

**New Jersey Marine Fisheries Council Meeting**  
**September 9, 2021**

**Council Attendees:**

Dick Herb  
Eleanor Bochenek  
Patrick Donnelly  
Barney Hollinger  
Jeff Kaelin  
Bob Rush  
Kevin Wark

**Council Absentees:**

John Maxwell  
Joseph Rizzo

**DEP and Division of Fish and Wildlife Attendees:**

Ray Bukowski - Assistant Commissioner, Department of Environmental Protection (DEP)  
David Golden – Director, NJ Division of Fish and Wildlife (DFW)  
Jeff Brust – Chief, Bureau of Marine Fisheries (BMF)  
Joe Cimino – Administrator, Marine Fisheries Administration (MFA)  
Linda Barry – Senior Biologist, MFA  
Mike Celestino – Research Scientist, MFA  
Heather Corbett – Supervising Biologist, BMF  
Jessica Daher - Program Specialist, MFA  
Tim Daniels – Assistant Biologist, BMF  
Jamie Darrow - Assistant Biologist, BMF  
Matt Heyl – Assistant Biologist, BMF  
Sam MacQuesten - Assistant Biologist, BMF  
Brian Neilan – Principal Biologist, BMF  
Jeff Normant - Supervising Biologist, Bureau of Shellfisheries (BSF)  
Jason Snellbaker – Deputy Chief, Bureau of Law Enforcement (BLE)  
Jenny Tomko – Senior Biologist, BSF  
Colleen Brust – Research Scientist, BSF  
Alissa Wilson – Assistant Biologist, BMF  
Laura Versaggi – Fishery Specialist, ACCSP

**Public Attendees:**

John DePersenaire  
Kara Gross  
Paul Haertel

Jim Hutchinson  
David Kielmeier  
Adam Nowalsky  
Doug Zemeckis  
James Parker  
Wayne Thomas  
Benjie Swan

The meeting was called to order. Notice of the Marine Fisheries Council (Council) meeting was filed with the Secretary of State on August 31, 2021. Mr. Brust reminded attendees about virtual meeting etiquette, and Mr. Herb requested that all attendees signal before speaking.

### **Approval of Minutes**

Minutes from the July 8, 2021 meeting of the Council were approved. Motion made by Mr. Kaelin and seconded by Mr. Rush. Motion passes unanimously.

#### **1. Shellfish reports**

##### *Delaware Bay*

Mr. Hollinger reported that 94,000 bushels harvested from the direct harvest, with another three weeks and 17,000 bushels remaining before moving to the lower part of the bay. Three shell plants have been completed, totaling 95,000 bushels of shell. Leasing committee and consolidation will begin in October. Dredging projects are moving ahead.

##### *Atlantic coast*

No report

##### *Bureau report*

No report

#### **2. Legislative/Regulatory Reports**

Ms. Daher provided an update on the status of various regulatory updates.

##### **State**

S3926; Authorizes certain offshore wind projects to construct power lines and obtain real property interest. It grants BPU the authority to supersede certain governmental powers upon petition for offshore wind projects. This passed the House and Senate and was sent to the Governor on the 24<sup>th</sup> of June. Subsequently, it was signed by the Governor on the 22<sup>nd</sup> of July.

##### **Federal**

HR4690; Sustaining America's Fisheries for the Future Act of 2021 which reauthorizes and amends the Magnuson-Stevens Fishery Conservation and Management Act. On the 26<sup>th</sup> of July it was introduced and referred to the Committee on Natural Resources.

HR3764; Ocean-Based Climate Solutions Act of 2021: To direct the Administrator of the National Oceanic and Atmospheric Administration to provide for ocean-based climate solutions to reduce carbon emissions and global warming; to make coastal communities more resilient; and to provide for the conservation and restoration of ocean and coastal habitats, biodiversity, and marine mammal and fish populations; and for other purposes. In House Committee on Natural Resources on 6/8/2021, Committee hearings were held on 6/22/2021; Mark-up Session was held and ordered to be reported (amended) on 7/14/2021.

S497/HR3128; American Fisheries Advisory Committee Act of 2021: This bill directs NOAA to establish the American Fisheries Advisory Committee to advise on an existing grant program to address the needs of fishing communities, optimize economic benefits by building and maintaining sustainable fisheries, and increase opportunities to keep working waterfronts viable. NOAA must establish six regions within the committee. The committee must consist of members chosen regionally and across sectors of the fishing industry. The bill was read twice and referred to the Senate Committee on Commerce, Science, and Transportation on 3/1/2021; ordered to be reported without amendment on 5/12/2021. Introduced and referred to House Natural Resources on 5/11/2021; Subcommittee on Water, Oceans, and Wildlife held on 7/29/2021.

