

NEW JERSEY MARINE FISHERIES COUNCIL
Galloway Library
Galloway Township, NJ
January 5, 2017

Council Attendees: James Alexis
Erling Berg
Eleanor Bochenek
Barney Hollinger
John Maxwell
Frances Puskas
Sergio Radossi
Joseph Rizzo
Robert Rush
Joseph Zaborowski

Council Absentees: Richard Herb (Acting Chairman)

Division of Fish and Wildlife Attendees:

Russ Allen, Bureau Chief, Bureau of Marine Fisheries (BMF)
Jason Snellbaker, Captain, Bureau of Law Enforcement (BLE)
Jeff Burst, Research Scientist, BMF
Mike Celestino, Research Scientist, BMF
Brian Neilan, Assistant Biologist, BMF
Jeff Normant, Bureau of Shellfisheries (BSF)
Peter Clarke, Senior Biologist, BMF
Samantha MacQuesten, Biologist Trainee, BMF
Jamie Darrow, Fisheries Biologist, ACCSP
Lloyd Lomelino, Technician 2, BSF
Heather Corbett, Principal Biologist, BMF
Sherry Bennett, Marine Council Secretary

Ms. Bennett read the compliance with the Sunshine Law. Notice of the Marine Fisheries Council (Council) meeting was filed with the Secretary of State on November 30, 2016. Council meeting minutes for November 3, 2016 were not available at time of January Meeting. Mr. Berg began the meeting with the Pledge of Allegiance.

Moment of Silence for Conservation Officer Mike Szalaj

Audience Conduct

Mr. Berg 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. Public Hearing on summer flounder, presented by ASMFC to follow Council Meeting starting at 6:30 pm.

Dave Chanda has been reassigned a new position with NJ State Department. Mr. Chanda thanked the council for their service on the Marine Fisheries Council and will miss working with the Council.

The Council thanked Mr. Chanda for all his work with Marine Fisheries.

Mr. Berg asked what the protocol on finding a replacement for the Director.

Mr. Chanda commented the Marine Fisheries should be included and invited in the selection of the next director. The current Acting Assistant Director is Larry Harry.

MOTION to send an email to the Fish and Game Council, cc'ing the Assistant Commissioner Richard Boornazian to express the Marine Fisheries Council's desire to be included in process for selecting the next director. Motion made by Dr. Bochenek, seconded by Mr. Radossi. Motion passed unanimously.

Law Enforcement

CO Captain Snellbaker presented the Council with an update of the Law Enforcement Report for November 2016, Handout #1. Highlights include:

- On 11/17/2016, CO's conducted an inspection of an otter trawl vessel offloading summer flounder in Point Pleasant, Ocean County. After weighing all of the summer flounder on board, the vessel was found to be in 1718 lbs. of summer flounder, which is 218 lbs. over the summer flounder landing limit. All the black sea bass on board the vessel was weighed and found to be 10 lbs. over the black sea bass bycatch allowance. Summonses were issued to the captain and vessel's owner for landing summer flounder in excess of the daily trip limit as well as for being in excess of the black sea bass bycatch allowance.
- While inspecting a commercial hook and line tautog fisherman, CO issued two summonses for gear conflicts in regards to the NJ Black Sea Bass and Tautog Permits, two summonses for failure to call in two hours prior to the offloading of black sea bass, and two summonses for failing to completely fill out the required Federal Fishing Vessel Trip Reports (FVTRs).
- On 11/19/2016 CO conducted a fisheries compliance inspection of a commercial fishing vessel in Point Pleasant. CO issued summonses to both the captain and vessel owner for landing summer flounder in 83 lbs. excess of the 1,500 lbs. daily trip limit and for failing to call in prior to offloading summer flounder.
- CO performed a commercial lobster vessel hailing out of Avon-By-The-Sea, Monmouth County. A summons for possession of egg-bearing American lobsters was issued.
- CO's charged a Sea Isle City based commercial fish and lobster pot fisherman for exceeding summer flounder bycatch limits, landing scup without the appropriate federal moratorium permits and a vessel trip report violation for not completing

an appropriate vessel trip report for a change in gear type. The NY City fish dealer who purchased the fish was charged for accepting more than a bycatch amount of summer flounder and accepting scup from a vessel that did not have a NJ summer flounder permit or scup dealer permit.

