

**Marine Fisheries Council Meeting  
September 8, 2022**

**Council Attendees:**

Joe Rizzo	Eleanor Bochenek
Pat Donnelly	John Maxwell
Jeff Kaelin	Dick Herb
Barney Hollinger	Kevin Wark

**Council Absentees:**

Bob Rush

**DEP and Division of Fish and Wildlife Attendees:**

Joe Cimino – Administrator, Marine Resources Administration (MRA)  
Jason Snellbaker – Deputy Chief, Bureau of Law Enforcement (BLE)  
Jeff Brust – Chief, Bureau of Marine Fisheries (BMF)  
Russell Babb – Chief, Bureau of Shellfisheries  
Mike Celestino – Research Scientist, MRA  
Heather Corbett – Supervising Biologist, BMF  
Linda Barry – Research Scientist, MRA  
Amber Johnson – Assistant Biologist, BMF  
Matt Heyl – Assistant Biologist, BMF  
Stacy VanMorter, Assistant Biologist, BMF  
Paul Bechtel – Wildlife Worker, BMF

**Public Attendees:**

Adam Nowalsky  
Kara Gross  
James Parker III

The meeting was called to order. Notice of the Marine Fisheries Council (Council) meeting was filed with the Secretary of State on August 19, 2022. Acting Chairman Herb began the meeting with the Pledge of Allegiance.

**Approval of Minutes**

Meeting minutes from the July 14<sup>th</sup> meeting of the Council were approved without revision. Motion carried unanimously.

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

**Marine Enforcement Highlights-July 2022**

CPO Moscatiello was patrolling Monmouth County when he encountered a fisherman that had landed a large blacktip shark. Upon questioning, it was revealed that the shark was caught in federal waters and the vessel did not have the required highly migratory species (HMS) permit with shark endorsement, which allows fishermen to target and retain sharks in federal waters. The case was referred to the National Marine Fisheries Service for enforcement action.

CPO Moscatiello located fishermen filleting a yellowfin tuna at a marina fillet station. The vessel's captain claimed that he had the required highly migratory species (HMS) permit, which allows him to target and retain Atlantic tunas. CPO Moscatiello attempted to verify that the vessel had a valid HMS permit, but it was discovered that the vessel was last permitted in 2020. When confronted with this information, the captain admitted that he had not renewed his permit for the 2022 season. The case was referred to the National Marine Fisheries Service for enforcement action.

While performing a vessel patrol on June 24th, CPO Capri conducted an inspection of a recreational fishing vessel off Barnegat Light, Ocean County. CPO Capri located three large bags of black sea bass fillets. The season for retaining black sea bass was closed and black sea bass may not be filleted or mutilated at sea. Due to the large quantity of fillets and vessel safety concerns in the Barnegat Inlet, CPO Capri escorted the vessel to its dock to complete the inspection. The one angler onboard the vessel was found to be in possession of 122 fillets from at least 61 black sea bass. The individual was issued multiple summonses for possession of seabass during the closed season and possession of mutilated black sea bass.

On June 30th CPOs Szalc and Capri conducted a vessel patrol in Barnegat Light, focusing enforcement efforts on vessel returning from tuna and other highly migratory species (HMS) fishing trips. The CPOs conducted multiple inspections of recreational HMS vessels. The anglers onboard one vessel claimed to have caught and retained a swordfish. The officers located the swordfish, which had been cleaned, steaked, and packed into several bags. Swordfish are required to be landed whole or may have the head and tail removed if the remaining body section is larger than the minimum requirement. In addition, the officers found the vessel lacked the required HMS permit to retain a swordfish. Without a valid HMS permit the vessel would be unable to complete the required billfish reporting. The violations were documented and referred to NMFS for enforcement action.

