

Marine Fisheries Council Meeting
April 7, 2022

Council Attendees:

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

DEP NJ Fish and Wildlife Attendees:

Jeff Brust - Chief, Bureau of Marine Fisheries BMF
Joe Cimino – Administrator, Marine Resources Administration (MRA)
Russ Babb – Chief, Bureau of Shellfisheries, BSF
Linda Barry - Research Scientist, MRA
Paul Bechtel – Wildlife Worker, BMF
Colleen Brust – Research Scientist, MRA
Michael Celestino, Research Scientist, MRA
Peter Clark - Principal Biologist, BMF
Heather Corbett - Supervising Biologist, BMF
Jessica Daher - Program Specialist, MRA
Jamie Darrow - Senior Biologist, BMF
Dave Golden – Assistant Commissioner, NJ DEP Fish and Wildlife
Maryellen Gordon - Principal Biologist, BMF
Brendan Harrison - Senior Biologist, BMF
Matthew Heyl - Assistant Biologist, BMF
Amber Johnson - Assistant Biologist, BMF
Chuck Karr - Senior Wildlife Worker, BMF
Brian Neilan - Principal Biologist, BMF
Jeff Normant - Supervising Biologist, BSF
Chad Power – Senior Biologist, BMF
Jason Snellbaker - Deputy Chief, Bureau of Law Enforcement BLE
Jennifer Tomko – Senior Biologist, BSF
Alissa Wilson - Assistant Biologist, BMF

Public Attendees:

See attached

The meeting was called to order. Notice of the Marine Fisheries Council (Council) meeting was filed with the Secretary of State on March 24, 2022.

Chairman Herb announced that the meeting would deviate from normal order to address Summer Flounder and Black Sea Bass recreational regulations and public comment first, followed by the remaining agenda items. There were no objections from the Council.

Committee Reports

Summer Flounder Advisory Committee Report – Dr. Donnelly

A meeting of the NJ Marine Fisheries Council's Recreational Summer Flounder Advisory Committee was held via webinar on March 30, 2022, to discuss management options for the New Jersey recreational summer flounder fishery for the 2022 fishing year. At their March 2022 meeting, the ASMFC approved the State of New Jersey's conservation equivalency proposal options for the 2022 summer flounder season. This proposal allows New Jersey to increase their recreational summer flounder harvest by 16.5 percent. The current 2022 New Jersey recreational summer flounder regulations are an open season from May 22 – September 19 with a 3-fish possession limit and an 18 inch size limit resulting in a 121 day long open season. Through a series of Advisory Committee scoping meetings in 2021 the Bureau of Marine Fisheries staff developed options for the 2022 fishing year that include options with increased seasons, lower minimum sizes, higher possession limits, and slot and trophy fish concepts. The Committee reviewed 19 options ultimately deciding to move 5 options forward for consideration with one as a preferred option as follows.

1. Preferred Option- Open Season from May 21 – September 23 with a 3-fish possession limit and a 17.5 inch minimum size limit.
2. Open Season from May 2 – September 27 with a 2-fish slot possession limit from 17 – 17.99 inches and 1-fish 18 inches or greater.
3. Open Season from May 27 – October 2 with a 2-fish slot possession limit from 16.5 – 17.99 inches and 1-fish 18 inches or greater.
4. Open Season from May 1 – September 30 with a 3-fish possession limit and an 18 inch minimum size limit.
5. Open Season from May 24 – September 10 with a 1-fish slot possession limit from 16.5 – 17.99 inches and 2-fish 18 inches or greater.

By decreasing the minimum size limit, Council feels that pressure on breeding females will be reduced. The slot limit options have several advantages including increased open days as well as a focused harvest on abundant size classes of fish resulting again in conservation of breeding size classes of fish. A concern with using the slot limit options from both the ASMFC Technical Committee, ASMFC Management Board, and NJ Fish and Wildlife Bureau of Law Enforcement surrounds a narrow slot increasing the likelihood of non-compliance and the added burden on enforcement officers requiring the need to measure all fish in possession and attribute that catch to individuals. If a slot limit option is considered, the recommendation is to establish the largest slot gap possible. The Committee recommends adopting the measures proposed in Option 1 for New Jersey's 2022 recreational summer flounder fishery.

