

**NEW JERSEY MARINE FISHERIES COUNCIL**  
**Stafford Municipal Building**  
**Stafford, New Jersey**  
**May 14, 2015**

**Council Attendees:**

Richard Herb (Acting Chairman)  
Erling Berg  
Eleanor Bochenek  
Walter L. Johnson III  
Sergio Radossi  
Joseph Rizzo  
Robert Rush  
Joseph Zaborowski  
James Alexis

**Council Absentees:**

Scott Bailey  
Frances Puskas

**Division of Fish and Wildlife Attendees:**

Brandon Muffley, Administrator, Marine Fisheries Administration (MFA)  
Russ Babb, Acting Chief Bureau of Shellfisheries (BSF)  
Russ Allen, Bureau Chief, Bureau of Marine Fisheries (BMF)  
Lieutenant Jason Snellbaker, Bureau of Law Enforcement (BLE)  
Jeff Brust, Research Scientist (MFA)  
Hugh Carberry, Principal Biologist (BMF)  
Brian Neilan, Assistant Biologist (BMF)  
Sherry Bennett, Council Secretary

Ms. Bennett read the compliance with the Sunshine Law. Notice of the Marine Fisheries Council (Council) meeting was filed with the Secretary of State on April 9, 2015. Council meeting minutes for April 9, 2015 were not available at the time of this meeting. Mr. Herb began the meeting with the Pledge of Allegiance.

**Audience Conduct**

Mr. Herb reminded the audience to take conversations outside or wait until the end of the meeting and to turn off all cell phones. Individuals wishing to make a public comment will need to sign up.

### **Law Enforcement Report**

Lt. Snellbaker presented the Council with an update of the Law Enforcement Report, no prepared highlights since Council met last month. Lt. Snellbaker did update Council on recent law enforcement field activities. Enforcement has been working to meet federal patrol mandates by inspecting offshore gear and checking for whale breaks to prevent entanglements. Enforcement has stepped up glass eel patrols. Lastly, the influx of bluefish in the backbays, appears to have slowed down the poaching of closed season summer flounder.

### **Legislative/Regulatory Report**

Mr. Muffley presented Council with the Legislative and Regulatory Report. (Handout #1):

- A4340 – Establishes a three-year pilot program to permit for-hire vessels to fish for summer flounder in Delaware waters pursuant to the State of Delaware's regulations.

After some discussion from the Council members a motion was made to send a letter, with the understanding this new bill is to develop a program in direct consultation with the ASMFC since this would require cooperation and approval from DE and the ASMFC.

**Move to send a letter to Assemblyman Andrzejczak advising him to wait for further comment from this Council following the July 9<sup>th</sup> meeting, which would allow the Council time to understand this new bill and submit Council's recommendations.**

Motion made by Mr. Alexis and seconded by Mr. Zaborowski. Motion passes.

- A4146 – Authorizes the DEP and the NJ Marine Fisheries Council to regulate the taking and management of striped bass and establishes interim taking restrictions. Mr. Muffley commented that the Senate approved this bill on March 16, 2015, and it was signed into law on May 4, 2015 and he advised that all new measures are in now in place.

Acting Chairman Herb asked for an update on the Striped Bass Bonus Program. Mr. Muffley commented that work is being done to implement committee recommendations and would be set by September 1, 2015.

Ms. Fay from the Bureau of Marine Water Monitoring presented Council with a presentation on the N.J.A.C. 7:12 Shellfish Growing Water Classifications proposed Rule Amendments. The presentation can be found online at [http://www.nj.gov/dep/rules/rules/njac7\\_12.pdf](http://www.nj.gov/dep/rules/rules/njac7_12.pdf)

Mr. Rizzo questioned how the Dept. or the permittee will go about achieving the required 24/7 surveillance without money for enforcement. Ms. Fay responded security is their top priority in ensuring industry achieve the 24/7 surveillance; however those details on how that takes place are still being worked out and will likely be implemented on a case by case basis based upon the permittees operation.

Mr. Johnson questioned how enforcement would be able to cover this given their manpower is already fully tasked. Lt. Snellbaker responded because of the increase in aquaculture activity and the pending aquaculture regulations, two or three more officers are expected to be hired in the near future.

