

**Marine Fisheries Council Meeting  
Bay Avenue Community Center  
Manahawkin, NJ**

**April 16, 2019**

**Council Attendees:**

Joe Rizzo	Eleanor Bochenek
Bob Rush	Barney Hollinger
Sergio Radossi	John Maxwell
Jim Alexis	Dick Herb

**Council Absentees:**

None

**Division of Fish and Wildlife Attendees:**

Jeff Brust – Research Scientist, Marine Fisheries Administration (MFA)  
Mike Celestino – Research Scientist, MFA  
Joe Cimino – Administrator, MFA  
Heather Corbett – Principle Biologist, Bureau of Marine Fisheries (BMF)  
Shanna Madsen – Research Scientist, MFA  
Greg Hinks – Principle Biologist, BMF  
Laura Versaggi – ACCSP Fishery Specialist  
Matt Heyl – Assistant Biologist, B&F  
Jason Snellbaker – Captain, Bureau of Law Enforcement (BLE)

The meeting was called to order. Notice of the Marine Fisheries Council (Council) meeting was filed with the Secretary of State on April 1, 2019. Acting Chairman Herb began the meeting with the Pledge of Allegiance.

There were no minutes from the previous meeting to be approved.

**1. Enforcement Report- J. Snellbaker**

On the morning of March 14th CPO Henderson and Detective Moscatiello received information from NY DEC Police regarding a NJ-based commercial fishing vessel they had observed approach a second vessel at-sea approximately five miles off the coast of New York. After studying the vessels' tracks utilizing the vessel monitoring system (VMS), the NY DEC Police and NJCPOs suspected the vessels met up to transfer fish from one vessel to the other. Detective Moscatiello inspected one vessel when it landed in Point Pleasant Beach and discovered the vessel possessed an overage of their NJ summer flounder by-catch limit. Since the vessel

previously landed a directed amount of summer flounder earlier in the week, the vessel was only allowed to land up to 200 lbs. of by-catch, but possessed 253 lbs. As Detective Moscatiello was inspecting the vessel in Point Pleasant Beach, CPO Henderson was able to contact the operator of the other vessel which landed in Belford. The operator provided CPO Henderson with a written statement admitting that he had received his fish from the other vessel at-sea and then landed them in Belford. Armed with this information, Detective Moscatiello confronted the operator of the Point Pleasant Beach vessel about the transfer of fish at-sea. The operator initially denied it, but eventually admitted to Detective Moscatiello that he gave the other vessel approximately 750 lbs. of summer flounder since he had already landed his one legal trip for the week. Detective Moscatiello issued summonses to the Point Pleasant Beach vessel/operator for possessing summer flounder in excess of the daily trip limit and failing to notify the Department two hours prior to unloading summer flounder while participating in the directed summer flounder fishery. Federal case referrals are pending on both vessels for the transfer at-sea and falsification of fishing vessel trip reports.

CPO Tomlin investigated after receiving a video posted on Facebook of a man disturbing a seal lying on a North Cape May jetty. In the video, the man appeared to approach within a few feet of the seal and began calling it like someone would a dog. The seal became agitated and jumped off the jetty onto solid ground approximately 4 feet below to get back into the water. CPO Tomlin interviewed the suspect who admitted to approaching very close to the seal while his dog was by his side. The case was referred to National Marine Fisheries Service for marine mammal harassment.

Over the past two and half weeks, D7 CPOs assisted by D8 and Central Region CPOs have been focusing on striped bass enforcement along the Raritan Bayshore and Raritan River. This targeted enforcement effort has resulted in over 45 summonses issued for possession of undersized and/or overlimit striped bass, two summonses issued for interference with the duties of a CPO, and five summonses issued for various boating violations. J. Rizzo asked if there were repeat summonses. J. Snellbaker said that he wasn't sure but that there are 30-40 people fishing at a time.

## **2. Legislative/Regulatory Report- J. Brust**

J. Brust referred to Handout 3: Congressional Activities Report for Council Coordination Committee. A number of hearings and new legislation may be of interest to the Council, such as the Fluke Fairness Act of 2018, Shark Fin Trade Elimination Act 2017, Protecting Coastal Communities from Offshore Drilling, Young Fishermans' Development Act 2019, American Fisheries Advisory Committee Act, etc. J. Brust noted that there are links to most of these hearings and legislations if people want to investigate further.

### **3. Atlantic States Marine Fisheries Commission Report**

There was nothing to report as there have been no ASMFC meetings or significant actions since the February MFC meeting.

### **4. Mid-Atlantic Fishery Management Council Report**

J. Cimino outlined some of the highlights of the MAFMC meeting. A joint group of HMS, tilefish, and law enforcement representatives met to deal with concerns for the for-hire industry. It is easy to access HMS permits and then sell fish like a commercial vessel. Safety standards and reporting standards for commercial and recreational trips are very different, commercial trips need observers, recreational boats do not, so safety standards are not the same. These HMS/Tilefish for-hire boats have safety issues. This group is trying to standardize these for-hire fisheries. Recommendations were given to the Coast Guard and Council to make sure safety and mandatory reporting standards when operating as a commercial vessel are met.

