

**New Jersey Marine Fisheries Council Meeting
September 5, 2024**

Council Attendees

Dr. Eleanor Bochenek *	Jeff Kaelin *
Dr. Patrick Donnelly *	Joe Rizzo *
Warren Hollinger *	Kevin Wark*
Walter Johnson III *	Robert Rush*
Richard Herb	

DEP and Division of Fish and Wildlife Attendees:

Joseph Cimino – Administrator, Marine Resources Administration (MRA)*
Jeffrey Brust – Chief, Bureau of Marine Fisheries (BMF)*
Brian Scott – Captain, Bureau of Law Enforcement (BLE)*
Michael Celestino – Research Scientist, MRA
Heather Corbett – Supervising Biologist, BMF *
Jeff Normant – Supervising Biologist, Bureau of Marine Habitat and Shellfisheries (BMHS)
Maryellen Gordon – Principal Biologist, BMF
Jenny Tomko – Principal Biologist, BMHS
Brian Neilan – Principal Biologist, BMF
Jennifer Pyle – Senior Biologist, BMF
Jamie Darrow - Senior Biologist, BMF
Brendan Harrison – Senior Biologist, BMF
Amber Johnson - Senior Biologist, BMF
Samantha MacQuesten – Assistant Biologist, BMF
Conor Davis – Assistant Biologist, BMF
Tyler Harris – Assistant Biologist, BMF*
Chuck Karr – Technician, BMF
Pat Barker – Senior Wildlife Worker, BMF*
Jessica Daher – Program Specialist, MRA
Kathryn Ford – Agency Services Representative, BMF
Lauren Strazzeri – Permit Coordination Officer, BMHS

Public Attendees:

Paul Collier
Fred Akers*
Jim Hutchinson*

* Denotes in-person attendance as opposed to virtual attendance (This includes MFC, staff, public)

The meeting was called to order. Notice of the Marine Fisheries Council (Council) meeting was filed with the Secretary of State on August 26, 2024. Acting Chairman Dr. Bochenek began the meeting with the Pledge of Allegiance.

Approval of Minutes

Meeting minutes from the July 11th meeting of the Council were approved without revision. Motion made by Mr. Wark, seconded by Mr. Kaelin. Motion carried with one abstention.

1. Enforcement Report – B. Scott

Lieutenant Petruccelli located fish traps deployed on the Ocean City Reef. The Ocean City Reef is one of 13 artificial reef sites federally designated as a special management zone (SMZ) and is off limits to trap gear in an effort reduce user group conflicts and maintain the intended socioeconomic benefit of the sites. Despite these federal measures being in effect for the last six years, the fisherman claimed to not know the rule existed. The case was referred to National Marine Fisheries Service for enforcement action.

During a patrol onboard the Bureau's patrol vessel Integrity, Conservation Police Officers Tomlin, Szcl, and Lt. Petruccelli found multiple lobster traps unlawfully deployed outside of the designated full-access zones on the Axel Carlson artificial reef site. One commercial and one recreational fisherman were charged with state violations. It will be the second offense for the commercial fisherman charged in this case.

- Captain Scott indicated there is a lot of enforcement issues around artificial reefs. He noted that most violations are fixed-gear, both commercial and recreational, being placed in no-access zones. Mr. Wark asked if this illegal gear usually meets marine mammal specifications. Captain Scott responded that usually commercial gear does, but that recreational often does not. An idea being considered by BLE is to set up a seminar or workshop in the off-season to introduce the proper way to set up gear.

Conservation Police Officers Henderson and Raguz were on boat patrol off Sandy Hook when they conducted an inspection of a vessel engaged in fishing for tuna. The inspection revealed a bluefin tuna with a curved fork length that measured 90 inches. The season for bluefin tuna that have a curved fork length of 73 inches or greater was closed. The case was referred to National Marine Fisheries Service for enforcement action.

Lieutenant Moscatiello conducted an inspection of a local commercial fishing vessel that was landing in Point Pleasant. The inspection revealed that the vessel failed to call in for a summer flounder offload. Commercial fishing vessels that are participating in the directed summer flounder fishery are required to notify the Department at least two hours prior to offloading their catch. During the investigation it was revealed that the vessel failed to call in on at least three prior summer flounder fishing trips. Lt. Moscatiello issued summonses to the captain and company for the violations. The vessel faces a 60-day suspension of their summer flounder landing permit and up to a \$3,000 penalty for each offense.

