**NJ Marine Fisheries Council Gillnet Committee**

**Meeting summary**

**July 30, 2024**

The Gillnet Committee met with staff and advisors to discuss recent action by the New England and Mid Atlantic Fisheries Management Councils to reduce sturgeon interactions in the spiny dogfish and monkfish gillnet fisheries and whether New Jersey should take complementary action within state waters.

Staff provided an overview of the situation, indicating that the threshold number of interactions in the federal Biological Opinion for sturgeon had been exceeded. NMFS is currently working on an updated BiOp which is expected to be completed this winter, but the New England and Mid Atlantic Fishery Management Councils are proactively taking steps to reduce interactions in the hope that no further action will be needed. Review of fisheries data indicate a number of hotspots along the coast where the majority of sturgeon interactions take place, particularly in the monkfish and spiny dogfish gillnet fisheries. One of these hotspots is off northern New Jersey. The Councils have recommended that the monkfish fishery must use low profile fishing gear year round when fishing in this region, and the spiny dogfish fishery is prohibited from overnight soaks in this region during May and November. Further, ASMFC is considering whether complementary regulations should be implemented for non-federally permitted vessels, and whether those regulations would apply only to the monkfish and spiny dogfish fisheries in the hotspot areas, or whether other fisheries or areas should be included. NJ had argued they should apply to all state gillnet fisheries since the gear is in the water regardless of the target species. In addition, staff have recently been notified of a potential lawsuit against the state for not doing enough to protect sturgeon. The purpose of this meeting is to get feedback from advisors on whether extending the measures to all state gillnet fisheries would be beneficial. Guidance received at the meeting will inform decisions at the August ASMFC meeting and may be relevant for the NJ Marine Fisheries Council if the state chooses to be more conservative that required.

Several participants indicated that the regulations should be gear or mesh size specific but should not target any particular fishery because it is often difficult to know what the target species is for any given trip. However, most sturgeon interactions occur in the spring in nearshore waters using 5.5-6” mesh. In the fall, the fish are more spread out and the fishery uses larger mesh size, so there are fewer interactions. It was also noted that the hotspot areas have the most interactions because that is where the fisheries occur. It was speculated that the hotspots would move if the fishing effort moved. For these reasons, participants agreed that the state fisheries should follow the same regulations as recommended by the Councils, but these restrictions should not be applied to additional areas or fisheries.

There was some discussion on whether the intent of the proposed regulations was to reduce all interactions or bycatch mortality. This is important because the population is increasing and there are so many sturgeon now that they are difficult to avoid. Staff indicated that the Endangered Species Act considers all interactions as takes, but that NMFS may be more focused on lethal interactions. It was also noted that we don’t need to reduce interaction to zero, just below the BiOp threshold. Advisors indicated that some harvesters are already changing behavior to reduce interactions, such as fishing farther off the beach or modifying gear. One participant also noted that the stock is improving so the impacts from fishing do not appear to be excessive.

Staff also provided an update on a Notice of Intent (NOI) to sue from the Delaware Riverkeeper and Hudson Riverkeeper regarding a potential lawsuit against the states of Delaware, New Jersey and New York for failing to have an Incidental Take Permit for Atlantic sturgeon. Staff clarified that New Jersey had a five year permit that expired in 2017 and was in the process of developing a renewal application, but it got stalled due to staff turnover and COVID 19. Since receiving the NOI, staff has been in contact with NMFS to resume the application process.

One participant asked what has changed since the last permit. Staff responded that we need to provide an updated analysis on the expected number of interactions using recent fishery data. In addition, NMFS has indicated that the new permit application should also include sea turtles, which were not included in the previous permit.

There was discussion on which states were included in the NOI. Staff clarified that sturgeon are classified into five Distinct Population Segments. The New York Bight DPS includes both the Delaware Bay and River and the Hudson River, which is why DE, NJ, and NY were included on the NOI. Pennsylvania was not included because they do not have commercial fisheries that are expected to interact with sturgeon.

At the conclusion of the meeting, the Committee recommended that NJ’s ASMFC Commissioners support the MAFMC measures for the sturgeon interaction hotspots. There is no action needed from the Marine Fisheries Council at this time. However, once more information is available on the updated Biological Opinion and NJ’s Incidental Take Permit, Council can revisit whether additional measures are needed for state fisheries.