

Marine Fisheries Council Meeting February 13, 2020

Council Attendees:

| | |
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| Joe Rizzo | Eleanor Bochenek |
| Sergio Radossi | Dick Herb |
| Bob Rush | John Maxwell |
| Barney Hollinger | |

Council Absentees:

None

DEP and Division of Fish and Wildlife Attendees:

Ray Bukowski – Assistant Commissioner, Department of Environmental Protection
Dave Golden – Director, Division of Fish and Wildlife
Joe Cimino – Administrator, Marine Fisheries Administration (MFA)
Jeff Brust – Chief, Bureau of Marine Fisheries (BMF)
Jeff Normant – Supervising Biologist, Bureau of Shellfisheries (BSF)
Heather Corbett – Supervising Biologist, BMF
Greg Hinks – Principal Biologist, BMF
Brian Neilan – Senior Biologist, BMF
Linda Barry – Senior Biologist, BMF
Jenny Tomko – Senior Biologist, BSF
Brendan Harrison – Assistant Biologist, BMF
Matt Heyl – Assistant Biologist, BMF
Jamie Darrow – Assistant Biologist, BMF
Stacy VanMorter – Assistant Biologist, BMF
Samantha MacQuesten – Assistant Biologist, BMF
Amber Francis – Assistant Biologist, BMF
Jessica Daher – Program Specialist Trainee, MFA
Chuck Karr – Senior Wildlife Worker, BMF
Laura Versaggi – Fisheries Specialist, BMF
Jason Snellbaker – Captain, Bureau of Law Enforcement (BLE)
Robert Henderson – Conservation Patrol Officer, BLE

The meeting was called to order. Notice of the Marine Fisheries Council (Council) meeting was filed with the Secretary of State on January 29, 2020. Acting Chairman Herb began the meeting with the Pledge of Allegiance.

Before the meeting began, the meeting room reached maximum capacity and a large crowd developed outside. The agenda of the meeting was rearranged to address black sea bass, bluefish, and striped bass measures first. This was an attempt to control the crowd and allow the public queuing outside to comment on the issues before proceeding with the rest of the agenda.

1. Committee Reports

Black sea bass

Mr. Rizzo read the report from the Commercial Black Sea Bass Committee. The report detailed the proceedings of the January 22 meeting regarding a 59% increase to the commercial black sea bass quota, increasing the bycatch possession limit of commercial black sea bass, and the potential of an Individual Transferable Quota (ITQ). The Committee recommended trip limit changes to Seasons 2 through 6 to coincide with the quota increase. The Committee recommended to change the commercial black sea bass bycatch possession limit to 100 pounds year-round. The Committee decided to table the development of an ITQ program until a later date.

| Changes to the Commercial Black Sea Bass Fishery | |
|---|--|
| Directed Season | New Trip limits |
| March 1- April 30 | 1,500-pound trip two times a week or 3,000-pound trip one time a week |
| May 3- June 30 | 800-pound trip four times a week or 800-pound trip two times a week AND 1,600-pound trip one time a week or 1,600-pound trip two times a week or 2,000-pound trip one time a week AND 1,200-pound trip one time a week |
| July 5- August 31 | 800-pound trip four times a week or 800-pound trip two times a week AND 1,600-pound trip one time a week or 1,600-pound trip two times a week or 2,000-pound trip one time a week AND 1,200-pound trip one time a week |
| September 6- October 31 | 800-pound trip four times a week or 800-pound trip two times a week AND 1,600-pound trip one time a week or 1,600-pound trip two times a week or 3,200-pound trip one time a week |
| November 1- December 31 | 800-pound trip four times a week or 1,600-pound trip two times a week or 3,200-pound trip one time a week |

Motion by Commercial Black Sea Bass Committee (no second needed). The motion passed unanimously.

