

**New Jersey Marine Fisheries Council Meeting
November 7, 2024**

Council Attendees

Dr. Eleanor Bochenek
Dr. Patrick Donnelly *
Warren Hollinger *
Walter Johnson III *
Richard Herb *

Jeff Kaelin
Joe Rizzo *

Not in attendance

Robert Rush
Kevin Wark

DEP and Division of Fish and Wildlife Attendees:

Jeffrey Brust – Chief, Bureau of Marine Fisheries (BMF)*
Chris Moscatiello – Lieutenant, Bureau of Law Enforcement (BLE)*
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
Amber Johnson - Senior Biologist, BMF
Matt Heyl - Senior Biologist, BMF
Chad Power - Senior Biologist, BMF
Conor Davis – Assistant Biologist, BMF
Jonathan Klotz – Technician, BMF
Pat Barker – Senior Wildlife Worker, BMF*
Kathryn Ford – Agency Services Representative, BMF

Public Attendees:

Fiona Dunn	Kelly Vega
Juli Perzley	James Dopkin
Charles Solan	James Parker

* 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 October 25, 2024. Chairman Herb began the meeting with commemorating former Council member Mr. Erling Berg, followed by the Pledge of Allegiance.

Approval of Minutes

Meeting minutes from the September 5th meeting of the Council were approved without revision.

Motion made by Mr. Hollinger, seconded by Mr. Johnson. Motion carried unanimously.

1. Enforcement Report – Lt. C. Moscatiello

CPO Bahrle and Lt. Moscatiello were following up on a complaint they received about a commercial fisherman utilizing an otter trawl within two miles of the coastline in Ocean County. Regulations allow commercial fishermen to use their otter trawls between two and three miles in state waters. This provides an area inside of two miles for recreational fishermen with undisturbed bottom. While on patrol CPO Bahrle located a vessel off Seaside that was dragging inside the two-mile line. CPO Bahrle issued the captain a summons for utilizing his otter trawl within two miles of the coastline. Court is set for October and the fisherman faces a penalty of up to \$3,000.

In early September, CPO Szalc was conducting surveillance of shoreside anglers targeting tautog in Atlantic City. He observed one of the anglers catch an undersized tautog, which he immediately wrapped in a plastic bag, then quickly ran from the jetty and onto an adjacent street. Moments later the greedy angler returned to the jetty without the bag and CPO Szalc, with the assistance of Lt. Petruccelli, was able to apprehend the fishermen on the jetty with multiple undersized tautog. CPO Szalc was then able to identify the vehicle belonging to the group and found additional undersized tautog within it,

including the bag he had previously observed. The group of anglers was found in possession of 18 undersized tautog.

Lt. Harp and CPO Klitz responded to a complaint in Egg Harbor Township involving a group of individuals utilizing a large seine net at Malibu Beach WMA. Lt. Harp and CPO Klitz conducted an inspection of the netters when they returned to shore. The group had two large totes, each with approximately 100 pounds of assorted marine life. After several hours of sorting through the catch, Lt. Harp and CPO Klitz found a total of 180 undersized blue claw crabs – three of which had eggs attached, seven undersized black sea bass, four undersized tautog, 53 bluefish over the daily limit, and one undersized winter flounder. The net being utilized had a mesh size less than the minimum 3/8-inch requirement and it exceeded 50 feet in length, which would require a license to use. Numerous summonses were issued to the group for the violations.

In October, CPO Bahrle observed a group of fishermen with several large coolers coming off the jetty in Barnegat Light State Park. To inspect the fishermen CPO Bahrle ended up having to follow them back to their vehicle, which was parked on a side street several blocks away from the State Park. Upon inspection the fishermen were found in possession of 61 tautog, of which 57 were less than the minimum size limit of 15 inches. Each fisherman was issued court-mandatory summonses for possessing over limit and undersized tautog. Court is scheduled for early November where the fishermen face penalties of \$100 per fish for each charge. The tautog were donated to a local food bank.

In late October, Officers with the New York Department of Environmental Conservation (NY DEC) contacted Lt. Moscatiello while they were conducting a boat patrol in the EEZ. The Officers had

inspected a vessel that launched out of Keyport, Monmouth County, which had numerous violations including possession of undersized and over limit black sea bass. The officers escorted the fishermen back to Keyport where they were met by CPO Bahrle. CPO Bahrle determined that the fishermen possessed 89 undersized and 88 over limit black sea bass as well as undersized tautog. The fishermen were all issued court-mandatory summonses, and court is scheduled for mid-November. All the fish were able to be donated to a local food bank.

