

## NEW JERSEY MARINE FISHERIES COUNCIL

### Stafford Township Municipal Building

November 14, 2013

In Attendance were: Acting Chairman Richard Herb  
Councilman Erling Berg  
Councilwoman Eleanor Bochenek  
Councilman Barney Hollinger  
Councilman Walter L. Johnson III  
Councilwoman Frances Puskas  
Councilman Joseph Rizzo  
Councilman Robert Rush  
Councilman Joseph Zaborowski

Absent: Councilman Sergio Radossi

Also in attendance representing the Division of Fish and Wildlife:

Brandon Muffley, Administrator, Marine Fisheries Administration (MFA)  
Jeffrey Brust, Research Scientist, MFA  
Peter Himchak, Supervising Biologist, MFA  
Captain Dominick Fresco, Bureau of Law Enforcement  
Russ Allen, Supervising Biologist, Bureau of Marine Fisheries  
Tom Baum, Supervising Biologist, BMF  
Jeff Normant, Principal Biologist Bureau of Shellfisheries  
Sherry Bennett, Council Secretary

Ms. Bennett read the compliance with the Sunshine Law. Notice of the meeting was filed with the Secretary of State on October 8, 2013. A Draft of the September Meeting Minutes is in Council's packet for review and approval at a later date through email. Acting Chairman Herb began the meeting with the Pledge of Allegiance.

#### **Audience Conduct**

Acting Chairman Herb reminded the audience to take conversations outside or wait until the end of the meeting and to turn off all cell phones. Individuals wishing to make a public comment will need to sign up.

#### **Law Enforcement Report**

Captain Fresco presented Council with the Law Enforcement Report for June to August 2013. A detailed report was provided in Handout #1.

Update on stranded dolphins. As of October 18, 136 dead dolphins have been recovered along the New Jersey coast. All but 2 were identified as Bottlenose dolphins. To date, 31 dolphins have tested positive for the morbillivirus and 4 for Vibrio infections.

On 9/7/13, the National Marine Fisheries Service (NMFS) Office of Law Enforcement received a call from the Marine Mammal Stranding Center (MMSC) in regards to a harp seal in distress at the southwest end of the Shark River in Monmouth County. The seal was safely removed and directly transported out of the area to the Sandy Hook National Park in northern Monmouth County and was released immediately into the water and was told it swam away successfully.

In response to complaints of alleged harassment of Humpback Whales by recreational boaters and jet skiers in the Raritan Bay/New York Bight area, CO's conducted patrols with National Marine Fisheries Service Special Agents. There were no observations of harassment observed.

In August CO's responded to a complaint regarding dogs running through the roped off beach nesting bird area in the Strathmere Natural Area of Corson Inlet State Park in Cape May County. A Division of Fish and Wildlife ENSP biologist contacted CO's about a healthy oyster catcher chick living here, the chick was safely located and the CO's issued the dogs' owner a warning for harassing threatened/endangered species by allowing dogs to run at large.

While conducting dockside inspections near the Great Egg Harbor Inlet, CO's inspected a charter fishing vessel returning from an off shore fishing trip. The vessel landed a Wahoo but failed to possess a National Marine Fisheries Service (NMFS) Dolphin/Wahoo permit. The officers documented the violation and turned the information over to the NMFS for processing.

While patrolling the tributaries of the Delaware Bay CO's have issued multiple summonses and warnings for the taking of undersize black drum. The CO's have taken a proactive role with all anglers encountered in these tributaries and educating them on the proper identification of Black Drum compared to other targeted fish species.

### **Monmouth County**

In August and September CO's conducted:

- A party boat vessel inspection at Atlantic Highlands Municipal Marina. The violation was for failure to dispose of previously caught fish carcasses prior to commencing fishing on a subsequent trip. There is a court mandatory appearance with a penalty range of \$300.00 to \$3,000.00 and a 60 day suspension of the vessels fillet permit during the open recreational season upon conviction.
- A party boat vessel inspection from Brielle. As the patrons exited the vessel and coolers were quickly inspected resulting in four individuals who had kept a total of 7 large winter flounder. Summonses were issued for possession of winter flounder during the closed season.
- An observation of a local clammer in Highlands led to a clammer being issued a summons for failing to land his entire catch at the plant, as well as failing to

