necessity of bringing the license to fruition. Mr. Gilmore said because there is so much misinformation surrounding the attempt 12 years ago and why it failed, they are working very hard to try to clear up the misconceptions and half-truths. They distributed a survey and Mr. Gilmore asked the Councilors what they have heard from the people in their particular industries. Mr. Danielson said that there are two main concerns coming from the folks he deals with: one being, people do not trust the state to handle the money honestly and to use it appropriately. The second is they want a large portion of the money to go toward enforcement. Fishers who are completely honest are fed up with the fishers who are getting away with shady dealings that are happening in and out of the water. Mr. Danielson said the financial misgivings comes from the monies they had received for the license going

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

into the general account and being used for salaries. It was a condition that was made very clear even before the license was passed that people did NOT want the money to go toward salaries and they felt like that is exactly what happened. Mr. Gilmore countered and said that is NOT what happened and that is one major misunderstanding that he would like to have rectified. All the money was placed in the Marine Account and could only be used for things marine related. There were shellfish staff salaries that Governor Patterson offloaded from the general account to the marine account and the money was used to pay their salaries, which is marine related. That was totally within the realm of acceptable.

Mr. Gilmore then gave the following presentation:

Goal: Re-implement a fee based Saltwater fishing license for New York

- Improve opportunities for NY Recreational fishing community
- Improve marine fisheries management
- Improve outreach, education, health, and research
- Provide improved fiscal resources



SWL Facts

- ▶ Only three of the 23 US Coastal States do not have a fee-based license: New York, New Jersey, Hawaii
- ▶ Fees range from \$7 - \$54 annually. \$10 - \$146 non-resident
- ▶ We forgo \$ millions in federal funds annually (Federal tackle/fuel taxes)
- ▶ NY could enjoy \$10-20 million annually (State sales plus federal augments)
- ▶ NY had a license in 2009-10 but was rescinded in 2011. NY generated \$3 million in additional revenue for the one year; fees were refunded.
- ▶ NY can have a fee license again if done correctly
- ▶ We need to do this over several years to build trust and enjoy long term fiscal benefits

NY Marine Registration Holders

License Year	Resident	Non-Resident	Total Marine Registry Holders
2010-11	150,554	13,757	164,311
2011-12	461,051	34,099	495,150
2012-13	282,967	30,472	313,439
2013-14	346,613	33,693	380,296
2014-15	271,364	31,639	303,203
2015-16	312,715	31,374	344,089
2016-17	331,797	32,702	364,499
2017-18	382,039	37,114	419,153
2018-19	387,688	38,319	426,007
2019-20	381,607	55,028	436,635
2020-21	360,919	45,214	406,133
2021-22	353,583	43,258	396,841

Number of anglers

~ 400K from NY Free registry
 1,052,537 from 2022 Federal Survey
 (1,660,089 freshwater)
 620,997 - removing <16 and >65-year-olds

Increased State Revenues

\$3 million from 200K angler increase

Potential increase of \$1.2 million federal. (currently \$3.7 million)
 Total of \$4.2 million annually
 (Fed + State)

Recent Surveys & Facts from The Feds

- ▶ 1,052,537 NY Saltwater Angler federal estimate (2022); 353,583 in NY free registry (33.6%)
- ▶ ~ 70% and 80% non-compliance rate for NY and NJ respectively
- ▶ Federal Registry still requires \$15 license annually unless state provides valid angler data to NOAA. NY currently has an exemption.
- ▶ Concern: NY could lose the federal exemption which would require NY anglers to obtain the \$15 federal license; these revenues go the federal General Fund

Commercial Fisheries Fees and Expenditures

- ▶ NY Commercial license fees generate over \$1 million annually
- ▶ Revenues support staffing and management from Marine Account
- ▶ NY Issued ~5,000 permits to ~ 3,000 fishermen in 2022
 - ▶ Permit fees ranging from \$30 to \$1,250
 - ▶ Average fisherman pays \$300 annually
- ▶ Recreational anglers now harvest significantly more fish than commercial for many economically important species under a **free** registry. (Pay no permit fees but do pay federal tackle/fuel taxes)
 - ▶ Striped Bass: 15% Commercial; 85% Recreational
 - ▶ Black Sea Bass: 34% Commercial; 66% Recreational
 - ▶ Bluefish: 20% Commercial; 80% Recreational

How Should we Spend the new Revenues?