HR2773; Amends the Pittman-Robertson Wildlife Restoration Act to make supplemental funds available for management of fish and wildlife species of greatest conservation need as determined by State fish and wildlife agencies, and for other purposes. House NR Subcommittee on Water, Oceans, and Wildlife held on 7/29/2021.

HR2872/S1420; Safeguarding America's Future and Environment Act or the SAFE Act: To establish an integrated national approach to respond to ongoing and expected effects of extreme weather and climate change by protecting, managing, and conserving the fish, wildlife, and plants of the United States, and to maximize Government efficiency and reduce costs, in cooperation with State, local, and Tribal Governments and other entities, and for other purposes. Subcommittee hearings were held on the 29<sup>th</sup> of July.

Chairman Herb asked for more information on two handouts related to the legislative update. Mr. Brust indicated there were two different summaries of the Sustaining America's Fisheries bill which updates and reauthorizes the Magnuson Stevens Act. One is a one-page summary of the bill, and the other provides a section-by-section overview of the proposed changes.

### **3. Enforcement Report – J. Snellbaker**

On June 26th while on a vessel patrol in Barnegat Inlet, CPOs Meyer and Capri inspected vessels returning from offshore fishing. Two vessels were found in possession of undersized yellowfin tuna, which are required to have a minimum length of 27 inches. Additionally, one of the vessels in possession of the undersized yellowfin tuna failed to possess a federal Highly Migratory Species (HMS) permit required to target and possess tuna. These cases were submitted to National Marine Fisheries

Service NMFS for enforcement action.

CPO Szelc and Lt. Harp conducted a land-based patrol on Sunday, July 11th. The CPOs located two large groups of individuals actively harvesting clams from the condemned waters of Lakes Bay in Egg Harbor Twp. The inspections resulted in nine summonses issued for harvesting shellfish without a license, and warnings for harvesting shellfish from condemned waters and clamming on Sunday. CPOs Szelc and Lt. Harp continued their patrol and issued an additional eight summonses for various other violations totaling 17 summonses issued throughout coastal Atlantic County that day.

While patrolling Fortescue on a Sunday afternoon, CPO Sloan observed four individuals harvesting shellfish from a rockpile in condemned waters. Upon inspection, they were found to be in possession of several hundred oysters and mussels. None of the individuals had a shellfish license. All the shellfish were seized, and the harvesters were issued the appropriate summonses.

To protect sea turtles, chain mats and turtle deflector dredges are required to be used May 1st through November 30th when commercial fishing for scallops west of 71 degrees longitude. Upon its return from a scallop fishing trip in the mid-Atlantic Sea scallop access area, Lieutenant Petrucelli found a commercial scallop vessel based out of Cape May in possession of a scallop dredge without the required turtle chain mat. The vessel operator initially made false statements proclaiming that the turtle chain mat had been ripped off the dredge on bottom structure while fishing. Further interview revealed that the operator did not utilize the chain mats on that trip and several previous trips. The case was referred to National Marine Fisheries Service (NMFS) for enforcement action.

During offshore patrols with the Bureau's P/V Integrity the last couple of months, CPOs documented numerous Federal and State violations. The violations included several cases of failure to mark / identify trap gear, two cases of failing to possess a highly migratory species (HMS) permit, possession of HMS other than form specified, utilization of an otter trawl in state waters without an otter trawl license, utilization of an otter trawl within two miles of the coastline, unlawful commercial lobster traps inside a special management zone, and three cases of failing to report bluefin tuna within 24 hours of harvest. The Federal cases were referred to National Marine Fisheries Service for enforcement action and the appropriate summonses were issued for the State violations.

On August 6th, 2021, CPO Moscatiello received a complaint through the Operation Game Thief hotline reporting that a fisherman was bragging about targeting and catching sandbar sharks. The complainant provided photos, which clearly showed the fisherman mishandling a sandbar shark. After tracking down the individual in the photos, CPO Moscatiello issued a summons to the shark fisherman who admitted to taking and landing prohibited sharks.

