

NEW JERSEY MARINE FISHERIES COUNCIL
Galloway Township Library
Galloway, New Jersey
September 4, 2014

Council Attendees: Acting Chairman Richard Herb
Erling Berg
Eleanor Bochenek
Barney Hollinger
Walter L. Johnson III
Frances Puskas
Sergio Radossi
Joseph Rizzo
Robert Rush
Joseph Zaborowski
James Alexis

Council Absentees:

Division of Fish and Wildlife Attendees:

Brandon Muffley, Administrator, Marine Fisheries Administration (MFA)
Russ Allen, Supervising Biologist, Bureau of Marine Fisheries (BMF)
Russ Babb, Acting Chief, Bureau of Shellfisheries (BSF)
Tom Baum, Supervising Biologist, BMF
Captain Dominick Fresco, Bureau of Law Enforcement (BLE)
Sherry Bennett, Council Secretary, MFA
Jeff Brust, Research Scientist, MFA
Mike Celestino, Research Scientist, MFA
Heather Corbett, Principal Biologist, BMF
Brian Neilan, Assistant Biologist, BMF
Brendan Harrison, Technician II, BMF

Ms. Bennett read the compliance with the Sunshine Law. Notice of the Marine Fisheries Council (Council) meeting was filed with the Secretary of State on August 4, 2014. May 1st and July 10th meeting minutes were approved. Acting Chairman Herb began the meeting with the Pledge of Allegiance.

Audience Conduct

- Acting Chairman 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.
- Acting Chairman Herb also noted that the Council meeting needs to end by 6:30 pm for an ASMFC Public Hearing on striped bass at 7:00 pm.

Law Enforcement Report

Captain Fresco presented the Council with the Law Enforcement Report for June-August (detailed report provided in Handout #1).

June

- On June 20th, COs conducted a night time shellfish patrol of the Manasquan and Shark Rivers in Monmouth County. In total the COs located 44 summer flounder of which 42 were undersized. The vessel also contained an undersized striped bass. Each of the three individuals were issued summonses for possession of 29 over limit summer flounder, possession of 42 undersized summer flounder, possession of one undersized striped bass, and for spearfishing while not being completely submerged in the marine waters of the state. The individual that threw the bag of fish was issued additional summonses for interference with the duties of a Conservation Officer, littering while fishing, and for wanton waste of 30 marine fish. All fish were donated to a local food bank. On 7/10/14 this case was successfully prosecuted with two of the individuals paying penalties of \$1,000 each. The third individual who faced additional charges for interference, littering, and wanton waste paid a penalty of \$1,500.
- On June 21st, while COs were participated in the Barnegat Bay Sweep, one CO helped a capsized kayaker back to shore.
- On June 11th, a CO assisted a Belmar Police Officer by helping to extinguish a fire that completely and unfortunately damaged the car beyond repair.
- On June 29, CO was patrolling the Manasquan Inlet area from the Manasquan Boro side. When CO's arrived at the location, three men were issued summonses for possession of undersized summer flounder. Also on the same day, the CO's were patrolling the Manasquan River between Ocean and Monmouth Counties. Four individuals were apprehended. The three juveniles were warned of the health risks of eating the shellfish and advised not to clam in the area again. The fourth man was issued written warnings for failure to obtain a shellfish license and clamming in the special restricted waters of the Manasquan River.

July

- On July 6th, COs were on boat patrol in the Navesink River in Monmouth County, when they received an illegal clamming violation complaint from the Little Silver Police Department via Trenton Dispatch. Six males were illegally harvesting shellfish underneath the Little Silver side of the Gooseneck Bridge. The individuals were apprehended and collectively the group had harvested over 900 ribbed mussels and a small amount of hard and soft clams. Six summonses and six written warnings were issued to the group for harvesting shellfish without a license and for harvesting shellfish from the special restricted waters of the Shrewsbury River.
- On July 30th, COs responded to an on-going complaint off the Shrewsbury Rocks, located approximately two-miles off of Sea Bright in the Atlantic Ocean. The COs found the five individuals on board to be in possession of 78 black sea bass over limit, of which 68 were undersized, and 10 undersized summer flounder. The men were issued 15 summonses in total for the undersized and over limit fish.