**Atlantic States Marine Fisheries Commission (ASMFC) Report**

Mr. Allen and Mr. Muffley presented Council with ASMFC Management Board (Board) Spring Meeting Summary held in Alexandria, VA from May 4 – 7, 2015. (Handout #2):

**Mr. Allen**

**Atlantic Menhaden**

- The Board approved a 10% increase from 2014 for the total allowable catch (TAC) for the 2015 and 2016 fishing seasons. The Board has established a working group to aid in the development of issues (allocation scenarios and ecological reference points) to be addressed in the Public Information Document (PID) and draft amendment. The Board will meet later this year to review the working group's progress. The PID is the first step in the Commission's amendment process. It will gather information concerning the Atlantic menhaden fishery and resource and provide an opportunity for the public to identify and comment on major issues relative to the management of this species.

**Atlantic Striped Bass**

- The Board met to (1) review progress on the development of three area- specific fishing mortality reference points (i.e., Chesapeake Bay, Delaware Bay, and the Hudson River), (2) review proposed changes to the Virginia striped bass tagging and monitoring program, and a calibration proposal to the Virginia and Maryland seine survey, and (3) review the implementation status of Addendum IV.

**Tautog**

- The Board has approved the development of an amendment to the Tautog Fishery Management Plan that will explore the establishment of new regional stock areas and associated reference points. The amendment will propose two options for regional stock boundaries. The first option will include the following regions: Massachusetts to Rhode Island, Connecticut to New Jersey, and Delaware to North Carolina. The second option will include Massachusetts to Connecticut, New York to New Jersey, and Delaware to North Carolina.

Mr. Johnson asked about winter flounder plan? Mr. Muffley commented winter flounder is jointly managed by New England Fishery Management Council and the ASMFC, to ensure management and regulations are consistent between state and federal waters; however this approach has not been working well in recent years with the significant differences in management and regulations between the two entities.

### **Mr. Muffley**

#### **American Lobster**

- The Board approved Addendum XXIV which aligns state and federal measures regarding trap transfer programs for LCMA's 2, 3 and Outer Cape Cod. Also the peer reviewed stock assessment for lobster will be conducted in June/July. The Southern New England (SNE) Stock not looking as healthy as the Gulf of Maine; which is abundant. Management actions to be discussed at August Board meeting.
- NJ also got a commitment from the NMFS to modify Area 4 measures to match those approved by the ASMFC in October 2014. If the NMFS does not modify its measures, NJ fisherman will be looking at a season closure in February, March and May.
- Draft FMP for Jonah crabs will be available for public comment soon.

Mr. Muffley noted that the Marine Fisheries Administration's own Jeff Brust was presented with the ASMFC's Award of Excellence for his outstanding contributions to fisheries management from the Board.

Mr. Johnson commented that Lt. Snellbaker presented a concern regarding possible abuse of safe-harbor requests in NJ. Mr. Johnson asked if there are any updates regarding this issue. Lt. Snellbaker updated Council on this issue and he stated that a discussion needed to occur to implement a formal policy in regards to how and when a vessel can

declare safe harbor. RI is the only state currently to have a formal policy in place in regards to declaring safe harbor.

### **Mid-Atlantic Fishery Management Council (MAFMC)**

No meeting was held during this timeframe and therefore no report given.

### **Shellfish Council Reports**

- **Delaware Bay** – Mr. Bailey – no report
- **Atlantic Coast** – Mr. Johnson – no report

### **Committee Reports**

There were no reports given during the meeting.

Mr. Muffley provided an update on the status of upcoming Committee meetings. The Regulatory Committee will meet on May 28<sup>th</sup> and the Eel Committee meeting will be scheduled for late June/early July. After that a Blue Crab Committee will need to meet soon. Mr. Rizzo recommended a crab dredge and conch committee meeting be held. Mr. Muffley indicated that this could be rolled into the Blue Crab meeting.

Mr. Rush asked for a Black sea bass committee meeting be held in September to consult modifications of trip limits for next year.

### **Regulatory Actions**

Mr. Allen presented Council with Handout #3 (Notice of Administrative Change) which modifies the 2015 season 4 commercial trip limit for black sea bass as was recommended by the commercial black sea bass committee and advisors at the April meeting. The Notice also includes approved regulatory action for recreational and commercial blueline tilefish fisheries. The blueline tilefish measures have been proposed to comply with the measures that the MAFMC is recommending to NOAA Fisheries for Emergency Action.

**Public Comment** A commercial fisherman commented that blueline tilefish are like “gold.” To go from unlimited commercial trip limits to 300 lbs will cause businesses to go under. Recreational have no reporting requirements. There is no science behind this and the NMFS lacks the knowledge.

