

**Marine Fisheries Council Meeting  
January 6, 2022**

**Council Attendees:**

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

**Council Absentees:**

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

Jeff Brust – Chief, Bureau of Marine Fisheries (BMF)  
Joe Cimino – Administrator, Marine Fisheries Administration (MFA)  
Jason Snellbaker – Deputy Chief, Bureau of Law Enforcement (BLE)  
Heather Corbett – Supervising Biologist, BMF  
Peter Clarke – Principal Biologist, BMF  
Michael Auriemma – Assistant Biologist, BMF  
Tim Daniels – Assistant Biologist, BMF  
Jamie Darrow – Assistant Biologist, BMF  
Matt Heyl – Assistant Biologist, BMF  
Greg Hinks – Principal Biologist, BMF  
Brian Neilan – Principal Biologist, BMF  
Alissa Wilson – Assistant Biologist, BMF  
Matt Stacy VanMorter – Assistant Biologist, BMF  
Jeff Normant – Supervising Biologist, Bureau of Shellfisheries (BSF)  
Jenny Tomko – Senior Biologist, BSF  
Brendan Harrison – Assistant Biologist, BMF  
Jessica Daher - Program Specialist Trainee, MFA  
Mike Celestino – Research Scientist, MFA  
Linda Barry – Research Scientist, MFA  
Colleen Brust – Research Scientist, MFA  
Renee Riley – Research Scientist, Division of Science and Research  
Laura Versaggi – Fisheries Specialist, ACCSP

**Public Attendees:**

Timothy Anfuso	Kara Gross	Benjie Swan
John Azzinaro	Jim Hutchinson	Philip Welsh
George Bucci	David Kielmeier	Harvey Yenkinson
Greg Cudnik	Richard Melton	Gerard Zagorski
Dave Daly	Adam Nowalsky	James Parker III
Dean Danenhowe	John Riccardi	Jude Welsh
John Depersenaire	Scott Rossmann	
Jack Fullmer	Chelsea Rush	

The meeting was called to order. Notice of the Marine Fisheries Council (Council) meeting was filed with the Secretary of State on December 20, 2021.

## **Approval of Minutes**

Meeting minutes from the November 4, 2021 meeting of the Council were approved without revision.

Motion made by Mr. Maxwell and seconded by Mr. Kaelin. Motion carried with all in favor.

### **1. Enforcement Report – J. Snellbaker**

Marine Region Conservation Police Officers (CPOs) were very active from late-October to mid-November responding to complaints of illegal harvest of tautog. CPOs from Sandy Hook to Cape May have issued dozens of summonses involving tautog violations. In total over 200 summonses have now been issued over the past two months for numerous violations, including individuals in possession of multiple illegal fish, some with over 20 or more at a time.

In early November, CPO Warner conducted an inspection of a commercial fishing vessel out of Point Pleasant Beach and found the vessel to have an overage of 157 lbs. of summer flounder with a 1000 lbs. trip limit and a 315 lbs. overage of black sea bass on a 3,000 lbs. trip limit. Summonses were issued for the overages. Penalties for each summons range from \$300 to \$3,000 per violation, as well as suspensions of landing permits for both summer flounder and black sea bass.

On a late October afternoon, CPOs Sloan and Tomlin were conducting surveillance on multiple fishermen in the Townsend Inlet area. The CPOs witnessed several small fish retained but could not make out the species due to the fading light. The individuals could be seen putting a cooler in the trunk of their car and continued fishing. The CPOs conducted an inspection and found two undersized tautog with the individuals, but the fishermen denied having any other fish. Upon further interview and investigation, the cooler was retrieved from the vehicle. In total, they possessed 22 tautog under legal

size, 19 over the limit, six undersized black sea bass, and two undersized and out of season summer flounder. The fishermen were issued summonses for the violations.

During a late October boat patrol, CPO Raker and Lt. Petruccelli found individuals on a Cape May-based recreational sportfishing vessel in possession of an undersized swordfish and possession of tilefish without a permit. Since the violations were Federal in nature, the case was referred to National Marine Fisheries Service for Enforcement Action.