- District 8 Conservation Officers continue to apprehend wily fishermen targeting tautog during the closed season.
- In North Wildwood, a CO apprehended a family, with 13 undersize tautog, that were secreted in various locations in the seawall.
- In Atlantic City, CO apprehended a group of three with 24 undersize tautog that were about to be picked up by a fourth individual in a separate vehicle.
- A fourth time offender called the Marine Region Office to inform officers that tautog were being targeted by fishermen in the late afternoon in the Absecon Inlet of Atlantic City. A few days later CO's apprehended the complainant early in the morning possessing seven, undersize tautog.
- A CO investigated reports of large amounts of dead Atlantic menhaden in the Delaware Bay and in the Atlantic Ocean south of the Cape May Inlet. It was determined that the Atlantic menhaden were released by the purse seine catch vessel Charisma on two separate occasions. Summonses were issued to the operator and the Atlantic menhaden permit holder for failure to report a release of Atlantic menhaden and failure to notify the department before commencing Atlantic menhaden purse seine operations.
- On the Monday after the July 4th weekend CO inspected the seafood counters at multiple Acme Supermarkets in Atlantic County, after receiving information they were selling hard clams that measured less than 1.5 inches. The CO determined that roughly 30% of the clams in each bag of 50 were less than the minimum size of 1.5 inches. CO Nicklow contacted both Samuel and Son's (in PA) and Cherry Stone (in VA) to explain NJ's shellfish regulations and was assured that it would not happen again. Warnings were issued to the Acmes and Samuel and Son's Seafood.
- At a residence on the back bay of Atlantic City, CO's apprehended an unlicensed individual utilizing 18 commercial crab pots to catch well over a bushel of blue claw crabs. Summonses to be issued included: Possess more than a bushel of crabs without a commercial license, Possess 176 undersize crabs, Tend /Tamper with legal set fishing gear, Set pots in manmade lagoon, Set commercial crab pot with no gear identification, possess one blue claw crab with eggs, possess one undersize tautog.
- After conducting some long range surveillance on the Maurice River, CO observed 3 fishermen placing undersize striped bass in a white bag. All three fishermen were issued summonses for undersize striped bass, over the limit striped bass, and interference with the duties of a conservation officer.
- CO's inspected a vessel they observed enter Absecon Inlet with green-stick gear which is utilized to catch Atlantic Highly Migratory Species. The inspection of the vessel revealed three federal violations: two undersize yellowfin tuna; two mahi mahi without possessing a dolphin-wahoo permit; and failure to complete a fishing vessel trip report. The violations were turned over to the National Marine Fisheries Service, Office of Law Enforcement for prosecution.

August

- On August 1, 2014 Conservation Officers investigated a whale harassment complaint reported by employees of a whale watching vessel in Cape May. The suspect has been identified and officers are currently investigating.
- On August 5th, CO was patrolling Highlands in Monmouth County, when he noticed a rental boat with three individuals coming back to Schupp's Landing. Summonses were issued for possession of 14 undersized summer flounder.
- On August 5th, CO received a complaint of fishermen taking short crabs in Normandy Beach, Ocean County. Aside from the 145 short crabs contained in the buckets, they also possessed 4 sub legal summer flounder less than 18 inches. Summonses were issued for under sized summer flounder and for undersized blue claw crabs.
- On August 6th, CO's conducted an overnight surveillance on two unmarked and unattended gill nets set in the Atlantic Ocean. The gear was set in state waters approximately 2.5 miles off of Sandy Hook National Park, Monmouth County. Summonses were issued for leaving anchored gill nets unattended overnight and for utilizing anchored gill nets with no required identifiable markings. The two gillnets in violation were seized as evidence for forfeiture proceedings. The nets set in this manner were also in violation of the national Marine Mammal Protection Act, Bottlenose Dolphin Take Reduction Plan.
- On August 9th, a CO went out on foot patrol on the Old Bridge side of Morgan Inlet in Middlesex County. One individual was given a summons for possession of one undersized striped bass and a written warning for catching striped bass by means of cast net. The other individual was issued a summons for harvesting shellfish without a shellfish license and a written warning for harvesting shellfish in the special restricted waters of Raritan Bay.
- On August 10th, COs conducted a boat patrol in Sandy Hook Bay and the Atlantic Ocean. Inspections of eight vessels and 23 fishermen resulted in 18 summonses and one written warning being issued for a variety of violations including undersized summer flounder and parts of mutilated summer flounder, no shellfish license, and harvesting shellfish from the special restricted waters of Sandy Hook Bay. Additionally, one subject came back with four active warrants from police departments in northern NJ. The COs escorted the subject back to the dock where they were met by from Highlands PD patrolman. The CO and the Highlands Officer transported the subject to Highlands PD where he was then released on his own recognizance by all four jurisdictions.
- On August 11th, CO was patrolling Highlands in Monmouth County. The CO secured the four individuals gear and catch and had them wait back at their vehicle, while the CO inspected their catch and found five undersized summer flounder. The CO found another group of three fishermen with a large black trash bag. Upon inspection the CO found 26 undersized summer flounder in the black trash bag. When another CO arrived to assist, both CO finished the inspection of the first groups catch and counted 693 clams harvested by the four individuals and 11 undersized clams. The CO issued three summonses to the three individuals for harvesting shellfish without a shellfish license and one summons to the individual for possession five undersized summer flounder. In addition, four summonses