- **Move to accept black sea bass commercial recommendation to modify the commercial black sea bass season 4 trip limit change from 3,000lbs one day per week to 1,500 lbs 2 days per week.** Motion by Mr. Berg and seconded by Mr. Johnson. Motion carries.
- **Move to initiate blueline tilefish regulations of a seven fish possession limit for recreational anglers and a 300 lb trip limit for commercial fisheries to match anticipated federal emergency action by the NMFS.** Motion by Dr. Bochenek and seconded by Mr. Johnson. Motion carries.

Mr. Johnson asked what the emergency action was based on. Mr. Muffley responded that a recent peer reviewed stock assessment showing the blueline tilefish stock is overfished and overfishing is occurring. The results from this assessment are being applied to blueline tilefish along the entire coast. The MAFMC took action to begin the process of developing management authority and a stock assessment for blueline tilefish north of North Carolina so that South Atlantic Fishery Management Council does not have all the management control over the fishery to the NMFS.

Mr. Rush asked if - in this case - a landing license would have helped. Mr. Muffley responded this is a fish that has little information and needs a FMP. A landing license would have helped with commercial landings information and possibly protected New Jersey’s interests now and in the future but would have not stopped this emergency action.

- **Move to initiate a NOAC for black sea bass and blueline tilefish as approved tonight by the Council.** Motion by Mr. Johnson and seconded by Mr. Rush. Motion carries.

## **Old Business**

Mr. Muffley presented Council with Handouts #4-6.

- Handout #4 is a letter sent by Council voicing opposition to the proposed seismic testing off of Barnegat Inlet, NJ in 2015.
- Handout #5 is a letter sent by Council inviting the Bureau of Marine Water Monitoring to give a presentation of the proposed amendments of the shellfish growing water classification, which happened earlier tonight.
- Handout #6 is draft letter to the Commissioner on Diamondback terrapins. At last month's meeting, Council passed a motion to write a follow up letter to the Commissioner's Office in regards to the implementation of protection measures on terrapins. The Council wanted to review the letter prior to mailing to the Commissioner. After reviewing/discussing the letter, the Council supported sending the letter as currently written.

Mr. Rush commented that this was another species that could have benefited from a landing license because the terrapins have no regulations or license requirement. So, again he pointed out that we essentially have little to no clue as to who is catching them or how many turtles are even being harvested.

- Mr. Muffley presented Council with a Fisheries Disaster Update. The DEP received \$2.3 million dollars in grant money. Assistance checks will be going out soon to 266 individuals/businesses related to the fishing industry ranging from \$6,000-\$10,000 (maximum) per recipient.

## **New Business**

Mr. Muffley presented Handouts #7-9 to Council.

- Handout #7 is a letter to Council from the public in regards to differing striped bass regulations between NJ and DE.



- Handout #8 reminder for Council to complete their annual Ethics Trainings. This year only a brief training is required.
- Handout #9, in an invitation to the 7<sup>th</sup> Annual Sustainable Raritan River Conference and Awards Ceremony scheduled for Friday, June 12, 2015.

Mr. Carberry presented Council with a presentation in regards to the two new proposed reef locations. The proposed locations are east of Manasquan Inlet and in the DE Bay. The State of DE has eight reefs in Delaware Bay, while NJ has none. Regulatory language within the Coastal Zone Management Rules was modified to allow NJ to build one reef within the Bay. At the April 7 DE Bay Shellfish Council meeting, the Council opposed the DE Bay Reef location because of concerns regarding crab dredging and conch fishing.

### **Public Comment**

Mr. Muller presented Council with information to consider bow fishing for stingrays in NJ. From DE to FL bow fishing for string rays is legal. He opined that the best way for population control, since sharks are declining, could be bow fishing. Sting rays can decimate clam and oyster beds. If done correctly, there's no wanton waste and all remaining parts of the ray can be used as bait.

- Mr. Muffley commented that for this to be considered, the Council would need to get a committee together along with enforcement and then recommend a regulatory change, which will change recreational fishing definition in marine waters.
- Mr. Rizzo suggested instead of a rule proposal, Council could work through the legislature, thinking it would quicker. Mr. Muffley preferred to have the Council continue to work on these types of issues and not to go the legislative route.

Mr. Shillingford raised concerns he has regarding the current rules allowing hook and line commercial fishermen access to shorter fluke (14”) is a little excessive and not fair to the recreational hook and line fishermen. The Council should consider this issue or provide for the same opportunities for back bay fishermen versus ocean fishermen regardless if commercial or recreational.

Mr. Berwick stated that he supported bow fishing for stingrays. This is a positive outlet for fisherman and opens economic growth in back bays and supports sports shops. Seasonal availability for these species are at different times also – cownose late June and rougtail in August.

Meeting adjourned. Next Meeting July 9, 2015, Galloway Township Library