There was an amendment discussed for surf clam/ocean quahog regarding excessive shares. The Council heard concerns from industry, and NJ representatives felt that the document was not ready for the public and wanted to work on defining excessive shares. The AP meeting to review this document had poor attendance so the document will come back to the Council in June or August. The Council also set 2019-2020 specifications for surf clam and there were no changes. 2020 specs were also set for golden and blueline tilefish and were the same as 2019 specs.

The Council is also moving forward with commercial electronic trip reporting for Federal permits. It is already mandatory for the for-hire sector.

The Council received an update from a 501c organization, Responsible Offshore Science Alliance (ROSA) which is an offshoot of Responsible Offshore Development Alliance (RODA). This group operates with NC through ME fishing industry and are trying to work with wind energy companies, BOEM, and NMFS to help coordinate regional science initiatives. They would like state representation, industry representation, and funding from offshore energy groups to help move the science forward.

E. Bochenek noted that Karen Greene (MAFMC habitat representative) discussed sonic testing taking place along the coast from DE to VA. The testing is on hold right now because of litigation. J. Cimino noted that the Council had a great deal of concern about that issue, and NJ is one of the plaintiffs in the court case. NMFS issued a large number of incidental take permits up and down the coast for this testing, and Council is requesting more information on these thousands of takes. The commercial fisheries could be shut down for going over their assigned takes, but these seismic testing sites are allowed much more. E. Bochenek also said that BOEM is considering leasing more areas off our coast besides the ones already out there.

S. Radossi wondered if anyone is doing anything beyond writing reports and said there should be someone from NJ asking them to act beyond just reports. E. Bochenek said that even the reports aren't as useful. Karen Greene's report is limited to a 150 page document regarding everything that is happening out there.

J. Cimino said that several UK fishermen came to talk about windmills in Europe. They had two representatives there, one was a fishery liaison through some of the same wind energy companies we are dealing with and one works with the government. They pointed out some of the problems they've been having over time. There were issues with burial depths for cables. UK was burying to 4-6 feet, and that wasn't deep enough, resulting in exposed cables. The Germans are now burying at 10 ft. deep. E. Bochenek noted that the UK fishermen said they also didn't compensate any mobile gear fisheries.

#### **5. Marine Fisheries Bureau Report- J. Brust**

J. Brust said there was not a lot to report since the last MFC meeting. The personnel activities are moving forward, but nothing new to report on that.

M. Celestino presented on the benchmark stock assessment. He clarified that the committee had put forward a 2-stock model, which was spatially explicit with seasonal time steps, but the review panel did not think that model was ready for management. Instead, the model from the 2013 benchmark assessment was used and all data was updated, specifically the newly calibrated MRIP data. They also extended the age range and terminal year for the model is 2017. Looking at total coastwide removals, recreational dead releases is the largest source of mortality on striped bass in 2017. There is a 2015 decrease in total removals due to the management measures of Addendum IV, but then it rises again in 2016-2017. The Chesapeake Bay fishery accounts for almost 40% of total removals over the time series. Comparing the newly calibrated MRIP numbers to the old MRIP numbers, the new estimates are about 100% greater than anticipated for the recreational catch. Looking at the catch composition, there was an expansion of age structure during the moratorium, but this is decreasing in more recent years. Recruitment was low when spawning biomass was low. Young of year and age 1+ surveys of abundance show similar trends, increasing to a peak in the early 2000s but declining since then. The trend in female spawning biomass was a gradual decline using the old model and data inputs, but with new updated model the rate of decline is much steeper. Fishing mortality is higher than indicated with old MRIP numbers. Recruitment was low in the 80s, high in the early 2000s, and low but variable in more recent years. Fishing mortality is above the threshold reference point, indicating the stock is experiencing overfishing. Female spawning biomass is below the biomass threshold reference point in recent years, suggesting the stock is also overfished. Accounting for uncertainties, the assessment still shows that the stock is overfished and experiencing overfishing. M. Celestino clarified that the relevancy of the current biological reference points

will be discussed at the ASMFC meeting in a few weeks. The Striped Bass Technical Committee is under the impression that this needs to be examined.

B. Rush said that he was surprised that the recreational discard release mortality was as high as 48% for how hardy the fish are. M. Celestino clarified that 48% of total harvest mortality are dead recreational releases but the assessment is only assuming that 9% mortality from discarded fish. S. Radossi noted that he watches releases and doesn't see 9% dying. M. Celestino noted that the percentage comes from metadata and specific studies. This is across all conditions. S. Radossi said he would like to look at issues holistically versus just numbers from stock assessment. He is concerned with more things than just fishing like loss of habitat. B. Rush asked if there an estimate what is happening to fish outside of the state water in the EEZ. M. Celestino responded that the fisheries independent surveys capture those fish in the EEZ and spawning stock coming back into state waters.

