

NEW JERSEY MARINE FISHERIES COUNCIL
Galloway Township Library
Galloway, New Jersey
March 7, 2013

In Attendance were: Acting Chairman Richard Herb
Councilman Erling Berg
Councilwoman Eleanor Bochenek
Councilman Barney Hollinger
Councilwoman Frances Puskas
Councilman Sergio Radossi
Councilman Joseph Rizzo
Councilman Robert Rush
Councilman Joseph Zaborowski

Absent: Councilman Walter L. Johnson III

Also in attendance representing the Division of Fish and Wildlife:

Thomas W. McCloy, Administrator, Marine Fisheries Adm. (MFA)
Brandon Muffley, Chief, Bureau of Marine Fisheries (BMF)
Russ Babb, Acting Chief, Bureau of Shellfisheries
Jeffrey Brust, Research Scientist, MFA
Peter Himchak, Supervising Biologist, MFA
Captain Dominick Fresco, Bureau of Law Enforcement
Russ Allen, Supervising Biologist, BMF
Thomas Baum, Supervising Biologist, BMF
Mike Celestino, Research Scientist, MFA
Sherry Bennett, Council Secretary

Ms. Bennett read the compliance with the Sunshine Law. Notice of the meeting was filed with the Secretary of State on February 27, 2013. Meeting Minutes from the January 3, 2013 Council Meeting were approved.

Acting Chairman Herb began the meeting with the Pledge of Allegiance.

Audience Conduct

Acting Chairman 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.

Acting Chairman Herb welcomed Barney Hollinger to the Marine Fisheries Council since he is the new chairman to the Delaware Bay Shellfish Council.

Law Enforcement Report

Captain Fresco presented Council with the Law Enforcement Report. A detailed report was provided in Handout #1. Below is a summary of the report.

A commercial vessel landed approximately 1,000 pounds of American lobster in Point Pleasant without possessing a valid New Jersey Lobster Pot Permit. A summons was issued.

A commercial vessel landing at Point Pleasant Beach was cited for not possessing a New Jersey Summer Flounder permit for the gear (otter trawl) being used on this trip. Upon inspection, 18 undersize monkfish and 26 undersize monkfish tails were discovered. During the offload much of the vessel's catch (1,590 pounds of scup and 4,394 pounds of summer flounder) was beginning to decay. This case is an ongoing investigation concerning the boats whereabouts prior to landing in NJ. The Commonwealth of Massachusetts was contacted and became extremely interested in the findings of this inspection.

After inspection of a party boat out of Brielle, a summons was issued to two patrons for possessing black sea bass over the daily limit of 15. Between the two of them, they exceeded the possession limit by 27 fish.

Three fishermen fishing just south of Sandy Hook were cited for fourteen undersized striped bass and for over limit striped bass.

Two cases for possession of undersized and over limit striped bass were settled. The first case involved a total of ten undersized stripers and possession of six striped bass over limit. This case was settled for a total of \$1,000.00. The second case involved a total of 27 undersized striped bass and possession of 24 striped bass over limit. This case was settled for a total of \$2,000.00.

District 8 Conservation Officers and a NMFS Special Agent maintained rolling surveillance of an individual fisherman after returning from many offshore black sea bass trips on a party/charter vessel out of Wildwood Crest. The individual confessed to the officers that he bought black sea bass from two patrons on the vessel. Follow up investigations and interviews resulted in apprehensions of the two fishermen that the individual had bought fish from. In addition, the Cherry Hill restaurant buying the fish was identified. The individual also claimed to have sold fish to the restaurant on 10 prior occasions since the winter black sea bass season opened. An inspection of the restaurant revealed 61 (134.75 lbs.) black sea bass and 8 bluefish. Neither the individual nor the restaurant could produce any records of their transactions. Pending summonses include: selling black sea bass and bluefish without permits; purchasing black sea bass and bluefish without dealer permits; failure to maintain accurate records; possessing black sea bass and bluefish over the daily limit; selling bluefish during the closed season; purchasing bluefish during the closed season; and failure to submit dealer reports.

A Cape May County party/charter fishing vessel was apprehended in the sale of 100lbs. of bluefish to a local fish dealer. Party /Charter vessels possessing a Federal permit to commercially harvest bluefish by hook and line when operating under the permit shall not carry passengers for hire and are limited to a crew of five persons. Pending summonses include: selling hook and line caught bluefish during the closed season; carrying persons for hire when operating under the Federal Permit to sell bluefish; and accepting bluefish landed by hook and line during the closed season.

