

NEW JERSEY MARINE FISHERIES COUNCIL
Galloway Township Library
Galloway, New Jersey
July 10, 2014

Council Attendees: Acting Chairman Richard Herb
Erling Berg
Eleanor Bochenek
Barney Hollinger
Walter L. Johnson III
Frances Puskas
Sergio Radossi
Joseph Rizzo
Joseph Zaborowski
James Alexis

Council Absentees: Robert Rush

Division of Fish and Wildlife Attendees:

Dave Chanda, Director
Brandon Muffley, Administrator, Marine Fisheries Administration (MFA)
Chief Mark Chicketano, Bureau of Law Enforcement (BLE)
Russ Allen, Supervising Biologist, Bureau of Marine Fisheries (BMF)
Russ Babb, Acting Chief, Bureau of Shellfisheries (BSF)
Tom Baum, Supervising Biologist, BMF
Jeff Brust, Research Scientist, MFA
Mike Celestino, Research Scientist, MFA
Captain Dominick Fresco, BLE
Conservation Officer Brett Nicklow, BLE
Conservation Officer Chris Petruccelli, BLE
Lieutenant Jason Snellbaker, BLE
Sherry Bennett, Council Secretary, MFA

Ms. Bennett read the compliance with the Sunshine Law. Notice of the Marine Fisheries Council (Council) meeting was filed with the Secretary of State on June 3, 2014. No minutes from the May meeting were available at this time. 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.

Acting Chairman Herb took at moment to introduce James Alexis a new Council member to the Marine Fisheries Council.

Acting Chairman Herb commented that following this Council meeting will be ASMFC public hearing on eels.

Law Enforcement Report

Captain Fresco presented the Council with the Law Enforcement Report for May-June (detailed report provided in Handout #1).

During this report period, marine region conservation officers responded to a couple of complaints of Atlantic menhaden spills from both purse seine fishing operations and other gear types. Luckily, the spills were of such an extent, that no cleanup was necessary along the beaches where the fish washed up. The Bureau of Law Enforcement will continue to investigate the spills and monitor their origin from specific types of gear.

A CO recently adjudicated a case involving a commercial otter trawl vessel that had failed to notify the Department of their intentions to offload summer flounder and also possessed in excess of the daily landing limit. The defendants plead guilty and assessed a \$1000 penalty and a 60 day suspension of the vessel's summer flounder landing permit.

Atlantic County

- CO's conducted late night surveillance and inspected fishermen observed taking undersize striped bass on the Absecon Inlet jetties of Atlantic City. Nine summonses were issued for undersize and over the limit striped bass. One of these individuals was charged with resisting arrest, interference with the duties of a conservation officer, wanton waste of five marine finfish, possessing three striped bass over the limit and possessing five undersize striped bass. While in custody at the Atlantic City Police Department, the individual apologized to the officers for his behavior.
- While working Atlantic City fishing activity on 06/08/2014, a CO observed three individuals catching and keeping tautog during the closed season. In an attempt to avoid detection, one of the individuals donned new pants, shirt, and hat before leaving the jetty. The CO issued summonses for five undersize tautog and possessing five tautog during the closed season.

Ocean County

- On April 25, 2014 COs participated in the DEP sponsored Barnegat Bay Blitz, transporting volunteers to and from Herring Island located in the northern Barnegat Bay. Volunteers collected and bagged trash and debris from the island helping to clean the beaches in that area.
- On May 09, 2014 a CO was patrolling the Manasquan River in the Point Pleasant Beach, Ocean County. The CO inspected a vessel at the dock, which had harvested by hook and line 66 pounds of black sea bass and 10 pounds of other various bottom dwelling species. The vessel did not possess a New Jersey Black Sea Bass Permit. The vessel owner was issued a summons for landing in excess of the permitted 10% bycatch with a court mandatory potential penalty of \$300 to \$3,000.

- On 6/4/14 while on boat patrol in the Atlantic Ocean, a CO Moscatiello observed a commercial vessel purse seining for Atlantic menhaden. Using the patrol vessel's GPS and radar, CO Moscatiello was able to determine the vessel was within 0.6 nm of the shoreline of Ortley Beach, Ocean County. The CO issued summonses to the captain and vessel owner for fishing within 0.6 nm of the shoreline. The penalties range from \$300 to \$3,000 with a one month suspension of Atlantic menhaden fishing privileges for a first offense.
- On 6/10/14, CO Soell received a complaint of individuals fishing from a vessel in Marshelder Channel, Barnegat Bay, Ocean County, keeping all the fluke they caught. The CO ran the vessel registration and ascertained that a vehicle belonging to the owner of the vessel was located at a marina on Great Bay Blvd in Little Egg Harbor, Ocean County. The CO set up surveillance and when the vessel returned to the dock, the CO inspected the vessel and the three fishermen on board. When the CO asked to examine their catch, they gave him a cooler with five legal sized fluke inside. Upon further inspection, the CO later found four undersized fluke and seven fluke fillets. The owner was issued summonses for four undersized fluke, and for possessing parts of mutilated summer flounder.