On August 1st, the tautog season opened allowing anglers to retain one tautog with a minimum size of 15 inches. CPO Szelc and Lt. Harp spent the opening day conducting a land-based tautog patrol in Atlantic City. Shortly after beginning the afternoon patrol, the officers made observations of 3 individuals retaining undersize tautog. CPO Szelc conducted an inspection of the individuals as they

completed fishing and exited the jetty. A total of 65 undersized tautog were located ranging from 7 to 13 inches. The individuals were issued summonses for the undersized tautog as well as over the daily limit. The current penalty for violations involving tautog is \$100.00 per fish.

CPO Tomlin conducted a patrol around Avalon area inspecting vessels returning from offshore fishing. A charter vessel was found in possession of two yellowfin tuna and failed to possess a valid federal Highly Migratory Species (HMS) permit required to target and possess tuna. The case was submitted to National Marine Fisheries Service NMFS for enforcement action.

Lieutenant Petruccelli and CPO Raker conducted late night patrols in areas where shoreside shark fishing has gained tremendous popularity. During these patrols, CPO's issued multiple summonses and warnings for mishandling State and Federally prohibited species of sharks. Dozens of anglers were also educated on identification of prohibited shark species and proper release techniques to maximize survival.

Mr. Snellbaker acknowledged the retirement of Chief Cianciulli, and that Deputy Chief Frank Panico has taken on the responsibilities of Acting Chief for the Bureau of Law Enforcement.

#### **4. Atlantic States Marine Fisheries Commission (ASMFC) Report – H Corbett**

Ms. Corbett gave a presentation to summarize all meetings held during ASMFC's Summer Meeting (August 2-5, 2021).

The American Lobster Management Board initiated Draft Addendum XXIX (electronic tracking requirements), initiated a Jonah crab stock assessment for 2023, and delayed the Management Strategy Evaluation discussion until the next meeting.

The Atlantic Striped Bass Management Board reported that the goal of reducing coastwide removals by 18% relative to 2017 levels was exceeded at 28%. Guidance was provided on the development of Draft Amendment 7 and an addendum to consider allowing commercial quota transfer was initiated. The approval of Draft Amendment 7 and Draft Addendum VII for public comment will be considered at the October meeting.

The Tautog Management Board reviewed the Risk and Uncertainty Tool, the commercial tagging program and is expecting the stock assessment update to be completed this fall.

The Sciaenid Management Board reviewed the Traffic Light Analysis for Spot and Atlantic Croaker. Due to lack of 2020 MRIP estimates, the TLAs were unknown. The TC recommended that the triggered management measures remain in effect until 2023 for spot and until 2024 for croaker. This will allow the TC to reevaluate stock status in 2022 when more data becomes available. Both the black drum and red drum stock assessments are expected to be completed in 2022.

The Summer Flounder, Scup, and Black Sea Bass Management Board approved a 1% increase in New York's black sea bass commercial allocation which is now at 8%.

The Atlantic Menhaden Management Board initiated an addendum on commercial fishery measures including commercial allocations, episodic event set aside program, and incidental catch and small-scale fisheries provision. The Board reviewed data needs for the development of a spatially explicit model and provided guidance on priorities for the October meeting. A summary of mortality events over the last year will be provided at the October meeting as well.

The ACCSP Coordinating Council reviewed funding projects, discussed Atlantic Recreational Priorities, and identified suggestions for 2022-2026.

The Wind Energy Development Workshop provided updates on GARFO and NEFSC roles in the offshore wind development process, including data exchange, the regulatory process, survey mitigation, and research interactions on offshore wind on NOAA trust resources.

The Atlantic Large Whale Take Reduction Team has two rulemakings in progress. Phase 1 focuses on the New England Lobster/Jonah crab fisheries which is in the final stages while Phase 2 focuses on additional fisheries which is in the initial scoping process.

The Executive Committee received an update on the CARES Act. ASMFC has received the Cooperative Agreement from NMFS, and about half the states have submitted their CARES Spending Plans. The pending Shark Finning Legislation was discussed, and the Legislative Committee is concerned about proposed requirements to discard legally harvested shark parts. The annual meeting, scheduled for NJ, will be held virtual. A work group has been developed to review conservation equivalency policy.

The Business Session approved Amendment 2 to adjust allocations and establish a rebuilding plan for bluefish.