Captain Fresco requested a Law Enforcement Committee Meeting, in the near future. Acting Chairman Herb asked Mr. McCloy to add an Enforcement Committee Meeting to Council's schedule.

Legislative Report

Mr. McCloy presented Council with the Legislative Report. A3840, Handout #9, prohibits DEP from reducing fishing quotas established by federal or regional entities, unless authorized by law. Mr. Rizzo asked what brought this legislation to light. Mr. McCloy commented that there is no background explanation to this legislation. NJ does not have a history of setting lower fishing quotas than federal and regional entities with the exception of horseshoe crabs. It should be noted that the horseshoe crab quota (moratorium) was implemented by the NJ Legislature, so in essence it was set by "law".

S2376/A2653, was presented at the January 3rd Council meeting. These bills would repeal the State moratorium on harvest of horseshoe crabs from State waters. No action has been taken on this legislation.

Atlantic States Marine Fisheries Commission (ASMFC) Report

Mr. Himchak presented Council with an update on the ASMFC Board meetings in which he participates.

American Lobster Management Board

The State of NJ is currently under a two-month closure of lobster harvest and possession as required by the ASMFC as part of Phase I of rebuilding the Southern New England (SNE) lobster stock. NJ 2012 landings exceeded 919,000 pounds compared to the 626,000 lbs the previous year.

Atlantic Herring Management Section

ASMFC Atlantic Herring Section sets the annual catch limit (ACL) for the 2013-2015 fishing seasons at 107,800 metric tons (mt), an 18% increase from 2010-2012 limits. This increase of 38 million pounds will help satisfy the needs for bait at a time when the menhaden stock has shown signs of stress.

Atlantic Menhaden Management Board

The Atlantic Menhaden Board reviewed a Technical Committee (TC) report detailing the current status of the stock, a request for funds to digitize historical tagging data, and further development of the adult index of abundance. The TC currently lists the status of the Atlantic menhaden stock as experiencing overfishing, but it is unknown if the stock is overfished or not. The TC plans to address the uncertainty in the stock status in the 2014 benchmark assessment, which will hopefully lead to a more definitive determination on stock status.

Horseshoe Crab Management Board

The Horseshoe Crab Management Board met to discuss the importation of Asian horseshoe crabs into the United States for use as bait and the potential lifting of the New Jersey moratorium on horseshoe crab harvest. The Board moved that the Interstate Fisheries Management Program Policy Board (ISFMP) send a letter to the United States Fish and Wildlife Service, encouraging the addition of Asian horseshoe crabs species to the list of Injurious Species. The ISFMP will also send a letter to the sponsors of NJ Legislation S2376 and A2653. The letter will include information on the ARM model output showing NJ's allowable sustainable harvest levels and potential negative consequences of Asian horseshoe crab importation due to the limited bait supply of native horseshoe crabs.

Summer Flounder, Scup and Black Sea Bass Management Board

The Board approved the 2013 state summer flounder recreational proposals approved by the Technical Committee. The Board also initiated the development of a Draft Addendum XXIV for the 2013 summer flounder fishery which will propose a mechanism to allow states access to recreational harvest limit (RHL) that is projected to not be harvested in 2013. The Board increased the 2013 black sea bass acceptable biological catch (ABC) by 1 million pounds, with a recreational harvest level of 2.26 million pounds and a commercial quota of 2.17 million pounds. The action is consistent with that of the Mid-Atlantic Fishery Management Council. The Board also approved the Black Sea Bass Addendum XXIII selecting Option 4; ad hoc regional measures for the northern region (MA-NJ) and with the southern states to set their regulations consistent with federal regulations.

Spiny Dogfish & Coastal Sharks Management Board

ASMFC approved Draft Addendum II to the ISFMP for Atlantic Coastal Sharks for public comment. The Draft Addendum proposes measures to establish state shares for the smooth dogfish fishery and to allow commercial fisherman to process (remove fins) smooth dogfish at sea. A public hearing will be held on March 21, 2013 in Manahawkin, NJ.

The legislation to prohibit shark fining and possession of fins is gaining traction in Maryland and Delaware, however, nothing has been passed.

Mr. Berg asked if the lobster stock is so depleted then why is the harvest so robust. Mr. Himchak commented, that is the dilemma, but we will have to wait to see the 2013 landings, even with a two month closure.

Mr. Allen continued the presentation of the ASMFC Report to Council.

Black Drum

The final public hearing for ASMFC FMP on black drum will be held on April 10th, 2013 at 7 pm at the Nacote Creek Office.