CPO Szcl was conducting surveillance of shoreside anglers along the jetties in Atlantic City where he observed two fishermen hiding what appeared to be small tautog in the rocks. One of the anglers retrieved a bucket from the rocks and took it to a vehicle parked nearby. The individual entered the driver's seat and started the vehicle. Moments later the second individual quickly ran to the waiting vehicle with a much larger, heavy bucket. CPO Szcl apprehended both individuals at the vehicle and found the first bucket only contained a small number of undersized tautog, however, the second bucket was nearly full. In total the two individuals were in possession of 23 undersized tautog, two undersized black seabass, and one undersized summer flounder. A total of eight summonses were issued for the multiple violations.

CPO Szcl responded to a complaint involving a group of individuals keeping undersized summer flounder beneath the Brigantine Bridge. CPO Szcl located the group and observed them utilizing nets to catch baitfish. Upon inspection, CPO Szcl found one undersized summer flounder among the baitfish. Through the course of the inspection, CPO Szcl located a cooler belonging to the group and found nine additional undersized summer flounder and one undersized black sea bass inside. Summons were issued to the responsible individuals.

During a patrol on board the Bureau's patrol vessel Integrity, CPOs Tomlin, Woerner and Lt. Petrucci observed four men on a small recreational fishing vessel engaged in shark fishing activity. After only a few minutes, CPOs observed one of the men gaff and boat a sandbar shark, which is a prohibited species. CPOs conducted an at-sea boarding of the vessel and found over 20 undersize and over the limit black sea bass. The individuals were charged Federally for the prohibited species and issued state summonses for the black sea bass violations. These same individuals were charged with multiple marine fishing violations in the past. During the same patrol, CPOs found multiple lobster pot trawls from three separate commercial fisherman inside the area of the Axel Carlson Reef site closed to lobster and fish trap use. The fishermen were issued summonses for state artificial reef site violations.

During a patrol to ensure compliance with safe and sanitary handling practices amongst the shellfish industry, Lt. Petrucci found oyster aquaculture farmers with violations including failing to meet vibrio control plan time to temperature control requirements for harvesting oysters and failure to adhere to special conditions of the aquaculture permit. The farmers were issued the appropriate summonses.

- Mr. Hollinger asked if there had been many violations by the aquaculture industry regarding the vibrio control plan and other special conditions. Capt. Scott replied that most participants are compliant or able to come into compliance after some education, with very few repeat offenders.

CPOs Tomlin and Raker conducted night patrols in areas where shoreside shark fishing has gained tremendous popularity. During these patrols, CPOs issued multiple summonses for mishandling state and federally prohibited species of sharks. Dozens of anglers were also educated on identification of prohibited shark species and proper release techniques to ensure their survival.

Captain Scott informed the Council that a new recruit has joined District 7 in Monmouth County. There were three recruits sent to the Academy. One has dropped out, and the remaining two will be assigned to inland regions.

Mr. Rizzo asked if Deputy Chief Snellbaker is officially retired or will be returning to work. Captain Scott responded that he is retiring soon and will not be returning to work. Mr. Rizzo motioned to send Deputy Chief Snellbaker a letter of appreciation from the Council, seconded by Dr. Donnelly. Motion carried unanimously. Mr. Brust will draft the letter.

2. Shellfish Council Reports

a. Delaware Bay – B. Hollinger

The Direct Market Oyster harvest continues on two bed regions, the Medium Mortality Beds and the Shell Rock Bed. So far, the industry has harvested just over 58,000 bushels of oysters. Many harvesters are looking to take advantage of the cooler weather and the relaxed Vibrio time constraints to work further from their home ports. The current catch per unit effort is 141 bushels per day.

The Delaware Bay Shellfisheries Council's Regulatory Committee, made up of various industry representatives, held its first meeting on Thursday, August 29. The Committee plans on meeting at least four more times to discuss possible changes to NJAC 7:25 and NJAC 7:25a.

b. Atlantic Coast – W. Johnson

No report.

3. Shellfish Bureau Report – J. Normant

No report.

4. Legislative/Regulatory Report – 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 no new bills were introduced for the State, however a few of the budget and supplemental budget items were signed by the Governor. They are currently on break and will return the following week. Mr. Brust continued to highlight the following federal bills:

- S. 4948 - A bill to require the Secretary of Commerce to establish a grant program to foster enhanced coexistence between ocean users and North Atlantic right whales and other large cetacean species.
- H.R. 9238 - To accelerate the commercialization of marine energy technologies, and for other purposes. No bill text available.
- H.R. 9120 - SAFE Act: To establish an integrated national approach to respond to ongoing and expected effects of extreme weather and climate change by protecting, managing, and conserving the fish, wildlife, and plants of the United States, and to maximize Government efficiency and reduce costs, in cooperation with State and local governments, Indian Tribes, Native Hawaiians, and other entities, and for other purposes.