- ▶ Revenues from licenses support major marine programs (not in priority order)
 - ▶ Artificial Reefs
 - ▶ Increased Enforcement
 - ▶ Shoreline access sites/ Ocean Fishing Pier
 - ▶ Outreach and Education – Increase participation and stewardship
 - ▶ Health Advisories – Improved notification to subsistence fishers
 - ▶ Improved fisheries management data
 - ▶ Staffing/equipment support for Marine **Recreational** Fishing Programs
 - ▶ Expanded Field Studies
 - ▶ Research
 - ▶ MUNI Grants

Artificial Reefs

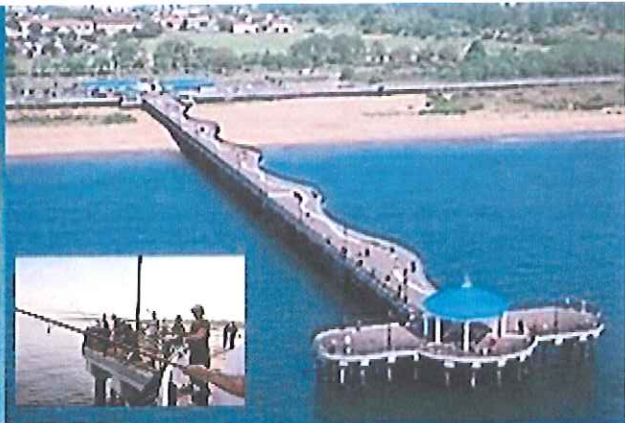


- 4 new reefs; 16 total
- \$500K annual budget
- Except \$10 million/yr during Reef Initiative
- SWL - \$3 million/year





Waterway Access Sites
(Boat Ramps, Shoreline Access)
Hashamomuck

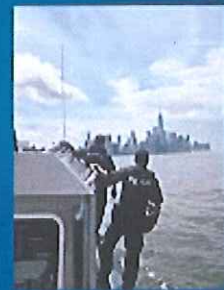


Ocean Fishing Pier

Enforcement



- ▶ ~ 2,700 miles of coastline in the Marine and Coastal District
 - ▶ Plus 3 miles and beyond into the Atlantic Ocean
 - ▶ Plus dozens of Bays, Coves, Rivers, Tidal Straights, etc.
- ▶ Currently <10 Officers to cover
- ▶ Enforcement also responsible for Federal JEA and Homeland Security
- ▶ Fishing Community Constantly Complaining over lack of enforcement
- ▶ Increased Enforcement Revenues
 - ▶ Courts unsupportive of a free license



Spending plan – Phased over Several Years

Phase 1: Service to Anglers – 2024-2025

Phase 2: Staffing, Data, Monitoring – 2025-2026

Phase 3: Staff, Ecosystem Programs – 2026 -2027

NOTE: An existing or new oversight group could be included to monitor expenditures generated from a fee-based license (ex. Marine Resources Advisory Council)

Phase 1: Service to Anglers – 2024-2025

Possible expenditures

- ▶ Artificial Reefs: Increase from \$500K to \$3 million annually
- ▶ Law Enforcement: Law Enforcement: \$1 million 2024; \$2 million 2025 and beyond
 - ▶ Five (5) new MEU Officers
- ▶ Shoreline Access - \$1 million 2024; \$2 million 2025 and beyond
 - ▶ Marine Waterway access sites
 - ▶ Ocean Fishing Pier
- ▶ Outreach and Education – \$500,000
 - ▶ Health Advisories
 - ▶ Fishing clinics
 - ▶ Kiosks
 - ▶ SW Fishing Guide

Phase 2: Staffing, Data, Monitoring

Possible expenditures

- ▶ Phase 2: 2025-2026: \$2.5 million
 - ▶ Recreational Fishing Staff
 - ▶ New Rec staff hires
 - ▶ New Rec data streams
 - ▶ Field Survey Enhancements

Phase 3: Staff, Ecosystem Programs

Possible expenditures

- ▶ Phase 3: 2026 - 2027: \$1+ million per year
 - ▶ Additional DMR Staff (ex. Habitat)
 - ▶ Research
 - ▶ Habitat Preservation
 - ▶ MUNI Grants

HOW?

- ▶ Advisory Group
- ▶ Outreach
 - ▶ 57 Fishing Clubs
 - ▶ 105 B&I Shops
 - ▶ Surveys
 - ▶ APAIS
 - ▶ Events and Shows

Matt Broderick	Editor, Fisherman Magazine
Antoinette Clemetson	NY Sea Grant Fisheries Specialist
Bob Danielson	MRAC Recreational Fishing member (Surfcaster), NY Sportfishing Association Leadership
Melissa Dearborn	Regal Marine Products; MRAC Recreational Fishing member
Tim Huss	CFAB for LI, former DEC Conservation Police Major
Carl Lobue	The Nature Conservancy, NY Oceans Program Director
John Mantlone	NY Bait & Tackle Industry; J&J Sports – Bait and Tackle
Joe Paradiso	President, NY Sportfishing Association, LI North Fork Charter Captain, MRAC Recreational fishing member
Paul Risi	MAFMC NY Council Member, Charter/Party Boat Captain
Chris Squerl	NY Marine Trades Association Exec Director
Charlie Witek	MRAC Member, Former NY Chapter Exec Director for Coastal Conservation Association

WE NEED YOUR FEEDBACK!