In late August, CPO Klitz and Lt. Harp were conducting a shoreside patrol of Barnegat Light State Park in response to recent complaints of illegal tautog fishing activity. CPO Klitz observed two individuals leaving the jetty with large backpacks and fishing rods. The individuals were attempting to avoid detection by walking off trail through the dunes. CPO Klitz and Lt. Harp were able to identify potential exit points of the individuals and set up to intercept them as they exited the dunes. When the officers came into view of the individuals, they attempted to run and hide the backpacks. Their efforts were unsuccessful, and the individuals were apprehended with a total of 39 tautog, resulting in violations including over the daily bag limit and undersized fish. Summonses were issued for the violations, and the individuals face penalties of \$100.00 per fish for each charge.

2. Shellfish Council Reports

a. Delaware Bay – B. Hollinger

No report.

b. Atlantic Coast – W. Johnson

No report.

3. Shellfish Bureau Report – J. Normant

No report.

4. Legislative/Regulatory Report – J. Brust

Mr. Brust provided a handout referencing all the changes that occurred. The ones in bold were new and were reviewed during the meeting.

- A4816, Donlon (D11) -Prohibits requirement for beach tag for surfers and surf anglers for access to beach below mean high tide line. Introduced and referred to Assembly Tourism, Gaming and the Arts Committee on 9/19/2024.
- H.R. 5009, (Rep. Joyce, R-Ohio) -WILD Act: a bill to reauthorize wildlife habitat and conservation programs, and for other purposes. This bill reauthorizes through FY2028 and revises several conservation programs for wildlife species and their habitats, including the U.S. Fish and Wildlife Service's Partners for Fish and Wildlife Program as well as programs that provide financial assistance for African elephants, Asian elephants, rhinoceroses, tigers, great apes, and marine turtles. Introduced on July 27, 2023, and referred to the House Natural Resources Committee. Passed Senate with an amendment by Voice Vote on 9/25/2024. (text of amendment in the nature of a substitute: CR S6380-6381)
- H.R. 9821 (Rep. Dingell, D-Michigan) -Forage Fish Conservation Act of 2024: a bill to improve the management of forage fish. Introduced on September 25, 2024, and referred to the House Natural Resources Committee.
- H.R. 9705, (Rep. Ocasio-Cortez, D-New York) – a bill to direct the Secretary of Commerce to establish the Oyster Reef Restoration and Conservation Program. Introduced on September 19, 2024, and referred to the House Natural Resources Committee.
- H.R. 8704, (Rep. Carter, R-Georgia)/ S.4948, Sen Manchin, Joe (I-WV) - 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. Ordered to be reported (amended) by a roll call vote of 23 to 13 on September 19, 2024.

- H.R. 5103 (Rep. Donalds, R-Florida) -the “Fishery Improvement to Streamline untimely regulatory Hurdles post Emergency Situation Act” or the “FISHES Act”, a bill to require the Director of the Office of Management and Budget to approve or deny spend plans within a certain amount of time, and for other purposes. Ordered to be reported (amended) by unanimous consent on September 19, 2024.

Mr. Brust added a rule change that was not listed in the handout and is listed below:

- H.R. 10010 Protect America’s Fisheries Act of 2024 – To amend the Magnusen Stevens Act to allow economic cause as an allowable cause to declare fishery disaster. Currently economic causes are not considered a disaster. This was introduced on October 18, 2024, and referred to the House Natural Resource Committee.

5. US EPA Presentation on Ocean Dredge Material Management by Mark Reese

An EPA presentation was given on identifying a new dredge spoil area in federal waters offshore of Monmouth County. The current dredge disposal area, the Historic Area remediation Site (HARS), is nearing capacity, so EPA is starting the process to identify a new area. The intent is to utilize certain types of clean dredge material to create enhanced fishery habitats. EPA is currently considering several proposed sites, as well as what types of material should be used and the layout of habitat features within the area. The habitats would be constructed over a decade and are expected to begin in five years. Management and monitoring plans would be required by law. Management of sites would be informed by a technical stakeholder review panel.

Dr. Bochenek asked about the quality and cleanliness of the material. Mr. Reiss explained that the sand from some have already been tested and deemed clean enough for other projects. Some

glacial materials have been tested, and their findings have not shown contaminants, so they assume there won't be any. Dr. Bochenek clarified she was concerned mostly about the clay, and if it is clean, why it is not being used in upland projects. Mr. Reiss responded that the clays are glacial depositions and have no hydraulic conductivity. He indicated there are many competing uses, but there are several factors to consider when determining where and how they are used, including cost, timing restrictions, and suitability of the material for a specific project.