On July 9th CPO Meyer was conducting a routine patrol in the Brigantine area where he observed a refrigerated box truck waiting at a local boat ramp. Based on his prior experience, CPO Meyer suspected the truck was waiting for commercial oyster harvesters to return. During the months of June, July, and August, oyster harvesters are required to follow strict guidelines for harvesting oysters under the *Vibrio parahaemolyticus* (VP) control plan. Included in the plan is a limited harvest time to reduce the amount of time the oysters are exposed to the warm summer temperatures. CPO Meyer observed the harvest vessel returning to the dock approximately an hour after the harvested oysters were required to have been placed in refrigeration. Additionally, oysters are required to be shaded or cooled upon harvest, again to reduce the exposure to the summer sun. The vessel failed to utilize any shading or cooling on the oysters. CPO Meyer identified these violations as an immediate threat to public health. It was determined that the oysters had to be returned to the water for a period of 48 hours before they could be harvested. CPO Meyer issued summons for harvesting oysters outside the allowed timeframe.

CPO Tomlin inspected a group of individuals harvesting shellfish without shellfish licenses and in waters classified as prohibited. CPO Tomlin informed them on how to obtain licenses and where legal harvest

locations were. The individuals were issued the appropriate summonses. Approximately two hours later, CPO Tomlin apprehended the same group of individuals in a different Township. The individuals again were harvesting shellfish without shellfish licenses and in a different prohibited area. Additional summonses were issued.

CPO Tomlin inspected a recreational fishing vessel upon its return from a canyon fishing trip and found the vessel was in possession of unlawfully filleted yellowfin tuna and tilefish. The yellowfin tuna fillets were extremely small and appeared to have come from undersized fish. The operator claimed to have filleted the tuna while fueling up at another marina in Cape May Harbor. CPO Tomlin called the operator's bluff because he observed the vessel the whole time as it transited through the harbor from the Atlantic Ocean and confirmed it did not make any stops. The vessel also did not have the appropriate federal permits to possess tilefish and yellowfin tuna. The case was referred to NMFS for enforcement action.

### **Marine Enforcement Highlights-August 2022**

CPOs Moscatiello and Henderson were on boat patrol during the early morning hours in August. Utilizing their patrol vessel's radar capabilities, the CPOs identified a large vessel several miles away and making way within two miles of the coastline. As the officers approached, they observed an otter trawl vessel with its gear deployed actively fishing. Properly licensed commercial fishing vessels are allowed to use an otter trawl in state waters no closer than two miles off the coastline. CPO Moscatiello contacted the vessel and later that morning issued the operator a summons for the violation.

CPO Moscatiello conducted an inspection of a recreational vessel after returning to a marina along the Manasquan River. The captain of the vessel stated that only four legal summer flounder were on the boat. During the inspection CPO Moscatiello observed the captain continually attempted to block the view inside the cabin of the vessel. A thorough inspection of the vessel revealed two cooler-style bags containing 47 undersized summer flounder. Summonses for 47 undersized summer flounder and 42 over limit summer flounder were issued.

In late August, CPOs Bahrle and Woerner were boarding party boats as they returned to port in the Point Pleasant Beach area. The CPOs were inspecting vessels and their patrons for compliance with the current regulations, and to be sure that the party boats are working within the guidelines set forth by their permits. One such permit allows party boats to fillet legal-sized fish at sea, but the filleted fish carcasses must be retained until the vessel is secured at the dock. This provision allows officers the opportunity to inspect the fish racks before they are discarded. On one inspection, CPO Bahrle promptly stepped onboard as patrons were leaving with filleted fish but found an empty carcass basket near the filet table. The mates on board told the CPOs that they tossed the carcasses off the bow of the boat before the stern lines had been set. After a short interview with the owner of the boat it was determined that the fish racks had been dumped off the boat prematurely. Summonses were issued for the violation, and if found guilty the vessel faces suspension of their "fillet permit" for 60 days.

On Sunday, July 24th CPO Meyer and Lt. Harp received multiple complaints regarding a large group of individuals clamming near Malibu Beach WMA. Harvesting shellfish is prohibited on Sundays and

multiple complaints were received on this matter. As the officers arrived, they observed more than 20 people activity harvesting hard clams. Upon inspection, the officers determined that most of them did not possess shellfish licenses. A total of 15 summons and multiple written warnings were issued for harvesting shellfish without a license and harvesting shellfish on a Sunday.