Mr. Brust gave an updated presentation on the Marine Fisheries Rule Proposal under development. The Rule Proposal includes the following:

- Require commercial fishermen to V-notch egg bearing female lobsters immediately in LMA 5 to reduce stress from holding in tanks.
- Give spotted seatrout its own regulatory scheme, separate and distinct from weakfish.
- Allow that persons who hold or hide illegally harvested fish on behalf of a recreational angler can be charged for size/season/possession violations.
 - o Current regulations only restrict anglers/spearfishers from possessing illegal fish; new rule would apply to “runners” as well.
 - o Council members requested additional clarification in the proposal on how the rule would apply to for hire vessels when illegal catch is abandoned on board.
- Rearrange penalty language to clarify which monetary penalties apply to which violations.
- Increase minimum penalty from \$30 to \$40 for most species; keeps tautog minimum at \$100.
- Require immediate release of prohibited sharks, without removal from the water to be consistent with federal regulations
- Include wanton waste of fish as a violation with a penalty up to \$100.
- Rename “Spearfishing” section to “Legal take, catch or kill” and include both angling and spearfishing as legal methods.
- Require the use of buoys/flags on all lobster/fish/conch pots; these markers shall meet the requirements of NOAA Bottlenose Dolphin Take Reduction Plan.
 - o Mr. Hollinger asked for clarification for strings of pots; is it just one on the beginning and one at the end? Mr. Brust responded that he thinks so, but it is something he will get further clarification on.
- Require use of non-floating lines in lobster/fish/conch pots.
 - o Provides consistency with crab regulations where it is already required
 - o Mr. Wark asked if this is based off an inconsistency, or if there were actual instances where people were using floating lines. Captain Scott indicated that they routinely see floating lines on the reefs, primarily from recreational fishermen.
- Clarify the prohibition of fixed gear on the New Jersey Special Management Zone reefs in federal waters.
- Include the boundaries for the two new state water reefs (Manasquan Inlet Reef and the Delaware Bay Reef); clarify that neither new reef has full access zone.
 - o Two other state water reefs have boundaries defined in the regulations.
 - o Publishing the boundaries identifies areas where commercial gear is prohibited.
- Prohibit at sea transfers of harvested fish for black sea bass and summer flounder fisheries
 - o This is a compliance requirement of ASMFC.
 - o This is not a new restriction. It adds explicit language as required.
- Create quota based commercial fishery for American shad in Delaware Bay (17,251 lbs.), per ASMFC requirement.
- Require fish to be containerized in a manner that allows a Conservation Police Officer to weigh and inspect fish.

- Rename the Striped Bass Bonus Program (SBBP) “permit” as a “permit/tag”, describe how the permit/tag should be attached to the fish, and modify reporting requirements.
 - o Dr. Bochenek asked what the reporting requirement change was. Mr. Brust will check and respond to question after the meeting.
 - o Mr. Rush asked if ASMFC has made any determination about the SBBP in coming years. Mr. Brust responded that it is currently status quo until the results of the ongoing stock assessment which could be presented at the October meeting.

Mr. Brust indicated that the proposal needs to be submitted by November in order to be considered by the current Administration. Feedback from the Council is requested, but not required. Council would like to table the conversation until the SBBP change is reviewed further by members.

Public Comment:

- Jim Hutchinson (Brick, NJ) referenced a NOAA study in MA that found a low mortality rate on beach-caught sharks. He contacted NOAA to ask if there was a targeted catch-and-release shark fishery in MA. A NOAA representative responded that there is no restriction that states that you cannot have a targeted catch-and-release fishery “consistent with federal regulations”. Mr. Hutchinson’s concern is that NJ is making it more difficult when we should be going the other way and having fewer restrictions and a possible targeted catch-and-release fishery for prohibited sharks.
 - o Mr. Brust asked for clarification on whether MA is allowing a “targeted fishery on a prohibited species” or that fishing is permitted, and that any prohibited species caught must be released. Mr. Cimino expressed great concern that allowing a targeted fishery for an already prohibited species could move it toward being listed. Captain Scott stated that enforcement regularly receives phone calls from other agencies/municipalities stating concerns from the public who do not want to swim in waters where shark fishing is allowed.
 - o Mr. Kaelin referenced the letter from Scott Thomas of Grumpy’s Tackle (included in meeting materials) that suggests outreach and education as a good avenue to help ensure the survival of sharks that are caught. Mr. Brust suggested presenting this idea to the Shark & Spiny Dogfish Committee for their input. Advisors could also weigh in on whether NJ should allow a targeted fishery for prohibited shark species.
 - o Mr. Rush asked if a Beach Access Permit is required to fish on beaches, which could be a way to require anglers to take a possible educational course.
 - o Dr. Donnelly asked if we could include the MA verbiage when answering questions for next meeting. Mr. Brust stated that he will check. Mr. Wark stated that other states may be different as well.