were issued to the individuals for 11 undersized hard clams. After confirming with the individuals the location of harvest of the hard clams a Ranger of Sandy Hook National Park Service issued four summonses for unlawfully taking hard clams from Sandy Hook National Park to the group. The CO also issued summonses to the three fishermen with the 26 undersized fluke. Two individuals were issued summonses for nine undersized summer flounder and four over the recreational limit. One individual was issued for eight undersized summer flounder and three over the recreational limit.

- On August 13, 2014 during a Delaware Bay Vp patrol, CO's apprehended an oyster dredge vessel harvesting oysters from the State Shell Rock seed bed which was closed on July 4th as part of the area management scenario enacted for the 2014 oyster season. A total of 60 bushels of oysters with a value of \$3,000.00 were seized and returned to the Shell Rock seed bed. Additionally the captain of the vessel was issued a summons for harvesting oysters from a closed bed.
- On August 13th, CO inspected two fishermen as they returned to their vehicle at Barnegat Light State Park, Ocean County. The CO held back to observe more. All together four individuals had 21 fish of which 17 were undersized. Summonses were issued for undersized and over the limit blackfish.
- On August 16th, CO conducted surveillance on three fishermen off of Commerce St. in Perth Amboy. The group was catching snapper bluefish and putting them in a bucket. Upon inspection the fishermen were found to be over the recreational limit of bluefish by 66 fish. Two summonses were issued for over the limit bluefish. Later that day in Perth Amboy, the CO noticed a group of crabbers out in the Arthur Kill harvesting blue claw crabs, near the Harbortown Fishing Pier. The CO issued three summonses to the group for possession of 29 undersized crabs and six written warnings for harvesting crabs from the Newark Bay Complex. Crabbing is prohibited in this location because crabs are known to be contaminated with harmful levels of dioxin and polychlorinated biphenyls (PCBs).
- On August 16th, CO responded to an Operation Game Thief complaint on a jetty in Deal, Monmouth County. After dealing with a medical emergency on scene, the CO issued a summons to the remaining man from the party for possession of undersized summer flounder.
- On August 16th, District 7 conducted a summer flounder pulse operation from Manasquan Inlet north to Sandy Hook National Park, and into Sandy Hook Bay. Approximately 40 vessels and 75 fishermen were inspected. The COs issued 21 summonses for a variety of violations including undersized summer flounder, mutilated summer flounder, interference, and no dive flag. On August 17th, COs conducted a follow-up boat patrol covering the same areas as the previous day. The COs inspected 15 vessels with 44 fishermen and issued five summonses for undersized summer flounder.
- On two consecutive weekends, a CO conducted foot patrols at Natco Lake in Union Beach, Monmouth County, to inspect individuals crabbing. During the inspections, CO apprehended four individuals in possession of 196 blue crabs out of which 142 measured less than 4.5 inches. On the second weekend CO recognized some of the crabbers as the same individuals who were apprehended

the prior weekend. Summonses were issued to all individuals for undersized blue claw crabs.