During a designated patrol to ensure compliance with safe and sanitary handling practices amongst the shellfish industry, CPO Raker found an oyster farmer with various violations. The violations included failing to meet temperature control requirements and to provide proper post-harvest shading of oysters required to prevent build-up of naturally occurring bacteria called *Vibrio parahaemolyticus* and *Vibrio vulnificus*. Additionally, the farmer neglected to appropriately tag the harvested oysters, which is a requirement to ensure the traceability of marketed oysters in the event of a shellfish-related illness investigation. The harvested oysters were prevented from being marketed and the farmer was issued summonses for the violations.

## **2. Shellfish Council Reports**

Mr. Maxwell presented the Atlantic Coast Shellfish Council Report. Over the last year, the Shellfish Council was working to bring the Shellfish Aquaculture Industry in compliance with the state and federal permitting requirements. Council sent a letter to all leaseholders reminding them to deploy their gear in a responsible manner to reduce conflicts. Bureau staff followed up with a letter summarizing the permitting requirements and possible enforcement consequences for non-compliance.

Mr. Hollinger presented the Delaware Bay Shellfish Council Report. Through the end of August, reported harvest from the Direct Market Harvest Program was approximately 88,500 bushels of the 104,160 bushel quota. The overall CPUE was 148 bushels per boat per day. About 44,000 bu. were harvested from the High Mortality Region, which was closed in June. About 25,000 bu. were harvested from Shell Rock which closed in mid July. Once the Medium Mortality region is harvested, the High Mortality and Shell Rock regions will reopen to allow the remaining quota to be harvested, which was added from the transplanted bushels. The Medium Mortality region has approximately 18,500 bu. harvested of the 24,960 bu. regional quota, with a regional CPUE of 122. The season closes November 25th.

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

Most legislative branches have been in recess since June. Mr. Brust stated that there isn't much new to report and all the newer Legislative and Regulatory items are in bold at the bottom of the report that was provided to the Council. Mr. Kaelin noted that sponsors had been added to some bills, as requested, but not all. He asked if main sponsors from both houses could be added to all State bills.

The Administration is working on regulations to separate spotted seatrout from the weakfish regulations, but once these two species are separated, staff realized that spotted seatrout will have no regulations (i.e. no bag limit, no closed season, no size limit). Most states around NJ have either a size limit or a bag limit. Mr. Brust requested Council begin thinking about if NJ should implement regulations. Dr. Bochenek suggested that the Weakfish Committee would still be an appropriate avenue to develop regulations. Mr. Brust indicated the Committee could convene in the spring to work on these regulations.

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

Mr. Brust presented the ASMFC report to the Council.

The Atlantic Herring Board met to review an update to the recent stock assessment. New model inputs resulted in the stock not being overfished with overfishing not occurring. The Scientific Statistical Committee has not yet met to discuss regulations for next year. Maine DMR, who conducts most of the Atlantic herring sampling for the coast, is concerned that their funding is ending and was looking to the other states for ideas on how to continue that sampling.

The American Lobster Board met, and NMFS published a final rule that would have severe effects on fixed gear fisheries. A judge in a lawsuit against the proposed regulations ruled that NMFS had overstepped their authority, and implementation has been delayed. As a result, the Board postponed action on a number of items as these legal issues are resolved. NMFS is also expanding the right whale slow zones to include more areas, as well as a larger size range of vessels.

The Striped Bass Board received an update on fishery removals. Approximately 5.1 million fish were removed in 2021: 12% from commercial harvest and <2% from commercial discards, 36% from recreational harvest, and almost 50% from recreational discards. With the current stock assessment update, the Board is considering additional management action if stock rebuilding is behind schedule. The Technical Committee requested input from the Board on potential management options they would consider so that the TC could evaluate their effectiveness before a decision needs to be made. For the recreational sector, these options are to consider a shortening of the ocean slot limit and closed seasons. For the commercial sector, options for consideration are reductions to quotas. There was additional discussion on the Addendum related to the commercial quota transfers, but this Addendum is delayed until the Board can figure out the biological implications on spawning potential.

The Horseshoe Crab Management Board met to discuss the recent population model and how harvest specifications are set. This new model allows female harvest. The Board approved this Addendum for public comment, which is ongoing, and the Board will meet again in November for final action. The Board also discussed revising the cap of the biomedical mortality of horseshoe crabs because that cap has been exceeded more often than not in recent years. The Plan Development Team met and determined that identifying a biologically-based threshold is not possible because there are no population estimates for most of the coast.