CPOs Raker and Tomlin identified and inspected two 'for hire' vessels in violation of fishing in federal waters for federally managed species without the appropriate charter/party vessel permits. After both vessels landed numerous black sea bass, the CPOs interviewed the crew and patrons about their fishing activity. Confessions were obtained that the fish came from federal waters. The case was referred to National Marine Fisheries Service for enforcement action.

During a mid-November boat patrol, CPOs Raker and Sloan observed an individual along the Cape May Canal scraping oysters off the rocks. Since the area is classified as prohibited to the harvest of shellfish, CPOs confronted the man who initially claimed that all he harvested was a couple of oysters he was using as bait for fishing. Upon further investigation and interview, CPOs found an additional 956 oysters in the man's vehicle that he admitted to harvesting from the prohibited waters of the canal.

Summonses were issued for the harvesting of shellfish from condemned waters, failure to obtain a shellfish license, and possession of more than 150 shellfish without a commercial license.

CPOs Raker and Tomlin apprehended several men on board a Delaware-based recreational fishing vessel in possession of striped bass approximately 10 miles offshore in the Exclusive Economic Zone (EEZ)

where striped bass fishing and possession is unlawful. Upon boarding the vessel to conduct a routine inspection, the men told CPO Tomlin that they did not have any fish on board. CPO Tomlin found striped bass scales scattered about the deck of the vessel and investigated further. After some discussion with the men, they admitted to CPO Tomlin that they had a bag of filleted striped bass hidden inside the cabin of their vessel. Upon retrieval of the bag of fillets, CPOs counted eight separate fillets from four striped bass. The case was referred to National Marine Fisheries Service for federal enforcement action.

During late November through December, Marine Region CPOs from the entire unit were incredibly busy responding to complaints involving the illegal harvesting of striped bass along the Raritan Bayshore. More than 500 illegal striped bass were seized from fishermen found in violation. CPOs issued more than 200 summonses. Most summonses issued were for undersize fish, however many individuals possessed double digit numbers of fish. Additional summonses issued included possessing overlimit, oversized, and mutilated striped bass as well as failure to obtain a saltwater registry, interference, and littering while fishing. The overwhelming number of violations occurred between Perth Amboy and Union Beach. When possible, some of the seized fish were donated to food banks while others were submitted to Marine Fisheries for the collection of biological data.

Deputy Chief Snellbaker proceeded to show pictures of the number of illegal striped bass confiscated during one night of operations by CPOs on the Raritan Bayshore. He explained that the CPOs were so busy that a lot of individuals were only issued one summons to allow more violators to be intercepted and because higher penalties would likely be contested and thrown out in court. It was reiterated that the situation on the Bayshore is the worst the CPOs have ever seen. It was recommended that having a Saltwater Fishing License that could be taken away from violators or closing the area to striped bass

fishing in early spring when this behavior is commonly observed could be two ways to combat the illegal fishing.

- Mr. Rush asked what happens when fishing violations go to court and if the violations are being prosecuted or getting thrown out. Deputy Chief Snellbaker responded that fishing violations are not a priority in the courts, so the CPOs try to keep the violations payable. Mr. Rush asked how often CPOs are boarding vessels in the EEZ. Deputy Chief Snellbaker responded that it all depends on resource availability, weather, and other priorities and needs.
- Mr. Hollinger asked what is driving the illegal fishing along the Raritan Bayshore. Deputy Chief Snellbaker responded that the driving force is opportunity and added that it seems people are starting to organize and take advantage of the amount of fish in the area, possibly creating commercial opportunity. Deputy Chief Snellbaker described situations where individuals bring bags of fish to the side of the road and then a van pulls up and takes the bag of fish which are then suspected of being taken to businesses.
- Dr. Donnelly mentioned that at the Executive Committee meeting the consensus was to not increase the fines of striped bass violations, but he was unaware of the extent of the illegal fishing situation on the Raritan Bay and would like to have another discussion about it.
- Dr. Bochenek stated that the Council needs to think about how to handle the illegal fishing problem for all species not just striped bass and recommended that fishing gear should be confiscated as well.
- Chairman Herb asked whether a Saltwater Fishing License could be a possible solution. Deputy Chief Snellbaker responded that it seems to help for hunting. If a hunter receives two violations within a five-year period, then they lose their hunting privileges and would then be hunting on a revoked list. Therefore, having a Saltwater License would be a deterrent and encourage better behavior.