Monmouth County

- On the evening of May 11 a large school of menhaden entered the Shark River, Monmouth County and quickly succumbed to what is suspected to have been oxygen deprivation. The number of dead menhaden is estimated to be several hundred thousand fish. COs responded to the scene and began an investigation to attempt to find a cause of this massive fish kill. Later in the morning, COs traveled along the ocean side to help determine the scope and magnitude of the fish kill. The investigation is on-going and has included several dozen agencies from local, county, and state governments. Marine COs attended two daily briefings to inform the Division on any issues and the progress of the clean-up.
- On May 13th, 2014 in the early morning hours, a CO received a call regarding an Operation Game Thief complaint in Monmouth Beach involving three individuals keeping undersized striped bass. The CO interviewed the men individually and was able to retrieve one striped bass from each of the two involved vehicles. They were each charged with possession of one short striped bass.
- On 5/19/14, CO's received a call from an informant in reference to a fisherman in Sandy Hook Bay keeping summer flounder during the closed season. The vessel was identified and the officers intercepted it once it reached the Shrewsbury River. Upon inspection, CO's found nine summer flounder in the fisherman's possession. Two summonses were issued for possession of nine summer flounder.

Award Presentations

- Chief Chicketano presented Conservation Officer Brett Nicklow the Shikar Safari International Conservation Wildlife Officer of the Year 2013.
- Scott Dole from NOAA Fisheries presented Chief Chicketano with the first ever, 2014 Cooperative Enforcement Program Quality Award.

Legislative Report

Mr. Muffley presented Council with the legislative report including adoptions in the New Jersey Register of changes to regulations approved at previous Council meetings (Handouts #2a – d):

- NJ Register 4/21/14 – Notice of Administration (NOA) – Modification of recreational winter flounder season.
- NJ Register 5/5/14 – NOA – Modification of recreational black sea bass measures and various shark changes.
- A2684 (sponsored by B. Andrzejczak) – which establishes Menhaden Personal Use and Limited Sale License, and permits use of certain gear for taking of menhaden. The bill has passed both the Assembly and Senate and is waiting for the Governor’s signature.
- S.R. 68 (sponsored by B. Smith and L. Greenstein) – urges the ASMFC to reject mandatory regionalization for 2015 summer flounder management. Mr. Muffley will keep Council informed as more develops.

Atlantic States Marine Fisheries Commission (ASMFC) Report

Mr. Allen and Mr. Baum presented Council with a summary of the ASMFC Management Board (Board) meetings, held in May 2014 (Handout #3):

Mr. Allen

Atlantic Striped Bass Management Board

The development of Draft Addendum IV to Amendment 6 to the Interstate Fishery Management Plan for Atlantic Striped Bass continues. The Draft Addendum will propose new fishing mortality reference points and associated management measures to achieve the proposed target fishing mortality rate. The Board did not approve the document for public comment and will reconsider a revised draft for public comment at their meeting in August.

American Eel Management Board

ASMFC American Eel Board approved Draft Addendum IV for Public Comment. New Jersey will hold an ASMFC public hearing following the Council meeting tonight.

Atlantic Menhaden Management Board

The Board accepted the 2014 Fishery Management Plan Review detailing the results of the 2013 fishing year and implementation of Amendment 2 to the Interstate Fishery Management Plan for Atlantic Menhaden. The first year of Amendment 2 implementation yielded positive results with coastwide landings below the newly established coastwide harvest cap.

South Atlantic State/Federal Fisheries Management Board

The Board approved the Spot and Atlantic Croaker Draft Addendum for public comment. Public comment period has ended and the Addendum will be considered for approval in August with potential regulations in the future should certain triggers be met.

Mr. Baum
Atlantic Herring Section

The Section approved Draft Amendment 3 Public Information Document (PID) for public comment. Draft Amendment 3 was initiated to strengthen spawning sea herring protections in Area 1A and address concerns raised by the commercial Atlantic herring industry.

Spiny Dogfish Management Board

The Board initiated Draft Addendum V to the Spiny Dogfish Interstate Fishery Management Plan. The Draft Addendum seeks to ensure consistency with the Shark Conservation Act of 2010. The Act was signed into law to close loopholes in the US shark finning regulations. Specifically, the Act prohibits the removal of any fins of the shark (including the tail) while at sea (with an exemption for smooth dogfish).