5. Atlantic States Marine Fisheries Commission (ASMFC) Report – H. Corbett

ATLANTIC HERRING MANAGEMENT BOARD

The Atlantic Herring Management Board received a presentation of the 2024 Management Track Stock Assessment for Atlantic herring conducted by NOAA’s Northeast Fisheries Science Center (NEFSC). No significant changes were made to the methods in the 2024 assessment as compared to the 2022

assessment. The 2024 assessment update includes data through 2023 and indicates the Atlantic herring stock is overfished but not experiencing overfishing. This is the same stock status as determined by the 2022 assessment.

ATLANTIC MENHADEN MANAGEMENT BOARD

The Atlantic Menhaden Management Board received a progress report on the ERP benchmark stock assessment. The ERP Workgroup has had discussions with USGS about the inclusion of additional data on piscivorous birds and has scheduled a workshop for November 2024. The ERP benchmark stock assessment and single-species stock assessment updates are both scheduled to be presented to the Board at the 2025 Annual Meeting. The Board established a work group to gain additional information and evaluate different options of precautionary management in Chesapeake Bay, and the workgroup will provide a report to the Board at the Annual Meeting.

SPINY DOGFISH MANAGEMENT BOARD

The Spiny Dogfish Management Board met to review a report on the state impacts of the recommended actions by the Mid-Atlantic and New England Fishery Management Councils in Spiny Dogfish Framework Adjustment 6 to reduce sturgeon bycatch in the spiny dogfish fishery and consider complementary action in state waters. The Board initiated an addendum that will develop options to establish equivalent overnight soak restrictions for harvesters that possess state spiny dogfish permits but do not possess a federal spiny dogfish permit. The Board will consider approval of the Draft Addendum for public comment at its next meeting in October 2024.

STRIPED BASS MANAGEMENT BOARD

The Striped Bass Management Board received a report from the Board Work Group (WG) on recreational release mortality with WG recommendations on stock assessment tasks and public scoping. First, the WG recommended the Board task the TC with calculations during the 2024 stock assessment to determine how decreasing recreational release mortality could contribute to any potential reduction needed to achieve rebuilding. Second, the WG recommended the Board extend the timeline for conducting a public survey on recreational release mortality, to be reviewed at the October meeting. Finally, the Board approved Tom Fote representing New Jersey to the Atlantic Striped Bass Advisory Panel.

AMERICAN LOBSTER MANAGEMENT BOARD

The American lobster benchmark stock assessment is underway, and the Stock Assessment Subcommittee (SAS) met in July for the assessment methods workshop. At the workshop the SAS determined the assessment timeline should be extended to allow for completion of 2023 data and the inclusion of analyses from external collaborators, some of which did not have access to necessary confidential data until recently. With the extended timeline, the assessment is expected to be completed for Board review at the 2025 Annual Meeting instead of the 2025 Summer Meeting.

The American Lobster Management Board received a report from the Vessel Tracking Workgroup (WG) responding to its task to investigate possible modifications to the 24/7 tracking requirement of

Addendum XXIX that would still ensure monitoring of fishing activity, while acknowledging that fishermen also use their boats for personal non-fishing reasons. The WG proposed two strategies that could be used: geofencing and a “snooze” function. Geofencing would require devices to use satellite service to automatically change the ping rate when the vessel is in certain areas. The “snooze” function approach would involve a process whereby the permit holder could request their device stop collecting data for a pre-determined period of time. Not all currently approved tracking devices are capable of geofencing, and modifications would need to be made to allow for either approach. The WG also noted concerns about loss of fishing effort data and challenges law enforcement. The Board will discuss this topic at its next meeting and determine a path forward.

EXECUTIVE COMMITTEE

The Executive Committee provided an update on future Annual Meeting locations. In October 2024, the Annual Meeting will be in Annapolis, Maryland; 2025 in Delaware; 2026 in Rhode Island; 2027 in South Carolina; 2028 in Massachusetts; 2029 in Pennsylvania; and 2030 in Georgia.