- Dr. Bochenek asked if individual's Saltwater Registration could be taken away upon receiving a violation. Deputy Chief Snellbaker implied that the Saltwater Registry has its own unique set of enforcement issues. Dr. Bochenek expressed frustration with Deputy Chief Snellbaker's response and left the meeting.
- Deputy Chief Snellbaker proceeded to explain that he would rather not have a discussion about the problem with the way the regulation for the Saltwater Registration is written during this meeting, but he would be happy to have the discussion at another time.
- Mr. Rush explained that the Saltwater License must be done through Legislation and the Council cannot require one. Deputy Chief Snellbaker clarified that he was asked by the Chairman if a Saltwater License would help, and he wanted to explain that it is a lot harder for someone to poach fish if they shouldn't be fishing in the first place.
- Chairman Herb stated that it would be a shame to punish everyone by closing seasons/areas for a few bad actors and that it seems to be a local problem that has become infectious.
- Deputy Chief Snellbaker explained that there is a high density of people in that area and there are cultural issues.
- Chairman Herb asked again whether Deputy Chief Snellbaker thinks having a Saltwater License would help. Deputy Chief Snellbaker reiterated that we have a registry but there are problems with the way the registry regulations are written. There are no teeth behind the regulation and he will not take people to court for it.
- Mr. Kaelin made the connection to someone who has their Driver's License suspended. He encouraged the Council to make a recommendation to the Commissioner to consider a Saltwater Fishing License citing Deputy Chief Snellbaker's recommendation and additional discussions regarding recreational accountability. He stated that he has been a longtime

advocate for a Recreational Saltwater Fishing License and explained that commercial fishermen have them and can have them suspended as well.

- Mr. Wark agreed with Mr. Kaelin. He pointed out the good work the CPOs are doing and that it is making a difference for the resource. He stated that it is likely not an isolated area and that the poaching takes place along jetties in his town with tautog as well. He would like to further this conversation in a sub-committee to address the issues.
- Mr. Kaelin asked whether the fish being taken in vans and trucks could be going to markets in New York since the sale of striped bass is prohibited in New Jersey. Deputy Chief Snellbaker responded that it is very possible but they could be going anywhere. He is not certain exactly where the fish are going but a lot of the fish could be filleted and just served in local restaurants as well.
- Mr. Wark stated that a lot of the fish are probably going to inner-city markets or the black market, where it is easy for the fish to vanish quite quickly.
- Dr. Donnelly stated that in his area the price of grouper increases in November and December and likely could be striped bass sold as grouper. He mentioned that CPOs could likely write similar numbers of violations for other species, like tautog and summer flounder, in other areas of the state during certain times of the year so the Council needs to think of a solution to address illegal fishing for all species as a whole.

## **2. Delaware Bay Shellfish Report (B. Hollinger)**

The 2021 Delaware Bay Oyster Dredge Fishery harvested from April 5<sup>th</sup> to November 19<sup>th</sup> with a scheduled closed season date of November 26<sup>th</sup>. A total of 116,194 bushels of the 116,320-bushel quota was harvested. Most of the harvest took place off of three beds from three different management

regions: 42,033 bushels from Shellrock (36%), 28,254 bushels from Nantuxent (24%), 23,611 bushels from Ship John (20%). Catch per unit effort ranged from 105 bushels per boat per day on Nantuxent.

### **3. Atlantic Coast Shellfish Report (J. Maxwell)**

The Atlantic Coast Shellfish Council Lease Policy Committee and Regulatory Committee met November 8<sup>th</sup> and December 1<sup>st</sup> to continue discussions on shellfish lease utilization and reallocating leases that are not being used. There is general agreement amongst the committee members that the Council and DEP have a statutory role ensuring leases are used. Unused leases may inhibit someone who wanted to expand their operations or start a shellfish aquaculture business. Discussions also focused on the public's trust in relation to the leasing program and public resources.