- transfer the clams to primary baskets. Each charge is a petty disorderly offense, which carries a penalty from \$0 to \$500. Conviction of the offenses will also result in a three year suspension of the clammer's shellfish license.
- While in the Borough of Highlands an inspection revealed thirty-three undersized Scup and three undersized Black sea bass. The fish were seized and each individual was issued one summons for the taking/possessing of four undersized Scup.
  - In Maclearie Park in Belmar three individuals were detained by Belmar Police Department and waited for CO's to show up. These individuals were apprehended harvesting Hard Clams from the special restricted waters of the Shark River. The men were issued summonses for harvesting hard clams after sunset, harvesting in special restricted waters and failure to obtain a shellfish license.
  - Under the Rt. 35 Bridge in Brielle, a vessel containing three fishermen was inspected. CO's found three undersized Striped Bass in a basket stowed in the stern of the vessel. One individual was charged with possession of the undersized Striped Bass.
  - On a party boat hailing out of Brielle, patrons were inspected and found to have kept Black Sea Bass during the closed season. The COs issued a total of four summonses including mutilated Black Sea Bass; undersized and over limit Summer Flounder.

### **Atlantic County**

In September CO's:

- Issued more than 20 summonses in Atlantic City over Labor Day weekend to multiple fishermen for violations involving undersize and over the limit tautog. Approximately fifty illegal tautog were seized from the jetties of Absecon Inlet, 11 summonses for over limit and undersized tautog and thirty-one undersized tautog were seized.
- Observed three groups of clammers clamming in the condemned waters of Absecon Bay off of Route 30, a total of 14 summonses and warnings were issued for clamming without a license, clamming in condemned waters, clamming on Sunday, and interference with the duties of a conservation officer.
- While driving over Margate Bridge in Atlantic County, CO's observed two skiffs and 6 fishermen gathering Green Crabs at the base of the bridge. Twelve summonses were issued in total, for over the limit tautog, undersized Tautog, mutilating Tautog to the extent that the length cannot be determined, and taking Black Sea Bass during the closed season.
- During a vessel patrol in Great Bay, CO's discovered an assortment of unmarked conch pot gear baited with fresh horseshoe crabs. The officers seized 40 conch pots, none possessing a bait saving device. The individual was located and interviewed based on one number found on the gear. The individual was issued a summons for failing to obtain a 2013 fish pot license, unmarked gear, not having bait saving devices while using horseshoe crabs as bait and possessing horseshoe crabs without a fish pot license.

- Seven fishermen at the end of the T-Jetty in Absecon Inlet were inspected and issued summons for taking undersized and over the limit Tautog. A total of 13 summonses were issued for possession of undersized and over limit Tautog. Twenty-five undersized Tautog were seized by the officers.

### **Ocean County**

In October while conducting a land base patrol on the Pt. Pleasant Canal, two groups were inspected revealing the first group of four men possessed 12 undersized Tautog and issued summons for possessing two fish over the daily bag limit, and one summons for the possession of three, undersized Tautog. The second group had a total of 10 Tautog all of which were undersized. Four summonses were issued for undersized and over the daily limit of Tautog.

### **Legislative Report**

Mr. Muffley presented Council with the legislative report. Handouts #2a and b are NJ Register publications implementing regulations the Council had approved previously. The September 3, 2013 NJ Register (H.O. # 2a) implements modifications to the summer flounder recreational season, Atlantic Cod and haddock commercial minimum size limits, and tautog commercial seasons. The October 21, 2013 NJ Register publication (H.O. #2b) implements modifications to the black sea bass commercial trip limits.

Mr. Muffley also brought Councils attention to two bills recently introduced by Assemblywoman Marlene Caride. A4391 allows for processing of wild striped bass caught out of state for sale out of state and A4392 allows for sale of wild striped bass caught outside of NJ. These bills are not yet available on the NJ Legislature's website. Once available, copies will be provided to the council for their information.

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

Mr. Himchak took a minute to inform Council that as of December 1, 2013, Mr. Himchak will be retiring after 39 years of service. He thanked the Council for all their hard work and it has been a pleasure to work with everyone on the Council and at committee meetings. Acting Chairman Herb thanked Mr. Himchak and he will be missed by all.

Mr. Himchak presented Council with an update on ASMFC Board activities conducted at their annual meeting in St. Simon, Georgia on October 28-31, 2013 (H.O. # 3).

### **Atlantic Herring Section**

The Section set the 2014 annual specifications for the Area 1A. The Section also heard a report from the ASMFC Atlantic Herring Technical Committee (TC) regarding the development of an offshore sampling program in Georges Bank/Nantucket Shoals for the purposes of understanding spawning events in offshore waters. However, the TC cannot offer further recommendations for management at this time due to survey logistical issues such as transporting herring gonad samples and much needed funding. ASMFC recommended to Interstate Fisheries Management program Policy Board (ISFMP) to send a letter to the New England Fishery Management Council (NEFMC) requesting them to work with the Atlantic Herring TC as a priority to learn more on herring spawning events in Georges Bank/Nantucket Shoals.

