

**NEW JERSEY MARINE FISHERIES COUNCIL**  
**Galloway Township Library**  
**Galloway, New Jersey**  
**Special Council Meeting on**  
**Recreational Black Sea Bass and Summer Flounder**  
**April 7, 2011**

In Attendance were: Chairman Gilbert H. Ewing, Jr.  
Councilman Patrick Donnelly  
Councilman Richard Herb  
Councilwoman Frances Puskas  
Councilman Erling Berg  
Councilwoman Eleanor Bochenek  
Councilman Edward Goldman  
Councilman Scott Bailey  
Councilman Joseph Rizzo  
Councilman Walter L. Johnson III

Also in attendance representing the Division of Fish and Wildlife:

Thomas W. McCloy, Administrator, Marine Fisheries Adm. (MFA)  
Brandon Muffley, Chief, Bureau of Marine Fisheries  
Jeffrey Brust, Research Scientist, MFA  
Lt. Mark Canale, Bureau of Law Enforcement  
Mike Celestino, Principal Biologist, Bureau of Shellfisheries  
Tom Baum, Principal Biologist, Bureau of Marine Fisheries

Mr. McCloy read the compliance with the Sunshine Law. Notice of meeting was filed with the Secretary of State on March 8, 2011.

Chairman Ewing began the meeting with the Pledge of Allegiance.

**Audience Conduct**

Chairman Ewing reminded the audience to take conversations outside or wait until the end of the meeting. Individuals wishing to make a public comment need to sign up.

Chairman Ewing commented that this is a special Council meeting dealing solely with recreational black sea bass and summer flounder measures. Once Council has a motion on a particular measure, public comment will be allowed on the motion.

**2011 Recreational Black Sea Bass Measures**

Mr. Muffley updated Council on ASMFC actions regarding recreational black sea bass measures for 2011, (Handouts #1 and #2). The ASMFC adopted an addendum to the plan for state-by-state management for the 2011 recreational black sea bass season. The required reductions apply to state waters only for the 2011 fishing season. Recreational measures for the 2012 fishing season will be coastwide unless the ASMFC decides to

change that in the future. For 2011, NJ is required to take a 40% reduction from its 2010 black sea bass harvest.

The 2010 regulations were: 12.5" minimum size limit; 25-fish bag limit; open season from May 22 through October 11 and November 1 through December 31 (204 days).

Mr. Muffley presented a list of options of NJ's preliminary proposed recreational measures (Handout #2) that will be submitted for ASMFC technical review.

After approval from the Technical Committee, a Black Sea Bass Management Board meeting will be convened to approve state proposals. The Council's Black Sea Bass Committee should then meet to narrow down the options for Council consideration.

Dr. Donnelly asked how quickly a change can go into effect, if Council selects a season opening later than May 22<sup>nd</sup> (current opening). Mr. Muffley commented that if another date later than May 22<sup>nd</sup> is what the Council wishes to change, then it is best to make that change at this meeting.

Chairman Ewing asked Council if this is something Council should talk about and if so, he would entertain a motion. No motion or comments were forth coming from Council. The proposed 2011 NJ recreational measures options for black sea bass stand as they are presented in Handout #2 with an opening of May 22.

Mr. Muffley commented these are just proposed options for NJ, none of which has been evaluated by ASMFC.

Mr. McCloy commented that if the ASMFC approves an option later than May 22, then NJ will have to take action to close the fishery down immediately and then make amendments to cover those days that the fishery was open, when it should have been closed. The difficult part is the time table for making those changes can take a few weeks.

Dr. Donnelly expressed his concern that too many amendments can result in the process getting bogged down.

Mr. Muffley commented that if Council wishes, the options can all start with a season opening on May 22 and any changes that are needed can come off the second part of the season.

Dr. Donnelly made a motion to postpone this discussion to later in the meeting after the summer flounder measures are decided. The summer flounder measures selected could influence what the Council wants to do with black seas bass.

Motion to postpone passed unanimously.

### **2011 Recreational Summer Flounder Measures and Committee Report**

Mr. Goldman presented Council with the recreational Summer Flounder Committee Report, Handout #3.