The Council is also developing a Hard Clam Management Plan. The Bureau of Shellfisheries presented a draft outline to the Council. The plan is meant to be a living document and serves as guidance towards implementing a management strategy. After the presentation of the plan to Council, staff met with a councilman who expressed particular interest in the direction of the plan and who provided valuable feedback. The Bureau intends to form an Advisory Committee comprised of interested Council members and industry stakeholders to meet quarterly to discuss the plans development and provide input.

### **4. Shellfish Bureau Report (J. Normant)**

No report

### **5. Legislative/Regulatory Report – J. Daher**

**State Legislature**

Bill A5531;S3501 which exempts commercial fisherman from coverage under unemployment compensation law was passed in the Assembly and is heading to the Governor's Office for signature.

Bill A5531;A6094 which extends Right to Farm Act protections to certain aquaculture activities was introduced and referred to the Senate Economic Growth Committee on November 12, 2021; introduced and referred to Assembly Agriculture Committee on December 2, 2021; and reported out of Committee with a second reading in Assembly on December 9, 2021.

Bill A6095;S4267 which directs the Department of Agriculture to advertise and promote State aquaculture products through Jersey Fresh Program, establishes annual \$100,000 appropriation, and appropriates \$100,000 was introduced and referred to Assembly Agriculture Committee. It was reported out of committee with a second reading in Assembly and introduced and referred to Senate Environment and Energy Committee on December 9, 2021.

Bill A6096 which eliminates prohibitions against taking shellfish on Sunday for commercial shellfish aquaculture producers was introduced and referred to the Assembly Agriculture Committee on December 2, 2021. It was reported out of committee with a second reading in Assembly on December 9, 2021.

Bill A6147;S4085 which exempts commercial shellfish producers from prohibition on taking shellfish on Sunday was introduced and referred to the Assembly Agriculture Committee on December 6, 2021. It was introduced and referred to Senate Environment and Energy Committee on November 8, 2021 and reported out of committee with a second reading in the Senate on November 15, 2021.

There were several Senate and Assembly bills moving forward to appropriate funding for Corporate Business Tax (CBT) revenues for acquisition of lands for recreation and conservation purposes.

### **Federal Legislation**

Bill S1747, the Fluke Fairness Act of 2021, was placed on the Senate Legislative Calendar for December 17, 2021.

Bill S1289; HR2848, the Marine Mammal Research and Response Act of 2021, was placed on the Senate Legislative Calendar for December 17, 2021.

Bill HR3128; S497, the American Fisheries Advisory Committee Act, was placed on the Senate Legislative Calendar for December 17, 2021.

Bill HR6258, AQUAA Act, was introduced on December 14, 2021 and referred to the Subcommittee on Coast Guard and Maritime Transportation on December 15, 2021.

Bill HR59 to reauthorize the Magnuson-Stevens Fishery Conservation and management Act is in the Subcommittee on Water Ocean and a Wildlife hearing was held on November 16, 2021.

#### Strengthening Fishing Communities

Bill HR3702; S1995, the Sport Fish Restoration and Recreational Boating Safety Act of 2021, was placed on Senate legislative Calendar for December 17, 2021.

Bill S1894; HR3817, Regional Ocean Partnership Act, was placed on Senate Legislative Calendar for December 17, 2021.

### **6. Atlantic States Marine Fisheries Commission (ASMFC) Report –**

**No report**

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

J. Cimino gave a presentation to summarize all meetings held during the MAFMC's December meeting.

Joint meetings were held with the Atlantic States Marine Fisheries Commission (ASMFC) for jointly managed species.

During the Summer Flounder, Scup, Black Sea Bass meeting, preferred alternatives were selected for the Commercial/Recreational Allocation Amendment. For summer flounder, the change in allocation will be

from 60% commercial and 40% recreational (based on landings) to 55% commercial and 45% recreational (based on catch). This represents a 5% change in quota transferred from commercial to recreational. For scup, the change in allocation will be from 78% commercial and 22% recreational (based on catch) to 65% commercial and 35% recreational (based on catch). For black sea bass, the change in allocation will be from 49% commercial and 51% recreational (based on landings) to 45% commercial and 55% recreational (based on catch).