- Over a two day period, CO apprehended nine individuals illegally clamming in Sandy Hook National Park during low tide. All were issued summonses for failing to possess a shellfish license and warnings for harvesting shellfish from the special restricted waters of Sandy Hook Bay.
- During a vessel patrol CO discovered three commercial crabbers had set crab pots in Dividing Creek which was designated by the Division after consultation with the Shellfisheries Council and the Marine Fisheries Council, as off limits for the catching of crabs by means of pots. The penalty for setting pots in a creek designated as off limits is \$30.00 per pot. Utilizing the crabber's commercial gear identification number CO conducted interviews and issued each commercial crabber a summons for setting pots in a restricted creek.
- Based on information of two individuals wearing wets suits in an unmarked vessel tending crab pot gear in Tuckerton Bay, CO managed to locate a vessel from Great Bay Blvd. and observed two clambers tend 20 commercial crab pots. One of the clambers did possess a valid commercial crab pot license. An inspection of a bushel basket of crabs revealed 16 undersize crabs and 3 undersize conchs. Additionally a live horseshoe crab was found on board the vessel which was going to be cut up for conch pot bait. Summonses were issued for the undersize crabs and conchs and warnings were issued for failure to display commercial gear identification numbers on the side of the vessel and for taking and possessing a horseshoe crab during the moratorium.
- As a CO pulled up in his patrol vehicle to inspect a cast netter off Route 30 in Absecon, occupants of a nearby vehicle began to repeatedly honk their car's horn to alert the cast netter. A cooler in the car contained 15 undersize black drum and 3 undersize blue claw crabs. The CO issued the cast netter a summons for five undersize black drum.

Legislative Report

Mr. Muffley presented Council with the legislative report including adoptions in the New Jersey Register of changes to regulations approved at previous Council meetings (Handouts #2a – b):

- New Jersey Register, July 7, 2014, Notice of Administrative Change (NOAC) – Summer Flounder Recreational Size Limit and Possession Limits at Island Beach State Park shore-based program
- SR#86 – (Sponsored by Senator Connors), Urges President, Rutgers University, National Science Foundation and NOAA to cancel seismic testing off NJ coast.

Mr. Berg and Ms. Puskus questioned if SR#86 refers to the seismic testing currently being held out in deeper water and expressed concern in regards to impacts this will have on the fishery. Mr. Muffley responded that United States Geological Service (USGS) is believed to be conducting a survey further out to sea for scientific research proposes of the ocean bed and not for gasoline companies. He concluded that there is always a risk of some type of impact, how much is unknown considering seismic testing has not been

studied on the east coast. The MFA will continue to develop and submit comments, when appropriate, regarding these impacts on New Jersey's resources.

Atlantic States Marine Fisheries Commission (ASMFC) Report

Mr. Allen and Mr. Baum presented Council with a summary of the ASMFC Management Board (Board) meetings, held in August 2014 (Handout #3):

Mr. Allen

South Atlantic State/Federal Fisheries Management Board

- The Board approved the Traffic Light Approach to assess stock trends and initiate potential management responses for Spot and Atlantic croaker.

Atlantic Striped Bass Management Board

- The Board approved Atlantic Striped Bass Draft Addendum IV for public comment. A public hearing will be held following the Council's meeting, September 4, 2014. The Draft Addendum proposes new fishing mortality reference points, as recommended by the 2013 benchmark stock assessment, and associated management measures to reduce fishing mortality to a level at or below the proposed target within one or three years.

American Eel Management Board

- ASMFC American Eel Board reviewed public comment from state public hearings conducted along the coast and written comment submitted to the Board. The Board decided to delay action on Draft Addendum IV. In the interim, a subcommittee will convene to identify preferred management measures to be considered for final action at the October meeting.
- A seasonal closure and license cap for the silver eel fishery in the Delaware River in New York was approved.

