

**NEW JERSEY MARINE FISHERIES COUNCIL**  
**Stafford Township Municipal Building**  
**Manahawkin, NJ**  
**March 15, 2018**

**Council Attendees:** James Alexis  
Erling Berg  
Eleanor Bochenek  
John Maxwell  
Sergio Radossi  
Joseph Rizzo  
Robert Rush  
Richard Herb (Acting Chairman)

**Council Absentees:** Barney Hollinger  
Frances Puskas  
Joseph Zaborowski

**Division of Fish and Wildlife Attendees:**

Larry Herrighty, Director of Division of Fish and Wildlife  
Jason Snellbaker, Captain, Bureau of Law Enforcement (BLE)  
Jeff Brust, Research Scientist, Marine Fisheries Administration (MFA)  
Russ Babb, Supervising Biologist, Bureau of Shellfisheries (BSF)  
Heather Corbett, Principal Biologist, BMF  
Linda Barry, Senior Biologist, MFA  
Brian Neilan, Assistant Biologist, BMF  
Shanna Madsen, Research Scientist, MFA  
Sherry Bennett, Marine Council Secretary

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 February 15, 2018. Acting Chairman Herb began the meeting with the Pledge of Allegiance.

**MOTION: The January 11, 2018 Council Meeting Minutes were approved. Made by Dr. Bochenek, seconded by Mr. Berg. Motion passes, unanimously.**

### **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.

### **Law Enforcement**

Conservation Police Officer (CPO) Captain Snellbaker presented the Council with an update of the Law Enforcement Report for December 2017, January 2018, and February 2018; Handout #3. Highlights include:

- A commercial crab pot fisherman left dozens of commercial crab pots in the Tuckahoe and Middle Rivers after the crab pot season closed on November 30<sup>th</sup>. The fisherman was issued one summons for failing to tend the crab pots during the month of November and an additional summons for failing to remove the crab pots at the end of the season.
- District 8 monitored compliance with commercial trip limits for summer flounder and black sea bass by conducting random inspections. CPO's found an otter trawl vessel in Cape May to have landed 10% over the commercial summer flounder trip limit of 1,500 pounds. Summonses were issued to the operator and owner of the vessel and the overage was seized.
- CPO's apprehended two commercial fisherman harvesting oysters from the condemned waters of Maurice River Cove in Cumberland County. CPO's issued appropriate summonses, filed for forfeiture of the vessel in Municipal Court and seized the fishermen's oysters and tongs. The oysters were destined to be sold to a local shellfish dealer who wholesales oysters to many local restaurant and retail establishments. Both fishermen were apprehended on two prior occasions for the same condemned water violation in the same area in 2008.
- During an inspection of a commercial vessel in Point Pleasant Beach, Ocean County; a commercial otter trawl vessel was found to have an overage of summer flounder after it packed out a trip limit of 1,500 pounds. The 150-pound overage was seized and summonses were issued to the Captain and owner of the vessel.
- CPO conducted surveillance in Sandy Hook National Park of depurators harvesting hard clams for the J.T. White Clam Plant and Clean Water Clam Company location in Monmouth County. CPO inspected the depurator in violation at the J.T. White Clam plant and issued the depurator a summons for taking shellfish while under power. In addition, a warning was issued for harvesting by methods not permitted pursuant to any State laws and rules while participating in the depuration program.

- CPO's conducted an offshore patrol on February 14, 2018. CPO's located 3 trawls and inspected 29 lobster pots belonging to one fisherman. All 29 lobster pots contained lobster management area (LMA) 4 pot tags, however the 29 lobster pots were being illegally fished in LMA 5. In addition, LMA 5 is currently closed to lobster pot fishing from February 1<sup>st</sup> to March 31<sup>st</sup> and all traps need to be removed from the water during the closure. Lastly, the 3 lobster pot trawls were in violation of the Atlantic Large Whale Take Reduction Plan (ALWTRP). The three trawls lack the requirements listed in the ALWTRP and even failed to have the buoys on the trawl marked with identification of its owner. The case will be referred to the National Marine Fisheries Service for enforcement action.
- CPO's apprehended a New Bedford, Massachusetts based otter trawl vessel that utilized an undersized cod end mesh size in the monkfish fishery. In addition to the net violation, CPO's determined the vessel exceeded the monkfish trip limit by approximately 10 percent. CPO's referred the Federal violations to National Marine Fisheries Service for enforcement action.
- CPO inspected a commercial oyster farmer in Barnegat Light. The individual harvested multiple containers of oysters for market from leased tidal ground and took other containers of oysters from the lease to perform husbandry and maintenance. The commercial oyster farmer was charged with failing to have a valid aquaculture permit, failing to affix harvester tags to each container, and failing to have a marine sanitation device onboard a vessel used to harvest/transport shellfish for direct marketing.
- Captain Snellbaker handed two articles out to Council members bringing their attention to the state of what is to come to Law Enforcement Funding. Once the soul source of funding from the Joint Enforcement Agreement (JEA) ends come September 1, 2018, there may not be any funding for federal enforcement. Captain Snellbaker and Chief Cianciulli attended a meeting at NOAA headquarters only to find out that the budget is on a continuing resolution, 3,600 Law Enforcement Officers will be affected and not even positive if funding will be available until September 2019. Without funding CPO's cannot continue to do what they do at the state level, such as the 90% of state violations, monitoring the unregulated scallop landings, and monitoring shellfish; which is a public health issue so it will take priority over state nonpublic health enforcement.

