

**November 28, 2023**

Mike began the meeting with introductions by the Councilors present as well DEC Directors past (James Gilmore) and newly present (Martin Gary).

Chairman Frisk welcomed and introduced Mr. Gary who then gave a synopsis of his 38-year career to date. He stated how much he is looking forward to his newest role and working with the many user groups who interact with the DEC. He welcomes comments and feedback from all.

**Public Comment**

John German, President of the Lobstermen's Association, said that a barge carrying a large crane was placed in Mount Sinai/Port Jeff Harbor and the DEC sent notification of that to lat/long but fishermen no longer use lat/long, they use TD's – he just wanted to make the DEC aware of that.

Carl LoBue from The Nature Conservancy announced that he is going to be working with Stony Brook University on a NYSEDA funded research project aimed at improving the precision of science done on offshore habitat, and that they would like to have conversations with individual fishermen, or with fishing clubs who have members routinely fish on or near the Atlantic Beach Artificial Reef which is off The Rockaways.

Field work is anticipated throughout 2024. The team would like to communicate with fishermen before work begins to get advice on how to avoid getting in the way of fishing activities, and would be happy to talk throughout the field season and also share results as soon as information starts to come in. Also, the team is intending to charter boats from nearby to assist with field work and would like to identify captains and boats that would be interested in participating.

Please contact Carl LoBue for more information at [clobue@tnc.org](mailto:clobue@tnc.org), or 631-367-3384 X113."

**Approval of Minutes – September 12, 2023**

Councilor Witthuhn would like the Minutes to reflect that he did, in fact, vote to approve the Minutes from June's meeting. The meeting notes said he arrived after the vote which was incorrect. The correct vote should be: All in favor – 7, opposed – 0, abstentions -2 (Frisk Squeri). Motion passes.

Council Witthuhn would also like the Minutes to reflect a comment he made during Jim Gilmore's presentation regarding the Saltwater License Registry - His comment was to reflect that the reason the registry is not working is because of a lack of communication – people

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

not understanding what the registry even was. It was a lack of education and communication among NY fishers.

The Minutes were approved with the above noticed changes.

Mr. Witthuhn believes that the Minutes should reflect the number of participants in the audience and listening on the webinar moving forward. This would prove difficult as many audience members choose not to sign the attendance roster.

### Saltwater License Update

Mr. Gilmore gave his presentation regarding the saltwater fishing license:

## 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	33,683	380,296
2014-15	271,364	31,639	303,003
2015-16	312,715	31,374	344,089
2016-17	331,797	32,702	364,499
2017-18	302,039	37,114	419,153
2018-19	387,588	38,319	425,907
2019-20	381,507	55,028	436,535
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 ~~fee~~ 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



# 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

In an effort to receive additional feedback, Councilor Dearborn put together a survey and circulated it among her customers. Ms. Dearborn owns a bait and tackle shop. It was given to 75 people and she received a response from 18 (physical response – this did not include verbal communication). What came through the most was the fisher's frustration with fishing quota management and a lack of trust that the DEC will do the right thing with the money received from a license.

*Should a license go into effect*, they would like to see more law enforcement, better education, more access to fishing, promotion for increasing the number of anglers, update to their decal system, etc. It was thought this should be handled on line, however, if shops do need to become involved, there should be some sort of kick-back or compensation



to the shops who need to take time out to help customers with the process. They are also worried about the impact this would have to their business should a license go into effect – will this hurt the number of people who will want to go fishing?

When asked what they thought an anticipated cost should be, \$10.00 seemed popular.

Ms. Dearborn reiterated while interacting with folks about the license what came across the most was a lot of frustration with the DEC in general and a total lack of trust, they were the two main points.

Mr. Gilmore also reached out the states that do have a saltwater license and what their experience has been. He contacted 20 states and received 11 responses. Overall, the license was a positive thing – the money generated in the states was able to accomplish all the things New York fishers are requesting. Most bait and tackle shops did not incur any damages due to the license. The east coast states were in favor of the license. A difference for the west coast – they only have one license – a fishing license, however, they thought it might be good to have a separate license to help with management.

