

NEW JERSEY MARINE FISHERIES COUNCIL
Galloway Public Library
Galloway, New Jersey
September 3, 2015

Council Attendees:

Richard Herb (Acting Chairman)
Scott Bailey
Erling Berg
Eleanor Bochenek
Walter L. Johnson III
Sergio Radossi
Robert Rush
Joseph Zaborowski

Council Absentees:

Joseph Rizzo
Frances Puskas
James Alexis

Division of Fish and Wildlife Attendees:

David Chanda, Director of Fish and Wildlife
Brandon Muffley, Administrator, Marine Fisheries Administration (MFA)
Russ Allen, Bureau Chief, Bureau of Marine Fisheries (BMF)
Jeff Normant, Principal Biologist, Bureau of Shellfisheries (BSF)
Conservation Officer Chris Petruccelli, Bureau of Law Enforcement (BLE)
Tom Baum, Supervising Biologist, BMF
Jeff Brust, Research Scientist, MFA
Mike Celestino, Research Scientist, MFA

Mr. Muffley read the compliance with the Sunshine Law. Notice of the Marine Fisheries Council (Council) meeting was filed with the Secretary of State on August 14, 2015. Council meeting minutes for July 9, 2015 were approved. Mr. Herb began the meeting with the Pledge of Allegiance.

Audience Conduct

Mr. Herb reminded the audience to take conversations outside or wait until the end of the meeting and to turn off all cell phones. Individuals wishing to make a public comment will need to sign up.

Law Enforcement Report

CO Petruccelli presented the Council with an update of the Law Enforcement Report for June - August 2015, Handout #1.

- A CO issued an individual a summons for utilizing a miniature fyke net license without the correct miniature fyke net license and failing to mark the gear with identification numbers. The individual possessed a bait license, which allows him to harvest and sell minnows, but did not possess the correct license to the gear he was utilizing. The individual states the reason he had not purchased a miniature fyke net license was that the reporting requirement associated with that license was too much of a burden. CO Petricelli commented that there are many pending cases very similar to this in that individuals find it easier to purchase the \$12 bait license and not the \$100 miniature fyke that also requires them to report their harvest.
- On Sunday July 5, 2015, District 8 CO's conducted a land and water based operation targeting inspections of recreational fishermen returning from fishing trips for highly migratory species such as tuna, billfish, and sharks. Though all vessels inspected were in compliance with permitting requirements and size and bag limits, three vessels failed to report the bluefin tuna as required within 24 hours for recreational quota management purposes. The violations have been referred to National Marine Fisheries Service Office of Law Enforcement for processing.
- CO's have continued conducting investigations and inspections of commercial sea scallop vessels returning from trips in the newly opened "Mid-Atlantic Access Area", nicknamed "The Megatron". Since the price of sea scallops is still at an ex-vessel price average of \$11/pound, motivation is very high to exceed trip limits. CO's apprehended a Maine registered vessel limited to 600 pounds with a 144 pound overage of sea scallops. And a local vessel also limited to 600 pounds of sea scallops per trip with a 94 pound overage.
- On Friday June 3, 2015, Oceanic Marina in Rumson, two men charged with possession of 8 undersized fluke, several undersized blue crabs and interference.
- On July 9th, 2015, Island Beach State Park, three men were issued summonses for 23 tautog during closed season.
- From June 21 to August 20, 2015, District 7 CO's issued dozens of summonses for various shellfish violations, which included: failure to possess a valid NJ shellfish license, clamming at night, clamming on Sunday, and harvesting shellfish from the special restricted waters of Sandy Hook Bay, Manasquan River, and Shark River. Additional commercial shellfish violations include failure to possess marine sanitation device and unreadable signage with regards to the depurators harvesting in Monmouth County.
- From August 6th through August 8th, CO's assisted the Marine Mammal Stranding Center (MMSC) and the National Marine Fisheries Service with an adult bottlenose dolphin that made its way to the brackish waters of the South River in Middlesex County.
- CO's apprehended another commercial vessel limited to 600 pounds of sea scallops, with a 50 pound overage, hidden on board the vessel. The case has been turned over to the National Marine Fisheries Service Office of Law Enforcement.
- CO processed a commercial vessel and operator for the federal violations of failing to conduct a pre-landing notification and failing to complete the fishing vessel trip report after fishing in a sea scallop access area.

- Two cases of recreational anglers have been referred to National Marine Fisheries Service Office of Law Enforcement for landing highly migratory species (HMS) this season. First for hire charter vessel landed numerous HMS, including bluefin tuna, which are required to be reported, without a proper permit. The other vessel did not land any HMS, but was registered in the HMS billfish tournament.
- CO's apprehended an individual commercial crab pot fishing without a commercial license. The individual was charged with taking crabs for the purpose of sale without a commercial license, taking undersize blue claw crabs, taking other organisms besides crabs and conchs from commercial crab pots and other commercial crab pot gear violations.

