

Marine Fisheries Council Meeting
May 11, 2023

Council Attendees:

Dr. Eleanor Bochenek	Mr. Joe Rizzo*
Dr. Patrick Donnelly*	Mr. Robert Rush, Jr*
Mr. Warren Hollinger*	Mr. Kevin Wark*
Mr. Jeff Kaelin*	Mr. Dick Herb (Chair)*
Mr. Walter Johnson III*	

DEP and Fish and Wildlife Attendees:

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*
Jeff Normant - Supervising Biologist, Bureau of Habitat and Shellfish, BHSF
Heather Corbett – Supervising Biologist, BMF*
Maryellen Gordon - Principal Biologist, BMF
Pete Clarke – Principal Biologist, BMF
Linda Barry – Research Scientist, MRA
Colleen Brust – Research Scientist, MRA
Jennifer Pyle - Senior Biologist, BMF
Jamie Darrow - Senior Biologist, BMF
Brendan Harrison – Senior Biologist, BMF*
Jessica Daher - Program Specialist, MRA
Matt Heyl – Assistant Biologist, BMF
Stacey VanMorter - Assistant Biologist, BMF
Samantha MacQuesten – Assistant Biologist, BMF
Amber Johnson – Assistant Biologist, BMF
Alissa Wilson – Assistant Biologist, BMF
Colbi Capri – Conservation Police Officer, BLE*
Jonathan Klotz – Senior Wildlife Worker, BMF
Pat Barker – Senior Wildlife Worker, BMF*
Paul Bechtel – Wildlife Worker, BMF

Public Attendees:

Jonathan Amedrano	Paul Collier	Shane Gibson
Mason Augustino	Jamie Cournane	Keith Griglak
Ryan Bailey	Celia Dahl	Kara Gross
Rick Bellavance	Bronsen Dhume	Stefan Haller
Derek Bielitz	Evan Dintaman	Jeremy Hancher
Deirdre Boelke	Jim Donofrio	John Hill
Ray Bogan	Michelle Duval	Andrew Hojnowski
Perer Bravo	Capt. Paul Eidman	Sean Horigan
Jim Brennan	Michael Erwin	Thomas Hughes
Capt. J Moore	Sam Forlenza	James Hutchinson
Thomas Busk	Tony Friedrich	Joe Jacobs
Andrew Ciok	John (Jack) Fullmer	Robert Jeter

James Jewkes
TJ Johnson
Derek Kettig
John Kalias
Thomas Kosinski
Laura Kull
Dave L
Jerry Lynch
Dylan Mallory
Gabriel Mardelli
Paul Marzolla
Kyle Molton
Paul Mondok
JCB Office
Christopher Parlow
Ed Plichta
Will Poston
Marcus Quenzer

Dan Radel
Ervin Ray
James ReelMaxLife
John Riggio
James M. Parker III
Kyle Quillen
Michael Woods
Derrick Youmans
Brian Scott
Kimberly Sherban
Willam Sistad
Wayne Thomas
Mike Waive
Robert Waldron
Peter Walsifer
Brendan Wellman
Cody Whipple
Adam Wiles-Rosell

Sean Wilson
Steve Haasz
Rich Kasprzak
Victor A. Hartley*
John A Tierno III*
Robert Malinowski*
Michael Ford II*
John Shaw*
Harrison Moore*
Christine Meyers*
Thomas Abrams*
Joseph Haase*
Dusty Cheesman*
Michelle Bateman*
Justin Givens*
Eddie Yates*

* Denotes in-person attendance as opposed to virtual attendance

The meeting was called to order. Notice of the Marine Fisheries Council (Council) meeting was filed with the Secretary of State on April 26, 2023. Acting Chairman Herb began the meeting with the Pledge of Allegiance.

Approval of Minutes

Meeting minutes from the March 3, 2023 meeting of the Council were approved without revision. Motion made by Mr. Wark seconded by Dr. Donnelly. Motion carried with one abstention.