Bluefish

Mr. Rush read the report from the Bluefish Committee. The report detailed the proceedings of the February 6 meeting regarding 2020 recreational measures to constrain bluefish harvest to the recreational harvest limit (RHL). The Committee recommends implementing the coastwide split-mode regulation of a 5 fish bag limit for the for-hire sector and a 3 fish bag limit for the not-for-hire sector (no minimum size and no closed season). Mr. Brust gave a presentation describing the Mid-Atlantic Fishery Management Council (MAFMC) action requiring a 28.56% reduction in

coastwide harvest to constrain harvest in 2020 to the RHL and the conservation equivalency (CE) options NJ submitted that were approved at the February 4 Atlantic States Marine Fisheries Commission (ASMFC) meeting.

Recreational bluefish management options under consideration

| Option | Mode | Bag Limit | Open season | Closed season | Reduction |
|--------|---------------|-----------|-----------------------|---------------|-----------|
| 1 | Private/Shore | 3 | All year | None | net = |
| | For hire | 5 | All year | None | 27.74% |
| 2 | All | 3 | All year | None | 27.85% |
| 3 mod | All | 6 | 1.1-8.31 & 11.1-12.31 | 9.1-10.31 | 32.14% |

Paul Haertel, recreational angler, did not support option 3 due to the September/October closed season. He expressed concern with the sector split for option 1, but ultimately prefers option 1 since option 2 limits all anglers to 3 fish.

Victor Hartley, owner of two party boats and the MAFMC advisor for bluefish, supported option 1 because there is no closure and the for-hire sector is allowed 5 fish.

Robert Omy, owner of a bait & tackle shop in Toms River, expressed discontent with reducing the bag limit from 15 fish to 3 fish, but supported option 1.

Paul Eidman, seconded the comments from Paul Haertel.

Robin Scott, owner of Ray Scott's Dock, expressed disapproval of all options and encouraged the Council to go out-of-compliance.

Captain Jim Freda, charter operator from Manasquan, asked the Council for the total population estimate of bluefish. He stated that the bluefish population is cyclical in nature.

Captain Rich Falcone, party boat Golden Eagle, read a letter on behalf of himself and Captain Dave Riback, party boat Queen Mary, stating that bluefish populations are cyclical and there are large schools of bluefish and striped bass offshore in the EEZ that are not being accounted for in the data. He expressed support for option 1.

Unidentified member of the public raised a question about how the split mode regulation would be enforced. Mr. Herb responded that language in the regulations would define for-hire boats as having an operator on board with a United States Coast Guard Captain's License.

David Showell, owner of Absecon Bay Sportsmen Center and for-hire captain, stated option 1 will lead to more licensing and registration in the future and cause further separation between the for-hire and recreational sector.

Greg Kudnick, from Fishermen Headquarters, agreed that option 1 is problematic and will lead to separation of the recreational sector. He stated going out-of-compliance is a good idea but risky. He was opposed to option 3 and favored option 2.

Mickey Sherry, representing the Fish Hawks, agreed with previous comments about the cyclical nature of bluefish and for going out-of-compliance. He supported option 1 because going out-of-compliance would be risky at this time.

Noel Feliciano, from One Stop Bait & Tackle, stated that reducing from a 15 fish to a 3 fish bag limit is absurd and an assault on fishermen.

Alan Kinter, recreational angler, inquired why the recreational sector is taking such a significant reduction but the commercial sector is not. Mr. Brust responded that the recreational sector is expected to overfish the RHL by 28% and the commercial sector is not expected to exceed the commercial quota.

Kevin Wark, the commercial bluefish representative for ASMFC and MAMFC from Barnegat Light, reaffirmed that the commercial fishery underutilizes the commercial quota since the fish have moved into deeper waters and are no longer available to commercial gear. He supported option 1 in order to keep the for-hire sector in business.

John Freda asked again for the bluefish population estimate. Mr. Brust provided an estimate of spawning stock biomass (SSB).

Victor Hartley encouraged the public to attend the bluefish scoping hearings next week.

Unidentified member of the public inquired about figures relating harvest to recruitment. He stated that there is no relationship between harvest and recruitment, and we are killing an industry.

Mr. Rush pointed out that one of the figures from the assessment shows bluefish biomass has never achieved the SSB target level.

Unidentified member of the public recommended taking a vote to go out-of-compliance. Mr. Herb responded that going out-of-compliance at this time is not an option.

