

**NEW JERSEY MARINE FISHERIES COUNCIL**  
**Galloway Township Library**  
**Galloway, New Jersey**  
**January 6, 2011**

In Attendance were: Chairman Gilbert H. Ewing, Jr.  
Councilman Patrick Donnelly  
Councilman Richard Herb  
Councilman Walter L. Johnson III  
Councilwoman Frances Puskas  
Councilman Erling Berg  
Councilwoman Eleanor Bochenek  
Councilman Edward Goldman

Absent: Councilman Joseph Rizzo  
Councilman Scott Bailey

Also in attendance representing the Division of Fish and Wildlife:

David Chanda, Director  
Thomas W. McCloy, Administrator, Marine Fisheries Adm. (MFA)  
Brandon Muffley, Chief, Bureau of Marine Fisheries  
Jeffrey Brust, Research Scientist, MFA  
Peter Himchak, Supervising Biologist, Marine Fisheries Adm.  
Captain Mark Chicketano, Bureau of Law Enforcement  
Russ Babb, Supervising Biologist, Bureau of Shellfisheries  
Mike Celestino, Principal Biologist, Bureau of Shellfisheries  
Linda Barry, Assistant Biologist, Marine Fisheries Adm.  
Sherry Bennett, Council Secretary

Ms. Bennett read the compliance with the Sunshine Law. Notice of meeting was filed with the Secretary of State on December 2, 2010.

Chairman Ewing began the meeting with the Pledge of Allegiance.

Mr. Herb made a motion for approval of November 3, 2010 meeting minutes, Handout # 1. Mr. Goldman seconded. Motion passed for approval on meeting minutes.

**Audience Conduct**

Chairman Ewing reminded the audience to take conversations outside or wait until the end of the meeting. Individuals wishing to make a public comment need to sign up.

**Law Enforcement Report**

Captain Chicketano presented Council the Law Enforcement Report, Handout #2.

On November 19<sup>th</sup>, along the Pt Pleasant Canal a fisherman was issued summonses for filleting while fishing, possessing 2 short tautog and for littering. Another fisherman was issued a summons for possessing a short tautog and a warning for interference.

On Thanksgiving Day, at the Barnegat Light jetty, 75 individuals were fishing. A total of 5 summonses were issued for possession of 30-short tautog, and one for interference. All thirty fish were returned to water alive.

In the Point Pleasant Beach Municipal Court, a case was settled where the individual pleaded guilty for possession of 12 summer flounder out of season, 2 short weakfish, and 2 weakfish over the limit.

On Dec 5<sup>th</sup>, a vessel was boarded at Cold Spring Fisheries in Cape May. The vessel was carrying 273 lbs in excess of trip limit of 3,500lbs of fluke. A summons was issued and the fluke were auctioned off and sold with check held as evidence.

### **Legislative Report**

Mr. McCloy presented Council with updates on the Legislative Report. In December 2010, the Senate passed legislation to create a free NJ angler registry. The bill has not been signed by the Governor as of yet.

### **Atlantic States Marine Fisheries Commission (ASMFC) Report**

Mr. Himchak presented Council with the ASMFC report. He brought Council's attention to the November 2010 meeting summary, Handout #3a.

### **Atlantic Menhaden Management Board**

The Board tasked the Technical Committee to develop alternative biological reference points in anticipation of developing an addendum for future Atlantic menhaden management.

### **Horseshoe Crab Management Board**

Funding for the benthic horseshoe crab trawl survey was discussed. The National Fish and Wildlife Foundation has come forward with potential short-term matching funds to support the survey. At the meeting, a biomedical company contributed \$50,000 toward the trawl survey. Contributions to date total half of the monies needed to continue the survey.

### **Shad and River Herring Management Board**

Any state or jurisdiction that wishes to retain bycatch of river herring harvested in state waters must submit a sustainable fisheries management plan verifying that the bycatch is not impacting the resource.

### **Atlantic Striped Bass Management Board**

ASMFC Striped Bass Board approved Addendum II. The only modification was a change in the definition of juvenile recruitment failure. The option to increase the coastwide commercial striped bass quota was defeated.