### **American Lobster Management Board**

ASMFC American Lobster Board approved Addendum XXII and releases Draft Addendum XXIII for public comment. Addendum XXII implements Single Ownership and Aggregate Ownership Caps in Lobster Conservation Management Area 3. These measures are intended to enhance the ability of lobster business owners to plan for their future fishing operations as trap reductions are initiated. LCMA 3 lobster fishermen or companies will have their trap allocations reduced by 5% per year for five years. Draft Addendum XXIII contains information on habitat needs for American Lobster and does not include any proposed management changes. Public comment will be open until December 20, 2013.

Mr. Himchak also provided an update on a request made by NJ lobsterman looking to change the current closed February-March season to sometime in May for LCMA's 4 and .5. Modifying the closed season would also need to be agreed to and implemented by the other states fishing in LCMA's 4 and 5 (NY, NJ, DE, MD and VA). After presenting this to the ASMFC, the ASMFC denied the request, because not all states agreed to the change or could not modify their regulations in time to implement the changes for the 2014 season.

Mr. Himchak also informed the ASMFC of NJ's intent to increase the size on sixth abdominal tail segment for all lobsters imported and sold in NJ. Representatives from Maine were not in support of this change because it would restrict importation of smaller lobsters harvested in Maine and Canada. Other states are in support of this regulatory change since it will benefit NJ lobstermen.

### **Atlantic Menhaden Management Board**

The Atlantic Menhaden Management Board evaluated the 2013 episodic events set aside pilot program and reviewed progress on the upcoming benchmark stock assessment. Through Amendment 2, one percent of the total allowable catch (TAC) was set aside to allow flexibility for the New England states to harvest Atlantic menhaden when they occur in higher abundance than normal. However, the high levels of biomass did not occur in New England in the fall as expected and therefore, no directed harvest from the set aside has occurred. As a result the ASMFC moved to re-allocate any unused set aside to all the states on November 1. NJ gained an additional 420,670 lbs for 2013.

Mr. Himchak also commented that the ASMFC Atlantic Menhaden Board will likely have issues with underreporting and adjusting bait TAC in the future when they see the cumulative impacts of 6,000 lbs by-catches limits during the closed season that are not counted against the quota. Florida has already approached the Board to take up this issue and NY will follow. Mr. Himchak will keep Council abreast as this develops.

### **Summer Flounder, Scup, and Black Sea Bass Management Board**

ASMFC Summer Flounder, Scup and Black Sea Bass Board initiated Draft Addendum XXIV to address 2014 summer flounder and black sea bass recreational fisheries. The Draft Addendum will propose alternate management approaches for the 2014 recreational summer flounder fishery to achieve more equity in recreational harvest opportunities

along the coast. It will include options that allow for the averaging of harvest estimates, mandatory regions and the sharing of unused quotas.

### **Spiny Dogfish and Coastal Sharks Management Board**

ASMFC Spiny Dogfish Board approved the same quotas as the Mid-Atlantic Fishery Management Council (MAFMC) for the 2014-2015 and 2015- 2016 fishing seasons. The coastwide commercial harvest for 2014 will be 49 million pounds and 50 million pounds in 2015. Going back just five years ago, the spiny dogfish quota was only 4 million pounds.

The Board also approved Addendum III to the Coastal Sharks Interstate Fishery Management Plan, which changes the plan's coastal shark species groupings for hammerhead and blacknose sharks and establishes a new commercial quota and recreational size limit for hammerhead sharks. These modifications were made to ensure consistency across the state and federal plans.

### **Horseshoe Crab Management Board**

The ASMFC Horseshoe Crab Board sets 2014 specifications for horseshoe crabs of Delaware Bay origin. Under the Adaptive Resource Management (ARM) Framework, the Board set the harvest limit of 500,000 Delaware Bay male horseshoe crabs and zero female horseshoe crabs for the 2014 season. NJ's allocation would be 162,136 males. NJ currently has a moratorium on harvesting of horseshoe crabs.

The Board also approved a request to remove the Delaware Bay Egg Survey as a compliance element for New Jersey and Delaware, since the survey does not contribute to the management of the species.

Mr. Allen concluded the rest of the ASMFC report.

Mr. Allen took a moment to thank Mr. Himchak and wished him well on his next adventures.