NEW YORK STATE RECREATIONAL SALTWATER FISHING LICENSE SURVEY



Take a brief survey by scanning the QR code below or visit:
<https://on.ny.gov/swsurvey>

Join us during one of our in-person open house meetings to learn more about a saltwater fishing license in New York. Meetings will be held at:
 DEC Marine Resources, 123 Kings Park Blvd, Kings Park, NY



- Wednesday, September 6: 9 a.m. – 5 p.m.
- Tuesday, September 12: 6 p.m. – 9 p.m.
- Wednesday, September 13: 9 a.m. – 5 p.m.
- Saturday, September 16: 9 a.m. – 4 p.m.

Participants can attend any time during one of the sessions.
 For more information call DEC at (516) 444-0430



DEC OPEN HOUSE MEETINGS

- Tuesday, September 12: 6 p.m. – 9 p.m.
- Wednesday, September 13: 9 a.m. – 5 p.m.
- Saturday, September 16: 9 a.m. – 4 p.m.

Mr. Gilmore said a very important point he would like to make is that we currently have a free registry and it is NOT working. Sadly, New York has a non-compliance rate between 70 and 80%. He continued by saying that New York currently has an exemption from the Federal Registry (\$15 annual fee) because Mr. Gilmore convinced the Federal government years ago that we would give valid data numbers to NOAA. Now 10 years later we may lose the exemption because we are not giving them accurate information. New Yorker's would have to begin to pay the Federal license fee of \$15 – the problem with that is the money would go into the Federal general fund and New York might not see a penny of it.

What has also changed is that the recreational anglers now harvest more fish than the commercial side, yet the commercial fisheries pay an average of \$300 to fish. The recreational fisher is also targeting what are economically important species for the commercial industry.

The DEC is very interested in hearing from the recreational fishers with regard to the money generated – where they feel the money be best spent. This is where fisher's opinions will really count.

Mr. Gilmore agreed with Mr. Danielson's previous comment regarding lack of enforcement officers. He wants to reassure everyone that a large portion of the money generated from the license will be earmarked for enforcement, specifically the hiring of more enforcement officers to cover the 2,700 miles of coastline – currently there are 10 officers.

It was said that there should be a separate group to monitor expenditures of the license revenue; to ensure they are being spent appropriately. Since one of the tasks The Marine Resources Advisory Council already has in place is to monitor certain DEC expenditures, this might be best handled by the Council.

Councilor Davi asked if there would now be mandatory reporting to which Mr. Gilmore said no, simply because there wouldn't be enough staff to enter all the information coming in from over 400,000 anglers, which is the number registered and what they are using.

Councilor Finalborgo believes that receiving acceptance of the license really boils down to the trust issue, people have to believe that the money generated will stay within the marine program. To have some sort of watchdog in place will definitely help in assuring the community that monies will be spent appropriately.

Councilor Squeri thinks there is another problem blocking acceptance. New York fishers are seeing tighter and tighter regulations and folks are wondering what it is that they will actually be investing in. He believes most fishers can get over the trust issue, he doesn't believe that to be the largest stumbling block. Mr. Danielson said he personally thinks New York needs this program. If NY loses its exemption, we are not going to get any benefit from the money collected by the Feds including the Wallup-Breaux revenue which provides funding to state fish and wildlife agencies to support recreational fishing.

Councilor Witek has also been hearing that people want more law enforcement. People are getting fed up with illegal behavior and non-compliance issues.

Councilor Dearborn agrees with everyone's comments so far. She, too, has been hearing about the worry over misappropriation of funding, cuts to fishing limits and enforcement issues. She added that from a business perspective, there is concern from the industry as to what the economic impact will be – especially the first few years. They have seen reports from other states that have suffered an economic drop due to the implementation of the license. Coming off the past several years with shops still trying to recover from the economic damage Covid wrought, this is an added concern - the financial impact and at the same time, the stricter regulations, with each year being worse than the one before.

Mr. Gilmore said that he personally went to about 25 bait and tackle shops. He was surprised at what he heard. Yes, there was about 2 that said – no way, no how; then there were about 5-8 that were neutral but the rest of the shops all thought it was about time. The majority said if the license was done properly, they would welcome it.

