

Marine Fisheries Council Meeting
January 9, 2025

Council Attendees:

Dr. Eleanor Bochenek
Dr. Pat Donnelly*
Barney Hollinger*
Walt Johnson*

Jeff Kaelin*
Bob Rush*
John Tiedemann*
Kevin Wark*

Council Absentees:

Dick Herb
Joe Rizzo

DEP and Fish and Wildlife Attendees:

David Golden - Assistant Commissioner, DEP Fish and Wildlife*
Joe Cimino – Administrator, Marine Resources Administration (MRA)*
Jason Hearon – Assistant Director, DEP Fish and Wildlife*
Jeffrey Brust – Chief, Bureau of Marine Fisheries (BMF)*
Brian Scott – Captain, Bureau of Law Enforcement (BLE)*
Kathy Clark – Chief, Endangered and Nongame Species Program* (ENSP)
Heather Corbett – Supervising Biologist, BMF *
Jeff Normant – Supervising Biologist, Bureau of Marine Habitat and Shellfisheries (BMHS)*
Mike Celestino – Research Scientist, MRA*
Maryellen Gordon – Principal Biologist, BMF
Jenny Tomko – Principal Biologist, BMHS
Christina Davis – Principal Zoologist, ENSP
Jennifer Pyle – Senior Biologist, BMF
Amber Johnson - Senior Biologist, BMF
Matt Heyl - Senior Biologist, BMF
Alissa Wilson, Senior Biologist, BMHS
Jonathan Klotz – Technician, BMF
Pat Barker – Senior Wildlife Worker, BMF*
Michael Lindner – Senior Wildlife Officer, BMHS
Lauren Strazzeri – Permit Coordination Officer, BMHS

Public Attendees:

Jim Hutchinson*
Adam Nowalsky*
John Steubing*

Edward Cuneo
John Fullmer
Edward Gaine

Gregory Hueth
Benjie Swan
James M Parker III

* 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 December 16, 2024. New Council member John Tiedemann was introduced.

Approval of Minutes

Two revisions to the meeting minutes from November 7, 2024 were presented. Mr. Hollinger requested one change to a comment he made during the ASMFC Report discussion of horseshoe crabs. Mr. Brust informed the Council that he will add a list of public attendees to the minutes. Motion to approve with two revisions made by Mr. Hollinger, seconded by Mr. Kaelin. Motion carried with five in favor and three abstentions.

Minutes from the December 20, 2024 cobia meeting were approved without revision. Motion made by Mr. Kaelin, seconded by Mr. Johnson. Motion carried with seven in favor and one abstention.

1. Enforcement Report – B. Scott

Highlights of recent activity were submitted to the Council. Captain Scott informed Council that over 700 summonses were issued in 2024, with more than 250 of those being tautog violations. The total number of fish in the violations is unknown. Most tautog summonses were issued during the one fish limit season to land-based anglers. Over 100 summonses were issued for NJ Saltwater Registry violations at \$40 each.

- Mr. Tiedemann asked where that money goes. Captain Scott indicated that municipalities collect the fines and forward the money to Fish and Wildlife.
- Dr Bochenek asked how many of the summonses were for striped bass. Captain Scott estimated that 100-150 violations were issued to striped bass anglers within State waters. Violations in the EEZ are referred to NMFS as federal cases.
- Mr. Rush asked about violations for striped bass being sold. Captain Scott indicated that that is more common in the spring than fall.
- Mr. Kaelin inquired about the number of EEZ referrals to Federal agents. Captain Scott replied that they are still processing those cases, and the total number is yet to be determined, but estimates five bluefin tuna and five striped bass violations.
- Mr. Kaelin expressed appreciation for enforcement of out-of-state landings violations of the landings in excess permit. Captain Scott reminded Council that that permit requires a six hour call in, rather than the normal two hour. Mr. Kaelin asked what the process would be to make the call in requirements the same. Mr. Brust indicated that it would need a full rule proposal.

Captain Scott indicated that two new recruits had just completed training and two more had just been hired and will begin training in February. One of the new hires will be assigned to the marine region, while the other three will be assigned to inland regions.

2. Shellfish Council Reports

Delaware Bay: Mr. Hollinger stated that regulatory meetings are ongoing, the oyster stock assessment will be held in February, and a reorganization meeting was held and he was re-elected as chairman.

Atlantic Coast: Mr. Johnson announced that one new member has been approved for the Shellfish Council and will be seated next month.