- Mr. Rush expressed frustration at the allocations.
- Mr. Kaelin commented that he thought no one was happy with the allocations, but felt that the outcome was reasonable.

The Council and Commission set specifications and targets for recreational management measures. For summer flounder, there is an increase in the recreational harvest limit (RHL) from 8.3 million pounds to 10.3 million pounds. Board and Council approved a 16.5% liberalization compared to 2021. The use of regional conservation equivalency (CE) for 2022 was approved. For scup, biomass is still high, but recruitment is low. Harvest projections indicated a 56% reduction would be necessary to stay within the RHL. That reduction was deemed not necessary but a minimum size increase by 1" (10") for 2022 was approved. That represents a 33% reduction for the coast. For black sea bass, from 2018 to 2021 catch was estimated to be 40% over the annual catch limit (ACL). The use of CE was approved to reduce harvest by 28% in 2022.

- Mr. Rush expressed his frustration with all the reductions to healthy fisheries. Mr. Cimino agreed that there is a lot of frustration shared at meetings but he hopes that moving away from using RHLs may allow us to keep reasonable regulations in place for multiple years. Mr. Rush continued to express frustrations with the MRIP estimates and RHLs and asked if there is anything else that can be done and if it is worth going out-of-compliance. Mr. Cimino said it

could threaten losing access to federal waters or a non-compliance finding could shut down the entire fishery for New Jersey.

- Mr. Nowalsky thanked Assemblyman Houghtaling for his service as the Legislative Commissioner. He responded to Mr. Rush and said it's not worth going out-of-compliance at this point and explained there are a lot of efforts underway throughout all of management to address these issues. He continued to say there is recognition by managers that this is a problem with the way management is structured, not necessarily a need to help the biology of the fisheries. He is not convinced that the approved regulations will ultimately be implemented for 2022 but the situation is fluid. Regarding scup, he noted that the 1" increase is less than the required reduction, so the GARFO Regional Administrator indicated he may close federal waters, which could impact our for-hire fleet. He commented that these reductions are that proof the recreational fishery is being held accountable.

For bluefish, status quo measures for 2022-2023 were adopted. In response to a request to increase the for-hire possession limits, Council determined it was not appropriate to do so now, but the issue can be evaluated in 2022.

For Atlantic mackerel, the Council moved to complete rebuilding plan revisions through an amendment instead of a framework adjustment. Public comment webinars will be held on January 11<sup>th</sup> and January 12<sup>th</sup>.

For surf clam and ocean quahog, the issue of mixing of surf clam/ocean quahog catch was reviewed by the Council. An amendment was initiated to explore short-term solutions.

For offshore wind, the Council approved revisions to the Council's OSW policy and received updates from wind developers and BOEM. New areas have been identified as potential future lease sites offshore DE to NC, being termed the Central Atlantic. Several NJ fisheries take place in these areas and could be impacted from OSW development, but NJ is not a member of the task force to evaluate these areas because BOEM didn't consider NJ an affected state.

During the biennial review of research priorities, the Council approved modifications to the Council's Five-Year Research Priorities.

The Council approved the 2022 Implementation Plan.

The Council provided updates and presentations on the following: East Coast Climate Change Scenario Planning, Ocean City (MD) Video Project, Habitat Activities in Greater Atlantic Region, and Sea Turtle Bycatch in Trawl Fisheries.

- Mr. Rush asked why they aren't using VTRs for the Ocean City Video Project. Mr. Cimino responded that we know that mandatory reporting does not mean we get full compliance.
- Mr. Kaelin responded that if anyone is interested in finding out more about the Ocean City Video Project, Jason Didden would be a good person to contact who is leading the project. He also asked if the letter from Maine, New Hampshire, Massachusetts that expressed concern about recreational measures was a reason the Council decided to go to an amendment for Atlantic mackerel. Mr. Cimino responded that Connecticut was on the letter as well and that all the New England states are seeing that recreational catch in state waters is significant so the letter requested the public hearings be held.