Legislative/Regulatory Report

Mr. Muffley presented Council with the Legislative and Regulatory Report. Mr. Muffley presented council with a Multispecies Rule Proposal Summary (Handout #2):

- Multi-species regulatory changes at:
 - 7:25-14 – Crab and Lobster Management
 - 7:25-18.1 – Size, Season and Possession Limits
 - 7:25-18.5 – General Net Regulations
 - 7:25-18.12 – Commercial Fishing Seasons, Quotas and Trip Limits
- Nearly all of these provisions were vetted through the Council and Committee process
- Provisions developed in 2007 and 2008
- Published in July 20, 2015 NJ Register; Council provided proposal on July 21, 2015
- 60-day comment period
- Comment period closes September 18, 2015

Motion to approve the multispecies rule proposal as presented. Motion by Mr. Berg and seconded by Mr. Rush. Motion carries.

Public Comment

- Comments were made in regards to the gill net provisions and the decrease in number of gill nets allowed in the Atlantic Ocean from Sept 1 – Dec 15, yet population trends of striped bass appear to be growing. Mr. Muffley commented the reduced amount of nets was to minimize the bycatch of striped bass in the gill nets on a net 4" or greater.
- Comment was made that the fishing lifestyle is disappearing. Not all fisheries are being treated fairly for the purpose of conservation of our oceans. A recommendation of using a 3.5" gill net instead of 4". Mr. Muffley clarified that the proposal does not affect gill nets that are less than 4 inches stretched mesh , as provisions for smaller gill sized gill nets remain unchanged.
- Mr. Muffley cleared up a comment on the Vessel Trip Reports (VTR). VTR's are for commercial sector only and not the for-hire sector at this time.

- While some of the public felt that the striped bass population is increasing, others felt that the population is not and that weather also plays a part of the location on the bait fish to striped bass in an area. Comment was to be careful on how quotas are changed and set in regards to striped bass.

Atlantic States Marine Fisheries Commission (ASMFC) Report

Mr. Allen and Mr. Baum presented Council with ASMFC Management Board (Board) Summer Meeting Summary held in Alexandria, VA from August 4-6, 2015. (Handout #3):

Mr. Allen

Tautog

- The Board approved the Draft Public Information Document (PID) for public comment. A public meeting is set for September 22, 2015 in Toms River.
- Edward Yates was approved as New Jersey's representative on the ASMFC Advisory Panel.

American Eel

- The Board met to review Maine's proposed American eel life cycle survey. A recommendation was made that a working group of the Technical Committee (TC) assist Maine with addressing the TC's concerns. An updated life cycle survey design will be presented at November 2015 meeting.
- The Board recommended to the ISFMP Policy Board that the State of Delaware be found out of compliance for not fully and effectively implementing and enforcing Addendum III to the Fishery Management Plan for American Eel.

Atlantic Striped Bass

- The Board reviewed two reports from the TC: 1) the harvest reduction estimates for 2015 fishing season and 2) fleet-specific fishing mortality (F) reference points.
- The TC is tasked at making changes to the fleet-specific and coastwide F reference points using longer time series, as well as the 2015 stock assessment update and have it available for review in November 2015.

South Atlantic State/Federal Fisheries

- The Board reviewed a number of issues including extending provisions of Addendum I to the Omnibus Amendment to the Fishery Management Plan (FMP) for Spanish Mackerel, the 2015 traffic light analyses for Atlantic croaker and spot, the 2015 Atlantic croaker and spot benchmark stock assessment terms of reference, and FMP reviews for Atlantic croaker, red drum and black drum.

Atlantic Menhaden

- The Board met to review the development and timeline of Draft Amendment 3. The working groups will continue their work and update the Board at its November 2015 meeting.

Mr. Baum

Atlantic Herring

- The Board provided guidance to the Plan Development Team (PDT) for the development of Draft Amendment 3 to the Atlantic Herring FMP. The PDT will develop options for Draft Amendment 3 that focus on how to protect spawning fish within the specific spawning areas.

American Lobster

- The 2015 American Lobster Benchmark Stock Assessment and Peer Review Report indicates the American lobster resource presents a mixed picture of stock status, with record high stock abundance and recruitment in the Gulf of Maine (GOM) and Georges Bank (GBK), and record low abundance and recruitment in Southern New England (SNE). GOM and GBK stock is not overfished and not experiencing overfishing. GOM and GBK are now combined into one stock unit due to evidence of seasonal migratory patterns. Conversely, the SNE stock is severely depleted with poor prospects of recovery, necessitating protection.
- The Board met to approve the 2015 Benchmark Stock Assessment and Peer Review Report for management use, to take final action on the Jonah Crab Fishery Management Plan, and received an update on the Lobster Trap Transfer Database.

