

## Marine Fisheries Council Meeting

May 13, 2021

### **Council Attendees:**

Eleanor Bochenek	John Maxwell
Pat Donnelly	Joe Rizzo
Dick Herb	Bob Rush
Barney Hollinger	Kevin Wark
Jeff Kaelin	

### **Council Absentees:**

None

### **DEP and Division of Fish and Wildlife Attendees:**

Jeff Brust – Chief, Bureau of Marine Fisheries (BMF)  
Joe Cimino – Administrator, Marine Fisheries Administration (MFA)  
Michael Auriemma – Assistant Biologist, BMF  
Russ Babb – Chief, Bureau of Shellfisheries (BSF)  
Linda Barry – Senior Biologist, BMF  
Colleen Brust, Research Scientist, MFA  
Mike Celestino – Research Scientist, MFA  
Heather Corbett – Supervising Biologist, BMF  
Tim Daniels – Assistant Biologist, BMF  
Matt Heyl – Assistant Biologist, BMF  
Jessica Daher, Program Specialist, MFA  
Jeff Normant – Supervising Biologist, BSF  
Chad Power – Assistant Biologist, BMF  
Jen Pyle – Senior Biologist, BMF  
Brian Scott – Captain, Bureau of Law Enforcement (BLE)  
Jenny Tomko – Senior Biologist, BSF  
Laura Versaggi – Fishery Specialist, ACCSP

The meeting was called to order at 5:01pm. Notice of the Marine Fisheries Council (Council) meeting was filed with the Secretary of State on April 29, 2021. Mr. Brust reminded attendees about virtual meeting etiquette and Mr. Herb requested that all attendees signal before speaking. Mr. Brust provided an update to the agenda, moving the Shellfish Reports to the first topic.

## **Approval of Minutes**

Meeting minutes from the January 7, 2021 meeting of the Council were approved without revision. Motion made by Mr. Maxwell and seconded by Mr. Rush. Motion carried with no objections or abstentions.

Mr. Kaelin asked why the public comments submitted via email were not part of the March meeting minutes. Mr. Brust said that those comments were submitted to Marine Fisheries staff after the meeting was concluded. Meeting minutes from the March 4, 2021 meeting of the Council were approved without revision. Motion made by Mr. Rush and seconded by Mr. Kaelin. Motion carried with no objections or abstentions.

### **1. Shellfish Council Reports**

Mr. Hollinger provided the Delaware Bay Report, which included updates of the 2021 directed harvest program, the 2021 transplant program, the Nantuxent Creek dredging project and an aquaculture update. He also mentioned that as of May 12, horseshoe crabs had begun to appear in the Bay, but no red knots. Mr. Kaelin reminded the Council that one of the proposed OSW sites sits on a horseshoe crab sanctuary and asked if other councils knew about this. Mr. Hollinger replied that it was brought up as a topic of concern at the first OSW meeting and was told that it was a Delaware initiative. Dr. Bochenek proposed a motion to send a letter of concern to several agencies. Mr. Maxwell agreed that a letter was appropriate at this time because no action has been taken regarding that location since the first OSW meeting. Mr. Cimino shared that NJDEP has the same concerns and agreed that this is a well-timed letter. Mr. Brust will draft the letter and then ask the OSW and Horseshoe Crab Committees to make comments. The motion was seconded by Mr. Rush. The motion passed unanimously.

Mr. Maxwell provided the Atlantic Coast Report, which included updates from the lease committee and the AAC. He stated that the Shellfish Council and the Marine Fisheries Council would each like to have a voting member added to the committee, but that it will take legislation to do so. No action is needed by the Council at this time.

Mr. Normant provided an update on the Bureau of Shellfisheries activities. He noted that the Hard Clam Stock Assessment Survey would be operating for the next month in the Raritan Bay.