Winter Flounder Management Board

ASMFC Draft Amendment III on winter flounder is open for public comment until April 10th, 2013. NJ will not hold a public hearing. If anyone wants to comment they should contact ASMFC by April 10.

American Eel Management Board

ASMFC American Eel Board approved Draft Addendum III to the plan for public comment. The Draft Addendum proposes a wide range of management options with the goal of reducing mortality and increasing the conservation of American eel stocks across all life stages. Specific management options focus on both the commercial and recreational American eel fisheries. A public hearing will be held on May 2, following this Council's meeting. Mr. Allen suggested a meeting of the Council's Eel Committee after the public hearing.

Mr. Rizzo requested an Eel Committee meeting as soon as the proposal comes out prior to the public hearing meeting to advise fishermen what is in the proposal. Acting Chairman Herb agreed.

Mid-Atlantic Fishery Management Council (MAFMC)

Mr. Berg presented Council with the MAFMC report; Handouts #3. A more detailed summary of the meeting can be found by visiting the website at <http://www.mafmc.org>.

Black Sea Bass

The Council voted to revise the 2013 black sea bass Acceptable Biological Catch (ABC) and voted to adopt the ABC for 2014, resulting in a commercial quota of 2.17 millions of pounds and 2.25 millions of pounds for 2013 and 2014, respectively.

Omnibus Recreational Amendment

Council staff presented a range of alternatives for consideration in the Omnibus Recreational Accountability Amendment.

Deep Sea Corals

The Ecosystems and Ocean Planning Committee reviewed progress to date on Amendment 16 to the Mackerel, Squid, and Butterfish FMP that considers protection for deep sea corals.

River Herring and Shad Conservation

Amendment 15 was initiated in June 2012 in response to concerns about catch and bycatch of river herring (blueback and alewife) and shad (American and hickory) in the Atlantic mackerel and squid fisheries. The Council decided not to include area-based management, lower mackerel trip limits, a rebuilding plan, or joint Canadian management as management objectives for the Amendment. However, if information arises during amendment development that suggests these eliminated objectives are important for river herring and shad conservation, they may be added at a later date.

Special Management Zones

The Council reviewed public comments received on options to address the State of Delaware's request to designate Special Management Zones (SMZs) around five artificial reefs in the EEZ. The Council recommended to the NMFS Regional Administrator that Delaware be granted SMZ status for their five artificial reefs in Federal waters which would prohibit the use of commercial lobster traps and fish pots on those reefs.

Shellfish Council Reports

Mr. Hollinger presented Council with the Shellfish Council Report for Delaware Bay. 2013 Oyster Stock Assessment Report – Council Harvest Recommendations

The Delaware Bay Shell Fisheries Council met on Tuesday, March 5, 2013 to review the 15th annual Stock Assessment Workshop (SAW) committee report for the Delaware Bay oyster resource and industry. The status of the stock is considered mixed, with trends in abundance, recruitment, biomass, disease prevalence, and other metrics variously up or down in different regions of the Bay. Despite heavy losses in the upper Bay from Hurricane Irene and Tropical Storm Lee, positive signs remain. This is due largely to a strong abundance of market-sized oysters (2.5"+) throughout much of the Bay.

The Council reviewed the final SAW report, which contained a number of harvest allocation recommendations. Based on options recommended by the Committee, the Council recommended that the Department set a base harvest allocation of 43,348 bushels. This base allocation can be increased significantly up to approximately 80,000+ bushels with a large scale intermediate transplant, which will move smaller oysters from upper bay beds to the primary direct market beds. A direct market season opening date of April 8, 2013 was recommended. The intermediate transplant program is expected to commence on April 22, 2013 and run for approximately two to three weeks. The Bureau of Shellfisheries will forward these recommendations to the Commissioner for final approval, which is expected shortly thereafter.

Committee Reports

Menhaden

Ms. Puskas presented Council with Menhaden Committee Report, Handout #4.

The New Jersey Marine Fisheries Council Atlantic Menhaden Committee met at the Nacote Creek Law Enforcement building on January 22, 2013. In attendance were Council Committee members, industry advisors and Marine Fisheries staff.

The purpose of the meeting was to develop additional details on the New Jersey Atlantic menhaden fishery management regulations to be implemented through ASMFC Amendment 2 to the Atlantic Menhaden Fishery Management Plan. With advisor input, the Committee reached consensus on revised purse seine bait fishery licensing requirements, landing license requirements, menhaden dealer license requirements, and harvester/dealer reporting requirements. The Committee also reached consensus on quota allocation by gear type, gear specific fishing seasons, and a non-directed bycatch limit. Details of the regulatory plan will be incorporated into regulatory language for a target implementation of July 1, 2013.