- Mr. Kaelin asked about recently introduced bills that would prohibit female harvest in NJ. Mr. Brust responded that NJ already has legislation that prohibits all HSC harvest. However, the Senate has recently passed a resolution encouraging ASMFC to not allow female HSC harvest.
- Mr. Rizzo asked when the last time HSC were surveyed in Delaware Bay, to provide some indication of how the population is doing. Mr. Brust responded that several surveys from Delaware Bay and other regions of NJ are included in the stock assessment. Staff will send relevant excerpts from the stock assessment to Council.

The Atlantic Menhaden Board approved for public comment an Addendum for reallocating coastwide quota and dealing with incidental and small-scale fisheries. New Jersey's public hearing will be held virtually on September 27<sup>th</sup>. An update on the stock assessment was provided. The stock is not overfished and overfishing is not occurring.

ASMFC presented their Annual Awards of Excellence and Deputy Chief Snellbaker and his team won the Award for Law Enforcement, regarding their efforts to address the striped bass poaching issue in Raritan Bay.

Mr. Nowalsky stated that New Jersey has been without a Legislative Commissioner at ASMFC for the entirety of 2022. If the State Legislature does not appoint this person, then the Governor has the ability to do so. Mr. Nowalsky requests that the Council engages with our New Jersey Legislators to ask them to take action on appointing this Legislative Commissioner. Mr. Kaelin indicated the ASMFC annual meeting is in NJ in early November, and it would be good to have the appointment made before then so NJ is fully represented.

Motion made by Mr. Wark, seconded by Dr. Bochenek. to draft a letter to the Governor. Motion carried with no abstention.

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

Mr. Brust presented the Mid-Atlantic Fishery Management Council Report. During the MAFMC meeting, the Council revisited the summer flounder, scup, black sea bass, and bluefish specifications for the next few years to align them with the recent framework that reallocated commercial and recreational allocations.

- Mr. Nowalsky indicated that New Jersey's 2023 recreational harvest limits will be lower than 2022. However, based on decisions regarding reallocation, the reductions will be significantly smaller than what they were originally intended to be.

An update was provided on the Summer Flounder Management Strategy Evaluation. Multiple combinations of strategies were evaluated relative to the ability to achieve certain management goals, such as increasing angler satisfaction, convert discards into harvest, etc. Results were generally promising and will be considered when considering management actions in the future.

- Dr. Bochenek indicated that she and Mr. Nowalsky were involved with development of the MSE. She agreed that the results will be useful, but noted that some of the economic data used were rather old, so MAFMC is conducting a new survey to update that data in order to update the analyses.

An update was provided on the *Illlex* Permit Amendment, which was not approved by NOAA.

#### **6. Bureau Reports – J. Brust/H. Corbett**

Mr. Brust presented the Marine Fisheries Bureau report. Fish and Wildlife recently released a new updated website which is much more user friendly. If anyone has any comments or questions, please contact Mr. Brust.

Ms. Corbett presented an update on the Blue Crab Fisheries Management Plan (FMP). This document includes information such as species information, commercial fishery information, summary of monitoring programs, fishery dependent data collection, recreational fishery information, and fishery independent data collection. Fishery dependent data includes data from NJ's commercial harvest data and biological sampling for commercial data and several short-term surveys for recreational data. Fishery independent data includes several MRA long-term surveys (i.e. Ocean Trawl Survey, Striped Bass Recruitment Survey, Delaware Bay Trawl Survey, etc.) and additional long-term surveys from other organizations. The document is currently in the stage of finalizing the scoping document, which should be ready for review by the Council shortly. Development of the FMP will start upon Council approval of the scoping document. The Council suggested providing an analysis of NJ's blue crab harvest by separating the Delaware Bay population versus the coast. Another suggestion is to analyze the expansion of blue crab populations in New England areas.

