

**Marine Fisheries Council Meeting  
November 7, 2019**

**Council Attendees:**

Joe Rizzo	Eleanor Bochenek
Sergio Radossi	John Maxwell
Bob Rush	Dick Herb
Barney Hollinger	

**Council Absentees:**

None

**DEP and Division of Fish and Wildlife Attendees:**

Jeff Brust, Chief, Bureau of Marine Fisheries (BMF)  
Joe Cimino, Administrator, Marine Fisheries Administration (MFA)  
Mike Celestino, Research Scientist, MFA  
Heather Corbett, Supervising Biologist, BMF  
Brendan Harrison, Assistant Biologist, BMF  
Matt Heyl, Assistant Biologist, BMF  
Timothy Daniels, Assistant Biologist, BMF  
Laura Versaggi, Fishery Specialist, ACCSP  
Linda Barry, Research Scientist, MFA  
Brian Neilan, Principal Biologist, BMF  
Jeff Normant, Supervising Biologist, BSF  
Chris Petruccelli, Conservation Officer, Bureau of Law Enforcement (BLE)  
Russ Babb, Chief, Bureau of Shellfisheries (BSF)

The meeting was called to order. Notice of the Marine Fisheries Council (Council) meeting was filed with the Secretary of State on October 10, 2019. Acting Chairman Herb began the meeting with the Pledge of Allegiance.

**Approval of Minutes**

Meeting minutes from the September 5th meeting of the Council were approved without revision. Motion made by Mr. Radossi and seconded by Mr. Maxwell. Motion unanimously carried.

**1. Enforcement Report – C. Petruccelli**

On August 31st, 2019, CPO Woerner was patrolling the Sandy Hook area when he observed individuals wading in an area where people frequently harvest clams from condemned waters. After thorough observation, CPO Woerner ended up apprehending three groups of individuals, including juveniles, harvesting clams in prohibited water. CPO Woerner seized several hundred hard clams and issued summonses for harvesting shellfish without a license and for harvesting shellfish from the prohibited waters of Sandy Hook Bay.

In the late evening hours of September 13th into the early morning hours of September 14th, CPOs Moscatiello and Woerner were patrolling the area around the train tracks that run through Brielle and Point Pleasant Beach. The officers set up surveillance on a group of four men from Pennsylvania that were actively fishing on the railroad bridge. Several hours later, the officers intercepted the men as they left the bridge and tried to rush back to their vehicle. Upon inspection, two of the men were each found in possession of eight undersized striped bass. The two men were each issued summons for possession of undersized and overlimit striped bass. Their fishing equipment was seized as evidence and this is the fourth time that one of the men has been apprehended with the same violations involving striped bass.

On the evening of August 26th, Detective CPO Harp and CPO Meyer apprehended multiple individuals for taking and possessing 3 juvenile sandbar sharks, a protected and prohibited species. Before making the apprehensions, CPO's observed the individuals remove the heads, internals, and partially fillet the sharks before placing them in a bucket. As the individual returned to their vehicle, they hid the shark carcasses in the marsh and denied having caught anything. The carcasses of the 3 sandbar sharks were recovered from the marsh by the officers as well as multiple beer cans and trash left by the individuals. Summonses for the taking of a prohibited species, interference with the duties of a Conservation Officer, wanton waste, and littering were issued.

In early September, CPO Raker made observations of a fisherman on the Reed's Beach jetty who caught multiple undersized striped bass and weakfish, cut their tails off, and deposited them into a shallow pool in the rocks. As CPO Raker approached the man to make the apprehension, the man attempted to throw the fish in the bay. CPO Raker was able to recover 6 undersized striped bass and one undersized weakfish. The man was charged with mutilating marine finfish, interference and the undersize and over the limit violations.

Working into the early morning hours of October 7th, CPOs Henderson and Woerner made several cases in the Woodbridge area involving the taking of illegal striped bass. These cases, similar to those made in the same area during the Spring, involved local fishermen launching a small vessel under a nearby bridge. The men would fish for several hours and return under the cover of darkness with no lights on to transfer their catch to their vehicles. After several hours of observation, the CPOs apprehended three individuals with nearly a dozen undersized striped bass. Summonses were issued for possession of undersized and overlimit striped bass and warnings were given for various boating violations.

On October 11th, 2019 CPO Henderson was working the Raritan Bayshore when he spotted a vessel near a rock pile. Looking at the vessel through binoculars, he observed a man fishing and eventually pull up a red mesh bag that appeared to contain several fish and place it in his vessel. CPO Henderson followed the vessel back to a dock in Woodbridge. Upon inspection the man was found to have a pen containing 13 live tautog, most of which were undersize. Summonses were issued for possession of undersize and overlimit tautog.

The early morning hours of Sunday, October 20th, 2019 were very busy for CPOs Moscatiello, Woerner, and Lt. Scott. Working on information and a lengthy surveillance period, the CPOs were able to locate and apprehend four individuals associated with an illegal gillnet that was being used to harvest striped bass. The men were apprehended with the illegal gillnet, assorted other fishing gear, and four striped bass. The striped bass, all undersized, showed clear evidence of being caught by the net. Additionally, two other men who were rod and reel fishing in close proximity to these individuals were apprehended with three undersized striped bass. In total, 15 summonses were issued to the men. Charges include: taking striped bass with a net, use of a gillnet without a license, possession of undersized striped bass, possession of striped bass over the daily bag limit, and a summons for forfeiture of the gillnet.

