

**Marine Fisheries Council Meeting
January 4, 2024**

Council Attendees:

Dr. Pat Donnelly	Jeff Kaelin
Barney Hollinger	Bob Rush
Walt Johnson	Kevin Wark

Council Absentees:

Dr. Eleanor Bochenek
Dick Herb
Joe Rizzo

DEP and Fish and Wildlife Attendees:

Dave Golden – Assistant Commissioner, NJ Fish and Wildlife
Joe Cimino – Administrator, Marine Resources Administration (MRA)
Jeff Brust – Chief, Bureau of Marine Fisheries (BMF)
Mike Celestino – Research Scientist, MRA
Heather Corbett – Supervising Biologist, BMF
Jeff Normant – Supervising Biologist, BSF
Craig Tomlin – Supervising Biologist, BSF
Peter Clarke – Principal Biologist, BMF
Maryellen Gordon – Principal Biologist, BMF
Brian Neilan – Principal Biologist, BMF
Jenny Tomko – Principal Biologist, BSF
Linda Barry – Research Scientist, MRA
Jamie Darrow – Senior Biologist, BMF
Brendan Harrison – Senior Biologist, BMF
Amber Johnson – Senior Biologist, BMF
Matt Heyl - Senior Biologist, BMF
Jen Pyle – Senior Biologist, BMF
Tyler Harris – Assistant Biologist, BMF
Samantha MacQuesten – Assistant Biologist, BMF
Pat Barker – Senior Wildlife Worker, BMF
Ryan Alianelli – ASMFC Contract Technician
Sharon Otto – ASMFC Contract Technician
Joe Shehata – ASMFC Contract Technician

Public Attendees:

Jim Hutchinson
Mike Century

The meeting was called to order. Notice of the Marine Fisheries Council (Council) meeting was filed with the Secretary of State on December 14, 2023.

Approval of Minutes

Minutes from the November 4th meeting of the Council were presented. Minutes were approved without revision. Motion made by Mr. Hollinger, second by Mr. Johnson. Motion carried unanimously with one abstention.

Enforcement report

No enforcement report was provided.

Shellfisheries Council Reports

- Delaware Bay - No report
- Atlantic Coast - No report

Bureau of Marine Habitat and Shellfisheries Report

No report

Legislative/Regulatory Report – J. Brust

Mr. Brust informed the Council that the spreadsheet of legislative and regulatory items was updated, with new items listed in bold. Three new bills were highlighted as particularly relevant to Council, including “The Wild USA Seafood Act” which will establish a label to distinguish wild USA caught seafood, a bill to prohibit importation of seafood products from China, and the “FISH Wellness Act” which authorizes safety training for fishing vessel operators and crew. Mr. Rush and Mr. Wark asked for additional information on the FISH Wellness Act, which staff will research and follow up after the meeting. Mr. Kaelin informed Council that a bill to develop a grant program for working waterfronts is in development.

Mr. Brust brought attention to one regulatory action regarding black sea bass. In January 2020, the Commercial Black Sea Bass Committee approved increasing the bycatch limit to 100 pounds for all months. The Council approved this change in February 2020. This change was made in the regulatory summary but not in the actual regulations. MRA will write a Notice of Administrative Change (NOAC) to update the regulations. Mr. Wark asked about Enforcement’s view on the increase. Mr. Clarke indicated that under the old regulations, harvesters are allowed 100 pounds until March 31, so we need to get the NOAC approved by then.

1. Atlantic States Marine Fisheries Commission and Mid-Atlantic Fishery Management Council Reports – J. Brust

Mr. Brust provided a summary from the Mid-Atlantic Fishery Management Council's joint meeting with ASMFC in December 2023. The Golden Tilefish IFQ review found that the IFQ has been beneficial for participants. Atlantic mackerel specifications were set and will be the same for 2024 and 2025. Mr. Rush clarified that there will be no change to the Atlantic mackerel recreational fishery relative to 2023. Mr. Kaelin noted that the Commercial Fisheries Research Foundation in Rhode Island is giving away free jigging gear to encourage development of a new fishery. Spiny dogfish specifications were also set for 2024-2026. The 2024 quota is approximately 10% lower than 2023, but will increase slightly in subsequent years. During the MAFMC meeting, many industry participants commented that the fishery would disappear if quotas went any lower because there is only one processor who needs a minimum volume to make the work profitable. Mr. Brust also reminded Council that although the federal trip limit remains at 7,000 lbs, the NJ trip limit was reduced to 4,000 lbs last year.

