

NEW JERSEY MARINE FISHERIES COUNCIL
Stafford Municipal Building
April 3, 2014

Council Attendees: Acting Chairman Richard Herb
Erling Berg
Eleanor Bochenek
Walter L. Johnson III
Frances Puskas
Sergio Radossi
Joseph Rizzo
Robert Rush
Joseph Zaborowski

Council Absentees: Barney Hollinger

Division of Fish and Wildlife Attendees:

Brandon Muffley, Administrator, Marine Fisheries Administration (MFA)
Russ Allen, Supervising Biologist, Bureau of Marine Fisheries (BMF)
Tom Baum, Supervising Biologist, BMF
Jeffrey Brust, Research Scientist, MFA
Peter Clarke, Senior Biologist, BMF
Sherry Bennett, Council Secretary

Ms. Bennett read the compliance with the Sunshine Law. Notice of the meeting was filed with the Secretary of State on March 10, 2014. The draft January 9, 2014 meeting minutes were approved. Acting Chairman Herb began the meeting with the Pledge of Allegiance.

Audience Conduct

Acting Chairman Herb reminded the audience to take conversations outside or wait until the end of the meeting and to turn off all cell phones. Individuals wishing to make a public comment will need to sign up. Acting Chairman Herb thanked the advisors, Council Committee and staff for everyone's work in developing options and offering ideas for tonight's meeting. He also thanked the public for coming out tonight for this special meeting to provide their input. He lastly stressed the need for more funding, regardless of the source, for the future of our fisheries.

Atlantic States Marine Fisheries Commission (ASMFC) Report

Mr. Baum presented Council with an update on ASMFC Management Board (Board) proceedings (Handout #1)

Mr. Baum

On March 13, 2014, via a conference call, the ASMFC Summer Flounder, Scup and Black Sea Bass Board approved state and regional management proposals for 2014 summer flounder and black sea bass recreational fisheries.

- For summer flounder, the Board approved regional management measures for two regions (1) DE, MD, VA and Potomac River Fisheries Commission (PRFC) and (2) CT, NY and NJ. Adopted regulations for second region (CT-NJ) regulations include an 18- inch minimum size, 5 fish bag limit, and 128 day open season with not more than 45 days open from May 1- June 30. States have the option to develop a program that allows for a 16-inch minimum size limit at state designated sites offering only shore-based fishing access. Connecticut has had a program like this for the last three years and NY has decided not to implement such a program for this year.
- For black sea bass, the Board approved adaptive regional management and the methodologies used by the states of MA through NJ to establish their minimum size, bag limits, and season lengths to achieve a 7% reduction in the 2014 recreational harvest levels from the 2013 harvest level.

Committee Reports

Mr. Rush and Mr. Radossi presented Council with two committee reports (Handout #2). After each reading of the committee reports, Mr. Clarke, presented council and public with ASMFC background as to why these changes are required.

Black Sea Bass

Mr. Rush

- Meetings of the NJ Marine Fisheries Council's Black Sea Bass and Summer Flounder Committees were held at Nacote Creek on March 27, 2014. In attendance were Division staff, Summer Flounder and Black Sea Bass Committee Council members as well as advisors representing several recreational fishing organizations. The purpose of the meeting was to discuss options for New Jersey's 2014 recreational black sea bass and summer flounder fisheries.
- At their March 2014 meeting, ASMFC Management Board approved ad hoc regional management measures for the 2014 recreational black sea bass fishery. These measures require states in the northern region, MA, RI, CT, NY, and NJ, to take a 7% reduction based on 2013 recreational black sea bass harvest estimates. The current 2013 New Jersey recreational black sea bass regulations are 20 fish at 12.5 inches, with an open season from May 19-August 8, September 27-October 14, and November 1-December 31. Proposed Federal Regulations for 2014 are 15 fish at 12.5 inches, with an open season from May 19 to September 18 and October 18 to December 31.
- The Black Sea Bass Committee reviewed several options which meet the 7% reduction in harvest. All options retain the current size limit of 12.5 inches and make adjustments to the season and possession limit, with all seasons falling within the current 2014 federal regulations. Based on discussion with the Advisors, the following three options are presented for consideration by the Council:

- 1) a 12.5 inch size limit, a 15 fish possession limit from May 19 to August 8 and October 18 to December 31
- 2) a 12.5 inch size limit, a 15 fish possession limit from May 19 to June 30, a 5 fish possession limit from July 1 to August 27, and a 15 fish possession limit from October 18 to December 31
- 3) **a 12.5 inch size limit, a 15 fish possession limit from May 19 to June 30, a 3 fish possession limit from July 1 to August 31, a 15 fish possession limit from September 1 to September 6, and a 15 fish possession limit from October 18 to December 31.**

Based on input from the Advisors', the third option is the Committee preferred option and is therefore considered a motion with no second needed.