Dr. Donnelly expressed concerns about live-bottom habitats becoming covered by the materials that will be used. He suggests a working group of commercial and recreational participants should be formed to help prevent that situation from happening. Mr. Reiss confirmed they are looking to form an advisory group to provide guidance on where to put it and what types of features should be created.

Mr. Johnson expressed the need to restore past sand borrow areas to fill places that have had lots of sand removed. Mr. Reiss indicated that others have made the same suggestion, but those borrow areas are generally in state waters where EPA has no jurisdiction. If the appropriate agencies prefer the material be used for restoration, then that can happen. This project is focusing on material that is not used elsewhere.

Mr. Kaelin stated he agrees that using the dredge material to enhance fish habitats is a positive idea. He also agreed with Dr. Donnelly's suggestion to create a working group and asked for a list of contacts for the panel Mr. Reiss referred to for the HARS project. He asked if the program would expand to the southern part of the state. Mr. Reese explained that he works with EPA Region 2, which only extends about halfway down the state.

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

Lobster

The Board postponed Addendum 27 in the Gulf of Maine and Georges Bank to discuss the trade with Canada.

Horseshoe Crabs

The Board approved the 2025 harvest specification and will remain status quo for 2025.

Mr. Hollinger asked how it was decided that the population is status quo, since he saw more HSC than he has seen in many years. He also suggested expanding the spawning survey into creeks because so many are spawning there now, and they are not considered in the survey or population model. Mr. Brust responded that the stock assessment indicates the Delaware Bay population is increasing, but the HSC Management Board voted to keep harvest status quo. The ASMFC Adaptive Resource Monitoring (ARM) framework that guides HSC management has established harvest options, and the Management Board may only choose from those specific options. Annual harvest has been set at the maximum harvest level allowed that doesn't include female harvest. He continued that the spawning in creeks may have been historic that wasn't observed when the survey was developed because the population was low, or new activity because we have lost beach habitat and the crabs are looking for new areas. Whether the survey can be changed to include creek areas is a question for the ASMFC Technical Committee.

Coastal Pelagics

Cobia

The Board approved to regionalize the cobia fishery. NJ will now be with Virginia through Rhode Island for a northern region. Therefore, NJ must make regulatory adjustments to the Cobia recreational fishery to meet a 15.9% reduction. All states in the region must implement the same size and possession limit regulations. If states don't agree, then the Board will schedule a meeting to discuss further steps. Implementation plans are due January 1, 2025, and implemented by April 1, 2025.

- Mr. Brust shared a table developed by ASMFC showing management options that achieve the 15.9% reduction. It was recommended that a special Council meeting be planned for December to allow public comment before Council selects an option prior to the Jan 1 deadline.
- Dr. Donnelly and Dr. Bochenek requested to delay the decision until NJ's January 9 Council meeting. Mr. Brust indicated he would check with ASMFC staff if this would be allowed.
- Mr. Kaelin motioned to select the three options with the lowest estimated percent reduction as Council preferred options. Second by Dr. Donnelly.
 - Public Comment - John, Village Harbor Fishing Club, suggested to only look at the 40" limits.
- Motion passes unanimously.

Menhaden

A workgroup that was established for Chesapeake Bay needs more time and will continue discussion through October of 2025.

Striped Bass

The stock remains overfished, but overfishing is not occurring. The removals in 2024 are expected to be lower than 2022 and 2023 because the strong 2015 year class has grown out of the slot limit, but the projection for 2025 is higher because the 2018 year class will be growing into the slot. Slight reductions in harvest may be necessary to keep the rebuilding timeline on track. A December 16th meeting is scheduled to consider any management actions.

Spiny Dogfish

A draft addendum for sturgeon bycatch was approved for public comment. NJ is working with ASMFC to schedule a public hearing, and final action will be considered at the Board's February meeting.

Joint Meeting with MAMFC

An addendum for the methods to select recreational measures for summer flounder, black sea bass, and bluefish was approved for public comment. NJ is scheduling a public hearing.

Summer flounder fly net and small mesh exemption

An addendum to modify the definition of the fly net and small mesh exemption was approved for public comment and a hearing will be scheduled.

7. Mid-Atlantic and South-Atlantic Fishery Management Council (MAFMC) Report – J. Brust

Mr. Brust provided a handout of highlights in the meeting materials.