3. 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. A new State bill was noted, prohibiting aquaculture of any species of octopus for human consumption. Federal bills listed are new actions, mostly conservation and funding related. One new Federal bill was noted, called the FISHERIES Act, which will speed up the process of fisheries disaster plan review by imposing a time limit for review. Mr. Brust announced two new Council nominations that have been approved: John Tiedemann to the Marine Fisheries Council and Edward “Ned” Gaine to the Atlantic Coast Shellfish Council. Three nominations are outstanding.

- Mr. Rush questioned why the proposed State bill singles out octopus. Mr. Brust replied that it could be because research suggests octopus are sentient and there are likely animal cruelty concerns.

ENSP Chief Kathy Clark gave a presentation on the recently proposed Shore Protection Rule. A public hearing about the rule was held in 2023 and is available online. The public comment period is open until February 13, 2025.

- Mr. Kaelin asked how the public would be notified of any closures. Ms. Clark informed him that notifications to landowners and municipalities will be sent via mail and public closures will be posted on the Fish and Wildlife website.
- Mr. Kaelin asked why there was no impact assessment on coastal fishing communities within this proposal. Ms. Clark stated that they don't anticipate any changes from the way they are currently closing areas, and few restrictions will inhibit access to the water. AC Golden indicated that an economic impact statement on fishing is not required in a rule proposal and there may be statutory restrictions on adding new sections.

- Mr. Hollinger asked how Delaware Bay commercial boats would be made aware of closures in nearshore waters. AC Golden mentioned that there are sign requirements in the proposal. Mr. Hollinger noted that those are not visible from the water, which may result in harvesters receiving violations for entering a closed area. Ms. Clark also stated that closures will be for the minimum area and the minimum time needed. There will be few areas where DEP is concerned about boats causing a take, such as Stone Harbor Point. Vessels moving at “working” (set, haul back) speed are unlikely to disturb birds.
- Mr. Hollinger asked if the new rule will increase restrictions from the current level. AC Golden indicated that the rule puts more requirements on justifying a closure so it is unlikely that restrictions will increase.
- Mr. Hollinger voiced concerns about compensation due to public access closures or damage to private land. AC Golden informed the Council that the authority already exists to make closures and install signs. The new rule will allow a process for landowners to appeal a closure for reasons such as economic loss.
- Mr. Hollinger asked what is considered “minimum loss of revenue” and will DEP compensate if the commercial fishery loses the ability to fish. Ms. Clark answered that DEP has been closing areas for over 20 years and this has never been an issue, and they don’t anticipate any changes from what they’re currently doing. Mr. Hollinger responded that the new rule allows the closure to extend out farther than the current closures. Ms. Clark responded that that provision will only be used where it can be justified, which is very few areas, even on Delaware Bay. Mr. Hollinger expressed concern that future administrations may interpret the rule differently and expand the closed areas. AC Golden reminded the Council that the burden is on the agency to determine critical habitat and the additional criteria necessary to implement a closed area will give the public the opportunity to challenge those decisions.
- Mr. Wark mentioned that there’s a chance someone could be affected adversely by this rule depending on interpretation and wants to ensure that the wording is correct to protect bay fishermen from possible displacement.
- Mr. Rush asked about the definition of critical habitat area. Ms. Clark replied that it is defined within the proposal and is not the same as defined by USFWS.
- Mr. Rush voiced concern about Corson’s Inlet and the potential impact on small boat rentals in the area. Dr. Bochenek noted potential impact to the charter boats working in the back bays and tidal areas as well. Ms. Clark responded that the area will need to be posted. Dr. Bochenek asked if DEP was looking at the economic impact of closing an area, and suggested that the closures should be implemented in areas that result in lower economic impact.
- Mr. Hollinger stated that notification is the most important thing to consider. AC Golden ensured that Fish and Wildlife has a responsibility to the public and will notify them

through various methods. He indicated it may be possible to develop a method to notify commercial and recreational participants as well. AD Hearon suggested a method similar to what is used to inform shellfish harvesters of closed beds. Ms. Clark noted that intertidal closures will be a last resort.

- Mr. Johnson questioned how public input is going to be considered if new areas are considered as critical habitat. Ms. Clark replied that the majority of closures will take place in areas that are already mapped as critical habitat. AC Golden added that there will be channels for public comment if any new areas are identified and that methods should be considered to notify shellfish lease holders in addition to landowners when closed areas are proposed. Mr. Normant indicated that data are available to make that happen.
- Dr. Donnelly stated that ENSP did not speak to all of the proper stakeholders, such as the Marine Fisheries Council, prior to writing the proposal. He noted that there should be joint discussions and hopes that working in concert will be advantageous moving forward. Ms. Clark replied that ENSP was not trying to interfere with fishing efforts and reminded the Council that the comment period is now open.
- Jim Hutchinson made a public comment that beach closures are a concern to surf casting access and that the term “critical habitat area” needs to be codified.

