

NEW JERSEY MARINE FISHERIES COUNCIL
Bay Avenue Community Center
Manahawkin, NJ
April 5, 2018
Special MFC Meeting

Council Attendees: James Alexis
Eleanor Bochenek
John Maxwell
Robert Rush
Barney Hollinger
Joseph Rizzo
Frances Puskas
Joseph Zaborowski
Richard Herb (Acting Chairman)

Council Absentees: Sergio Radossi
Erling Berg

Division of Fish and Wildlife Attendees:

Larry Herrighty, Director of Division of Fish and Wildlife
Jason Snellbaker, Captain, Bureau of Law Enforcement (BLE)
Jeff Brust, Research Scientist, Marine Fisheries Administration (MFA)
Jeff Normant, Principal Biologist, Bureau of Shellfisheries (BSF)
Heather Corbett, Principal Biologist, BMF
Brian Neilan, Assistant Biologist, BMF
Jamie Darrow, Assistant Biologist, BMF
Shanna Madsen, Research Scientist, MFA
Mike Celestino, Research Scientist, MFA
Peter Clarke, Senior Biologist, BMF

Mr. Brust read the compliance with the Sunshine Law. Notice of the Marine Fisheries Council (Council) meeting was filed with the Secretary of State on March 20, 2018. Acting Chairman 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 – none

Legislative/Regulatory Report – none

Atlantic States Marine Fisheries Commission (ASMFC) Report

Mr. Brust updated Council on a few old business items:

- Cobia – MFC voted to implement recreational cobia regulations identical to those of VA, the closest non *de minimus* state. Here are NJ's regulations for Cobia 2018:
 - Recreational: Open season June 1 to September 30, 40" minimum size, and a possession limit of one fish per person and no more than 3 per vessel.
 - Commercial: no closed season, 37" minimum size, and a possession limit of 2 fish per person, per day and no more than 6 fish per vessel.
- ASMFC will hold their spring meeting on April 30 – May 3rd, and will include a joint meeting between ASMFC and MAFMC for scup and black sea bass. Also on the agenda is the black sea bass appeal from the northern states. The northern states feel they have been short changed on their quota and if the appeal is not accepted they will not be taking the cuts set through Amendment XXX. ASMFC is trying to broker a deal among the states to avoid NMFS implementing default measures of May 15- September 15 season, 5 fish bag limit, and 14" minimum size. Mr. Brust informed Council that NJ has been asked to consider accepting a smaller liberalization than allowed under Amendment XXX. Mr. Brust will keep Council informed after the next ASMFC meeting.

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Mid-Atlantic Fishery Management Council (MAFMC)

Mr. Brust presented Council with the National Oceanic and Atmospheric Administration (NOAA) bulletin (Handout #2).

- **Bluefish Fishery Management Plan**
MAFMC and ASMFC are considering amending the bluefish FMP. Items under discussion specific to NJ include revising the allocation between recreational and commercial sectors., and revising commercial allocation among the states. Public hearings are being planned for NJ, but no dates have been set.
- **Atlantic Highly Migratory Species (HMS)**
NOAA Fisheries announces emergency regulations to address overfishing of North Atlantic Shortfin Mako Sharks. Measures are immediately effective on March 2, 2018. Written comments may be submitted by May 7, 2018 to the HMS Management Division. Contact the HMS Management Division for more information.

Marine Fisheries Bureau Report - Mr. Brust

- On April 23, Joe Cimino, from VA will be joining staff as our new Marine Fisheries Administrator, filling the position that has been vacant since Brandon Muffley left in November 2016.

Shellfish Council Reports

- **Shellfisheries Bureau Update** - Mr. Normant, (Handouts #3a, #3b)

- **Senate Bill S2112**

The two sections of the Shellfisheries Council drafted a joint letter opposing Senate Bill S2112, which would require the Department of Environmental Protection (DEP) to allow, for research, educational, or ecological restoration, the cultivation of commercial shellfish species in coastal and inner harbor waters classified as condemned to the harvest of shellfish. This proposed law, as written, would take away any oversight and enforcement of shellfish grown in condemned waters from DEP and compromises the processes that ensure shellfish harvested and sold from NJ waters are safe for human consumption. The safeguards that are currently in place to ensure safe shellfish products have been developed nationally through the National Shellfish Sanitation Program, though the Interstate Shellfish Sanitation Conference and the Model Ordinance. NJ currently regulates these activities through a permitting process. The Shellfisheries Council's letter is in the MFC's information packet.