Mr. Kaelin questioned why the Board approved the slot option when it was a concern of the Technical Committee.

P. Clarke explained the concern was due to the range of the slot being less than an inch in range. When the slot range increases the concern diminishes.

Dr. Bochenek questioned that taking smaller fish may cause less discard of smaller fish and decrease discard mortality.

P. Clarke explained the theory and concept behind a slot/smaller size limit is moving discard mortality into harvest while putting less pressure on the larger breeding fish.

J. Snellbaker presented Law Enforcement's concerns regarding the lack of disparity with a slot size that ranges 1-1.5 inches. Challenges for enforcement include confusion among the public and their ability to measure accurately within the small slot. The slot limit will also increase the amount of time officers will spend on inspections needing to measure every fish to adhere to the proper size limits that are not easily discernable.

J. Brust explained the special management zones and their current regulations; Island Beach State Park, 2 fish at 16 inches and Delaware Bay, 3 fish and 17 inches. The decision needing to be made is whether these areas would maintain their smaller size benefit or if they would be changed to reflect the same regulations as the rest of the state. The special management areas require action after the statewide option is decided, the state option may influence the decision on these areas.

Chairman Herb noted that the preferred option from the Committee Report is an automatic motion with a second.

Dr. Bochenek made a motion to substitute the "Preferred Option" with "Option 2", motion seconded by Mr. Rush. Motion also supported by Mr. Kaelin. A roll call vote was held, and the motion failed 5 to 4.

Mr. Rush asked if Option 3 could be changed to move dates from Wave 5 to Wave 3 to open the season earlier to provide an earlier season for back bay anglers. J. Brust confirmed that days could not be moved between waves in these options as presented.

Council decided to take public comment on summer flounder before making final decisions on 2022 regulations.

Comments were taken from over 50 public attendees and kept to 30-45 seconds per comment. When public comment concluded, the greatest amount of support was for "Option 2," followed by "Option 1", "Option 4" and "Option 3". There was no support shown for "Option 5". Common themes in support of "Option 2" included:

- Small business owners (captains, marine operators, bait/tackle shop owners) see benefits in the longer season and allowance of smaller fish with the slot limits allowing anglers to start fishing earlier.
- Back bay fishermen overall show a preference for "Option 2" allowing for early fishing in May and the allowance of smaller fish cutting down on the discard mortality while protecting the larger breeding females.
- Protecting breeders with the slot limit enforced on recreational anglers is appreciated but there is a want for tighter regulations on commercial fishermen harvesting too many of these fish.

Comments opposed to “Option 2” included concerns such as:

- Slot size being under an inch is too small and may cause confusion for anglers and law enforcement with there not being a larger difference between the over/under sizes.
- Spear fishermen are concerned with the slot being an inch in size making it hard to judge between the slot fish and the large fish while spearing under water.
- The slot limit could promote culling of fish in order to keep the most fish within the regulations if anglers were to catch fish over or under the size limits.
- There is a great level of concern about the slot limit not being worth spending the money for gas/fees incurred to get boats out for ocean fishing when the slot would now allow anglers to keep the larger fish.

As the previous motion to substitute with “Option 2” failed, it was necessary to pass a motion to reconsider that option. A motion to reconsider was made by Mr. Wark and seconded by Mr. Kaelin. Motion to reconsider the substitute motion passed with 6 in favor and 3 opposed.

Dr. Donnelly called the vote on the substitute motion. A roll call vote was held and the motion passed 6 in favor, 2 opposed. (Chairman Herb lost access to meeting due to technical difficulties). The substitute motion (favoring Option 2) becomes the main motion, proposing an open season from May 2 – September 27 with a 2-fish possession limit within a slot from 17 to less than 18 inches, and 1-fish 18 inches or greater. A roll call vote was held, and the motion passed 6 in favor 2 opposed. Motion applies to general waters of the state.