- Dr. Bochenek asked about coordination with Delaware for the Bay population and fishery. Mr. Brust responded that DE performs a bay-wide stock assessment which includes NJ data. He isn't sure if DE has an official FMP, but indicated that staff would coordinate with DE staff as this FMP progresses.
- There was a question about looking at how the population might be shifting due to climate change. Ms. Corbett responded that the current analysis is limited to NJ in order to keep this initial attempt to a manageable size, but that questions like this could be included in the research recommendations

## **7. Committee Reports**

Dr. Bochenek presented the Offshore Wind Committee Report. The Offshore Wind Committee met with advisors to review and discuss BOEM's draft Guidelines for Mitigating Impacts to Commercial and Recreational Fisheries on the Outer Continental Shelf. BOEM distributed the draft earlier this summer and opened a 60-day comment period. The Marine Resources Administration is developing comments on the guidelines, which will be compiled with comments from other DEP programs and submitted to BOEM. The timing of the public comment period provided an opportunity for the Committee and industry advisors to provide their input to staff on key issues and concerns. Staff reminded participants that the meeting does not preclude individuals or groups from submitting their own comments to BOEM. Staff reminded committee members and advisors that the term "mitigation" as used in the draft guidance encompasses a four-tiered approach BOEM uses to address possible impacts to resources and current uses. These steps include avoidance, minimization, mitigation, and compensation. The draft guidelines propose a set of best management practices to developers for each of these key steps.

The guidance document is divided into four major sections, based on results of previous stakeholder workshops held by BOEM. The four topics are project siting, design, navigation, access, safety, environmental monitoring, and financial compensation.

Guidance on a fifth topic – fisheries communication and outreach – is provided in a separate document developed in 2015.

Staff also described to the Committee other opportunities for providing comments, including a Joint States working meeting on July 12; all Committee members and advisors received an invitation to that meeting, but not all could attend. A summary of that meeting includes many comments on the draft guidance that can be used as a starting point for this committee's discussion.

Several participants commented that the BOEM document provided only recommendations to developers, rather than requirements. This could lead to inconsistency between developers and projects and does not guarantee that developers will do all they can to mitigate impacts, which could be harmful to resources and fishery participants. It was recommended that the guidance should include mandatory requirements that are enforceable. Staff commented that BOEM's authority to require and enforce certain mitigation actions is questionable, but there are avenues that the state could pursue that could add more accountability for the developers.

Other comments received were consistent with concerns staff has identified and that were raised during the multi-state stakeholder meeting. Some of the major comments include:

- concerns regarding how impacts could be measured in the absence of final baseline data
- concerns regarding the timeliness of finalized data relative to the window for applying for a claim
- promote standardization of the application process and review process to facilitate claims and reduce uncertainty from industry
- the application process should be streamlined and have an appropriate timeline so that small scale operations (i.e., without administrative support) would be able to participate
- the proposed period during which parties would be eligible for compensation is too short, and the percentage of lost value that would be compensated is too low
- the commercial economic expansion factors cited in the draft guidance are extremely underestimated; more appropriate values are available through SCeMFIS
- recreational expansion factors are available from Southwick Associates
- include considerations for "new arrivals" who's business is still expanding so that compensation is not limited to current revenue levels

Staff indicated they will consider these comments when preparing the MRA comments, which will be merged with comments from other DEP programs and submitted to BOEM. Committee members recognized staff from MRA and NYSEDA for their efforts to highlight the need for mitigation and compensation at the regional level.

The committee briefly discussed the likelihood of additional funding for the NJ Research and Monitoring Initiative being required in the third OSW solicitation, and the need for better



outreach and notification from BOEM and the developers, such as when comment periods are open.

- Mr. Kaelin expressed appreciation to staff for sharing the letter from the interstate meeting that was sent to BOEM regarding the mitigation plan and process.
- Mr. Nowalsky stated that during the meeting, under the Research Monitoring Initiative Montclair State University Clean Energy and Sustainable Analytic Center, there is a project focusing on recreational impacts that may occur in result to these lease areas. Some advisors in this meeting were not aware of this project, therefore, Colleen Brust provided the proposal to the committee and advisors. Advisors were concerned that this project entails Montclair University interviewing anglers. However, some of this data already exists for New Jersey and there were discussions on how to include some of this data into the project but decided to leave it up to the PI of this project. Mr. Nowalsky was not happy with this decision and asks the Council for better conclusions on this. Dr. Bochenek asked if the study had already begun, and Mr. Brust responded that it had not. Dr. Bochenek offered to help Mr. Nowalsky. Mr. Kaelin and Mr. Brust both suggested setting up a meeting with the PI to learn more about this project.