In early October in Cape May County, CPO's Raker and Tomlin observed an individual wading in the water throwing a cast net. The CPO's observed the man cast net hundreds of juvenile Atlantic menhaden and drag them up on to the beach and dump them in the sand. The individual continued to cast net leaving the fish on the beach. The individual left the area with no attempt to release the fish back in the water or retain the fish for his own use. CPO's stopped the individual after he had packed up all his fishing gear and attempted to exit the area in his vehicle without recovering the fish. CPO's recovered over 300 juvenile Atlantic menhaden the man left on the beach and the individual was written a summons for wanton waste.

CPO Sloan and Tomlin were on boat patrol when they observed a fish pot vessel they were not familiar with tending conch pot gear in state waters off Cape May County. CPO's conducted an inspection of the vessel and gear and issued summonses for multiple state violations including fishing with conch pots without identification, no gear ID on the vessel and taking/harvesting horseshoe crabs during the horseshoe crab moratorium. In addition, the fisherman's conch pot gear failed to comply with the Federal Atlantic large whale take reduction plan requirements. The Federal violation was referred to National Marine Fisheries Service for enforcement action.

## **2. Legislative/Regulatory Report – J. Brust**

Mr. Brust informed Council of two bills that have reached the Senate and are expected to be voted on this month. The first is about allowing commercial fluke harvesters other states' trip limits, in addition to their NJ trip limit, on board their vessel when they land in New Jersey. The second is about setting up an individual transferable quota (ITQ) system for the NJ menhaden purse seine fishery.

Council was advised of a letter from National Marine Fisheries Service (NMFS) indicating that the large coastal shark recreational boat/trip limit has increased to 55. The change took effect in October.

### 3. **Atlantic States Marine Fisheries Commission (ASMFC) Report – H. Corbett**

Ms. Corbett gave a presentation to summarize all meetings held during ASMFC's Fall Meeting (Oct 27-31, 2019).

The Atlantic Herring Management Board initiated a draft addendum to Amendment 3. This addendum considers new approaches for managing the inshore Gulf of Maine (Area 1A) sub annual catch limit under low quota scenarios. It provides the board with more flexibility in specifying allocations. The draft will be considered for approval at the February 2020 meeting.

The American Lobster Management Board heard an update on the status of some new commercial reporting requirements and issues with the collection of this data. Some states have had difficulty implementing the new requirements, and the deadline was postponed for a year to Jan 1, 2021. The Board also discussed progress of a draft addendum to enhance resiliency of the Gulf of Maine and Georges Bank stocks. The addendum was originally initiated in August 2017, but development was stalled due to some issues surrounding right whales. The Plan Development Team will resume the addendum after the Board reviews the stock assessment in 2020 to make sure they have the most current information on which to base their decision.

The Tautog Management Board received an update on the commercial harvest tagging program. In August, states were requested to indicate if they could meet the January 1<sup>st</sup> implementation deadline. Several states were not able to meet this deadline but intend to have the regulations in place by the beginning of the commercial season. Tags should arrive by late November / early December of this year.

The Atlantic Menhaden Management Board received an update on the single species and multispecies stock assessments. Both reports have been submitted to SEDAR for peer review which is currently underway in South Carolina. Additionally, the Board recommended to the Policy Board that Virginia be found out of compliance for exceeding the 2019 Chesapeake Bay reduction fishery cap.

The ACCSP Coordinating Council opted to fund the 2020 proposals as presented. New Jersey's proposal is included which funds our biological sampling and commercial monitoring program. This is the last year of full funding as "maintenance projects" will be phased out by 33% over each of the next few years. The committee also discussed consolidation of technical committees and the formation of a data coordination committee. Updates were heard on the status of electronic reporting, registration tracking, data warehouse partner feeds and queries, for hire methods workshop, and state conduct of the for-hire telephone survey.

The Spiny Dogfish Management Board approved addendum VI which allows the commercial quota to be transferred between all regions and states to enable full utilization of the coast wide

commercial quota and avoid quota payback for unintended overages. The measure is effective immediately and will allow for transfers between states in the northern region starting with the 2019-2020 fishing year. The draft addendum included scoping questions for public comment to provide feedback on whether the Commission should make recommendations regarding Federal trip limits. Not many comments were received, so states will meet via conference call to discuss options and report to the Board at its next meeting in February. There are no changes made to the 2020-2021 specifications, and this maintains consistency with the Mid-Atlantic Fisheries Management Council decision in October.

The Horseshoe Crab Management Board approved 2020 harvest specifications for the Delaware Bay Region (New Jersey, Delaware, Maryland, and Virginia). The Board also approved the Technical Committee's recommendation to update the ARM framework with recent population estimates and current information for horseshoe crabs and red knots. These updates will require an external peer review that should be completed in about 2 years. Draft addendum VIII was indefinitely postponed. That addendum sought to incorporate mortality associated with biomedical use of horseshoe crabs into the ARM framework and harvest packages to allow low levels of harvested females. However, under the current model structure, no packages with female bait harvest would be selected unless the abundance of red knots and female horseshoe crabs exceed the thresholds levels. State compliance reports were reviewed with no issues, and the compliance report deadline was adjusted to July 1<sup>st</sup> each year.

The American Eel Management Board approved the coast wide cap overage policy which is intended to avoid mandatory action if the coast wide harvest cap is exceeded two years in a row. The Board will annually review preliminary landings at their spring meeting to determine if the cap was exceeded in the previous year. If necessary, states harvesting more than one percent of the coastwide quota will be asked to voluntarily adjust their measures to avoid an overage for the cap in the second year. If the cap is exceeded a second time, an addendum will be initiated to develop options for mandatory reductions in any of the states that harvest more than one percent. The Board also approved state compliance reports of the 2018 fishing year for all the states.