Mr. Rush made a motion to submit comments as a verbatim transcript of the Council’s discussion of the Shore Protection Rule. Dr. Bochenek seconded the motion. After more discussion, it was decided that Mr. Cimino and Mr. Brust will draft a summary of Marine Fisheries Council comments for review, via email, and submission prior to the end of the public comment period on February 13. Mr. Kaelin made a motion to substitute the previous motion and submit comments as a summary of the discussion. Mr. Hollinger seconded the motion. The substitute motion passed unanimously and became the main motion. The main motion passed unanimously.

4. Atlantic States Marine Fisheries Commission Report – J. Brust

Mr. Brust informed the Council that there have been no full meetings, only a Striped Bass Board meeting, which is summarized in a handout provided to the Council. The Board had the opportunity to make changes to management measures for the 2025 fishing season to support rebuilding the stock by 2029. However, because of concerns with some of the proposed management options, they chose to initiate Draft Addendum III to allow more time to consider recreational and commercial management measures for implementation in 2026. Options will consider a range of reductions for the recreational and commercial fisheries. Recreational reductions will consider season and size limits that take into account regional differences,

including no-harvest and no-targeting closures. Final action is planned for no later than October 2025 with implementation in early 2026.

- Adam Nowalsky indicated that one of the biggest concerns with the stock is low recruitment indices, even though anglers report seeing lots of small fish. He requested that the Bureau of Marine Fisheries implement more eDNA sampling to supplement current data collection. Mr. Cimino agreed that eDNA sampling should be expanded and suggested that ongoing surveys may no longer be sufficient to monitor striped bass due to environmental changes. Changes in the stock could be more environmental than fishery-related, influencing regional season closures.
- Mr. Rush asked where sampling is conducted for YOY striped bass, to which Mr. Cimino replied that the only NJ sampling is done in the Delaware River. Mr. Rush suggested that the sampling area should be expanded, indicating there are lots of small fish in the intracoastal waterway. Mr. Cimino agreed that it's something to think about.
- Mr. Tiedemann suggested combining eDNA sampling with other sampling methods, such as the Delaware River Seine Survey to evaluate whether survey methods or timing should be adjusted.
- Mr. Kaelin indicated that eDNA would be important to identify overwintering menhaden aggregations.
- Mr. Rush proposed that the Striped Bass Committee should meet to talk about eDNA sampling.
- Mr. Wark agreed that eDNA is a great starting point to collect more data. It needs to be calibrated with traditional gear but has the benefits of being useful in areas where traditional gears can't operate.
- Dr. Donnelly thanked Mr. Cimino, Mr. Kaelin, and Mr. Nowalsky for always standing up for New Jersey striped bass anglers. Mr. Kaelin reminded the Council that New Jersey doesn't have a commercial fishery and reductions need to be considered to protect the Striped Bass Bonus Program.
- Mr. Kaelin indicated that he made a motion at the ASMFC meeting to implement a smaller reduction in the commercial fishery than the recreational fishery to support NJ's striped bass bonus program. Because the SBBP uses NJ's commercial allocation, a smaller reduction leaves more fish available for bonus harvest.
- Mr. Rush asked if there were any updates to the Massachusetts hook and line commercial fishery. Mr. Cimino replied that several states are interested in tightening the uncertainty in the commercial fishery and hopes that it will be considered in this addendum.
- Mr. Tiedemann asked if the draft Addendum would consider different geographic regions and Mr. Cimino said it would.

- Mr. Rush questioned how much economic impact was considered. Mr. Cimino answered that striped bass is not managed federally, and ASMFC doesn't require a complete economic analysis, which is a problem. Dr. Bochenek stressed that many states on the ASMFC Striped Bass Advisory Committee, not just the public, agreed that there was no equitable breakdown of the regions.

5. Mid-Atlantic Fishery Management Council Report – J. Brust

Mr. Brust provided a summary of the December 2024 meeting. The Mid-Atlantic Fishery Management Council (MAFMC) finalized an amendment to modify the species separation requirements for the Atlantic surf clam and ocean quahog fisheries. They also adopted status quo recreational regulations for summer flounder, scup, and black sea bass. Changes can only be made to modify seasonal dates by a day or two. Council approved the development of an amendment to consider recreational sector separation for summer flounder, black sea bass, and bluefish. This initiative was started several years ago but tabled to focus on the harvest control rule action. The spiny dogfish acceptable biological catch for 2025 was set equal to the overfishing limit (the maximum legally possible), resulting in a commercial quota of about 9.3 million pounds.