Mr. Zabrowski asked if spiny dogfish will be allowed to be processed while out at sea? Mr. Muffley commented spiny dogfish cannot be filleted/finned at sea, it can only be dressed.

Dr. Bochenek asked if more quota will be given to glass eels? Mr. Allen commented there is an option within the Addendum (sustainability option) that could allow states to implement a glass eel fishery if proof is provided to show a system is capable of sustaining a 5, 10 to 25% harvest of glass eels.

Mid-Atlantic Fishery Management Council (MAFMC)

Mr. Baum presented Council with an update on MAFMC (Handout #4):

Summer Flounder Amendment

The MAFMC reviewed a draft action plan and draft scoping document for an amendment to the Summer Flounder, Scup, and Black Sea Bass FMP that will focus on summer flounder management. The amendment, which was initiated in December 2013, will involve a comprehensive review and update of the FMP's goals, objectives, and management strategies for summer flounder.

Framework to Open Black Sea Bass Fishery in Wave 1

The MAFMC decided to move forward with development of a framework to open the recreational black sea bass fishery during Wave 1 (January-February) for approved for-hire (party/charter) operators who would be subject to enhanced reporting requirements. Options that will be considered in the framework include Wave 1 possession limits, mandatory retention, pre-trip notification to the observer program, electronic submission of log books on a weekly basis, methods to account for Wave 1 harvest, and measures to reduce harvest during other parts of the year to balance expected Wave 1 harvest.

Ms. Puskus asked if the reporting requirements would apply to individual recreational anglers and if the requirement for observers would apply to for-hire operators as it does for the commercial sector.

Research Set-Aside Program Review

The MAFMC discussed several topics related to the Research Set-Aside (RSA) program, including recent law enforcement activities and implementation of recommendations to improve the program. The MAFMC was also informed that the Northeast Area Monitoring and Assessment Program (NEAMAP) would be fully funded through NOAA Fisheries. In previous years, NEAMAP has been funded through the RSA program. The Council will consider the future of the RSA program at its next meeting in August.

Listening Session

Russ Dunn from NOAA fisheries gave a presentation on the Recreational Fisheries Policy currently being developed by the NOAA Fisheries as part of its Recreational Fishing Initiative.

Shellfish Council Reports

Delaware Bay – Mr. Hollinger gave a report on the Delaware Bay Direct Market Oyster Fishery:

This year the Council recommended that the Department set a base harvest allocation that is approximately 57,000 bushels. This base allocation was then increased significantly following a large scale intermediate transplant, which moved smaller oysters from upper bay beds to the primary direct market beds in the middle bay region.

Currently, there is an anticipated total allocation of 925 bushels per the 84 vessels in the fishery for a total of 77,700 bushels. Approximately 47% of the total harvest to date has come from the Shell Rock seed bed, which closed to harvest on July 4th. The high mortality bed region in the lower bay has approximately 7,500 bushels remaining before it closes. Boats are catching an average of 75 bushels per vessel per day.

Atlantic Coast – No report

Council/Bureau Activities- Mr. Babb

- The Atlantic Coast Section has a number of activities currently underway. One activity of note involves the Council reconvening a Leasing Committee to discuss general issues related to the State's shellfish leasing program and to assist in the development of recommendations to advise the Bureau ahead of its anticipated updating of the Atlantic Coast shellfish leasing regulations. The Bureau is aiming for a 2015 rulemaking for shellfish leasing regulatory updates. The Council is also interested in working with the Bureau in looking at potential updates to the Shellfish statutes at N.J.S.A. Title 50.
- **Shellfish Aquaculture Working Group**
In March of this year, the Bureau of Shellfisheries formed an interagency group called the Shellfish Aquaculture Regulatory Workgroup. This group has been meeting monthly in an effort to address industry issues and to better communicate

with our constituents. The group held its first meeting with representatives of the shellfish industry. There were 14 invited industry members from the various aquaculture industry segments at the meeting which was organized as a listening session so that all groups could hear what the primary impediments were to growing this industry - from the industry's perspective. This meeting will serve as a precursor to a larger public workshop that will be held later in the summer or early fall.

A vast number of issues were raised at the meeting, many were right on point and some that need immediate addressing, some were longer term items. In order for this industry to really advance a lot of improvements in streamlining and communication has to occur....but overall this was a good - albeit long-overdue - first step in the process.

