

**NEW JERSEY MARINE FISHERIES COUNCIL**  
**Galloway Township Library**  
**Galloway, New Jersey**  
**November 3, 2010**

In Attendance were: Chairman Gilbert H. Ewing, Jr.  
Councilman Patrick Donnelly  
Councilman Richard Herb  
Councilman Walter L. Johnson III  
Councilwoman Frances Puskas  
Councilman Joseph Rizzo

Absent: Councilman Erling Berg  
Councilwoman Eleanor Bochenek  
Councilman Edward Goldman  
Councilman Scott Bailey

Also in attendance representing the Division of Fish and Wildlife:

David Chanda, Director  
Thomas W. McCloy, Administrator, Marine Fisheries Adm. (MFA)  
James W. Joseph, Chief, Bureau of Shellfisheries  
Brandon Muffley, Chief, Bureau of Marine Fisheries  
Jeffrey Brust, Research Scientist, MFA  
Peter Himchak, Supervising Biologist, MFA  
Mike Celestino, Principal Biologist, Bureau of Shellfisheries

Chairman Ewing began the meeting with the Pledge of Allegiance.

Mr. McCloy read the compliance with the Sunshine Law. Notice of meeting was filed with the Secretary of State on October 1, 2010.

Mr. Herb made a motion for approval of September 2, 2010 meeting minutes. Mr. Rizzo seconded. Motion passed for approval of meeting minutes.

**Audience Conduct**

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

**Law Enforcement Report**

In the absence of Captain Chicketano, Mr. McCloy provided Council a brief overview of enforcement activities since the September Council meeting. Most of the violations, as has been the case recently, were for illegal harvest of tautog, both undersize and over the possession limit. One case in particular (40 tautog over the limit and 35 undersized tautog) resulted in a penalty of \$2,316.00. Other violations consisted of violation of the

size and possession limit for summer flounder, black sea bass and weakfish. Several cases were made on commercial clammers harvesting in condemned waters.

Ms. Puskus commented that she attended a Barnegat Court hearing. She found it interesting how some foreign speaking individuals can get postponements of hearings by not understanding what is presented to them at the time of the hearing.

Dr. Donnelly asked if the tautog were being kept alive when caught? Mr. McCloy cannot be positive as to the specifics of each case.

### **Legislative Report**

Mr. McCloy presented Council with updates on the Legislative Report. He brought Council's attention to Handouts 2, 3a and 3b.

A841 would authorize DEP and Council management of size and possession limits and seasons for striped bass.

A2304, that establishes a limited entry system for New Jersey bait menhaden purse seine licenses, was signed by the Governor on September 9, 2010. The Bureau of Marine Fisheries sent a letter to 2010 menhaden purse seine license holders regarding the process and expectations when 2011 licenses are renewed in January 2011.

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

Mr. McCloy updated Council that the ASMFC Annual Meeting will be held on November 8 to 11, 2010, in Charleston, South Carolina.

Mr. Rizzo asked if the American Eel Board will be meeting. Mr. McCloy said no and gave an overview of the other management boards that will be meeting. Mr. Rizzo followed-up regarding whether a possible Eel Committee (Council) meeting was of any value. Mr. Brust commented that the eel stock assessment is currently being conducted, with the intent to have something by early 2012 to present to Eel Management Board on how to proceed. It is premature to discuss implementing management measures for eel in NJ until the ASMFC decides where they are going.

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

Mr. Himchak presented Council with the MAFMC report, Handout #4.

The spiny dogfish quota will increase 33% over the 2010 level to be 20 million pounds with a 3,000 pound trip limit in the 2011 fishing year.

MAFMC approved Amendment 11 to the Atlantic Mackerel, Squid, and Butterfish FMP.

On October 6, a River Herring Workshop was held to lay out the groundwork for developing an amendment for river herring bycatch in the squid, mackerel and butterfish fishery.

A monkfish public meeting will be held in December to provide public information on Amendment 6, regarding catch shares in this fishery.

He reminded Council of a joint meeting of the MAFMC and ASMFC's Summer Flounder, Scup and Black Sea Bass Management Board the week of December 13<sup>th</sup> in Virginia Beach where recreational management measures for 2011 will be discussed.

### **Shellfish Council Reports**

#### **Delaware Bay Section**

Mr. Joseph presented the Delaware Bay Shellfish Council Report in Mr. Bailey's absence.