### **Summer Flounder, Scup and Black Sea Bass Management Board,**

The Board met with the Mid-Atlantic Fishery Management Council's Demersal Committee. The two groups approved initiating an amendment to consider adjusting the allocation for scup between the Winter I and Summer commercial periods as well as between the commercial and recreational sectors. Currently, the commercial fishery is allocated 78% of the annual quota and recreational 22%. This process will take the next 1 to 2 years to complete.

### **Spiny Dogfish and Coastal Sharks Management Board**

The Board set the coastal spiny dogfish 2011/2012 fishing year quota at 20 million pounds. The Board also initiated the development of an addendum to explore state-by-state allocation options for the southern management region (NY – NC). NJ will be holding a public hearing on this in March.

### **Tautog Management Board**

The Board has been developing a draft Addendum VI, which proposes measures to address the illegal harvest of live tautog and prevent increases in fishing mortality. A public hearing will be held February 15<sup>th</sup> in Toms River, NJ.

### **American Lobster Management Board**

The Board reviewed a summary of the three Center for Independent Experts peer reviews of the Lobster Technical Committees' report on recruitment failure in the Southern New England Stock (SNES). Mr. Himchak referred Council to a document that he and staff put together evaluating the NJ lobster fishery that fishes the SNE stock. Not all fisheries in SNE are experiencing recruitment failure, but certainly a lot of inshore fisheries are suffering. However, NJ has no significant inshore fishery, only offshore and the document presented to Council supports NJ as having a healthy and stable lobster fishery. Likewise, Rhode Island may have a crumbling inshore stock, yet a thriving offshore stock.

Ms. Puskus asked why NJ's lobster fishery is in better shape. Mr. Himchak responded because NJ doesn't have an inshore component, NJ's lobster fishery is in federal waters, offshore. From 1997 to present the inshore areas may have been impacted by temperature increases and other environmental impacts which don't seem to be impacting offshore stocks.

### **Mid-Atlantic Fishery Management Council (MAFMC)**

Mr. Berg presented Council with the MAFMC report. The next meeting will be held in New Bern, NC, where the discussion on how to resolve the river herring bycatch in offshore fisheries will continue.

The MAFMC along with the ASMFC Summer Flounder, Scup and Black Sea Bass Board adopted the recreational management measures for summer flounder, scup and black sea bass for 2011. The two groups increased the 2011 Total Allowable Landing Level (TAL)

for scup (about 26 million pounds) that was set in August. This level will permit recreational measures to remain status quo (same as 2010) for 2011. The measures in federal waters include a 10 fish possession limit, a 10.5 inch total length minimum fish size and an open season July 6 to September 26. State water regulations will remain the same as states had in place in 2010.

The two groups adopted coastwide management measures for the 2011 recreational black sea bass fishery. These include a 13-inch total length minimum fish size, a 25 fish possession limit and an open season from July 1 to October 1 and November 1 to December 31. These measures will remain in place unless the ASMFC adopts an addendum for a different approach (state by state or regional).

### **Shellfish Council Reports**

#### **Delaware Bay**

Mr. Babb presented the Delaware Bay Shellfish Council report, in Mr. Bailey's absence. The direct market oyster program closed on November 19, 2010. The market was strong with a mid-season price of \$50 a bushel. The final quota was set at 75,305 bushels, which was 9,800 bushels less than 2009 and nearly all of the seventy-nine vessels that had signed up harvested to some degree during the season.

On February 7 to 9<sup>th</sup> 2011, the 11<sup>th</sup> Annual Delaware Bay Oyster Stock Assessment will be held and is open to public.

The Delaware Bay oyster industry recently announced that they had recommended that \$50,000 from the DEP-administered Oyster resource Development Account be invested towards shellplanting in Delaware Bay. These monies would be counted as New Jersey's match towards a goal of raising \$200,000 in additional funding for shell planting. NJDEP plans on planting 150,000 bushels of shell this year. This is approximately half of what we would like to plant.

The Department has proposed a re-adoption of the oyster management regulations. This is a re-adoption without amendments so the rule itself will not change as a result of this action. The proposal was published in the New Jersey Register on November 15, 2010. Written comments on the proposed re-adoption may be submitted up until January 14, 2010.