Dr. Bochenek made a motion to apply the “Option 2” slot limit regulation throughout the state including the special management areas (Island Beach State Park and Delaware Bay). Motion seconded by Mr. Rush. Motion withdrawn after discussion from Council favoring the special management areas.

Mr. Hollinger made a motion to keep size and possession limit regulations in the special management areas status quo while adopting the newly approved season. Motion was seconded by Mr. Maxwell. Public comment on special management areas generally favored keeping status quo. A few commenters recommended expanding the special surf fishing regulation from Island Beach State Park to other state parks with surf/shore fishing access. Some commenters do not appreciate the “preferential” treatment of these areas and would appreciate a more equal regulation state-wide. Call for a vote to maintain status quo in special management zones, motion passes, all in favor.

Black Sea Bass Advisory Committee Report – Mr. Rush

A meeting of the NJ Marine Fisheries Council’s Recreational Black Sea Bass Advisory Committee was held via webinar on March 29, 2022 to discuss management options for the New Jersey recreational black sea bass fishery for the 2022 fishing year. At their March 2022 meeting, the ASMFC approved the State of New Jersey’s conservation equivalency proposal methodology for the 2022 black sea bass season. Under this proposal, New Jersey is required to reduce harvest by 20.7 percent as required by the ASMFC’s accountability measures since New Jersey has exceeded our harvest allocation three out of the last four years. The current 2021 New Jersey recreational black sea bass regulations are an open season

from May 15 – June 22 with a 10-fish possession limit and a 12.5 inch size limit, July 1 – July 31 with a 2-fish possession limit and a 12.5 inch size limit, October 8 – October 31 with a 10-fish possession limit and a 12.5 inch size limit, and November 1 - December 31 with a 15-fish possession limit and a 13 inch size limit. The Committee reviewed 7 options, developed 9 more options during the meeting, and ultimately trimmed 16 potential options to following four options;

1. Open Season from May 17 – June 19 with a 8-fish possession limit and a 12.5 inch size limit; July 15 – August 31 with a 2-fish possession limit and a 12.5 inch size limit, October 1 – October 20 with a 8-fish possession limit and a 12.5 inch size limit, and November 1 – December 24 with a 10-fish possession limit and a 13 inch size limit.
2. Open Season from May 20 – June 19 with a 8-fish possession limit and a 12.5 inch size limit; July 1 – August 31 with a 2-fish possession limit and a 12.5 inch size limit, October 11 – October 31 with a 8-fish possession limit and a 12.5 inch size limit, November 1 – November 11 with a 8-fish possession limit and a 13 inch size limit, and December 9 - December 31 with a 8-fish possession limit and a 13 inch size limit.
3. Open Season from May 17 – June 19 with a 10-fish possession limit and a 13 inch size limit; July 1 – August 31 with a 2-fish possession limit and a 13 inch size limit, October 12 – October 31 with a 10-fish possession limit and a 13 inch size limit, November 1 –December 31 with a 15-fish possession limit and a 13 inch size limit.
4. Open Season from May 17 – June 19 with a 10-fish possession limit and a 13 inch size limit; July 1 – August 26 with a 2-fish possession limit and a 13 inch size limit, October 7 – October 30 with a 10-fish possession limit and a 13 inch size limit, November 11 –December 30 with a 14-fish possession limit and a 13 inch size limit.

The committee recommends adopting the measures proposed in Option 1 for New Jersey’s 2022 recreational black sea bass fishery. This committee recommendation is considered a motion with an automatic second.

P. Clarke further explained the methodology behind the recreational black sea bass options, with no questions from Council. Public comment was opened.

Comments were taken from 30 plus public attendees, comments were restricted to 60 seconds. Upon conclusion of the public commentary “Option 3” was the preferred option. Many had concerns about the shorter seasons associated with the other options proposed. The size increase in Wave 3 from status quo was deemed worth it for the extra days in the season and bag limit. It was suggested that the dates in Wave 5 be moved seven days earlier to capture Columbus Day weekend making the open dates 10/7-10/26. For hire captains and owners suggest an increased bag limit and a longer fall season to bridge a gap between black sea bass and tautog seasons.