### **Business Session**

Mr. Allen attended the Business Session and informed Council of the approval of the draft 5-Year Strategic Plan for public comment. The ASMFC has also expressed an interest in attending a Marine Fisheries Council Meeting in the future to give an overview of the strategic plan and obtain public comment. Mr. Allen will keep Council informed.

### **Striped Bass Management Board**

The Board reviewed the peer reviewed stock assessment results that show both fishing mortality and female spawning stock biomass (SSB) are between their respective target and threshold limits and therefore overfishing is not occurring and the stock is not overfished. Based on the results the ASMFC Board initiated the development of two draft addendums. The first draft addendum will propose adoption of new fishing mortality and reference points recommended by the stock assessment. The second considers management measures to address declines in SSB and reduce fishing mortality with a proposed implementation date of January 2015.

### **American Eel Management Board**

ASMFC American Eel Board postponed action on Draft Addendum IV until the 2014 Spring Meeting. Draft Addendum IV proposes management changes to commercial glass, yellow and silver eel fisheries. Maine commits to developing a plan with industry to control glass eel harvest and reduce harvest of glass eels by 25-40% from the 2013 harvest levels for the 2014 fishing season.

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

Mr. Himchak and Mr. Berg presented Council with the MAFMC report.

A more detailed summary of the meeting can be found by visiting the website at <http://www.mafmc.org>.

The MAFMC established 2014-2015 commercial and recreational specifications for summer flounder, black sea bass, scup and blue fish. After reviewing the 2013 benchmark stock assessment for summer flounder, the MAFMC voted to revise the 2014 harvest limits that were set in 2012. The revised 2014 specifications will reduce the commercial summer flounder harvest limit by 0.88 million pounds and the recreational harvest limit by 0.62 million pounds from the original harvest limits set for 2014. The MAFMC did not recommend any changes to the multi-year specifications set last year in the scup fishery for 2013-2015. However the Council did recommend that the possession limit to be increased for the Winter II commercial scup fishery. No changes were made to the black sea bass fishery. For the bluefish fishery, the Council recommended a commercial quota of 7.5 million pounds for 2014 and 13.6 million pounds for 2015.

The Council voted not to include river herring and shad as part of Amendment 15 to the Atlantic Mackerel, Squid and Butterfish Fishery Management. Instead Council adopted a motion to establish a working group composed of regional, state and Federal management partners that will address river herring and shad mortality and stock status.

### **Shellfish Council Reports**

#### **Delaware Bay**

Mr. Hollinger presented Council with the Shellfish Council Report for Delaware Bay.

#### **2013 Direct Market Program**

The direct market oyster fishery closed on November 22 with a total harvest of a little over 83, 000 bushels. Harvest from the seed bed closed on July 18, 2013 after harvesters reached its area harvest management goal of nearly 24,000 bushels. Nearly 1,200 fishing days have occurred with a combined CPUE of 73 bushels per day, average for both single and dual dredge vessels. On November 1<sup>st</sup> the oyster tonger season opened for recreational and commercial harvesters.

#### **Atlantic Coast**

No report presented at this time.

Mr. Normant updated the Council on two comprehensive surveys the Bureau of Shellfisheries conducted in the Little Egg Harbor and Barnegat Bay for the first time since 2001. The Barnegat Bay survey was completed in October 2012 just prior to Hurricane Sandy. A post-Sandy survey was conducted by the Bureau in Barnegat Bay and Little Egg Harbor Bay to assess potential impacts caused by Hurricane Sandy on shellfish and submerged aquatic vegetation (SAV) resources. A total of 25% of the total stations sampled in Little Egg Harbor and Barnegat bays in 2011 and 2012, respectively, were sampled. The post-Sandy survey was completed in October and the data was currently being processed. With the exception of a few stations, most of the shellfish and SAV resources appeared to sustain little impact by Sandy. Mr. Normant will provide updated information to the Council once the data analysis is complete.

Mr. Normant stated that the Bureau had been working with the Division of Land Use Regulation staff on streamlining the regulatory permitting process for structural shellfish aquaculture. The new aquaculture rules were recently adopted by DEP.

### **Committee Reports**

#### **Blue Crab Committee**

Dr. Bochenek presented Council with the Blue Crab Committee report, Handout #5a.

The Marine Fisheries Council Crab Committee met at the Nacote Creek Law Enforcement Office to finalize discussions on license transferability and continue discussions on other regulatory issues discussed at previous Committee meetings. In attendance were Council Committee members, commercial industry advisors, and Marine Fisheries and Law Enforcement staff.