ATLANTIC STURGEON MANAGEMENT BOARD

The Atlantic Sturgeon Stock Assessment Update finds that while the coastwide population remains depleted relative to historic levels, the population has shown signs of improvement with a significant positive trend over the time series. At the individual distinct population segment (DPS) level, results were mixed. Most indices showed either a positive trend or no significant trend over the time series. The average probability that the New York Bight and Carolina DPSs indices were greater than the reference year was high, meaning it was likely that abundance in 2022 was higher than it was at the start of the moratorium.

- Mr. Wark expressed his concern that the science always seems to be a few years behind. With the amount of sturgeon he is encountering, he expects that the interactions will increase and could have a negative impact on what is left of the commercial fishing fleet.

SCIAENIDS MANAGEMENT BOARD

The Sciaenids Management Board met to consider several items, including Traffic Light Analysis (TLA) reports for spot and Atlantic croaker. Abundance metrics in the spot TLA did not trigger at any threshold in the past three years. In this case, Addendum III states the measures that were put into place in 2020 are no longer required for spot. However, the Board agreed with the Technical Committee’s (TC) recommendation to maintain the current spot management measures. This decision was due in part to results from a benchmark stock assessment expected in the next couple of years and continued concern with low spot commercial and recreational harvest.

For Atlantic croaker, an abundance metric exceeded the 30% threshold in all four terminal years. Addendum III states, in this case, the TC must evaluate trends in the stock’s abundance to recommend to the Board whether triggered measures should remain in place or more restrictive measures should be considered. The Board agreed with the TC’s recommendation of maintaining the current management measures, due to the anticipation of results from the ongoing benchmark stock assessment within the next year.

The Board received an update on the ongoing red drum, Atlantic croaker, and spot benchmark stock assessments. For red drum, a SouthEast Data and Assessment Review (SEDAR) Peer Review Workshop will be held August 13-16, 2024, in Charleston, South Carolina. The red drum assessment and peer review report are expected to be presented to the Board at their October 2024 meeting. Work on the Atlantic croaker benchmark stock assessment is ongoing, and a sub-group of the Stock Assessment Subcommittee is meeting biweekly to discuss modeling progress. Due to the loss of a lead modeler, work on the spot stock assessment has been paused until the Atlantic croaker assessment is completed and peer-reviewed.

COASTAL PELAGICS MANAGEMENT BOARD

The Commission's Coastal Pelagics Management Board approved Addendum II to Amendment 1 to the Interstate Fishery Management Plan for Atlantic Cobia. The Addendum modifies the recreational allocation framework, allows the Board to update allocations quickly if the underlying data are revised, expands the range of data used in harvest evaluations, and allows the Board to set management measures for a longer period of time. Addendum II responds to increased cobia harvest in some Mid-Atlantic states in recent years, as well as concerns about high uncertainty associated with cobia recreational harvest estimates. All Addendum II measures are effective immediately and will be used to set recreational measures for 2025 and beyond.

Addendum II changes both the geographic scope of the recreational allocation framework and the timeframe of data used as the basis for allocations. The Addendum changes the allocation framework from a state-by-state to a regional framework, with a northern region of Rhode Island through Virginia and a southern region of North Carolina through Georgia. The new regional allocation framework is intended to reduce uncertainty by using harvest estimates based on a larger sample size combining multiple states in a region, instead of individual state-level harvest estimates.

SHAD AND RIVER HERRING MANAGEMENT BOARD

The River Herring Benchmark Stock Assessment finds the coastwide populations of both alewife and blueback herring (collectively referred to as river herring) are depleted relative to historic levels. In terms of recent trends, there is no clear signal for either species across the coast. The majority of indices of abundance for both alewife and blueback herring are likely to be higher now than they were in 2009. However, half of the blueback populations and 65% of the alewife populations have a high probability of being above the total mortality reference point, indicating total mortality on adult fish was too high.

INTERSTATE FISHERIES MANAGEMENT PROGRAM (ISFMP) POLICY BOARD

Staff presented the Commission's stock assessment schedule. The revised schedule now includes 2027 and 2028. The following assessments have been added to the schedule: 2027 – American eel, black sea bass, bluefish, scup, summer flounder, winter flounder, and 2028 – Atlantic sea herring, Jonah crab, and potentially Atlantic menhaden. The following assessments have shifted their delivery dates for a variety of reasons: Atlantic croaker will be presented in the third quarter of 2025, spot will be presented in the third quarter of 2026, and American lobster will be presented in the fourth quarter of 2025.

