

Marine Fisheries Council Meeting  
March 2, 2023

**Council Attendees:**

Joe Rizzo	Dick Herb
Bob Rush	Jeff Kaelin
Kevin Wark	Dr. Elanor Bochenek
Dr. Pat Donnelly	

**Council Absentees:**

Walter Johnson III	Barney Hollinger
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**DEP and Division of Fish and Wildlife Attendees:**

Dave Golden- Assistant Commissioner\*  
Joe Cimino- Administrator, Marine Resources Administration (MRA)\*  
Russ Babb- Chief, Bureau of Shellfisheries (BSF)  
Jeff Brust- Chief, Bureau of Marine Fisheries (BMF)\*  
Jason Snellbaker- Deputy Chief, Bureau of Law Enforcement (BLE)\*  
Jeff Normant- Supervising Biologist, BSF  
Heather Corbett- Supervising Biologist, BMF\*  
Mike Celestino- Research Scientist, MRA  
Peter Clarke- Principal Biologist, BMF\*  
Maryellen Gordon- Principal Biologist, BMF  
Jenny Tomko- Principal Biologist, BSF  
Lindy Barry- Research Scientist, MRA  
Jessica Daher- Program Specialist I\*, MRA  
Chad Power- Senior Biologist, BMF\*  
Andrew Hassall- Senior Biologist, BSF  
Amber Johnson- Assistant Biologist, BMF  
Sam MacQuesten- Assistant Biologist, BMF  
Alissa Wilson- Assistant Biologist, BMF  
Tyler Harris- Biologist Trainee, BMF\*

**Public Attendees:**

Rick Bellavance	Ken Curtiss	Kara Gross	Benji Swan*
Frank Macalik	John Pongracz	Patrick White	Jim Hutchinson*
Greg Borrás	Eric Engard	Douglas Itjen	Victor Hartley*
William Manuella	Paul Shafer	Edward Yates	Paul Haertel*
Paul Collier	Jack Fullmer	Dave Junkerman	Mickey Sherry*
Kyle Molton	David Sikorski	Steve Haasz	Adam Nowalsky*
Dr. Jamie Cournane	Steve George	Jake Lemcoe	
Dylan Napalo	Mark Taylor	Ryan Loughlin	

\* Denotes in-person attendance as opposed to virtual attendance

The meeting was called to order. Notice of the Marine Fisheries Council (Council) meeting was filed with the Secretary of State on February 15, 2023. Acting Chairman Herb began the meeting with the Pledge of Allegiance.

### **Approval of Minutes**

Minutes from the January 5<sup>th</sup> meeting of the Council were approved without revision. Motion made by Dr. Bochenek and seconded by Dr. Donnelly. Motion carried.

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

#### **January**

District 9 CPOs attended the Wildwood Fishing and Boating Expo for two weekend days in early January. The Conservation Police Officers' table proved to be a popular spot. The officers fielded questions from hundreds of visitors and distributed State and Federal outreach material.

Utilizing the Bureau of Law Enforcement's P/V Integrity, several NJ Fish and Wildlife Marine Unit CPOs participated in a 3-day operation with the National Marine Fisheries Service to detect and deter Federal violations of 50CFR 224.105 - Speed restrictions to protect North Atlantic right whales. The North Atlantic right whale remains one of the most endangered large whales in the world with an estimated population of under 400 individuals at the end of 2018. One of the biggest threats to right whale survival is collisions with vessels. In 2008, the National Marine Fisheries Service implemented a seasonal mandatory (less than 10 knots) speed rule for vessels over 65' in length in certain areas to reduce the risk of vessel collisions with right whales. The goal of the operation was to enforce the speed rule and to educate mariners on its existence. Ships were monitored with a combination of Automatic Identification

Systems (AIS), Mini Automatic Radar Piloting Aid (MARPA) and handheld radar technology. Officers identified approximately 30 vessels in excess of 65' transiting the speed restriction zone outside of Delaware Bay but observed no speed rule violations.