Mr. Nowalsky referred to a joint action being considered by ASMFC and MAFMC for changing the process for how recreational measures are set. He requested that the summer flounder, scup and black sea bass committees review the document and submit public comment. Mr. Cimino stated that this is a very complex document and worth the extra time to review and discuss with advisors to explain the options. Mr. Brust noted that the comment period closes before the next Council meeting, but Marine Fisheries staff can help educate the Council, along with committees and advisors.

Mr. Rush proposed a summer flounder committee meeting within the next few weeks to discuss how to properly educate the public. Dr. Bochenek agreed and stated that black sea bass and scup committees should be included. Mr. Brust will work with the Council to schedule meetings. Mr. Celestino notified the Council that there will be four public hearings. New Jersey and Connecticut's hearing will be held on January 28.

6. Marine Fisheries Bureau Report – J. Brust

Mr. Brust announced that nominations for the MAFMC are being accepted. New Jersey needs to replace a member (commercial) and must suggest three names for that seat before March 15.

New Jersey's Blue Crab Fishery Management Plan is almost complete, and Mr. Brust hopes to provide a copy to the Council before February 1. The Council should review and provide comments at the March meeting, when a Blue Crab Committee meeting will be scheduled.

7. Committee Reports – J. Brust

Dr. Donnelly provided a summary of the Executive Committee meeting which was held on December 3, 2024.

The Executive Committee met by webinar on December 3, 2024 to review committee advisor applications, finalize the Special Fillet Permit survey, and discuss the recommendation to rotate committee chairmanship every two years.

The Executive Committee reviewed advisor applications alongside current committee membership to evaluate representation by sector, geographic region, and other criteria. The committee approved five applications on three committees but deferred adding new members to the Recreational Summer Flounder Committee due to current size of the committee. It was noted that several current members of that committee are due to expire in 2025, and the existing applications can be reviewed along with any renewal applications. The committee requested that staff provide any information on advisor attendance at recent meetings to assist in the review.

| Name | New or renewal | Approved | Pending |
|--------------|-----------------------|-----------------|----------------------|
| Bogan, R | New | Artificial Reef | |
| Headley, C | Renewal | Offshore Wind | |
| Mohnack, J | New | Striped Bass | Summer Flounder REC* |
| Tocci, L | New | Striped Bass | Summer Flounder REC* |
| Yenkinson, H | New | Striped Bass | Summer Flounder REC* |
| Daffin, T | New | | Summer Flounder REC* |

*Final decisions between applicants were based on factors such as committee size, affiliated organizations, counties, and sectors in order to evenly distribute representation.

Staff presented a summary of comments on the draft fillet permit survey. The main question was the intended recipients of the survey. In particular, should the survey be distributed to the entire NJ for-hire registry, or only to vessels that carry fewer than 15 passengers which currently are excluded from the program? The committee discussed some pros and cons of surveying vessels that are currently eligible to participate and expressed concern that participation by smaller vessels might be limited if there isn't much interest from that sector to expand the program. It was decided that the survey should be distributed to the entire for-hire registry, and the results can be subset various ways based on demographic information collected through the survey. Staff indicated that they would incorporate the edits and develop

the survey into the SurveyMonkey platform for email distribution early in 2025. The committee requested that the email include an option to receive a paper copy by calling the Marine Fisheries office.

The Committee then discussed the recommendation to rotate committee chairmanship every two years, as proposed at the September 2024 MFC meeting. The discussion focused on the preference to have chairs that are knowledgeable of the subject matter rather than rotating the position frequently. One drawback to rotating membership is that the new members would still be learning the material when their term is up and it's time to rotate out. It was noted that some committees have several members who are knowledgeable in the subject matter, so there would be an opportunity to rotate chairs. Staff noted that committee membership is reviewed every few years (such as fall 2024) and Council members are asked to indicate whether they would be willing to serve as chair for any of their selections. It was proposed that this review process was sufficient, and a decision to switch the chairman could be made during this process by the Council chair who has final say on committee membership.

The Committee recommends approval of advisors to the respective committees, as shown in the summary table.

The committee report included a motion with an automatic second to approve the recommended advisors to the respective committees.