Summer Flounder and Black Sea Bass

Mr. Radossi presented Council with Black Sea Bass and Summer Flounder Committee Reports, Handout #5.

Meetings of the NJ Marine Fisheries Council's Summer Flounder and Black Sea Bass Committees were held at the Nacote Creek Enforcement Office. In attendance were Division of Fish & Wildlife staff, Summer Flounder Committee and Black Sea Bass Committee Council members as well as advisors representing several recreational fishing organizations. The purpose of the meeting was to discuss options for New Jersey's summer flounder and black sea bass recreational fisheries for 2013.

Black Sea Bass

In February 2013, the ASMFC's Black Sea Bass Management Board (the Board) met to discuss recreational black sea bass measures for the 2013 season. The Board approved Addendum XXIII to the Fishery Management Plan. The preliminary 2012 black sea bass coastwide harvest estimate of 2.95 million pounds exceeded the 2012 coastwide harvest target by over 1.6 million pounds. The approved Addendum establishes a regional management approach which requires the states from Massachusetts to New Jersey to reduce their current harvest by 32%. The Addendum encourages the states in this northern region to implement similar recreational measures.

The Black Sea Bass Technical Committee is currently reviewing data to be used and establishing the methodology to evaluate season, size and bag adjustments that will meet the required 32% reduction for the northern region. Until such time as the ASMFC approves a methodology New Jersey cannot proceed with developing options. Consequently, the Committee recommends maintaining the existing regulations and postponing a decision until the May Council meeting.

New Jersey's 2012 black sea bass recreational regulations were a 12.5-inch size limit, 25-fish bag limit and open seasons from May 19 through September 3, September 23 through October 14 and November 1 through December 31.

The proposed federal water regulations for 2013 are a 12.5-inch size limit, 20-fish bag limit and open seasons from May 19 through October 14 and November 1 through December 31.

Summer Flounder

At its December 2012 meeting, ASMFC's Summer Flounder Management Board approved state by state conservation equivalency for managing summer flounder in 2013. New Jersey's 2012 recreational summer flounder harvest estimate exceeded its 2012 target by 6%. The 2013 coastwide target for summer flounder decreased by 10% relative to the 2012 target. Therefore, New Jersey is required to reduce its current regulations by 15.2%.

At its February 2013 meeting, the Board approved New Jersey's fishery proposal that included numerous options and the methods used to develop those options. The Board also initiated the development of Draft Addendum XXIV to the Summer Flounder FMP. This addendum may allow New Jersey some opportunity to liberalize its recreational regulations. At this time the Council will take up this issue at its May meeting when more information becomes available.

The Technical Committee noted that states with the highest overall harvest along the coast (like New Jersey) need to be particularly careful when setting conservation equivalency measures because even a small overage can lead to more severe ramifications coastwide.

During the Committee meeting, most advisors favored options that kept the size limit at 17.5-inches. Overall, the measures for summer flounder that the Marine Fisheries Council has implemented in the past have kept New Jersey from severely exceeding the annual target.

Based on the discussions with advisors and Division staff, the Committee narrowed down the number of options to six. The Committee preferred Option #2: 17.5-inch minimum size limit, 5-fish possession limit, and open season from May 18 through September 16. This option reduces the season by 25 days compared to the 2012 season; 13-days less at the start of the season and 12-days less at the end of the season.

- 2012 Target = 1,090,407 fish
- Preliminary 2012 Harvest Estimate = 1,153,975 fish
- 2012 Regulations: 17.5" size limit; 5-fish bag limit; open season from May 5 to Sept 28 (147 days)
- 2013 Target = 997,998 fish
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Option	Size Limit (inches)	Bag Limit	Open Season	# days open
<i>2012 regs</i>	<i>17.5</i>	<i>5</i>	<i>May 5 – September 28</i>	<i>147</i>
1	17.5	5	May 11 – September 4	117
2	17.5	5	May 18 – September 16	122
3	17.5	5	May 24 – September 22	122
4	18	5	May 25 – October 2	131
5	18	5	May 18 – September 26	132
6	18	5	May 1 – September 12	135

Committee preferred option

Regulatory Actions

Recreational Summer Flounder

Acting Chairman Herb stated that the Committee Report for summer flounder and black sea bass stands as a motion. Mr. Muffley clarified the motion for summer flounder as Option #2, 17.5” size limit, 5 fish bag limit, open season May 18 – September 16. Seeing no questions from Council, Acting Chairman Herb opened the floor for public comment.

