

**Marine Fisheries Council Meeting
May 14, 2020**

Council Attendees:

Joe Rizzo
Sergio Radossi
Bob Rush

John Maxwell
Dick Herb
Barney Hollinger

Council Absentees:

Eleanor Bochenek

DEP and Division of Fish and Wildlife Attendees:

Ray Bukowski – Assistant Commissioner, Department of Environmental Protection
Dave Golden – Director, Division of Fish and Wildlife
Joe Cimino – Administrator, Marine Fisheries Administration (MFA)
Jeff Brust – Chief, Bureau of Marine Fisheries (BMF)
Russ Babb – Chief, Bureau of Shellfisheries (BSF)
Carole Stanko – Chief, Bureau of Wildlife Management (BWM)
Sean Cianciulli – Chief - Bureau of Law Enforcement (BLE)
Jason Snellbaker – Captain, BLE
Mike Celestino – Research Scientist, MFA
Heather Corbett – Supervising Biologist, BMF
Jeff Normant - Supervising Biologist, BSF
Greg Hinks – Principal Biologist, BMF
Maryellen Gordon - Principal Biologist, BMF
Colleen Brust – Research Scientist, BSF
Linda Barry – Senior Biologist, BMF
Peter Clarke – Senior Biologist, BMF
Brian Neilan – Senior Biologist, BMF
Jenny Tomko – Senior Biologist, BSF
Chad Power – Assistant Biologist, BMF
Tim Daniels – Assistant Biologist, BMF
Sam MacQuesten – Assistant Biologist, BMF
Stacy VanMorter – Assistant Biologist, BMF
Brendan Harrison – Assistant Biologist, BMF
Matthew Heyl – Assistant Biologist, BMF
Amber Francis – Assistant Biologist, BMF
Conor Davis – Assistant Biologist, BSF
Alissa Wilson – Biologist Trainee, BMF
Jessica Daher – Program Specialist Trainee, MFA
William Maxwell – Technician, BMF
Jonathon Klotz – Senior Wildlife Worker, BMF
Chuck Karr – Senior Wildlife Worker, BMF
Laura Versaggi – Fishery Specialist, ACCSP

The meeting was called to order. Notice of the Marine Fisheries Council (Council) meeting was filed with the Secretary of State on April 21, 2019. Acting Chairman Herb and Mr. Brust began the meeting explaining how the webinar will be conducted.

Approval of Minutes

Meeting minutes from the February 13th meeting of the Council were approved without revision. Motion made by Mr. Maxwell and second by Mr. Radossi. Motion carried.

1. Enforcement Report – J. Snellbaker

- In the early morning hours of 12/29/2019, CPO Henderson and Environmental Conservation Officers from NYDEC were on boat patrol in Raritan Bay. Shortly into their patrol they observed a vessel actively dredging for crabs in NJ waters. Upon inspection, the Captain of the Belford-based vessel was charged with crab dredging outside of legal hours and for not having a valid crab dredge license in possession. CPO Woerner, working closely with NYDEC ENCON officers, wrapped up an investigation where a NY-based commercial fisherman was apprehended by NYDEC actively crab dredging in NJ waters in the middle of the night. After a lengthy interview, the fisherman was charged with failure to possess a valid NJ crab dredge license, harvesting crabs outside of legal hours, and for not landing all crabs commercially harvested in NJ waters in New Jersey.
- On January 7th, 2020 CPO Klitz, assisted by Lt. Scott, inspected a Brielle-based commercial lobster vessel as it returned to port. After a thorough inspection, the CPOs discovered a cooler containing five tautog and a tote containing a very large American lobster. A review of the vessel's permits indicated the vessel was not permitted to land tautog, and a closer look at the large lobster revealed that it was not only carrying eggs but also measured larger than the state legal size limit of 5 ¼ inches. Summonses were issued for the violations, and the case is scheduled to be heard in Court in February.
- CPO's Tomlin, Meyer, and Lieutenant Petruccelli conducted a middle of the night inspection of a commercial lobster vessel upon its return from an offshore lobster fishing trip near the continental edge. While the catch on board was lawful, CPO's found multiple lobster traps on board the vessel which contained undersize escape vents non-compliant with the National Marine Fisheries Service requirements. Lawfully sized escape vents are designed to allow undersize lobster and marine life to exit the trap to live another day. Vessels permitted in the various lobster management areas are prohibited from fishing and possessing traps on board without the appropriate escape vents. An additional record keeping violation was found during the inspection. The case was referred to National Marine Fisheries Service for Enforcement action.
- CPO Meyer found a Barnegat Light based commercial monkfish gillnet vessel in possession of over his trip limit of monkfish. Commercial monkfish is managed on a day at sea system. Vessels are allowed to land a set number of pounds of monkfish per day at sea predicated upon their permit category and declarations into a notification system. This particular vessel