Mr. Herb provided the Law Enforcement Committee report. The Law Enforcement Committee met to consider options for addressing the excessive number of poaching violations that have been reported by Marine Enforcement staff. Staff have reviewed current regulations and presented two possible courses of action, both of which will require changes to existing statutes.

Deputy Chief Snellbaker initiated the meeting by revisiting a previous suggestion from Council to increase the penalty for illegal striped bass from \$100 to \$200. He informed the committee that this would require a change to the statute, which states that the penalty for a first offense is limited to \$30 to \$100. One participant commented that those penalties were implemented in 1979 and suggested that penalties should change with the cost of living.

Deputy Chief Snellbaker proposed two new alternatives that could reduce poaching. The first would be to change the law regarding the NJ Saltwater Registry to make it enforceable. The current NJ Saltwater Registry law has multiple deficiencies as it currently stands. In addition, the current registry program does not grant a privilege to fish, the way a hunting license or freshwater fishing license does. A registry program that grants a privilege to fish in marine waters would lead to better compliance with fishing regulations because non-compliance could revoke the privilege to fish. The penalty for fishing while revoked would be high and be a significant deterrent. As added incentive, New Jersey is a member of the Interstate Violator Compact, which dictates that someone who loses hunting or fishing privileges in one member state loses those privileges in all 48 states that participate in the compact. The Interstate Violator Compact also has provisions to revoke licenses to persons that do not pay their fines/penalties.

Another concern raised is that, in order for Enforcement to be able to field-check that anglers are registered, registration would need to be administered through the state's electronic licensing system, which comes with associated costs. Staff responded that it would be consistent with the Recreational Crab Pot license, which is free but charges an administrative fee. Several participants raised

concern that this change could be considered a marine recreational license, which has been attempted and defeated in the past. It was noted that it has been many years since it was attempted, and leadership for some of the opposing organizations has changed. Despite the drawbacks of the administrative fee and past opposition to a license, the committee and advisors were in favor of pursuing this option or finding another source to pay for the use of the electronic license system. These proposed changes to the registry would result in better compliance and enforcement, both of which promote sustainability. Further, increased participation in the registry would provide better estimates of recreational participation. In addition, other threats, such as climate change, are exerting pressure on our fish stocks, and improved compliance could help alleviate some of those pressures.

The second proposal was to take advantage of existing regulations that allow Enforcement to recommend to the courts, restitution for the replacement value of illegal fish. These regulations have been in place for decades but lack a cost schedule established by the Commissioner and concerns for significant natural resource damage negotiations for major environmental events. It was also noted that, like penalties, these replacement values were established years ago and are out of date. It was noted that paying replacement value is not mandatory. Enforcement would use discretion and only ask the courts for the replacement value of fish caught for egregious violations. Council and advisors agreed with this proposal, and several thought it might be more palatable to stakeholders than the administrative fee for the free saltwater registry. One advisor mentioned a future meeting of their organization with the Commissioner's Office suggesting that replacement values be instituted for all fish and wildlife. As a first step, it could possibly be applied to striped bass, with other species added over time.

The Committee recommended that Council write a letter to the Commissioner's Office supporting changes to the statute that make the Saltwater Registry Program more enforceable and to institute replacement values for illegally harvested fish.

- Dr. Bochenek asked for clarification of how the replacement value fines would work. Deputy Chief Snellbaker responded that current statute requires the DEP to establish either ranges of values or set values for different species groups. The law includes costs for fish, shellfish, and lobster, but these would need to be further developed before implementation. Mr. Snellbaker also indicated that enforcement would only give out these penalties in egregious cases. He also indicated that there is an effort to promote these rules from the inland sector, and a letter from the marine sector would be timely to provide additional support for this initiative.
- Mr. Nowalsky asked if there was any conversation about offenders who are considered recreational anglers because they do not have commercial licenses, but are selling their catch and are therefore commercial. He suggested that the fines could be structured to distinguish between true recreational anglers and those who engaging in commercial activity. Deputy Chief Snellbaker responded that it is very difficult for enforcement to determine commercial vs recreational intent in the field. An alternative solution would be to strengthen the Saltwater Registry program to make it a privilege that can be revoked, which would increase accountability and compliance. This change would have to be made through the legislative process.