In regards to license transferability, the advisors and Council Committee members present agreed to a number of different initiatives to allow for open transferability of commercial crab pot licenses. The transferability proposal would allow for 25 open transfers per year with 20 transfers for “active” license holders – defined as a minimum of 200 bushels of hard crabs, and 2,000 peelers harvested in the year prior to transfer – and 5 transfers to “inactive” license holder – defined as any with less than 200 bushels of harvest in the year prior to transfer. If the number of applicants for each type of license was exceeded, a lottery system would determine which licensees could participate in an open transfer during that year. Transfers to immediate family would not be subject to these limitations.

The advisors and Council Committee also agreed to lower the commercial crab pot license cap – currently at 312 to 180 licenses. During the period of limited open license transfers (described above), any license that does not get renewed would be forfeited and not offered to lottery list participants until the new license cap of 180 licenses is achieved. This new license cap was determined by evaluating the total number of active licenses (in this case any reported harvest was determined to be active) over the last 10 years. During this time period, there were an average of 161 active license holders (146 latent), so the 180 license cap would bring the number of licenses available down to

average plus some licenses to allow for some expansion in the fishery. Once this new license cap is achieved, any license would then be openly transferable and the limited process described above would be eliminated, as well as the immediate family requirements.

In an effort to begin to reduce the number of licenses and reach this new 180 license cap as quickly as possible, the idea of a buy-out program was discussed. Money would be made available to buy-out current license holders and have those licenses returned to the State and then forfeited. This effort would require legislation and advisors and Council members indicated they would speak to their legislative representatives to pursue this legislation.

On other issues, the advisors and Council committee did not come to a consensus of standardizing crab pot tending hours; however in an effort to deter illegal crabbing activities, specifically tampering with another person's gear the group agreed to setting a specific penalty schedule as follows:

- 1<sup>st</sup> offense - \$500 penalty and 120 day in-season license suspension
- 2<sup>nd</sup> offense - \$1000 penalty and 1-year license suspension
- 3<sup>rd</sup> offense – permanent license revocation

In an effort to increase marketability of New Jersey blue crabs and be consistent with neighboring states, the advisors and Council Committee agreed to support increasing the minimum size limit for male hard crabs to 5 inches (currently 4 ¾ inches) for both the commercial and recreational fisheries. The minimum size limit for a mature female hard crab would remain at 4 ½ inches.

Other issues discussed were more related to the conch fishery (i.e. Modifying the crab dredge seasons, mandatory tending) and the Committee felt is best to hold a Conch Committee meeting at some point in the future to discuss some of these other issues.

The Blue Crab Committee supports beginning the development of a draft regulatory proposal to implement the various provisions outlined above.

### **American Eel Committee Meeting**

Mr. Rizzo presented Council with American Eel Committee Meeting, Handout #5b. The purpose of the meeting was to update industry with regards to ASMFC Addendum III, and to initiate a dialogue regarding the Draft Addendum IV to the American Eel Fishery Management Plan. Staff presented a summary of Addendum III, which was approved by the Management Board in August 2013 and has an implementation date of January 1, 2014. Staff has developed a Notice of Administrative Change (NOAC) which includes the following:

- 9 inch size limit for commercial and recreational fisheries
- Closed season for non-baited gear September 1 to December 31
- Mandatory minimum mesh size (0.5" by 0.5") must be implemented by 2017 or use of an escape panel (4" by 4") until then
- 25 fish bag for recreational fishery, with an exemption for party/charter boat employees who would be allowed 50 fish

Addendum III also includes a requirement for dealer reporting. Advisors voiced concern over who would be considered a dealer and if special permitting would be required. Staff needs time to look over both Addendums before proposing any changes.

Staff presented an over view of the Draft Addendum IV which will be discussed at the ASMFC Management Board on October 30, 2013. The document was not available at the time of this committee meeting. Topics include:

- Glass eel harvest options
- Yellow eel fishery quotas
- Additional Management Options

Much of the focus of this meeting was centered on mesh size requirements. Staff presented data from New Jersey's Miniature Fyke license reporting forms, which showed that more than 70% of the American eel fishermen are already using 0.5" by 0.5" mesh. Advisors and committee members agreed that implementing use of an escape panel is not necessary, and move that the NOAC include the 0.5" by 0.5" mesh requirement.

Acting Chairman Herb reminded everyone this Committee report stands as a motion, and a second is not needed. There were no comments and questions from Council or from the public, motion was voted upon and approved.

### **Summer Flounder and Black Sea Bass Committee Report**

Mr. Berg presented Council with the Summer Flounder and Black Sea Bass Committee Report, Handout #5c.