Public Comment on Summer Flounder

Twenty fishermen made a comment to Council in regards to summer flounder. Of those 20, seventeen selected one of the 6 options, eleven of those seventeen agreed with the Committee’s Option (#2) as the preferred best case scenario. Many expressed less participation at the shore this summer due to Hurricane Sandy, some requesting the longest season possible, some questioning the high fishing mortality of summer flounder, and if the summer flounder fishery should close in order for fisherman to continue to generate revenue another fishery will need to open up.

Acting Chairman Herb restated the motion to adopt Option 2 on summer flounder. Motion passes.

Commercial/Black Sea Bass

Mr. Muffley presented Council with an update on comment received from six of ten of the black sea bass advisors for modifying commercial black sea bass trip limits. The advisors were in favor of increasing trip limits for Seasons I and II.

Current:

Season I: 750 lbs twice a week or 1500 lbs once a week

Season II: 500 lbs twice a week or 1000 lbs once a week

Proposed:

Season I: 1500 lbs twice a week or 3000 lbs once a week

Season II: 1000 lbs twice a week or 2000 lbs once a week.

Mr. Zaborowski asked how many more boats are fishing this year compared to last. Mr. Muffley commented the numbers of boats are consistent with last year, except that the commercial quota was less.

Mr. Berg made a motion to double Season I and II commercial black sea bass trip limits for 2013 to: Season I: 1500 lbs twice a week or 3000 lbs once a week
Season II: 1000 lbs twice a week or 2000 lbs once a week.

Public Comment Black Sea Bass

Mr. Gutman asked about the recreational quota. Mr. Himchak commented that the recreational black sea bass quota is set for two years, 2013 and 2014, but will be revisited prior to 2014.

Acting Chairman Herb restated motion on commercial trip limits for black sea bass Season I and Season II of 2013 passed.

Mr. Radossi made a motion to adopt the Notice of Administration Change (NAC) for the newly amended recreational summer flounder regulations and the commercial black sea bass trip limits for 2013 Season I and Season II. Motion passes.

Old Business

Mr. Muffley provided Council with a Sandy update. On January 29, 2013 the Federal Sandy Relief Legislation was signed, allocating \$5 million for fishery disaster, which includes commercial, for-hire, bait and tackle marinas and shellfish aquaculture. This amount will be split between NJ and NY. NJDFW has completed their analysis of Sandy's impacts to NJ's fisheries and it is being reviewed within the department. NMFS is also reviewing their analysis. The deadline for submission of a work plan for spending the funds is June.

NJ contractors are in the process of starting the tedious task of debris removal. Public help is needed in making observations and reporting locations that require debris removal. Mr. Muffley commented that information is being provided to those contractors to inform them about the location of lease grounds, research buoys, monitoring equipment and shellfish locations.

New Business

Mr. McCloy brought Council's attention to Handout #6, in regards to revenues from the North Carolina Coastal Recreational Fishing License. Funds generated by this license will pay nearly \$2 million in the coming year toward projects to help provide coastal fishing access, fisheries and habitat research.

Public Comment

Mr. Aikers thanked Council for working to keep our fisheries open. He commented on his observations regarding the lack of flounder present during mid-season. Scup appear to be on the rise. Since scup and flounder are caught together, yet the location of where these fish live are different, (scup live closer to the surface and flounder at the bottom), why can't the commercial fishermen just catch the scup?

Mr. Litchko commented that he believes the horseshoe crab moratorium was wrongly put into place. He requests Council to draft a letter to reverse the moratorium on horseshoe crabs.

Mr. Rizzo asked Mr. Litchko to clarify what Council is specifically supposed to write. Mr. Litchko asked for Council to support the legislation (S2376 and A2653) which would repeal the moratorium. After some discussion between all parties involved, Mr. Rizzo made a motion for Council to draft a letter of support for S2376 and A2653 bills contingent upon the Legislators consulting with Council first on horseshoe crab management before legislation moves forward.

Mr. Layton supported the motion that would support the bills to lift the moratorium and work with Council to change regulations to come into compliance (with the ASMFC plan). Acting Chairman Herb commented that this should be added to letter stating that before these bills move further, due to the complexity of the issue, there should be consultation with the Council first to ensure NJ would be in compliance with the ASMFC plan. Mr. McCloy suggested that the letter recommend that the legislators meet with all interested parties regarding this issue. Council chose to go with the original motion which passed.

Meeting adjourned.

Next Meeting May 2, 2013 Galloway Township Library.