**Legislative/Regulatory Report** – none

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

Mr. Brust and Ms. Corbett updated Council with the ASMFC Meeting held on February 6 – February 8, 2018, in Alexandria, VA.

**Ms. Corbett**

- **American Eel Management Board**

ASMFC approved American Eel Draft Addendum V for public comment. The Draft Addendum proposed alternative coastwide landings caps, management triggers, state –by-state allocations, and transfer provisions for the yellow eel commercial fishery; as well as alternatives to the current Maine glass eel commercial quota and the aquaculture provisions of the FMP.

- **South Atlantic State/Federal Fisheries Management Board**

- ASMFC approved the Draft Addendum I to the Black Drum Interstate Fishery Management Plan (FMP) for public comment. The Draft Addendum proposes to open Maryland’s black drum commercial fishery.
- ASMFC approved the state implementation plans for the recently approved Interstate FMP for Atlantic Migratory Group (AMG) Cobia. NJ has declared *de minimis* status to match VA regulations. Virginia is to hold a public hearing meeting on March 27, after that VA will provide NJ with the regulations.

- **Atlantic Striped Bass Management Board**

ASMFC approved the Conservation Equivalency Proposal for Maryland’s Summer/Fall Recreational Striped Bass Fishery in the Chesapeake Bay: Season May 16-December 15, Size and bag limit were set at two fish and 19” minimum, with only 1 fish allowed greater than 28”.

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

- ASMFC approved Addendum XXX to the Summer Flounder, Scup and Black Sea Bass Fishery Management Plan. The Addendum establishes a regional allocation of the coastwide Recreational Harvest Limit (RHL) for black sea bass to address state concerns regarding equity and accountability in recreational black sea bass management.
- For Summer Flounder, the ASMFC approved the proposals and methodologies submitted by the states to adjust their 2018 recreational management measures. The states will finalize their summer flounder management measures by the spring of 2018.
- For Scup, the northern region of MA through NY and the state of NJ submitted proposals to adjust their 2018 recreational management measures. ASMFC approved both the size limit adjustments for the states of MA through NY (9 inch minimum size limit; eight inch size limit for RI and CT at select shore sites) and an increase in NJ’s season length to 365 days. States will finalize their regulations over the next couple of weeks for the 2018 recreational scup fishery.
- Adam Nowalsky was nominated as Vice-Chair to the Summer Flounder, Scup, and Black Sea Bass Management Board.

**Mr. Brust**

- **American Lobster Management Board**

The ASMFC approved American Lobster Addendum XXVI/Johan Crab Addendum III (Addendum) to the American Lobster and Jonah Crab Fishery Management Plans (FMPs). The Addendum improves the spatial resolution of harvester data collection, expands the required harvester reporting data elements, and establishes a timeline for increased electronic harvester reporting. In addition, the Addendum includes recommendations for improved reporting and biological sampling in federal waters.

- **Atlantic Herring Section**

The Atlantic Herring Section (Section) met to review the Technical Committee (TC) report of the current spawning closure procedure. The Section decided not to make any changes to the spawning closure procedure at this time. The Section did task the TC with developing a system to scale up samples of herring which fall below the required 100 fish but are above 90 fish, in order to more effectively collect biological information in the fishery.

- **Winter Flounder Management Board**

Met to review the 2017 stock assessments for the Gulf of Maine (GOM) and Southern New England/Mid-Atlantic (SNE/MA) stocks, and to consider changes to the specifications for the 2018 fishing year. The 2017 Operational Stocks Assessments for the GOM and SNE/MA stocks showed the GOM stock biomass is unknown and overfishing is not occurring and the SNE/MA stock is overfished and overfishing is not occurring. For 2018, the Board decided not to change the winter flounder specifications at this time, but highlighted the need for improved communication with the New England Fishery Management Council regarding mutual management goals and tasked the TC to review a potential conservation equivalency proposal submitted by RI.

