

**NEW JERSEY MARINE FISHERIES COUNCIL**  
**Galloway Library**  
**Galloway Township, NJ**  
**July 7, 2016**

**Council Attendees:**

Richard Herb (Acting Chairman)  
James Alexis  
Scott Bailey  
Erling Berg  
John Maxwell  
Sergio Radossi  
Joseph Rizzo  
Robert Rush  
Joseph Zaborowski

**Council Absentees:**

Frances Puskas  
Eleanor Bochenek

**Division of Fish and Wildlife Attendees:**

Brandon Muffley, Administrator, Marine Fisheries Administration (MFA)  
Russ Allen, Bureau Chief, Bureau of Marine Fisheries (BMF)  
Sean Cianciulli, Acting Deputy Chief, Bureau of Law Enforcement (BLE)  
Captain Jason Snellbaker, BLE  
Jeff Brust, Research Scientist 1, MFA  
Hugh Carberry, Principal Biologist, BMF  
Jeff Normant, Principal Biologist, Bureau of Shellfisheries (BSF)  
Mike Celestino, Research Scientist 2, MFA  
Lindy Barry, Senior Biologist, MFA  
Brian Neilan, Assistant Biologist BMF

Note: due to a malfunction with the recorder, the July meeting minutes cover only items specifically identified on the agenda.

Mr. Muffley read the compliance with the Sunshine Law. Notice of the Marine Fisheries Council (Council) meeting was filed with the Secretary of State on June 9, 2016. Council meeting minutes for May 12, 2016 were approved. Mr. Herb began the meeting with the Pledge of Allegiance.

## **Audience Conduct**

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

Mr. Herb also mentioned that the Council meeting needs to end around 6:00 PM. There will be an ASMFC public hearing on Draft Addendum II to the Atlantic Menhaden Management Plan at 6:30 PM.

## **Law Enforcement Report**

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

- On May 10<sup>th</sup> and 11<sup>th</sup> CO's participated in a multi-agency operation to enforce the Lobster Management Area 4 (LMA 4) closure. Two lobster vessels from NJ were found illegally working their lobster gear to catch Jonah crab approximately 26 miles south of NY. Several more vessels were found to have gear illegally set during the closure and not properly marked at the surface. Other violations were:
  - Improper buoy equipment (no radar reflectors 40 fathoms or deeper)
  - Failure to employ ghost panels on lobster pots/ using non-degradable fasteners
  - Failure to permanently attach tag to trap bridge or center cross member
  - Possession of ocean pout in EEZ
  - Fishing for lobster with expired federal lobster permit
- CO's continue to conduct routine inspections of the commercial sea scallop fishery to ensure and maintain compliance with federal fisheries regulations. Sea scallop prices remain very high, averaging between fifteen and twenty dollars per pound, so incentive was high to exceed established trip limits. Five commercial sea scallop vessels with overages were apprehended for multiple reporting and record keeping violations. The excess landed is typically sold unlawfully to restaurants and retail markets that do not have the appropriate permits to receive product directly from harvesters.
- CO's apprehended two separate Delaware Bay commercial conch pot fisherman in possession of up to forty-five conchs under the legal size limit of five inches. The penalty for undersize possession is thirty dollars per conch so the penalty can add up quickly. There is currently a market for smaller conchs from buyers in other states where the size limit is smaller.
- CO's inspected Sea Isle City party boat after it returned to the dock from a recreational black sea bass trip in Federal waters. Several of its 9 patrons were issued state summonses for possession of undersized black sea bass. One patron was found in possession of over forty undersize black sea bass. In addition, the vessel did not have a valid Federal charter/party permit to lawfully engage in the recreational black sea bass fishery and the vessel operator did not have a valid Federal vessel operator

permit. The Federal violations were turned over to National Marine Fisheries Service for enforcement action.

- CO's conducted inspections at the South Jersey Shark Tournament along with a National Marine Fisheries Service enforcement officer. Two vessels were found to be without a permit, one of which landed a Mako shark. The CO's processed the cases and are pending Federal enforcement action.
- CO's conducted a recreational inspection of a vessel at the Sayreville Municipal Boat ramp in Middlesex County. Three fisherman were charged with possession of five undersized summer flounder, and the fourth fisherman charged with possession of four undersized summer flounder.