## **February**

On 2/21/2023 Conservation Police Officers Woerner and Bahrle conducted an inspection of a commercial fishing vessel in Point Pleasant Beach, Ocean County. As the crew began to offload their catch the officers quickly realized that the vessel was going to be over its 100-pound trip limit of weakfish. The vessel was initially found to be in possession of 122 pounds of weakfish, but an additional seven pounds was located as the officers continued their inspection. Summonses were issued to the captain and owner of the vessel for possessing 29 pounds of weakfish more than the daily trip limit. Court is set for the end of March.

As recreational activity slowed in January, Officers from District 8 focused enforcement efforts on commercial fishing activity. During a commercial inspection of a fish pot vessel, CPO Capri located a small amount of tautog. It was found that the vessel did not possess a commercial non-directed tautog landing permit, and thus could not land any tautog. CPO Capri investigated the vessel's previous landings and found multiple violations, including additional landings of tautog, directed landings of summer flounder without a landing permit, and several dealer reporting violations. Summonses were issued for the violations.

CPO Meyer and Lt. Harp conducted inspections on two commercial scallop vessels returning to Barnegat Light. The vessels were landing at approximately the same time and the CPOs were able to conduct simultaneous inspections. The officers observed and recorded the weights as the scallops were offloaded. As the offload was coming to completion, it became clear that both of the vessels had

exceeded the 600-pound trip limit, one significantly greater than the other. The overage was recorded and documented, and the case is being referred to National Marine Fisheries Service for enforcement action.

On the evening of February 10, 2023, CPO Raker received a complaint of two individuals keeping closed season and undersized striped bass on the Corbin City Impoundment of Tuckahoe WMA. The complainant stated that the men had already left, but provided detailed information about the two individuals, the area they fished, and the vehicle they were driving. The next day CPO Raker passed the suspect vehicle on the impoundment road and watched the driver walk out to the same location that the violation was reported the previous night. CPO Raker set up surveillance and observed the men retain and hide striped bass at different locations along the marsh. A short time later, in coordination with CPO Tomlin, the two officers were able to recover five undersized striped bass measuring between 18 and 22 inches that were hidden in the marsh grass. The two fishermen were charged with taking striped bass out of season, possession of undersized striped bass, and the possession of over the limit striped bass.

-Mr. Rush asked how involved state enforcement will be in the upcoming speed zone restrictions. Deputy Chief Snellbaker responded that a large appropriation of their funds comes from federal money, so they anticipate a large and increasing participation in compliance of the slow zone measures.

-Dr. Donnelly asked what NJ enforcement's jurisdiction composed of. Deputy Chief Snellbaker responded that they have authority out to the 200 NM line.

## **2. Shellfisheries Bureau Reports – J. Brust**

J. Brust presented the Shellfisheries Bureau report. The Delaware Bay Oyster Tongers have harvested just over 850 bushels of oysters so far this season.

The 2023 Delaware Bay Oyster Stock Assessment Workshop was held in early February, at the Haskin Shellfish Lab to determine the status of the oyster stocks in Delaware Bay. The quota recommendation for the 2023 direct market oyster season based upon the SAW will be presented at the March 7<sup>th</sup> Delaware Bay Section of the NJ Shellfish Council Meeting for Council consideration and approval. The Council's recommendation will be sent to the Commissioner for final approval. The March 7<sup>th</sup> meeting will also set the parameters for the 2023 intermediate transplant and shell planting programs.

### **3. Legislative/Regulatory Reports – J. Brust**

A spreadsheet of legislative items was provided in the meeting handouts. Bolded items are new items since the last update. Mr. Brust stated that most of the items provided are on a federal level, with little pertaining to fisheries. Mr. Brust provided a specific legislative bill as follows: A bill that was introduced to direct Department of Agriculture to advertise and promote State aquaculture products through the New Jersey Fresh Program has been reported out of Committee and referred to Assembly Appropriations Committee. The Program will establish an annual \$100,000 appropriation.

-Mr. Rush asked which Council shellfish ocean aquaculture would fall under. Mr. Brust responded that he was unsure but would believe that any ocean-based aquaculture would fall under federal Council jurisdiction. Mr. Rush followed up by recommending that a member from the Council have a seat on the appropriate aquaculture council. Mr. Brust will look into how to get a seat on the appropriate council.