Mr. Herb noted that the committee recommendation to send a letter is considered a motion with an automatic second. Council raised questions about the process to modify the Saltwater Registry program legislation. It was suggested that a letter be drafted regarding the replacement value, but that an additional Enforcement Committee meeting is necessary to further investigate changes to the Registry Program. Dr. Donnelly noted how the proposed changes to the registry program would make it very similar to recreational license and recounted concerns and events that arose with previous attempts to implement a license. He supports the plan to investigate further but urges caution.

Motion to send a letter to the Commissioner regarding replacement value and plan an Enforcement Committee meeting to discuss the registry program passes unanimously.

Dr. Donnelly presented the Summer Flounder Committee Report. A meeting of the NJ Marine Fisheries Council's Recreational Summer Flounder Advisory Committee was held via webinar on August 31, 2022, to discuss current fisheries performance occurring in the 2022 recreational season and possible management concepts for future New Jersey recreational summer flounder seasons in 2023.

### **2022 Season**

Currently, the recreational NJ summer flounder season is open from May 2 through September 27 with a possession limit of 2 fish, 17 to 17.99 inches, and 1 fish, 18 inches or greater, referred to as a slot/trophy program. This management measure is unique for 2022 where in the past, a minimum size was implemented such as 3 fish at 18 inches. Advisors provided Council and staff with comments regarding the current 2022 performance of the fishery compared to previous years. Comments fell in two categories; 1. The fishery for 2022 was positive for the average angler and provided a longer season which benefits local tackle shops, liveries, businesses, and for-hire vessels, and 2. The fishery was not successful because it forced anglers to cull through larger fish to find the 2 slot fish which were abundant at the early part of the season but quickly became difficult to locate. Further discussion took place concerning the best time and method for to gather angler opinion for staff and committee members to continue development of future management measures. Staff will hold several more advisory committee meetings prior to setting 2023 summer flounder regulations considering the outcome of the 2022 MRIP harvest estimates and 2023 RHL.

Dr. Donnelly presented the Black Sea Bass Committee report. A meeting of the NJ Marine Fisheries Council's Recreational Black Sea Bass Advisory Committee was held via webinar on August 31, 2022, to discuss current fisheries performance occurring in the 2022 recreational season and possible management concepts for future New Jersey recreational black sea bass seasons in 2023.

### **2022 Season**

The current 2022 New Jersey recreational black sea bass regulations are a 13-inch minimum size with an open season from May 17 – June 19 with a 10-fish possession limit, July 1 – August 31 with a 2-fish possession limit, October 7 – October 26 with a 10-fish possession limit, and November 1 - December 31 with a 15-fish possession limit, again, all seasons have a 13-inch minimum size limit. The 2022 management regulations differ most markedly from 2021 in the increased minimum size limit going

from 12.5 to 13 inches for all seasons except the winter. Advisors provided comments stating that they are generally happy with the 2022 season so far, but would prefer a smaller size if possible, however given the required reduction in 2022, felt the measures worked rather well under the current constraints. Advisors commented that future regulations should focus on opening all of September and October. In addition, advisors would like to explore the options of sector split between private and for-hire boats commenting that less than 5% of black sea bass landings occur in the for-hire sector and asked that staff explore options that differ between the two to allow for better business planning with other species availability during varying seasons in 2023.

## **7. Regulatory Actions – J. Brust**

There were no regulatory actions to report.

## **8. Old Business – J. Brust**

Mr. Brust explained that there are two vacancies on the Council. A vacancy announcement was posted on the Fish and Wildlife website describing the duties and encouraging interested parties to apply through the Governor's application website. The application period is open through September 30, 2022.

- Mr. Nowalsky commented that he thought applicants should go to their local legislator to begin the application process and asked when the shift to the Governor's website occurred. Mr. Brust responded that the process has always been through the Governor's office. At a previous Council meeting, a Council member indicated it could be expedited by contacting your legislator, but that is not what Mr. Brust understands to be the official process. Dr. Donnelly commented as one of the newer members that he got approval from his legislator first and forwarded that paperwork to the Governor's office. Mr. Herb asked if there was any harm in doing both. Mr. Brust replied that he was not aware of any concerns following both avenues.