Ms. Dearborn thought there should be a place for the industry to add what their "needs" are within the survey as well as a place for them to depict which sector they are representing. She is curious though and posed a question to Mr. Gilmore – "Why would having a fee-based registry elicit more compliance?" Mr. Gilmore said it has a psychological connotation - because if its free, it has no value. This is a sense the courts seem to have. When illegal fishing behavior is brought before judges, once the judge finds out there isn't a license involved, they typically dismiss the case because

they feel it's a waste of their time. An example of this is if someone is brought before a judge for driving a vehicle without a license, they are breaking the law and when the case comes before a judge, the person is sentenced accordingly. When someone is brought before the judge for taking more fish than allowable, the judge doesn't see that a law has been broken because there is no license needed and the punishment is usually waived. One judge has been known to say that he doesn't want to see anymore cases in his courtroom of this nature. Judges don't understand how important the data is for the management of the resource but the DEC is hoping with a license in place, this will generate more support from the judicial system. This will go a long way in helping with the compliance issues, folks WILL worry about retribution for illegal activities. Councilor Davi wanted to know where the money from the tickets would go. Lieutenant Reilly said it currently goes into the conservation account and some of those funds do make it back to New York but if a license goes through, there would most likely be a separate account set up to receive those funds and one that would benefit New York fishers directly.

Mr. Delanoy said he was originally on the license committee but seems to have fallen off and he would like to be put back on. Mr. Gilmore said he will make sure of it. Mr. Delanoy's main concern is how this will affect the party and charter boats if their customers will each need to purchase a license. Every state on the east coast exempts party boat customers from having a saltwater fishing license. The logic and reasoning behind the fishing license was to have more data and since party boats already supply VTR's, it shouldn't be necessary for each individual person to have a license. If this does move forward, perhaps party boats could buy a separate permit for some reasonable fee and hopefully the industry could live with that. It could be an optional choice.

It was mentioned that possibly there could be compensation for bait and tackle shops if they see a notable difference in their business revenue.

Nancy Solomon, Director of LI Traditions, is happy that the saltwater license is being revisited and looks forward to the benefits that could come from the funds received. She recalls her organization being given a small grant when the license was originally introduced and it helped familiarize students and under serviced school districts to the wonders of fishing. It was a great program and she would welcome its return.

The final remark was by Mr. Gilmore; he is hoping that the fishing community reaches out to their legislators to give them the exact language that would make the license work from them.



Department of
Environmental
Conservation

6 NYCRR Part 40 - Marine Fish (Sharks)

Public Comment Review



September 12, 2023

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6 NYCRR Part 40 - Marine Fish (Sharks)

Proposals	# Written Comments Received	Opposed		Support	
General Opposition/Support	107	37	35%	70	65%
Hook Sizes	60	28	47%	32	53%
Metal Leader Length	48	20	42%	28	58%
Rod & Reel Only	27	11	41%	16	59%
Chumming	19	3	16%	16	84%
Artificial Lures	15	6	40%	9	60%



Department of
Environmental
Conservation

6 NYCRR Part 40 - Marine Fish (Sharks)

Proposals	# Written Comments Received	Opposed		Support	
Keeping Sharks Submerged	45	1	2%	44	98%
Tackle Cutting Device	14	1	7%	13	93%
Release without Undue Harm	43	1	2%	42	98%
Immediate Release of Prohibited Sharks	34	1	3%	33	97%



6 NYCRR Part 40 - Marine Fish (Sharks)

Comments that suggested alternatives to proposals included:

- Increasing the maximum hook width for circle hooks from 1 1/8 inches to 1 1/4 inches.
- Increasing the maximum metal leader length from 12 inches to 18 inches.

Comments with other alternatives included:

- Implementing an education/permit system for shore-based shark fishing (similar to FL).
- Implementing time-area closures for shark fishing.
- Prohibiting take or possession of Atlantic blacktip.



6 NYCRR Part 40 - Marine Fish (Sharks)

DEC is considering changes to the proposal moving forward:

- Remove proposed 40.1(b)(2)(i) "Hook size"
- Modify proposed 40.1(b)(2)(ii) "Metal leader size":
 - Increase the maximum metal leader length from 12 inches to 18 inches.
- Remove proposed 40.7(c)(9) "Artificial lures"



Councilor Dearborn said she did attend the meeting and was very pleased with the attendance and the way the meeting was run. She was also happy to see the considered changes noted on slide 25 because these were some of the concerns that she felt needed addressing. Mr. Danielson wondered when we can expect to see the changes that have been proposed? Mr. Scott said they will need to meet with their legal team to get the specifics worked out.

Mr. LoBue believes the important aspects of the proposals are aimed at taking care of two things; the first is discouraging people from targeting protected sharks, particularly from shore-based anglers while not impacting other shore-based fishing. The second part would help the release of the fish while still having a good chance of survival. He wanted to make the point that even if other aspects of Part 40 changes, these two areas should remain.

The following presentation was given by Rachel Sysak

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Overview of Management Changes

The Harvest Control Rule was implemented in 2022.