Mr. Baum

Atlantic Herring Section

- The Section met to review comments on the Public Information Document (PID) and tasked the Plan Development Team (PDT) to develop Draft Amendment 3. The Draft Amendment will propose management options to increase spawning area protection, remove the fixed gear set-aside rollover provision, and empty fish holds prior to fishing trips.

American Lobster Management Board

- The Board approved Addendum XXIII to Amendment 3 to the Interstate Fishery Management Plan (FMP) for American Lobster. The Addendum updates Amendment 3's habitat section to include information on the habitat requirements and tolerances of American lobster by life stage.
- The Board also approved the PID for Cancer Crabs for public comment. The PID was initiated in response to concern about increasing targeted fishing pressure for Jonah crab and rock crab (collectively referred to as cancer crabs). Public comment will be accepted until October 3, 2014 to ASMFC.

Spiny Dogfish Management Board

- The Board approved Draft Addendum V to the Spiny Dogfish Interstate FMP for Spiny Dogfish for public comment. The Draft addendum proposes requiring fins

remain naturally attached to spiny dogfish through landing in order to ensure consistency with the Shark Conservation Act of 2010. New Jersey already requires fins to remain naturally attached to the fish through landing. The Board will review and consider final approval at the October meeting.

- The Board also approved increasing the commercial possession limit from 4,000 to 5,000 pounds for the northern region (Maine to Connecticut) for the 2014/2015 spiny dogfish season. This action will be effective beginning September 8, 2014 and is consistent with recently adopted measures for federal waters.

Summer Flounder, Scup and Black Sea Bass Management Board

- The Board reviewed the PID and will consider approval for public comment at its joint meeting with MAFMC later in September.
- The Board also reviewed and considered changes to be made to the Advisory Panels (APs).
- The Board extended the black sea bass recreational season by three days in September for Delaware through North Carolina as the federal regulations were extended due to updated 2013 harvest estimates.
- The Board also tasked the Technical Committee with developing management options for Massachusetts through New Jersey that would achieve a 5% reduction, instead of a 7% reduction, in harvest relative to the 2013 coastwide harvest for the remainder of the 2014 black sea bass recreational fishery season.

Mid-Atlantic Fishery Management Council (MAFMC)

Mr. Baum presented Council with an update on MAFMC (Handout #4):

Summer Flounder Amendment

- The MAFMC met jointly with the ASMFC Summer Flounder, Scup and Black Sea Bass Board to review previously established 2015 harvest levels and associated management measures for summer flounder, scup and black sea bass. Based on the recommendations of the SSC, Monitoring Committee, and Advisory Panel, the Council recommended no changes to the previously implemented specifications.

Comprehensive Summer Flounder Amendment

- The MAFMC and ASMFC moved forward with the development of a Scoping Document for the Comprehensive Summer Flounder Amendment. The amendment will involve a review and update of the FMP's goals and objectives. Public hearings will be held at the end of September in Somers Point and Belmar.
- Mr. Nowalsky asked for a summer flounder and black sea bass update in Wave 3 (May-June) of the recreational fishery.

Summer Flounder

- NJ harvested 38% of its 2014 target, this is slightly lower than 2013.
- The Mid-Atlantic Region (NJ, CT, NY) harvested 24% of 2014 target. Fishery will close on September 27, 2014.
- The entire Coast harvested 27% of 2014 target.

Black Sea Bass

- NJ harvested 58% of 2014 target.
- The Northern Region (MA-NJ) harvested 40% of 2014 target.
- The entire Coast harvested 51% of 2014 target.

Black Sea Bass Wave 1 Framework

- The MAFMC voted to open the recreational black sea bass fishery on May 15, 2015. The framework was initiated at the December 2013 meeting to consider several issues related to the timing of black sea bass seasons. The MAFMC chose not to open Wave 1 fishery or open earlier in May primarily due to potential impacts later in the season and concerns about data collection.

Research Set-Aside Program Review

- The MAFMC voted to suspend the Research Set-Aside (RSA) program in 2015 to allow for a thorough review. The MAFMC decision followed an extensive discussion of the program's costs and benefits as well as consideration of public comments.

Special Management Zones

- The MAFMC reviewed proposed regulations for special management zones (SMZ's) around five artificial reefs in Delaware. MAFMC voted to eliminate the proposed 500 yard buffers, and removal of an SMZ at reef site 14 to avoid adverse impacts on commercial scallop fishery.