### **Legislative/Regulatory Report**

Mr. Muffley presented Council with the Legislative and Regulatory Report, (Handouts #2a-b).

- June 6, 2016 NJ Register, Rule Adoption: Marine Fisheries Multispecies Rule
- June 6, 2016 NJ Register, Notice of Administrative Change: Modification of Summer Flounder, Black Sea Bass, Striped Bass and Hybrid Striped Bass. Recreational Season, Size and Possession Limits. Modification of the Striped Bass Bonus Program.

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

Mr. Muffley presented Council with the agenda for the upcoming ASMFC Summer meeting set for August 2-4, 2016 at the Westin Alexandria, VA. (Handout #3). Public Comment Guidelines as well as Preliminary Agenda were included in the handout.

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

Mr. Allen presented Council with the MAFMC Meeting Summary, held in Montauk, Newark, Delaware, June 13-16, 2016. (Handout #4).

#### **Blueline Tilefish 2017 Recreational Specifications**

The Council considered revising the 2017 recreational blueline tilefish specification it had previously recommended at its April 2016 meeting. The issue was reopened in response to several public comments which expressed concern about the Council's recommendations for recreational specifications. After extensive discussion and consideration of additional public input, the Council voted to initiate a framework to consider recreational blueline tilefish specifications. The first framework meeting is tentatively scheduled for October 2016.

#### **Atlantic Mackerel, Squid, Butterfish Specifications**

The Council reviewed performance of the Atlantic mackerel, squid, and butterfish fisheries and considered whether any changes to previously-recommended multi-year specifications are warranted. The Council recommended no changes to the previously recommended specifications.

#### **River Herring and Shad**

The Council reviewed an annual River Herring and Shad progress update and an outline of a White Paper that will consider the impacts of adding or not adding the River Herring and Shad as Council-managed fisheries. The White Paper will be

presented at the Council's August meeting, and Council is scheduled to revisit whether to add River Herring and Shad at Council's October 2016 meeting. The Council provided feedback on the development of the ongoing Squid Amendment, which considers the number of squid permits (longfin and *Illex*), longfin trimester allocations, and concerns about longfin squid effort south of Martha's Vineyard/Nantucket. The current timeline includes public hearings on potential management measures in early 2017, Council action in April 2017, and implementation of any new measures by January 1, 2018.

### **Surfclam and Ocean Quahog Specifications**

The Council adopted specifications for the Atlantic surfclam and Ocean quahogs for 2017-2018. The Council also recommended that the Regional Administrator suspend the minimum size (shell length) for surfclams for 2017.

### **eVTR Framework**

The Council held the first of two meetings to consider development of an eVTR framework, which outlines options for proposed mandatory electronic submission of VTR's by for-hire vessels with Federal permits for species managed by the Council. The requirement would begin on January 1, 2017. The second framework meeting will be held at the Council's August 2016 meeting in Virginia Beach, VA. .

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### **Marine Fisheries Bureau Report**

Mr. Allen updated the current status of APAIS program in NJ including payment of fares and tips on party boats and reluctance of charter boats to have their patrons participate in the survey and complete an interview.

### **Shellfish Council Reports**

- **Delaware Bay – Mr. Bailey**

#### **Delaware Bay Oyster Direct Market Fishery Report**

The 2016 direct market fishery opened in early April and has an approximate 101,000 bushel quota that will be valued at over \$5 million to the boats and \$30 million to the local economy. As of Tuesday (July 5), the fishery has landed approximately 52,000 bushels. The lower bay beds closed on June 7th. The Shell Rock seed bed is projected to close on August 1<sup>st</sup>, based on current catch

rates. Catch per unit harvest rates this year are some of the highest observed in many years. Rates are well over 100 bushels per boat per day with many boats off the water and packed by mid-morning. The oysters are also larger than industry has seen in many years and marketability could be an issue if this problem persists. The Council requested that the State and Rutgers collect additional information to allow for higher harvest levels in the future when this is observed.