Mr. Radossi suggested to the public to become educated in the fisheries management process and to ask questions and to not just complain about the regulations.

Paul Haertel inquired how in the 1990's the figure shows SSB was lower than it is today so why are we experiencing cuts now. Mr. Brust explained how the recalibrated MRIP numbers and recent stock assessment results in a different fishing status than prior assessments may have indicated.

Mr. Radossi questioned where the SSB reference points are derived and noted that if the reference points are lowered the results would be different.

Kevin Wark commented that bluefish are notoriously difficult to sample.

Dale Steiner, captain of party boat Jamaica, seconded the comments by Rich Falcone and Dave Riback.

Motion by Bluefish Committee (no second needed). The motion passed unanimously.

Striped bass

Mr. Radossi read the report from the Striped Bass Committee. The report detailed the proceedings of the February 5 meeting regarding developing a recommendation for the 2020 recreational and Striped Bass Bonus Program (SBBP) measures in response to Addendum VI. The Committee recommended implementing a recreational measure of a one fish bag limit and slot limit of 28" to less than 38" pending approval by the TC. The Committee recommends allocating all SBBP permits available to the 24" to less than 28" slot opening May 15 and to not allocate any permits to the Trophy program. Mr. Harrison gave a presentation that provided background information on Addendum VI which reduced commercial quotas by 18% and constrained recreational ocean fisheries to one fish at 28" to less than 35" to reduce total recreational removals by 18%. The presentation provided details on the CE options approved by the ASMFC Striped Bass Board in addition to the Committee's recommendation.

| Summary | | | | | | | | | |
|-------------------------------------|----------------------------|-----------------------------|-------------------------|----------------------------------|----------------------------------|---------------------|---------------------|------------------------------------|------------------------|
| | | | | # SBBP Permits (not including | # Trophy Permits for 1 fish @ | | | Total Required | |
| Recreational Option | Recreational Regulation | Paired with SBBP Option: | SBBP Regulation | Trophy Permits) | 43" or greater | SBBP Open Season | SBBP Quota (lbs) | Reduction (comm reduction = 0%) | Predicted Reduction |
| R3 (Addendum VI) | 1 fish @ 28" to < 35" | C1 | 1 fish @ 24" to < 28" | 27,000 | 0 | Opening 5.15 or 9.1 | 215,912 | 18.7% | 42% |
| R3 (Addendum VI) | 1 fish @ 28" to < 35" | C3 | 1 fish @ 35" or greater | 18,000 | 0 | Opening 5.15 or 9.1 | 459,898 | 18.4% | 42% |
| R3 (Addendum VI) | 1 fish @ 28" to < 35" | C4 | 1 fish @ 24" to < 28" | 25,000 | 500 | Opening 5.15 or 9.1 | 215,912 | 18.6% | 42% |
| R3 (Addendum VI) | 1 fish @ 28" to < 35" | C5 | 1 fish @ 24" to < 28" | 23,000 | 1000 | Opening 5.15 or 9.1 | 215,912 | 18.6% | 42% |
| Options pending TC approval: | | | | | | | | | |
| | | | | # SBBP Permits (not including | # Trophy Permits for 1 fish @ | | | Total Required | |
| Recreational Option | Recreational Regulation | Paired with SBBP Option: | SBBP Regulation | Trophy Permits) | 43" or greater | SBBP Open Season | SBBP Quota (lbs) | Reduction (comm reduction = 0%) | Predicted Reduction |
| R7 | 1 fish @ 28" to < 38" | C1 | 1 fish @ 24" to < 28" | 27,000 | 0 | Opening 5.15 or 9.1 | 215,912 | 18.7% | 25% |
| R7 | 1 fish @ 28" to < 38" | C4 | 1 fish @ 24" to < 28" | 25,000 | 500 | Opening 5.15 or 9.1 | 215,912 | 18.6% | 25% |
| R7 | 1 fish @ 28" to < 38" | C5 | 1 fish @ 24" to < 28" | 23,000 | 1000 | Opening 5.15 or 9.1 | 215,912 | 18.6% | 25% |

Jim Farley, recreational angler, expressed frustration with reductions and proposed options stating that the fish are all offshore and that he saw more fish inshore this year than ever because

the beach replenishment operations have ceased. He expressed anger that he would not be able to weigh in a record striped bass if he caught one with proposed regulations and he suggested a regulation of 1 fish at 30" minimum size with a 24" to less than 28" slot for the SBBP.

