

New Jersey Marine Fisheries Council
June 20, 2023
Meeting summary

Council Attendees:

Dr. Pat Donnelly	Jeff Kaelin
Dr. Eleanor Bochenek	Joe Rizzo
Dick Herb	Bob Rush
Barney Hollinger	Kevin Wark

Council Absentees:

Walt Johnson

DEP and Division of Fish and Wildlife Attendees:

Dave Golden – Assistant Commissioner, NJ Fish and Wildlife
Joe Cimino – Administrator, Marine Resources Administration (MRA)
Jeff Brust – Chief, Bureau of Marine Fisheries (BMF)
Jason Snellbaker – Deputy Chief, Bureau of Law Enforcement (BLE)
Mike Celestino – Research Scientist, MRA
Heather Corbett – Supervising Biologist, BMF
Maryellen Gordon – Principal Biologist, BMF
Jenny Tomko – Principal Biologist, BSF
Linda Barry – Research Scientist, MRA
Jamie Darrow – Senior Biologist, BMF
Brendan Harrison – Senior Biologist, BMF
Amber Johnson – Senior Biologist, BMF
Chad Power – Senior Biologist, BMF
Jen Pyle – Senior Biologist, BMF
Jessica Daher – Program Specialist, MRA
Samantha MacQuesten – Assistant Biologist, BMF
Alissa Wilson – Assistant Biologist, BMF
Chuck Karr – Technician, BMF
Jonathan Klotz – Technician, BMF

Fred Akers	George Burns	Greg DiDomenico
Jonathan Amedrano	Anthony Califano	Evan Dintaman
Mike Armstrong	Paul Cameron	Bryan Dolph
Kyle Bartler	Sean Carkeek	Clay Emerson
Assemb. Brian Bergen	Blane Chocklett	Dman Extreme
Thomas Betz	Sean Cochran	Timmy Facciola
Fred Betz Jr	Dana Conzo	Shane Fencer
Derek Bielitz	Nick Criaris	Anthony Fisher
John Budish	Gregory Davis	Rick Fleming

Tony Friedrich	Chris Lido	Edward Sedillo
John (Jack) Fullmer	Frank Macalik	Michael Shepherd
Martin Gary	Stephen Machalaba	Nicholas Simeoli
Steve George	Richard Magee	Thomas Sminkey
David Glassberg	Vinny Makfinsky	Ross Squire
Alan Grabowski	John Makulowich	Stephen STECKI
Steve Haasz	Daniel Mancari	Joel Stoehr
Paul Haertel	Jay Mann	Grumpys Tackle
Gary Hammond	Paul Marzolla	Lou Taglia
Victor Hartley	John McDonough	Scott Thomas
Mack Hartwell	Dan Mckiernan	Wayne Thomas
Todd Herderhurst	Nichola Meserve	Cyril Tveit
Ed Hicks	Gabriel Montemuro	Taylor Vavra
Richard Ho	Adam Nowalsky	Nick Verducci
Jim Hutchinson	Joseph Petruzzi	ralph Vigmostad
Paul Kameen	Will Poston	Peter Walsifer
Ken Kane	Wes Preston	Michael Warren
Bruce Katona	Dan Radel	Frank Wavrecan Jr.
Jay Kay	AJ ReelMaxLife	Capt Ben Whalley
Brian Kelly	Jonathan Reguinga	Kelly Whitmore
Toni Kerns	Joe Rice	Brian Williams
Derek Kettig	Sean Riley	Sean Wilson
Craig Kuehler	Cody Rubner	Michael Woods
Laura Kull	Cody Rubner	Harvey Yenkinson
Jack Larini	Nick Ruggiero	Harvey Yenkinson
Nick LaTour	Lars Schuster	Erik Zlokovitz

The meeting was called to order. Notice of the Marine Fisheries Council (Council) meeting was filed with the Secretary of State on June 7, 2023.

1. ASMFC Striped Bass Emergency Action – B. Harrison

Mr. Harrison presented an overview of the emergency action and updates since the last Council meeting.