Spiny Dogfish

There was an error in calculating discards in 2024. After the error was caught it required a reduction in ABC in 2024. The Council requested NMFS implement an emergency action to not require a reduction in harvest which will allow the single processor to remain in business. NMFS was unable to make the accommodation. The required ABC follows the Council's standard risk policy of requiring a 56% chance of not overfishing, but they have requested the SSC calculate the ABC at a slightly lower 50% risk of overfishing. This is expected to increase the quota slightly and give flexibility to the fishery. The Council will make the decision at the regular Council meeting in December.

Black Sea Bass

During a joint meeting with ASMFC in August, the Council and ASMFC proposed different specifications for recreational black sea bass, which would result in inconsistent regulations in state and federal waters. However, Council's decision is only a recommendation to NMFS, and NMFS chose to adopt the same specifications as ASMFC because the stock is very healthy, so there will be no inconsistency.

King and Spanish Mackerel

A public hearing is scheduled at the Stafford Municipal Building on November 21.

Atlantic Cod

Atlantic cod stock structure has been revised, and now includes a Southern New England stock unit, which NJ is a part of. A recent stock assessment indicates that the SNE cod stock is doing very poorly, and the ABC will be set at 22 metric tons, a significant reduction from recent recreational harvest levels of around 280 metric tons per year. The New England Fishery Management Council is considering a no-possession limit and will likely request NY and NJ adopt similar regulations in state

waters, even though they are not within NEFMC jurisdiction. NEFMC will take final action at their December meeting.

8. Marine Fisheries Bureau Report – J. Brust

NJ DEP has received a lawsuit for the Delaware River Keeper, suing the state for not having an incidental take permit for sturgeon. We are seeking funding to hire a contractor to complete the permit application, which will take several years to complete. NMFS suggested combining with NY and DE to create one permit application together.

A new mandate for the Saltwater Registry requires applicants to provide their full social security number and complete a child support certification. This is a legislative mandate for all licenses issued by NJ, not just a Marine Fisheries requirement.

Dr. Bochenek expressed concerns over the security of the licensing system.

Mr. Johnson expressed his frustration with the redundancy of these applications year after year.

9. Committee Reports

Summer Flounder

The purpose of this meeting was to review the 2024 commercial summer flounder fishery and discuss trip limit modifications to the 2025 fishery.

NJDFW staff provided advisors with current 2024 summer flounder commercial fishery landings. Currently there is approximately 240,000 pounds of summer flounder projected to be available for the final season of the 2024 commercial fishery. Trip limit modifications that reflect the remaining quota have been recommended by advisors and were implemented on November 1, 2024.

Additionally, advisors were presented with the preliminary 2025 commercial summer

flounder quota for New Jersey. The preliminary quota for New Jersey is 1,470,127 pounds, status quo relative to the 2024 fishing year.

Based upon this preliminary quota for the summer flounder commercial fishery, the Committee's preferred trip limits for the 2025 commercial fishing year are as follows:

Season 1 (January-February): option A- 1,250-pound trip two times per week or
option B- 2,500-pound trip one time per week.

Season 2 (March-April): option A- 375-pound trip four times per week or
option B- 750-pound trip two times per week or
option C- 1,500-pound trip one time per week.

Season 3 (May-June): option A- 214-pound trip seven times per week or
option B- 375-pound trip four times per week or
option C- 750-pound trip two times per week or
option D- 1,500-pound trip one time per week.

Season 4 (July-August): option A- 214-pound trip seven times per week or
option B- 375-pound trip four times per week or
option C- 750-pound trip two times per week or
option D- 1,500-pound trip one time per week.

Season 5 (September-October): option A- 500-pound trip seven times per week or
option B- 875-pound trip four times per week or
option C- 1,750-pound trip two times per week or
option D- 3,500-pound trip one time per week.

Season 6 (November-December): option A- 500-pound trip four times per week or
option B- 1,000-pound trip two times per week or

option C- 2,000-pound trip one time per week.

Options cannot be combined under any circumstance for a given season. Once a trip has been landed under one option, the vessel is restricted to only that option for the remainder of the fishing week (Sunday-Saturday). Once the following fishing week begins (12:00 a.m. Sunday), the vessel can choose another option under the corresponding season.

The Committee recommends the commercial trip limits for the 2025 commercial summer flounder fishing year as provided in this report.