landed approximately 10% over his allowable limit based on the amount of time he was at sea. The case was referred to National Marine Fisheries Service for enforcement action.

- During a mid-January boat patrol in Delaware Bay, CPO's Sloan and Tomlin apprehended a Port Norris based commercial vessel dredging shellfish in area 2 without an area 2 permit. Upon boarding the vessel, the operator admitted that he was just 'scouting' the area for shellfish to see if it would be worth purchasing a license from the Division, but CPOs also found a couple of bushels of hard clams on board the vessel. The appropriate summonses were issued.
- While conducting routine regulatory inspections on commercial fishing vessels in the Cape May area, CPO Tomlin observed an operator of a Virginia based vessel load approximately 100 pounds of shucked Atlantic sea scallops into his vehicle. After contacting the man and conducting a brief investigation, CPO Tomlin determined that the scallops were harvested from a sea scallop access area where every pound landed is deducted from a vessel allocation. The management of the harvest allocation from the sea scallop resource is solely dependent upon lawful transactions through mandatory dealer reporting and a regulatory system of check and balances. A violation occurred because the scallops were not appropriately documented or accounted for in any way. CPO Tomlin weighed the scallops at a local permitted dealer and ensured the poundage was deducted from the vessel allocation. The case was referred to the National Marine Fisheries Service for enforcement action.
- With COVID-19 concerns looming, Marine Conservation Police Officers maintained high visibility patrols at all commercial ports and popular recreational fishing areas. FDA-mandated shellfish patrol frequencies were kept up with while administrative support staff made preparations to work from home and ensure all officers were equipped with essential personal protective equipment in order to respond to calls for service.
- Detective Harp, CPO Meyer, and Lieutenant Petruccelli made a pre-dawn apprehension of two Atlantic City men with 66 undersized Atlantic striped bass. The fishermen drew attention to themselves when officers on vehicular patrol made observations of them running the vessel at high rates of speed from various fishing locations in the dark. Due to foggy conditions, officers lost the vessel on multiple occasions throughout the night but managed to relocate it and follow it back to private dock in Atlantic City. All 66 striped bass in the men's possession were between 13" and 24". The men were charged with the undersize and over the limit violations which carries a penalty of \$100 per fish/per violation. Additionally, the men were charged with careless operation of a vessel, failing to utilize navigation lights, operating a power vessel without valid registration, and failing to have appropriate vessel safety gear. The men's fishing gear was seized for evidence and the officers will seek forfeiture in court. Total penalties exceed \$12,000. The fish were donated to the Atlantic City Rescue Mission.
- Detective Harp, CPO Meyer, and Lieutenant Petruccelli apprehended four Philadelphia men for harvesting and possession of over 40 undersized striped bass in Cape May County. During the early pre-dawn hours of April 8th, officers observed the men maneuver small unregistered freshwater bass fishing boats without navigation lights under a bridge for

several hours as they harvest multiple undersized and over the limit striped bass. When the men finally returned to shore, they attempted to hide the fish in a small patch of weeds before officers revealed themselves. The men were charged with taking and possessing 42 undersized striped bass, and 38 striped bass over the limit. Some of the striped bass harvested were as small as 9 inches. Additionally, the men were charged with operating unregistered vessels, failure to have appropriate safety equipment, failure to utilize navigation lights, and no saltwater registry. Maximum penalty for the violations total over \$10,000 in penalties. The men's fishing gear was seized, and CPO's will file for forfeiture in municipal court due to the egregious violations.