6. Mid-Atlantic Fishery Management Council (MAFMC) Report – J. Brust

Mr. Brust provided a handout of highlights in the meeting materials. The Council approved annual specifications for golden tilefish, blueline tilefish, summer flounder, bluefish, and surf clam / ocean quahog. Specifications for scup increased approximately 4% from previously established levels because a calculation error was corrected.

Dr. Bochenek asked for more information regarding black sea bass. Mr. Cimino explained that black sea bass is jointly managed by ASMFC and MAFMC, but MAFMC must comply with Magnuson-Stevens, while ASMFC does not. The stock is currently at high levels, but projections suggest biomass will come down quickly in the next few years. MAFMC recommended a reduction in quota for 2025, but without knowing 2024 harvest, this may or may not require states to adopt more restrictive regulations. ASMFC, on the other hand, chose to maintain status quo. With these decisions, management measures may be different in state and federal waters. The NMFS Regional Administrator does have some flexibility to minimize any impact to federal permit holders due to inconsistent regulations, and they have the final authority for federal waters, but at this point no one knows what the final outcome will be.

- Mr. Rush commented that it was good that socioeconomic issues were considered by the Board. Mr. Cimino agreed but reiterated that a reduced target does not mean we will need to take a reduction. We will start evaluating 2025 regulations when more is known about 2024 harvest.
- Mr. Wark asked if the high harvest levels are due to high effort and increased technology, such as spot lock motors. Mr. Cimino confirmed that MRIP suggest high effort which has led to catch doubling in recent years. Dr. Donnelly commented that many people are fishing for sea bass because regulations for other species are too restrictive and black sea bass are easily available.
- Mr. Kaelin described the uncertainty in the projections that led to the two bodies taking different actions. He is concerned the regional administrator might recommend a reduction for commercial harvest and status quo for recreational. Mr. Cimino commented that several states have ITQs and the fishery as a whole has been performed close to its quota, so there would be little need for restricting the commercial fishery.
- Dr. Bochenek stated her concern that the MAFMC decision was based on a projection, not observed data. Mr. Cimino agreed and stated that several recent year classes appear to be relatively strong but aren't accounted for in the projections yet because they are not spawning age. Mr. Rush commented that he has seen a lot of small fish in the estuaries.

7. Marine Fisheries Bureau Report – J. Brust

Mr. Brust announced the newer hires within NJ Marine Fisheries – Jake Babb, Danielle Dyson and Tyler Harris.

8. Committee Reports

- a. Dr. Donnelly presented the Tautog Committee Meeting Summary.

TAUTOG COMMITTEE MEETING SUMMARY (7/16/2024)

The NJ Marine Fisheries Council Tautog Committee met with commercial and recreational advisors to discuss potential changes to regulations. Staff and individual Council members have heard from industry

that updated regulations may be needed to protect the stock and fishery, and several industry members attended a recent Council meeting and requested a committee meeting to discuss potential changes.

Staff presented an overview of the most recent stock assessment, recent survey data, and commercial and recreational harvest trends.

- The 2021 stock assessment indicated that overfishing was not occurring, and biomass was increasing; however, the stock was still considered overfished.
- Recent New Jersey ocean trawl survey data indicate that the NJ population has been relatively stable over the last decade, but that regional trends may vary over the last 5 years (decreasing in the north; increasing in the south). Length data show that there are generally more legal sized fish in the north.
- Commercial harvest has declined dramatically over the last 8-10 years.
- Recreational catch (harvest plus discards) has increased, with discards making up approximately 90% of the catch. Harvest has generally increased in the south while remaining relatively stable in the north.
- Estimates of recreational effort for tautog have been increasing since around 2016. Similar to the trawl data, recreational length data suggest there are more large fish in the north than the south.

There was discussion on how long it would take to implement new regulations, if that was the direction taken. Staff indicated that because this is not being mandated by ASMFC, it would require a full rule proposal which may take 12-18 months, rather than a Notice of Administrative Change which can be done more quickly.

Commercial participants indicated that harvest had declined since they were prohibited from fishing on the artificial reefs in 2016. In addition, the mandatory tagging program is burdensome and has forced many permit holders to exit the live market fishery. Some of the suggestions they made include increasing the season length to compensate for reduced access on reefs, a smaller minimum size, and changes to the tagging program to make it more efficient. Some possible improvements would be providing harvesters more tags at the beginning of the season and using different tags that are easier to handle and don't damage the product.