Mr. Gilmore said what everyone needs to keep in mind is the DEC is trying to make improvements to the fishing community. They are not trying to put anyone out of business, they want to help the community. Keep in mind nothing has been decided yet, further discussions will be taking place.

They are dealing with facts and not hyperbole. Keep in mind that every purchase you make for any fishing gear or fuel, the tax goes to Wallup-Breaux and that money is federal so it is not being designated for New York specifically, essentially, we are losing half a million dollars a year.

The DEC understands that there needs to be a dedicated fund designated specifically for saltwater fishing; it would also have a watchdog attached to it.

Councilor Danielson wanted to know if there was any chance the license fees from a saltwater license could be used to offload general fund funded items in the DEC budget. Meaning, can you take the license revenue, either on Wallup-Breaux monies or the license sales itself and offload that money in place of general fund usage on the DEC marine resources budget? Mr. Gilmore said that would be determined by the Legislation. There could be some general fund offload but it would only be recreational fishing. Right now, the way the DEC's budget works is 1/3 of the division is funded by the general fund, 1/3 by the marine account and 1/3 is now funded by Federal aid. Hopefully the funds generated would receive a completely new account. Mr. Danielson said when the original subcommittee put together thoughts one of the things that was said was that offloading general funds for saltwater license revenue won't fly. This needs to be completed funded to the recreational fishing community by large. If you start using the money for enforcement salaries, the recreational community is not getting a 100% net increase. That is what was lost back in 2010 when Governor Patterson made that decision. People do not trust politicians to write the legislation correctly and he cannot emphasize that enough. The DEC needs to get the public's trust back – this money needs to be 100% used for the fishing community. You take even \$1 of that money and put it in general funds, you will land right back where we were in 2011 when Governor Cuomo revoked the saltwater license and we ended up with the free registry.

Mr. Gilmore hopes people don't get caught up in the bean counting because it would be too restrictive and the overall benefit to the fishing community will be worthwhile. Mr. Danielson said he believes that once there is a revenue surplus, people will begin to see a benefit when things are being brought to the recreational fishing community, however, if monies are taken out immediately they will once again believe that the DEC has stolen their money and all trust will be gone. The only staff expense that would be acceptable would be to have more enforcement officers.

Mr. Witthuhn agrees with Ms. Dearborn – trust is one of the biggest obstacles to overcome. When looking at the registry slide, it is pretty consistent showing an average number of anglers for 12 years of about 390,000 then the Feds get involved and now it's over 1,000,000 – where are they getting these numbers from? Mr. Gilmore said when he came



on board, he believed the numbers were too low, they should have been around 800,000 recreational anglers. The current number showing is more correct. Mr. Witthuhn said if the current numbers are correct, shouldn't there have been more quota going to the fishers? Mr. Gilmore said, "Possibly." He also said it's more complicated than that. Mr. Witthuhn believes it's going to be very hard to convince fishers in general to go for a license but especially so for the party and charter boat industry.

Councilor Paradiso said that we are currently at a 40% non-compliance rate – do you really think implementing a fee-based license is going to reduce that? You may actually have an increase in non-compliance if folks' fish without obtaining the license. What is the compliance rate for other states that have a license? Mr. Gilmore said they are well below our level and he believes that when our judicial system recognizes that we take offenses seriously, they will too. Up until now the courts don't follow through with penalties, however, if there is an actual license in place a judge will realize that a law has been broken and act accordingly.

Mr. Paradiso doesn't believe that better allocations are going to come simply by having a license and he doesn't think many of the audience or folks in the industry believe it either.

Mr. Gilmore thinks New York needs to take a leap of faith.

Mark DuJong, a For-Hire Captain believes the license would be a good thing if implemented correctly. He does wonder where his customers will fall into because for someone who may only fish once or twice a year will most likely not be willing to purchase a fishing license. Mr. Gilmore said the For-Hire industry would most likely pay a fee for the vessel alleviating the customer from paying. That being said, Mr. DuJong does believe this is all coming down to trust and thinks a lot of work needs to take place in that area first and foremost.