Mr. Nowalsky updated Council:

- Commented he heard that Delaware fisherman are already in compliance with the American Eel FMP, that the issue is held up within the legislature.
- The primary issue with the Tautog PID is the potential options for regional management of the species. The PID also discusses the illegal harvesting of tautog and what to do about it.

Mid-Atlantic Fishery Management Council (MAFMC)

Mr. Baum presented Council with MAFMC (Council) meeting summary, held in New York, August 10-13, 2015 (Handout #4):

- Mr. Baum announced that the ACSSP is looking for advisors to fill some seats on their committee. Dr. Bochenek is the only advisor from New Jersey. The main purpose of this committee is to rank proposals for funding. Contact Mr. Baum or Dr. Bochenek.
- The Council and Board met jointly regarding the bluefish, summer flounder, scup and black sea bass multi-year specifications for 2016-2018 fishing years.
- Bluefish acceptable biological catch (ABC) represents a 10 percent and 5 percent decrease in 2016 and 2017, respectively, when compared to the current 2015 ABC. Note that it has been 10 years since the last bluefish benchmark assessment was completed.
- Summer flounder recommended 2016 ABC is an approximate 29% decrease relative to the 2015 ABC. The 2016 recreational limit will be determined once 2015 harvest estimates are complete.
- Scup recommended commercial quota of 20.47 million pounds and a recreational harvest limit of 6.09 million pounds for the 2016 fishing year.

- Black sea bass approved ABC's of 5.50 million pounds for both 2016 and 2017. Setting the commercial quota to 2.24 million pounds and the recreational harvest limit to 2.33 million pounds for each year. These recommendations are unchanged relative to 2015 catch and landing limits.
- The Council and Commission received an update on the Comprehensive Summer Flounder Amendment and discussed the development of revised FMP goals and objectives as one component of the amendment.
- Mr. Nowalsky was sworn in as a Council member.
- Mr. Nowalsky thanked the staff for support and voting against further reductions to the summer flounder quota. He also indicated more discussion and investigation into capping the size limit, and changing the MAFMC management process/risk policy.

Marine Fisheries Bureau Report

Mr. Allen presented Council with a Marine Fisheries Bureau update.

- The Access Point Angler Intercept Survey (AP AIS) will be starting in 2016. Funding from NOAA through ASMFC will be used to hire one biologist, two technicians, and 13 part time hires.
- Currently, two projects are in development and being set up outside of the Bureau with Rutgers and Stockton, from funding from the Department to complete a fishery independent pot survey on NJ's Reef Network, and an estuarine inventory survey inshore.
- Striped Bass Bonus Program started September 1, 2015. So far, 12 Party Charter Boats signed up, 8,000 applicants and less than 1,000 new applicants. One 25" fish harvested thus far.

Shellfish Council Reports

- **Delaware Bay** – Mr. Bailey

Delaware Bay Direct Market Harvest

The Delaware Bay direct market harvest in Delaware Bay continues. Shell Rock was closed on August 13th as the quota was reached (29,192 bushels). Approximately 27,346 bushels of oysters have been harvested from the "High Mortality" beds and 9,138 have been harvested from the "Medium Mortality" beds so far. Harvesters, as of September 1, are no longer operating under the Vibrio Management plan, which restricted hours of harvest during the Vibrio season (June 1st to August 31st).

- **Atlantic Coast** – Mr. Johnson – no report

- **Bureau Report** – Mr. Normant

2015 Surf Clam Inventory

Bureau of Shellfisheries staff completed the annual federally funded surf clam inventory survey for 2015. The inventory covers NJ territorial waters from Cape May to Shark River. The data collected is used to monitor the health of the surf clam stocks in NJ waters and set the annual harvest quota for NJ surf clam license

holders. Since 1997 surf clam stocks have decreased significantly to an all-time low observed in 2014. It is speculated that the decline is due to environmental factors, such as a warm water intrusion over the mid-Atlantic Shelf. Harvest has been virtually non-existent for the past ten years. However, during this year's inventory (2015), small "seed" surf clams were documented at a number of stations in harvest zones located between Little Egg Harbor Inlet to Shark River Inlet. While the total estimated stock of surf clams did not increase much from the all-time low in 2014, the estimated number of individual surf clams increased almost four times the estimate in 2014. Mean lengths decreased from 135.5 mm (5.3") in 2014 to 96.1 mm (3.8") in 2015.

This information was presented to the NJ Surf Clam Advisory Committee on September 2nd. The Committee agreed to establish a very minimal harvest quota, in which it is anticipated that there will be no harvest of the quota during the season and to ensure the continuation of their stake in the fishery in anticipation that the stocks may re-establish in the future. Members of the Atlantic Coast Shellfish Council were contacted and agreed with the Committee decision.