MAFMC also approved a guidance document that establishes a process to review Exempted Fishing Permits to harvest more than the 1,700 lb trip limit for any ecosystem component species. Mr. Wark asked if the 1,700-pound possession limit was for all gear types and Mr. Brust confirmed that it was. Mr. Kaelin reminded the Council that the EFP process was established to take advantage of emerging stocks, but that some applicants have been waiting multiple years for an exempted fishing permit for threadfin herring. Mr. Wark stated that risk assessment for protected species is a big problem and that there needs to be a federal committee to assess risks.

MAFMC received a report that shows evidence that the 5.5" diamond and 6" square mesh nets allowed in the summer flounder trawl fishery are not equivalent. MAFMC recommended further gear studies to evaluate a range of mesh sizes. There was also a recommendation to initiate a framework to review the location of the western boundary of the small mesh exemption zone and the definition of a fly net.

Mr. Brust informed Council that the new "percent change" method used to set recreational regulations indicates a 10% reduction is required in 2024 for black sea bass, but ASMFC and MAFMC approved status quo regulations for the 2024. For summer flounder, although the recreational harvest limit was reduced by 42%, the percent change method indicates that a 28% reduction in harvest will achieve the RHL. The MFC Summer Flounder Committee will meet with advisors to discuss a range of management options which must then be reviewed by ASMFC. Following ASMFC review, the committees will meet again to provide guidance to Council before a final decision is made at their March 2024 meeting. Mr. Rush asked if Council needed to vote on the black sea bass status quo option. Mr. Brust and Mr. Clarke indicated that no vote is necessary because the 2023 regulations will roll over into subsequent years until they are

changed. Dr. Donnelly stated that the Council should not vote until public comment is heard, and Mr. Kaelin agreed.

Mr. Brust informed Council that the percent change method requires a 10% reduction for scup. He also reminded Council about the NOAC they approved in November to open scup during January and February. NMFS opened federal waters, but ASMFC will not allow states to open until they submit conservation equivalency proposals. Staff will develop a proposal with management options that include the winter fishery following the same process as summer flounder, and Council can take final action during their March meeting. The earliest scup can open this year would be March, but it would be open on Jan 1, 2025.

2. Marine Fisheries Bureau Report – J. Brust

Mr. Brust gave an end of year report presentation summarizing work completed in 2023.

- The Striped Bass Bonus Program distributed permits to over 12,00 individuals and 159 for hire vessels. Over 8,300 fish were reported for a total of 52,8877 lbs landed, which is approximately 25% of NJ's quota. This is the highest number of fish reported and the fifth highest weight reported since the program began. Dr. Donnelly noted that it was impressive that 85% of the Striped Bass Bonus Program fish caught were aboard for-hire vessels, which is a socio-economic group not always represented in the striped bass fishery. He would like more detailed information about the catch, such as location data. Mr. Kaelin stated that the SBBP is currently under fire with ASMFC and asked about the compliance rate in the for-hire reporting fleet. Mr. Brust was unsure of the percentage, but Mr. Kaelin pointed out that the ones reporting ought to be embraced. Dr. Donnelly stated that the for-hire industry is easy to enforce. Mr. Rush surmised that the vast majority of the fish were caught north of Barnegat Light. Dr. Donnelly said that Bonus Program data is good location data for the Council to look at. Mr. Brust will get more data from staff.
- The striped bass recruitment index from the Delaware River was among the five lowest catch per unit effort in 43 years of sampling. Mr. Rush asked if BMF conducts any striped bass sampling in the Sandy Hook area stating that migratory patterns change. Mr. Brust responded that the Raritan Bay Inventory has not caught any striped bass during their seine survey, perhaps because this survey samples areas not used by young striped bass. Mr. Wark asked if there was any genetic information or distinct populations to confirm a shift in striped bass stocks. Mr. Brust stated that there are three known producer areas. Mr. Johnson asked if NYDEC does any YOY surveys in the Hudson. Mr. Brust responded that they do. He does not have the results of the 2023 NY survey, but he reminded Council that data from all states are used in the stock assessments.

