

NEW JERSEY MARINE FISHERIES COUNCIL
Galloway Library
Galloway Township, NJ
July 13, 2017

Council Attendees:

Erling Berg
Eleanor Bochenek
Barney Hollinger
John Maxwell
Frances Puskas
Sergio Radossi
Joseph Rizzo
Joseph Zaborowski
Richard Herb (Acting Chairman)

Council Absentees:

James Alexis
Robert Rush

Division of Fish and Wildlife Attendees:

Russ Allen, Bureau Chief, Bureau of Marine Fisheries (BMF)
Jason Snellbaker, Captain, Bureau of Law Enforcement (BLE)
Jeff Brust, Research Scientist, BMF
Tom Baum, Supervising Biologist, BMF
Mike Celestino, Research Scientist, BMF
Brian Neilan, Assistant Biologist, BMF
Russ Babb, Bureau of Shellfisheries (BS)
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 June 20, 2017. Mr. Berg began the meeting with the Pledge of Allegiance.

Audience Conduct

Mr. 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.

Law Enforcement

CO Captain Snellbaker presented the Council with an update of the Law Enforcement Report Handout #2. Highlights include:

- COs conducted an investigation into a commercial purse seine vessel that unlawfully landed thousands of pounds of black drum. The vessel owner and operators were issued summonses for using a purse seine in Delaware Bay to harvest drum fish and for exceeding the 500-pound bycatch limit in the directed menhaden purse seine fishery.
- A CO settled a case involving two fishermen out of New York apprehended in the Atlantic Ocean off Long Branch, Monmouth County taking tautog in violation of the recreational limits. Two individuals were each charged with possession of undersized and over limit tautog, marine interference, and for harvesting tautog commercially during NJ's closed season. On May 24th, 2017, both individuals pleaded guilty with each paying \$1,750 in penalties plus court costs.
- On May 21, 2017, COs conducted an overnight patrol in Red Bank and Middletown Twp., Monmouth County. Two individuals were found in possession of 45 American eels over their daily possession limit and 11 undersized American eels. Summons were issued to both individuals.
- On June 9, 2017, COs responded to a complaint of five men in a boat taking undersize summer flounder in the area of the Atlantic Highlands Marina. COs found 48 fresh summer flounder fillets. Each fisherman received citations for mutilated summer flounder, over limit summer flounder, and interference with the duties of a conservation officer.

- A CO conducted surveillance of a recreational fisherman in Avalon who is known to have several prior Fish and Wildlife violations. The CO apprehended the man after observing him discard trash into the water. The CO determined the man had \$1,200 warrant out of North Wildwood for unpaid tautog fishing violations for several years ago. The CO took the man into custody, transported him to North Wildwood Police Department for processing, and released him after the outstanding penalties were paid.
- Productive sea scallop rotational access areas off of NJ were open to commercial vessels last month but fishing activity has been relatively low due to an unexpected market price drop. For some vessels that continue to fish during this period, incentive was high to land and sell additional unreported sea scallops to make up for the lost income. During the three-day Memorial Day weekend, District 8 Officers conducted an inspection of the five vessels and found a 103-pound overage on board one vessel with a 600-pound trip limit. COs also found additional logbook, record keeping and trip notification violations on board other vessels. District 8 Officers processed the violations and referred them to National Marine Fisheries Service for federal enforcement action.
- CO Raker completed a 19-day comprehensive Marine Law Enforcement Training program at the Federal Law Enforcement Training Center in Glynco, Georgia.
- COs recently attended a graduation of 5 new conservation officers, 2 of the 5 are slated for Marine Unit, in Cumberland County.

Legislative/Regulatory Report – No report at this time.

Atlantic States Marine Fisheries Commission (ASMFC) Report

Mr. Allen updated Council on the ASMFC, Handouts #3, #4, #5

- Handout #3, on July 12, 2017 a letter was sent to Governor of NJ from National Oceanic Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS), in regard to ASMFC finding State of NJ out of compliance with Addendum XXVIII to the Summer Flounder, Scup and Black Sea Bass Interstate Fishery Management Plan (ISFMP). However, NJ's compelling argument that the measures it implements this year, will likely reduce total summer flounder mortality in NJ waters to a level consistent with the overall conservation objective for the recreational fishery. Therefore, the second criterion of the Atlantic Coastal Act's noncompliance process is not met and it is unnecessary to implement a fishery moratorium in NJ waters for 2017. NJ's recreational fishery regulations are in effect until September 5, 2017.
- Handout #4, a copy of the preliminary agenda for the ASMFC meeting to be held on August 1-3, 2017. Few highlights will be on
 - Review and consider Cobia Draft Fishery Management Plan for Public Comment
 - Review and Consider Approval of Draft Amendment 3 of Atlantic Menhaden for Public comment.
 - Consider Tautog Amendment 1 for final approval

- Summer Flounder, Scup, and Black Sea Bass Management Board and how to move forward. Discussion on NJ and compliance with summer flounder and future regulations process.