Dr. Bochenek made a motion to substitute preferred “Option 1” with “Option 3” with a change to the dates in Wave 5 to 10/7-10/26. Motion seconded by Mr. Kaelin. Mr. Rush requested a roll call vote, and the motion to substitute passed unanimously. The substitute motion becomes the main motion, proposing the following regulations

Open season	Possession limit	Size limit
5/17 – 6/19	10 fish	13"
7/1 – 8/31	2 fish	13"
10/7 – 10/26	10 fish	13"
11/1 – 12/31	15 fish	13"

Mr. Rush requested a roll call vote, and the motion passed unanimously.

Dr. Donnelly stepped in as Acting Chair after the conclusion of black sea bass committee presentation due to technical difficulties with Chairman Herb.

A motion to approve all draft notices of administrative change for scup, black sea bass, and summer flounder with all changes made during the meeting was made by Mr. Rush, seconded by Dr. Bochenek. Motion passes unanimously.

Approval of Minutes

Meeting minutes from the January 6, 2022 meeting of the Council were approved without revision. Motion made by Mr. Kaelin and seconded by Mr. Hollinger. Motion carried with all in favor.

Enforcement Report

Deputy Chief Snellbaker indicated a summary of Marine Law Enforcement highlights for the month of March was provided in meeting materials.

Mr. Kaelin made a comment based on a Law Enforcement report about poaching of striped bass in Raritan Bay and further enforcement measures. Dr. Donnelly and J. Brust confirmed that the topic is on the agenda for an Enforcement Committee meeting before the May MFC meeting.

Shellfish Council Reports

No report.

Legislative/Regulatory Report

A summary of recent legislative action was provided in the meeting materials.

J. Brust updated Council on a regulatory package nearing approval that will give the Commissioner the authority to make gear changes through Notice of Administrative Change. This is expected to be approved and implemented in late summer/early fall and will allow New Jersey to more easily maintain compliance with ASMFC and MAFMC gear requirements.

Atlantic States Marine Fisheries Commission (ASMFC) Report

A summary of the ASMFC January meeting week was provided in the meeting materials, handouts #5 and 5A.

Mid-Atlantic Fishery Management Council (MAFMC) Report

A summary of the ASMFC January meeting week was provided in the meeting materials, handouts #6.

Marine Fisheries Bureau Report

No report

Old Business

Mr. Brust highlighted several upcoming committee meetings. As previously noted, staff is planning a Law Enforcement Committee prior to the May MFC meeting to discuss poaching and appropriate enforcement responses. In addition, there has been some requests for an Offshore Wind Committee meeting, so that will also be scheduled before the May MFC meeting. Mr. Brust notified Council that terms for several advisors will expire soon, so an Executive Committee meeting will be needed over the summer to review applications and renewals. Finally, there has been an outstanding request for a Bluefish Committee meeting, which will likely occur between the May and July MFC meetings.

New Business

Mr. Rush asked if Council would be meeting in-person in May. Mr. Brust responded that that was the plan.

Public Comment

Many attendees encouraged each other to start taking part in providing comment and feedback before regulatory options and decisions are brought to the MFC meetings (for example, at ASMFC meetings) where the options cannot be altered.

Adam Nowalsky encouraged attendees to provide public comment on the ASMFC/MAFMC recreational reform initiative while the public hearing is still accepting comments (until April 22nd). Mr. Nowalsky provided his information to the Council and to the attendees that would like contact him with questions or interest in providing public comment for this topic.

Paul Collier requested information on how to apply for a Council vacancy. He noted that links, emails, and other contact information found online provided incorrect or outdated information. Mr. Brust provided information on how to apply for one of the two open Council seats. Mr. Rizzo explained that Mr. Collier could contact his state senator to sponsor his spot which would streamline the application process. Jim Hutchinson explained that he received information on the two open Council seats which confirmed the seats were open and applications are being considered but no further comment on the status of the seats would be provided.

Mr. Rush made a motion to end the meeting after conclusion of public comment. This motion was seconded by Dr. Bochenek. Meeting concluded at 8:59 pm. The next Marine Fisheries Council Meeting will be held on May 12th at 5:00 pm at the Galloway Township Public Library (tentative).