On October 22, 2013, a meeting of the NJ Marine Fisheries Council's Summer Flounder and Black Sea Bass Committee was held at the Nacote Creek law Enforcement Office. In attendance were Division of Fish & Wildlife staff, Summer Flounder and Black Sea Bass Committee Council members and industry advisors. The purpose of the meeting was to review the 2014 summer flounder and black sea bass quotas and trip limits as well as the ongoing discussion of latent permits for NJ's commercial summer flounder fishery.

NJDFW staff informed the group about regulatory changes in the current Multispecies Rule proposal that is currently under review that will provide for increased management flexibility in setting black sea bass trip limits. Staff then provided the 2013 black sea bass landings summary and fishery performance overview. Advisors discussed possible new trip limits and unanimously decided on proposing changes to all four directed seasons. Season 1: change 1,500 lbs to two times a week or 3,000 lbs. once a week **to** 1,000 lbs four times a week or 2,000 lbs once a week or 4,000 lbs once a week. Season 2: change 1,000 lbs twice a week or 2,000 lbs once a week **to** 1,000 pounds three times a week or 1,500 lbs twice a week or 3,000 lbs once a week. Season 3: change 500 lbs. four times a week or 1,000 lbs twice a week **to** 500 lbs six times a week or 1,000 lbs three times a week or 3,000 lbs once a week. Season 4: change 1,000 lbs six times a week or 2,000 lbs three times a week or 6,000 lbs. once a week **to** 500 lbs. five times a week or 1,250 lbs twice a week or 2,500 lbs once a week.

NJDFW staff then provided the 2013 summer flounder landings summary and fishery performance overview. Advisors discussed new possible trip limits and unanimously decided on proposing changes to one of six summer flounder directed seasons; Season 1 - 4: No change. Season 5: Change from 750 lbs four times a week or 3,000 lbs once a week to 650 lbs four times a week or 2,500 lbs once a week. Season 6: No change.

Finally, the subject of latent permits in the NJ commercial summer flounder fishery was discussed. NJDFW staff presented a brief summary of harvest levels for each permitted summer flounder vessel. The advisors were in agreement that a re-qualification of permits should be explored to hedge potential increases in future landings of summer flounder. Several ideas were discussed including a tiered permit system based off of landing history, qualifying landing amounts over certain years, and implementing a landing license. NJDFW staff agreed to continue this discussion with commercial advisors and Council members at future meetings over the winter.

The Summer Flounder and Black Sea Bass Committee supports the trip limit changes for the commercial black sea bass and summer flounder fisheries as documented above. Acting Chairman Herb reminded everyone this Committee report stands as a motion, and a second is not needed. There were no comments or questions from Council or from the public, motion was voted upon and approved.

#### **American Lobster Committee Report**

Mr. Berg presented Council with the American Lobster Committee Report, Handout #5d. On October 23, 2013, a meeting of the NJ Marine Fisheries Council's American Lobster Committee was held at Nacote Creek Enforcement Office. In attendance were Division of Fish & Wildlife staff, American Lobster Committee Council members, and industry advisors. The purpose of the meeting was to review the required 10% reduction in harvest implemented in July 2012 through v-notching and closed seasons, review the status of a future 25% reduction in effort through gear reductions, and discuss increasing the minimum length of the sixth tail segment to correspond with current minimum size in carapace length.

Staff first gave a summary of NJ lobster landings over the past five years and the trend observed between months. This was used to generate discussion around closed season options coupled with mandatory v-notching. Advisors considered three closed season options; 1) Status quo, retain the current closed season of February 1 through March 31. 2) close three weeks in April or 3) close two weeks in May to achieve the needed reduction in harvest. Advisors didn't reach a clear consensus on which option would fit the fishery best.

Staff then gave a summary regarding the potential development of a new Atlantic States Marine Fisheries Commission (ASMFC) Addendum requiring an additional 25% in future and reviewed the implementation strategy being used in other Lobster Conservation Management Areas.

Finally, staff provided a report on new data analysis used to evaluate a potential minimum increase in the sixth tail segment to correspond with the current carapace length. The current 6<sup>th</sup> tail segment measurement of 1 1/16 inches was developed in the mid 1970's and corresponded to a carapace width of 3 1/4 inches. Based on newly collected data from the NJ lobster industry, increasing the 6<sup>th</sup> tail segment measurement to 1 1/8 inches is more appropriate for NJ's current minimum carapace width of 3 3/8 inches. Advisors recommended increasing the minimum sixth tail segment size from 1 1/16 inches to 1 1/8 inches.