### **Georges Bank cod regulations (Dr. Jamie Cournane, NEFMC)**

Mr. Brust addressed a postponed motion from the January Council Meeting regarding the NEFMC's request that NJ and NY consider adopting cod regulations in state waters that are consistent with the NEFMC's recommendations to rebuild the Georges Bank cod stock.

Dr. Jamie Cournane (NEFMC staff) presented information about updated recreational recommendations proposed by the NEFMC. Projections for the current fishing year (May 1, 2022 to April 30, 2023) predict a total harvest of 218 metric tons. The 5/2023-4/2024 recreational catch target is 113 MT, so NEFMC investigated regulations to reduce harvest by approximately 50% for the 2023-2024 fishing year.

Proposed regulations include an open Season of May 1-31 and September 1- April 30, a minimum size of 23 inches, and a possession limit of 5 fish per day. The NEFMC has sent a letter to the Greater Atlantic Regional Fisheries Office (GARFO) with the measures listed above. GARFO is anticipated to publish a proposed Rule seeking public comment and implementing a Final Rule by May 1<sup>st</sup>.

Mike Celestino presented on the harvest of cod within NJ state waters. Mr. Celestino mentioned that the majority of NJ's state harvest comes during the May-June period. Mr. Celestino also mentioned that a large portion of cod harvested in NJ state waters fall within 21-23", suggesting that the proposed minimum size limit will have an impact on the state's harvest. Additionally, 100% of reported cod harvest falls within the proposed open fishing season, while 100% of reported release data falls within the proposed closed season. The proposed bag limit of 5 fish appears to also have little to no impact based on current MRIP data. Mr. Celestino concluded by stating that the slides presented were based on relatively low intercepts compared to other NJ harvested species.

- Dr. Bochenek asked what percentage of harvest would NJ lose if regulations went to a 23" minimum size. Mr. Brust responded that there would be an estimated 64% reduction.

- Dr. Bochenek followed up by asking what reduction percentages other states are taking. Dr. Cournane responded that the new measures being proposed are intended to achieve at least a 50% reduction, but there is no state-by-state approach.
- Mr. Rush asked what would happen if NJ decided to do nothing. Mr. Brust responded that there was no obligation to enact the recommended regulations in NJ state waters, but they will be imposed in all federal waters, and all federal permit holders will need to comply regardless of where they fish. Dr. Cournane added state waters harvest is included in the calculations. Ultimately it is NJ's decision to implement the regulations, but NJ is considering implementing consistent regulations and NEFMC requests NJ do the same.
- Mr. Wark commented that all the work and regulations implemented in the 1970s and 1980s, such as sector separation and license consolidation, seem to not have been effective and that is why the stock is in poor condition. Dr. Cournane responded that cod has been a difficult species to manage with a long history of overfishing, and the commercial sector is facing similar reductions to quotas. One promising new development is a reevaluation of stock structure that may define a separate Southern New England/Mid Atlantic stock. Until that work is complete, NEFMC is obligated to prevent overfishing and promote stock rebuilding under the current stock structure.
- Mr. Rush asked what the timeline was for Council to make a decision and if it could be tabled until the Council's May meeting. Dr. Cournane responded that the next steps would be a Proposed Rule published by NOAA Fisheries in March or April. Following a public comment period, NOAA Fisheries would evaluate responses and aim to publish a Final Rule in time for a May 1<sup>st</sup> implementation. Since NJ's fishery is currently open in May, it would be OK to wait until then to make a final decision.

- Mr. Bellavance commented that NEFMC, advisors, and technical committee spent considerable time working on cod regulations and feel they are necessary to continue rebuilding of the stock. There is no mandate for NJ to adopt these regulations but it is hoped that Council see the benefit and choose to participate in the rebuilding process.
- Mr. Brust relayed a conversation between Joe Cimino and Mike Pentony that although NJ's fishery might be incidental, the impact coastwide was significant, so if we didn't implement consistent regulations, NMFS may need to take deeper cuts in federal waters.
- Dr. Donnelly stated that there were concerns on the quantity of data, due to the low number of intercept trips encountered. Dr. Donnelly asked if Council would be able to see GARFO public comments prior to making a decision on the regulation recommendation. Dr. Donnelly also stated concerns over a for-hire/private conflict if regulations in state and federal waters were not the same.