The Weakfish Management Board reviewed the stock assessment update which determined the stock is depleted and overfishing is not occurring. There is no management action triggered due to the currently high restrictions that are already in place. Annual compliance reports were reviewed, and all states were consistent with the measures of the fisheries management plan. Biological sampling requirements were impacted by the new MRIP estimates so the Technical Committee was tasked to evaluate the assessment needs and the states' sampling capabilities to determine whether the requirements need to be adjusted.

The Shad and River Herring Management Board heard Technical Committee recommendations on inconsistencies within states' sustainable fishery management plans. States need to submit

proposals to resolve these inconsistencies for review by the Technical Committee. The Board will then consider approval of these proposals at the 2020 spring meeting. Maine submitted a proposal that was approved by the Board to open 3 river herring runs. The benchmark stock assessment is on schedule, with final review scheduled for the 2020 summer meeting. Some states (not New Jersey) require updates to their shad habitat plans which were originally submitted in 2014. Compliance reports were approved for all states, and three new advisory panel members were approved.

The Coastal Sharks Management Board approved mandatory circle hooks use in state waters for recreational shark fishery which is consistent with the federal regulations. The implementation date of this regulation is July 1, 2020. Proposed 2020 harvest specifications are consistent with 2017-2019, and the Board will set these specifications via email vote after the final rule is published by NMFS. Compliance reports were reviewed and approved for all states.

The South Atlantic Management Board reviewed draft addendum III for Atlantic croaker and draft addendum III to omnibus Amendment for Spanish mackerel, spot, and spotted seatrout, and approved both documents for public comment. These addenda incorporate updates to the traffic light analysis and changes to management responses for spot and croaker fisheries management plans. Both species show strong declines of harvest, but no management action has been triggered because fishery independent surveys don't show the same declines. The updates to the traffic light analysis have been recommended by the Technical Committee and the Plan Review Team. For Spanish mackerel, the South Atlantic Board is looking to pursue a future addendum that better align state and federal management. Compliance reports were approved for red drum, black drum, and spotted seatrout.

A number of administrative committees met as well, including the Atlantic Coast Fish Habitat Partnership Steering Committee, the Management and Science Committee, and the Executive Committee.

The Policy Board unanimously approved a motion to recommend Virginia out of compliance for exceeding the 2019 Chesapeake Bay harvest cap. The Business Section supported this recommendation and has 10 business days to forward a letter to the Secretary of Commerce informing them of the decision.

In addition, staff read into the record the ASMFC Press Release: Atlantic States Marine Fisheries Commission honors Tom Fote, New Jersey's Governor's Appointee to the Commission, with the Captain David H. Hart award, the Commissioners highest award at the 78-annual meeting.

#### **4. Mid-Atlantic Fishery Management Council (MAFMC) Report – J. Cimino**

The 2019 scup stock assessment found the stock to be in good shape, no overfishing and overfishing is not occurring. The spawning stock biomass is two times the biomass target. Recruitment had been high, especially in 2015, but below average in recent years, resulting in lower stock projections. The Science and Statistical Committee concluded that the exceptionally high level and should now be coming down to equilibrium levels. After considerable discussion, MAFMC approved a 7% decrease in the commercial quota and a 12% decrease in the RHL for scup for 2020, with larger reductions in 2021 with a hope of revisiting this issue and provide different options for 2021. One of the factors discussed were discards, and Council hopes the estimation methods can be revisited by then. There was talk of how these discards can be reduced, especially for black seabass where we think there is an issue. The Advisory Panel discussed education for the recreational scup fishery.

The black seabass stock assessment determined the spawning stock is 2.4 times the size of the biomass target. The stock is not overfished, and overfishing isn't occurring. Recruitment was above average in 2015 but below average since then. Council approved a 59% increase in commercial and recreational harvest specifications for the 2020 and 2021. As we saw with summer flounder last year, the commercial will increase, but since the new MRIP estimates show that the recreational fishery has been harvesting at a much higher level than was previously thought, the 59% increase is already assumed to have been realized. Recreational measures were not set at this time. There will be another joint ASMFC and MAFMC meeting in December where the recreational measures are scheduled to be set.

A summer flounder data update was given. Survey results show the stock increased from 2017-2018 and recruitment was above average. No changes were made to harvest specifications, and none are expected to be made in December.

The 2019 bluefish stock assessment included the new (higher) MRIP estimates, which indicate the stock has been experiencing higher fishing pressure than previously thought. The assessment suggests that the stock is overfished, but overfishing was not occurring in the terminal year. The SSC and the monitoring committee for bluefish recommend harvest reductions will be needed for 2020. The Magnuson-Stevens Act requires implementation of a mandatory rebuilding plan within two years of when the population is determined to be overfished. In the meantime, 2020 specifications were set at 64% reduction from the 2019 commercial quota and 18% for recreational. The recreational sector is expected to harvest their entire quota, so transfers of quota between sectors was not approved. Recreational harvest in 2018 was well below previous years, and there was discussion on whether or not 2018 harvest is the new normal or an anomaly. The majority consider it the new standard, but additional years of data are needed, which will inform the rebuilding plan.

Council received an update on the bluefish reallocation amendment, which considers allocation among sectors and secondary allocation among states. Council approved the list of issues to be considered in the amendment, and issues/tools to consider to evaluate reallocation strategies. Council requested the amendment incorporate rebuilding to facilitate a rebuilding plan. This changes the scope of the amendment and will require additional scoping hearings.