The Policy Board received an update on the Marine Recreational Information Program's (MRIP) 2020 catch estimates overview, and on NOAA's Recreational Fishing Survey and Data Standards Guide which was recently released. The East Coast Scenario Planning Initiative held 3 webinars in late August/early September, and the MAFMC RSA Program is hosting four webinars of which three remain. The following updates to stock assessment schedules were provided: striped bass update has been postponed until 2022 with another update moved from 2023 to 2024, black drum will be updated in 2022, river herring will have a benchmark assessment in 2023, and Spanish mackerel was changed from 2021 to 2022. Reports from the Atlantic Coastal Fish Habitat Partnership (ACFHP), the Habitat Committee and the Artificial reef committee were provided.

- Mr. Wark requested more information on the proposed shark finning legislation and the discarding of shark parts. Fishermen are landing sharks whole, as required, but must remove fins at the dock and discard them. He explained that it was reverse shark

finning, and it doesn't make sense that fins need to be cut off but are not utilized. If they are cut off at sea, it reduces labor.

- Mr. Cimino replied that there wasn't an in-depth conversation that occurred at ASMFC. Most of the controlling regulations are decided at the federal level, and it is a question of what we can convince legislators to reverse some of this.
- Mr. Wark noted that there are other bills that are even more restrictive, but also referenced a NOAA press release stating sharks are totally sustainable and provided recipes. Due to climate change and regime shifts, we have more availability of sharks but have lost other species. Mr. Wark would appreciate any assistance they can get to maintain this product. Cornell University wants to build a DNA database to identify where sharks are coming from, which Mr. Wark stated was a good idea 10 years ago, but might be too late at this point.

#### **5. Mid-Atlantic Fishery Management Council (MAFMC) Report – J. Cimino**

Mr. Cimino repeated that the ASMFC 2021 Annual Meeting planned for NJ in October had just been changed to an all virtual format. There is some discussion of changing one of the "regular" 2022 meetings into the NJ meeting, but discussions are ongoing. He thanked Capt. Snellbaker for the enforcement work they do, and acknowledged the many years of outstanding service of Chief Cianciulli.

Summer flounder, black sea bass, scup and bluefish set specifications were set for 2022-2023. For summer flounder, the specifications were set for two years with the quota increasing 25% compared to 2021. With the year class coming into the fishery, the population biomass is 86% of target. The scup stock is in good shape, approximately double the biomass target. Consistent measures couldn't be set for 2022-2023. After considering discards, specifications are 32 million pounds for the commercial fishery in 2022 and 30 million pounds for 2023. The black sea bass stock is slightly more than two times the targeted biomass with a terminal year of 2019. The 2022 ABC is set at 19 million pounds of which 6.47 million pounds is for the commercial fishery and an RHL of 6.74 million pounds. Values in 2023 will be slightly lower. Bluefish is still overfished with overfishing not occurring. This is based on only one additional year of data, so it is uncertain if the stock has improved, but population projections are optimistic. As a result, there will be a 28% increase in commercial quota and 67% increase in RHL in 2022. He noted that regulations under these new quotas will be determined during future meetings.

- Dr. Donnelly questioned that both scup and black sea bass are more than twice the biomass target, but there will be reductions. Conversely, summer flounder and bluefish are not at their thresholds but are being increased. Dr. Donnelly argues that this defies reason, and the average person is going to look at this as ridiculous.
  - Mr. Cimino replied that in the management world, catch includes fish caught and discarded. The estimated amount of dead discards is accounted for when setting harvest limits. Black sea bass and scup have tremendous discard issues, so have a bigger "penalty" against their RHLs than summer flounder and bluefish.
- Mr. Kaelin asked if part of the issue with black sea bass and scup is recruitment trends?
  - Mr. Cimino agreed that with scup there was a recent strong year class, but it has been a decreasing trend over the last 4-5 years. In addition, there have been a

few year classes lately that looked strong initially, but additional data have shown them to be smaller.

- Mr. Rush commented we have reduced the bag limit for black sea bass, but the mortality rate is because the size limit is too high. A lower size limit would reduce mortality, but nobody wants to talk about size limit reduction. He does not understand why black sea bass is taking a cut when the stock is completely rebuilt.
  - Mr. Cimino commented that there hasn't been any change in bag limit, it has been status quo for several years. For both black sea bass and scup, there have been size limit discussions and that biological factors need to be considered.
- Mr. Nowalsky explained that over the next two years there will be an increase in the black sea bass quota of approximately 50,000 pounds. He acknowledges it looks bad on paper to see a significant increase in 2022 followed by a massive decrease in 2023. With summer flounder, the allowable harvest was averaged over a two-year period. That averaging could not be done for black sea bass and scup because they are too abundant right now and would result in a probability of overfishing exceeding 50% in 2023. The SSC couldn't make that recommendation, so they had to set each year's RHL to the specific value, rather than the average. We are seeing an increase in quota and the SSC is continuing to work on it. Mr. Nowalsky commented that Mr. Kaelin is correct about recruitment. It is yet to be determined how this will affect RHLs, and suggests it might not impact commercial because they have not achieved their quota in recent years. We are on the precipice of changing the way we do recreational management for the first time in two decades. There are now four new alternatives put forth for consideration so continue to follow this issue closely.