The Offshore Wind Committee meeting will be held on September 19<sup>th</sup>. This meeting will focus on the Research and Monitoring Initiative with a presentation from Rutgers University on their glider study for oceanographic data and from Monmouth University on their eDNA and acoustic tagging studies.

The Executive Committee meeting will be scheduled before the November Marine Fisheries Council meeting to review advisor applications and to review and update the Administrative Guidelines.

A Law Enforcement Committee meeting will be scheduled soon to discuss items that were discussed during tonight's meeting.

The Blue Crab Committee meeting will be scheduled for mid-January or February 2023.

- Mr. Hollinger asked for a comparison of Delaware Bay blue crab harvest before and after the recent transfers.
- Mr. Brust provided an offshore wind update. MRA is routinely sending updates to Council and NJ Fisheries Stakeholders via email to reduce the amount of updates provided at the Council

meetings. Three recent state comment letters were shared with NJ Fisheries Stakeholders: Ocean Wind DEIS, Notice of Information for NY Bight PEIS, and Draft Fisheries Mitigation Guidance. DEP comments are now easier to find by visiting the following website: <https://www.nj.gov/dep/offshorewind/resources.html>. DEP is reviewing Ocean Wind 1 for permitting. The application is administratively deficient, so the clock has not been started. DEP is beginning to work with new lease holders within the New York Bight leases. Mr. Herb provided an update on his meeting with the Commissioner regarding the safety buffer around artificial reefs, noting that he felt the Commissioner was very supportive.

## **9. New Business**

Mr. Brust provided the following draft meeting dates for 2023:

- January 5 – Galloway
- March 2 - Stafford Township
- May 11 – Galloway
- July 13 – Galloway
- September 7 – Stafford Township
- November 2 – Galloway

All meetings start at 5:00 pm. Mr. Brust requested Council notify him of any conflicts with the meeting dates prior to the November meeting when they will be finalized. Meetings may need to be rescheduled if enough are not available for a quorum. Dr. Donnelly suggested to hold some meetings farther north to encourage participation throughout the state. Dr. Bochenek requested pushing back the July meeting one week to avoid holiday traffic.

Dr. Donnelly commented on his desire to continue to get public participation through virtual means, such as distributing meeting notices, conducting email polls, and disseminating information on the new website. Technology holds significant potential to increase participation and representation, and he looks forward to exploring ways to utilize it.

Mr. Brust reported that he has received questions from the public about implementing regulations for some “non-traditional” species such as sand lance, pufferfish, sheepshead, etc. Mr. Brust asked Council if they are interested in pursuing regulations and if so, what is the best way to do so. None of these species are managed through ASMFC. Mr. Wark commented that developing a committee for non-traditional species would be appropriate, but stated that defining non-traditional is important. Some species are truly more abundant now than they used to be, but some like puffer are very abundant in some year, and not in others, so may not need regulations. Mr. Rizzo agreed that a new committee was appropriate. Sometimes your primary target is not available, so you switch to what is available just to bring something home. He also commented that, even with species like puffer, regulations might be important, because how many do you really need to bring home. Dr. Donnelly suggested a list of potential species that they could ask constituents about in order to prioritize. He also commented that the regulations should be biologically based, but the effort to develop a full FMP, like is being done for

blue crab, is very time consuming. Mr. Brust responded that none of the species managed by NJ that aren't covered by ASMFC have FMPs. The end goal is to have FMPs for all species managed by the state, but there is precedent for Council to implement regulations for these new species prior to developing a full FMP. He also agreed that the regulations should be biologically based, but filling data gaps in NJ would also be time consuming, so initial regulations might borrow heavily from other states or regions. Mr. Brust will draft a list of potential species and provide to the Council to share with their constituents and revisit this discussion at the November meeting.

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

No public comment.

Meeting concluded at 7:45pm. The next Marine Fisheries Council Meeting will be held on November 3<sup>rd</sup> at 5:00 pm at the Stafford Township Administrative Building.