### **2. Enforcement Report – Capt. Scott**

On March 12, 2021 officers in district 8 received a complaint from the Marine Mammal Stranding Center regarding a possible harbor seal harassment incident that occurred in Atlantic City. According to the complaint, an individual had taken video of himself approaching and

petting a harbor seal that had hauled out onto one of the jetties in Atlantic City. CPOs Szalc and Meyer obtained the videos and identification of the suspected individual and conducted an interview the following day. Through the course of the interview, the suspect admitted to creating the video and making contact with the seal. The individual was advised of the protections provided to seals under the Marine Mammal Protection Act and that his actions constituted a harassment violation. The case was forwarded to the National Marine Fisheries Service, Office of Law Enforcement for further enforcement action.

The land-based tautog fishing started to heat up unusually early this April resulting in CPOs being busy in the Atlantic City area. On April 2, CPOs Meyer and Capri observed an individual retaining multiple tautog on an Atlantic City jetty. The CPOs conducted an inspection of the individual as he was quickly attempting to leave the area. The individual was found to have five tautog in a bucket, CPO Meyer and Capri located an additional ten tautog in a cooler in the vehicle belonging to the fisherman. Of the 15 tautog, 14 were under the minimum size and the individual was 11 over the daily possession limit. Captain Scott noted that this is early activity for the year and that over a dozen summons' have been written for tautog violations since April 2.

After receiving numerous striped bass complaints in the Raritan Bay area, Conservation Police Officers focused patrols to deter the illegal take of striped bass. On the evening of April 9th, CPOs Henderson, Klitz, Moscatiello, and Woerner apprehended five individuals with 20 sublegal striped bass which were seized for undersized and overlimit violations. On the following evening of April 10th and into the early morning hours of the 11th, seventeen Conservation Police Officers from across the state participated in an operation focusing on the illegal harvest of striped bass along the Raritan Bayshore in Middlesex and Monmouth counties. Nearly 100 inspections were made resulting in over 30 summonses issued. A week later Conservation Police, again from both marine and inland units, were out in force. More than 140 inspections resulted in an additional 30 summonses. Captain Scott stated that it is shocking how many illegal fish are being seized at this time. BLE has not seen this level of illegal activity in a long time.

Mr. Herb asked if fishing violations could be because the public thinks BLE is not enforcing laws because of COVID restrictions. Captain Scott replied that this could be a factor, but also that fishing pressure has increased over the past year because people have more time on their hands.

Dr. Donnelly asked if BLE keeps track of the number of tautog kept alive during their investigations and Captain Scott said that they only keep track of that during significant investigations.

Mr. Rush wanted to know if BLE has seen any issues involving circle hooks when fishing for striped bass. Captain Scott stated that they have received many questions about circle hooks and that they are doing a lot of education and outreach on the topic.

### **3. Legislative/Regulatory Reports**

Ms. Daher provided an update on the status of fourteen bills. One appointment update was given stating that NJDEP's Acting Commissioner Shawn LaTourette appeared before the Senate Judiciary Committee on May 13. The next step is a Senate vote to be held on June 1.

Mr. Kaelin commented on the federal bill to eliminate the sale of shark fins, even those legally harvested. The draft was sent to both houses of Congress for approval and is expected to pass. Mr. Wark agreed this is unnecessary, stating that the US accounts for less than 2% of the world's market of shark fins and they are highly regulated.

Mr. Brust gave an update on the Atlantic menhaden regulatory package. The 60-day comment period ended late April/early May. Only six or seven comments were received, mostly minor. One more pertinent comment pertained to the use of circle hooks when fishing for striped bass by questioning the definition of bait and when they need to be used. New Jersey's package included ASMFC's original definitions of bait, which have since been changed. Mr. Brust concluded that New Jersey will not adopt the proposal as is and intends to change the language to be consistent with ASMFC. Marine Fisheries is awaiting a response from the Office of Administrative Law with more information on how to proceed. Even with the proposed changes, the package is expected to be approved and adopted by the end of summer or early fall.

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

Ms. Corbett gave a presentation to summarize meetings held during ASMFC's Spring Meeting Week (May 3-6, 2021).