The 2010 regulations were: 18” minimum size limit; 6-fish bag limit; open season from May 29 to September 6 (101 days). The Committee reviewed numerous options and reduced the list down to the following four for Council consideration.

<b>Option</b>	<b>Size Limit (inches)</b>	<b>Bag Limit</b>	<b>Open Season</b>	<b># Days Open</b>	<b>% Liberalization NJ VAS</b>
<b>1</b>	18	8	May 14 – September 18	128	62%
<b>2</b>	18	8	May 7 – September 25	142	77%
<b>3</b>	17.5 / 18	1 / 5	May 21 – September 5	108	81%
<b>4</b>	17 / 18	1 / 5	May 28 – August 28	93	81%

Option 3 with the dual size/possession limit of 17.5 / 18 inches; 1 / 5 fish reads as follows: 1-fish greater than or equal to 17.5-inches plus 5-fish greater than or equal to 18 inches.

The Summer Flounder Committee proposes two preferred options: 18”, 8-fish, May 7 through September 25 (Option 2) and the dual size option of 1-fish  $\geq$  17.5” plus 5-fish  $\geq$  18”, May 21 through September 5 (Option 3).

Mr. Baum commented on 2010/2011 Summer Flounder regulatory review. In 2011 no reductions are required. In fact, NJ is allowed a maximum 124% liberalization. The ASMFC Summer Flounder Technical Committee recommended that the states use additional caution when developing state specific measures. In 2003, NJ liberalized by adding on 34 days to the season. In doing so, this resulted in an 80% increase of harvest and overage of target. The NJ Volunteer Angler Survey data made the dual size/possession limit options possible. These options were not possible to calculate using MRFSS. Mr. Baum encouraged everyone to keep filling out New Jersey’s on-line Volunteer Angler Survey as they have been instrumental in NJ fisheries management.

Dr. Donnelly made a motion to allow for public comment prior to Councils motion on summer flounder. Dr. Bochenek seconded motion and it passed unanimously.

Chairman Ewing asked for any other comments from Council.

Ms. Puskus asked when the options were developed if more fishing time was added to the spring or fall, or did it balance out. Mr. Baum responded it balanced out between spring and fall.

Chairman Ewing opened the meeting to public comment on the summer flounder options.

### **Summer Flounder Public Comment**

Forty – seven individuals representing for-hire vessels, bait and tackle shops, recreational fishing organizations and individual recreational fishermen commented on their preference for the options. Option 2 was unanimously supported by all those that spoke. Some individuals indicated that a lower size limit or dual size limit would be good if possible in the future but stressed the importance of a longer season for 2011.

A few fishermen advocated liberalizing to the maximum NJ was allowed (124 %).

Mr. Muffley reminded everyone that this year the data used to develop the options came from the NJ Volunteer Anglers Online Survey. If only the MRFSS data was used, then that 77% liberalization in Option #2 would be a 120% liberalization.

Chairman Ewing commented that the Atlantic City Press conducted a survey where Option #2 was the preferred option. Public comment tonight is in favor of Option #2.

Chairman Ewing asked for Council comments. None were forthcoming.

Chairman Ewing responded to a comment made on why this meeting was not held in Toms River as originally planned. The Chairman indicated that the Council did try to secure Toms River, however there was a scheduling conflict that did not allow enough time for the Council's meeting.

Chairman Ewing asked Dr. Donnelly about his motion to table the motion until after public comment. Dr. Donnelly asked to defer his original motion and turned it over to Committee Chairman, Mr. Goldman.

Mr. Goldman made a motion for 2011 recreational summer flounder measure to be Option #2, minimum size limit of 18", possession limit of 8, open season May 7 through September 25. Mr. Johnson seconded.

Dr. Donnelly thanked Messrs. Baum and Brust for all their hard work on coming up with these options. Dr. Donnelly personally was in favor of Option #3, as he thought that a dual size limit would open more doors to many type of fisherman out there.

Ms. Puskus commented that Option #3 looked to be more helpful in saving fish that are discarded. It would be nice to see next year how the data reflects those being kept that would otherwise have be thrown back based on size limits.