- Handout #5, ASMFC Black Sea Bass Motion approved on May 10, 2017 that for 2017, impose a 5 fish possession limit for recreation black sea bass in wave 6 in state waters for RI through NJ and maintain all other management measures for 2017. NY and NJ opposed this motion. RI and CT have no wave 6 and no Technical Committee (TC) review was completed. NJ opposed motion because the proper process was not followed. NJ requested ASMFC place this back on Agenda for further discussion and follow correct process to move forward.

Mr. Radossi thanked all those who worked diligently to make sure summer flounder remained in compliance, however asked what happens next. Mr. Allen commented that starting next month the process for next year will start all over again. The conversation that developed recently is changing as far as technical aspects go and hopefully changing in how a species is managed will improve in the future.

Dr. Bochenek commented that the 2018 NMFS Stock Assessment should help support the rational in managing species better in the future.

Mr. Herb commented that the people have to keep taking a stand on the current process and questioning the process, thus hopefully a new process will form for the future. Many people were involved in seeing that the NJ Summer Flounder fishery remained in compliance. Commissioner Martin, Deputy Commissioner Glass, Assistant Commissioner

Boornazian, the staff of Marine Fisheries, and the fishermen, are thankful for all their hard work and dedication. Let's keep that momentum going for all our fisheries.

Mid-Atlantic Fishery Management Council (MAFMC)

Mr. Baum presented Council with the MAFMC Meeting Summary, held in Norfolk, VA, June 6 – 8, 2017, (Handout #6).

Atlantic Surf Clams and Ocean Quahogs

The Council reviewed the most recent stock assessments for Atlantic surf clam and ocean quahog. Both assessments concluded overfishing is not occurring and probability of stock being overfished is low. Based on the Acceptable Biological Catch (ABC) and Scientific and Statistical Committee (SSC), the Council adopted specifications to be set for 3 years, 2018-2020.

Excessive Shares Amendment

The Council approved a scoping document for the Excessive Shares Amendment to the Surf Clam and Ocean Quahog (SCOQ) FMP, for public comment. The amendment will consider measures that define what constitutes an excessive share in the SCOQ Individual Transferable Quota (ITQ) program. Scoping hearings will be held July 10-17, 2017, and written comments accepted through July 21, 2017.

Mackerel, Squid, Butterfish

- Atlantic mackerel will enter year 3 in 2018 of the 2016-2018 Atlantic mackerel specifications. Therefore, no changes were recommended to the 2018 Atlantic mackerel specifications.
- The Council reviewed the stock status and performance of the butterfish fishery and adopted multi-year specifications for 2018-2020. The most recent assessment update indicates butterfish is not overfished and no overfishing is occurring.

Squid Amendment

- The Council approved the Squid Amendment to the Atlantic Mackerel, Squid, and Butterfish FMP. The amendment includes measures to reduce latent (unused or minimally used) permits in the longfin squid fishery and modify management of longfin squid, during Trimester 2.
- The Council voted to allow current longfin squid/butterfish limited access moratorium permits to retain their permits if they landed at least 10,000 pounds of squid in one year from 1997 to 2013.

Black Sea Bass Wave 1 Fishery

The Council discussed a motion from the May 2017 Council Meeting to initiate a framework that would consider re-opening the wave 1 (January-February) recreational black sea bass fishery to any recreational vessel. The Council agreed to consider the possibility opening the 2018 wave 1 black sea bass fishery when the Council meets jointly with the ASMFC Summer Flounder, Scup, and Black Sea Bass Board in August. This action will continue the development of black sea bass recreational Letter of Authorization (LOA) framework action for possible implementation in 2019.

- Next meeting will be held August 8-10, 2017 in Philadelphia, PA.

Marine Fisheries Bureau Report

Mr. Allen updated Council on the empty staff chairs that are in progress to be filled, such as an Administrator, a Secretary, 1 to 2 Biologist Trainees, and two Research Scientist IIIs. The administration also has acquired 1.2 million dollars in budget, however it is allocated for salary object code and need full time employees to fill that. Working with administration to see how we can fill these much-needed positions. However, administration is also in need of money for operating costs. There is also the ASSCP Grant, where a few of the programs under contract that are phasing out.

Council will send a letter to help support new hire's and monetary need for the Bureau of Marine Fisheries.

