

Marine Fisheries Council Meeting
July 14, 2022

Council Attendees:

Pat Donnelly	Jeff Kaelin
Dick Herb	Joe Rizzo
Barney Hollinger	Bob Rush

Council Absentees:

Eleanor Bochenek
John Maxwell
Kevin Wark

DEP and Division of Fish and Wildlife Attendees:

Dave Golden – Assistant Commissioner, NJ Fish and Wildlife
Joe Cimino – Administrator, Marine Resources Administration (MRA)
Jason Snellbaker – Deputy Chief, Bureau of Law Enforcement (BLE)
Russ Babb – Chief, Bureau of Shellfisheries (BSF)
Jeff Brust – Chief, Bureau of Marine Fisheries (BMF)
Mike Celestino – Research Scientist, MRA
Heather Corbett – Supervising Biologist, BMF
Jeff Normant – Supervising Biologist, BSF
Jenny Tomko – Principal Biologist, BSF
Greg Hinks, Principal Biologist, BMF
Linda Barry – Research Scientist, MRA
Colleen Brust – Research Scientist, MRA
Jessica Daher – Program Specialist, MRA
Jen Pyle – Senior Biologist, BMF
Amber Johnson – Assistant Biologist, BMF
Megan Kelly – Environmental Specialist, BSF
Brian Zarate – Senior Zoologist, Endangered and Non-Game Species Program (ENSP)

Public Attendees:

David Kielmeier
James Parker III
David Schivell
John Wnek
Jim Hutchinson
Wayne Reichel
Ed Goldman
John DeBona

The meeting was called to order. Notice of the Marine Fisheries Council (Council) meeting was filed with the Secretary of State on June 28, 2022.

Approval of Minutes

Meeting minutes from the May 12, 2022 meeting of the Council were approved without revision.

1. Enforcement Report – J. Snellbaker

Deputy Chief Snellbaker brought Council's attention to the Enforcement summary provided in meeting materials and on the Fish and Wildlife Bureau of Law Enforcement website.

- Dr. Donnelly asked how enforcement of the new summer flounder regulations was going. Deputy Chief Snellbaker stated that compliance was good, that there were a few issues, but nothing that stands out.

2. Shellfish Council Reports – B. Hollinger

The 2022 direct market harvest season opened April 4th. As of July 12th, the total reported harvest was about 63,400 bushels of the 104,160 bu. quota with an overall CPUE of 178 bushels per boat per day. About 44,000 bu. were harvested from the High Mortality Region, which was closed in June. About 19,000 bu. were harvested from Shell Rock which is expected to close within the next few weeks. 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 season closes November 25th.

3. Legislative/Regulatory Reports – J. Brust

Sponsors were added to the Legislative report distributed to the Council. Mr. Brust stated that there was nothing high profile to mention, only that there were three ongoing shellfish issues and one new bill which would appropriate \$450,000 to the Hooked On Fishing – Not On Drugs Program.

NMFS released their final rule which established a shortfin mako shark retention limit of zero in commercial and recreational Atlantic fisheries. ASMFC voted to implement the rule within State waters upon release of the final rule. Per the Council's request, a notice was sent to all New Jersey commercial and recreational license holders.

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

ASMFC has not met since the last Council meeting. The Spring Meeting Summary provided to the Council was a duplicate of what was provided in May.

5. Mid-Atlantic Fishery Management Council (MAFMC) Report – J. Cimino

A summary of the June 2022 meeting was provided to the Council with one important highlight being the Recreational Harvest Control Rule Addenda for summer flounder, scup, black sea bass, and bluefish. These Fishery Management Plan changes are an attempt to alleviate the need to take reductions in recreational measures when stocks are healthy. Once this approach is adopted, regulation changes should be minor. Assessment updates for all four species should be available every two years.

6. Marine Fisheries Bureau Report – J. Brust

The 2022 Marine Digest is now available in print and online.