Captain Fletcher Chayes, from Two Rivers Charters and representing 18 captains from Raritan Bay, preferred option R7 (28" to less than 38") with the 24" to less than 28" slot for the SBBP opening May 15 with no trophy permit allocation. He was against closing Raritan Bay stating that 1/3 of his income is from April trips.

Paul Haertel, recreational angler, stated his discontent with the proposed slot options because he likes to fish in tournaments and for a record fish. He would have preferred a minimum size option and stated it is not fair if New Jersey selects an option with a predicted reduction of 42% if the required reduction is 18%. He selected the coastwide option (R3, 28" to less than 35") as his preferred recreational option and supports suspending the SBBP if it does not allocate permits to a trophy fish.

David Showell, owner of Absecon Bay Sportsman and charter captain, thanked staff for developing a suite of CE options including a slot size for a small fish. He had no preference in regard to the recreational option but supports maintaining the SBBP at 24" to less than 28" opening May 15.

Charlie Muller, representing the Berkeley Striper Club, preferred option R3, 1 fish 28" to less than 35", and recommended suspending the SBBP until the stock is no longer overfished.

Captain Paul Eidman, Reel Therapy Charters, preferred option R3 (28" to less than 35") to ease law enforcement concerns and maintain consistent regulations on the coast, especially with New York. He supported opening the SBBP on May 15 so more people may utilize it and release larger, breeding fish. He supported closing Raritan Bay in order to protect Hudson stock noting that the Chesapeake stock is failing. He also suggested to increase funding for law enforcement and angler education on catch & release best practices.

Mickey Sherry, representing the Fish Hawks, stated that proposed options unfairly punish tournaments and trophy fishermen. He supported option R7 (28" to less than 38") with a SBBP that included allocating permits to a trophy fish.

Robin Scott, owner of Ray Scott's Dock, supported harvesting the smallest fish possible to take fishing pressure off female breeders. She had no preference for the recreational regulation but supported maintaining the SBBP at 24" to less than 28".

George Bucci, from Cape May Atlantic Striper Club, supported option R3 (28" to less than 35") for coastal consistency in regulations and supported following Connecticut's lead to suspend the SBBP. He noted if New Jersey uses CE and fails to meet the reduction, then the state should be held accountable.

Byron Lawyer, recreational angler, expressed discontent in the reduction and that the Chesapeake Bay is managed differently.

Captain Brian Williams stated that he practices catch and release and supports consistent coastwide regulations. Therefore, he preferred option R3 (28" to less than 35") and supported suspending the SBBP. He supported prohibiting captain and mates from harvesting daily limit and encouraged increasing funding for law enforcement.

Adam Nowalsky, ASMFC Commissioner, thanked the public for attending the meeting and providing comments on the proposed regulations.

Tom Fote, ASMFC Commissioner, stated that it is unfair New Jersey is taking the greatest reduction of all states.

Captain Jim Freda, Manasquan charter captain, supported option R7 (28" to less than 38") because there is a large abundance of fish offshore. He suggested increasing angler education on catch and release best practices.

Dave Bentley, from the Beach Haven Marlin & Tuna Club, expressed concern with the management and calculations used to develop the options and predicted reductions. He supported option R7 (28" to less than 38") with a SBBP that allocates 1000 permits to a trophy fish.

Leon Checinski, from the Atlantic City Saltwater Anglers, stated members would like the opportunity to keep a trophy fish so he supports a SBBP with permits allocated to a trophy fish.

Joe Wagner, commercial fishermen, expressed concern with stock assessment results for bluefish and striped bass due to the abundance of fish he sees offshore. He suggested allowing for-hire boats to fish in federal waters.

Captain Rich Falcone from the Golden Eagle represented himself and Captain Dave Riback from the Queen Mary. He stated they support option R7 (28" to less than 38") with the SBBP (24" to less than 28") opening May 15. He expressed concern that the data used for assessments does not take into account the abundance of fish in the EEZ.