#### **2010 Delaware Bay Oyster Harvest Season**

The Delaware Bay Direct Market Oyster Season started on April 5, 2010 and will close on November 19, 2010. Through seven months of harvest, the 79 participating vessels have harvested 71,440 bushels of oysters, with an average catch per effort of 61 bushels/vessel/per day, which is down slightly from last year's average of 64 bushels/vessel/day. The medium mortality and Shellrock seed beds management areas were closed when their respective quotas were harvested. At this point, approximately 3,600 bushels remain to be caught on the high mortality beds. The harvest season is scheduled to run through mid-November 2010 or when the 75,305 bushel quota is harvested. This year's harvest will be slightly less than in 2009, when 80,691 bushels of the 85,162 bushel quota was harvested.

#### **Hard Clam Enhancement Update: Oct-Nov 2010**

Mr. Joseph also reported on hard clam enhancement efforts. The Bureau of Shellfisheries is in the process of planting 1.5 million hard clam seed (20-25mm in shell length) within 30 acres of shellfish habitat in the area of the Sedge Island Marine Conservation Zone (MCZ) in Barnegat Bay. The seed is being purchased from a local hatchery with funds made available from Exelon Corporation. The late-October to early November 2010 planting will bring the total to 2.5 million large clam seed planted in the MCZ since 2006, with the previous seed purchased with funds within the Shellfish Habitat Mitigation Fund (SHMF). These activities are part of an on-going effort to enhance hard clams stocks and improve recreational clamming opportunities in Barnegat Bay.

In a similar effort, one million large hard clam seed were planted in Great Bay in spring 2010, with funds within the SHMF.

Mr. Johnson asked if any surveys on mortality rate from the initial planting have been monitored. Mr. Joseph responded in the affirmative indicating that larger seed are faring much better over the smaller seed, in these areas typical of a high mortality rate. The next assessment will be in Spring 2011.

Ms. Puskas inquired if the clams from the Sedge Island Conservation Zone (SICZ) could be sold. Mr. Joseph responded that they were planted for recreational harvest only, and that the SICZ was established for recreational activities only.

### Atlantic Coast Section

Mr. Johnson had nothing to report since the Atlantic Coast Section has not met.

### Committee Reports

#### **Summer Flounder, Scup, Black Sea Bass Committee Meeting Report**

Dr. Donnelly presented Council with the Committee Report, Handout #5.

On October 19, 2010 a joint meeting of the New Jersey Marine Fisheries Council's Summer Flounder, Scup and Black Sea Bass Committees' was held at the Nacote Creek Enforcement Office. In attendance was Division of Fish & Wildlife Staff, Summer Flounder, Scup and Black Sea Bass Committee Council members and several advisors. The purpose of the meeting was to review the current 2010 commercial landings, the potential 2011 commercial quotas, and to discuss trip limits for the 2011 commercial seasons.

The group first discussed possible changes to the 2011 trip limits during the Winter I and Summer Periods for the commercial scup fishery. Recent positive stock assessments indicating a healthy scup resource have lead to increased coastwide quotas and trip limits. The group discussed possible options to potentially increase scup landings during the Summer period where NJ has historically landed only 28% of its Summer Period quota. The Committee recommends the ASMFC approved Winter I trip limit change of two trips per week with landings not to exceed 30,000 pounds during any **one-week** period. The Committee also recommends increasing the trip limit during the Summer period to a **5,000 pound daily trip limit** and increasing this to a **10,000 pound trip limit** if more than 25% of the Summer period quota remains as of October 1<sup>st</sup>.

The 2010 NJ directed black sea bass commercial quota was 351,722 pounds; while the proposed 2011 quota will be reduced slightly (2.7% decrease) to 342,216 pounds. The overall sentiment expressed by the advisors was that the quota needs to be greater. Without an increase in the quota there is little flexibility or options in altering the current trip limits. The Committee recommends keeping the existing commercial black sea bass trip limits for the 2011 seasons.

The 2010 NJ commercial summer flounder commercial quota was 2,116,281 pounds; while the proposed 2011 quota for NJ will increase to 2,869,567 pounds (an increase of 35.6%). The group discussed possible options and scenarios in an effort to extend some of the seasons, but ultimately decided to keep the same trip limits in place and maybe re-adjust for 2012 if the quota increases again. The Council Committee recommends keeping the existing commercial summer flounder trip limits for the 2011 season.

I move on behalf of the Committee's for the Council to approve these recommendations.

Chairman Ewing asked for Council discussion. The Council had no discussion but approved the recommendation by consensus.

### **Regulatory Updates**

Mr. Muffley brought Council's attention to Handout #6 the Draft of the Notice of Administrative Change on modifications of scup commercial trip limits.

Dr. Donnelly made a motion for approval of the Draft Notice of Administrative Change as stated in the above Committee report. Motion passed.

### **Old Business**

Mr. McCloy brought Council's attention to Handout #7, regarding a letter sent to NJ Legislators on funding options for the marine fish management in New Jersey, including a recreational saltwater fishing license, striped bass license plate and conservation lottery.