- **Delaware Bay Shell Planting Program**

While delayed by the recent wind over the past two weeks, the Delaware Bay Shell Planting Program is underway with a goal to plant approximately 190,000 bushels this year. Of those, 150,000 bushels will be placed on the direct market beds, with the balance being planted in the lower bay.

- **Inshore Surf Clam Stock Assessment Survey Completed**

The Bureau completed the federally-funded Atlantic surf clam stock assessment survey last week. The program sampled 165 stations ranging from Great Egg Harbor Inlet to Shark River Inlet in Southern Monmouth County.

It is anticipated from in the field observations this year that the 2014 results will reflect the same results as in recent years. As usual, very few clams were observed in the south with a bit more to the north. Due to the historically low stocks abundances, quotas have been set at a minimum mostly to maintain a place-hold in the fishery and the fact that there has been minimal to no harvest of NJ inshore surf clams over the past decade. The NJ inshore surf clam season (0 to 3 nautical miles offshore), begins on October 1st of each year and ends May 31st and the findings from this survey will be the basis for the setting of the 2014-15 surf clam quota. Harvest quotas are set by Commissioner, with advice from the Shellfish Council's Surf Clam Advisory Committee.

In the last decade and a half, surf clam stocks have declined dramatically in NJ and as well in the entire Mid-Atlantic Region. From 1988 to 2011, the survey was federally funded by a NOAA grant through the Interjurisdictional Fisheries Act. In 2012, funding was cut for the grant. In 2013, partial funding was allocated. The Bureau learned this week that our next Interjurisdictional Fisheries Act apportionment for this survey has been set at \$134,467. This coming year would be year five of the five-year award so this money will be used and exhausted during the next year.

Committee Reports

Mr. Rizzo presented Council with American Eel Committee Meeting report (Handouts #5a-b).

The purpose of the meeting was to initiate a dialogue with commercial and recreational advisors in regards to ASMFC Draft Addendum IV to the American Eel Fishery Management Plan and to develop a public comment strategy from the Marine Fisheries Council to ASMFC. Staff presented an overview of the Draft Addendum, including glass eel harvest options, yellow eel fishery quotas and additional management options. Much of the focus was centered on the commercial fishery options and the potential impacts to New Jersey Fisheries.

- **Glass Eels**

The attendees agreed with Option 3 which would require those states with glass eel fisheries to close under whatever timetable the ASMFC decided but preferably when Addendum IV is implemented. It was noted that the closure of the fishery would assist Law Enforcement in all states that currently do not allow the legal harvest of glass eels.

- **Yellow Eels**

The majority of the discussions were focused on yellow eels since this is New Jersey's major harvesting life stage. The Committee discussed the various options and agreed that Option 1 (status quo) was their preferred option.

- **Silver Eels**

It was agreed that Option 1 (status quo) was the best option since any seasonal closure or effort reduction would be detrimental to the fishery.

- **Other Issues**

The attendees supported options for aquaculture, stock enhancement programs and sustainable fishery management plans to be included in the Addendum IV with the understanding that there is currently a lack of funding and staff available for such projects in NJ.

Additionally, the Committee determined that regardless of the outcome with Addendum IV, the Committee should reconvene in the fall to discuss potential limited entry options for the yellow eel fishery.

Motion to approve the Eel Committee's recommendations and draft a letter to send to ASMFC outlining the Council's concerns on Addendum IV to the American Eel FMP. Motion by Mr.Rizzo, seconded by Ms. Puskas. Approved 10-0-0.

Mr. Muffley brought Council's attention to Handout #5b, which are three Eel Committee Advisor applications. One applicant is currently not an advisor for this Committee. Mr. Muffley asked the Council to take a look at these and the Council can vote on them at the September meeting.

Regulatory Actions

No action items for this meeting

Old Business

Mr. Muffley presented Council with:

- A copy of a letter to Governor Christie (Handout #6a), copied to US Secretary of Commerce, NOAA, Rutgers, DEP Commissioner and Federal Legislators, voicing the Council's opposition to seismic testing off Barnegat Light.
- A copy of a letter (Handout #6b) to US Army Corps of Engineers (Philadelphia and NY districts), copied to DEP Commissioner Martin, commenting on the Council's concerns about sand mining for beach replenishment projects.
- General Council information regarding travel expense vouchers, contact information and committee list assignments (Handout #7-9). Any changes to contact Mr. Muffley.

Motion to draft a letter on behalf of the Marine Fisheries Council to the Treasury Department in response to the rule to not compensate Council for meals during official Council business. Motion by Mr. Rizzo, seconded by Mr. Hollinger. Motion fails 3-6-1

Ms. Puskus commented she would like to see an increase in mileage rate, which hasn't changed in many years, yet gas costs have increased.