Public Comment

A total of 9 public members spoke and all supported the Council's recommendation of option #3 as the best opportunity for the fishery, allowing for the max number days open.

Dr. Bochenek asked if it was true that the ASMFC may change the 7% reduction later in the year. Mr. Muffley commented the 7% reduction came from the projected landings from Wave 6 (Nov-Dec), not the actual landings. The actual landings have been released and show only a 3.2% reduction is needed. However, the Board decided to stay with the 7% reduction and send a letter to the NMFS requesting they look at the actual landings and consider a 3.2% reduction. If NMFS changes their minds ASMFC could then reduce the 7% reduction to a potential 3.2% later in the year. Mr. Muffley will keep Council informed if this change occurs as this will require Council action at a future meeting.

Acting Chairman Herb asked for Council vote, motion passed.

Summer Flounder

Prior to reading summer flounder committee report, Acting Chairman Herb commented that this is the first time a regional system has been established for this fishery for the 2014 season. How this new system works is yet to be told and what the future holds is unknown.

Mr. Radossi

- At their March 2014 meeting, the Management Board approved Addendum XXV which implements adaptive regional management measures for the 2014 recreational summer flounder fishery. These measures place New Jersey in the Mid-Atlantic region with Connecticut and New York. The regional measures approved by the Board include a size limit of 18 inches, a possession limit of 5 fish, and a maximum season length of 128 days, with the May-June season not to exceed 45 days. Under these constraints, Division developed two options which comply with these measures including

- 1) a size limit of 18 inches, a 5 fish possession limit, and a season from May 17 to September 21
- 2) a size limit of 18 inches, a 5 fish possession limit, and a season from May 23 to September 27.

The Council Committee does not have a preferred option.

Acting Chairman Herb requested to take public comment before Council presents and makes a motion. Taking note that the opening date for option 1 of May 17 is a Saturday and is similar to 2013 season and the opening of May 23 for option 2 is the Friday of Memorial Day weekend.

Public Comment

After some lengthy discussion no option was overwhelming preferred by the public, as many do not agree with the regional system, but option #2 was supported by 11 public members. Two public members supported option #1, and one abstained from either option. Some of the southern and back bay fisherman would prefer option #1 but given the cold winter, they support option #2 in hope that more fish will be seen later in season rather than earlier in the season. Many asked for the state to be split to support the different fisheries that exist within NJ, requesting a northern fishery and a southern fishery.

Mr. Zaborowski commented that even though he does not sit on the Summer Flounder Committee he did ask the Committee to look into “creative ways” to achieve more days in May, but these days had to be consecutive days and was not possible.

Mr. Rush also commented that the Committee did talk about splitting NJ into two separate regions, but it cannot be done this year, stressing again that the public has to contact their Federal legislators for changes to be made in the future. Mr. Radossi also supported Mr. Rush on writing to your Federal representatives and also to visit the NOAA site and add your comments.

Acting Chairman Herb also commented he is more worried about 2015, and we have a lot of work in front of us for the future.

After Council took a 10-minute recess, Mr. Rush made a motion, seconded by Mr. Zaborowski, for option #2 on summer flounder which states:

- a size limit of 18 inches, a 5 fish possession limit, and a season from May 23 to September 27.

With no more questions from Council, Acting Chairman Herb asked for a roll call vote, motion passed unanimously.

Regulatory Actions

Mr. Allen presented Council with a shark update clarifying the need to modify the scientific name for two species of hammerhead sharks, and the commercial fishing season for the Hammerhead shark group that were inadvertently left out of the regulations.

A motion was made to clarify the scientific name of 2 hammerhead sharks species as well as the modifying the commercial fishing season for the Hammerhead shark group. Motion seconded and passed.

Mr. Allen presented Council with draft Notice of Administrative Change (NOAC), to clarify two species of hammerhead sharks, the commercial fishing season for the Hammerhead shark group, summer flounder recreational season and size limit and black sea bass recreational seasons and possession limits.