Nancy Solomon wonders where would school trips fall in all of this? Mr. Gilmore said monies would be set aside for education; one example being school trips. They would work with organizations such as Sea Grant to accomplish that.

John German said that most of the things that you hope will be accomplished with a recreational fishing license is currently being done using the revenue from commercial license holders. If this recreational license goes through, will you be lowering the fees being paid by commercial fishermen in order to make things fairer? Mr. Gilmore said if folks wanted that to be part of the discussion, it should be brought before the legislators who, as Mr. Gilmore stated previously, will be the ones who hash out the details.

Councilor Jordan (commercial represented Councilor) spoke to Councilors Dearborn and Paradiso (recreational represented Councilors)– he understands they say they can't support the license because of how their stakeholders feel but he would like to know how they personally feel. Mr. Jordan said that he, too, has been in this position when his stakeholders were against something but he also recognized that many of those against something, were not quite as understanding about the specifics of what was being brought before them. He felt it was his responsibility to give them all the facts – both pros and cons so they could make an educated decision based on facts rather than hearsay. Mr. Jordan thinks having the saltwater license will be a good thing and beneficial to their industry. Mr. Paradiso answered that unfortunately, he personally does NOT trust the system to do the right thing and by "system" he is not referring to the DEC.

Ms. Dearborn agreed that it's hard not to see the benefits that could come from a license but she still has personal reservations regarding trust that the money will be used correctly and she also has a worry about what this might mean to her own personal livelihood and those in the industry in the beginning years. Unfortunately, she doesn't feel that NY ever has the fisher's backs. Take striped bass this season, there was an implementation date for the slot size and other states managed to push it back but not NY. A couple extra weeks would have made a big difference to the fishers so while Mr. Gilmore thinks New Yorkers should "have a leap of faith" – there are reasons why folks are unable to.



Mr. Witek finds it funny that trust is such an issue for NY when they already receive money from other licenses that is not being misused.

Joe DeVito from Captree Boatmen's Association believes there needs to be a blanket coverage for party and charter boats worked into the specifics. He recalled there was mention that perhaps the fee for party and charter boats should be lowered, he believes the fee should be raised. His reasoning is that if the fee is lowered, you are going to have people with private boats saying they are party and charter and they'll take all these people with their licenses and if there was any kind of sector separation, that's another reason you may have people faking charters. He doesn't want the raise to be exorbitantly high, just enough to keep things legit.

Pat Augustine believes this should come with a sunset clause. If you don't meet the obligation of what you have committed to, it should be null and void. He believes there is a tremendous benefit to be gained in having this license and the monies it will generate. Everyone needs to stop putting subjectivity into their decisions. Mr. Augustine addressed the Councilors and said they need to make the tough decisions, you don't need to be everybody's friend. He supports a saltwater license, this needs to go through and do so *with a sunset clause*.

### **Commercial Tautog Tagging Program**

This topic has been requested by a number of commercial fishermen. They would like to see a change because they don't want to wait until they reach an 80% marker in order to get their additional tags, they would like to be able to do so at 50-60%.

Councilor Jordan agrees there could be more leeway given especially if you reach 80% on a weekend. He would agree to a 10% buffer especially in the fall when days can be few and far between, depending on the weather. He did want to compliment Alyssa, the person who completes the reports and get the tags out – she is doing a terrific job; the system in place is working fantastic.

Mr. Maniscalco said this something that the DEC will look into and bring more information when it is placed on the agenda of a future meeting. He has also heard the folks would like the DEC to look into management on a whole so both topics will be addressed at the same time.

### **Commercial striped bass management**

Councilor Witthuhn wanted to bring this topic to the Council's attention. It seems there is an increase every year and guys are getting older and it's becoming more of a directed fishery and people are just killing tags by getting into gill netting. He thinks there should be a certain amount of poundage allowed for the gill netter because when they bring a large amount into the marketplace, it hurts the hook and line fishers because it causes the price to drop. It's very unfair to one user group to set a price that affects another user group because they flood the market with their catch just because they have better gear to catch the fish. Everyone should be able to get a decent price for their cat. Maybe the DEC could look into having the hook and line fishers get into the striped bass fishery instead of giving it to one user group.