- **Strategic Planning Workshop**

The ASMFC held a workshop to initiate development of the ASMFC's next 5 year Strategic Plan, which will span 2019-2023. A working group of Commissioners will be formed to draft an updated plan for consideration at a subsequent meeting.

- **Interstate Fisheries Management Policy Board (ISFMP)**

- The ISFMP approved the white paper from the Climate Change Working Group. The Climate Change Working Group was tasked with developing science, policy, and management strategies to assist the Commission with adapting its management to changes in species abundance and distribution resulting from climate change impact.
- Two Habitat Committee documents were presented for ASMFC approval. The Climate Change Gaps and Recommendations Report identifies gaps across state initiatives to address climate change, particularly in regards to fish habitat, and provides recommendations for addressing these gaps in future.

- The Bureau of Ocean Energy Management (BOEM) has 11 active renewable energy leases from MA to NC and is considering additional lease sales in 2018 and 2019. BOEM has committed via Northeast and Mid-Atlantic Ocean Plans to coordinate with the ASMFC.
- Aquaculture, particularly the growth in the shellfish industry has resulted in an increasing number of requests for the interstate transfer of shellfish seed. With this increased rate of movement comes an increased risk of spreading veterinary disease, pathogens, and invasive species. To address this issue, the Board will re-populate the Interstate Shellfish Committee to explore development of a cooperative arrangement between shellfish seed-producing states.

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

Mr. Brust presented Council with a summary of the MAFMC Meeting which was held on February 13-15, 2018 in Raleigh, NC (Handout #5a).

- **Black Sea Bass Recreational Management Measures**

MAFMC took final action on the 2018 recreational black sea bass federal water measures. The MAFMC recommended the removal of the current fall closure which would result in the following 2018 federal water measures: a season from May 15-December 31, a 15-fish possession limit and 12.5 inch TL minimum size.

- **Wave 1 Fishery and LOA Framework**

MAFMC discussed the direction and future implementation of a recreational black sea bass Wave 1 (January-February) fishery. MAFMC agreed to consider Wave 1 fishery in 2019 through the recreational specifications process, as occurred in 2018. Other recreational management initiatives will be prioritized while the development of a Letter of Authorization (LOA) program will continue for potential implementation in 2020.

- **Summer Flounder, Scup and Black Sea Bass Commercial Accountability Measures Framework**

MAFMC took final action on a framework to modify the commercial accountability measures (AMs) for summer flounder, scup, and black sea bass. The AMs in place require a pound for pound payback if the ACL is exceeded due to higher than projected discards. MAFMC selected a preferred alternative which would not require a payback if current stock biomass is above the target biomass and would implement more aggressive paybacks when stock conditions warrant additional protection and management response. MAFMC decided to retain the existing ACL evaluation process which utilizes a single year of commercial catch (both landings and average discards) to evaluate the commercial sector

ACL instead of the alternative that would have used a 3-year average discard calculation. If this action is approved by NOAA Fisheries, it is anticipated these changes be implemented later in 2018.

- **Risk Policy Framework and Management Strategy Evaluation (MSE)**

In December 2017 the MAFMC discussed possible changes to its Acceptable Biological Catch (ABC) control rule and risk policy. Seven alternatives were evaluated via management strategy evaluation (MSE) by Dr. John Wiedenmann (Rutgers University), and MSFMC agreed to postpone final action until after the completion of additional MSE analyses which would more comprehensively account for social and economic impacts of alternative ABC control rules and risk tolerance levels.

- **Council Habitat Update**

- Work is expected to begin in July 2018, where project teams will form to develop a northeast regional assessment. The assessment is a collaborative effort to describe the quantity and quality of key marine fish habitats in the Northeast region. Three key areas have been identified to support the integrated habitat assessment: inshore, offshore assessment and an evaluation of the “fish habitat footprint” for key fish species and species groups.
- MAFMC staff presented an update on offshore wind development in the region and discussed options for MSFMC engagement in offshore wind issues. MAFMC voted to support the collaborative approach and will work with both the New England Council and the NOAA Fisheries “Wind Team”. The MAFMC passed a motion to submit a letter to the Secretaries of Interior and Commerce requesting that: 1) no new wind energy areas be sited, nor project designs finalized, until the study (collaborative work) is complete and fisheries impacts can be properly evaluated, and 2) request that NOAA adopt a more active role in working with BOEM to effectively site future wind energy projects.