Enforcement Report

No enforcement report was presented

Shellfish Council Reports

There were no reports from either the Delaware Bay or Atlantic Coast Shellfish Councils

Shellfish Bureau Report

There was no Bureau of Shellfisheries report

Legislative/Regulatory Report – J. Brust

Mr. Brust provided Council with a summary of both state and federal legislative changes that have taken place since the last meeting. Mr. Brust highlighted a number of actions, including a bill signed by

Governor Murphy that establishes certain aquaculture activities as eligible for Right to Farm protections and a number of federal bills that have been introduced to pause or stop offshore wind development.

Georges Bank Cod – J. Brust (BMF) and K. Molton (NMFS)

Mr. Brust reviewed the proposed changes for the 2023 fishing season for Atlantic cod to help support the Georges Bank region stock. Mr. Molton summarized the New England Fishery Management Council's recommendation to modify George's Bank cod recreational measures, provided the measures and regulations being proposed by the NEFMC, reviewed the public comments, and announced who was in support and opposition of these proposed rule changes.

Mr. Rush asked if NJ's stock is actually working with and functioning with the George's Bank stock.

Mr. Molton replied that the NJ stock is currently managed with the George's Bank stock, but the Council has been considering changes for the stock structure.

Paul Haertel asked what the current regulations are and when the new ones would take effect.

Mr. Molton summarized the current regulations. GARFO is drafting the final rule, and the new regulations would take effect once the final rule is posted, which is expected some time over the summer.

A motion was made to adjust recreational Atlantic Cod regulations in NJ state waters to match the regulations in federal waters once NMFS makes a final determination. Motion by Dr. Donnelly, second by Mr. Kaelin. Council discussion on the motion follows.

Mr. Celestino gave a presentation on the Atlantic cod fishery data for NJ from 2018-2021 with the estimated reduction for the recreational sector. Information provided showed that there is almost no impact on NJ by closing June through August, with the exception of 2017. A bag limit change would impact a minimal number of fishermen and a total reduction with all regulation changes would range between 26-46% reduction.

Mr. Bogan asked whether there is any genetic or tagging evidence that the NJ fishery is associated with the Georges Bank stock which would support the need for NJ to make these changes? If making these changes will not contribute to stock rebuilding, then he opposes management action. Mr. Celestino indicated that harvest from NJ state waters accounts for approximately 10% of total removals of the Georges Bank stock as it is currently defined, so our actions are not insignificant. Dr. Jamie Cournane responded that cod is currently managed as two stocks – Gulf of Maine and Georges Bank – and that all removals from NJ are counted towards the Georges Bank catch limits. Recent genetics and tagging research suggest there could be as many as five stocks of cod, and NEFMC is working on revising the stock structure to be consistent with these results, but that work won't be complete for several years. In the meantime, they will continue to operate under the two stock model, and it is important that NJ assist in keeping removals below the catch targets.

James from ReelMaxLife asked for evidence that the fisheries are connected. Mr. Celestino responded that more data might change the stock structure and management framework. Until then, current evidence shows that NJ is fishing on the Georges Bank stock as it is currently defined and is responsible for 10% of the removals from that stock.

Mr. Rush asked if the recreational harvest reductions were calculated using the new harvest control rule method that was used for summer flounder, scup, and black sea bass. Mr. Brust responded that the HCR methodology is just being used for those species.

Mr. Wark acknowledged the difficulty of the situation, recognizing the current stock status as overfished coupled with new evidence regarding stock structure. It is hard to make good decisions without sufficient information.

Mr. Rizzo asked why New Jersey cannot manage their fish separate from the other organizations. Mr. Cimino responded that NJ can implement what it wants, but if NMFS does not feel that the reduction in state waters are sufficient, they will have to implement stricter regulations in federal waters.

Paul Haertel agrees that NJ should mimic the regulations in federal waters to reduce poaching. But since there is a chance that federal regulations are going to change soon, he suggested delaying a decision until the new regulations are determined and then assess how NJ should proceed. Mr. Brust indicated that if Council agrees to adopt the federal regulations, staff will wait until NMFS has made a final decision this summer and NJ will implement consistent regulations.