Tom Hug, angler from Tuckerton, supported option R7 (28” to less than 38”) and SBBP (24” to less than 28”) with 1,000 permits allocated to a trophy fish.

Greg Kudnick, owner of Fishermen Headquarters, supported option R7 (28” to less than 38”) and recommended revising the SBBP. He supported opening the SBBP September 1 to allow the fish to spawn without additional pressure in the spring.

Motion by Striped Bass Committee (no second needed). The motion passed unanimously.

Mr. Brust presented the Draft Notice of Administrative Change that modifies recreational bluefish possession limits; recreational summer flounder season; recreational striped bass and hybrid striped bass size, season, and possession limits; Striped Bass Bonus Program size limits; and commercial black seas bass trip limits. Mr. Herb stated a revision is needed to define a “for-hire vessel” as a vessel with captain present that possesses a United States Coast Guard Captain’s License.

Motion to approve by Mr. Maxwell, seconded by Dr. Bochenek. Motion passed unanimously.

Approval of Minutes

Meeting minutes from the November 11th meeting of the Council were approved without revision.

Motion to approve by Mr. Radossi, seconded by Mr. Hollinger. Motion passed unanimously.

2. Enforcement Report – J. Snellbaker

Captain Snellbaker deferred report until next meeting.

3. Legislative/Regulatory Report – J. Brust

On January 21, 2020, Bill A-4136 establishing possession in excess of daily limit and dedicating fees from vessel license for black sea bass and summer flounder to marine fisheries programs was approved. Bill A5432 requiring the DEP Commissioner to establish individual transferable quota system for the menhaden purse seine fishery was approved.

On January 9, 2020, Bill S-2905 prohibiting certain possession, sale, trade, distribution, or offering for sale of shark fins was approved.

Bill S3457 appropriating \$450,000 for Hooked on Fishing-Not on Drugs Program from the “Drug Enforcement and Demand Reduction Fund” is moving through the Senate.

On January 27, 2020, Congressman Connors introduced Bill S912 requiring assessment of bay scallop resource, and authorizing DEP to establish a bay scallop fishery.

Mr. Rush asked for clarification regarding the shark fin regulations. Captain Snellbaker stated it does not affect the commercial fishery. It is still legal to land and sell to the dealer according to fishermen's commercial permits, but it will be illegal to sell at the retail level.

Dr. Bochenek asked if there is enough bay scallop resource to establish a fishery. Mr. Brust stated that an analysis was conducted in the past and the catch per unit effort was low. Mr. Normant stated that the bill is introduced every year but has never moved forward.

Mr. Brust presented a letter from Greater Atlantic Regional Fisheries Office (GARFO) that confirmed recreational black sea bass and scup regulations are status quo relative to 2019. Mr. Brust stated recreational summer flounder size and bag limits are status quo but the open season will be May 22 to November 19.

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

Ms. Corbett gave a presentation to summarize all meetings held during ASMFC's Winter Meeting.

The Atlantic Herring Board approved Draft Addendum to Amendment 3 proposing options to better manage the Area 1A sub-annual catch limit under low quota scenarios. The addendum provides the Board more flexibility in specifying allocation. The deadline for public comment is March 25.

The Striped Bass Board reviewed states' implementation plans and CE proposals. The Board did not approve New Jersey's recreational conservation equivalency options but approved all SBBP options. The implementation deadline is April 1, 2020. States must submit implementation plans for circle hooks by August 15, 2020 for Board review at the Annual meeting. The Board will consider accountability measures for Addendum VI conservation equivalency proposals at the Spring meeting.

The Coastal Sharks Board was given a presentation on the Convention on the International Trade in Endangered Species (CITES) Appendix II listing for shortfin mako. The listing describes the species as not currently threatened with extinction but may become so without trade controls. Effective November 26, 2019, new permit requirements are in place for exporting mako. The 2019 International Commission for the Conservation of Atlantic Tunas (ICCAT) update was to extend current management measures for mako for an additional year while a rebuilding program is developed.