Council and Commission initiated an addendum to revisit commercial/recreational allocation of summer flounder, black sea bass, and scup. The amendment will focus on the implications of the revised MRIP harvest estimates on allocations. Staff will begin development of scoping materials, which will be revisited at the joint meeting in December.

An update was given on the recreational reform initiative for summer flounder, scup and black sea bass. Variability in MRIP harvest estimates makes it difficult to develop and maintain regulations that keep harvest below the RHL as required by Magnuson-Stevens. A working group has been investigating methods to improve and simplify the management process ways. The work so far has been promising, but it will likely take a couple of years before we see management regime changes.

Harvest specification were set for monkfish in 2020. The northern region will receive a 10% increase, while the southern region (which includes NJ) remains status quo. No changes were made to effort control, possession limits, or days at sea measures.

Council reviewed the squid permitting amendment and provided guidance to staff on further development. In recent years, the markets have been good, and squid have been available, so we are seeing a lot more vessels involved in the fishery. The Council has considered requalification of vessels in the fishery, with a control date that any vessel that entered the fishery after 2013 may be treated differently than vessels that were in before that. The industry is split on this control date. Since there have been problems with hitting the quota as quickly as they have, the Council also has a work group trying to work on in-year quota adjustments, so that they are able to spread out the quota throughout the year.

Council reviewed drafts of the 2020-2024 strategic plan and research priorities documents and provided guidance to staff. Both will be reviewed and finalized at the December meeting.

Dr. Bochenek asked if the bluefish committees discussed allowing fishing further off shore, since industry reports lots of fish out there. Could the results of the assessment be influenced by availability and not abundance? Staff responded that the Technical Committee and Monitoring Committee had heard similar information from the Advisory Panels and are looking into it, including reviewing offshore survey data to understand availability.

Mr. Rush commented that he didn't understand how the stock is being overfished because there is no data from offshore. Migratory patterns have changed, and we have data gaps, so an assessment shouldn't be done without all the pertinent data. Mr. Cimino reiterated that there are survey data that are being evaluated.

Mr. Rush also commented that dogfish have been ferocious, but we keep building up predator species, and we keep seeing the prey species declining. It's been brought up before, but something needs to be done if we want to keep our prey species. Mr. Cimino responded that it's a tough decision and ASFMC has been addressing questions like this with Atlantic menhaden, which is considering ecological reference point that include predators. Predation is still considered to be a driver in weakfish population declines. Ecosystem reference points have been discussed for years, but they are very complex and require difficult decisions. It's something that still needs work.

#### **5. Bureau Reports – J. Brust**

The Bureau of Marine Fisheries report will be provided in conjunction with striped bass discussions later in the agenda.

No Shellfish Bureau issues were reported.

Mr. Hollinger presented a report regarding the Delaware Bay 2019 Direct Market. The 2019 Direct Market season has been open since April, and the total harvest as of 11/10/19 is about 104,000 bushels with an average CPUE of just over 114 bushels per boat per day. Approximately 6,500 bushels of the total quota are left for harvest. During August, the High Mortality and Shell Rock seed beds were closed to harvest since their regional quotas were met. The Medium Mortality seed beds remain open for the remainder of the season which ends November 22, or until that region's quota is met, whichever occurs first.

Mr. Maxwell reported that both sections of the Shellfish Council have become increasingly concerned with the vacancies on the councils, as well as the much-needed reappointments. The Delaware Bay Council has only 3 of 5 members, and the Atlantic Coast side only has 2 of 5 seats filled. This leads to inadequate representation and cancelled meetings due to lack of quorum. If these seats are not filled soon the Council will not be able to conduct business which is necessary as stated by statutory authority. Chairman Herb replied that he understood the situation because the Marine Fisheries Council is in the same situation. Assistant Commissioner Bukowski indicated that he understood the situation, but nothing had changed. A nominations package has been completed hopefully will be moving to the Governor's office soon. It is discussed regularly among staff and Commissioner McCabe. He offered Council to reach out to him if they have questions. Mr. Maxwell asked what happens if Council cannot meet due to quorum. AC Bukowski indicated staff would find out. Dr. Bochenek asked if the process was stalled at the

Governor's level or elsewhere. AC Bukowski indicated it was in the Commissioner's office who was communicating with the Boards of Commissions in the Governor's Office. Mr. Maxwell commented that it has been at least two – this is the third – administration and nothing has happened. Chairman Herb commented that Senior Staff is aware of this serious issue, and it is being worked on.

## **6. Committee Reports**

### **Black Sea Bass Committee – October 23, 2019**

Black sea bass and summer flounder were held together in the same meeting on October 23<sup>rd</sup>. Black sea bass was discussed first and purpose of this portion of the meeting was to review the 2019 commercial black seabass fishery and the trip limits modifications in the 2020 fishery. Staff provided advisors with the current 2019 black sea bass commercial fishery landings based on the only harvested quota remaining in the 2019 commercial fishery which is 236,525 pounds. The committee recommends adjusting the season 6 directed trip limits as follows:

- Option A- 500-pound trip four times per week
- Option B- 1,000-pound trip two times per week
- Option C- 2,000-pound trip one time per week

Additionally, advisors were presented with the preliminary 2020 commercial black sea bass quota for New Jersey. The preliminary quota for New Jersey is 704,000 pounds. This quota remains status quo to the original 2019 fishing year. Based on this preliminary quota for the black sea bass commercial fishery the committee's preferred trip limit for the 2020 commercial fishing year are as follows:

#### Season 1 (January-February):

- Option A- 500- pound trip limit two times per week
- Option B- 1,000- pound trip one time per week

#### Season 2 (March-April)

- Option A- 1,000- pound trip limit two times per week
- Option B- 2,000- pound trip limit one time per week

#### Season 3 (May-June)

- Option A- 500- pound trip limit four times per week
- Option B- 1,000- pound trip one time per week and 500-pound trip two times per week
- Option C- 1,000-pound trip two times per week
- Option D- 2,000-pound trip one time per week.