### **Proposed Delaware Bay Artificial Reef**

At a recent Delaware Bay Shellfish Council meeting, the Council expressed its concern on the Administration's plan to create an artificial reef in the slough northeast of Brandywine Shoal in the lower Delaware Bay. Staff presented plans for the mile square reef to the Council a few months back and the Council stated at that time that it could not support this location due to its impact on crab dredging, conching and netting. Recently, it was reported that the proposed site was moving forward and was going through the permitting process. The Council continued to be opposed to this location as a Delaware Bay reef.

- **Atlantic Coast – Mr. Maxwell**

#### **Estuarine Shellfish Inventory**

To collect up to date shellfish inventory information, the Bureau of Shellfisheries has been conducting an ongoing stock assessment of New Jersey's bays and rivers. To date, the Bureau has surveyed Barnegat Bay/Little Egg Harbor Bay (2011), Barnegat Bay (2012), post Sandy assessment of Barnegat and Little Egg Harbor bays (2013), Raritan and Sandy Hook bays (2014) and Navesink and Shrewsbury rivers (2015). The Bureau has continued the survey for Atlantic County (Great Bay) waters in 2016.

- **Shellfish Council Letter to Commissioner in regard to Marine Fisheries Administration (MFA) Funding:**

Chairmen from the Atlantic Coast and Delaware Bay sections of the Shellfisheries Council discussed their meeting with the DEP Commissioner Bob Martin on June 21<sup>st</sup>. The meeting was to discuss letters sent by both sections of the Shellfisheries Council in regard to funding within the Marine Fisheries Administration and the re-allocation of the Bureau of Shellfisheries dedicated accounts to fund the budget shortfalls of the MFA in FY16. Both chairmen believed the meeting was very successful and thanked the Commissioner for meeting with them and listening to their concerns.

### **Bureau of Shellfisheries Report – Mr. Normant**

#### **Statewide Shellfish Enhancement and Restoration Permit USACE**

The Bureau has been working with the Philadelphia District of US Army Corps of Engineers to develop a 10 year individual permit that will include all state tidal waters for shellfish enhancement and restoration work. The work would cover

cultch placement, seeding, and the collection of natural seed (juveniles) and broodstock. This permit, if approved should alleviate need to apply for individual permits tied to specific projects. After working with the Corps on a few issues that include programmatic consultations for several federally listed endangered species which could include timing restrictions and buffer areas in regard to red knots, piping plovers, Atlantic sturgeon and juvenile winter flounder habitat, it was determined that restoring and enhancing shellfish habitat would have a net benefit to the overall ecology to tidal waters and these issues should not impede the issuance of the permit. The public notice for the permit application was posted on June 20<sup>th</sup> for comment.

### **Revision of Shellfish Regulations**

Both offices of the Bureau have been working with their respective sections of the Shellfisheries Council Regulatory Committee on revising leasing provisions, and in the case of Delaware Bay, creating shellfish leasing regulations. Recently, the Department has indicated that they would like to revisit all fish and wildlife regulations. The Bureau has been looking at its shellfish regulations for possible revisions and re-organization. Once this is completed by staff, the Bureau will be in contact with the Council and Regulatory Committees to discuss.

### **Intermediate Transplant Program**

Bureau staff coordinated an intermediate transplant program earlier this season and moved oysters from underutilized portions of the Bay to the direct market beds. This program occurred over two weeks and moved over 15,000 bushels. Approximately 10,000 extra bushels were added to the harvest quota for this season.

### **Shell Planting Program**

Bureau staff is in the process of coordinating the annual oyster reef shell planting program. To date, four of the six barges have planted the shell and the program will be completed by the end of next week. Shell is being planted on three separate 25 acre grids within all three of the management regions. In total, 132,000 bushels of material will be planted on the reefs.

## **Committee Reports**

- **Executive Committee**

Mr. Herb presented Council with Executive Committee Meeting Report (Handout #5).