For Atlantic mackerel, the stock is under a rebuilding plan but still at only 22% of the biomass target. Even with no harvest, the stock is unlikely to achieve the target under the current rebuilding time frame. It was requested that NOAA Fisheries take emergency action to reduce harvest in 2021 and 2022, and the Council reviewed alternatives for a revised building plan.

The golden tilefish fishery has been pretty consistent over the years, so even with a limited stock assessment, multi-year specifications were approved for 2022-2024.

Council heard an update on the summer flounder management strategy evaluation (MSE) and approved management objectives to be used for further modeling.

Council discussed the commercial/recreational reallocation amendment for summer flounder, scup, and black sea bass. Reallocation is being considered due to the recent recalibration of MRIP estimates which indicates recreational harvest is higher than we previously imagined. There is debate over whether reallocation should occur first, or if the recreational reform initiative, including revising the harvest control rules, should be first, because it will change the recreational targets. Neither will solve the problem entirely, but both will help the annual struggle to keep recreational harvest within the RHL.



An update was provided on the development of measures to reduce mortalities and injuries in trap/pot and gillnet fisheries for north Atlantic right whales.

A briefing on the preliminary Conserving and Restoring America the Beautiful report was provided.

Several Council members, including Mr. Nowalsky, were reappointed for another term. One long standing member from NY recently termed out, but that at-large seat was retained by NY.

The next MAFMC meeting is scheduled for October 5-7. Originally scheduled as an in-person meeting, it will not be held virtually.

## **6. Bureau Reports – J. Brust**

The Striped Bass Bonus Program has issued 9,097 individual permits and 121 for-hire permits, which equates to 3,647 pounds harvested (188 fish from individuals and 332 fish from for-hire). Applications are being accepted through October 31<sup>st</sup>.

Two commercial bluefish transfers have been completed. One was a joint request from Rhode Island, New York, and North Carolina that resulted in a transfer of 100,000 pounds and the other was a request from Massachusetts for 50,000 pounds. If New Jersey exceeds their quota due to a transfer, the overage will be paid back by the receiving state(s).

- Dr. Bochenek inquired if the transfer of quota will affect future allocations.
  - Mr. Brust answered that it doesn't affect the quota for the next year or two but may affect NJ when the Board is reviewing reallocation. It may be a factor for states who give poundage away consistently, but it isn't something he is too worried about.

A new initiative of State FMPs was presented. NJSA 23:2B-6 states: *The commissioner shall prepare fisheries management plans for each major fishery in the State, with the advice and assistance of the Council, and if deemed necessary, advisory species related citizen panels.* Not all "major" fisheries are covered by the ASMFC/MAFMC, several species are state managed (blue crab, kingfish, etc.) or are unmanaged (grey triggerfish, pufferfish, etc.). MFA is developing a process to implement FMPs for state-only managed species with a goal to compile all relevant information into formal species-specific "source documents." There is no pre-conceived intent to change current regulations. Topics to include are management goals, objectives, rationale; biological/fishery information; threats to population health; management strategies; and identifying/prioritizing research needs that could better inform management decisions. Currently this is in the development/approval process with staff working with the DFW legal team. The process will include MFC, committees, advisors, and public comment. The benefits include all information being in one place and being available to everyone, a paper trail of decisions with justifications; and an accelerated adoption of rule changes (NOAC). Staff proposes blue crab as a case study due to significant landings, a plethora of data (fishery, survey, and biological), and because they are the most conspicuous state managed species. Other species will be prioritized using management bins to help for planning on a new species every 12-18 months. Management bins will include species with

information and regulations, species with regulations but limited information, species with no regulations, and emerging fisheries.