Motion to table the decision on recreational cod regulations until the Council's May meeting. Motion by Dr. Donnelly, second by Mr. Rizzo. The motion carried unanimously.

Chairman Herb asked what other sources of information might be available. Mr. Brust indicated there may be data available in the volunteer angler survey or for hire vessel trip reports.

Mr. Cimino commented that this is a cooperative management issue and we need to look at the bigger picture. We are looking into the possibility of a winter fishery for scup in NJ, and we will need support from New England states to get that approved. Taking no action on cod might result in stricter federal water rules for cod, and may jeopardize support for the scup fishery.



Victor Hartley, a member of the public, voiced concerns of taking a 64% reduction in harvest on top of a 30% discard mortality rate. He addressed additional concerns on taking cuts and not seeing benefits, stating black sea bass and scup as examples.

Paul Haertel, a member of the public, asked if New Jersey was taking a larger reduction in cod harvest than the other states. Additionally, Mr. Haertel stated that this wouldn't be the first time that state and federal regulations were different for a particular species.

Dr. Bochenek commented that NJ's reduction would be larger than other states and asked if there was the ability to consider options that achieve a similar reduction as other states. Mr. Brust responded that staff will look into the data, but it is sparse. Dr. Cournane added that the changes in recommended measures have been ongoing since 2018 and continues to be an ongoing attempt in getting all catch harvested underneath the targeted limit.

#### **4. Atlantic States Marine Fisheries Commission (ASMFC) Report – J. Brust**

A summary of the ASMFC winter meeting was provided in the meeting handouts. Mr. Brust provided a summary of specific meetings as follows:

- The Atlantic herring Management Board met on January 31<sup>st</sup>. The Board adopted 2023-2025 specifications.
- The American lobster Management Board approved Addendum XXVII for Public Comment. The Addendum considers measures to increase protection of spawning stock biomass of the Gulf of Maine/Georges Bank American lobster stock. The Atlantic Large Whale Take Reduction Team (ALWTRT) also presented to the American lobster Management Board with considered measures within the pot/trap and gillnet fisheries to reduce mortality and serious injury of right

whales in the U.S. continental waters. Lastly, four companies were approved as vendors for the implementation of American lobster/Jonah Addendum XXIX, which established electronic vessel tracking requirements for federally permitted vessels.

- The Winter Flounder Management Board met to review results from the recently conducted Stock Assessment. The Assessment determined that the Southern New England/Mid Atlantic stock is not overfished and overfishing was not occurring.
- The Striped Bass Management Board met to consider Addendum I, which would allow voluntary quota transfers from the commercial sector to recreational. The Board tasked the TC with conducting stock projections to determine how specific quota transfer scenarios would impact the stock and rebuilding timeline.
- The American Eel Management Board met to consider the 2022 Benchmark Stock Assessment and state compliance reports for the 2021 fishing year. The American eel stock was determined to be at or near historically low level due to a combination of historical overfishing, habitat loss, and food web alterations.
- The Atlantic Menhaden Management Board determined that each state satisfied the implementation requirements of Addendum I to Amendment 3.
- The Spiny Dogfish Management Board approved a coastwide quota for 2023/2024 fishing year. The quota represents a 59.4% reduction relative to the 2022/2023 fishing year.
  - o Mr. Wark requested that the Spiny Dogfish Advisory Committee discuss implementing a more restrictive commercial trip limit given the upcoming quota reduction. Mr. Brust responded that he will schedule a meeting prior to the May Council meeting.

## **5. Mid Atlantic Fisheries Management Council (MAFMC) Report- J. Brust**

The MAFMC February meeting summary was provided in the meeting handouts. Mr. Brust provided a summary of specific meetings as follows:

- The Council approved the 2023-2025 monkfish specifications as recommended by the NEFMC.
- The *Illex* permit action subcommittee recommended a volumetric hold baseline and upgrade restrictions to control increase in capitalization.
- The ALWTRT presented similar recommendations to the Council as mentioned in the ASMFC winter meeting report.