#### Season 4 (July-August):

- Option A- 500- pound trip limit four times per week
- Option B- 1,000- pound trip one time per week and 500-pound trip two times per week
- Option C- 1,000-pound trip two times per week
- Option D- 2,000-pound trip one time per week

Season 5 (September- October)

Option A- 500- pound trip limit four times per week

Option B- 1,000- pound trip one time per week and 500-pound trip two times per week

Option C- 1,000-pound trip two times per week

Option D- 2,000-pound trip one time per week

Season 6 (November-December)

Option A- 500- pound trip limit four times per week

Option B- 1,000- pound trip two time per week

Option C- 2,000-pound trip one time per week

Options cannot be combined, under any circumstance, for a given season. Once a trip has been landed under one option, the vessel is restricted to only that option for the remainder of the fishing week (Sunday-Saturday). Once the following fishing week begins (12:00 a.m. Sunday), the vessel can choose another option under the corresponding season.

The Committee recommends the commercial trip limits for the 2020 commercial black sea bass fishing year as provided in this report. This is a motion with an automatic second. No comments were made on this proposal, and the motion carried unanimously.

**Summer Flounder Committee – October 23, 2019**

Staff provided advisors with the current 2019 summer flounder commercial fishery landings based on the unharvested quota remaining in the 2019 commercial fishery (1,042,788 lbs). The Committee recommends adjusting the Season 6 directed trip limits as follows:

Option A- 2,000-pound trip limit two times per week

Option B- 4,000-pound trip limit one time per week

Additionally, advisors were presented with the preliminary 2020 commercial summer flounder quota for New Jersey. The preliminary quota for New Jersey is 1,928,391 pounds. This quota remains status quo to the adjusted 2019 commercial fishing year. Based on this preliminary quota for the summer flounder commercial fishery, the Committee's preferred trip limits for the 2020 commercial fishing year are as follows:

Season 1 (January-February):

Option A- 750-pound trip limit two times per week

Option B- 1,500-pound trip one time per week

Season 2 (March-April):

Option A- 500-pound trip limit two times per week

Option B- 1,000-pound trip one time per week

Season 3 (May-June):

Option A- 250-pound trip limit seven times per week

Option B- 500-pound trip four time per week

Season 4 (July-August):

Option A- 250-pound trip limit seven times per week

Option B- 500-pound trip four time per week

Season 5 (September-October):

Option A- 250-pound trip limit seven times per week

Option B- 1,000-pound trip two time per week

Option C- 2,000-pound trip limit one time per week

Season 6 (November-December):

Option A- 1,000-pound trip limit two times per week

Option B- 2,000-pound trip one time per week

Options cannot be combined under any circumstance for a given season. Once a trip has been landed under one option, the vessel is restricted to only that option for the remainder of the fishing week (Sunday-Saturday). Once the following fishing week begins (12:00 a.m. Sunday), the vessel can choose another option under the corresponding season.

The Committee recommends the commercial trip limits for the 2020 commercial summer flounder fishing year as provided in this report. This is a motion with an automatic second. No questions or comments were made, and the motion carried unanimously.

### **Executive Committee - October 21, 2019**

The Executive Committee met by conference call to review several recent applications to Council advisory panels. Staff noted that all applications had been sent to the full Council for review, with no comments received from Council members. Applications had also been forwarded to Law Enforcement to check for recent violations that might affect a decision. None of the applicants had received any violations in recent years and all warnings were reported on the application forms. The individual applications were reviewed and discussed with the following determinations.

Name	New or Renewal	Approved Committees
Robert Gynn	New	Fluke Rec, BSB Rec, Bluefish
Shawn Hinds	New	Fluke Rec
John Howell	New	Fluke Comm
Jeremy Muermann	Renewal	Blue Crab
Adam Nowalsky	Renewal	BSB Rec, Fluke Rec, Menhaden, Striped Bass, Tautog
John Toth	Renewal	BSB Rec, Fluke Rec, Striped Bass
Kevin Wark	Renewal	Bluefish, Enforcement, Gill Net, Menhaden, Shark/Spiny Dogfish, Sturgeon, Weakfish
Eddie Yates	Renewal	BSB Rec, Fluke Rec, Striped Bass

During deliberations, the committee discussed planned revisions to the advisor application form, including clearly identifying whether the application is new, or a renewal, and which organization is represented for each committee. The applications are currently being revised.

Until the application is revised, a request for organization affiliation will be included with the Advisory Committee approval letters.

The Executive Committee requested the following information regarding advisory committees

- The maximum number of Council members permitted per committee
  - Answer to this is 5
- The maximum number of advisors permitted per committee
  - Answer to this is 20
- A list of the number of advisors per committee, by county
  - Work in progress and are trying to balance this out

Bob Rush mentioned having done some of this work on form change previously. Dick Herb responded, that more revisions are necessary. Jeff Brust stated that the applications in question are a new request from the July Council meeting. Bob Rush thought we had discussed this in March 2018. Jeff Brust responded. Those changes were done in November or December of 2018 and these are new changes for the new applications from June. Bob Rush asked if the application was going to ask about affiliations and if we are capping the number of affiliates to affiliations. Eleanor Bochenek mentioned there was a discussion and that there can't be more than one affiliate per affiliation on any committee. Dick Herb stated it's a good recommendation and to proceed with it. The current system is a work in progress.