Deep Sea Coral Amendment

- The MAFMC approved the public hearing document for Deep Sea Coral Amendment.

Shellfish Council Reports

Delaware Bay – Mr. Hollinger gave a report on the Delaware Bay Direct Market Oyster Fishery:

Delaware Bay Oyster Direct Market Fishery Report

- This year the Council recommended that the Department set a base harvest allocation that is approximately 57,000 bushels. This base allocation was increased significantly following a large scale intermediate transplant, which moved smaller oysters from upper bay beds to the primary direct market beds in the middle bay region. The final available quota was set at 77,671 bushels.
- Currently, we have an anticipated total allocation of 925 bushels per the 84 vessels in the fishery for a total of 77,700 bushels. A total of approximately 64,287 bushels have been harvested to date. Approximately 50% of the total harvest has come from the Shellrock and Ship John seed beds. Shellrock was closed to harvest on July 4th and the high mortality bed region in the lower bay closed on August 6th. The only remaining open region is the Medium Mortality Beds (Ship John and Cohansey) area with approximately 13,000 bushels remaining. Boats are catching an average of 75 bushels per vessel per day.

Atlantic Coast – No report

Council/Bureau Activities- Mr. Babb

Shellfish Aquaculture Working Group

- In an effort to further develop shellfish aquaculture in New Jersey, the Division formed an interagency group called the Shellfish Aquaculture Regulatory Workgroup and has been meeting regularly since March. The group is working to address industry issues and concerns and to provide for better communication with our constituents. An informational workshop was held in June to solicit industry input – essentially held a listening session so that all members could hear what the primary impediments were to growing this industry – from the industry’s perspective. This meeting is serving as a precursor to a larger public workshop that will be held in October. This full public workshop was just recently scheduled for October 8th at the Rutgers University building on the campus of the Atlantic Cape Community College in Mays Landing. Meeting information will be distributed beginning next week through posting on our website, announcements at the shellfish council meetings and various email list serves. Once the workshop is completed, a list of short and long term issues that need addressing will be developed. Overall this has been a positive first few steps in the process.

Estuarine Inventory – Raritan and Sandy Hook bays

- Today was the first day of field sampling for the Raritan and Sandy Hook bays shellfish assessment survey. This sampling will continue through mid-October and this will be the first full survey since 2000. The Bureau’s new estuarine inventory workplan calls for each coastal bay to be surveyed every 5-6 years on a rotation (provided funding is available). The Bureau continues working on the inventory report for hard clam and SAV data collected in Barnegat Bay before and after the hurricane. The first maps required for the stock estimate is being finalized.
- Bureau staff also recently completed its final retrofit of the RV Zephyrus. This vessel will be used for all of our estuarine inventory work on the Coast.

Mr. Zaborowski asked how shellfishery conducts their surveys and other aquaculture in NJ. Mr. Babb commented that the surf clam surveys are random-stratified, while the hard clam stations are stationary and repeated. He added that the survey also generally collects data on bottom changes as well.

Mr. Berg asked when the last time a bay scallop survey was conducted. Mr. Babb commented the last time a bay scallop survey was conducted was in 2005-2006 time frame.

Mr. Zaborowski asked if there was any other aquaculture in NJ other than shellfish. Mr. Babb said there were other forms, some land based and some in the northern part of the state.

Committee Reports

Recreational Summer Flounder

Acting Chairman Herb presented Council with Recreational Summer Flounder Committee Meeting report (Handout #5a).

- A meeting of the NJ Marine Fisheries Council's Recreational Summer Flounder Committee was held at Nacote Creek on July 23, 2014. In attendance were Division Staff, representing recreational fishing organizations. The purpose of the meeting was to discuss options for NJ's 2015 recreational summer flounder fishery.

At the ASMFC Summer Flounder Management Board (Board) in March 2014, the Board approved Addendum XXV which implemented adaptive regional management measures for the 2014 recreational summer flounder fishery which placed NJ in a Mid-Atlantic region with CT and NY. The regional measures required all states within a region to have the same size, possession limit and days in a season. While this approach helped address perceived issues between the shared waters of NY and NJ, it created a significant disparity in measures for the shared waters of NJ and DE.