- Since humpback whales and other whale species are migrating through the area this time of year, District 8 officers have been conducting boat patrols focused on inspecting fixed commercial gear in Atlantic Ocean for compliance with the Atlantic Large Whale Take Reduction Plan (ALWTRP) requirements. CO's found an Ocean County based conch pot fisherman out of compliance with the ALWTRP requirements on his conch pots in the waters off Long Beach Island. Several humpbacks were observed in area. The fishermen's ALWTRP violation was referred to the National Marine Fisheries Service for enforcement action.
- A week later, CO along with US Coast Guard personnel responded to a report of a humpback whale entangled in commercial fishing gear off of Avalon, NJ. The person who reported the entanglement obtained a photograph of the gear being dragged by whale. CO's identified it as belonging to a local conch pot fisherman. CO's inspected the fisherman additional gear and found that gear to be in ALWTRP compliant. Whale was never seen again.
- During early December, CO's boarded an Atlantic County party boat and found that the vessel violated provisions of the special fillet permit. CO's found party boat patrons were also in possession of undersize whole tautog and tautog fillets. The appropriate summonses were issued. In addition to a monetary penalty,

violations of the provisions of a special fillet permit shall also subject the vessel to a 60 day permit suspension for a first offence.

- Fishing for and possession of striped bass in the Exclusive Economic Zone (EEZ) is prohibited. This did not stop many anglers from pursuing these fish unlawfully as CO apprehended a total of 21 recreational fishing vessels in possession of striped bass in EEZ waters during a two week period. CO's observed hundreds of recreational vessels illegally fishing for striped bass in EEZ waters as the prized game fish stayed well offshore. The cases were turned over to the National Marine Fisheries Service for enforcement action. The fine for possession of striped bass in the EEZ is \$500 per fish. On December 11, several additional apprehensions were made of recreational fishing vessels with striped bass in possession including vessels in the for hire sector.

Mr. Zabrowski commented his dismay that as a recreational fisherman he finds it hard to be able to go out and enjoy fishing and follows the law, but if found with a striped bass he is in violation of the law, even if he does not keep the fish and throws the fish back. Supports the fine, in fact in favor of raising the fine if caught keeping it.

Legislative/Regulatory Report

Mr. Allen updated Council that the Notice of Administration Change on black sea bass and commercial summer flounder regulation changes made by Council at November 3, 2016 Council meeting became effective January 4, 2017.

Atlantic States Marine Fisheries Commission (ASMFC) Report

Mr. Allen updated Council that the next ASMFC Winter Meeting will be held January 30 – February 2, 2017 in Alexandria, VA. Mr. Allen will update Council with the summer flounder highlights at the next Council meeting.

Mid-Atlantic Fishery Management Council (MAFMC)

Mr. Allen and Mr. Adam Nowalsky presented Council with the MAFMC Meeting summary, held in Baltimore, Maryland, December 12-15, 2016. (Handout #3). The MAFMC and the Commission's Management Boards met jointly.

- **Mr. Allen**

New Jersey Special Management Zones

The MAFMC voted to recommend that the National Marine Fisheries Service (NMFS) designate 13 artificial reef sites in federal waters off the coast of NJ as year-round special management zones (SMZs). Under this designation, fishing at each site would be restricted to hook and line gear, spearfishing, and take by hand. The use of fixed pot/trap gear on the reefs was deemed incompatible with the goals of the NJ DEP reef program and resulted in loss of federal funding that could be used to maintain and monitor the reefs. The SMZ should allow for restoration of this funding.

- **Mr. Nowalsky**

Black Sea Bass Recreational Measures for 2017

A black sea bass benchmark stock assessment was completed in December 2016. In January 2017, the Council's Scientific and Statistical Committee (SSC) will review the

stock assessment and recommend Acceptable Biological Catch levels (ABCs) for 2017-2019. The Council and Board agreed to make no changes to the current recreational management measures at this time. They will revisit this topic during their February 2017 joint meeting.

Summer Flounder Amendment

The Council and Board received an update on development of the comprehensive summer flounder amendment. The current goal of the amendment is to review all aspects of summer flounder management, including goals and objectives, allocation between the commercial and recreational sectors, recreational measures and strategies, and commercial measures and strategies. The Board approved Draft Addendum XXVIII for public comment. This addendum includes options for summer flounder recreational management under conservation equivalency in 2017. Public hearings will take place in January 2017 and the Board will take final action in February 2017.

Mr. Radossi asked a question on an article he read in the NY Times, last week, on the subject of sea bass and climate change and how fish populations are moving north. The discussion was about the reluctance to take these population shifts into account when recommendations are made.

Mr. Nowalsky commented climate change is certainly not new. As far as management goes to the idea of climate change and shift of populations is responding, but may not be

as fast as it needs to be for these populations. Management is aware and talking about it but by the time they do respond it could mean the population shifted back.