The Lobster Board postponed development of a Management Strategy Evaluation (MSE) until the August meeting to prioritize work on Draft Addendum. The Board formed a subcommittee to provide guidance on Draft Addendum development, which will be considered for public comment at the August meeting. They also formed a working group to develop methodologies for vessel tracking devices and will provide a report at the August meeting.

The Atlantic Menhaden Board formed a working group to develop allocation options and will provide a report at the August meeting. They plan to initiate an Addendum at the August meeting.

The American Eel Board reviewed annual landings which were the lowest since the FMP was established in 1998. The low landings are likely due to market demand. The Benchmark Stock Assessment is scheduled for completion in 2022.

The Shad & River Herring Board approved the Technical Guidance Document for assistance with SFMPs. They also completed a mixed stock fishery evaluation and the TC collected data to review in late May. On the topic of fish passage, the Board reviewed letters to support dam passage and tasked the TC to prioritize systems.

The Striped Bass Board reviewed public comments from the Amendment 7 Public Information Document (PID) and approved four issues for inclusion in Draft Amendment 7. The Plan Development Team will develop options and provide an update at the August meeting. Approval could come as early as the October meeting.

The ACCSP Coordinating Council approved the FY2022 Funding Decision Document.

There was a discussion session on President Biden's Executive Order: Tackling the Climate Crisis at Home and Abroad. The Executive Order directs NOAA to collect recommendations on how to make fisheries and protected resources more resilient to climate change.

The Executive Committee created an Allocation work group of 11 members scheduled for their first meeting on May 13. They provided an update to the CARES Act, clarifying that funds must be obligated by 9/13/2021. It is preferred that funds are dispersed by this date, but it is not mandatory.

The Policy Board met to discuss New York's appeal of Addendum XXXIII to the Summer Flounder, Scup, Black Sea Bass FMP. The Policy Board found the appeal was justified and remanded it back to the species management board to address it at the August meeting. A work group was formed to standardize requirements for *de minimis* status, and an update will be provided at the August meeting. They also discussed the redevelopment of the Research Set Aside (RSA) program. The MAFMC will hold three RSA workshops during the summer and fall of 2021, and results will be presented at MAFMC's December meeting.

Mr. Kaelin asked what New Jersey's position is with regards to New York's appeal. Mr. Cimino answered that they are still processing the information because the solution will likely take landings from a few states to give to New York. ASMFC Commissioner Mr. Nowalsky replied that he doesn't know what it means yet. He asked the Policy Board for clarification as to which option was appealed and has received no guidance. He will provide more information when he receives it.

#### **5. Mid-Atlantic Fishery Management Council (MAFMC) Report – J Cimino**

Mr. Cimino gave a presentation to summarize meetings held during the MAFMC's April meeting (April 6-9, 2021).

The MAFMC postponed final action on the Allocation Amendment (summer flounder, scup and black sea bass) until the December meeting to allow for further development of the Recreational Reform Initiative. Mr. Cimino stated this is a tough decision-making process and that focus needs to be given to the Recreational Reform Initiative first.

The MAMFC adopted status quo measures for blueline tilefish during 2022 -2024. They also reviewed preliminary alternatives for Multi-Year Specifications through Framework. There will be further consideration of Framework at the August meeting.

On the topic of ecosystem management, Mr. Cimino provided a few updates about ongoing activities in support of advancing the Ecosystem Approach to Fishery Management (EAFM) guidance document. The MAFMC/Rutgers project to predict climate-induced movements due to warmer waters for summer flounder, spiny dogfish, Illex, etc. is expected to be completed late 2022. The MAMFC reviewed the 2021 Mid-Atlantic State of the Ecosystem Report and EAFM Risk Assessment. More information can be found on the MAMFC website.

Mr. Cimino gave an update on the East Coast Climate Change Scenario Planning Initiative. The MAMFC received a presentation of science and research initiatives by the NEFSC addressing climate change. Based on modeling, the Mid-Atlantic is expected to see a lot of shifts of species in the future.