7. Committee Reports – D. Herb

The Executive Committee met virtually in June to review several recent applications to Council advisory panels. The full summary was provided to the Council for review. Mr. Hollinger made a motion to accept the summary. Motion seconded by Mr. Kaelin and approved unanimously.

Mr. Brust provided a timeline to show the time commitment needed to develop state-level fishery management plans (FMP). Since this is a new process and all FMPs will require Council approval, Marine Fisheries is asking for comments from Council members.

- Mr. Hollinger asked if a draft proposal (included in meeting materials) to reduce diamondback terrapin bycatch in the blue crab pot fishery was part of the blue crab FMP. Mr. Brust responded that it is not specifically part of the FMP, but that the FMP may include minimization of bycatch as an overall goal of management for the fishery. With respect to the Blue Crab FMP, Mr. Hollinger asked how we will assess the population in New Jersey waters versus Delaware. Mr. Brust replied that there will be gaps in the data, but this is not meant to be a stock assessment document. Marine Fisheries is compiling all the data that they have in order to make recommendations for the future.

8. Old Business – J. Brust

The Galloway Library location will not be available for the November Council meeting. The Council agreed to hold the November 3rd meeting at the Stafford Township location.

The Law Enforcement Committee is scheduled to meet on July 25 to discuss poaching issues. Summer Flounder and Black Sea Bass Recreational Committee meetings are in the process of being scheduled. The Offshore Wind Committee will meet in September. Staff has arranged two speakers to come to the meeting to discuss recent hot topics.

Council was provided with several documents regarding offshore wind, which includes a report on high profile effects of offshore renewable energy. Mr. Brust requested Council input on a

draft letter to the Commissioner of NJDEP regarding BOEM's decision not to include a navigational buffer between reefs and turbines. The letter was originally drafted to the Governor's office, but since the Council advises the Commissioner directly, it was rewritten to go to the Commissioner's office first.

- Mr. Hollinger asked how the Commissioner might handle this issue. Assistant Commissioner Dave Golden advised the Council that the Commissioner's office would like to address some of the issues and potentially meet with the Council directly prior to sending the letter to the Governor's office and coastal district legislators. AC Golden recommended sending the letter and to request a follow up meeting. Mr. Rush expressed concern that meetings with previous Commissioners regarding offshore wind provided limited benefit and prefers to keep the letter addressed to the Governor. Dr. Donnelly responded that, despite previous Commissioner responses, if the current administration is requesting a meeting, we should honor that request, but set a short deadline for action. Mr. Kaelin stated that communication from the state has been better recently and agreed that the letter should go to the Commissioner. Dr. Donnelly suggested Chairman Herb meet with the Commissioner individually to establish a dialogue, and any future meetings could include additional Council/committee members as appropriate. AC Golden is hopeful that a meeting between Chairman Herb and the Commissioner should happen quickly. Council agreed the letter will be sent to the Commissioner and not the legislators, it will remain specific to the navigational buffer issue, and will request a meeting between the Commissioner and Chairman Herb.

Mr. Brust advised that BOEM has been developing guidance documents for offshore wind mitigation and financial compensation strategy. More information was provided to the Council in handouts prior to the meeting. The project is currently in a public comment period. Marine Fisheries will be providing comments and can include comments from the Council.

Colleen Brust gave an offshore wind update presentation. The next meeting of the Environmental Resources Working Group (ERWG) will be held July 21. Ms. Brust provided an update on the Ocean Wind project. Their draft environmental impact statement is now available online for review, with three meetings scheduled for public comment. Written comments will also be accepted through August 29, and DEP will be submitting comments. State permitting is expected to begin in August. The Atlantic Shores project is running several months behind Ocean Wind's schedule and various iterations are still being discussed. Ms. Brust recommends that the Council invite Atlantic Shores to a meeting to discuss their plans in more detail. BOEM's draft mitigation document is available for public comment. Council comments can be submitted to ERWG or to Marine Fisheries. Ms. Brust shared a Research and Monitoring Initiative research priority update and noted that the only addition is an acoustic telemetry study to study migratory patterns of fish offshore.