Victor Hartley commented that as a federal permit holder he needs to follow federal regulations wherever he fishes. Despite that he questioned why NJ is concerned about this proposal since there could five stocks of fish. NJ's fishermen should not be penalized given the unknown effect of NJ's harvest on the Georges Bank stock. Mr. Kaelin responded that changing the management structure to include different stocks might take a few years and until then NJ is considered to be fishing on the Georges Bank stock.

Doug Zemeckis provided an overview of tagging data that indicated that NJ is likely in the southern New England stock that is separate from the Georges Bank stock.

Mr. Rush asked if anyone got a final answer of if NJ's cod stock was found to be a part of the northern stock. Mr. Molton responded that NJ's stock is managed together in the Gulf of Maine and Georges Bank stocks.

Chairman Herb called the vote on the motion to adopt Atlantic Cod regulations to match federal regulations once they are decided by NMFS. Motion passed with 5 in favor, 2 opposed, and 1 abstention.

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

Lobster Board – Approved Addendum XXVII to Amendment 3 to increase resiliency of the George’s Bank and Gulf of Maine stocks. The only regulatory change that affects New Jersey’s fishery is that the maximum size limit decreased in LCMA 3.

Menhaden Board – VA entered a MOU with the reduction fishing fleet to prevent effort in the bay during summer holidays and big weekends to reduce interactions with the recreational fishery and minimize fish spills that occurred in the past.

Black Drum Board – The stock is not overfished and overfishing is not occurring.

Striped Bass Board – The ability to transfer commercial quota between states was approved but with strict limitations. This will not affect the Striped Bass Bonus Program.

Horseshoe Crab Board – Revised Best Management Practices for biomedical collections were approved. A workgroup was formed to investigate the management strategies for the Delaware Bay population of HSC.

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

Mr. Cimino reported that a motion was made to request NMFS re-evaluate the need for a winter closure for the scup recreational fishery. The motion failed, but GARFO’s Regional Administrator indicated that if the recreational harvest was not projected to meet the recreational harvest limit, his office would evaluate whether the closure was necessary. For other topics covered by MAFMC, Mr. Cimino indicated a full summary was available in the meeting materials.

Bureau Reports – J. Brust

New regulation cards are printed and available. The Marine Digest will arrive within the week.

Mr. Brust provided an update on blue crab license transfers. Staff received 18 transfer applications from inactive pot license holders. Only 5 inactive transfers are allowed per year, so five applicants were selected by lottery. Up to 20 transfers are allowed for active pot license holders. Since only seven applications were received, all transfers were approved. For Delaware Bay dredge licenses, only 5 transfers are allowed per year and six applications were received, so five transfers were selected by lottery.

Committee Reports

Executive Committee – Several stakeholder groups have met with Fish and Wildlife and the Commissioner’s office regarding agency priorities and funding initiatives. The Executive Committee met to discuss concerns regarding notification of these meetings and participation at these meetings, since the topic is directly related to their mission. The Committee requested that the agency be more proactive in informing Council of these meetings so that a representative could be selected to attend.

Mr. Rush asked where the push for a saltwater license is coming from. Mr. Brust responded that it was a topic that came up during a meeting between stakeholder groups and the Commissioner that Marine Fisheries staff was not at, so the context is unclear. But as a result of that meeting, a second meeting was planned to discuss marine fisheries priorities, missed opportunities, and alternatives to fund any new initiatives that are identified. One funding option that was discussed was a saltwater fishing license, but other more preferable alternatives were also discussed. A member of the public asked how the attendees were selected. Mr. Cimino responded that DEP had no involvement in who attended the initial meeting. The meeting was held because several stakeholder groups got together and requested a meeting with the Commissioner.