The Northeast Trawl Advisory Panel made updates to their charter plans and the MAMFC approved those edits.

The Research Steering Committee Report was given and stated that RSA Workshops, which had previously been suspended, would once again be held. More information can be found on the MAMFC website.

The next meeting will be held June 8-10, 2021.

Mr. Rush asked if the Marine Fisheries Council had the Mid-Atlantic State of the Ecosystem Report. He suggested that this be provided to the OSW Committee. Mr. Brust said that the report will be sent to the full Council and the OSW Committee.

## **6. Marine Fisheries Bureau Report – J Brust**

Mr. Brust provided an update on NJ's blue crab harvest reporting compliance which is completed quarterly. For the first quarter of 2021, there were 11 first offenses (warning), 3 second offenses (120-day suspension) and 0 third offenses (revocation). A total of 32 courtesy phone calls were made to new license holders to remind them to report.

The Striped Bass Bonus Program opens on May 15. Over 6,000 private anglers and 115 for hire vessels have already applied. The new online application process has improved the efficiency of the program. Over 4,500 permits have already been mailed to applicants. Dr. Bochenek commended the ease of the online system.

Season 2 of the commercial summer flounder fishery closed on April 14, two weeks early because the seasonal quota had been reached. Season 3 opened on schedule on May 1.

Season 2 of the black sea bass fishery was open for the full season, with approximately 30,000 pounds underharvested. Season 3 opened on schedule on May 1.

## **7. Committee Reports**

### *Executive Committee*

Mr. Herb read the report from the Executive Committee, which met via webinar on April 14, 2021 to review several recent applications to Council advisory panels. Staff noted that all applications had been sent to the full Council for review, with a few comments received from Council members. Applications had also been forwarded to Law Enforcement to check for recent violations that might affect a decision. None of the applicants had received any violations in recent years. The individual applications for the Offshore Wind Panel were reviewed and discussed with the approval of 14 applicants. Final decisions between applicants were based on factors such as affiliated organizations, counties, and fishing sectors in order to evenly distribute representation.

Several applications were submitted for additional committees which will be reviewed at a future Executive Committee meeting. The Committee urges advisors with expired memberships to submit renewal applications.

The Committee discussed the Council's virtual meeting platform. A decision was made to continue with the current GoTo Webinar system and to work with staff to improve technical issues and connection instructions. The Committee commented on the length of recent meetings and requested staff explore methods to shorten future meetings.

Standardizing a format for collecting public comments was discussed. The Committee decided that any polls/solicitations for public comments be the initial step in the process. Staff will then summarize those comments and provide to the appropriate Committee and Advisors prior to a meeting. Finally, recommendations from the Committee meeting will be presented to the full Council. The Committee recommends requesting that each public comment submitted must include a valid New Jersey SW Registry number to avoid duplicate submissions. When the public is polled about a certain issue, such as was recently done for fluke, it was recommended that the questions be reviewed by the Committee before the poll is advertised to the public.

Finally, the Committee discussed options for providing the public a method to contact Council members. Staff will investigate the feasibility of potentially establishing email access and will provide options to Council during the next meeting for consideration.

Mr. Kaelin asked about comments from people who do not have a saltwater registry ID. He said that the Council needs to ensure that all comments are registered. Mr. Brust responded that this would only be a problem with commercial issues since recreational fishermen are supposed to be registered. He suggested submitting two batches of comments to the Committee (one from people with a registry ID and one from people without) and let the Committee weigh them as they choose. Mr. Brust reminded the Council that this is a new process and that ideas are flowing. Mr. Herb said that the process will also eliminate people from getting together crowds of supports to stuff the ballot box. Dr. Bochenek suggested using name and address as unique identifiers. Mr. Brust replied that those were used in the past and allowed duplicates to be pulled out and reiterated that the saltwater registry ID not be appropriate for commercial issues. Mr. Rush said this is a step in the right direction, and the situation will need to be handled case by case depending on the sector.