The Bluefish Board reviewed conservation equivalency proposals submitted by New Jersey and Georgia. The Board approved 3 of New Jersey's conservation equivalency options that must be implemented by April 1, 2020.

The Atlantic Menhaden Board accepted both the single species and Ecological Reference Points (ERP) stock assessment results. The single species results indicate the stock is not overfished and overfishing is not occurring. The ERP results indicate fishing mortality reference points should be lower. The Board tasked the ERP Workgroup to explore how different fishing mortality assumptions for other predator and prey species in the ERP model (bluefish, spiny dogfish, etc.) might affect the menhaden ERP fishing mortality target and threshold.

The South Atlantic Board accepted the benchmark stock assessment for cobia which indicated the stock is not overfished and overfishing is not occurring. The Board approved annual total harvest quota for 2020-2022 and initiated an addendum to reevaluate allocation and reconsider *de minimus* measures. The Board approved Addendum III for Atlantic croaker and Addendum III for Spanish mackerel, spot, and spotted seatrout. This adjusts management through the traffic light analysis (triggers and management responses). The Board discussed initiating management action for Spanish Mackerel to align state and federal management after 2022 stock assessment. The Board approved the Red Drum Stock Assessment Subcommittee proposal to develop simulation models for the next assessment and delaying it from 2022 to 2024.

The Executive Committee discussed a variety of topics including the allocation of the remaining plus-up funds, the public input process, management board participation, and mode split in recreational fisheries management. All topics will be revisited during either the Spring or Summer meeting. Upcoming annual meetings include New Jersey (2020), North Carolina (2021), Maryland (2022), and Delaware (2023).

The Policy Board reviewed 2020 Commissioner Survey results. The Board discussed process implications for ERPs Assessment. Upcoming stock assessment updates include a peer review of American lobster (summer 2020), peer review of American shad (spring 2020), and red drum (delayed from 2022 to 2024). Overfished and overfishing definitions were added for stock status categories.

The Business Section had an update about Virginia working toward approving legislation to come back into compliance with the Atlantic menhaden FMP.

5. Mid-Atlantic Fishery Management Council (MAFMC) Report

There was no report.

6. Bureau Reports – J. Brust

No Marine Fisheries Bureau issues were reported.

No Shellfish Bureau issues were reported.

No Atlantic Coast Shellfish issues were reported.

No Delaware Bay Shellfish issues were reported.

7. Regulatory Actions – J. Brust

There were no regulatory actions to report.

8. Old Business – J. Brust

Mr. Brust provided an update of preliminary SBBP harvest by region.

Mr. Brust stated New Jersey received a 500,000 lbs. quota transfer from northern states for spiny dogfish.

Mr. Brust stated that all council members should have received an email from the Governor's Appointment Office regarding reappointments. Mr. Bukowski explained the package to fill vacant seats has moved to the Senate.

Mr. Brust stated that the July 9 Council meeting has been moved to Stafford Township.

9. New Business

Mr. Herb cancelled the March meeting, so the next meeting will be May 14.

Mr. Radossi suggested creating more Committees (i.e. Atlantic croaker) and holding more frequent Committee meetings. Mr. Herb stated as Council seats are filled, revamping Committees will be a priority. Mr. Brust stated there may not even be enough advisors to create new Committees.

Mr. Rush stated the Council needs to discuss the issues raised during public comment regarding striped bass, such as closing Raritan Bay and whether the captain and mate should be allowed to keep daily limit.

10. Public Comment

Unidentified member of public suggested holding future meetings in Stafford Township at the Bay Avenue Community Center which can hold more people.

Kevin Wark, commercial fisherman, asked about the commercial bluefish quota and if quota transfers are still allowed. He suggested having a Commercial Bluefish Committee meeting in order to set trip limits.

Greg Kudnick, owner of Fishermens Headquarter's, expressed concern over the tautog fishery. He noted tautog is the most profitable fishery for him and he encouraged the Council to proactively protect the fishery in order to prevent overfishing.

Meeting concluded at 8:11 pm. The next Marine Fisheries Council Meeting will be held on May 14 at 5:00 pm at the Galloway Township Public Library.