The Committee and advisors discussed a number of different management strategies for the 2015 season and beyond. For example, state-by-state conservation equivalency, variations to regional management, involvement of state and federal legislators and changes to the summer flounder management plan. The group also discussed potential scenarios to evaluate the State on different geographic scales due to the variation in available summer flounder resource throughout NJ, specifically the size differences and seasonality between the northern and southern region of NJ.

The Committee tasked staff to evaluate the summer flounder fishery throughout the state so more informed ideas and decisions could be made. The Committee will meet again in late September to review the staff analysis and determine next steps.

Atlantic Menhaden

Mr. Berg presented Council with Atlantic Menhaden Committee Meeting report (Handout #5b).

- The NJ Marine Fisheries Council Atlantic Menhaden Committee met on Monday, July 28 to discuss updates on legislative and regulatory actions, discuss the 2014 fishery, and identify issues to address to improve the fishery for the 2015 season and beyond. In attendance were committee members, industry advisors, and Division staff.

As of the Committee meeting, legislation to implement the personal use/limited sale license has passed both legislative houses and has been forwarded to the Governor's office for his signature. In addition to the new license category, this bill also addresses some other minor issues, such as new gear types and vessel qualifications.

Administration staff is currently in the process of writing regulations to replace the legislation. A regulatory launch meeting was held in late June, but staff is

waiting for finalization on the recent legislation before continuing development of regulations.

The 2014 Atlantic menhaden fishery experienced significant landings early in the season, resulting in the tentative closing of the 5% gear category by February 12. This sector was reopened on April 24 to harvest remaining quota and was closed for the season on June 14. The purse seine fishery began harvesting on April 22 with weekly landings increasing as the season progressed. A tentative closure of the purse seine fishery was implemented on July 3, but re-opened from July 28 through August 1 to allow the harvest of the unused quota. All gear types were closed as of August 1, 2014 which leaves only the incidental harvest limit of 6,000 pounds per trip for all gear types through the end of the year.

The Committee and advisors discussed some of their concerns with the current legislation and the events of the 2014 fishery and proposed some changes to be included in the regulatory package. Issues that received consensus from the group included:

- Prohibit fishing in the purse seine fleet during weekends in an effort to extend the open season. Vessels could offload on weekend, but would need to be a port by 11:59 Pm Friday night and remain in port until 12:01 AM Monday morning.
- Implement a trip limit in the non-purse seine gear sector to stretch the season and prevent a small number of harvesters from monopolizing the quota. A trip limit of 20,000 pounds was proposed.
- Require weekly reporting for all harvesters and dealers to provide more timely information to minimize the chance of overharvesting the quota.
- Require official weights of harvest, rather than estimates based on volume.

Some issues that were discussed but need additional consideration include:

- A designated quota for the fall gill net fishery to ensure this traditional fishery will continue. In 2014, this fishery will be limited to the 6,000 pound trip limit, but there is concern the incidental harvest provision may change in the future.
- Implement harvest restrictions in the purse seine fishery, either through a trip limit or restriction on vessel hold capacity.

The Committee will meet again in the fall to revisit the outstanding issues and the draft regulatory package that is under development.

Mr. Muffley presented Council with an update on the menhaden legislation since this Committee meeting took place. The Governor has not signed the current legislation; however, if the legislation is not signed by a specific timeframe the legislation automatically becomes law. Staff are beginning to prepare to implement the new provisions of the legislation, including the application period for the personal use/limited sale license.

Striped Bass Committee Meeting

Mr. Radossi presented Council with Striped Bass Committee Meeting report (Handouts #5c – 5.c.I).

- The purpose of the meeting was to discuss and develop a position on ASMFC's Draft Addendum IV to the Striped Bass Fishery Management Plan. Staff presented an overview of the Draft Addendum, including options to reduce fishing mortality over the next one to three years for both the recreational and commercial fisheries coastwide.