- Mr. Nowalsky commented that the Ocean City Video Project will focus on all recreational vessels not just for-hire vessels and that the project is modeled off of a similar project conducted on the west coast.

## **8. Bureau Reports – J. Brust**

J. Brust presented the Marine Fisheries Bureau report.

The 2021 Striped Bass Bonus Program closed on December 31, 2021. 11,652 permits were issued to 11,273 individual anglers. Permits were issued to 147 for-hire vessels. The harvest reports are still being processed however, 37,058 lbs. have been harvested which represents 17.2% of the quota and is the highest harvest since 2004.

Commercial fishery harvest reports are still being processed. Overall, roughly more than 95% of the commercial fishery quotas were harvested in 2021. Only about 170,000 lbs. of summer flounder quota, 100,000 lbs. of black sea bass quota, 30,000 lbs. of bluefish quota, and little to no menhaden quota were leftover in 2021.

## **9. Committee Reports**

Chairman Herb provided a report from the Executive Committee regarding Advisor applications. The Executive Committee identified two applicants who had violations and followed up to find out more information about the nature and timing of those violations.

Mr. Kaelin motioned to approve all people on the list as advisors, including the two individuals with violations. Seconded by Dr. Donnelly. Mr. Rush abstained. Motion passed.

Mr. Brust continued to provide a report from the Executive Committee regarding the committee discussion of increasing fines for striped bass violations. Staff provided information regarding fines from neighboring states and input from New Jersey Marine Law Enforcement staff. The Committee recommends no changes to existing fines since they are consistent with neighboring states, and higher fees are more difficult for CPOs to persecute in court.

The Department of Environmental protection recently evaluated NJ's license fees and recommended that all programs consider increasing fees to maintain consistency with the consumer price index. The Committee recommended no changes be made at this time due to economic struggles related to COVID and a concern that only fees covered by regulation could be changed, while those covered by legislation cannot, leading to consistency and equity concerns.

Finally, the Committee discussed prioritization for the next species be considered for development of a state Fishery Management Plan (FMP). The Committee recommended that whelk and white perch should be completed next.

- Mr. Rush asked to clarify what species are being considered for state FMPs. Mr. Brust reiterated the plan is to simply compile the information we have on the species into FMPs to establish baselines and management goals for these species. Mr. Rush asked if there is enough staff and staff time to invest into the state FMPs. Mr. Brust responded that we are moving slowly with it when we can but that we are doing what we can to come into compliance with the Legislation. Mr. Cimino reminded the Council of the recent staff increases that are enabling us to start working on these state FMPs.

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

There were no regulatory actions to report.

## 8. Old Business – J. Brust

There was an update by Ms. Brust on wind energy issues.

- In November, the Bureau of Ocean Energy Management (BOEM) announced the drafting of a Mitigation Framework document to address all stages of mitigation related to offshore wind and fisheries. The timeline is as follows: During the fall/winter 2021, identify ideas and considerations from the fishing community, developers, and others. During early winter 2022, develop draft guidance in consultation with NOAA/NMFS, state agencies, and technical experts. During early spring 2022, publish guidance and discuss with constituents. During summer 2022, issue final guidance.
- The Responsible Offshore Development Alliance published a document called “Impact Fees for Commercial Fishing from Offshore Wind Development: Considerations for a National Framework” which was reviewed by DEP staff.
- BOEM announced planning areas in the Central Atlantic offshore between Delaware and North Carolina. New Jersey was not included on the Task Force.
- \$26 million tied to the second offshore wind solicitation will come into the state. The Research and Monitoring Initiative intends to use the funds to conduct research that will mitigate offshore wind impacts to wildlife and fisheries. Studies in the pipeline so far are: Socio-economic value of recreational fishing in NJ, Novel surf clam dredge, Passive acoustic monitoring for large whales, turbine-mounted ocean sensing, glider-mounted ocean sensing, and data housing and visualization.
- Mr. Kaelin asked why the study is only looking at the socio-economic value of recreational fisheries and not commercial fisheries as well. Ms. Brust responded that she hopes it will be addressed as well.