- Just after midnight on an early April evening, Detective Harp and CPO Meyer observed a small boat with no navigation lights returning to a private dock in Atlantic City with two people and fishing rods on board. In effort to conduct a regulatory inspection, CPO Meyer drove his patrol vehicle down the street of the house where the private dock was located. Upon sight of CPO Meyer's vehicle, the operator of the vessel ran on foot, threw a backpack into the bushes and entered a house across the street from the dock. Detective Harp recovered the backpack which contained 6 undersize Atlantic striped bass. After a brief period, officers were successful in getting the man out of the house and the man confessed and took responsibility for the fish. The man was charged with interference, possession of 5 Atlantic striped bass over the limit, possession of 6 undersized striped bass, failure to use navigation lights, expired vessel registration, safety equipment violations, and failing to register with saltwater registry. The man's fishing gear was also seized.

2. Legislative/Regulatory Report – J. Brust

- Notice of Administrative Change that Council approved at the February meeting including recreational measures for striped bass, bluefish, and black sea bass needs to be implemented by April 1st. The Notice of Administrative Change was signed by the Commissioner on March 25th.
- Legislative report includes 300 million dollars from the CARES Act for commercial and recreational fishing in the United States. National Marine Fisheries Service announced that NJ will receive 11.3 million dollars. BMF does not currently have that money but is in the process of developing a spending plan, which is needed before NMFS releases the money.
- Council appointments, including new and renewals, were heard by the Senate Judiciary Committee and will be moved to the full Senate for hearings.

3. Atlantic States Marine Fisheries Commission (ASMFC) Report – H. Corbett

H. Corbett provided a presentation to summarize all meetings held during the ASMFC's spring meeting.

- The Atlantic Herring Management Board postponed a decision on options to better manage Area 1A (inshore Gulf of ME) sub-annual catch limits. Reasons for the postponement include

the NEFMC Amendment 8 not being published by NOAA, assessment update, and leadership wanting to meet to discuss management authority.

- The Atlantic Menhaden Management Board received an update on an analysis by the Ecological Reference Points (ERP) Work Group. The Board tasked the work group to conduct additional analysis to be reviewed at the August meeting. At that time, the Board is expected to consider a motion to adopt ERPs for menhaden.
- The Atlantic Coastal Cooperative Statistics Program (ACCSP) Coordinating Council met and reviewed activities of the funding subcommittee, approved the draft FY2021 request for proposals, and reviewed the draft MRIP report to Congress on State Partnerships.
- The Tautog Management Board did not approve Rhode Island's conservation equivalency proposal to increase the for hire bag limit from 5 to 6 during the fall season. The Board also discussed impacts of COVID- 19 to recreational fisheries.
- The Striped Bass Management Board reviewed predicted fishery performance in 2020 based on the final Addendum VI measures and new stock projections with updated data. All actions on previously postponed motions were deferred again to the August meeting.
- The Bluefish Management Board met to provide guidance on development of a draft management alternative for the Bluefish Allocation and Rebuilding Amendments. Other issues reviewed by the Board included Fishery Management Action Team recommendations, recreational and commercial allocations and sectors, commercial allocation to states, state-to-state transfers, a rebuilding plan, and sector specific management.
- The Summer Flounder, Scup and Black Sea Bass Board met to discuss COVID-19 fishery impacts and to develop draft alternatives for a commercial/recreational allocation amendment. Other issues reviewed by the Board include supporting modifications to commercial and recreational allocations, separate allocations for sectors in the recreational fishery, and allocation transfers between sectors.
 - Mr. Rush asked if there was a timeline for adjusting quotas due to COVID- 19. Ms. Corbett responded that the Executive Committee was looking into it and would present to the Board.

4. Mid-Atlantic Fishery Management Council (MAFMC) Report – J. Cimino

J. Cimino provided a presentation to summarize all meetings held during the MAFMC's April meeting.

- The Council voted to maintain status quo catch and landing limits for the 2021-2022 fishing year for golden tilefish. There has been a decrease in price and low demand due to COVID-19 and a request has been made that NOAA consider emergency action for a one-time 5% rollover of unused 2020 fishing year IFQ allocation to 2021.