Adam Nowalsky, NJ representative to ASMFC and MAFMC, discussed a new initiative in conjunction with the ASMFC, MAFMC and other management agencies called the Climate Change Scenario Planning process. The goal of the committee is to develop a set of government management and monitoring recommendations during the planning process to respond to climate change. An example of the planning is allowance of the Councils to work collaboratively and more efficiently.

## **6. Marine Fisheries Bureau Report- J. Brust**

The blue crab lottery application period closed on February 28<sup>th</sup>. An estimated 6 Delaware bay dredge and 25 crab pot applications have been received. An allowable 5 inactive pot transfers and 20 active pot transfers will be permitted, as stated in regulation. A lottery is expected to determine transfer awardees.

## **7. Committee Reports**

Dr. Bochenek read the report from the Blue Crab Advisory Committee.

The Blue Crab Committee met on February 23<sup>rd</sup> to discuss DEP recommendations to reduce diamondback terrapin (DBT) bycatch in NJ's commercial and recreational blue crab fisheries. NJ Fish and

Wildlife's Endangered and Nongame Species Program (ENSP) recommended requiring a terrapin excluder device (TED) in all crab pots, as well as changing the dimensions of the TED to be consistent with neighboring states. Advisors commented that the bulk of the DBT bycatch occurs in the recreational sector, as pots are often left for longer periods of time and closer to shore, compared to commercially set crab pots. Advisors additionally expressed concerns to implementing new regulations to protect DBT when there has been no full population assessment or any indication that the population is declining or at low abundance. Staff responded that these concerns are understood, but the agency is required by law to protect DBT. If Advisory is unable to enact protections, something may get implemented through legislation, which is more difficult to change. The Committee recommended to distribute a survey to industry members to provide concerns with the recommended changes and then hold a subsequent Committee meeting to discuss alternatives.

- Dr. Bochenek raised concerns over the accuracy of estimated DBT population sizes and concerns over the performance of TEDs in NJ waters. Dr. Bochenek mentioned a significant amount of DBT mortality is attributed to vehicle interactions and other sources besides fishing, but these weren't addressed.
- Mr. Wark asked if there was a risk reduction goal in mind. Mr. Brust responded that there is no hard target, but the mortality is occurring and the Agency feels there are ways to address the concern, as regulated by law.
- Dr. Donnelly asked if any recreational crabbers attended the Committee meeting. Mr. Brust responded that only one was present.

Comments for the survey will be due by April 1<sup>st</sup> to Mr. Brust and the Committee will reconvene in May.

Mr. Rush read a report from the Black Sea Bass/Scup Advisory Committee.

Two meetings of the NJ's Recreational Black Sea Bass and Scup Advisory Committee were held on January 19<sup>th</sup> and 26<sup>th</sup> to discuss management options for the NJ recreational black sea bass and scup fisheries for the 2023 fishing year. The ASMFC approved NJ's conservation equivalency proposal during its March meeting. These measures reflect a mandatory 10% reduction for both species, as required under Addendum XXXIV.

For black sea bass, a total of 34 examples were discussed, 19 of which met the 10% reduction. For scup, a total of 18 examples were discussed, 4 of which met the required 10% reduction. Since Options for black sea bass and scup are calculated dependent on one another, options are provided with species as follows:

Option 1. For black sea bass, an open Season from May 17 – June 19 with a 10-fish possession limit and a 12.5 inch size limit; July 1 – August 31 with a 1-fish possession limit and a 12.5 inch size limit, October 1 – 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 12.5 inch size limit. The accompanying scup options are an open season from August 1-December 31 with a 30 fish possession limit and a 10 inch size limit.

Option 2. For black sea bass, an open Season from May 17 – June 19 with a 10-fish possession limit and a 12.5 inch size limit; July 1 – August 31 with a 1-fish possession limit and a 12.5 inch size limit, October 1 – 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 12.5 inch size limit. The accompanying scup options are an open season from January 1- October 15 with a 30 fish possession limit and a 10 inch size limit.