The Lobster Committee recommends retaining the current closed season of February 1 to March 31 and increasing the 6<sup>th</sup> tail segment measurement from 1 1/16 inches to 1 1/8 inches.

Acting Chairman Herb reminded everyone this Committee report stands as a motion. There were no comments or questions from Council or public, motion was voted upon and approved.

Mr. Berg also thanked Mr. Himchak for all his years of service.

#### **Atlantic Menhaden Committee**

The Atlantic Menhaden Committee met on November 12, 2013 to discuss eligibility requirements to qualify for the newly established New Jersey Menhaden Landing License. In attendance were members of the Atlantic Menhaden Committee, commercial and recreational industry advisors for the Menhaden Committee and Gill Net Committee, and Marine Fisheries and Law Enforcement staff.

Staff provided a review of the decisions made by the Committee and Council during previous meetings. During the August 2013 Committee meeting, the Committee made a recommendation to create a new permit or license type that would allow unlimited harvest of menhaden for personal use as bait in pot fisheries. Licenses in this category would have to provide proof of qualifying landings in an appropriate pot fishery and would not be able to sell any of their menhaden. This recommendation was forwarded to the full Council at their September 2013 meeting, but no action was taken because there was substantial public comment that the no-sale provision was inconsistent with historic practice of using most harvest for bait and selling any excess.

Industry then gave a summary of an industry meeting held in September 2013 to develop a new alternative recommendation to address the concerns expressed at the September Council meeting. The consensus of that meeting was to modify the proposed no-sale license to allow qualifying harvesters to sell up to 300 pounds of menhaden per day.

Some advisors expressed concern that 300 pounds per day was not sufficient and requested a higher limit. However, it was clarified that the harvesters in this category were allowed unlimited harvest and the 300 pound limit was just a daily sale limit. There was also concern from some advisors that a higher limit might result in harvesters with a proven history in the fishery to lose harvest to those without a documented history.

The Committee recommends the following three tier system for commercial menhaden harvest.

Tier 1 – unlimited harvest and unlimited sale with possession of gear specific landing license; must show proof of landings as outlined in the existing legislation.

Tier 2 – unlimited harvest and 300 pound daily sale limit with possession of a to-be-created license/permit; must show proof of a valid gill net license, a valid pot fishery license, and proof of at least 100 bushels (approximately 5,000 pounds) of any combination of species harvested in baited pots (e.g. crab, conch, lobster) in any one year between 2009 and 2012, inclusive

Tier 3 – 100 pound daily catch and sale limit, with a 10% bycatch provision with possession of existing commercial fishing license

The Committee also recommends adding haul seines and wire pound nets to the list of approved gears. Qualifying harvest levels for these gears are 10,000 pounds and 100,000 pounds, respectively.

Staff and the Committee expressed concerns that in order to properly implement the recommendations made by the Committee and supported by industry advisors, the existing legislation will need to be modified to include these changes.

Acting Chairman Herb reminded everyone that this Committee report does not constitute a motion.

If you recall at September's meeting, Acting Chairman Herb did ask Senator Van Drew, who is a sponsor to the legislation, if he would be willing to modify the current legislation to address the issues discussed by the Committee. Acting Chairman Herb indicated he spoke with Senator Van Drew this morning and provided him with an update on the outcome and recommendations of the Atlantic Menhaden Committee.

Acting Chairman Herb restated a question he proposed at the previous Council meeting in regards to Council having the right to make a change, understanding this is legislation not regulation, and whether or not there is anything Council can do?

Mr. Muffley commented that there is nothing Council can do to implement any changes other than working with the legislative sponsors to modify the legislation to incorporate their recommendations.

Mr. Zaborowski made a motion for Council to send a letter to all the sponsors of this bill requesting they incorporate the Atlantic Menhaden Committee recommendations in a new legislative bill. Motion was seconded by Mr. Berg.

### **Public Comment**

Mr. Wark supports the recommendations and feels they are equitable. This will help ensure the various bait fisheries get what they need.

Motion was approved unanimously to send a letter to all Assemblymen and Senators.

### **Regulatory Actions**

Mr. Himchak presented Council with background on recent actions regarding coastal sharks. The ASMFC approved changes to shark species groupings and implemented a recreational minimum size limit for hammerhead sharks in order to complement recent federal water changes. These changes essentially remove all hammerhead sharks from the large coastal groupings and blacknose sharks from the small coastal groupings each having their own separate quotas. In addition the hammerhead sharks will have a new recreational size limit of 78 inches fork length. Lastly commercial shark possession limits will change to a 36 fish possession limit for the Aggregate Large Coastal and the Hammerhead shark species groups combined for 2014.