#### 6. Committee Reports- J. Brust/D. Herb

A summer flounder committee meeting was held in response to the ASMFC's 2018 summer flounder benchmark stock assessment. The assessment found that the stock is not overfished, and overfishing is not occurring. This resulted in an increase to New Jersey's commercial summer flounder quota from 1,115,557 to 1,840,176; an increase of 721,349 pounds. Staff provided advisors with current 2019 summer flounder commercial fishery landings. Additionally, advisors were presented with adjusted directed season quotas for the remainder of the commercial fishing year. Based upon the increased quota to the commercial fishery, the Committee recommended adjusting the 2019 trip limits in season 5 and season 6. The adjusted trip limits are as follows: Season 5 (September-October): 1,500 pounds one time per week *or* 750 pounds two times per week *or* 250 pounds six times per week. Season 6 (November-December): 1,500 pounds one time per week *or* 750 pounds two times per week. Options cannot be combined under any circumstance for a given week. Once a trip has been landed under one option, the fishermen is restricted to only that option for the remainder of the fishing week (Sunday-Saturday). Once the following fishing week begins (12:00 a.m. Sunday), the fishermen can choose another option under the corresponding season.

There was no public comment on this report or the Committee's suggestions.

**The Committee's recommendation was presented as a motion to full Council. All Council members were in favor of the recommended changes. Motion carries.**

#### 7. Regulatory Actions- J. Brust

J. Brust said that the Council is to consider the draft notice of administrative change and address recreational summer flounder. ASMFC has said the quota is status quo, but NJ is requesting conservation equivalency to shift the season 1 day to continue to open on Friday before Memorial Day. The vote went out by email to the ASMFC Summer Flounder Board and the NJ

request will probably be approved. If the Council approves the changes tonight, they will be approved when ASMFC approves it.

**Motion to approve the draft Notice of Administrative Change regarding 2019 recreational and commercial summer flounder regulations (B. Hollinger / J. Alexis). Motion passes with one opposed.**

**8. Old Business - J. Brust**

J. Brust said that Council's letter to Commissioner McCabe regarding Mr. Chew and The Wetlands Institute's scientific collection permit was sent, but there was no response yet. A letter to Governor Murphy about offshore wind is completed but has not been sent to the Governor yet. J. Cimino spoke with the Assistant and Deputy Commissioners today, and they would like to schedule a meeting with Council, the Fish and Game Council, and other state entities such as BPU and the EPA working on wind energy. They would like input from the Council regarding what they would like to discuss at this meeting or what sorts of presentations they would like to see. E. Bochenek would like an advisory committee there as well with representatives of the commercial and recreational industries.

J. Brust said that the Mid-Atlantic Coastal Acidification Network is putting out a survey to commercial fisherman, and DFW is sending it to the NJ commercial fisherman network.

J. Brust provided the Council with the latest committee membership. B. Hollinger will be moved to all of Scott Bailey's committees. The nominations to Council are not done by the Governor yet; they are working on it currently. They told J. Brust the gaps will be prioritized first and then re-nominations will be staggered so expirations/reappointments won't happen all at once. D. Herb stated that he was concerned with making quorum since Council is currently down a few members. He wants to push this issue and keep the pressure on the appointment office. The Council does not want to wait for the new appointments to be made by the Governor before adjusting the committees. J. Brust asked that the Council review this list and provide edits and suggestions to him regarding committee membership, and what committees they'd like to serve/not serve on over the next few weeks.

B. Rush wants to look through the Council charter and go through it in detail. J. Brust said he will send it to all of the Council to review.

J. Brust noted that the Menhaden IFQ discussion is still outstanding. He said that he noted there was a limited entry committee, which potentially could meet jointly with the menhaden committee to discuss this issue.

J. Brust noted that the tautog commercial tagging issue still needs a tautog committee meeting. Lastly, the executive committee needs to meet and go through advisory panel applications.

#### **9. New Business - J. Brust**

Non-state-employees like the Councils are due for ethics training. J. Brust was not sure if the Council members needed to fill out a financial disclosure form. W. Maxwell and B. Hollinger verified that they fill out a disclosure form yearly to serve on the Shellfish Council. Financial disclosure forms and ethics training may be due by May 15<sup>th</sup>. J. Brust will be checking with the ethics office and letting Council members know how to proceed.

#### **10. Public Comment**

Dennis Cavanaugh - A member of the public who fyke fishes winter flounder said there is no winter flounder in the season that they have set. He would like to get this issue addressed, especially if the resource comes back. He also noted that he had talked to people at NOAA about the surveys they conduct in the same area and the fish arrive after the fyke season closes. J. Snellbaker noted there are a lot of issues with the fyke net regulations. There are videos of terrapins caught in fyke nets being posted on social media which are causing public concern. The Council and J. Brust agreed that a winter flounder committee meeting should be called to address the issue with the mismatch of the fyke net season and timing of winter flounder arrival.

No name provided - A member of the public asked if summer flounder recreational regulations were staying the same. He claims that bigger, legal fish are up north so they aren't catching them and down here they are always under the limit. D. Herb noted that they've been talking about changing the regulations to address this issue but were unable to do it for the 2019 season. Some ideas passed through the summer flounder committee were slot limits or a north/south regulatory split.