Mr. Rush asked for an update on what has been improved to ensure public access to virtual Council meetings. Mr. Brust replied that there have been many discussions regarding this issue and that more explicit instructions were posted online which included more detailed

information on how to connect. Dr. Bochenek questioned if people who have no access to the internet could call in by phone. Mr. Brust said that yes, people can call in but if they want to provide public comment, they must register online beforehand.

Motion by Executive Committee for the Council to approve appointments to the Offshore Wind advisory panel (automatic second). The motion passed unanimously.

Mr. Brust summarized a letter written by the RFA to Dave Golden (Director, NJ Fish and Wildlife) and mentioned a summary of public comments received by the Marine Fisheries Administration after the March Council meeting.

Mr. Kaelin stated that the RFA letter was constructive and said that good progress was being made. Mr. Cimino agreed that the RFA letter was constructive. He said that the public and reporters had asked who to send comments to. Marine Fisheries responded by creating a MFC email (through NJDEP) that allows the public to contact the Council directly without having to give out personal contact information.

#### *Bluefish Committee*

Mr. Wark read a summary of the public hearing held via webinar on April 22, 2021 to discuss potential changes to New Jersey's commercial bluefish regulations. Specifically, the agenda included discussion to consider instituting commercial trip limits through a trigger mechanism or seasons to ensure quota lasts throughout the calendar year. The agenda also included discussion related to changing New Jersey's quota system from one based on gears to one based on directed and bycatch trips. Present were three council committee members, six Marine Fisheries Administration (MFA) staff, and four industry members.

Staff prefaced the meeting by stating that, given the wide scope of issues under consideration and the timeline – that is, April 22nd was the first time the public saw some example alternatives being considered & there is no imminent need to implement changes in 2021 – the meeting was an information gathering session. Consequently, no Committee recommendation was needed at this time. Staff also clarified that a public hearing was held rather than a Council committee meeting due to the very limited number of commercial bluefish advisors.

Staff gave a presentation that covered New Jersey's current regulations, that includes trip limits that are in effect if an individual gear exceeds its quota. Staff reviewed the performance of New Jersey's commercial fishery over the last decade, described the methods used to develop some example trip limits, and reviewed the example trip limits that included seasons and limits linked

to trigger harvest amounts. Finally, staff briefly covered considerations for dissolving gear quotas and replacing them with directed and bycatch trip limits.

All comments received were from participants in the gill net fishery. There was general support for trip limits linked to trigger thresholds as this alternative appears able to meet the objective of ensuring quota is available throughout the year, while also having less uncertainty than that associated with multiple seasons. The committee chair noted that historically there were reliable seasonal dynamics to the bluefish fishery, but that has changed in recent years, making trip limits associated with seasons problematic. There was general support from industry for trip limits that would be enacted when New Jersey reaches 60% of its total annual quota, though members wanted as much flexibility as possible to ensure a balance between ensuring quota is available throughout the year while also not preventing the entire quota from being landed during the year.

The Committee chair and one member of the public agreed that trip limits may not be necessary under current quota levels, but were concerned that as or if quota drops, to, say, 200,000 pounds, trip limits could be very helpful to the fishery. The chair acknowledged that trip limits may not be advantageous for all commercial gears and indicated that he would solicit input from industry members that harvest with non-gillnet gears.

Staff reminded the public that New Jersey's current regulation allocates 7.5% of the total bluefish commercial quota to a bycatch fishery, in which trips are capped to 150 lbs. of bluefish, subject to other provisions. Members of the public wanted additional time to consider how best to deal with this quota, especially if additional trip limits are enacted. Additionally, there did not seem to be support for dissolving gear quotas.

At the end of the meeting staff reminded attendees that additional time has been allocated to receive written comment through May 3rd through the MFA's public comment email address. A summary of this public hearing along with a summary of written public comments will be presented to the Council's Bluefish Committee prior to the May 13th Marine Fisheries Council meeting, at which time further action can be considered.