- Mr. Hollinger inquired if they would be able to ask for different items to be put in and what the process will be. He suggested oyster toadfish be included on the priority list. He noted that, at least in Delaware Bay, their population seems to have declined in recent years.
  - Mr. Brust answered yes, other species can be added. Staff were actually looking into writing a plan for toadfish a few years ago after a fisherman asked Council to look into it.
- Dr. Bochenek stated that we don't have enough manpower to handle what we already have, how is this going to affect other initiatives? Will there be a joint effort with Delaware because crabs don't know where the state line is in the bay and is something that should be discussed.
  - Mr. Brust replied that these are marathons rather than sprints. We are looking at 12-18 months and expecting to prioritize work plans so staff has time to address this effort. Working with Delaware isn't something that was discussed but is worth considering. It would need some planning. For example, DNREC does a bay-wide blue crab stock assessment, but does not include the Atlantic coast. Would a joint FMP be just the bay, or include the coast?
- Mr. Hollinger asked for a status update on the menhaden and crab rule.
  - Mr. Brust replied that the last he heard that it was with the Governor's office. There are 30 days to review, it then goes back to the Commissioner and then to publication. With the upcoming election, timing is uncertain. Optimistic that it will be finalized by the end of the year.

## **7. Committee Reports**

### **Offshore Wind – Dr. Bochenek**

The Marine Fisheries Council Offshore Wind Committee met by webinar on August 17, 2021. As this was the first meeting of this committee and many advisors are new to the Council process, the goal of this meeting was to provide general information and background materials which can be built on at future meetings.

Staff first presented an overview of the Marine Fisheries Council and how the committee and advisors fit into the decision-making process. It was noted that this committee may function somewhat differently than other Council committees since Council does not write regulations for offshore wind, and the timing of meetings likely will not line up with public comment periods. The initial focus for this group will be transfer of information from the agency through the committee to stakeholders, and vice versa. This will improve transparency and provide a solid baseline for individuals and the organizations they represent to submit informed public comment.

Staff next provided an overview of offshore wind development in New Jersey, including the federal permitting and review process, DEP's role, and involvement in offshore wind locally and regionally, and overviews of the various ongoing development projects. It was emphasized that DEP is not the lead

agency for offshore wind in the state, and within DEP, the Marine Fisheries Administration plays a consulting role only and does not have control over policy or permitting.

Staff reported that the Biden Administration recently issued a statement that they are looking into compensation for the commercial fishing industry for impacts due to offshore wind development. This statement was prompted by a letter to the President signed by governors from nine Atlantic coastal states, including New Jersey. The letter urged the federal government to take the lead in coordinating development of mitigation frameworks at a regional level for demonstrated negative impacts. In addition, the letter requested BOEM take an interactive approach to development, such as setting long term targets informed by states' clean energy goals, ensuring adequate regional transmission capability, and providing support to the federal fisheries surveys. Stemming from the letter, NJ DEP has begun discussions with other signatories on engaging the federal government on a mitigation framework for impacts to commercial fisheries.

Presentations were followed by an open discussion on what topics the committee and advisors would like to learn more about. Some of the requests included more information on the research and monitoring initiative and a calendar showing opportunities for public involvement. Staff indicated that it may be possible to get guest speakers who are knowledgeable in special topics of interest at future meetings. It was discussed that the role of this committee would likely evolve over time, and that it would be beneficial to develop goals and objectives for what the committee would like to accomplish. Committee members agreed to begin working on those before the next committee meeting.

- Mr. Kaelin was disappointed that the report doesn't reflect the discussion about the June 4<sup>th</sup> letter from nine governors to the President on regional leadership on priorities like marine resource displacement. It included an initiative by RODA for compensation to the fishing industry. NYSERDA had a meeting just to discuss regional compensation measures and are very interested in regional discussions. It is an important issue that is emerging rapidly.
  - Dr. Bochenek suggested they could update the minutes to include some language regarding the letter.
  - Mr. Brust apologized because he wrote the minutes. He wasn't trying to minimize it and the minutes will be adjusted.
  - Mr. Cimino provided additional background on the letter. It mentioned many things, including BOEM developing long term priorities for a number of issues. It briefly mentioned the importance of mitigation for marine sectors, particularly marine fisheries. The nine states have continued to discuss, and drawing heavily from the experiences of MA and RI who have already been dealing with compensation. Looking to have interagency discussions with BOEM, NMFS, etc, and then bring in the communities and developers.