- The Council announced no changes to the 2021 specifications and management measures for blueline tilefish. Reporting measures expected to be implemented by May 1, 2020 may be delayed to late spring/early fall due to COVID-19.
- The Council approved a draft scoping plan to consider potential changes to state-by-state allocations of commercial quota for black sea bass. Scoping hearings were scheduled May 11th and 14th with written comments accepted through May 31st.
- The Council reviewed the summary of updates and findings from the 2020 Mid-Atlantic State of the Ecosystem. The report provides ecosystem level indicators of ecological, environmental, economic, and social components of the Mid-Atlantic ecosystem. This year's report included recreational fishing, social science information, commercial engagement, spatial overlap of wind leases, and forage fish energy density.
- The Council reviewed a presentation on climate change scenario planning. They discussed coordinating an east coast climate change scenario while planning initiative to explore jurisdictional and governance issues related to shifting stock distributions. Several working groups will meet in the spring to discuss further.

5. Bureau Reports – J. Brust

J. Brust presented the Marine Fisheries Bureau report.

- The Bureau began accepting applications for the Striped Bass Bonus Program on May 8th. All applications must be submitted online, and paper copies will not be processed until staff return to the office. There have been approximately 3,000 emails, 1,000 individual applications, and 70 for hire applications to date.
- The Marine Digest is available online. The print version has been delayed due to COVID-19 but will be delivered and distributed ASAP.
- Bureau staff have multiple reef deployments within the next few weeks.
- Bureau staff have been working on a NJ seafood distributor application, which is currently under development.

6. Shellfish Report

Councilman Hollinger reported on the Delaware Bay Shellfish Council.

- Despite COVID-19, the direct to market seed is underway.
- Oyster season began April 6th. After one month, harvest amounts are down nearly 60% with only 7,700 bushels harvested. Due to market condition, 50% have been transplanted to lease oyster grounds.
- The Delaware Bay Shellfish Council voted to suspend the 2020 transfer plan. The plan will be reviewed in July for a possible September transplant.

Councilman Maxwell did not have anything to report for the Atlantic Coast Shellfish Council.

7. Committee Reports

- The Recreational Black Sea Bass and Summer Flounder Committee met to discuss possible revisions to the New Jersey 2020 recreational black sea bass and summer flounder fisheries in response to the current COVID-19 restrictions. The Committee agreed to maintain the current season start dates for all sectors and modes of fishing and to determine loss incurred by the recreational industry throughout the season and adjust regulations accordingly at a later time. Additionally, the Council will send a letter to Governor Murphy supporting the reopening of the for-hire industry and task the NJ MFA with developing a methodology to estimate lost opportunity and possible season adjustments.
 - Public Comment
 - Adam Nowalsky appreciates the support of the Bureau of Marine Fisheries and Council's approach to recreational black sea bass and summer flounder management. Since the Committee Meeting was held, there has been additional information. NJ suspended dockside intercepts which encounter recreational fishing effort, Rhode Island did not suspend their dockside intercepts and their data shows their highest number of angler participants. Maryland also saw a high rate before suspending their intercept program. The spring harvest may not be as low as thought and that may not lead to liberalizing later in the year. Chairman Herb thanked Mr. Nowalsky for his comments and thought that this could be an issue. He also mentioned about how a split of the state would help the fishery. Councilman Radossi asked to keep Council informed of catch statistics.
 - Paul Haertel fully supports the motion and understands the issues Adam brings up. The blackfish recreational spring season was completely lost and he would like to extend the season.
 - Bill Shillingford would like to commend the Committee and encourage splitting the state into north and south.
 - Phillip Welsh would like to know what criteria and methodology is used to estimate lost fishing seasons. Mr. Brust replied that it is up to the AMSFC, but it may be different depending on the season. Mr. Cimino replied that it is dependent on MRIP estimates. These estimates are available by wave.