Mr. Muffley informed the Council that the recently approved Council Guidance Document and Advisor Application will be posted online.

Mr. Muffley presented Council with an update on the Island Beach State Park (IBSP) shore-based summer flounder fishery. So far, 29 summer flounder have been checked that were greater than 16 inches but less than 18 inches. Staff conducted 110 interviews during the Creel Survey to be used as part/expansion of the angler survey.

Mr. Radossi asked if the summer flounder numbers will be expanded to be compared along the coast. Mr. Muffley commented they will be specific to IBSP only.

Ms. Puskas asked what the objective is of the Creel Survey. Mr. Muffley commented that the Division will be able to collect information to compare with data acquired by NMFS in the same area.

Mr. Muffley presented Council with an update on the Hurricane Sandy Fisheries Disaster. In June, NJ was informed its spending plan proposal was approved by NOAA. The Department is currently, in the processes of developing an outreach program and how to implement the program.

New Business

Mr. Allen presented Council with a BMF report:

- **Delaware Bay Acoustics** - so far in 2014, there were a total of 21,451 detections from 249 different fish. The majority were from Atlantic sturgeon (192) followed

by 16 sand tiger sharks, 1 striped bass and 1 black tip shark. The black tip shark was tagged on March 9, 2014 by Florida Atlantic University off Singer Island, FL and was detected off Cape Canaveral (April 14), off Charleston (May 13), and in Delaware Bay on June 15.

- **Delaware River Seine** – initiated sampling in mid-June. Results have been positive so far with good numbers of juvenile shad and striped bass albeit very small size.
- **Blue Crab Harvest** - for January through March 2014 yielded just over 310,000 lbs, 33% less than the 20 year average of nearly 462,000 lbs, and 38% below the 503,000 lbs harvested during the first quarter of last year. Unusually inclement weather at the beginning of this year may have had an impact.
- **River Herring Study** - staff began sampling for young-of-the-year river herring in the Rancocas Creek and the Maurice River. On 7/1, a total of 10 alewife, 5 blueback and 132 American shad were collected in Rancocas Creek. At that time, many small clupeids were washing through the net and many were so small that they were unidentifiable. On 7/7, the Maurice River was surveyed. At that time 84 alewife, 101 blueback and two American shad were collected. Sampling will continue on a weekly basis through October.
- **Delaware Bay Trawl** – the June cruise of the Delaware Bay Juvenile Finfish Trawl was completed on the 16th and 17th without incident. A total of 594 fish were caught. 20 young of the year striped bass were caught, ranging in size from 12-30 mm. A yellowtail flounder was caught for the first time in the history of the survey
- **June Ocean Trawl** - completed with no problems. Catches were fairly light with very high dissolved oxygen counts. Caught a thresher shark and a Sand Tiger shark
- **Glass Eel survey** - preliminary results have this year as 10th best out of 14 sampling years. Solid during the entire survey but no peak as in past years. May have missed it due to abnormal weather conditions – mainly high water and icing
- **Tournament Sampling** - during 17 sampling days in the spring of 2014, a total of 346 measurements were taken from 5 species of fish during 15 fishing tournaments and 1 party/charter boat trip. The majority of tournaments focused on striped bass where 60 fish were measured during 8 fishing tournaments on 9 sampling days. Scale samples (60) and otoliths (13) were collected from a subsample of the measured striped bass. A total of 100 bluefish, 197 fluke, 3 weakfish, and 4 sea bass were measured. Otoliths were collected from 70 bluefish and 12 fluke.

Mr. Zabowski congratulated CO Nicklow for his award.

Mr. Muffley presented Council with a Committee meeting schedule update as follows:

Menhaden - July 28

Recreational Summer Flounder - July 23

Regulatory Mandatory Reporting – in August/September

Public Comment

- Mr. James Parker – would like to see the reopening of the recreational black sea bass fishing in January- February but only if open to everyone. Requested how he would go about receiving an advisor application. Mr. Muffley said it is a new process and will be made available on the Divisions website.
- Mr. Bob Meimbrese – asked the Council to consider for the 2015 summer flounder season to divide up quota other than by regionalization, he is against the current regionalization of summer flounder. He has started a petition asking for a Northern/Southern split of the state, as the NEAMAP survey confirms that larger fish are seen in the north while smaller fish are in the south.
- Mr. Bill Schillingford – supports Mr. Meimbrese, in dividing the state in half for 2015 recreational summer flounder fishery. He is not in the commercial or for-hire business, however he has tagged for the Littoral Society and data shows there clearly is a difference in size between north and south.

Meeting adjourned. Next Meeting September 4, 2014, Galloway Township Library