**Regulatory Actions – J. Brust**

Mr. Brust provided an update on regulations regarding the commercial tautog tagging program. It passed ASMFC in 2017 and required the implementation of a commercial tagging program by January 2020 to curtail a rising illegal harvest and market of undersized and unreported tautog. Commercial harvesters are currently voluntarily participating and therefore are looking for Council approval tonight so we can get it to the Commissioner.

- Mr. Kaelin was curious as to the reaction of the tautog commercial fishermen.
  - Mr. Brust indicated that there was no strong negative reaction, as the commercial fishermen understand that it is protecting their fishery.
  - Ms. Barry responded that NJ held several public hearings on the program and how it would be implemented in NJ back in 2019. A presentation was provided to Council in July 2019. She can share the slide presentation. The feedback from fishermen has generally been positive. There have been some issues with the mechanics of tagging, so staff has developed and posted video tutorial.
  - Mr. Wark agreed that there has been no outcry from industry that he is aware of. The extra effort for tagging adds time, but it was necessary to put a damper on the black market fishery.

\* Mr. Herb lost internet connection. Mr. Brust asked if anyone would volunteer as Chair until Mr. Herb returned. Dr. Bochenek offered to step in.

A motion to approve the draft NOAC for tautog tagging was made by Mr. Kaelin and seconded by Mr. Hollinger. The motion carried unanimously.

#### **Other Business:**

Mr. Brust revisited the previous request to provide OSW cable routes with a fisheries overlay map. Unfortunately, it still can't be provided because the developer made changes and those have not been made public. Concerns about EMF have also been raised a number of times by Council. A fact sheet on the effects of EMF and different species groups is provided as a handout.

Ms. Brust also apologized for not having the maps of cable routes and fishing areas available yet. Instead, she presented how to use the MidAtlantic Data Portal to find maps of our Prime Fishing Grounds and other relevant spatial data products. Another good resource for spatial data is on the DEP website. Ms. Brust reported that the Environmental Resources Working Group meets quarterly and met last week to discuss the progress of the research monitoring initiative. There is \$12 million coming in this year, \$6.5 million next year, and \$6.5 million the following year which will fund research on resources important to New Jersey. During the ERWG meeting presented how priority resources were identified and the research and collaboration that has gone into identifying categories of research priorities. On the DEP OSW website, there is a link for the ERWG as well as links for all open public comment periods. The ERWG was tasked with reviewing the draft priorities, and Council is welcome to weigh in on them as well through the online survey available on the OSW website. One important aspect we are looking for input on what can be done to ensure fishing can continue within the wind farms.

- Mr. Kaelin commented that ROSA is also working on regional priorities and has distributed a survey to identify priorities as well. Results won't be in until after the deadline for the ERWG comment period but hopes those results will be considered as well. He noted how there are numerous aspects to research and things are moving quickly. It's complicated to put all the pieces together.
- Ms. Brust responded that DEP is working cooperatively with ROSA, as well as other groups (eg RODA, NYSERDA). Staff serve on several of the regional working groups, and we will be meeting with ROSA soon to discuss research priorities. Our intention is to continue to work with these groups.
- Mr. Wark, as a representative to one of the developers, is working to standardize survey operations to minimize the amount of calibration necessary and make the data the most useful for management.
- Ms. Brust acknowledged the qualifications and knowledge of the different working groups and Council, and encouraged Council members to consider possible research initiatives and priorities for dedicating some of the research funds toward.
- Mr. Kaelin would like to investigate if menhaden purse seining could occur within the Ocean Wind lease.

Mr. Brust reviewed round two of CARES. New Jersey received \$9.34 million after administrative costs which were approximately \$98,000. Direct payments of \$8.03M will be made to those who can show a loss of 35% in revenue between July 1 – December 31, 2020. The applications are due by October 15<sup>th</sup>. \$1.25 million will go into fisheries marketing to promote NJ commercial products, for-hire opportunities, as well as radio/TV/billboard/social media ads targeting the Philly and NYC metro areas. \$60,000 is set aside for fisheries training and education to improve resilience and involvement with the management process.

- Mr. Kaelin believes that NJ Fresh is a good idea, but many processors freeze a lot as well so there should be marketing as fresh/frozen. Many of these companies which are able to freeze product were not eligible for CARES even though costs increased, such as through purchase of PPE.
  - Mr. Brust advised that the USDA is targeting seafood processors to address expenses with six categories that would be covered – marketing shifts, safety/medical, etc. Rather than losses, it covers expenses.