Three emails were received. One was from a gillnetter that attended the public hearing, one from a gill net / otter trawler, and one as a follow-up from that same individual signed by four members of the same family.

All written comments supported keeping the bycatch allocation as is. The family of gill net and otter trawlers also thought that trip limits should be equal among all gears. There was also a

suggestion that fishery participation should be limited to those who held licenses prior to this action. The individual gill netter supported daily trip limits once 60% of annual quota was harvested, while keeping the current gear-specific allocations. He also supported increasing or removing trip limits if the remaining 40% of gear quota was not harvested by November of a given fishing year.

The Council's Bluefish Committee Chair also reached out to an industry otter trawler and received verbal input that one otter trawler would like to see 2,500-pound trip limits at the start of each season until 75% of the bluefish quota is reached, and then reduce trip limits to 1,000 pounds.

#### **8. Regulatory Actions – J Brust**

There were no regulatory actions to report.

#### **9. Old Business – J Brust**

Mr. Brust provided an update on NOAA Fisheries Observer coverage. NOAA issued an interim final rule to continue to provide the authority to waive observer coverage, some training, and other program requirements, on a case-by-case basis. The rule is a continuation of NOAA Fisheries' response to the COVID-19 pandemic. The authority to waive coverage has resulted in a successful balance between public health and the safety of fishermen, observers, and others, while maintaining fishery operations and the monitoring necessary for sustainable management. While this is not a 100% waiver like the Council requested, it is a compromise to maintain health and safety. No action is needed by the Council.

Mr. Brust summarized a letter written by Jeff Van Drew about offshore wind development. No action is needed by the Council.

Colleen Brust gave a presentation with updates on the progress of offshore wind projects. Dr. Bochenek asked if NJDEP had provided comments on the impact to the fishing industry. Ms. Brust replied yes because meetings with BOEM are held regularly.

Mr. Hollinger asked if fishing area overlays for the cable paths were available. Ms. Brust stated that yes, they are available, are public information and can be provided. Mr. Hollinger asked if there was any talk of reimbursement for loss of fishing areas and Ms. Brust noted that there had been discussions but no decision at this time.

Mr. Rush questioned whether areas would be off limits for 3-5 years during the buildout phase. Ms. Brust replied that construction should only take one year and that there will be closures at

different times for each area. Mr. Rush questioned the definition of closure, but Ms. Brust was not sure what it would entail.

Mr. Kaelin asked if there would be recommendations from the NJDEP on how to best use the OSW Committee throughout the process. Ms. Brust said that it had not been discussed but she would find out.

Mr. Rush asked if there had been any talk about endangered species and Ms. Brust replied that there will be consideration at State and Federal levels of review. Mr. Rush wanted to know if this could stall the OSW project and Ms. Brust said that timing restrictions will be recommended during the review periods. Mr. Wark stated that NOAA vessel permits have their own monitoring requirements and this subject will be carefully navigated for impacts.

Mr. Rush provided an AAC update. Shellfish Council reports provided most updates already, but he reminded the Council that the process is slow and there is still a way to go. Mr. Hollinger said that they are pushing to finish up soon.

Mr. Brust provided the Council with a list of requested Committee meetings and asked the Council to prioritize when they would like each group to meet. Mr. Herb suggested that the Executive Committee would be a quick meeting to finalize advisory committee positions and Dr. Bochenek asked if they could meet in June. Mr. Brust suggested the first week of June and Mr. Maxwell agreed.

Mr. Rush suggested that the Offshore Wind Committee should meet as soon as possible. Mr. Kaelin commented that comments are not due until the fall and gives the Committee more time. Mr. Kaelin suggested meeting the second or third week of July and Dr. Bochenek agreed.

Mr. Wark said that there is no rush for the Bluefish Committee to meet and Mr. Brust agreed that the Council could wait and pick a date at the July Council meeting. Mr. Wark suggested that the Committee should try to meet between July and September to stay ahead of schedule.