- Mr. Kaelin asked if it was possible to have an Offshore Wind Committee meeting before the August 22 deadline for public comment on BOEM's mitigation document or if additional time could be given due to the complexity of this topic. The Council was

reminded that this is only a draft document and there will be additional periods for public comment on future documents. Chairman Herb prioritized the need to hold an Offshore Wind Committee meeting before the August 22 deadline.

9. New Business – J. Brust

The Executive Committee requested the opportunity to change qualifications and requirements for advisors. Administrative Guidelines were provided to the Council, and Mr. Brust asked that they take the time to review the entire document and send him any comments for changes or updates on any section. All comments are due before the September Council meeting. The Executive Committee will meet before the November Council meeting. Mr. Rush suggested splitting the document into two parts to address Council and advisors separately.

The Council was provided with a draft bill to allow the use of fish pumps on menhaden purse seine vessels within State waters. The NJDEP is in support of the change but is looking for the Council's input before the bill is submitted. Mr. Kaelin described the benefits of using fish pumps, noted that he must abstain from the vote. Mr. Rush made the motion to allow use of fish pumps on menhaden boats in state waters; second by Mr. Hollinger. Public comment was taken from 3 individuals.

- Wayne Reichel (Lund's Fisheries) stated that pumps would help with operational efficiency within State waters. They reduce the risk of fish kills, which is environmentally friendly, and eliminate safety concerns for fishermen. Mr. Reichel noted that these pumps are used in salmon farming and are known to be safe for the fish. He concluded by asking for the Council's support of the proposed bill.
- Captain of F/V Gannett (Lund's Fisheries) noted that safety on the deck of fishing vessels is his number one concern. Allowing use of these pumps would be beneficial to crew safety and due to their efficiency would reduce the number of dead fish on board.
- Scot Mackey stated that the Garden State Seafood Association supports the bill. He stated that it makes sense from a safety and management standpoint. One additional benefit is that this would allow boats to catch their quota quickly and move out of the way of other vessels.

Dr. Donnelly (recreational Council member) indicated that he would abstain from the vote because he has not had the opportunity to talk to his constituents. Motion passes unanimously with 2 abstentions.

Mr. Cimino provided an update on the USDA's grant for seafood processors who were impacted by COVID. New Jersey received \$800,000 for a two-year grant period and opened a sixty-day application window in June. The funding provides reimbursement for all things COVID related, allowing greater eligibility than CARES funding which was based only on losses. At the time of

the Council meeting, only five or six individuals had started the application process, and no applications had been completed. Mr. Cimino advised that NJ has the funding for two years and will relaunch the application process in August. It is unknown why no applications have been completed but said it's possible that people don't realize that they're eligible. He urged Council members to talk to people in industry and let them know that this funding is available. Applications are available on the NJ SAGE website and additional information can be found on the Fish and Wildlife website.

Mr. Brust gave a presentation on the blue crab/terrapin issue. Current legislation prohibits the take of nongame species, such as terrapins, in NJ. Over the last few years, have reported over 3,000 dead terrapins on Delaware Bay beaches between 2017-2021. Scientists believe that a mere 5% mortality rate in the adult population can cause a population decline. Terrapin are classified as a species of greatest conservation need in NJ and DEP is looking to address the threats to the terrapin population. One known threat is bycatch in the blue crab pot fishery. Current regulations require terrapin excluder devices in certain areas, but we know that terrapins exist in deeper waters throughout the state. The Endangered and Nongame Species Program and their Advisory Committee have recommended new regulations (provided to Council) which would require terrapin excluder devices on all Chesapeake style crab pots (recreational and commercial) and change the size requirement to 4.5cm X 12cm, which would be consistent with neighboring states. Mr. Brust requested that the Blue Crab Committee provide comments to the Council who will then provide comments to the Agency.