The committee recommendation is to approve appointments to advisory panels as noted above. Motion carries unanimously.

#### **7. Regulatory Actions – J. Brust**

A notice of administrative to approve changes to commercial black sea bass and summer flounder trip limits was reviewed by Council. Pending legal review, the Commissioner will review and once signed, changes will be implemented on January 1<sup>st</sup>.

Motion to approve by Bob Rush Seconded by John Maxwell. Motion carries unanimously.

#### **8. Old Business – J. Brust**

A request was made regarding Council's authority in regard to striped bass compliance with ASMFC regulations. Council does have the authority to make changes in order to maintain compliance with ASMFC. Statute still holds some of the authority but the changes for striped bass, to maintain compliance, is within Council's authority.

Brick Wenzel, Marty McHugh, and a number of their associates previously presented to Council on their seafood gleaning business and are making decent press because of an article written in the National Fishermen Magazine. The article was distributed to Council members for review.

The Council initiated the scheduling of a Regulatory Committee meeting at the July meeting. The Committee charged MFA to come up with answers to questions such as how many fyke net fishermen do we have and what sort of options might we want to consider. The data was collected and the next step is to schedule a second Committee meeting to dive into the specifics and actual options.

Eleanor Bochenek asked to confirm that the change would be a regulatory change. Jeff Brust confirmed, a change cannot be made in time for this fishing year. Council agreed to schedule a Regulatory Committee meeting in 2020.

There are proposed changes to the scheduled Council meetings. July 2 is now proposed for July 9, September 3 for September 10, and May 7 for May 14. The current schedule conflicts with holidays and an ASMFC meeting, where decisions made could impact Council's action. Council meetings are generally the first Thursday of the month; however, this year there are three meetings scheduled for the second Thursday of the month. Once finalized, the schedule will be posted to the website for public viewing.

Motion to approve the meeting schedule for 2020 made by Eleanor Bochenek, seconded by Barney Hollinger. Motion passes unanimously.

An update was provided on the offshore wind proposed project. A copy NJ's draft Offshore Wind Strategic Plan was received, and comments have been provided to BPU, the lead on developing the strategic plan. AC Bukowski and some BMF staff have met with BPU and discussed how to incorporate these comments into the draft. A draft of this plan will likely be made available to the public this month. Staff also met with Kevin Wark, the fisheries liaison for both BPU and Atlantic Shores, and received feedback on what industry is saying they want in terms of offshore wind development. Industry has provided comments on items such as mitigation ideas and options and relaying communications from the surf clam industry. Staff met with Orsted and discussed permitting for operations and maintenance at the facility in Atlantic City. Staff met with representatives from Equinor to review their progress on their lease in the New Jersey and the New York Bight. They currently have an OREC and an agreement with New York and will be submitting a second one to New Jersey in terms of supply. They're working on their lease as a single project, but separate export cables, one to New York and one to New Jersey. Staff is in discussion with them regarding their proposed lay outs, cable routes, etc. Council received the proposed layout handout.

AC Bukowski offered to answer and questions and mentioned he has been working on this with BMF staff and with the governor's office, regularly. Bob Rush asks about whether or not the "blockage effect" has been discussed. Windmills are proposed to be stacked in a way that would block air flow to the windmills behind. AC Bukowski did not have any information regarding the blockage effect and mentioned that is more of a concern for BPU which he will bring up at the next monthly interagency meeting. His primary focus has been fisheries comments and incorporation, on resource impacts, productivity, drafting effects, etc. Mr. Brust requested the information on Bob Rush's question so that it could be forwarded to BMF staff for further investigation.

Eleanor Bochenek asked if anything was discussed on trawling or transit lanes. AC Bukowski stated Orsted is close to submitting their layout and have talked about transit lanes trajectory from north east to south west, initially. The distance between each turbine is still to be determined and comments will be submitted to help make an informed decision because of the potential for impacts. With the help of the Commissioner's office and DEP staff, information is gathered from the fishing community and other resources including marine mammals and endangered and non-game species and provides input to the permitting office for inclusion in the permitting process. In terms of the permitting process, DEP issues federal consistency from a land use program, similar to coastal permits.

## **9. New Business**

Dick Herb provided an overview on the state of the striped bass regulatory change. ASMFC allowed for conservation equivalency. A survey asked fishermen to provide information in regard to meeting equivalency and the results from these surveys have been analyzed. Best options will be developed from public input including the survey analysis. This is a long process and a February Council meeting may be needed to make a final decision.

Heather Corbett gave an overview of what happened at the Striped Bass Board Meeting. Striped bass Addendum 6 was approved by the Board. The commercial quota, (Bonus Program) will require an 18% reduction. The recreational fishery is set at 1 fish from 28 to 35 inches and for the Chesapeake Bay one fish at 18 inches. The implementation deadline is April 1, 2020. States may submit conservation equivalency proposals to meet the 18% reduction. Proposals are due to the Technical Committee by November 30. The Technical Committee will review the proposals, followed by Board review in February. An Advisory Committee meeting is recommended following the submission of NJ's proposal to the Technical Committee and a special Council meeting in February may be necessary following the Board's decision. The Addendum requires the mandatory use of circle hooks with an implementation deadline of January 1, 2021 and the mandatory education and promotion of circle hooks. In May 2020, the Board will consider initiation of an amendment which aims to rebuild the spawning stock biomass to the target level.

Mike Celestino provided a presentation on the results and the analysis of the striped bass public survey.