- Mr. Brust gave updates on commercial quota managed species. Summer flounder and black sea bass harvested all of their quota and would have needed to shut down in mid December but were able to stay open through the end of the year due to quota transfers from Virginia and North Carolina. Bluefish and menhaden were well below their quota. Mr. Kaelin indicated that menhaden were not as abundant off NJ as usual but were very abundant in the Gulf of Maine. Spiny dogfish has not reached their quota, but the season ends on April 30, and it is expected they will harvest all the quota. Mr. Wark commented on the positive outlook of the spiny dogfish fishery and that the lower trip limit is working to keep people fishing longer.
- The Bureau has recently been awarded funding for two new projects focusing on marine mammals. A five year grant through the USFWS will allow the Bureau to hire a contractor to focus on coordination with NMFS and other partners in marine mammal research and management. Additionally, Congress appropriated funding through FY2022 to address Atlantic large whale take reduction programs. NJ has coordinated with NMFS and our gill net industry to develop a weak rope gear trial study that will inform future decisions on gear requirements. Mr. Wark commented that the new marine mammal funded positions are a great opportunity to field test gill nets and other gear to evaluate risk and ways we can reduce it. Current solutions are not based on data because there isn't much data, but this project can help fill that void.

3. Committee Reports – J. Brust

Mr. Brust informed the Council that the Striped Bass Committee held a meeting to provide input on Striped Bass Bonus Program options that should be submitted to ASMFC for review. This update provides a summary of the options that were submitted to ASMFC. Mr. Celestino indicated that the Striped Bass Plan Development Team has tweaked the quotas for a few of the options slightly. Mr. Kaelin asked for the Bureau report presentation to be emailed to the Council.

4. Regulatory Actions – J. Brust

Mr. Brust stated an FMP Addendum now requires Federally permitted lobster harvesters to install and use tracking devices as required by the Atlantic States Marine Fisheries Commission. Each state needs a mechanism in place allowing them to pull the harvester's license if found out of compliance with reporting requirements. A NOAC, included in the meeting handouts, puts the reporting requirements and enforcement of those requirements into New Jersey's regulations. There will be no cost to harvesters to install or operate the systems for the first few years. Mr. Rush asked if any information was sent to lobster harvesters. Mr. Brust confirmed that letters with all necessary applications and information were sent to all New Jersey harvesters, stating an implementation date of February 29, 2024.

Mr. Kaelin made a motion that the Council recommends the Commissioner to modify the reporting requirements for the commercial lobster fishery as detailed in the NOAC, seconded by Mr. Hollinger. Mr. Wark stated this is needed to keep the industry working. No public comment was given. The motion passed unanimously with 1 abstention.

5. Old Business – J. Brust

Mr. Brust stated that the two Council vacancy nominations are at the Governor's Office and that there's no timeline to estimate when they will move forward. Mr. Johnson noted that the Shellfish Council has had vacancies for four to five years. Mr. Brust stated that letters written by the Council likely helped move things along. Mr. Kaelin asked how many vacancies there are, and Mr. Brust reminded him that there are two vacancies, and two names were put forward as nominees.

Mr. Brust referenced a publication regarding offshore wind. Several of the developers are working together to do joint outreach and have started a newsletter, a copy of which is in the handouts. Mr. Kaelin suggested forwarding the document to the Offshore Wind Advisors and asked where the working group and committee stand at this time, noting that the last scheduled meeting of the Environmental Resources Working Group was cancelled last minute with no explanation.

Mr. Brust indicated that he is working with Dr. Bochenek to schedule an Offshore Wind Committee meeting, along with guest speakers to discuss acoustic testing updates. Dr. Donnelly suggested that the full Council could benefit from such a meeting. Mr. Rush supported the idea but voiced concerns that the length of such a meeting could be a drawback. Mr. Golden agreed and suggested it could be held as a separate special meeting for Council and offshore wind advisors. Mr. Brust agreed to look into that.