Committee Reports

- **Executive Committee** – Mr. Herb

The Marine Fisheries Council's (Council) Executive Committee met on Thursday, August 31, 2015 to review and approve Advisory Committee applications for the various Council Committees.

The Advisory Committee applications are part of the Council's administrative guidelines that were approved in July 2014 and are reviewed on an as necessary basis as the Committees meet or applications are submitted. This review consisted of applications for 17 Committees. Some of these Committees have already been established with the new application process while others are still in progress.

The applications were reviewed to determine that all groups and fisheries were evenly represented. Also, the Committee checked to make sure applicants and committee makeup were consistent with the administrative guidelines such as: no applicant was involved in more than seven Committees and an applicant was not representing more than one club/organization. Any outliers were noted and remedied.

The Committee reviewed the applications and approved them, to be moved to the full Council, with suggested revisions, at their September 3, 2015 meeting. Therefore, the approved advisor committee recommendations as determined by the Executive Committee are considered a motion, with a second.

- Mr. Rush commented that he has a concern with applicants involved in more than seven committees, the number seven being too high. Mr. Herb

commented that at some point the Council's administrative guidelines can be revisited to change this number if Council agrees.

- **Move to accept Executive Committee report as written.** Motion carries.
- **Blue Crab and Conch Committee-** Dr. Bochenek
The Marine Fisheries Council Blue Crab & Conch Committee met at the Nacote Creek Law Enforcement Office to discuss various issues and topics that have come up over time dealing with crab dredging and conch harvesting. In attendance were Council Committee members, commercial industry advisors and Marine Fisheries and Law Enforcement staff.

After a short review of the history of NJ blue crab landings from crab dredge gear, Council Committee members and advisors discussed possible modifications to the crab dredge seasons for both the Delaware Bay and the Atlantic coastal regions. Possible ramifications from such changes on harvest and potential for gear conflicts were explored. Changes to dredge size, weight and tooth bar requirements for the Atlantic coastal region were included in the discussion.

Significant discussion then took place regarding NJ's conch harvest and fishery after a brief overview on reported conch landings from commercial blue crab harvest reports. Topics included possible comprehensive reporting requirements (conch landings of fishermen without blue crab licenses are generally unreported), minimum size requirements, gear limits and tending requirements.

Council Committee members and advisors agreed that further exploration and investigation on the topics discussed were needed along with more representation and input from commercial conch fishermen working the back bays and sounds. A future meeting of the Blue Crab & Conch Committee will be held to further these discussions.

Regulatory Actions

Mr. Baum presented Council with Handout #7 (Notice of Administrative Change) which modifies mandatory V-notching of American Lobster and Modification of American Lobster Season for Lobster Management Area (LMA) 5. The changes will implement mandatory v-notching of all egg-bearing females and a closed season from February 1 – March 31 in LMA 5.

- **Move to approve the NOAC to change the lobster regulations as discussed.** Motion by Mr. Johnson seconded by Mr. Berg. Motion carries.
- **Public Comment** - None

Old Business

Mr. Muffley presented Council with Handouts #8.

- Letter Council sent to Assemblyman Andrzejczak in regards to the summer flounder management in Delaware Bay, A4340.

- Council received a summary of the July 23, 2015 meeting between the States of New Jersey and Delaware including fisheries staff and ASMFC Commissioners for their review. The summary lists four options to address the regulatory differences in DE Bay, specifically the 2 inch size difference, that were developed at this meeting.

New Business

Mr. Muffley presented Handout #9 to Council.

- Notice of application by Great Lakes Dredge and Dock Company, LLC for Renewal of NJ DEP Waterfront Development Permit for Sand Mining in Ambrose Channel.
- Committee Meeting Update: Eel (September 15), Commercial fluke and sea bass, menhaden, recreational fluke and reef committee.

Public Comment

Mr. Bill Shillingford - At a meeting ASMFC said they are waiting for feedback from NJ in regards to splitting the state for summer flounder.

Mr. Peter Himchak – asked how far along in development is the reef site in DE Bay and will the blue crab and conch committee be included in any discussions on its location. Mr. Muffley commented it is still in the public comment process, Mr. Carberry has given an overview on the two sites to this Council, the Shellfish Council's and various clubs and organizations and there have been discussions to hold a Reef Committee meeting soon to address these issues in regards to the reef program.

Mr. Fred Akers – discussed the Division's Wildlife Action Plan, Stockton's debris removal project in the Great Egg Harbor watershed, his work with the MAFMC and Essential Fish Habitat issues.

Mr. Blaine – agrees with Mr. Rush that changes must be made and there is a need to push back so no more changes are made on our declining quota fisheries. Sewer pipes along our beaches are the major problem and we need to make a change.

Meeting adjourned. Next Meeting November 12, 2015, Stafford Municipal Building.