The 2021 stock assessment update indicated the striped bass stock was overfished, but overfishing was not occurring. Projecting forward using the terminal year fishing mortality rate, the model indicated there was a 97% chance of rebuilding the stock to the biomass target by the rebuilding deadline of 2029. However, removals in 2022 were much higher than 2021, and updated projections using 2022 data indicated a much lower probability of rebuilding on time. Given these results, the Board initiated an addendum to evaluate new regulations to reduce fishing mortality. Further, the Board implemented emergency regulations to reduce mortality while the addendum is being developed. The emergency

regulations were to implement a 31" maximum size in all recreational fisheries except the Chesapeake Bay trophy fishery. The regulations are effective for 180 days and can be extended for up to two one-year periods. No conservation equivalency proposals are allowed. Justification for the emergency action was to address the high removals in 2022 in order to rebuild the stock by 2029. The new maximum size protects fish in the large 2015 year class in order to allow them to spawn and contribute to stock rebuilding. New Jersey's representatives to the Board voted against the emergency action because no formal analysis had been done to evaluate the impact of the emergency regulations and there was no opportunity for public input on the emergency regulations. Regardless, NJ DEP supports adopting the emergency regulations in order to stay in compliance with the FMP and avoid a moratorium. Staff acknowledge that 2022 removals were high and may remain high in 2023 due to the large year class. A smaller slot limit will protect that year class and promote rebuilding. Further, many NJ anglers commented in support of the regulations during ASMFC public hearings held after the Board vote.

During the May MFC meeting, Council requested a meeting of the Striped Bass Committee and advisors to get their input. The majority of advisors expressed frustration with the reduced slot limit, but unanimously supported adopting the regulations to avoid a moratorium and promote stock rebuilding. One committee member abstained from making a formal recommendation, but the remainder of the committee members all recommended adopting the regulations.

At the May meeting, Council also requested ASMFC provide any additional information and technical analyses that might help make an informed decision. The response from ASMFC summarized the previous decisions and justification of the Board and results of the public hearings, but also included results of a preliminary analysis of how the emergency regulations could affect removals. The results suggest that recreational harvest with a 28-31" slot limit would reduce recreational harvest by 50% and recreational release mortality by 6%. Combined, these would provide a 29% reduction in total removals.

The committee recommendation is to adopt the emergency regulations of 1 fish from 28-31". Non-compliance will result in a moratorium. For that reason, DEP intends to implement the regulations regardless of Council support. If Council disagrees, they will have the opportunity to veto the regulations during their July meeting. A timeline of how the decisions could play out was presented, with a moratorium likely occurring in August and September. Mr. Brust noted, however, that the timeline is uncertain because of the many steps involved in the compliance process.

Dr. Bochenek commented that she did not agree that the committee recommendation was a consensus because she abstained from the decision. Dr. Donnelly replied that the committee's final decision was a consensus and not unanimous.

Dr. Bochenek voiced concerns over the 3-inch slot, stating that many fish will be thrown back and asked Mr. Harrison how ASMFC believes this slot will decrease discards. Mr. Harrison stated that the Technical Committee (TC) has struggled with this same issue but that the initial analysis looked at previous similar situations and the new regulations were applied using those situations.

Dr. Bochenek replied that someone needs to provide numbers summarizing the potential discard rates associated with the new slot, as well as socioeconomic data on how this change will impact the industry.

Conservation equivalencies were discussed, and Mr. Harrison reminded the Council that they are not permitted because striped bass are in an overfished status (FMP Amendment 7).

Dr. Bochenek asked if anyone had a chance to review the MRIP data that the Striped Bass Committee had requested. Mr. Celestino replied that he looked at coastwide data and found that most trips with large expansion factors reported zero striped bass. For the trips that caught striped bass, the trips with the largest expansion factors were mostly party boat or shore mode and accounted for approximately 15% of the total removals in 2022. Mr. Celestino questioned whether or not ASMFC data would remove those outliers in the future.

Mr. Rush reminded MRA staff that the Council had requested socioeconomic data on how the regulation changes would affect the local industry, in particular the for-hire sector. Mr. Harrison stated that the TC has not looked at any socioeconomic data and reminded the Council that these measures are temporary for the remainder of 2023.

2. Striped Bass Committee Meeting Summary – P. Donnelly

A summary of the June 1, 2023 meeting was provided to the Council with a final consensus recommendation to implement the emergency slot limit of 28" to less than 31". One member abstained for supporting the recommendation until more data is provided.

Dr. Bochenek commented that she is concerned ASMFC is not considering the future of our fisheries, and that we are sending the wrong message by agreeing with their recommendations. She suggested we wait for more socioeconomic data before agreeing to the proposed change.

The regulations could affect certain sectors more than others, impacting diversity and inclusion, and we are not taking that into account.

Dr. Donnelly supported Dr. Bochenek's statement and believes ASMFC is setting a precedent to make it easier for them to change regulations this way in the future. Dr. Donnelly stated that he supports the recommendation because he doesn't want local fishermen or business to miss out on the fishery due to a moratorium.