Option 3. For black sea bass, an open Season from May 17 – June 19 with a 10-fish possession limit and a 12.5 inch size limit; July 1 – August 7 with a 2-fish possession limit and a 12.5 inch size limit, October 1 – 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 12.5 inch size limit. The accompanying scup options are an open season from August 1-December 31 with a 30 fish possession limit and a 10 inch size limit.

Option 4. For black sea bass, an open Season from May 17 – June 19 with a 10-fish possession limit and a 12.5 inch size limit; July 20 – August 31 with a 2-fish possession limit and a 12.5 inch size limit, October 1 – 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 12.5 inch size limit. The accompanying scup options are an open season from August 1-December 31 with a 30 fish possession limit and a 10 inch size limit.

The Committee recommends adopting the measures proposed in Option 1 for NJ's 2023 recreational black sea bass and scup fishery.

Mr. Clarke mentioned that this is the initial year using the Harvest Control Rule method for setting recreational measures, which requires establishing black sea bass and scup measures collaboratively. This means that the options presented are not interchangeable between the two species because the ASMFC has only approved the options as packages and not independently of one another.

Mr. Brust stated that the Committee recommendation stands as a motion with a second. Chairman Herb then opened the meeting up to public comment.

- Mr. Nowalsky commented that these options would eliminate the winter scup season. ASMFC recommended to NMFS that they do not enact the federal waters closure. It won't affect 2023, but if they don't close federal waters, NJ could consider a 2024 winter fishery.

- Twelve members of the public provided public comment on behalf of themselves and/or the clubs they represent. All speaker preferred Option 4 because it allowed a second fish during the July-August season. Speakers included Paul Haertel (JCAA), Victor Hartley (Keyport Princess), Mickey Sherry (FishHawks), Eric Engard (Forked River Tuna Club, South Jersey Saltwater Anglers), Adam Nowalsky (private), Frank Macalik (Fub Dive Club), Paul Schafer (Manasquan Fishing Club), Jack Fullmer (NJ Council of Divers), Jake Lemcoe (private), Mark Taylor (private), Ryan Loughlin (private), and Dylan Napalo (private).
  
- Dr. Bochenek commented that Option 1 gave us a longer season than the additional three options. Dr. Bochenek also expressed discard mortality concerns during the closed season associated with Option 4.
  
- Jim Hutchinson asked how quickly scup regulations would be effective. Scup is currently open all year, but the two proposed options have seasons starting in August, meaning the scup fishery will close for the spring and summer. When will that closure begin? Mr. Brust mentioned that the Notice of Administrative Change will be sent up for Commissioner's signature which will take time, but the actual timeline is hard to determine. Current regulations will be in effect until the new measures are filed. Mr. Brust indicated that staff would send notification through the recreational email listserv once we hear that the regulations have been signed.
  
- Mr. Herb stated that there was still a motion on the table to approve Option 1 for the black sea bass/ scup recreational measures. After Council deliberation, the motion carried by a vote of 3-1, with 3 abstentions.

Mr. Brust referenced a draft of the Notice of Administrative Change handout and stated that a motion needed to be made to approve the draft to begin the regulatory process. The motion was made by Dr. Bochenek and seconded by Mr. Rush. Motion carried unanimously.

#### **8. Old Business – J. Brust**

Mr. Brust provided an update on Council vacancies. A list of recommendations was sent to the Commissioner's office, but there was a concern about the limited number of applications. Staff reopened the vacancy announcement, but there were no new applications received, so the original recommendations will be sent back to Commissioner's office.

Mr. Brust discussed a list of Committee meetings that will be conducted in the new few months. The list of meetings are as follows: The Offshore Wind Committee will meet on April 11<sup>th</sup> with NOAA's offshore wind lead. A follow up Blue Crab Committee meeting will reconvene with a date TBD. A Weakfish Committee will also be meeting to discuss removing spotted seatrout from the weakfish regulations.