The Marine Fisheries Council's (Council) Executive Committee (Committee) met on June 1, 2016 to review Advisory Committee applications for the various Council Committees and to discuss the Marine Fisheries Administration's (MFA) Draft Strategic Plan.

The Advisory Committee applications are part of the Council's administrative guidelines that were approved in July 2014 and are reviewed on an as necessary basis. The applications were reviewed to determine that all groups and fisheries were evenly represented to ensure applicants and the committees were consistent with the administrative guidelines. This review consisted of 19 applications for ten Committees. Some of these Committees have already been established with the new application process while others are still in progress.

The Committee reviewed and approved the applications (either as an advisor or proxy). These advisor recommendations, with the suggested revisions, will be moved to the full Council for their consideration at the July 7, 2016 meeting.

Also the Committee discussed the Draft Strategic Plan (Plan) which was developed as a guiding tool for the MFA for 2017 to 2021. Intended to be working document, the Plan outlines five strategic goals and the means to implement and successfully achieve these goals. The Committee agreed to further review the Plan and submit additional comments/edits to be included in an updated version to be distributed to the full Council at its July meeting for consideration and review.

The Council accepted the following applications for each species indicated:

**Black Drum:** Stephan Bent

**Black Sea Bass (commercial):** Jeffrey Gutman

**Bluefish:** Stephan Bent

**Blue Crab/Conch:** Gary Cottrell, John Daffin

Approved any one of the following with the rest serving as proxies: Doreen Muermann, Jeremy Muermann, Jason Muermann, William Muermann

**Lobster:** Joan Berko, Patrick Fehily, John Godwin Jr

Approved Denise Wagner as Proxy for Joe Wagner

**Artificial Reef:** Kenneth Warchal

**Black Sea Bass/Scup (recreational):** Stephan Bent (self), Bob Cope (CMPCBA), William Brown, Jeffrey Gutman, John Toth

**Striped Bass:** William Brown, Stephen George

**Summer Flounder (recreational):** Stephan Bent, William Brown, Jim Van Daley, Jeffrey Gutman, John Toth

**Tautog:** William Brown, Bob Cope, Kenneth Warchal, Denise Wagner (ASMFC advisor)

**Motion passes unanimously**

### **Old Business**

- Mr. Muffley presented Council with FY17 Payment Voucher Form, MFC Expenses Incurred Form and 2016 NJ Marine Digest. (Handout #6, 7 and 8).

- Mr. Muffley presented Council with an update on a Bipartisan Bill to enhance funding for Fish and Wildlife. Director Chanda spoke of the Blue Ribbon Panel on Sustaining America's Diverse Fish and Wildlife Resources. The Panel is comprised of national business and conservation leaders, to recommend a new mechanism to sustainably fund fish and wildlife conservation. In March 2016, the Panel recommended that a \$1.3 billion trust fund be created using existing fees from energy and mineral development on federal lands and water to support implementation of State Wildlife Action Plans in every state, territory and District of Columbia.
  - On July 6, 2016, Congressmen Young and Congresswomen Dingell introduced the bipartisan Recovering America's Wildlife (H.R. 5650) calling for \$1.3 billion to be dedicated to the Wildlife Conservation Restoration Program to conserve a full array of fish and wildlife.

**New Business**

Mr. Carberry presented Council with an update on Reef Program activities including information on future vessel deployments, status of federal aid, permitting and SMZ request.

Mr. Bailey again reemphasized the concerns of the Delaware Bay Council.

**Committee Meetings-** The following is a list of committee meetings that are in the queue to be held:

- Commercial Sea Bass Committee - July 26
- Regulatory Committee regarding Bowfishing for rays – August 16
- Regulatory Committee regarding to Landing Flexibility and Landing License – TBD
- Crab Dredge/Conch - TBD

**Public Comment**

Dave Kielmeier – gave comment on behalf of Carmen Conti in regards to the problems with limited entry and ability of the state to allow more gill netters into the fisheries. This impairs Mr. Conti's ability for fair value for his assets. He also expressed his concerns regarding the current proposed rule limiting the use of gill nets during the fall.

Meeting adjourned. Next Meeting is September 8, 2016, Galloway Township.