The Peer Review Benchmark Stock Assessment for striped bass held last November found spawning stock biomass is too low and fishing mortality is too high. Around the time the Benchmark was completed, staff wanted to reach out to our stakeholders and to the public to get their input on possible management strategies. We engaged with the public using an online survey and through public hearings. The survey was available from June 5 to June 21, 2019 and was sent to about 150,000 stakeholders, with approximately 24,000 responses. Three public hearings were held in conjunction with ASMFC as a part of the official Addendum process. Hearings were held on September 3 in Monmouth County, September 4 in Cape May County, and September 13 in Ocean County. Approximately 150 people attended these meetings and 29 people provided comments. Additional comments from 50 NJ fishermen were submitted to ASMFC.

Most respondents from the online survey were between the ages of 51 to 64, male, resided in New Jersey, private anglers, and fished in the ocean or Raritan Bay. The majority of participants only made a handful of directed striped bass trips, and 15 to 25% of the fishermen made more than 15 trips.

Responses show sixty percent support regulations that prohibit the harvest of striped bass over 40 inches. The more people fished the more likely the person supported a slot limit. Sixty percent of participants supported circle hooks. Fifty-five percent were in support of seasonal closures but 30% said it depends on the location and timing.

The public hearings comments follow. In all cases, all wanted an equal reduction between the recreational and commercial sectors. A significant number of comments were in support of a slot limit. 55% spoke out in favor of a large minimum size and 80% supported circle hooks.

Dr. Bochenek stated that she received some comments from several charter boat captains. Those captains really like status quo but since that's not an option, they're pushing for a 31" minimum inch size. They don't want the slot limit.

## **10. Public Comment**

Tom Fote, New Jersey's Governor's Appointee to the Atlantic States Marine Fisheries Commission – The striped bass public hearings were held to inform the public of upcoming striped bass reductions and to hear public comment. New Jersey voted for conservation equivalency. The 18% reduction is a larger reduction for New Jersey. New Jersey's current

reductions are 40%, an increase over the required 18%. The past fishery management approach focused on maintaining the 1982 year class so that 95% of those females spawned. If the current proposed slot limit stands, “(the 28-35”) the females that are coming up and basically being hammered, and that is a problem. The big females don’t show up every year like the smaller females do. Mr. Fote recommended the conservation and protection of the 2011 to 2015 year class and if possible one fish at 28 or 30, to meet the 18% reduction from the 2017 harvest.

Mr. Fote spoke about the recent MRIP estimates, and some of the history of industry decline in New Jersey. He mentioned it was MRIP’s job to work with industry despite their track record.

Mr. Fote ended with a few words of thanks in regard to receiving the Dave Heart award.

Paul Haertel – Thanked Joe Cimino, Tom Fote, and Adam Nowalsky for the exceptional representation of NJ. He prefers to be able to keep a big fish. He thinks the reduction can be met by dropping the second fish that’s over 43 inches and, maybe one at 28, but also possibly closing the season in March and April, or the summer months, when the catch and release mortality is high. Something should be done to protect the Hudson River fish. He appreciates that the state will consider various options. There’s a severe problem with the amount of poachers fishing beyond the three mile limit.

Micky Sherry, political advocate for Fish Hawks Club – Stated his members fish in tournaments and want to keep a trophy-size striped bass as well as a fish to bring something home to eat. The club voted and preferred Option 2A3, (30-38 inches) and also wants conservation equivalency. The club is still hoping for one fish at 28” or greater. The club did not support the circle hook options but will use them starting January 2021 as required. He thanked the Council for the opportunity to express opinions.

Eddie Yates, United Boatmen – United Boatmen previously preferred the striped bass option of 28” – 35” but based on new information would now prefer one fish with a 28” minimum size. It is believed that we are already taking a 50% reduction by going from two fish to one fish. Large capacity boats need at least one fish for each person to take home to eat. Some of Mr. Yates customers use circle hooks and he uses them occasionally when fishing with bait. It has been requested to add mahi to filet permits for boats of 15 passengers or more. Federal law currently prohibits filleting mahi at sea and boats are often cleaning these fish for hours at the docks.

- Joe Cimino stated that the Mid-Atlantic Fishery Management Council (MAFMC) has previously discussed this issue and is working on a solution. There are similar provisions (i.e. skin left on) that the South Atlantic currently has implemented, and the MAFMC is pursuing these options as examples for a solution.

David Showell, Absecon Bay Sportsman Center – The striped bass fishery in New Jersey is split, one in the north and one in the south. The Bonus Program allows the party/charter boats fishermen to take home fish. People are looking for a fish to take home. Don't start the regulations with fish any bigger than 28". Stretch conservation equivalency as far as possible but it's going to be hard on days people fish with a big run coming in and no fish are caught under 35 inches. That will hurt the late fall business. There has to be a better way to distribute the Bonus permits to more individual fishermen. It is a big help for the charter industry.

Lauren A. Grahm - Primarily fishes from sod banks in estuaries and catches many small stripers. Mr. Grahm would like to see the Bonus Program continue and believes it provides valuable data.

John Depersenair, Recreational Fishing Alliance – They support the slot limit and would prefer a few more options also. He suggests trying a different slot limit down in Atlantic and Cape May County. Also supported is the continuation of the Bonus Program and the possibility of setting aside a percentage for fish over 50 inches so someone can catch a world record fish. There should also be a separate quota for shore-based anglers. The shore-based angler has almost been excluded from this fishery. He would like to see options similar to what was done with summer flounder at Island Beach State Park.