- **North Atlantic Right Whale**

In October 2017, NOAA Fisheries released the results of a five-year review of North Atlantic right whales, conducted as a requirement of the Endangered Species Act. The review indicated that the population has been in decline since 2010 and that the status of North Atlantic right whale recovery has not improved since the last 5-year review was conducted in 2012. NOAA Fisheries has reinitiated formal consultation on a number of federal fishery management plans, discussed range of gear modifications, and technology development that could potentially reduce whale entanglements.

- **Climate Change and Fisheries**

Two research presentations were given. Bradford Dubik of Duke University presented research examining long-term trends in average commercial fishing location for summer flounder since 1996. Dr. Jim Morley and colleagues at Rutgers University presented research to predict geographic range shifts for hundreds of marine species in the Atlantic and Pacific.

Next meeting April 10-12, 2018, Montauk, NY

### **Marine Fisheries Bureau Report – Mr. Brust**

- Mr. Brust updated Council on the hiring of 2 research scientists: Shanna Madsen and Colleen Brust will provide technical and analytical support to the MFA, such as assisting with the development of the ongoing striped bass stock assessment.
- The State has made a formal offer to Joe Cimino, currently Deputy Director of Marine Fisheries at Virginia Marine Resources Commission, to fill the position of Marine Fisheries Administrator vacated by Brandon Muffley in November 2017. Mr. Cimino has accepted the offer and is expected to start in April.
- Nineteen positions have been slated through the \$1.2 million the Department received in the fiscal year 2018 budget. However, the preliminary FY2019 budget does not include the \$1.2 million. Interviews have been held to fill some of the positions, but action on these new hires has been put on hold, but staff are looking at the possibility of using salary surplus to hire some of them.
- Approval has been given to move seven hundred thousand to be allocated for operational costs and equipment.
- Mr. Herb commented that he and Mr. Alexis are meeting with Senator Van Drew, who was behind the \$1.2 million allocation and will update council on where the money is in the budget.

### **Shellfish Council Reports**

#### **Atlantic Coast- Mr. Maxwell**

- **Leasing Committee Meeting**

The Atlantic Coast Shellfisheries Council will be holding a meeting of our Leasing committee on March 19<sup>th</sup> at the Nacote Creek office. The committee will be providing input and recommendations regarding proposed modifications and additions to the Shellfish Aquaculture Leasing Policy. We will also be reviewing a number of proposed new lease areas as well as the Division's internal lease siting and vetting process.

- Mr. Maxwell also informed the Council that the Shellfisheries will also like to stay on top of the 1.2 million dollars status and where it is allocated to in the budget.

#### **Shellfisheries Bureau Update- Mr. Babb**

- Mr. Babb updated Council that the Oyster Rule Readoption on the DE Bay will remain the same and is expected to be out in the April 2, 2018, NJ register.
- Shellfisheries will be focusing on 2019-2024 wind farms out on the outer continental shelf and work with BOEM. BOEM needs to engage fishery management before finalizing wind farms.
- Staff working on Multistate Offshore Winds Stakeholder Group, with representatives from NY, NJ, CT, RI and MA. The NYSERDA proposal is a NY project with a large part of it sited in Northern NJ waters. Comments opposing the NYSERDA proposal were submitted through Environmental Review to the NY State Energy Research and Development Authority.
- Staff is working with NOAA regarding VTR data and turning it into GIS Layers to help make review process more efficient.
- Staff serving on Science Advisory Board through Dredging and Stakeholder Workgroup. Main focus on Dredging methods and environmental impacts on marine fishery habitats.
- Staff brought Council's attention to a hand out of Offshore Survey Activities in 2018, by Statoil Wind US. Any further questions regarding this can be directed to Steve Drew, Fisheries Liaison Officer. [sdrew@searisksolutions.com](mailto:sdrew@searisksolutions.com)

### **SPECIAL MEETING**

Acting Chairman Herb commented that summer flounder and black sea bass advisors will meet next week Thursday March 22, 2018 at the Law Enforcement Office in Galloway to review the recreational fishery options. Council will hold a special meeting April 5, 2018 to vote on the final actions regarding summer flounder and black sea bass fishery.

### **Committee Reports –**

- **Tautog Committee-** Mr. Radossi

The Marine Fisheries Council Tautog Committee met at the Nacote Creek Law Enforcement Office to discuss new management options for both the commercial and recreational tautog fisheries.

At the October 2017 Atlantic States Marine Fisheries Commission (ASMFC) Management Board meeting, regional management plans were approved, with the states within each region to adopt management measures consistent with their regional stock status. The New Jersey-New York Bight region was found to be overfishing in the 2016 ASMFC tautog stock assessment update, and a 2% reduction in harvest was mandated. New management measures were to be adopted for implementation by April 1, 2018.