Marine Fisheries Bureau Report

Mr. Allen presented Council with a detailed Marine Fisheries Monthly Report, November 11, 2016 through December 7, 2016 (Handout #4). The report listed all Marine Fisheries staff and the work they have completed or are currently working on. The number one priority is replacing the Administrator position. However, Kathy Smallwood, Clerk and Deborah Vareha, Technician have retired recently. Hugh Carberry will be retiring June 1, 2017, and Russ Allen and Tom Baum are expected to retire by the end of year. The loss of staff is definitely affecting productivity of Administration staff.

Mr. Rush made a plea to public to call their State politicians and let them know that these vacancies need to be filled.

Mr. Allen updated Council on the proposed relocation of the Nacote Creek Field Offices to the Green Bank School. If approved, Nacote Creek Field Offices will start moving in as early as March or April 2017.

Shellfish Council Reports

- **Delaware Bay – Mr. Hollinger – No report.**

- **Atlantic Coast – Mr. Maxwell**

The Atlantic Coast Shellfish Council’s Leasing Committee met on December 15th to discuss and move forward the recommendations of the Regulatory and Policy subcommittees. The Regulatory Subcommittee discussed and made recommendations to proposed amendment to the shellfish regulations, mainly the Leasing of Atlantic Coast Bottom for Shellfish Aquaculture, which would now include adding Delaware Bay leasing regulations. The proposed changes to the leasing regulations would include changes to lease application fees, renewal fees and lease allocation for new blocks of lease. The Policy subcommittee provided input and recommendations to revisions to the “Shellfish Aquaculture Leasing Policy of the Atlantic Coast Section of the NJ Shellfisheries Council.” Revisions to the Policy include investigating the feasibility of new shellfish aquaculture lease areas in Great Egg Harbor Bay, Little Egg Harbor Bay, Manahawkin Bay and Lakes Bay. The Policy also caps the number of new leases in Great Sound. The recommendation of the Leasing Committee will be put forward to the Shellfish Council on January 9th to approve the revised Leasing Policy and endorse revisions to the shellfish rules.

- **Bureau of Shellfisheries Report – Mr. Normant, No report at this time.**

Committee Reports – No Report at this time.

Regulatory Actions - No Report at this time.

Old Business – No Report at this time.

New Business

Mr. Allen commented that the Commissioner is very upset with cuts associated with the summer flounder and black sea bass. Commissioner wants to be involved and advised of the situation and would like to get together with Council and the Council advisors to work together on these programs.

Committee meeting - summer flounder and black sea bass, high priority.

Public Comment

Ms. Scott, presented Council with a copy of a summer flounder petition and information on how these changes are affecting the livelihood of fisherman commercial and recreational.

Mr. Wagner, expressed concerns on the 30% reduction of black sea bass, push NMFS to postpone until next year, so that current season is not affected. In regards to SMZ on reefs, request fisherman using pot/trap gear can obtain a hook and line license for tautog and sea bass. Asked if lobster pots will be allowed on reefs. The artificial baits used in eel pots and conch are not as effective as he wished them to be. Lastly, horseshoe crabs are there, just not easily visible due to lack of beach on DE Bay.

Mr. O'Connell, asked of the 30 striped bass violations on the EZZ that was sent to NMFS are these violators made public. Captain Snellbaker recommended reaching out to NMFS and checking their website.

MOTION NJ keep status quo for summer flounder recreational regulations for 2017 as was 2016 until the next peer review benchmark stock assessment is completed. Motion made by Mr. Rush, Seconded by Mr. Rizzo.

Few council members although agreed with Mr. Rush, felt that as a regional management plan, the Council has a responsibility to the state and those who use the resource. Going out of compliance we risk the industry and the fishery shutting down. To do so would mean the industry would also have to be on board with the consequences in going out of compliance.

Public Comment

Mr. Fote, commented that NJ is their own region, but have to abide with NY and CT rules and regulations. Also this motion is sending a message to commissioner and legislators that you are fed up. So passing this motion at this time will not affect anything except sending a message because you still have a vote coming up at the March meeting.

Mr. Wagner, agrees but urges the Council not to go out of compliance.

Mr. Sedonski (sp), admires Mr. Rush to taking a stand. This is unacceptable to the fishery.

Mr. Clarke, time to take a stand. Unacceptable to the fishery.

Mr. Sheppard, consider using a slot fish method, to limit catching primary breeders and females. And stagger this season with black sea bass season.

Mr. Shillingford, commented for this letter to be effective must also be sent to Congress and Senate Representatives.

MOTION NJ keep status quo for summer flounder recreational regulations for 2017 as was 2016 until the next peer review benchmark stock assessment is completed. Motion made by Mr. Rush, Seconded by Mr. Rizzo. MOTION PASSES 8 yes, 1 no, Ms. Puskas.

Meeting adjourned. Next Meeting is March 2, 2017, Manahawkin, NJ