- Uses the future 2 year RHL vs Estimated Harvest
- Harvest is estimated using MRIP and confidence intervals are applied (to account for uncertainty in harvest estimates)
- Under this approach a reduction to the RHL does not necessarily equate to an equal reduction in harvest

Table 1: Process for determining appropriate percent change in expected harvest when developing measures under the Harvest Control Rule

Column 1 Future RHL vs Estimated Harvest	Column 2 Biomass compared to target level (SSB _{SSBtarget})	Column 3 Change in Harvest
Future 2-year average RHL is greater than the upper bound of the harvest estimate CI (harvest expected to be lower than the RHL)	Very High (greater than 150% of target)	Liberalization percent equal to difference between harvest estimate and 2-year avg. RHL, not to exceed 40%
	High (at least the target level, but no higher than 150% of target)	Liberalization percent equal to difference between harvest estimate and 2-year avg. RHL, not to exceed 20%
	Low (below the target stock size)	Liberalization: 10%
Future 2-year average RHL is within harvest estimate CI (harvest expected to be close to the RHL)	Very High (greater than 150% of target)	Liberalization: 10%
	High (at least the target level, but no higher than 150% of target)	No liberalization or reduction: 0%
	Low (below the target stock size)	Reduction: 10%
Future 2-year average RHL is less than the lower bound of the harvest estimate CI (harvest is expected to exceed the RHL)	Very High (greater than 150% of target)	Reduction: 10%
	High (at least the target level, but no higher than 150% of target)	Reduction percent equal to difference between harvest estimate and 2-year avg. RHL, not to exceed 20%
	Low (below the target stock size)	Reduction percent equal to difference between harvest estimate and 2-year avg. RHL, not to exceed 40%

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Summer Flounder

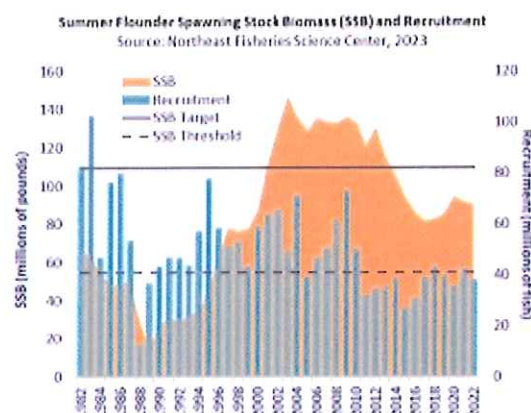
Stock assessment indicates that summer flounder is not overfished but overfishing is occurring.

To adjust for overfishing, the coastwide total catch limit for 2024 – 2025 was reduced by 42%. The RHL will be reduced by ~40%.

A harvest reduction will likely be required, but we won't know where on the percent change chart our options will fall until 2023 data is finalized. Max potential reduction under this rubric is 40%.

We have been roughly 20% under the RHL since 2021.

**Last assessment underestimated fishing mortality and over-estimated biomass



Black Sea Bass

Stock assessment indicates that black sea bass stock is healthy and overfishing is not occurring.

Projections indicate that rec landings exceeded the coastwide harvest limit by a very small margin.

We won't know where on the rubric we fall until 2023 data is finalized. It is important to note there is no option for status quo when a species is at a Very high biomass.

Table 1: Process for determining appropriate percent change in expected harvest when developing measures under the Percent Change Approach.

Column 1 Future RHL vs Estimated Harvest	Column 2 Biomass compared to target level (SSB/SSB _{MSY})	Column 3 Change in Harvest
Future 2-year average RHL is greater than the upper bound of the harvest estimate CI (harvest expected to be lower than the RHL.)	Very high (greater than 150% of target)	Liberalization percent equal to difference between harvest estimate and 2-year avg. RHL, not to exceed 40%
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	High (at least the target level, but no higher than 150% of target)	Reduction percent equal to difference between harvest estimate and 2-year avg. RHL, not to exceed 20%
	Low (below the target stock size)	Reduction percent equal to difference between harvest estimate and 2-year avg. RHL, not to exceed 40%

Scup

Stock assessment indicates that scup stock is healthy and overfishing is not occurring.

Increases were made to the RHL for 2024 during the specification setting process.

We won't know where on the rubric we fall until 2023 data is finalized. It is important to note there is no option for status quo when a species is at a Very high biomass.

Table 1: Process for determining appropriate percent change in expected harvest when developing measures under the Percent Change Approach.

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	Low (below the target stock size)	Reduction percent equal to difference between harvest estimate and 2-year avg. RHL, not to exceed 40%

Councilor Dearborn questioned slide 27 – She wondered about the 40% reduction New York will most likely be facing but Ms. Sysak said it's possible NY could end up with only a 20% reduction, it's based on the error bars, they are realizing that the numbers are estimates, that is, until they have the 2023 actual numbers and the data can be firmed up.