For the commercial pot fishery, Committee advisors voiced concerns associated with black sea bass season closures affecting their ability to continue fishing for tautog.

Various management options were presented which ranged in open season days from 76 to 225 days. The Committee advisors preferred having the maximum number of open days (225), and believed the additional days would alleviate their concerns with the impacts of black sea bass season closures.

Given the abbreviated time window for recreational regulatory adoptions, the Committee members and advisors focused on management options which would not disrupt the current April season dates for the recreational fishery. An advisor from the sport diving sector expressed concern over possible closure of summer season dates as diving conditions can deteriorate in the fall, potentially shutting out tautog harvest for spear fishermen. Management options were presented with various combinations of season dates and bag limits. The Committee advisors preferred the management option which kept the current season and bag limits for the first 6 months of the year, but changed the start of the summer/fall season and reduced the bag limit for the end of the year. The advisors believed this reduction in the bag limit was acceptable in order to keep the entire month of August open.

The Tautog Committee recommended the following management options:

**Commercial fishery:**

**Open season:**                    **January 1 – May 1**  
   **September 19 – December 31**

**Closed season:**                **May 2 – September 18**

**Recreational fishery:**

**Open seasons:**                **January 1 – February 28, 4 fish bag limit**  
   **April 1-30, 4 fish bag limit**  
   **August 1- November 15, 1 fish bag limit**  
   **November 16 – December 31, 5 fish bag limit**

**Closed seasons:**                **March 1- 31**  
   **May 1 – July 31**

**MOTION: The Tautog Committee report is the motion and is seconded.**

- No comments from Council
- Public Comments:
  - Joe Sorcose - Concerned about the open seasons in September to October. Consider shutting down that season to deter the NY boats from entering NJ waters, taking NY fish limits and take it back to NY out of NJ waters.
    - Captain Snellbaker commented that Law Enforcement are aware of this and cases have been made against NY boats.
  - James Corker, - agreed with enforcing NY boats out of NJ, who are fishing in NJ waters. Especially once NY is outside the 3 mile zone.

- Captain Snellbaker commented he has addressed this outside the federal water zone, however may need more support from the industry.
- Paul Haertel and Eddie Yates – agreed with committee’s recommendation, prefer to have as many days as possible.
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**MOTION: To approve the Tautog Committee recommendations for commercial and recreational tautog measures as proposed within the Committee Report. Motion carries, unanimously.**

- **Scup Update**

Mr. Brust updated Council regarding Scup. No Committee meeting or report was held as it was not deemed necessary. For a number of years states have been under harvesting the RHL’s for Scup. ASMFC asked states to consider liberalizing their regulations. NJ submitted a proposal to ASMFC, for recreational scup season of 365 days with a 9 inch size limit and 50 fish possession limit. NJ Recreational Scup Proposal was approved by the ASMFC. With no formal committee report, it is up to this Council to make a decision, motion, discussion and public comments.

**MOTION: To expand the recreational scup season to 365 days with a 9 inch size limit and 50 fish possession limit. Motion by Mr. Rush, seconded by Mr. Alexis, carries unanimously.**

**Regulatory Actions** – Mr. Brust

Presented Council with Draft Notice of Administrative Change, (DNOAC), regarding modifications of Recreational Scup Season, Recreational Tautog Possession Limit and Season, and Commercial Tautog Season. (Handout #7).

**MOTION: To approve the DNOAC involving modification of recreational scup season, recreational tautog possession limit and season, and commercial tautog season. Motion by Mr. Rush, seconded by Mr. Berg, carries unanimously.**

**Old Business**

Black Sea Bass and Summer Flounder Advisory Meeting March 22  
Special Marine Fisheries Council April 5

**New Business**

Presentation given by Dr. Matt Oliver and Dr. Matthew Breece of University of Delaware. A volunteer project focusing on satellite warnings systems to reduce sturgeon interactions.

**Public Comment** –

James Parker – Asked about the new implantation of tagging commercial tautog for sale?

- Captain Snellbaker commented that each state will be assigned a number on the tag. The newer tags are metal and tamper proof. The idea is to have the fish tagged as soon as it is caught. Tags are on fish when sold to dealer, to ensure the fish was harvested by a permitted commercial harvester.

Meeting adjourned. Next Meeting is scheduled for April 5, 2018, 775 East Bay Ave. Stafford Municipal Building, Manahawkin, NJ. **NOTE: Moving forward in 2018 the meeting times have been changed to start at 5:00 pm.**