MOTION to draft a letter from MFC in support of Shellfisheries Council's opposition to Senate Bill 2112 regarding shellfish in condemned water. Motion made Dr. Bochenek, seconded by Mr. Rush. Motion unanimously approved.

- **Shellfish Aquaculture Working Group (SAWG)**

The MFA has revived the Shellfish Aquaculture Working Group (SAWG) and recently held its first meeting since 2014. The purpose of the meeting was to address new and pending issues associated with shellfish aquaculture in New Jersey. The SAWG was created in 2014 and consisted of various state and federal agencies to discuss the complicated matrix of permitting and regulatory issues that faced the shellfish aquaculture industry at that time. Bureau staff along with the other state and federal members hosted the Shellfish Aquaculture Regulatory Workshop in October 2014 that included an "open-house session" where attendees had an opportunity to speak with representatives from the various agencies. Since that time, many new issues have arisen that need to be addressed between the different agencies involved with the process. The continued coordination between these agencies is important for the smart growth of the shellfish aquaculture industry. Agencies involved with the SAWG include agencies (six) within NJDEP, NJ Department of Agriculture, NJ Department of Health and the US Army Corps of Engineers. This group will meet

quarterly, and eventually, will hold another Shellfish Aquaculture Regulatory Workshop at the completion of these meetings.

- **Atlantic Coast** - Mr. Maxwell

- **Shellfish Aquaculture Leasing Committee**

The Leasing Committee of the Atlantic Coast Section of the NJ Shellfisheries Council met on March 19th to discuss various issues related to shellfish aquaculture leasing along the Atlantic Coast. The committee provided feedback and recommendations for possible expansion of new shellfish aquaculture leases, modifications of existing lease areas, and conflicts facing the shellfish aquaculture industry, such as endangered species. These recommendations are reflected in the Council's Leasing Policy approved by Council at the April 16, 2018 meeting

- **Delaware Bay** - Mr. Hollinger

- **Delaware Bay Direct Market Oyster Harvest**

The Delaware Bay Section of the NJ Shellfisheries Council set the 2018 oyster quota for the Direct Market Harvest Program. From March 12 – 22, license holders could sign up for the harvest season, as well as the intermediate transplant. Bushel and cage tags for oyster harvest were opened for sale starting March 26 through the remainder of the season. The season started April 2 and will end November 16 with an initial quota of 87,492 bushels of oysters. The quota broke down to 1,095 bushels for each of the 80 oyster dredge licenses. An intermediate transplant is scheduled to occur starting April 16. If the transplant is completed, the quota could increase to a total of 127,949 bushels. As of April 4, the total reported harvest was 2,135 bushels.

Committee Reports – Mr. Herb

Acting Chairman Herb updated the public with summer flounder updates and the pro and cons to the changes. One change is that NJ is now its own region. While this can be good, it does have a downside of potentially catching more than our allocation without quota from other states to fall back on., which means NJ might have to tighten regulations the following year. NJ will not be implementing regulations in 2018 that include a slot limit or splitting the state geographically. However, MFC along with the advisory committee are in discussion about these options and others as they work on a way to optimize the fishery.

- **Recreational Black Sea Bass and Summer Flounder**

A meeting of the NJ Marine Fisheries Council's Black Sea Bass and Summer Flounder Committees was held at the Nacote Creek Field Office on March 22, 2018 to discuss options for New Jersey's 2018 recreational summer flounder and black sea bass fisheries regulations.

- **Summer Flounder**

At their December 2017 meeting, the ASMFC extended the provision of Addendum XXVIII allowing for the use of conservation equivalency to achieve, but not exceed, the 2018 summer flounder RHL of 4.42 million pounds. Conservation equivalency allows individual states or multi-state regions to develop customized measures that, in combinations, will achieve the coastwide RHL. Further, it was specified that any modifications to state measures in 2018 should result in no more than a 17% liberalization in coastwide harvest relative to the projected 2017 harvest of 3.23 million pounds. By extending the provisions of Addendum XXVIII, the regional delineation places NJ in its own region.