Councilor Danielson asked how does the underharvest of 20% apply to Harvest control or doesn't it make a difference? Ms. Sysak said that it does have an effect. They are basically looking at where they see harvest estimates in comparison to the 2-year RHL. It will impact the figures just not on a one to one ratio.

Ms. Dearborn requested when the DEC does get their figures in (sometime in January) she would like to have a meeting where the industry folks are invited to go over options before a final decision is made.

Mr. Delaney would like the DEC to come up with options that make us more equitable to Connecticut. It's hard to fish side by side with boats from other states and have lesser bag limits. We may understand why we have the limits we do but it's hard to make customers comply when they feel/see the inequity.

Public Comments

Chairman Frisk introduced Mr. Marty Gary as the new Director of Department of Environmental Conservation's Division of Marine Resources (DEC). Mr. Gary comes to the DEC from the Potomac River Fisheries Commission where he has served as Executive Director for the past decade. Mr. Gary is replacing James Gilmore who worked for the DEC for 37 years.

Gordon Pellegrini from Rockland County is concerned about 3 municipalities near him that discharge treated sewer water and fishers have noticed a noticeable change in the striped bass population and several other species as well. He would like to see the Department do a research study in that particular area.

He was also concerned about a project that is taking place in his area, specifically a tidaled wetland and wildlife estuary. Ms. Socrates said she would take his contact information down and connect him to the company responsible for this project to give him the answers he's looking for.

Nancy Solomon, Director of LI Traditions wanted to inform everyone about the Tobay Beach Boat Show being held October 6-8 on Ocean Parkway in Massapequa. They will be exploring Long Island's recreational and commercial fishing and boat building traditions and Native American maritime culture. Their program will provide the opportunity to interact with baymen, fishermen, decoy carvers and boat builders. Presenters will include baymen and fishermen Tom Jefferies, Bill Fetzer, Craig Oddo, Flo Sharkey; boat builder Chris Hale; decoy carver and waterfowl hunter George Rigby; and, master recreational fisherman Reed Riemer of the Atlantic Anglers Club. Also joining them will be Josephine and Shavonne Smith from the Shinnecock Reservation. They will be demonstrating how to make wampum from clam shells and share their knowledge of the local marine life of Shinnecock bay. Everyone is welcome.

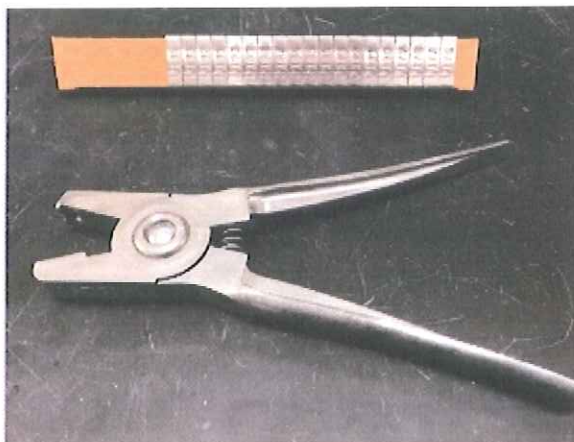
The following presentation was given by Rachel Sysak

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Commercial Tagging

- Management Board tasked the TC with exploring alternatives
- NY will be doing the testing
- If you are interested in testing tags (this involves filling out a digital datasheet and taking pictures to track any issues) Please reach out to:

Rachel Sysak
(631) 444 – 0469
Rachel.Sysak@dec.ny.gov



The Dec is working on possible alternatives to tags. Unfortunately, the testing so far has been unproductive and without a viable solution. However, testing will continue and the DEC is looking for volunteers to help with the study. It will just be a matter of filling out a digital form (which would take about 30 seconds) and documenting your findings through photos. The testing is performed on live fish here at the DEC. So far they have tagged 10 fish with a variety of devices that they thought might work and kept them in a live well.

If you are a commercial fisher or if you are a dealer, ideally if you do both, having you volunteer would be even better because the DEC could see how fish go through the whole system from being landed to being held. If you are interested, please contact Ms. Sysak at: Rachel.Sysak@dec.ny.gov

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At a previous meeting, Ms. Sysak had been tasked with researching what the numbers would look like, should an adjustment be made to have the Long Island Sound commercial season begin with the same opening date as the New York Bight region. The following slide explains the math behind the idea :