- Mr. Rizzo voiced concern about whether or not there were Delaware Bay fishery representatives on the Blue Crab Committee. The Council was reminded that these recommendations would affect fishermen in all waters of the state. Mr. Brust said that the recommendations would be sent to all Advisors prior to the Committee meeting. Mr. Rizzo thinks that Enforcement input should be included as well.
- Chairman Herb asked if there was a timeframe for this review. AC Golden stated that this is just the beginning of an internal discussion, and he would like this to move as quickly as possible, knowing that anything proposed changes will require regulation/legislation changes. Mr. Hollinger suggested waiting until after the blue crab season is complete for the year, which would also give the Council time to find new Committee members as well. Mr. Brust agreed to solicit more Advisors and plan a Blue Crab Committee meeting for early January.

Mr. Brust referenced several handouts which summarize a proposal to designate the Hudson Canyon as a National Marine Sanctuary. NOAA has opened a public comment period on the proposal and NJ will need to provide comments before August 8. He urged the Council to send any comments directly to him and they will be compiled into one response. Mr. Cimino said that a schedule is provided on NOAA's website regarding upcoming public stakeholder meetings.

- Mr. Kaelin provided background information on the proposal. He stated that the 2016 recommendation of the Mid-Atlantic Fishery Management Council was that only the Deep Sea Coral Discrete Zone should be protected as part of the sanctuary, which would protect nearly 38,000 square miles of critical habitat.

Motion to recommend that the Hudson Canyon National Marine Sanctuary encompass only the only the Deep Sea Coral Discrete Zone. Motion by Mr. Kaelin, seconded by Dr. Donnelly.
Motion approved unanimously.

Mr. Hollinger asked about blue crab license transfers. Mr. Brust replied that he has the update and will provide that to the Council shortly.

10. Public Comment

Jim Hutchison brought up the issue that the Council only has two recreational representatives present. Mr. Hutchinson stated that the Council needs better representation for the fishing communities throughout the state and asked if the Council had spoken to the Commissioner or legislators about the importance of this issue. Mr. Hollinger stated that letters had been sent to legislators. A question was directed to AC Golden asking about the status of two applications he heard had been submitted in 2020. AC Golden answered that they are following procedure and have put out two announcements for Council seat openings.

Jim Hutchinson asked why NJ is the only state that has two ASMFC Representatives. Mr. Cimino responded that conversations about this are ongoing, but it is up to the Governor's office to appoint those Representatives, as well as those for the MAFMC.

Jim Hutchinson asked about the status of the regulatory package, more specifically about the status of speckled sea trout. Mr. Brust replied that the current package is almost complete and should be moving through the legal process by November. He noted that beyond that he doesn't know how long it will take to move through the process. Mr. Hutchinson asked if there was any explanation to why speckled sea trout are treated the same as weakfish. Mr. Cimino agreed that they should be legally separated, and the Council needs to make a decision on regulations for each individual species. He then suggested the Council could state their position once those species are separated when the new regulations would go into effect. AC Golden replied that this is an example of Legislation holding up the Council's attempt to changes regulations and that it would be best for the Council to set the new regulations ahead of time.

David Schivell mentioned the increase in commercial blue crab fishing pressure within the Navesink and Shrewsbury Rivers. Mr. Schivell proceeded to explain that he sees way too many crab pots and asked if there was any way for regulations to address issues based on the relative size of the water body. The number of pots is also interfering with other fishing efforts. Mr. Brust suggested that this topic be added to the agenda for the upcoming Blue Crab Committee meeting. Mr. Hollinger asked if Marine Fisheries could check to see how many fishermen are fishing in the general area and Mr. Brust replied that he will find out.

The next Marine Fisheries Council Meeting will be held on September 8th at 5:00pm. The meeting was adjourned at 7:39pm.