Mr. Brust started a discussion of committee meetings to be held before the next Council meeting. There are a few that he felt need to be held and to be prioritized. A black sea sass recreational meeting will be scheduled along with a commercial summer flounder, scup, black sea bass meeting to discuss next year's quota. The offshore wind meeting can wait until winter. Bluefish is not time sensitive as specifications were pushed off. The discussion of striped bass fines could be pushed back.

#### **New Business:**

Mr. Brust and Director Golden informed everyone of a joint annual meeting between the Fish and Game Council and Endangered and Non-Game Species Committee. Some items are marine related, but the

Council is not obligated to attend but if interested can do so. Offshore Wind is an item that will be discussed.

- Mr. Hollinger asked if red knots will be addressed. Director Golden indicated that both groups have received updates at their respective meetings in the last few months so it will likely not be on joint meeting agenda.
- Mr. Kaelin expressed interest in attending, but has a conflict with the MAFMC. Director Golden indicated that future meetings could be scheduled with MFC participation in mind.
- Mr. Wark asked if endangered species in the marine world will be discussed. He is interested because he is a member of the large whale take reduction team and has been involved in sturgeon and turtle research. Director Golden indicated that marine protected species are not on the agenda, but as these topics arise during ENSAC meetings, throughout the year, there is opportunity to participate.
- Mr. Cimino announced to Council that, with their support to acquire additional funding and staff, responsibilities for marine protected species (sturgeon, turtles, marine mammals) has been shifted from the Endangered and Non Game Species Program to Marine Fisheries.
- Director Golden commented that the Division has been trying to coordinate better on HSC and red knot issues. MFA staff participate in ENSAC meetings when relevant issues are discussed.
- Mr. Kaelin asked if the MFC letter on HSC and OSW was shared with Director Golden and the ENSAC. Mr. Brust indicated it was sent to the Chief of ENSP to distribute to ENSAC, but he will follow up to ensure it has been done.

NOAA passed new regulations for trap and pot fisheries in New England to protect right whales. The regulations do not affect New Jersey directly as the boundary is at Block Island, Rhode Island. NOAA is working on the next phase of regulation changes, which will target pot/trap and gill net fisheries coastwide, so those will likely have an impact on NJ fisheries.

- Mr. Wark indicated that the next round could be difficult for NJ fisheries and that NOAA will be holding scoping meeting to gather concerns as well as ideas on how to proceed.
- Mr. Cimino acknowledge the contributions of Mr. Wark and Greg DiDomenico for their support in this initiative.

Mr. Brust provided the draft meeting dates for 2022 as follows:

- January 6 – Galloway
- March 3 - Stafford Township
- May 12 – Galloway
- July 7 – Galloway
- September 8 – Stafford Township
- November 3 – Galloway

All meetings start at 5:00 pm. Mr. Brust requested Council notify him of any conflicts with the meeting dates prior to November meeting when they will be finalized.

- Dr. Bochenek relayed that the July 7<sup>th</sup> meeting falls close to the 4<sup>th</sup> of July holiday weekend and instead suggested July 14<sup>th</sup>.

Mr. Hollinger brought up a new fiber optic cable landing. Mr. Brust indicated that staff had received a proposal for the cable that has a N/S component and 4 or 5 E/W, one of which makes landfall in Manasquan. The N/S cable route is far enough offshore that it does not impact any NJ surveys or the offshore wind development areas. The landfall route will be within a designated cable corridor which was established in the 1980s. These designated cable corridors are well documented, and one additional cable is not expected to have an impact on NJ fisheries.

- Mr. Hollinger questioned whether there would be any impact from this cable on the OSW cable land fall cables. Mr. Brust indicated that none of the OSW cable routes are final, but that staff will continue to monitor and review for any potential impact.
- Mr. Wark informed Council of a large vessel digging a trench very close to shore near Beach Haven. The vessel is well over 120ft in length, has no AIS, and hasn't had any outreach to any nearby vessels.

**Public Comments:**

Mr. Hutchinson asked about the ongoing discussion of separating speckled trout from weakfish and asked if there was any light on the horizon for a different management plan. There is an FMP for speckled trout so he asked why the Council couldn't just take a vote and lower the size limit. He asked when this would be finalized.

- Mr. Cimino replied that it is in the next menhaden proposal. The legal definition for a weakfish includes speckled trout. There needs to be a regulatory change to disentangle.

Mr. Nowalsky thanked the Council for getting the Bureau working on black sea bass.

The next meeting is scheduled for November 4, 2021.

Motion to adjourn.