The NJ Marine Fisheries Council and Advisors reviewed several options to liberalize the NJ summer flounder fishery for 2018, all of which included only changes to the season length and kept the size at 18 inches and possession limit at 3 fish. Ultimately, the committee chose a preferred option of May 25 to September 22 with an 18 inch size limit and a 3 fish possession limit for all waters along the coast except Delaware Bay and its tributaries and Island Beach State Park. For Delaware Bay from the Atlantic Ocean but not including waters of Cape May Canal east of Cape May Ferry Terminal, the size limit will be greater than or equal to 17 inches with a three fish possession limit and a season open from May 25 to September 22. Within Island Beach State Park, shore based anglers may retain 2 fish greater than or equal to 16 inches total length during the current open season for summer flounder. Below are three options that were considered during the summer flounder advisory committee meeting:

Option	Size	Bag	Season	Total Days	Change
Status Quo- 2017 Season	18	3	May 25 – Sept 25	104	0%
1 (Committee recommendation)	18	3	May 25 – Sept 22	121	16.78%
2	18	3	May 22 – Sept 20	122	16.59%
3	18	3	May 15 – Sept 16	125	16.83%

Public Comment

Out of 28 public comments: 17 supported option #1; 9 supported option #3; no one supported option #2; one abstained; and one created a new option #4 of May 18 to Sept 19. The majority supported further discussion of the implementation of a slot limit and splitting the state between north and south for different seasons. The public prefers the longest season and fishing later into September as well as starting as early as possible. A comment was also made against splitting the state as the state should stand as one, as well as how the 18” size can jeopardize the sustainability of the fishery.

Council Comment

Mr. Rush proposed a fourth option of May 18 to Sept 18 for 124 days. Public comment discussion erupted on whether or not this could be an option offered tonight. Chairman Herb commented that without an advisory panel meeting and analysis of this option, the option could not be added tonight, considering these are the three best options the advisory committee came up with. MFA staff also commented that there was insufficient time for a proper and complete analysis of this option.

MOTION: The summer flounder committee report stands as a motion and is seconded. Council voted to unanimously approve the committee's preferred option with a season of May 25 – Sept 22, 18" size fish, and 3 fish bag limit for summer flounder.

Mr. Rush requested for the future that Council hold an advisor's meeting before options are sent to ASMFC in order to get advisor input earlier in the process and provide guidance on what options are sent to ASMFC for review. Dr. Bochenek agreed that this is a good idea. Mr. Brust clarified that when the advisors meet after ASMFC review, the range of options presented covers the gamut of possible management scenarios anglers might like to see, including early and late seasons with a range of size limits and possession limits. These options are then tailored to better meet the needs of anglers during the advisors meeting. Having additional options would likely not change substantially the options that are sent to the full Council for approval. Mr. Rush responded that the current process doesn't allow advisor input until after the fact, and allowing it earlier in the process might improve transparency. Mr. Nowalsky (ASMFC Commissioner) suggested that this discussion be continued during an advisor's meeting.

o **Black Sea Bass**

Mr. Nowalsky updated Council and the public of the recent updates on black sea bass since the black sea bass advisory committee met. States in New England submitted an appeal that they oppose the 11% reduction from NY to MA. ASMFC will meet the first week of May to discuss the appeal. If the northern states do not take the reduction in New England as needed and the southern states take the full allowed liberalization (NJ has a 46% liberalization), or the southern states do not offer some of their quota to the northern states, then the Federal Government will put in place a Federal Waters Regulations for black sea bass for all states. This default regulation will have a season of May 15 – Sept 15, 14" minimum size, and 5 fish bag limit. The Council has a few options they can do tonight: vote and pick one of the options presented here tonight, provide other options in anticipation of offering some quota to the northern states, or wait and see what comes out of the ASMFC Meeting first week of May with time to make a decision at the next MFC meeting on May 10th, 2018.

Black Sea Bass Committee Report

At their February 2018 meeting, the ASMFC approved Addendum XXX to the black sea bass management plan which establishes regional allocations of the coastwide Recreation Harvest Limit (RHL). Addendum XXX uses a combination of exploitable biomass and historical harvest to regionally allocate the RHL and defines NJ as its own state specific region with a regional allocation of 30.24%. In 2017, the NJ recreational black sea bass landings were 503, 176 fish, with a 2018 target of 738,323 fish, a 46% liberalization to the NJ fishery.