Recreational participants from both regions commented that there are more large fish in the south, contradictory to both the ocean trawl and MRIP data. Several confirmed that effort does seem to have increased in the north and that overcrowding has become an issue, but very few vessels target tautog in the south. Overcrowding is particularly bad in the summer when there is a one fish possession limit. There was a suggestion that there is so much effort that anglers catch the fish as soon as they move onto a reef. It was noted that the one fish limit was implemented to satisfy the spearfish sector, but that private boats and shore anglers have begun targeting them during this season as well. This was attributed to new technologies that allow anglers to find structure and maintain their position without anchoring.

Several suggestions from the recreational sector included improvements to habitat through reef deployments, additional outreach to encourage discards of females and large fish, and different size/season/possession limits. There was some discussion about restricting “spot lock” motors on reefs, but it was suggested that such regulations would be difficult to enforce. Several participants cautioned that any regulatory changes should not be more restrictive than ASMFC allows because we would likely not get credit for being proactive if ASMFC requires cuts in the future.

Dr. Donnelly acknowledged the discussion had been useful. The two biggest take aways from the meeting are that we should not do anything more restrictive than required by ASMFC and we need to consider the timing of any potential changes with respect to the time it would take to implement relative to the upcoming stock assessment. He encouraged everyone to continue thinking outside the box for ways to improve NJ’s tautog fisheries and requested staff confirm neighboring state’s regulations and ASMFC requirements to inform future discussions.

- b. Mr. Hollinger presented the Gillnet Committee Meeting Summary.

GILLNET COMMITTEE MEETING SUMMARY (7/30/2024)

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 than 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.

- Mr. Wark reiterated that this is an ongoing issue with a lot of experimental, continuous changes in order to maintain the fisheries.
- c. Dr. Bochenek presented the Angler Survey Subcommittee Report.

ANGLER SURVEY SUBCOMMITTEE REPORT (8/13/2024)

A meeting of the NJ Marine Fisheries Council's Angler Survey Subcommittee was held in person at the NJ Marine Fisheries Administrative offices the evening of August 13, 2024 to discuss the proposed Council request of exploring a recreational angler survey for summer flounder as well as a recreational summer flounder length data collection logbook for implementation during the 2025 fishing year.

Recreational Summer Flounder

The New Jersey Marine Fisheries Council is responsible for implementing recreational regulations for summer flounder for each annual fishing year. The options that are available for management use include a variety of possible solutions to equitably address angler welfare throughout the entire state from Sandy Hook to Cape May as well as offshore to back bays. As such, there are a myriad of potential regulations to address the successful management of these fisheries. Each year, Council receives comments regarding the timing differences of summer flounder between essentially four regions: North and South, Inshore and Offshore. As such, advisory meetings are held each year to discuss these differences and qualitatively approach the best options for the state in its entirety. To address the differences throughout the State, Council is taking a proactive approach for summer flounder which will have a management change after two years of implemented regulations in 2024 and 2025 and will make changes for the 2026 and 2027 fishing year. Requested options in the past have included different size, seasons, bags, for each sector (for-hire vs. private) as well as inshore vs. offshore, and north vs. south. As part of this process, two methods have been proposed. 1. An angler questionnaire to address various demographics across the state, and 2. A length data collection program to address size differences among the four regions.

Angler questionnaire

Subcommittee members and advisors commented on potential design of an angler questionnaire and suggested including methods that are independent of the internet to ensure the survey captures all user groups including those without internet access or knowledge of its use. This would include providing a form on the Fish and Wildlife website as well as providing paper forms at local bait and tackle shops. Advisors suggested using the previous survey that was initiated by the Bureau of Marine Fisheries in February 2021. Inclusion of non-English speaking anglers was discussed and considered important to address in the survey. Advisors also mentioned incentives for completing the survey. Survey design was a main point of discussion, the subcommittee chairperson has offered services to begin designing the survey. Drafts of the survey will be provided to the committee for review and edits prior to a final decision being made by the full council for implementation. Participants expressed interest for conducting a similar survey for black sea bass following the same guidelines and methodology.

Length Data Collection Logbook

The second item discussed included a data collection of both harvested and released fish lengths. By completing a fishing log including lengths of all fish caught as well as location, staff will have quantitative information to help first, mold possible management options, and second, provide Advisors and Council with information to distinguish any differences among the four regions. Advisors commented first that there may be concern of completing the fishing log if it will result in the loss of resource and opportunity to fish. Some advisors felt the length data collection logbook should be completed only by the for-hire sector, while the majority of advisors felt inclusion of all sectors was important. Advisors were generally supportive of the length data collection concept, however would need to see an example of the logbook before total buy in.