Mr. Himchak brought Council's attention to Handout #8, regarding a letter to lobster fisherman informing them of two public information meetings coming up.

Mr. McCloy brought Council's attention to Handout #9 , regarding a letter from a winter flounder fyke net fishermen requesting the Council to consider increasing the 38 fish daily possession limit of winter flounder, to a weekly, monthly, or seasonal possession limit. Mr. McCloy indicated that changing the 38 fish daily possession limit would likely not get ASMFC approval.

Mr. Muffley brought Council's attention to Handout #10, regarding a summary of provisions pertaining to killifish fisheries.

Mr. Muffley updated the Council on the sinking of the Radford. Due to additional U.S. Environmental Protection Agency (EPA) requirements regarding cleaning and testing for contaminants, sinking of the Radford has been postponed until spring. Mr. Herb and Ms. Puskas expressed concern as to what would happen if contaminants were found. Mr. Muffley indicated the EPA is not anticipating any problems, but if some are found the contractor is prepared to do whatever corrective action is necessary.

Mr. Herb referenced the Council letter to Legislators regarding funding (HO #7) and asked if it was also sent to bait and tackle shops as the Council requested. Mr. McCloy indicated that it had not been sent as of yet because we were waiting for supplemental information to be developed by the Sportsman's Coalition that are supporting a fishing license. The letter was mailed to every NJ State Legislator, the Governor, Lt. Governor and DEP Commissioner. Mr. Herb indicated that the Coalition was seeking a legislative sponsor for a license bill.

Mr. Ewing spoke of a meeting held between the Executive Committee of the Council and Chief Counselor Cantor of the DEP. An open discussion was held at this time on various topics including the multi-species rule proposal, Council appointments and the Council's veto authority. Nothing new has been heard since this meeting.

Dr. Donnelly felt that the purpose of the meeting was to develop a better sense of understanding between the Commissioner and the Councils' needs.

Mr. Herb indicated that Mr. Cantor had indicated he would get back to Council on their issues.

### **New Business**

Mr. Himchak brought Council's attention to Handout #11a and #11b. Regarding the NOAA Advance Notice of Rulemaking for sharks.

Mr. Himchak brought Council's attention to an upcoming monkfish/skate fishery issue in State waters that will need to be addressed. Fishermen without federal permits are able to circumvent rules in these fisheries by fishing only in State waters.

Mr. Puskas asked about a requirement to keep a log of harvest. Mr. Himchak said in State waters you are fishing under the gear you use and can sell to whomever. There are no reporting requirements. Something will have to be put into place to see that fish caught in State waters are required to be sold only to federally permitted dealers.

Dr. Donnelly suggested getting a committee together with advisors on how to proceed. Chairman Ewing agreed to getting a committee together, and asked Dr. Donnelly if he will be the chairman to this new committee. He commented this committee should/could be all in compassing to all species instead of individual species. It would address fishery management plan differences between State and Federal waters.

Mr. Muffley brought Council's attention to Handout #12, a proposal by NOAA to list Atlantic Sturgeon as Endangered. Public hearings will be held soon along the coast.

Mr. Himchak brought up that a town meeting will be held on Friday November 5, regarding President's Obama's view on ocean policies.

Mr. McCloy brought Council's attention to Handout #13 regarding the 2011 Council Meeting Schedule.

### **Public Comment**

Mr. Rickmers requested increasing the daily possession limit of winter flounder (38 fish) to a weekly, monthly or season possession limit. (Handout #9).

Dr. Donnelly offered encouragement to Mr. Rickmers asking him to continue keeping track of his harvest and report back to the Council in the Spring. Mr. McCloy commented that if a commercial "landing" license had been implemented years ago we would have this information from all fishermen and could better represent them at ASMFC.

Mr. Nowalsky, RFA, provided his perspective on summer flounder and black sea bass fisheries for 2011. He indicated that ASMFC will discuss an addendum for tautog dealing with illegal, unreported harvest.

Mr. Martin, Atlantic Cape Fisheries, supported Council's recommendation on scup trip limits for 2011. He also stressed that monkfish (State vs. Federal waters issue) is an important issue that should not be ignored.

Mr. Rizzo said it was important to prove that the winter flounder stocks in Massachusetts and New Jersey are different stocks. Mr. McCloy indicated that past tagging studies had pretty much indicated that, but the Mid-Atlantic (NJ) stock could not be managed separately until there is a great deal more information on that stock.

Dr. Donnelly indicated that the ASMFC Tautog Advisory Panel did not want to implement something that was going to penalize fishermen that were complying with the regulations.

Meeting adjourned.

Next Meeting is January 6, 2011, Galloway Township Library.