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# Seasonal Adjustment

|                                                                                                                                                    |                                                                                           |       |
|----------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|-------|
| <ul style="list-style-type: none"><li>Adjusting the Long Island Sound commercial season to open on the same date as the NY Bight region.</li></ul> | Potential New Season Based on Preliminary Estimates:<br>April 16 – Jul 31, Sept 1 – Nov 5 |       |
|                                                                                                                                                    | April/May Additional days                                                                 | 22    |
| <ul style="list-style-type: none"><li>Current Seasons:<br/>LIS: May 7 - July 31<br/>Sep 1 -Nov 23<br/><br/>NYB: Apr 16 - Jan 25</li></ul>          | Additional Days % of Total Landings                                                       | 15.99 |
|                                                                                                                                                    | Nov Days Required                                                                         | 18    |
| <ul style="list-style-type: none"><li>Conservation Equivalency Proposal needed with most recent data.</li></ul>                                    | Lost Days % of Total Landings                                                             | 16.04 |



The numbers are preliminary, they haven’t been finalized, these are rough estimates. If this idea is popular and the commercial fishers want this, the DEC would need to put forward a conservation equivalency proposal to the ASMFC and have the Technical Committee chime in. If we begin the process now, it still wouldn’t be in place until 2025. Councilor Davi said that he will talk to folks in his trade to get their opinion.

Councilor Jordan said that would include east end anglers and he wants to be part of this conversation. He wonders about the demarcation – is it a hard line? Is it arbitrary? Why is it set to Rhode Island? Ms. Sysak confirmed it was arbitrary so Mr. Jordan would like this to be revisited. The demarcation affects him because of Fisher Island. A public meeting will be the next step.

Jesse Hornstein gave the following presentation

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## 2024 Quotas

### Fluke

- 42% decrease in coastwide quota, 53% decrease in NY quota.
- Preliminary 2024 quota is 672,170.

### Bluefish

- 44% decrease in coastwide quota, 37% decrease in NY quota.
- Preliminary 2024 quota is 348,480.

### Black Sea Bass

- 25% increase in quota.
- Preliminary 2024 quota is 587,400.

### Scup

- 51% increase in quota.
- Preliminary 2024 quota is 1,301,654.



Councilor Davi wants to know if the commercial industry can get back the 5% fluke allocation that was given to the recreational industry by the Mid-Atlantic Council because they are facing such a large reduction in quota. Mr. Maniscalco replied that the short answer is no – not without a major recreational/commercial allocation amendment.

Discussion turned to what is causing such a decline in the fishing industry. Mr. Maniscalco said there are changes in recruitment patterns - just general distribution of stock, the fluke index has been zeroed out for a number of years. There is also concern about warmer water temperatures and the effects of ocean acidification. On top of all that, there is a need to re-estimate MRIP because they are saying that effort has been overestimated, by about 20 to 30 percent. If you consider how that affects assessment, it would mean we are fishing at too high a level. It's not a fault of either the recreational or commercial fisherman, it's just that where we are setting our catch limits may be off a bit. Recent stock assessments are suggesting that we are overfishing and underestimating F, which is probably true. Then again, some of it is a new understand of maybe catch being too high which meant the DEC thought the biomass of the stock was higher than it actually was. These are possible reasons but he couldn't say for certain which is the contributing factor(s).

Chairman Frisk added that if you look at the figure of recruitment, there is a low phase. We've been consistently below recruitment for the last 10 years. Councilor Jordan questioned if recruitment studies are area based? The answer was, yes, they are regional numbers. Mr. Jordan added, since the bulk of the fluke fishery is moving, maybe the recruitment numbers need to go further north – possibly toward the Canadian border? Ms. Sysak said even if there is redistribution of summer flounder taking place, it doesn't equate to immediate changes. We can compare this to Black Sea Bass; there is documentation showing they have moved northward due to climate change but that did not equate immediately into redistribution. Something very similar could be happening with summer flounder and if you compare it to Black Sea Bass, that was a very big big fight and the difference it made was minimal. Councilor Witek said just to follow up, a few years ago there was a reallocation to commercial summer flounder landings where some of the Northern states got more fish, including New York but the key to that that was only if the commercial quota exceeded 9.55 million pounds.



This year the commercial quota – *coastwide* - is under that amount so we are going back to the old allocation which hurts us as well.

**Regulatory updates: The following presentation was given by Caitlyn and Chris Scott**

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## Adopted Rulemakings

### Scup and Black Sea Bass (Part 40)

- Notice of Adoption: effective 9/6/2023
- ASMFC/MAFMC mandate
- Purpose:
  - Amend size limits for BSB and Scup
  - Amend bag limit for Scup
  - Amend open season for Scup



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## Current Rulemakings

### Striped Bass (Parts 10 & 40)

- Notice of Emergency Adoption and Proposed Rule Making
- 1st Readoption to be filed 9/15/23 to extend emergency (NPR published 7/5/23)
- Purpose:
  - a) change recreational slot size to 28-31"
- ASMFC mandate by Emergency Action (May 2, 2023 meeting)
- Public comment ended 9/5/2023 (5 comments received)
- Target NOA filing date: Early October