Lastly, advisors expressed interest in implementing a commercial harvester landing license, which would be required for any entity commercially landing in the state of New Jersey. The topic of concern was discussed due to the fact that some commercial fisheries are currently able to land in the state with only valid fishing permits. Staff indicated that they would support implementation of a landing license, but it will likely require legislative action which staff can not initiate.

The committee report represents a motion with an automatic second. Motion passes unanimously.

Black Sea Bass

The purpose of this meeting was to review the 2024 commercial black sea bass fishery and discuss trip limit modifications to the 2025 fishery.

NJDFW staff provided advisors with current 2024 black sea bass commercial fishery landings. Currently there is approximately 300,000 pounds of black sea bass projected to be available for the final season of the 2024 commercial fishery. Trip limit modifications that reflect the remaining quota have been recommended by advisors and were implemented on November 1, 2024.

Additionally, Advisors were presented with the preliminary 2025 commercial black sea bass quota for New Jersey. The preliminary quota for New Jersey is 1,168,455 pounds, status quo relative to the 2024 fishing year.

Based upon this preliminary quota for the black sea bass commercial fishery, the Committee's preferred trip limits for the 2025 commercial fishing year are as follows:

Season 1 (January-February): option A- 500-pound trip four times per week or

option B- 1,000-pound trip two times per week or

option C- 2,000-pound trip one time per week.

Season 2 (March-April): option A- 500-pound trip four times per week or

option B- 1,000-pound trip two times per week or
option C- 2,000-pound trip one time per week.

Season 3 (May-June): option A- 1,000-pound trip six times per week or
option B- 2,000-pound trip three times per week or
option C- 3,000-pound trip two times per week.

Season 4 (July-August): option A- 1,000-pound trip six times per week or
option B- 2,000-pound trip three times per week.

Season 5 (September-October): option A- 1,000-pound trip six times per week or
option B- 2,000-pound trip three times per week or
option C- 3,000-pound trip two times per week.

Season 6 (November-December): option A- 750-pound trip four times per week or
option B- 1,500-pound trip two times per week or
option C- 3,000-pound trip one time per week.

Options cannot be combined under any circumstance for a given season. Once a trip has been landed under one option, the vessel is restricted to only that option for the remainder of the fishing week (Sunday-Saturday). Once the following fishing week begins (12:00 a.m. Sunday), the vessel can choose another option under the corresponding season.

The Committee recommends the commercial trip limits for the 2025 commercial black sea bass fishing year as provided in this report.

The committee report represents a motion with an automatic second. Motion passes unanimously.

10. Regulatory Actions – J. Brust

Mr. Brust presented a Notice of Administrative Change to implement the revised black sea bass and summer flounder commercial trip limits for 2025. Motion to approve by Dr. Donnelly, second Mr. Johnson. Motion carries unanimously.

11. Old Business – J. Brust

Mr. Brust indicated that there was no new news about filling the two Council vacancies but provided a copy of a letter sent by the Shellfisheries Council to the NJ Senate Judiciary Committee asking them to fill those vacancies. Motion to send another letter to fill current Council vacancies to the state by Mr. Johnson, seconded by Dr. Donnelly. Motion carried unanimously.

The 2025 meeting dates were presented. Motion to accept the 2025 schedule made by Mr. Johnson, seconded by Mr. Herb. Motion carried unanimously.

Mr. Brust will organize a special meeting for cobia to discuss and decide on measures for 2025. Mr. Brust briefly discussed other meetings that need to be scheduled including the Executive Committee, shark angling, and the angler survey.

- Dr. Donnelly requested a meeting for recreational summer flounder in January.
- Mr. Brust added that there will be a recreational black sea bass meeting.

Mr. Hollinger asked about the advertisement that he heard regarding the creation of 4,000 jobs to NJ due to the wind farms. He wants to know more information about the job creation and longevity of these jobs for NJ.

Mr. Rizzo requested an update on the retirement letter for Deputy Chief Jason Snellbaker.

12. New Business – J. Brust

No new business.

13. Public Comment

Eddie Yates inquired how mahi mahi can be added to the filet permit. Boats may bring in over 200 mahi mahi and it takes a lot of time to filet at the dock.

Mr. Yates also inquired about the Cares Act money that NOAA is trying to recover. Mr. Kaelin responded that someone has alleged that some people have been made more than whole, and now people are being audited and the federal government is asking ASMFC for 7 million dollars. He stated that NJ auditors are creating letters that are being sent to the fishermen.

The meeting concluded at 7:29 pm. The next Marine Fisheries Council Meeting will be held on January 9th at 5:00 pm at the Galloway Township Public Library.