Advisors considered 11 options and re-iterations of possible NJ black sea bass regulations for 2018 including changes in size, season, and possession limits. Ultimately, three options were considered viable for 2018 and include;

1. May 23- June 30, 10 fish, 12.5 inches
July 1 – August 31, 2 fish, 12.5 inches
October 8 – October 31, 10 fish, 12.5 inches
November 1 – December 31, 15 fish, 13 inches
2. May 15 – June 22, 10 fish, 12.5 inches
July 1 – August 31, 2 fish, 12.5 inches
October 8 – October 31, 10 fish, 12.5 inches
November 1 – December 31, 15 fish, 13 inches
3. June 9 – June 30, 10 fish, 12.5 inches
July 1 – August 31, 2 fish, 12.5 inches
October 1 – October 31, 15 fish, 12.5 inches
November 1 – December 31, 15 fish, 12.5 inches

The Committee's preferred option is number 1: May 23- June 30, 10 fish, 12.5 inches; July 1 – August 31, 2 fish, 12.5 inches; October 8 – October 31, 10 fish, 12.5 inches; November 1 – December 31, 15 fish, 13 inches.

Black sea bass report stands as motion and is seconded.

Council Comment

Mr. Zaborowski asked if the northern states, especially MA had a larger catch that caused them to go over the allotment.

Mr. Nowalsky responded that back in February all states would take a reduction. The Technical Committees (TC) evaluated the proposals using a new approach on data management, without changing the recreational landings numbers, which is something the industry has been asking for. However the implementation of the new process turned out to tremendously benefit NJ with very little to no benefit going to other states.

Acting Chairman Herb commented it was best to vote on the options and have something on the books. If there is a need to reevaluate, we will do that once the decision is made at the ASMFC meeting.

Public Comment

Out of 14 public comments, all preferred option number 2 over the Committee preferred option of number 1.

MOTION: The black sea bass committee report stands as a motion and is seconded. Council voted to unanimously not approve the Committee's preferred option number 1. The Councils preferred option is number 1: May 23- June 30, 10 fish, 12.5 inches; July 1 – August 31, 2 fish, 12.5 inches; October 8 – October 31, 10 fish, 12.5 inches; November 1 – December 31, 15 fish, 13 inches.

MOTION: To approve black sea bass recreational season to be May 15 – June 22, 10 fish, 12.5 inches; July 1 – August 31, 2 fish, 12.5 inches; October 8 – October 31, 10 fish, 12.5 inches; November 1 – December 31, 15 fish, 13 inches. Motion made by Mr. Rush and seconded by Dr. Bochenek. Motion unanimously passes.

Regulatory Actions

Mr. Brust presented Council with Draft Notice of Administration Change (DNOAC) (Handout #5). Modification of commercial cobia possession limit and recreational cobia minimum size and possession limit, modification of recreational black sea bass season and possession limit, modification of summer flounder season, and modification of the shortfin Mako shark recreational and commercial minimum size limit and possession limit.

MOTION: To approve DNOAC Modification of commercial cobia possession limit and recreational cobia minimum size and possession limit, modification of summer flounder season (option 1), and modification of the shortfin Mako shark recreational and commercial minimum size limit and possession limit for Commissioners approval. Change the modification and recreational black sea bass season and possession limit to option 2 for Lawyers approval and wait for results from the ASMFC meeting in case NJ has to make another modification to the recreational black sea bass. Motion made by Mr. Rizzo seconded by Mr. Rush.

Old Business – Mr. Brust

Mr. Brust said the scup notice is awaiting approval from the Commissioner.

Tautog- Under the current amendment through ASMFC, states are required to implement a mandatory commercial tagging program. NJ already should have submitted the proposal to ASMFC and will implement the program by January 1, 2019. A committee advisory meeting on tautog should be held in early June.

Acting Chairman Herb commented that in November the Executive committee met to discuss the selection process of committee advisory members, specifically dealing with violations. At the January meeting the violation policy got expanded from advisors to Council members with same set of rules as far as violations. However, Council members are appointed and removed by the Governor, so the proposed policy cannot apply to Council members. Council members should bullet point items they did not approve on the selection process of committee advisors to Jeff, and this will be provided to Executive Committee to come up with an updated proposal.

New Business-

Dr. Bochenek will hold her new business until the MFC May Meeting.

Public Comment –

MFC was thanked for the job well done on all the work that was completed to bring very good options to the table tonight.

Meeting adjourned. Next Meeting is scheduled for May 10, 2018, Atlantic County Library, Galloway Township, 306 East Jimmie Leeds Road. **NOTE: Moving forward in 2018 the meeting times have been changed to start at 5:00 pm.**