Mr. Rizzo made a motion to approve the NOAC, motion seconded and passed.

Acting Chairman Herb brought up the option that states (CT-NJ) were given to develop a program allowing for a 16-inch summer flounder size limit at designated sites for shore-based fishing. This provision will be allowed in specific designated geographical areas. As Mr. Baum mentioned earlier CT has a program in place for many years and NY is not developing a program this year. Acting Chairman Herb did request Mr. Muffley present background on this and the Council will revisit and take action at the May Council meeting.

Mr. Muffley presented Council with the Division shore-fishery proposal as well as the additional benefits of this program if Council chooses to start such a program. The Division is proposing to develop a pilot program that would allow for a two fish possession limit and 16 inch minimum size limit at one location, Island Beach State Park (IBSP). This location was selected for a number of reasons: its centralized location on the coast; there is only one way in and out; location is limited to shore fishing; it has staff presence 24 hours a day; assistance from NJ Parks & Forestry staff; and relative ease for enforcement.

This program could provide the Division with valuable biological and management information.

1. Allow for a direct comparison to MRIP estimates from this location. Could verify, or not, harvest information collected by the MRIP survey.
2. Trial opportunity for Division in conducting the intercept portion of the MRIP survey. Beginning in 2016, it is likely Division will be conducting this aspect of the Federal MRIP survey and this pilot program will help develop protocols and determine needs and resources to carry out the program.
3. Additional biological and angler participation data collection. Length, weight and age information will be collected as well as effort and participation data from shore anglers. This data could be useful in the future for other programs and regulation development.

Ms. Puskus commented she would be afraid of the amount of discards. Mr. Muffley believes this program could lessen discards as you will be able to retain a smaller summer flounder.

Acting Chairman Herb thought it was a good idea to help show NMFS actual data on fish caught in New Jersey.

Mr. Zaborowski questioned how this program will be funded, implying the intercept surveys for 2016. Mr. Muffley commented that is yet to be determined but for this pilot program part-time people will be compensated via the Division budget. Ms. Puskus asked if such a program could be sponsored by those who manufacture fishing gear.

Dr. Bochenek commented that the program is beneficial no matter the cost to prove, or not, the NMFS data collection of the recreational fisheries.

Mr. Muffley indicated that Mr. Allen has taken over the development of the NJ Marine Digest so the changes made here tonight will hopefully make it in the 2014 edition and also be available prior to May's Council meeting.

Old Business

Mr. Muffley presented Council with a draft letter to Governor Christie from the Council regarding the NMFS and USFWS voting at the ASMFC (Handout #4) for their approval. After some Council discussion, Mr. Rush made a motion to send letter to the Governor plus all NJ Federal legislative representatives. Council also recommended adding some language regarding the economic hardships the recreational fishing industry is facing as a result of these votes. Mr. Radossi seconded, motion passed.

Public Comment

Mr. Hartley commented about the Vessel Trip Reports (VTR) that are filled out by party boats and asked why are they not being utilized for management.

Acting Chairman Herb commented that the VTR's were initially used to back up your permits and are different than an actual survey. Mr. Rush also commented the volunteer angler survey has to be used more and this will increase data. Mr. Muffley commented that NMFS has determined the VTR's are not accurate when comparing observed vs. reported information which has created many discrepancies.

Mr. Virgilio commented that Council should consider splitting state for the summer flounder fishery. The Delaware Bay side of NJ is hurting and is always forgotten. He also requested a second site to this pilot program for the 16-inch summer flounder be considered and recommended a site on the Delaware Bay side. Considering the CT program is meant, in part, to support those anglers that are disadvantaged or face economic hardships, who just want to fish.

Mr. Dolebach commented he is in favor of the pilot program with expansion to other sites.

Mr. Verdi commented NOT to move forward on the pilot program until more locations are opened. Afraid the federal agencies will look at one location and apply it to the entire shoreline of NJ and NJ has lots of shoreline.

Mr. Burden commented in support of the pilot program with expansion, cannot forget about the regular public who fish for fun.

Mr. Hartel commented in support of the pilot program with consideration of other spots in southern NJ, i.e. Fortescue.

Mr. Yates commented the letter to the Governor should also include the economic hardships and the decrease in property values in NJ for bait and tackle shops, for-hire vessels and marinas.

Meeting adjourned. Next Meeting May 1, 2014, Galloway Township Library