Councilor Davi feels this is an enforcement issue and not something to be dealt with at the Council level.

Councilor Jordan said Mr. Witthuhn has a unique outlook and he does understand why he feels the way he does, however, we received transferability between license holders on striped bass tags approved at the ASMFC level years ago but it was stopped politically. There really isn't anything we can do about that issue. It actually works for a lot of people. He thinks Mr. Witthuhn is making a personal judgement and it's not fair, people are entitled to fish the way they want. We can't control market price, it happens in every fishery and you're trying to take away someone's rights and you can't do that.

Councilor Danielson agrees with Councilor Davi, this is a law enforcement issue and that's where this should remain.

Mr. Witthuhn says this circles back to "What is the definition of a commercial fisherman?"

John German said the last time you could get bass tags was back in 1995 and yes, many of those that have them are in their 70's, 80's and even 90's. They were distributed based on your earned income. The way the law is set up now, when the holder dies, they can pass the tags to an immediate family member and then sold down the line. The price for striped bass is low right now because they are plentiful. He doesn't understand how there came to be partial shares, he doesn't believe in them and doesn't think they should have them.

Nancy Solomon said gill net fishermen is one of the most traditional methods used and the most efficient – she would strongly caution to keep that traditional way of life intact and respect their rights.

Mr. Witthuhn said his thought is to create opportunity - he's not trying to take anything away from the gill netters. Give others an opportunity to fill the bass tags.

Councilor Jordan said that 10 years ago there was a sub-committee that worked on Striped Bass permit transferability. They worked very hard on that and came up with a recommendation that was shot down politically, if he wanted to suggest a review of that recommendation for a future agenda item, perhaps by submitting it to a newer administration, it may be acceptable. Several Councilors agreed they would get behind that.

#### *Fishing License Requalification*

Mr. Witthuhn brought up the George LaPointe report again. He feels that too many licenses were given out with regard to the amount of quota available. He also wondered what ever happened to the Report, the findings were never discussed in detail with the Council or anywhere. He wants to know the definition of a true commercial fisherman; that was something that was supposedly going to be addressed in that report. The report will be put on a future agenda for discussion.

Councilor Jordan addressed the comment about too many licenses were given out in relation to the quota we had – Mr. Jordan said he is pretty sure that striped bass and fluke were under moratorium before quota management.



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## Tautog Commercial Tagging Program

NY asked ASMFC for a program suspension due to the issues with the current program and the timeline for implementing any alternatives.

**The vote on suspension did not pass.**



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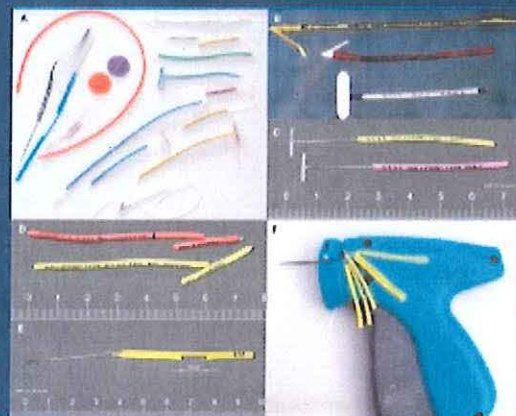
## Tautog Commercial Tagging Program

Current Timeline:

Fall/Winter 2023 – Feasibility to narrow down tag options

Spring/Summer 2024 – Testing with Fishers/Markets

If a better alternative is found could potentially implement in April 2025



## Tautog Commercial Tagging Program

If you are interested in participating in testing new tags please contact

Rachel Sysak

(631) 444-0469

Rachel.sysak@dec.ny.gov



Ms. Sysak stated that the DEC was unable to sway the ASMFC to curtail the tagging program currently in place even though there have been numerous complaints and concerns (lesions and damage to fish) regarding the regulation tags fishers are told to use. The DEC is currently seeking tagging alternatives that would not cause harm to the fish. They are working with various methods and fishers and will be documenting their results in the hope of finding a healthier solution.