Offshore wind Committee - The NJ Marine Fisheries Council Offshore Wind Committee met virtually on April 11, 2023. Doug Christel from NOAA Fisheries Greater Atlantic Regional Fisheries Office (GARFO) presented an overview of NOAA Fisheries' role in reviewing and permitting offshore wind development projects. Mr. Christel indicated that BOEM is the decision-making authority for most decisions related to offshore wind development projects, through a process authorized by the Outer Continental Shelf Lands Act. NOAA Fisheries is a cooperating agency that provides recommendations relative to topics in which they have "special expertise," such as fisheries, habitat, protected species, and ecosystem interactions. Working cooperatively with other state and federal agencies, NMFS' responsibilities include data sharing, proposal reviews, development of alternatives, and evaluation of impacts. It was emphasized, however, that NMFS has no legal authority over most of these topics within the permitting process, and BOEM is not obligated to follow NOAA's recommendations. The one exception is that NMFS has full authority over allowable takes of protected species.

Mr. Christel then summarized the types of data NMFS uses to evaluate projects and the types of impacts they consider. Fisheries data, including landings, effort, transit patterns, and socio-economics, are used to evaluate loss of access, effort displacement, and community impacts. Habitat data are overlaid with lease areas to evaluate habitat loss, damage, or conversion, as well as impacts to hydrodynamics and effects on the Cold Pool. Scientific and survey data are used to identify potential impacts to protected species including noise, ship strikes, and entanglements. Other concerns include impacts to the surveys themselves, which will affect stock assessments and management advice.

Following the presentation, there was discussion on a number of topics relative to NMFS' role in evaluating impacts. Concerns were raised about radar interference from the turbine fields. It was noted that some developers have offered to upgrade radar systems for fishery participants, but no one has yet taken advantage of it. Several participants recommended requiring AIS be installed on all turbines, but it was suggested that it might only be necessary on a subset of turbines because turbines will be deployed in a consistent pattern and individually numbered to help mariners track their location within the turbine field.

One participant questioned whether NMFS was evaluating projects for cumulative impacts. Mr. Christel responded that NMFS is assessing cumulative impacts using a few different methods, such as the

MAFMC State of the Ecosystem Report. It was noted, however, that while cumulative impacts to economics are relatively simple to evaluate, biological impacts are much harder to verify and quantify. One participant questioned whether there was a threshold for the level of marine mammal interactions that would result in NMFS requiring additional restrictions. There is a threshold, and NMFS is monitoring interactions relative to that threshold. It was noted that even currently approved permits could be revised if that threshold is reached.

Participants discussed the potential impacts and benefits to recreational fisheries. It was noted that NJ has recently funded the first study of socio-economic impacts of OSW on the recreational sector. There was some uncertainty on whether placing additional structure in the water would increase catch rates or reduce them as fish disperse across all the new habitat. Concerns were also raised about construction noise affecting fish behavior, which may affect angler experience, and whether industry would be compensated for any impacts. NMFS and other agencies have recommended both timing restrictions for construction activities to minimize impacts and compensation for any realized impacts.

Survey work was discussed, both in terms of impacts development will have on agency surveys used for stock assessments and management decisions, and surveys done by developers to identify impacts from construction and operation. NMFS has conducted a modelling study of the effects of reduced survey coverage on each of their fishery management plans. A final report is expected soon, but preliminary results indicate that the effects are not uniform across all stocks. NMFS is also looking into alternative survey methods that will allow continuation of sampling in areas their current survey vessels will no longer be able to access. With respect to developer surveys, NMFS and DEP are working closely with ROSA to standardize methods and develop data standards.

A number of other topics were discussed, including duration of monitoring, communication of activities to the general public, and decommissioning. One participant asked how best to use this information to further the mission of minimizing impacts to marine resources and fishery participants. Mr. Christel responded that he is available to discuss concerns on topics under NMFS' purview. NMFS may not have absolute authority on any decisions, but there is opportunity through their special expertise and interagency discussions to leverage their position for the collective interest.

At the conclusion of the meeting, the committee discussed future meeting topics. Staff indicated that several developers from the NY Bight lease area have expressed interest in meeting with the committee. Staff will work with Dr. Bochenek and the developers to identify topics and potential dates.

Dr. Bochenek reported a number of other concerns that were not included in the report. She reported that Mr. Christel had expressed concerns about impacts to pelagic fishes during construction, that construction might occur during the summer months during the height of recreational fishing, and that noise from installing the monopiles could be heard underwater up to 5 miles away.