- Mr. Kaelin also expressed frustration that the new planning areas are in the middle of the broad coral protection zone established by the Coral Amendment which protects the area from fishing but now the area is being considered for offshore wind development.
- Mr. Wark commented that two of the planning areas are fished by New Jersey's pelagic long line fleet that drift surface gear through those areas.
- Mr. Kaelin again expressed frustration with the federal government and lack of New Jersey representation in regards to the new planning areas.
- Mr. Cimino responded to Mr. Kaelin's previous comment and explained that the socio-economic value of recreational fisheries is less known compared to the commercial fisheries at this time so that is the reason for the study. Mr. Kaelin responded that he fully supports the study.

## **9. New Business**

Mr. Rush acknowledged the recent loss of Robin Scott to cancer and paid tribute to her contributions to fisheries management and for all the work she did representing New Jersey fisheries.

Mr. Brust explained the timing challenges related to holding Recreational Summer Flounder and Black Sea Bass Committee meetings before the March MFC meeting. Chairman Herb recommended the Council wait to schedule the Committee meetings until MFA staff have a clear understanding about when the recreational measures will be developed. Mr. Maxwell recommended making a decision in mid-February. Dr. Donnelly asked if there were any other important issues that need to be discussed at the March meeting. Mr. Brust said he was unaware at this time but he will follow up with more information. Mr. Rush asked if any of the recreational summer flounder and black seas bass measures for 2022 would be controversial. Mr. Brust responded that he anticipates a reduction for black sea bass

will likely be controversial, but it is premature to say since the recreational measures have not been set yet.

Mr. Brust asked the Council whether they would like to have another Striped Bass Committee meeting to discuss the issues of illegal striped bass fishing or to reevaluate their recommendation to not increase fines. Chairman Herb commented that it is a bigger issue than striped bass. Mr. Wark commented that it is a broader issue than just striped bass and likely due to access points, so the Council needs to address it and have more discussions. Mr. Rush recommended that Enforcement Committee should meet to consider the issue.

#### **10. Public Comment**

Mr. Brust advised Council that 18-20 emails were received addressed to the Council to consider a slot limit for recreational summer flounder management. A summary has been provided in the meeting materials and will be provided to the Summer Flounder Advisor Committee. Mr. Brust advised the Council that a letter was received from New Jersey dive groups that caution the Council from implementing a narrow slot for summer flounder because it presents challenges when spearfishing.

Chelsea Rush, Offshore Wind Advisory Committee, asked if there are any other meetings scheduled and whether the Committee will meet to vote and take a position on offshore wind. Mr. Kaelin explained the difficulty of scheduling meetings before comments are due. Mr. Kaelin mentioned there is an opportunity to have a meeting about the proposal between Orstead and Atlantic Shores for a transit area between the two sites. Mr. Wark stated that he has strong support for the transit area and will follow up with Atlantic Shores. Mr. Rush supported having a Wind Advisory Committee meeting to follow up from the last meeting as well.

Jim Hutchinson, the Fishermen Magazine, asked about the back bay closure for striped bass and if anglers fish in the ocean, catch striped bass, and then transit through the inlet and back bays to their dock, could they receive a fine from Enforcement. Deputy Chief Snellbaker responded that as long as anglers do not stop in the back bay to fish and transit directly from the ocean to their dock without stopping, anglers should not have any issues with Enforcement. Mr. Hutchinson asked when the two vacant spots on the Council will be filled. Mr. Brust responded that to his knowledge, there have been no volunteers. Mr. Hutchinson asked to clarify that no names are being considered. Mr. Brust said he is not aware of any names being considered but that the process is completed by the Governor's Office not by the Council or MFA staff. Mr. Hutchinson asked about Greg Hueth who appeared on the screen at a previous Council meeting. Mr. Brust responded that it was a mistake and he is not on the Council. Mr. Hutchinson asked whether any regulatory progress has been made to decouple speckled trout and weakfish. Mr. Brust responded that it will be in the next regulations package that is being worked on.