Mr. Rush made a motion that the fillet permit be available to all Coast Guard inspected vessels (which carry six passengers or more) and that a Survey Monkey be sent to for-hire vessels that carry less than six passengers. Mr. Hollinger seconded the motion. Mr. Rush stated that the fillet permit is only available to vessels that carry 15 passengers or more. He is recommending that it be expanded to all for hire vessels that have a certificate of inspection which should address law enforcement concerns. The fillet permit survey can be sent to all for hire vessels to ask if the permit should be made available to non-inspected vessels. Dr. Donnelly asked how the permit requirement could be changed. Mr. Brust indicated that the change would require a regulatory proposal. Captain Scott stated that one of the enforcement concerns is the time that the inspection will take. Mr. Rush responded that any inspected vessel has at least one deckhand on board and the flexibility of the fillet permit would allow a quicker turnaround time between trips because they can fillet the catch before returning to the dock. Mr. Brust mentioned an enforcement concern that some vessels run both charters and personal trips and there is potential they would use the fillet permit while on a personal trip. The current permit is for party/charter boats of 15 passengers or more. Smaller boats are more likely to be used for recreational fishing trips, when filleting would not be allowed. Mr. Brust also asked what the

potential for a private boat to get inspected just to get a COI. Mr. Rush responded that the permitting process is very involved and expensive, so private vessels are unlikely to try that. Captain Scott suggested including language in the permit that would include something like “any vessel with a COI while operating on a commercial trip” and the Council agreed.

Mr. Cimino stated that staff should provide comments on the recommendation at the March Council meeting.

Mr. Brust added that the survey, which asks how many passengers the vessel carries, could be sent to all vessels and filter the results to the “less than six” vessels.

Motion carried with all in favor.

8. Regulatory Actions – J. Brust

Mr. Brust presented a draft Notice of Administrative Change (NOAC) for cobia. He informed the Council that all states in the region chose the same regulations, however, ASMFC has not approved those regulations, which must be implemented by April 1. Once approved by ASMFC, the NOAC can be sent to the Commissioner. Mr. Hollinger made a motion to approve the NOAC. Mr. Rush seconded the motion. Motion carried with all in favor.

9. Old Business – J. Brust

Mr. Brust presented a letter of appreciation that was sent from the Council to retired Deputy Chief Jason Snellbaker.

Mr. Brust then presented a letter from Dick Herb, written on behalf of the Council, that was sent to the Senate Judiciary Committee asking them to review and approve candidates to fill two vacant seats on Council. Dr. Donnelly encouraged everyone to call their local Senators to remind them that the Council needs a full table.

Mr. Brust mentioned that he is working on committee appointments based on Council requests.

Committee meetings were discussed for black sea bass/summer flounder, striped bass, the angler subcommittee, and shark/spiny dogfish.

- Mr. Rush asked if the Council Chair can also serve as a Committee Chair and Mr. Brust thinks that they can but agreed to find out for certain.

Mr. Brust mentioned the EPA presentation on their proposed disposal site from the November Council meeting and reminded the Council to provide comments. Mr. Tiedemann asked about the process of selecting a site and whether it would require a full NEPA process. Mr. Brust confirmed it would need a NEPA review but they are still considering areas and haven't started the review process yet. Mr. Johnson asked Mr. Brust to provide the presentation to the Council for review.

Mr. Wark asked what the spiny dogfish landings look like and whether or not trip-level adjustments could be made if quota was available, possibly via transfer from another state. Mr. Brust agreed to request that data from staff and provide it to Council.

Mr. Rush informed the Council that the for-hire sector advisors for compensatory mitigation for offshore wind impacts recently had their first meeting and will keep the Council updated moving forward.

10. New Business – J. Brust

Mr. Brust informed the Council that the previously approved meeting location for September 4, 2025 was not available and a new location will need to be chosen. Mr. Johnson will look into the availability of the Stafford Township Fire Company.

Mr. Brust announced that Dick Herb is resigning as Council Chair, but will remain on the Council as a member. Dr. Donnelly will be taking over as Acting Chair until the Governor appoints him as Chair. Council discussed how to get him appointed as permanent chair. Staff responded that if Council approves, staff can draft a letter to the Governor asking for all Council members to be reappointed, naming Dr. Donnelly as Chair. Mr. Kaelin made a motion to support Dr. Donnelly as the new Council Chair. Mr. Johnson seconded the motion. Motion carried with all in favor.

11. Public Comment

No public comment was provided.

The next Marine Fisheries Council Meeting will be held on March 6, 2025 at 5:00pm, at the Stafford Township Fire Company.