Chairman Ewing asked for support for the motion. Motion approved unanimously.

Dr. Donnelly made a motion for Council to approve a Notice of Administrative Change (NAC) for the 2011 recreational summer flounder measures included in Option #2. Motion seconded by Mr. Johnson. Motion approved unanimously.

Mr. McCloy reminded the public that it generally takes three weeks for NAC to be approved by the Commissioner. He recommended to watch on the Division Website to see when the NAC has been officially approved to avoid being out of compliance with the regulation.

### **2011 Recreational Black Sea Bass**

Council resumed their discussion regarding 2011 recreational black sea bass season.

Dr. Donnelly, with Council action on summer flounder, made a motion to postpone the opening of the black sea bass recreational season until Saturday, June 4.

Dr. Bochenek asked the consequence of moving this date forward. Will fisherman get more fish later in the season.

Mr. McCloy commented that depending on what options on size and number are selected, more days could be added onto the October season.

Mr. Herb asked if this (June 4) can be changed or is the Council locked into it. Mr. Baum commented that there is a caveat that allows for more options as long as the methodology is the same.

Mr. Johnson asked about Option 3 and 4. Mr. Baum commented that September and October are more plentiful with fish than the summer months.

Ms. Puskus commented that this change of date would impact those that traditionally start their fishing season over Memorial weekend. She was not in favor of a later opening.

Dr. Bochenek questioned if this delay is worth the loss, when not all dates will be made up later. She requested to hear what the public has to say in regards to the postponement of the opening of this season.

### **Public Comment**

Mr. Bogen, commented without the ASMFC amendment, the open season would be July 1<sup>st</sup>. Spring and fall are the best times to fish for black sea bass. Summer months are less. If anything, possibly decrease the size limit.

Mr. Nowalsky, encouraged the Council not to take any action and to appeal the ASMFC addendum. He asserted the ASMFC public process was a sham and NJ got a raw deal.

Tom Sciliano said the fishing season is better during the spring not the summer.

Mr. Heard, preferred more days in spring and fall, not in the summer.

Mr. Haerttell suggested not to accept an option that was not originally an option for NJ, appeal the ASMFC action.

Mr. Sczleski was concerned that if you protest then, fisherman could lose the entire season. He suggested trying to work both sides. Find something that will work all the while protesting to the ASMFC.

Jeff Gutman, also agrees with Mr. Nowalsky. Spring and fall are prime time fishing.

Ms. Adly, speaking on behalf of children and elderly who fish, spring and fall are the best time to fish.

Mr. Rizzo asked if there is a formal appeal process. Mr. McCloy commented yes, and gave a brief overview of this time consuming process of how an appeal works. Mr. Herb agrees with Mr. Nowalsky. However when Council has made appeals in the past NJ has been found out of compliance and could have lost out on entire fishing seasons.

Mr. Nowalsky asserted filing an appeal is not a burden of the Division to do alone. Mr. McCloy indicated the Division has been through this process before and the burden is on the Division.

Mr. Rizzo asked if Council will support an appeal.

Mr. Muffley commented that the current target for New Jersey is at a 40% reduction. If an appeal is successful, then NJ would face a 38% reduction.

Mr. Nowalsky commented these percentages were pulled out of thin air, and does not believe that 38% would be what NJ faces if appeal is successful. The addendum originally proposed a 7% to 43% reduction.

Mr. McDermott cannot warrant an appeal given the Division's current limited financial and personnel resources.

Mr. Sciliano encouraged an appeal.

Chairman Ewing asked for a vote on changing the opening date of the recreational black sea bass season from May 22<sup>nd</sup> to June 4<sup>th</sup>. Motion carried 7 to 2.

Dr. Bochenek requested to see more information on the ASMFC appeal process at the next meeting.

Meeting adjourned.

Next Meeting is May 7, 2011 Galloway Township Library.

The Marine Fisheries Council will have a joint council meeting with the Fish and Game Council and the Non-Game Species Committee on Wednesday, July 20, 2011 at 10:00 am, at the Rutgers EcoComplex in Columbus.