Councilor Witthuhn asked if other states were not having the same problem as NY is. Ms. Sysak said NY is responsible for 75% of the coastwise landings so our magnitude is different from other states. Massachusetts is somewhat comparable but since the lesions begin showing up after 2 weeks, Massachusetts doesn't seem to hold onto tags that long so they aren't witnessing the lesions, they are, however, noticing damage to the fish from the tag itself, in addition to the tags falling out.

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**Recreational  
Summer Flounder,  
Scup and Black Sea  
Bass 2024 - 2025**





# Percent Change Approach

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 <sub>MSY</sub> )	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)	<b>Very high</b> (greater than 150% of target)	<b>Liberalization</b> percent equal to difference between harvest estimate and 2-year avg. RHL, not to exceed 40%
	<b>High</b> (at least the target level, but no higher than 150% of target)	<b>Liberalization</b> percent equal to difference between harvest estimate and 2-year avg. RHL, not to exceed 20%
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Future 2-year average RHL is less than the lower bound of the harvest estimate CI (harvest is expected to exceed the RHL)	<b>Very high</b> (greater than 150% of target)	<b>Reduction: 10%</b>
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Implemented in 2023, the approach sets management measures for two years, timed with assessments.

Management changes based on:

- 2 yr average estimated harvest vs RHL
- Stock Size

2023: Only set measures for one year because of stock assessment timing



Department of  
Environmental  
Conservation

See below for magnification of table:

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# Recreational Summer Flounder 2024 - 2025

## 28% Reduction required

### Preliminary Timeline:

- January: Public meetings and feedback surveys to discuss suite of options.
- February: suite of proposals submitted to ASMFC
- February/March: final option selection

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Future 2-year average RHL is less than the lower bound of the harvest estimate CI (harvest is expected to exceed the RHL)	<b>Very high</b> (greater than 150% of target)	<b>Reduction: 10%</b>
	<b>High</b> (at least the target level, but no higher than 150% of target)	<b>Reduction</b> percent equal to difference between harvest estimate and 2-year avg. RHL, not to exceed 20%
	<b>Low</b> (below the target stock size)	<b>Reduction</b> percent equal to difference between harvest estimate and 2-year avg. RHL, not to exceed 40%



# Recreational Scup 2024 - 2025

## 10% Reduction required

### Preliminary Timeline:

- December 12th MAFMC/ASMFC Meeting: Evaluating re-opening Jan-Apr federal closure
- January: Public meetings and feedback surveys to discuss suite of options.
- February: suite of proposals submitted to ASMFC
- February/March: final option selection

Column 1 Future RHL vs Estimated Harvest	Column 2 Biomass compared to target level (SSB/SSB <sub>MSY</sub> )	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%

See below for magnification of table:

Column 1 Future RHL vs Estimated Harvest	Column 2 Biomass compared to target level (SSB/SSB <sub>MSY</sub> )	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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# Recreational Black Sea Bass 2024

TC/MC recommended No Change

2024 Assessment was delayed.

To keep Black Sea Bass on a two-year cycle (as required by the percent change approach), the TC/MC have proposed treating the 2023 measures as the measures for the 2023-2024 cycle. The next assessment will determine measures for 2025-2026.

Preliminary Timeline:

- December: 13th MAFMC/ASMFC Meeting: Evaluating ability to remain status quo
- January: Public meetings and feedback surveys to discuss suite of options
- February: suite of proposals submitted to ASMFC
- February/March: final option selection

Column 1 Future RHL vs Estimated Harvest	Column 2 Biomass compared to target level (SSB/SSB <sub>MSY</sub> )	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%
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Recreational black sea bass only applies to 2024. The assessment was delayed. Councilor Witthuhn worries that we're staying status quo because we're basing it on a benchmark and we could be looking at a total disaster for 2025 – what was the reason for the delay? Ms. Sysak said the delay was purely because of a workload issue.

Ms. Dearborn is confused because she recalls the initial discussion with this proposal, wasn't it said that it was going to be one of those three options or was it always looking at a "max of?" She remembers the conversation saying that it could end up being 0,10, 20 or 40 and the discussion was about the large wiggle room between the numbers. Mr. Maniscalco said that Ms. Dearborn's recollection was correct – the option was 10-20-40 and the other option was *up to* 20-40 and the Council went with this.