Robin Scott, Ray Scott's Dock – Ms. Scott represents the bay fishery, smaller boats, and recreational boats. She would like the Bonus Program to continue but would also like to keep a slot fish, because her customers are meat fishermen. She would like to see regulations for flounder, scup, and striped bass that take the pressure off the larger female breeding stock to reduce fishing mortality and to still get to that bigger fish. A 16 or 16.5" summer flounder would be preferred to take the pressure off the larger female breeding stock. She agrees with opinions of the last three speakers.

Joe Wagner, fishing vessel Saturn – A horseshoe crab quota is available every year. There was a promise that harvest of horseshoe crabs would be available in the future. Mr. Wagner buys crabs from Virginia and Delaware; has a license he could use to sell harvested crabs to people he is currently buying from. He'd like to start the process to be able to harvest crabs again. It's to the point where he can't even get into the water to get bait. He would like something given back to the commercial fishermen instead of everything being taken away. He would like to at least be able to harvest from dredging since he throws a couple thousand horseshoe crabs overboard and then has to pay \$2 -\$4 piece for the same crabs being harvested in Delaware. He still pays for horseshoe crab permits. He believes if these windmills go up, fishermen will be affected. He was told the same thing that he is being told now when reefs were put in where he used to fish. That is that he will be able to fish on these reefs forever but now he is no longer permitted to fish on the reefs. He believes that fishing will not be allowed near the windmills because they jam radars and will give you a double image. People will not be able to run through without running

into them. Gear will get tangled up. Windmills will be put on the best hard bottoms and ruin it all. They will be a total environmental hazard just like the railroad cars were. They might last for 10 years and then they will fall over. We are required to change our route for the whales. There are areas where fishermen aren't allowed to set a pot because of the whales. He thinks every fisherman should get onboard and try and put a stop to it and wants to know who will compensate his family.

Leon Checinski, Atlantic City Salt Water Anglers – They overwhelmingly agree with what some of the others have said. One fish at 28 and above is the only fair way. This allows for a smaller fish for someone who wants to keep it for table fare and provides the opportunity to keep that big trophy. He believes it has the least of a domino effect as far as the bait and tackle shop, charter boats, and party boats are concerned.

James Olna – He is a tech and works with a lot of variables. Accurate data could be provided so that everybody could listen to and say, “that makes sense.” Relevant data is where, how many, when, are the fish dying, and where are they moving. He thinks better raw data is needed to make decisions.

Captain Brian Williams, Fishing guide in Ocean City and a member of the American Salt Water Guides Association and The Cape Striper Club – Mr. Williams has been forced to go 100% catch and release when fishing for striper in the back waters due to neglect from ASMFC and NJ. He recommends doing away with conservation equivalency to keep regulations consistent along the coast. He does not agree with the slot limit. He stated that ASMFC's new plan is a higher reduction for the state, at about 40%, but it would take less time to rebuild the stock than the conservation equivalency. Emergency action should be put in place to prevent any more damage from occurring. He would like to not allow captains and crew of party/charter boats to keep fish. He recommends banning gaffing for stripers and implementing circle hook regulations immediately, not in 2021. He believes that NJ's Board representatives don't have the best interest of NJ's coast, striped bass, or the interest of any recreational angler.

Dolph Feliciano, One Stop Bait and Tackle – He recommends 1 fish at 28 and greater, which is approximately a 50% reduction.

Dan Ponzy, One Chance Charters out of Atlantic City – Mr. Ponzy stated that north and south of Barnegat Light are separate striped bass fisheries. In the North, he has never seen a boat beyond the 3 mile line. South of Brigantine, crossing of the three mile line is heavy. The big migration of striped bass doesn't make it down here. He stated that the catch and release program in NJ is amazing. He prefers one fish 28 inches and that he slot limit program is destroying this species.

Tom Michael – recreational bay fishermen. He has seen a lot of 25” fish and few greater than 28”. He is against people catching large fish in the Delaware River in the spring and dragging them up on the beach to take photos.

Captain Paul Eidman, Reel Therapy Fly Fishing and Back Reel Tech and Charters – He believes it would be in New Jersey’s best interest for NJDEP to implement ASMFC’s regulations since other states have already set them in motion. and that conservation measures should remain in place until after stock is rebuilt. He would like to see more anglers participate in the data collection process. He would like to see a reporting app or a reporting form for everyone that fishes in the state. He believes that the slot limit that was approved by ASMFC is imperative to follow. Coastwide uniformity is preferred with 1 fish per angler per day from 28-35” for a couple of years. When the next stock assessment comes out, revise regulations so a certain year class isn’t beaten to death. He sees “carnage” going on in Raritan bay and it’s way too easy to kill the breeding stock. He suggests a no kill fishery, or a sport fishery, similar to Maryland, with a delayed opening (early to mid-May) in and around Raritan Bay or at the mouth of the Hudson River. He supports mandatory circle hooks. He has no problem using a snag hook and changing off to a circle hook. He would like to see the Bonus Program continue with 24-28”. He would like a summer closure when the air and water temperatures are high to reduce mortality. He does not agree with captains and mates of party/charter boats being allowed to keep fish. Enforcement should be increased, and NJ should have a better budget to do so.

Frank Jacklone, Gabriel Bait and Tackle – He does not agree with the slot because it will increase the mortality rate, especially with trolling. He is concerned because business is dropping off because there are no fish off the beach. More studies should be done, especially for fish in the EEZ. More enforcement is needed to reduce poaching. A saltwater license should be implemented and the money be put into enforcement.

Meeting concluded at 7:34 PM. The next Marine Fisheries Council Meeting will be held on January 9<sup>th</sup> at 5:00 pm at the Galloway Township Public Library.