#### **Atlantic Coast**

Mr. Johnson will keep Council posted on an issue between the Atlantic Coast Shellfish Council and Tidelands Resource Council in regards to a fee on structural aquaculture.

### **Committee Reports**

Mr. Goldman presented Council with the Summer Flounder Committee Report. Due to coastwide increase in the overall quota, NJ has a recreational target for 2011 of 1.3 million fish. The 2011 target is a 25% increase from the 2010 target. Division staff will

submit examples with increased seasons, reduced size limits and increased possession limits for consideration of the ASMFC Technical Committee. State proposals are due to ASMFC January 13, 2011 with the Technical Committee scheduled to meet January 19<sup>th</sup>. The Management Board will meet via conference call in early February, 2011. Once NJ's methodology is approved the Council's Summer Flounder Committee will meet with advisors to evaluate what options to bring forward for public comment and Council consideration. (The April Council meeting has been scheduled for Council action on 2011 recreational measures).

### **Regulatory Updates**

Mr. Muffley updated Council on the 2009/2010 Regulatory Proposal. There is no indication on where the rule proposal stands. Dr. Donnelly commented that this has been going on since 2006 and now here we are in 2011.

### **Old Business**

Mr. McCloy brought Council's attention to Handout #4, an announcement from NOAA that they have set a fee for registering with the National Saltwater Angler Registry at \$15 as of January 1, 2011. The change affects anglers, spear fishers and for-hire fishing vessels in Hawaii, New Jersey, Puerto Rico and U.S. Virgin Islands.

Handout #5 includes responses from legislators to the Council's letter regarding funding for marine fisheries management in New Jersey.

Dr. Donnelly requested to see the budget for the Marine Fisheries Administration (MFA). Mr. McCloy responded that he would be glad to put something together for Council. In light of reduced budgets, the MFA has to evaluate what programs are important.

Mr. Muffley updated Council on the Federal proposal to list Atlantic Sturgeon as endangered. The comment period has been extended until February 4, 2011. The Division does not support endangered listing but does support threatened species designation and has provided these comments to the Federal government.

Mr. McCloy reminded Council that a committee meeting on federal and state regulations for monkfish and skates will be scheduled in the near future.

### **New Business**

Following up Dr. Donnelly's request, Chairman Ewing asked that Council receive a marine fisheries management status report on budget and program status.

### **Public Comment**

Mr. Siciliano asserted that the online volunteer angler survey is not being used to its fullest to collect the data needed. He suggested the State promote it more. Chairman

Ewing agreed and suggested some of the larger fishing organizations could help promote this program.

Mr. Verde presented possible choices for seasons, size and possession limits for summer flounder. He recommended liberating to get the most fish. The recreational fishermen want a longer season and smaller fish. (Many of the options presented were way beyond the amount of liberization available to NJ). Chairman Ewing indicated that the Division was submitting options to the ASMFC as examples of the methodology used. Once the methodology was approved that will be used to focus in on various options at a future Summer Flounder Committee Meeting.

Mr. Rush asked what progress has been made getting students to collect the research data for fisheries. This suggestion had been made at a meeting he attended with the Division previously. Ms. Bochenek commented that schools would need some money to help the school facilitate a program, but this is a wonderful opportunity to get graduate students, who are willing to spend hours doing research, to get these programs going.

Mr. Birchmeier asserted there was not much information available on the internet for recreational fishermen as to what information needs to be collected and how they can help.

Mr. Akres, Great Egg Harbor River Council (GEHRC), indicated that the GEHR was designated a Wild and Scenic River in 1992. The GEGRC consists of 12 municipalities and they have approved a resolution on the importance of river herring. The GEHRC is trying to collect data, on volunteer basis, on the river herring runs and informing the public on river herring importance and need for protection.

Mr. Tesse commented on the summer flounder proposals. He supports an 18-inch fish because of the fear that a decrease in size would lead to exceeding the harvest target.

Meeting adjourned.

Next Meeting is March 3, 2011, Galloway Township Library.