Mr. Brust addressed a public comment from the Council's previous meeting from a commercial black sea bass harvester who requested changing regulations associated with crew limits in the black sea bass gillnet fishery. Mr. Wark addressed concerns about the tending requirements and stated that he believed the request would be a violation of the bottlenose dolphin take reduction plan. Mr. Brust addressed similar concerns but is awaiting a proposal from the requested fisherman.

Dr. Donnelly requested a meeting of the Executive Committee. The request is in response to concerns that the Council be made aware of current issues that are being discussed.

-Dr. Bochenek asked how many Council members need to be present at any given meeting to represent the Committee. Mr. Brust stated that he didn't believe there was a minimum, but



could not have 6 or more, which would result in a quorum. There was some discussion about committee assignments and participation. Mr. Brust indicated that once the new Council members are appointed, all committee assignments will need to be updated to include the new members.

Mr. Brust stated that due to scheduling issues, the May 11<sup>th</sup> and July 13<sup>th</sup> Council meetings will be located at the Stafford Twp. Administrative Building.

Mr. Rush asked what the status was on new spotted seatrout regulation measures. Mr. Brust responded that it is in motion, but it is part of multispecies regulatory package, so will take some time for legal review.

Mr. Rush asked about the performance status of 2022 recreational summer flounder harvest. Mr. Clarke responded that preliminary estimates indicate that NJ harvest was roughly 5,000 fish below the projected harvest. Discard estimates also are projected to be lower than previous years.

Mr. Wark requested a committee meeting to discuss spiny dogfish commercial trip limits prior to the May start of the 2023/24 fishing season. Mr. Brust will prioritize a committee meeting to discuss commercial trip limits prior to the May Council Meeting.

## **9. New Business- J. Brust**

Several outdoor stakeholder groups met with the Commissioner's office in November 2022 to discuss a number of topics. During the meeting, the topic of a saltwater license was brought up, but the discussion was tabled for a separate meeting. The meeting was held in February, where Agency and

stakeholder's goals and objectives were discussed. A saltwater license was suggested as one of a number of possible ways to move forward, but was left open ended to discuss at a future meeting.

- Dr. Donnelly reiterated his request for an Executive Committee meeting to discuss increased involvement of the Council during these types of meetings.
- Mr. Rush expressed concerns to readdress the possibility of a saltwater license, given the turmoil that the topic has generated in the past. Mr. Rush stated that the Council has no jurisdiction or control over the implementation of a license. Asst. Commissioner Golden responded that the Council could have a role in identifying missed opportunities. There are aspects of these discussions that Council could support how the agency moves forward without having to comment specifically on a saltwater license.

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

- Mickey Sherry requested clarification on why Council went with Option 1 as the set of regulations to move forward with when every member of the public that spoke preferred Option 4. Mr. Herb explained that the Council took all members of the public's recommendations in account and Council member's votes were not unanimous, but ultimately Option 1 carried with the highest number of votes. Option 1 was the preferred option from the recreational black sea bass/scup Advisory Committee. Dr. Bochenek added that she voted in favor of Option 1 because there were concerns over discards associated with Option 4. Mr. Sherry requested that there be more discussion and reasoning after the voting commences so the public is aware of why Council members voted the way they did.

- Paul Haertel made a comment that regulations are becoming more strict, and stakeholders are beginning to disregard the regulations. Attendance at the Council meetings are dwindling, and tonight's decision will further discourage people from attending.
- Fred Akers, Operational Manager of the Great Egg Harbor River Association and member of the Great Egg Harbor River Council, expressed concerns over a potential dam construction being proposed as a result of an Army Corp study. The construction is intended to prevent flooding of back-bay communities, as was witnessed during Hurricane Sandy. The dam proposal is projected to extend across the river and consist of gates that can close to prevent potential storm surge flooding. The dam is likely to reduce water flow and tidal changes, which in effect could change the ecosystem of the river. Mr. Akers also expressed concerns over barotrauma associated with black sea bass. States in the south have implemented venting measures to combat the issues associated with barotrauma, and adopting some of those measures may help within NJ waters.

The meeting concluded at 8:22 pm. The next Marine Fisheries Council Meeting will be held on May 11<sup>th</sup> at 5:00 pm at the Stafford Twp. Administrative Building.