## Current Rulemakings

### Jonah Crab (Part 44)

- Notice of Proposed Rule Making, effective 9/6/2023
- Purpose:
  - a) Establishes the Jonah Crab directed trap fishery
    - Must hold a current commercial lobster permit with trap tag allocations; or,
    - Must hold a current commercial crab permit and prove prior participation in the Jonah Crab fishery before June 2, 2015.
  - b) Establishes a 1,000-crab incidental bycatch limit for Jonah Crab
- ASMFC mandate
- Public comment ends 11/6/2023



*The following slide was presented by John Maniscalco*

## Upcoming Rulemakings

### Recreational Atlantic Cod

NYS Noticed of Proposed Rulemaking pending

- Federal proposed rule published on 4/18/2023.
  - Public comment period closed 5/3/2023.
- Federal final rule published 8/14/2023 (effective date)



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

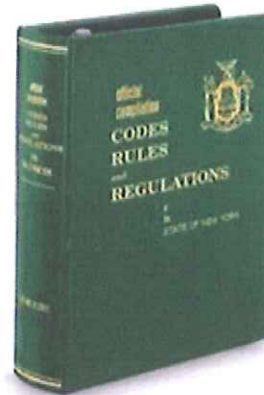




## Upcoming Rulemakings

### Part 38, Reporting

- Notice of Proposed Rule Making documents being reviewed by DEC Executive
- The electronic tracking device portion of this rule making should be adopted by December 15, 2023, for compliance with ASMFC FMPs for American lobster and Jonah crab



## Upcoming Rulemakings

### Part 38, Reporting (continued)

- Purpose of the rule making:
  - Clarifies and consolidates in one place the reporting requirements (new Part 38)
  - Requires party and charter boat license holders to submit VTRs online (SAFIS eTRIPS) within 48 hours of trip ending, starting January 2025
  - Requires federal lobster trap permit holders to install electronic tracking devices on federally-permitted lobster & Jonah crab vessels by 12/15/2023 (LMA 6 is excluded from tracking requirements)
  - Updates DEC DMR address and other technical details in regulation



Mr. LoBue wondered if there will be an app for your phone to make reporting easier. Ms. Davidson said because this is coming from the ASMFC there will be Federal funds to help offset the costs coming with this change, (i.e., cell phone charges). The DEC's role is simply to make sure the device has been added to their boat.

# ASMFC/MAFMC Summer Meeting Updates



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## Striped Bass

### Emergency Action

- Extended until 10/28/2024
- Recreational size limit: 28-31"



### Addendum II

- Updates & changes from original draft:
  - 14.5% reduction from total removals necessary (recreational AND commercial).
  - Recreational options reduced (no harvest closures).
  - Option for different for hire regulations.
  - Recreational Filleting Allowance Requirement option.
  - Commercial quota options (status quo, or up to 14.5% reduction from 2022 quotas).
  - Commercial max size limit options.
  - Commercial gill net max size limit exemption.





# Striped Bass

## Addendum II (continued)



- Timeline:

| Date                     | Action                                                                                   |
|--------------------------|------------------------------------------------------------------------------------------|
| May 2023                 | Board initiated the Draft Addendum                                                       |
| May – September 2023     | Plan Development Team (PDT) develops Draft Addendum document                             |
| October 2023             | Board reviews and approves Draft Addendum II for public comment                          |
| November – December 2023 | Public comment period, including public hearings                                         |
| January 2024             | Board reviews public comment, selects management measures, final approval of Addendum II |



\*\*Actions in the Addendum would supersede regulations currently in place.

# MAFMC

Specifications for black sea bass, bluefish, scup, and summer flounder were set for 2024 and 2025 (except for black sea bass):

|                 | Commercial Quota<br>millions of pounds |       |       | Recreational Harvest Limit<br>millions of pounds |       |       |
|-----------------|----------------------------------------|-------|-------|--------------------------------------------------|-------|-------|
|                 | 2023                                   | 2024  | 2025  | 2023                                             | 2024  | 2025  |
| Summer Flounder | 15.27                                  | 8.79  | 8.79  | 10.62                                            | 6.35  | 6.35  |
| Scup            | 14.01                                  | 21.15 | 18.80 | 9.27                                             | 13.18 | 11.84 |
| Black Sea Bass  | 4.80                                   | 6.00  | N/A   | 6.57                                             | 6.27  | N/A   |
| Bluefish        | 4.29                                   | 2.42  | 3.03  | 14.11                                            | 11.96 | 15.70 |



## 2023 MRAC Calendar\*

Tuesday, November 28, 2023 (this meeting was originally scheduled for the 14<sup>th</sup>)

\*Please note that all meetings, unless otherwise stated, will take place at the DEC offices located at 123 Kings Park Boulevard, Kings Park, 11754, at 2:00 p.m.

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)).