Dr. Donnelly proposed that the Recreational Summer Flounder and Back Sea Bass Committees should hold a joint meeting soon. He reminded the Council that they agreed to be proactive this time of year when preparing to work with ASMFC on potential changes to the fisheries. Dr. Bochenek and Mr. Herb agreed. Mr. Brust reminded the Council that management options for the two species are different and this could be a long meeting if held jointly. He suggested holding separate meetings in the near future and meeting jointly later in the summer. Dr. Donnelly stated that the fisheries go hand in hand and that he would prefer a joint meeting, but

if one were to meet first, it should be about summer flounder. When Mr. Herb asked if there was an overlap of committee members to have a quorum. Mr. Brust confirmed that there would be a quorum if the meeting were held jointly. Mr. Rush suggested that the agendas be made for each species to see how long each Committee would need to meet. Mr. Brust asked if this meeting could be held before the July Council meeting. Mr. Herb asked Mr. Brust to speak with Biologist Peter Clark and create agendas for the meetings to make the final call to hold separate or joint meetings before the July Council meeting. He reminded the Council that when the joint meeting is held, they will need to decide how to proceed without a quorum. Mr. Rush asked that the agendas be shared with the Council when finalized.

Mr. Brust reminded the Council that at the March meeting Mr. Rush had asked if in-person meetings were feasible and Mr. Brust advised the Council that he has received no direction from Trenton regarding this request. Mr. Brust suggested the Division's Central Region Office meeting room could be a place where the Council could meet in-person and broadcast the meeting to the public. Mr. Brust will continue to look into options.

#### **10. New Business – J Brust**

Mr. Brust announced that the NMFS' work with the New England lobster industry to protect right whales is moving forward. Next in line is the Mid-Atlantic gill net fishery. There have been public hearings to collect information on ways to reduce right whale interaction with the gill net fishery. The Take Reduction Team hopes to have finalized recommendations by the first week of July. Mr. Wark said that there will be a meeting in July to discuss decreasing the risk by 60% and the results will affect all static gear fisheries. Smart regulations are needed, but it is a work in progress. No action is needed from the Council.

Mr. Wark stated that the Atlantic Shores development is starting commercial fishing outreach. Anyone fishing in the lease areas who would like more information can contact him. Mr. Rush asked if anyone had ever brought up wind as a gear type. Mr. Wark that they are working to build baseline data for various species in the areas so that NOAA has as much data as possible when making their recommendations.

#### **11. Public Comment**

Fred Everett, a recreational fisherman, applauded the work of the BLE and stated that the current fine for illegally caught striped bass (\$100 per fish) is not enough. He asked who he has to lobby to get those fines increased. Mr. Brust replied that the Council meeting is the place to do so. He stated that fines are part of the regulation process, not the legislative process. Either the Striped Bass or Regulatory Committee would be the group to discuss any suggested changes. Captain Scott clarified that the fine is \$100 per fish per violation. Dr, Bochenek

reminded the Council that this had been discussed previously and should be considered again. Mr. Everett asked if there were any provisions in the law to confiscate gear. Captain Scott said that while there is no license to revoke, they can seize illegally used gear. Mr. Everett asked what the next step for him would be. Dr. Bochenek stated that this should be discussed at the next Executive Committee meeting and Mr. Herb agreed. Mr. Maxwell reminded everyone that they need Municipal judges to enforce the fines, but confiscation of equipment hurts a fisherman more than anything.

Paul Haertel, JCAA, asked about the definition of bait for use with circle hooks and the process it would take to have the correct wording adopted by the state. Mr. Brust said that it is out of the Council's hands at this point and that staff is waiting for determination from the Office of Administration Law on how to move forward with correcting the wording to match that of the ASMFC. Once it has been changed, the Division will distribute a public notification through a listserv message or press release.

The next Marine Fisheries Council Meeting will be held on July 8th at 5:00pm. Location TBD. The meeting was adjourned at 7:38pm.