George Bucchi, striped bass fisherman from Atlantic County, commended Deputy Chief Snellbaker for the enforcement activity along the Raritan Bay. He stated that it was the most amount of poaching that he has ever seen and that there is currently nothing to deter the poachers. He recommended that CPOs confiscate poachers' fishing gear as well. He continued to describe the organized activities of fishermen, runners, drivers and said the poaching is only getting worse.

Dean Danehauer, Atlantic County, stated that he witnessed the large amount of poaching going on in the Raritan Bay as well, but said it happens everywhere, even in Atlantic City. He supported a Saltwater Fishing License as long as the revenue would go to more enforcement. Chairman Herb agreed with the commentator. Mr. Kaelin mentioned that he was involved with legislation for the menhaden fishery where

they were able to establish dedicated account for the menhaden license sales so he thinks it could be done for the recreational fishery as well. Mr. Rush said that it was challenging in the past because it would require a constitutional amendment to the state and the revenue could not be dedicated at the time.

Gerard Zigorski, NJfishing.com and board member of Recreation Fishing Alliance (RFA), asked about the possibility for implementing a slot limit for summer flounder this year. Mr. Brust explained that slot limits were not allowed in the Summer Flounder Fishery Management Plan (FMP) until recently. It is now allowed by the FMP but the state must submit a conservation equivalency proposal to ASMFC for approval first. Mr. Rush explained that it has been discussed by the Summer Flounder Committee meeting in the past. Dr. Donnelly explained that at the last Committee meeting there was support across the Advisors for a slot limit but the understanding was that it would take time to be implemented so the expectation for implementation was likely 2023, not 2022. Mr. Zigorski asked if it is true that a liberalization is expected for 2022. Dr. Donnelly responded that it will depend on the timeline and response from ASMFC.

Mr. Nowalsky, recreational angler, thanked Bureau staff and Council for looking into the summer flounder slot limit. He encouraged the Council to develop a plan how to collect public comment. He appreciated the effort undertaken last year to expand the amount of public comment but the Council needs to accept ownership of the public comment to be more transparent this year. He stated that the allocation decision was framed earlier as a shared level of reductions but in his opinion the allocation decisions were more favorable for the commercial fishery.

Harvey Yenkinson, Mid-Atlantic Council Advisor, recommended the Council needs to quickly act to begin regulating triggerfish due to increased pressure on the species. Mr. Yenkinson recommended the Council consider a small slot limit for summer flounder so that more female fish can survive and so that shore-based anglers can have more opportunity to harvest legal fish. His last comment encouraged the Council to develop regulations to avoid seasonal gaps in open fisheries. Chairman Herb responded that the Council is aware of the issue when closed seasons create gaps in open fisheries. Mr. Rush explained that all the Committees attempt to close the gaps in fishing seasons between species.

Greg Cudnik, Fishermen's Headquarters, seconded Mr. Yenkinson's comments. He commented that it is unfair for LBI to be singled out when IBSP has a lower regulation but neighboring beaches to the north and south do not. Mr. Cudnik mentioned it would be helpful for his business if regulations were set for multiple years as well. He also recommended that management measures should be set for blowfish as well.

Jack Fulmer, NJ Dive Clubs, expressed concern for implementing a small slot limit for summer flounder because spearfisherman must "safe-size" fish (take fish substantially larger than the minimum size). He explained that a small slot limit would force divers to "safe-size" down as well. Therefore, a small slot would essentially take spearfishermen out of the fishery.

John Azinaro, president of Hi-Mar Striper Club, commented that a quick poll of club members provided full-support for a summer flounder slot limit. He questioned why a Saltwater Fishing License would reduce illegal striped bass fishing. Chairman Herb responded that it could help enforcement.

Mr. Kaelin questioned what was written in Mr. Fulmer's letter which indicated a slot limit proposal from New Jersey was tabled at the December 2020 Joint meeting. Mr. Brust responded that it was submitted to the Technical Committee for review but in 2020 the measures remained status quo so there was no opportunity for conservation equivalency.

Meeting concluded at 8:30 pm. The next Marine Fisheries Council Meeting will be held on March 3<sup>rd</sup> at 5:00 pm, location TBD.