Council has requested Bureau staff provide examples of the angler questionnaires for summer flounder and black sea bass, as well as the Length Data Collection Logbook to take the next step in review and possible implementation of both programs.

- Mr. Rush commented that he had recently received a survey from Wood Hole Oceanographic Institute that was asking very detailed data about fishing location, patrons, catch, etc. He noted that it took too long to complete, and that this effort needs to make sure the survey isn't too long. Mr. Brust confirmed that the survey was to identify effort and participation in certain offshore wind areas to help estimate impacts to recreational fisheries.

Mr. Kaelin commented that he appreciated seeing the participants at the angler survey meeting and would like to see that on all future meeting summaries.

9. Regulatory Actions – J. Brust

Mr. Brust recapped the Council's discussion on commercial spotted seatrout recommendations from the previous meeting.

- o Mr. Wark reached out to his contact and recommended keeping the regulations status quo at 13". Ultimately, he stated fishermen are not encountering the species, so it is a moot point.

Mr. Wark motioned to keep the current commercial spotted seatrout regulations the same. Seconded by Mr. Johnson. Motion carried unanimously.

10. Old Business – J. Brust

Mr. Brust informed Council that the legislature had not taken action to confirm the two new members.

Council was provided a handout of current Committee membership was with a request to indicate which committees they would like to keep, add, or drop. Further discussion will be needed once handouts are returned to Mr. Brust, including how to incorporate the two new members when they are appointed.

- o Mr. Rush made a motion to change the Chair and committee members every two years. Seconded by Mr. Hollinger. Other Council members expressed an issue with changing

members. For example, it was noted that changing the members regularly might result in loss of institutional knowledge for that committee. Some also commented that the chair should be the most knowledgeable person, but others noted that the chair only runs the meeting and does not make any decisions. Mr. Cimino commented that the intent of the motion could be to revisit the membership regularly, not to fully replace everyone.

- Mr. Brust noted that there is some uncertainty of how this would be implemented and suggested this could be forwarded to the Executive Committee for a discussion. Dr. Donnelly agreed that it would be good to have the ExComm weigh in, and suggested the review period could be every 3 years which aligns with when Council appointments expire.
- Mr. Rush amended the motion to just change the Chair every two years. Seconded by Mr. Hollinger.
- Dr. Donnelly motioned to postpone the discussion until the November meeting. In the meantime, the Executive Committee will meet to provide a recommendation. Seconded by Mr. Johnson. Motion carried unanimously.

Mr. Brust requested comments from the Executive Committee regarding the For-Hire Fillet Permit Survey that was distributed.

Mr. Brust suggested starting the Committee appointment process now for commercial Summer Flounder, commercial Black Sea Bass, Shark and Spiny Dogfish, and Executive instead of waiting for the new Council appointees to be approved.

Mr. Brust listed the upcoming committee meetings. Commercial summer flounder and black sea bass will meet to set 2025 trip limits. The Shark Committee will meet to discuss shore side fishing outreach and targeting of prohibited species. The Executive Committee will provide input on committee rotations and the fillet permit survey and will review advisor applications. Dr. Bochenek reminded staff that the Angler Survey Subcommittee requested information on existing survey platforms before their next meeting.

11. New Business – J. Brust

Mr. Brust presented the draft 2025 Marine Fisheries Council Meeting Schedule. Some of the meetings were proposed to be moved later into the month, new meeting locations were proposed, and the March meeting was proposed to start at 6:00 PM to allow additional public participation. Some Council members noted that March is the longest meeting of the year and should not start as late as 6:00. Mr. Rush asked if the March meeting should be moved later into the month as has been done in the past. Mr. Brust responded that timeline using the new RDM model has been quicker than under the previous methodology, and the meeting has not needed to be pushed back in a few years. Council was asked to confirm their schedules so the meetings can be reviewed and approved at the November meeting.

12. Public Comment

Fred Akers provided an update regarding the ongoing in the Great Egg Harbor.

- He believed the US Army Corps of Engineers has abandoned the plans for the construction of storm surge barriers on the Great Egg Harbor Inlet and Barnegat Inlet.

- The dam at Lake Lenape is being replaced with an opportunity to configure a fish counter.
- A dredging project in Patcong Creek will provide material for Beasley's Point to raise the grade for where the old power plant was located.

Meeting concluded at 8:00 pm. The next Marine Fisheries Council Meeting will be held on November 7th at 5:00 pm at the Galloway Township Public Library.