Mr. Rush stated that he doesn't know of any for-hire vessels targeting striped bass during the summer and fears that the NJDEP will push this through without proper Council input. He commented that he doesn't appreciate DEP pushing the regulations forward without Council approval. Mr. Rush would like to see socioeconomic data before agreeing with the recommendation.

3. Public Comment

Paul Haertel urged Council to stay in compliance so the fishery doesn't get shut down. He suggested that Council convene a Striped Bass Committee meeting to discuss options for the addendum to address inequities.

Nicholas Simeoli – ASMFC is not giving us a choice so the obvious action is to comply and avoid a moratorium. He asked what is being done to educate recreational anglers on safe handling to reduce discard mortality.

Jack Fullmer – Commented that a narrow slot limit makes it difficult for spearfishers to find a legal size fish since they up-size. He does not want NJ to go out of compliance.

Frank Macalik – Agrees with previous speaker regarding spearfishing. Recommend spearfishers get their own regulations next year because they are not a significant source of mortality. Also agrees there should be more education on safe handling.

Steve Machalaba – Agrees with concerns of Council members but ASMFC giving us no choice. He recommended staying in compliance but commented that it is irresponsible to allow Chesapeake Bay to continue with the trophy fishery and allow such high harvest of menhaden in the bay.

AJ from Reelmaxlife – Asked what happens if we don't comply. Staff responded that it leads to a moratorium with strict penalties if caught fishing.

Jim Hutchinson – Raised several concerns about the Massachusetts commercial fishery since are minimal requirements for entry, making it possible for just about anyone to buy a license and harvest any size fish. He feels it is disrespectful to other anglers and hypocritical since MA was the state to propose the emergency regulations.

Brian Williams – Recommended Council vote to stay in compliance because it will help rebuilding. He does not support the bonus program and recommends stopping it until the stock is not overfished. He also suggested getting rid of captain bag limit and recommends implementing a paid fishing license so we can account for all anglers.

George Burns – Agrees with Council members that these regulations are being forced on us. He raised concern about the Chesapeake Bay trophy fishery and Massachusetts commercial fishery, as well as the economic impact of the emergency regulations.

Harvey Yenkinson – Attended some of the ASMFC hearings and commented to them that we need to stop disaster management that result in large jumps in regulations. A narrow slot limit will have big impacts on the economy, although a moratorium would be worse. Council should approve the regulations, but should also send a message to ASMFC to do better. Fishery management is still new, and we need to get better at it.

Paul Kameen– Commented that we need to learn from the past. MD, VA, NJ are the leaders in striped bass mismanagement. We need to look back and see how we got in this situation and not do it again. If we try to drag our feet and get every inch, nothing will change in the future.

Clay Emerson – Agreed with Brian Williams. He does not feel like anything is being forced on us. He has commented to ASMFC in the past and they are doing what he is in favor of. Something needed to be done to protect the stock and they did it.

Scott Thomas – There will likely be short term negative impact, but we want to do what's right for the fishery. He had several questions about what comes next. He agreed with the comment in favor of a paid license if the funds go to F&W, especially for enforcement.

Victor Hartley – He disagrees with the commentators who want to turn this into a sport fishery. He recommends closed seasons to help the fishery. The proposed regulations will result in high mortality of releases during the fall run. He is concerned that once regulations are in place, they never get better, and these will have a large impact on the for-hire sector.

Chris Lido – He is not a catch and release angler and supports anglers who like to take fish home for food. These regulations will discourage people from booking trips, and those that do will need to fish harder to find a keeper.

Richard McGee – Commented that he is amazed there is no economic data from ASMFC. People will stop taking trips and it will have an impact on the economy. People who do fish will have a hard time finding a legal fish, so people will fish harder, which will cause mortality to go up.

Sean Carkeek – By tightening regulations on striped bass, people will target other species instead. He is concerned we will be in the same position for those species next year.

4. Emergency Action Discussion – J. Brust

The motion to implement the emergency slot limit was re-read. Motion to amend the wording 28" to less than 31" by changing to 28" to 31" was made by Dr. Bochenek and seconded by Dr. Donnelly. Motion approved unanimously.

The amended motion was read by Mr. Brust. Motion was approved with five votes in favor and two opposed.

Mr. Brust stated that the Notice of Administrative Change will be sent to the DEP Commissioner stating that it must be implemented by July 2 in order to stay in compliance with ASMFC.

The next Marine Fisheries Council Meeting will be held on July 13th at 5:00pm. The meeting was adjourned at 7:57pm.