The Committee came to a consensus that ASMFC needs to do something about reducing fishing mortality at this time but could not formulate a consensus on a particular option since advisors had not met with their individual organizations to develop a position. However, the Committee preferred the conceptual structure of Options B (reduce fishing mortality by 25% in one year) and C (reduce fishing mortality by 17% in year and regulations remain in place for three years). The main issue was a split among advisors as to a one fish or two fish bag limit. There were also some suggestions on how to best utilize the Bonus Program but again no consensus was reached.

Additionally, Committee members expressed concerns about not having enough time for another meeting to reach consensus. The tight timeframe would not allow the Council to provide public comment since there would not be an opportunity to hold an additional meeting before the September 30th comment period closing date.

The Committee also supports modifying legislation to allow for changes to the sizes, seasons, bag limits to be modified by the Commissioner, with the approval of the Council, through the NOAC process rather than by legislation. There were also concerns about the ability to explain Addendum options to legislators in a manner they will comprehend and attempting to have new regulations adopted in time to avoid being found out of compliance as in the past.

There was much discussion by Council on how to move forward in regards to the timeframe associated with the public comment period. The discussion centered around the ability for Council to hold a meeting prior to the September 30th deadline for comments.

Motion that the Council hold, after the last public hearing on Sept 15th and prior to September 30th, another Striped Bass Committee meeting to develop comment on Addendum IV. The Committee's recommendation will be voted on by Council via phone or email, if legal, and if not legal, then the Committee's recommendation will be forwarded to ASMFC. Motion by Mr. Radossi and seconded by Mr. Zaborowski. Motion carries 8-2-1.

Public comment was made specifically to the motion with an overall consensus for the Striped Bass Committee to meet and develop comments for the full Council and forward to ASMFC. There was a debate regarding whether the full Council needed to vote on the recommendations if there was no opportunity to meet. Mr. Muffley indicated he would look into various options to hold a council meeting while meeting the requirements for public notification and input.

Advisors Applications

Mr. Muffley introduced applications for American Eel Advisors that were discussed at the July Council meeting. The following two motions were made by Council to address Committee Advisors Applications:

Motion to approve the Eel Committee Advisors. Motion by Mr. Rizzo and seconded by Ms. Bochenek. Motion passes 10-0-1.

Motion that approval of any new Committee Advisory applications be limited to legally domiciled residents of New Jersey only at the time of applying and time of service. Motion by Mr. Rush, second by Mr. Zaborowski. Motion fails 3-7-1.

The motion came about because some Council members expressed concerns regarding out of state applicants being allowed on an Advisory Panel. Public comment for the most part supported out of state applicants. Some applicants may not live in the state of NJ but are employed by NJ companies and their experience is valuable to the committee they serve on as well as the Council itself.

Regulatory Actions

No action items for this meeting.

Old Business

Mr. Muffley presented Council with:

- A copy of a letter to Kate Taylor of the ASMFC (Handout #6), regarding public comment in regards to ASMFC Draft Addendum IV to the American Eel Fishery Management Plan.
- An updated version of Council Committees list and Council contact information - Office Copy Only (Handout#7a-b).

New Business

Mr. Muffley informed Council that Barbara Downs, clerical staff employee in Trenton will be retiring October 1st. Another very valuable member is retiring, with no replacements in the near future.

Mr. Muffley presented Council with a Committee meeting schedule update as follows:

Striped Bass –September

Commercial Summer Flounder and Black Sea Bass – Mid October

Recreational Summer Flounder – Mid October

Menhaden – November

Eels – November/December

Regulatory reporting and blue crabs no specific timeframe at this time.

Mr. Zaborowski commented that 25 years ago Congress had great representation regarding fisheries from this state. Today we don't, fisheries don't seem to be a priority in today's politics. Given the 300,000 people signed up in the NJ State Registry, their voices should be heard to elect a Congress member who will revive NJ's fisheries voice.

Public Comment

- Mr. Fran Verdi – Would like to have an update on the summer flounder Island Beach State Park program. Mr. Muffley commented so far it has been a positive response. As to the future of the program, that has yet to be determined.
- Mr. Fred Akers – Complimented the professionalism of Law Enforcement, when he was stopped by them recently.

Meeting adjourned. Next Meeting November 6, 2014, Galloway Township Library