Chairman Herb was reminded that this is a recommendation and that the Council must draft a letter. The committee recommendations regarding the proposed season, letter, and recommendation for MFA to work with ASMFC is considered a motion with an automatic second. Motion passes unanimously.

- The Commercial Summer Flounder Committee met to discuss underutilized quota during the summer flounder directed season 1. The Committee recommended adjusting trip limits for season 3,4,5, and 6 of the commercial fishing year. The Committee also recommended changing the first day of the directed season for better utilization of the resource. The committee recommendation for season trip limit adjustments and directed season starting day is considered a motion with an automatic second. Motion passes unanimously.

| Changes to the Commercial Summer Flounder Season | |
|---------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| Season | Updated Trip Limit |
| 3 | 450-pound trip seven times per week, 750-pound trip four times per week, or 1,000-pound trip three times per week |
| 4 | 450-pound trip seven times per week, 750-pound trip four times per week, or 1,000-pound trip three times per week |
| 5 | 450-pound trip seven times per week, or 1,500-pound trip two times per week, or 3,000-pound trip one time per week |
| 6 | 1,500-pound trip two times per week or 3,000-pound trip one time per week |

- The Commercial Black Sea Bass Committee met to discuss underutilized quota during the black sea bass directed season 1. The Committee recommended adjusting trip limits for season 3,4,5, and 6 of the commercial fishing year. The Committee also recommended changing the first day of the directed season for better utilization of the resource. The committee recommendation for season trip limit adjustments and directed season starting day is considered a motion with an automatic second. Motion passes unanimously.

| Changes to the Commercial Black Sea Bass Season | |
|--------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| Season | Updated Trip Limit |
| 3 | 800-pound trip five times per week, or 1,000-pound trip four times per week, or 2,000-pound trip two times per week |
| 4 | 800-pound trip five times per week, or 1,000-pound trip four times per week, or 2,000-pound trip two times per week |
| 5 | 800-pound trip five times per week, or 1,000-pound trip four times per week, or 2,000-pound trip two times per week |
| 6 | 800-pound trip five times per week, or 1,000-pound trip four times per week, or 2,000-pound trip two times per week |

8. Committee Reports Regulatory Actions – J. Brust

J. Brust presented the Council with the regulatory report.

- The summer flounder and black sea bass commercial trip limit changes must go through Notice of Administrative Change. This change must go through legal review before going to the Commissioner. Council needs to approve this draft notice to send to the Commissioner. Motion to approve by B. Hollinger, second by B. Rush. Motion passes unanimously.

9. Old Business – J. Brust

J. Brust discussed old business with the Council.

- Council discussed reimbursements for travel. Assistant Commissioner Bukowski and Director Golden will be looking into this further.

10. New Business

Mr. Brust discussed new business with the Council.

- JCAA submitted a letter to the ASMFC and MAFMC requesting changes to the tautog recreational season due to COVID-19.

11. Public Comment

- Jim Hutchinson stated that the Governor submitted a list of names to NOAA for the at-large seat at the MAFMC currently held by New York. Is the Council aware of the names and what extent does the Council work with the Governor's office? Mr. Brust replied that we reach out to advisors and stakeholders. Mr. Hutchinson asked if there could be a public vetting process. Mr. Brust replied that normally timing is an issue, with a quick turnaround, but it could be a possibility in the future.
- Jim Hutchinson asked if any consideration was given to boat rentals and the boating industry to get that running, since there hasn't been word from the Governor. Assistant Commissioner Bukowski replied that nothing has been asked directly but will assert that in the thought process.
- Councilman Rizzo would like to see a committee of recreational and commercial stakeholders to determine how the 11 million dollars in CARES Act money will be distributed. Mr. Cimino stated that we have until September 2021 to distribute funds but would like to distribute funds as soon as possible. Councilman Hollinger asked that the spending plan be shared with all Councils.
- Tom Fote commented that he would like to see the analysis for CARES Act funding, but NJ did well for relief money, almost twice as much as NY.

Next meeting is July 9, 2020 in Manahawkin or via webinar. Motion to adjourn meeting. All in favor.