Ms. Dearborn asked when the final number will be decided and Ms. Sysak said that it is – 28%.


An audience member said there is definitely more scup being caught and there is plenty to go around. The amount of boats fishing for scup in the spring time has blown up, fish do not live in a vacuum. When you tighten regulations here – they fish over there. 30 fish a day is a lot and he's not complaining but he worries about where the decreases will stop. Mr. Maniscalco replied that he is as frustrated as the fishers and he does hope things turn around soon.

Jesse Hornstein gave the following presentation:

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## ASMFC Annual Meeting Recap

- Tautog Management Board – Tagging Program.
- Coastal Pelagics Management Board – Cobia assessment and recreational reallocation.
- Striped Bass Management Board – Release of Draft Addendum II for public comment.
  - Public hearing in Kings Park: 12/4 6:30 - 8:30 PM
  - Public hearing in New Paltz: 12/18 6:00 - 8:00 PM
  - Comment on Draft Addendum II by 11:59 PM on 12/22



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Mr. Hornstein added to the comments already given by Ms. Sysak with regard to why the ASMFC voted down the option to stop the Tautog tagging program. The states that voted against it was their concern for opening up legal markets again if there wasn't a tagging program this year and also had concerns over the infrastructures they had within their states. Curtailing the operations in the offices that hand out tags for a year and then having to reopen them again.

### Coastal Pelagics Management Board

Cobia is becoming more prevalent in New York waters and the DEC plans on becoming more pro-active in management of this species. The hope to put someone on the technical committee so they can be part of the allocation work that will be taking place shortly. That person would also be involved in the stock assessment.



## 2024 Renewal Applications

- Mailed out on November 10th, over 3,100 applications
- Received around 700 back thus far
- New for 2024:
  - Custom handouts included with applications
  - Retail information card for Marine Bait permits
  - Credit cards (Visa/Mastercard) accepted for walk-in renewals



What is new this year is that you will receive a wallet sized card in addition to the laminated sheet that gets returned to you.

Councilor Jordan questioned if pre-designation forms were included in this year's mailing. Ms. Steve replied they weren't because they have been working on that separately. The staff went over the licenses and reached out to anyone who did not have a designation and they were requested to do so.

They also asked people to update their files – to make sure the licenses they have on file are current.

## 2024 Random Selection

- Deadline for submitting an application is January 5th, 2024
- Date for Random Selection is not yet scheduled
  - Likely in early February
  - We will notify applicants of date when it is scheduled
- Will be live-streamed again this year
- We won't know how many licenses are available until after the end of 2023
- Contact Robert Sayers for questions and applications  
Robert.sayers@dec.ny.gov, 631-444-0455





\*\*Random Selection will be taking place at the DEC Offices, 123 Kings Park and they will be offering a live-streamed version for those who cannot attend in person.

Justin Pellegrino gave the following presentation:

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## Lobster Trackers



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## Electronic Vessel Trackers

- New York federal permit holders who fish for American Lobster or Jonah Crab with pots will be required to install electronic trackers on their vessels in 2024.
  - This is a ASMFC mandate, NY & NOAA are implementing regs (will be a federal requirement),
- ASMFC has funding to cover costs of tracker installation and data plans.
  - ASMFC staff will be contacting active pot fishing NY Lobster/Jonah Crab federal permit holders with further details.

NY American Lobster/Jonah Crab federal permit holders can contact DEC with questions at:  
[MarineInvertebrates@dec.ny.gov](mailto:MarineInvertebrates@dec.ny.gov)



## Interstate Advisory Panels



NY State does have vacancies on interstate advisory panels, specifically ACCSP and American Eel. ACCSP deals with data and data collection and potentially electronic reporting that is required. If you are interested, please reach out to the DEC who can give you the particulars for each panel.

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## Upcoming Meetings

- **Quota Distribution Meeting:**

Tomorrow- 11/29 6:00 – 9:00 PM

You can attend in person or online.