Mr. Brust announced the Summer Flounder, Black Sea Bass, Scup Committee will meet next week, and the Executive Committee has made several requests to meet before the March Council meeting.

6. New Business – J. Brust

Mr. Brust stated that during the summer of 2023, MRA received notice of a hypoxic zone in the Atlantic Ocean off the coast of New Jersey. A handout was provided to the Council which summarizes a glider study that Rutgers conducted at the time, which found evidence of extremely low dissolved oxygen levels. Mr. Wark commented that this is something that the Council should continue to watch.

Mr. Brust reported that some dealers in New Jersey are looking for HMS dealer permits, but NOAA requires a state wholesale permit to do so, which MRA does not issue. Mr. Kaelin stated that the wholesale permit is only available if you have a HACCP plan in place, which rules out many fishermen from acting as their own dealer. Mr. Brust reminded the Council that this is a public health issue, but MRA will help the best they can. Mr. Hollinger noted that the HACCP certification is relatively easy to acquire through a 2 day course. Mr. Johnson agreed and commented that the requirements are things harvesters and dealers are already doing, such as proper cold storage.

Mr. Rush requested that future January and March Council meetings be held later in the month. Mr. Brust stated that if the Council agrees, he will make a note to set up 2025 meetings differently, with the Council having the final decision on meeting dates.

Mr. Rush asked why a six-pack vessel is not allowed to obtain a permit to fillet at sea. Mr. Brust answered that this is on the agenda for the Executive Committee meeting and that he will ensure that Enforcement attends to voice their concerns.

Dr. Donnelly asked about changes made to the process for renewing the Saltwater Registry and wanted to know if the change was in response to wanting better compliance/enforcement. Mr. Golden stated that it benefits everyone to have all data integrated into one database for many reasons, such as “one stop shopping” for all Fish and Wildlife licenses / registrations and allowing enforcement to look up an angler’s records while in the field. He also noted that there are known issues with renewing and applying, such as confusion about the new system and concerns about providing social security numbers and other sensitive information. Mr. Rush stated that the registry is not a paid license and asked if it falls into that category even though no money is involved, to which Mr. Golden replied that it is a requirement to fish and therefore qualifies as a license. Mr. Hollinger asked if there’s a way to streamline the commercial license purchase process since it requires the same information every year. Dr. Donnelly asked how the changes will impact enforcement and if more violations are expected in 2024. Mr. Golden said that the goal is to increase compliance and the registry is a revokable privilege. The Council asked for clarification as to whether or not the registry is a license and/or a revokable privilege. Mr. Golden agreed that there is ambiguity and that he will gather more information about interpretations. Mr. Rush voiced concern that this is setting up a contradiction of codes. Legislation indicates that the registry is not a license but making it revokable implies it is a license. Mr. Golden responded that the definition of license is more broad in other areas of legislation which may be relevant here. Dr. Donnelly suggested that the Executive Committee discuss a way to create a plan for how this is presented and explained to the public. Mr. Golden

agreed to get a legal interpretation of the existing rules and statutes with options for moving forward that can be presented to the Executive Committee for discussion. Mr. Rush reminded everyone that the interpretation should include the for-hire sector as well, which is a separate issue from private anglers. There was discussion about whether this topic should be added to the agenda for the upcoming Executive Committee meeting. Mr. Golden indicated it might take a while to get the legal interpretation, and Mr. Johnson stated that he does not want to proceed until the legal interpretation has been provided. Dr. Donnelly affirmed that this will likely need to be postponed until a future Executive Committee meeting.

Mr. Brust brought Council's attention to a handout with comments from the NJ Council of Diving Clubs to one of the offshore wind developers regarding the placement of turbines near artificial reefs.

7. Public Comment

Jim Hutchinson asked if staff had nominees for Adam Nowalsky's seat on the MAFMC and whether NJ would be providing nominations for the at-large seat currently held by NY. Mr. Brust indicated that we are seeking applicants for Adam's seat and staff will confirm whether the NY seat is open. If it is and staff receive enough nominations, then the state will submit a packet for that seat as well.

The next Marine Fisheries Council Meeting will be held on March 7, 2024 at 5:00pm, location to be determined. The meeting was adjourned at 7:37pm.