Mr. Muffley presented Council with the background on recent actions regarding recreational black sea bass. The National Marine Fisheries Service (NMFS) will be closing federal waters January 1 – February 28 for the recreational harvest of black sea bass. The ASMFC has yet to determine what action they will take in state waters.

Mr. Muffley presented Council with two options on how the Council would like to proceed, given the time frame of implementing regulation changes needed to be in place by January 1, 2014. Option one, pending ASMFC decision: close NJ waters if ASMFC closes state waters, which NJ must follow. Or option two, pending ASMFC decision, if ASMFC decides not to close state waters, NJ then has an option to remain open or close.

After some discussion among Council members, a motion was made to comply with what ASMFC approves at their December 2013 meeting. Motion was seconded. Motion passed with one no vote and one abstention; motion passed.

Mr. Allen presented and helped Council through Handout #6, the draft Notice of Administrative Changes (NOAC) on all the motions made tonight. Council first made a motion and approved the motion to comply with Federal regulations regarding coastal sharks.

The first draft NOAC will wait until final approval is made from ASMFC on black sea bass. This NOAC will contain the modifications of recreational black sea bass season, shark groupings, hammerhead shark recreational size limit and shark commercial possession limit. Motion was made and seconded and approved.

The second draft NOAC will contain the regulatory changes approved by council from the various Committee reports given tonight. These include: American eel, commercial summer flounder and black sea bass and American lobster. A motion was made, seconded and approved.

### **New Business**

Mr. Himchak presented Council with Handout #7 regarding “Mapping Recreational Uses off of NJ Coast.”

The Mid-Atlantic Regional Council on the Ocean (MARCO) will be holding workshops in November 2013 to compile recreational use information for ocean planning efforts with the goal of reducing marine conflicts, maximizing efficiency and enhancing environment and economic productivity.

Mr. Allen presented Council with the Bureau of Marine Fisheries updates. The Delaware River Seine Survey wrapped up in October, for the striped bass, American shad and river herring species. The preliminary results revealed the striped bass index was just below average, the shad index was the highest of the time series, and river herring (alewife and blueback herring) indices continue to be at extremely low levels.

Two ACCSP positions were filled (ASMFC employees stationed at the Nacote Creek lab). They will be working on port sampling, and at sea observer trips to name a few.

Ron Essig from the US Fish and Wildlife Service visited in August and accompanied staff on the Ocean Trawl Survey. Staff recently received a letter from Mr. Essig regarding his trip and how pleased he was with our overall operations. He did comment, and Mr. Zaborowski has made this comment in the past, of our lack of federal matching and funding. Mr. Essig would like to see more funding from other sources.

Mr. Muffley updated Council on the multispecies rule is moving forward and hopes it will be published in the spring of 2014.

Mr. Muffley also took a moment to thank Mr. Himchak for his time and commitment to the agency.

He also reminded Council that Marine Fisheries Administration has lost three employees this past year and none of the positions have been backfilled. Since Mr. Muffley started 10 years ago, 22 of 43 people have left and the majority of these vacant positions have yet to be filled.

Committee Meetings: Mr. Muffley presented Council with committee meetings Council should consider addressing over the winter months.

- Regulatory Committee to address mandatory reporting
- Summer flounder committee would like to address latent landing permits
- Reef committee
- Blue Crab – dredge and conch issues.

Mr. Zaborowski requested to reconvene the recreational saltwater license committee and look for support from the public as this is a great potential funding source.

Mr. Rush commented that with all due respect he felt this is an issue that Council should not be involved in. Mr. Zaborowski disagreed.

Acting Chairman Herb commented that this (funding) is something the Council cannot ignore, however how does the Council go about to initiate or not and funding is an issue.

Acting Chairman Herb asked Mr. Muffley to schedule Committee Meetings for regulatory Committee and Summer flounder.

Dr. Bochenek made a motion to send a letter to the Governor and Commissioner to address all the staffing vacancies and address the Council seats that have yet to be filled or are expired. Motion seconded and approved.

**Public Comment**

Mr. Wark thanked Mr. Himchak for all his work in support of the commercial industry.

Mr. Siciliano presented a thought as to why recreational fisherman might be afraid of a saltwater license. Maybe if the license included a state match for all revenue generated and ensure the funds were secure might help convince some anglers.

Meeting adjourned.

Next Meeting January 9, 2014, Galloway Township Library