For Draft Quota Distribution Plans and the meeting link visit <https://on.ny.gov/commercialfishing>





## Upcoming Meetings

- **ASMFC Draft Addendum II Public Comment Hearings:**

- Kings Park: 12/4 6:30 - 8:30 PM

- New Paltz: 12/18 6:00 - 8:00 PM

- Email- [comments@asmfc.org](mailto:comments@asmfc.org) Subject line: Striped Bass Draft Addendum II

- Comment on Draft Addendum II by 11:59 PM on 12/22



## Upcoming Meetings

### Mid-Atlantic Fishery Management Council

December 12 – 14, 2023, Philadelphia, Pennsylvania

<https://www.mafmc.org/briefing/december-2023>

- Joint meeting with Atlantic States Marine Fisheries Commission Summer Flounder, Scup and Black Sea Bass Management Board and the ASMFC Interstate Fishery Management Policy Board
- SFSBSB and bluefish recreational measures, commercial SF regulations
- Guidance document for EFPs for unmanaged forage fish
- Spiny dogfish, Atlantic mackerel, golden tile fish 2024-2025 specifications,



Councilor Witthuhn said the commercial guys know ahead of time what their quota is going to be, why do for-hire and recreational guys have to wait until the end of April? Mr. Maniscalco said commercial fishermen landings are based on hard numbers that are handed in almost immediately whereas recreational fishermen numbers are based on MRIP numbers which takes longer to put together, there are much more moving parts on the recreational side.

Councilor Jordan said the ASMFC Draft Addendum II meeting is extremely important to the For-Hire industry. They will be voting on sector separation and if it passes at that level, NY can follow suit which would give that group some relief.

## Rulemaking Update



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## Current Rulemakings

### Jonah Crab

- Noticed of Proposed Rulemaking
- Purpose:

#### Compliance with ASMFC FMP

- a) Establishes the Jonah Crab directed trap fishery
- b) Establishes a 1,000-crab incidental bycatch limit for Jonah Crab

- Public comment period ended on November 6, 2023.
- No public comment received
- Target adoption date: Winter 2024





## Upcoming Rulemakings

### Part 38, Reporting

- Notice of Proposed Rulemaking
- Purpose:
  - 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 (LMA 6 is excluded from tracking requirements)
  - Updates DEC DMR address and other technical details in regulation
- **Waiting Executive Chamber Approval:** will have minimum 60-day public comment period and a public hearing after publishing in State Register



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## Upcoming Rulemakings

### Recreational Atlantic Cod

- Noticed of Proposed Rulemaking
- 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
- **Waiting Executive Chamber Approval,** will have 65 day public comment period including public hearing



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# Upcoming Rulemakings

## Cobia- Authority to Close Commercial Harvest

- Noticed of Proposed Rulemaking
- Purpose:
  - a) Allow NY to close the commercial cobia fishery based upon coastwide harvest of quota.
- ASMFC Mandate
- **Current status:** legal review
- Will have 60 day public comment period



# Thank you!

Updates for 2023 on MRAC's website:

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

Mr. Gary said the timing for the Striped Bass Addendum II discussion is going to be the January board meeting which will be the third Wednesday in January and public comment ends in December. To give this body an opportunity to come and provide some input to the NY delegation, we should schedule a meeting early January.



It was decided that the Council's January meeting will be held on **Tuesday, January 9<sup>th</sup>**. Chairman Frisk thought to keep January's agenda items light in order to fully cover this important topic. Mr. Maniscalco said there should also be an additional topic - a review of current quota distributions to get the Council's input.

Councilor Dearborn recalled how many times the Council has wanted to give the DEC options *before* the DEC sets their charts with their options for recreational measures. Ms. Dearborn feels as though the Council sometimes has an option that the DEC hadn't considered – maybe something “out of the box.” She, along with the Council, would like to be able to come up with ideas before the DEC provides their approved options. Because it would need to take place before the typical March date and it may be too big a discussion to include with January's topics and the necessary information may not be available, there will be an additional Council meeting on **Tuesday, February 6<sup>th</sup>**.

#### 2024 MRAC Calendar\*

January 9, 2024

February 6, 2024

The rest of the meeting calendar will be decided at the January 9<sup>th</sup> meeting.

\*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)).