Shellfish Council Reports

- **Delaware Bay** – Mr. Hollinger
 - The Atlantic Coast Section of the NJ Shellfisheries Council's Shellfish Aquaculture Leasing Committee met on June 13th to make a recommendation to the AC Shellfisheries Council of implementing a \$250 lease application fee and a \$100 Lessee renewal fee. The Council voted on the committee recommendation on June 19th, 2017.
 - The Delaware Bay Section of the NJ Shellfisheries Council discussed and made the recommendation to the Council regarding the lease application fee

and lease renewal fee at their Leasing Committee meeting on June 21, 2017.

The DB Shellfish Council voted on the issue on July 11, 2017.

- The Committee and Councils share the belief that the proposed lease application fee would help deter the monopolization of a new lease areas by a single group of individual(s) and allow more opportunity for other interested shellfish industry members to obtain leases in the new area.
 - The renewal fee would be in addition to the annual lease fee (\$2 per acre or 100 linear feet) currently in the regulations and would likely free up inactive leases that are being held by leaseholders who are not utilizing them.
 - As both Councils have approved the new fees, the Commissioner must approve the actions of the Councils before the lease application fee and renewal fee can be implemented.
 - New lease applications on the Atlantic Coast will not be accepted until the lease application fee is approved by the Commissioner thereby creating a temporary moratorium on leasing on the Atlantic Coast.
- **Atlantic Coast – Mr. Maxwell**
 - We are strongly encouraging the Commissioner and the DEP to approve these fee changes as soon as possible and may need the Marine Fisheries Council support in moving the process forward swiftly.
 - **Bureau of Shellfisheries Report – Mr. Babb**

- The last barge of shell is being deployed tomorrow, 120-140,000 bushels on 3 sites.
- Surf clam survey is wrapping up on July 13, 2017. Lots of horseshoe crabs, not many surf clams.
- The Direct Market program is going strong. The largest quota since 1998 at 124,000 bushels. Daily catch rates extremely high with boats packing out of the dock by 10-11 am.
- An inordinate amount of time is still being spent on marine aquaculture issues such as streamlining permitting system, leasing process improvements, automation improvements, and online systems.

Committee Reports – none at this time.

Regulatory Actions

Mr. Allen brought Council's attention to Handout #7, Notice of Administrative Change (NOAC), and modification of recreational haddock size limit, which Council voted on and approved back in April 2017.

MOTION

Motion to approve the NOAC to amend the haddock recreational size limit from 21" to 18". Motion by Mr. Radossi, Seconded by Dr. Bochenek. Motion passed, unanimously.

Old Business

Mr. Allen will report back to Council on what the need for a Blue Crab Committee was requested for, it is believed to be on transferability. Other committee meetings coming up after next Council meeting focus on eels, tautog and menhaden.

New Business

- Mr. Allen brought Council's attention to Handout #8, regarding a waterfront development permit, for Council's information.
- Mr. Radossi updated Council that as NJ shifts away from oil to natural gas, there is a need to add to the existing pipeline on the Rockaways.
- Mr. Hollinger asked Council to send a letter to the Department of Aquaculture informing them that Mr. Hollinger has been approved to serve as proxy for Mr. Herb, on the Aquaculture Advisory Council (AAC).
- Mr. Hollinger attended the June 23, 2017, AAC meeting where they spoke about the red knot issue. There will be a Science Symposium on July 28, 2017. The Tidelands continue to have problems with processing permits.

Public Comment

- Mr. Bill Shillingford, suggested idea for the new process of summer flounder's future: 1) an 18" to 19" summer flounder, to be made into a slot fishery, 2) NJ needs to stand apart from other states and then 3) NJ should also be split in half. Still need a senator to sign on as a co-sponsor to help revise the Magnuson-Stevens Act.

- Mr. Paul Cutrufello, has not seen a census for fishery. Has not caught any keepers this year, only one last year in Cape May County. Mr. Baum reported that we cannot count everything, so rely on surveys, such as the dock intercepts. Mr. Brust says dock intercept interviews are occurring and sampling over all of the state, since NJ took over the program. Mr. Cutrufello commented that tautog have been plentiful, however that means less barnacles and mussels.
- Mr. Howard Bogan, Thank you for all the hard work in regard to summer flounder. Gives me hope for sea bass and Council continues to fight for black sea bass, wave 6.
- Ms. Robin Scott, Thank you for all your work on 2017 summer flounder. The public will continue to be there for 2018 and beyond.
- Mr. Eddie Yates, Thank you for the 2017 summer flounder. Question on wave 5 for black sea bass, where are we now at possibly opening wave 5? Mr. Allen commented the regulations cannot be changed and cannot open in state waters. Mr. Yates, then the public will show up so changes in fisheries regulations can be made that benefit and support the future of fisheries and business.

Meeting adjourned. Next Meeting is September 7, 2017, Manahawkin, NJ