Public Attendees:

Raymond Bogan	Chris Galamb	Alyssa Madosky
Erik Bogan	George Gaudlap	James Madosky
Nicole Bogan	Michael Gliddon	Vanessa Manetta
Howard Bogan	Ed Gobbo	Greg Manning
Robert Bolger	Stanley Gola	Chris Marciniak
Ray Bonar	Jared Grady	Barry Mastrangelo
Steven Bracall	John Grady	Benjamin McClellan
Keith Breidt	James Griffiths	Michael McClintock
Joey Bryant	Andy Grossman	Tom McCloy
Ray Bukowski	Kurt Grothusen	Ken McDermott
George Burns	Eric Guglielmo	Mike Mcdede
Tony Butch	Semin Hadzi	Richard Melton
Ryan Butcher	Paul Haertel	Paul Midura
Nick Cicero	Robert Haines	Chelsey Molimock
Joseph Cook	Jim Hampton	Ed Moore
Timothy Calabrese	Brooke Handley	Arthur Morris
Justin Campbell	Kyle Harcourt	Paul Mulholland
Ben Casella	Victor Hartley	Gordon Muller
Paul Collier	Brian Hollinger	Curtis Nagel
William Collins	Joseph Horstmann	Tom Nakonechny
Bob Cope	John Howell	Philip Natale
John Creely	Greg Hueth	Richard Natoli
Greg Cudnik	John Huff	Philip Naylor
Robert Currie	Irv Hurd	Adam Nowalsky
Tom Daffin	Brandon Hurd	Lee Page
Dave Daly	James Hutchinson	Jin Park
John DePersenaire	Jim Hutchinson	Bob Percopo
Xiao Deng	Carolyn Iwicki	Eric Plath
Antonio Di Cristofano	Adam Jacobs	John Pongracz
Alfred DiMartino	Denis Katliarov	Michael Purvin
Jarrett Dial	Doug Keeping	Paul Regalbutto
Michael Doebley	Ken Knudsen	Daniel Radel
Bryan Eagan	Andrew Kosara	Brian Rash
Adam Eastburn	Art Kurtz	Carl Recchia
Bill Erickson	Roger Lieth	Cole Riback
John Fanz	Tim Llewellyn	David Riback
Andrew Fedkiw	Louis Lauria	David Riback
Daniel Ferentz	Brandon Lawrence	Louis Riccardi
Glen Ferrera	Vinny Lisa	Jamey Robinson
Christopher Flatt	David London	Mike Rothman
Frank Florio	Bob MacMaster	Frank Ruczynski
Steven Forzani	Stephen Machalaba	Eric Ruiz
Bobby Frade	Dennis Machamer	James Rumsey
John Fullmer	Christopher Mackin	Bill Shillingford

Steve Szambelak
Gregg Sakowicz
Alexander Sands
Pat Santorsola
Brian Schengrund
Todd Schrader
William Schwanda
Paul Shafer
Michael Shepherd
Marc Sherry
Charles Shields
David Showell
Philip Simon
Harry Sinesi
Michael Skelly
Scott Sleckman
Beau Sleeter
Sean Smida
Frank Sochacki
Matt Sorrentino
Bob Stavola
Gene Stevenson

Arthur Strassler
Mark Swartz
Doug Taylor
Ed Teise
Timothy Tesch
Jason Thomas
Alexa Thomases
Austin Timpson
George Tomko
John Toth
Roy Trainor
Scott Vengenock
Nick Verducci
Dante Vitale
Patrick White
Mike Waine
Brian Walters
Irwin Weinerman
Josh Weldon
Philip Welsh
David Werber
Daniel White

Kelly Whitmore
William Wisniewski
Eddie Yates
Gerry Zagorski
Vincenzo Zanghi
Samuel Zeilman
Douglas Zemeckis
Jay Zhang
Tyler Bennett
Anthony Berner
Bob Duckenfield
Daniel Hitchcock
Ray Klama
Ryan Loughlin
James Parker III
Robert Quinn
Jeff Speidel
Bill Tomaszewski
Jeff Weigle
Derrick Youmans