Jeff Kaelin requested that the meeting summaries include a list of participants, both committee members and advisors. He also requested that staff update the Council committee lists that are available online. The current lists online are several years out of date.

1. Regulatory Actions – J. Brust

Mr. Brust summarized recent emergency action by ASMFC for the coastal recreational striped bass fishery. The emergency regulations do not change the season or bag limits but change the slot size limit to 28-31". All states must comply with the emergency regulations. Non-compliance would result in a complete moratorium for NJ's striped bass fishery.

Mr. Harrison gave a presentation which provided additional details on the emergency action. The regulations are only effective for 180 days, but ASMFC can extend them for an additional year. The regulation changes do not affect the SBBP, but if NJ goes out of compliance, then the moratorium would include the SBBP. Under the emergency action, the SBBP can not be changed. The justification for the emergency action is because 2022 recreational removals increased substantially, primarily because of the large 2015 year class which recently recruited to the fishery. The increase in removals jeopardizes the stock rebuilding timeline. Reducing the slot limit minimizes mortality on this age class, thereby reducing fishing mortality and getting back on schedule with rebuilding. Further, protecting the large 2015 year class will allow more of them to spawn multiple times and contribute to the rebuilding process.

Dr. Donnelly commented that the increase in removals occurred while following the regulations that ASMFC approved, so now the states are being punished for following the rules. Mr. Harrison responded that the Technical Committee acknowledged that there is a lot of variability in harvest estimates even under the same regulations. In addition, the large 2015 year class becoming available along with other factors that made the fish more available to the fishery also contributed to the increase in removals.

Dr. Bochenek asked if it was credible that removals increased so much, even with the strong year class coming into the fishery. She also asked if there was any evidence that we would be back on track for rebuilding if we implement the emergency regulations. It would be helpful to see data that shows the effect the regulations will have on the fishery and rebuilding before making a decision. She questioned why there was no public input on this decision. Mr. Harrison responded that there are many factors that affect catch, including the size of the year class, but also weather, bait availability, etc. Dr. Bochenek asked if anyone had looked at the raw data to make sure there were no outliers. Mr. Harrison indicated that the TC had not investigated the data in detail. Regarding the effect of the regulations, Mr. Harrison stated that the TC had not evaluated the effects of the emergency regulations but would be doing so as they develop Addendum 2 that will be implemented when the emergency regulations expire. Dr. Bochenek also expressed concern that the changes were made without any public input.

Mr. Rush asked if there would be public hearings regarding the decision. Mr. Brust indicated that the ASMFC emergency management process requires that they hold at least four public hearings within 30

days of the emergency action notice. ASMFC has indicated they will hold 4 virtual public hearings by the beginning of June.

Mr. Herb asked what the timeline was for developing Addendum 2. Mr. Brust responded that the Plan Development Team and the Technical Committee have had preliminary discussions and will be meeting over the summer to analyze data and develop options for the addendum. The plan is for the Board to approve a draft addendum in August to allow public comment prior to a final Board decision in October, with implementation in January 2024.

Dr. Bochenek asked how they can take emergency action without the data to inform the decision. Mr. Cimino responded even without an analysis, we know that without changes, the 2015 year class is fully recruited to the fishery and would likely experience high mortality. The emergency action removes a large proportion of that age class from the harvestable size range in an attempt to protect them to allow them to continue to spawn and contribute to rebuilding. Any analyses that can be performed are subject to many assumptions about things we cannot predict reliably. Results could give us an idea of how the stock might perform, but they would not be 100% accurate.

Mr. Kaelin asked why we are making decisions based on preliminary data and from only the terminal year. Mr. Celestino responded that preliminary data was used in order to meet the Board request to see results at the May meeting. Final data was recently made available, so the analysis was repeated and showed only a 1% difference from the preliminary results. The analysis was also done using a three-year average fishing mortality, rather than just the terminal year estimate, and the results were nearly identical.

Dr. Bochenek asked if the commercial fishery catches the 2015 year class as well and why they do not have to take any reductions. Mr. Brust responded that the commercial harvest is a very small component of the total removals, they are bounded by a quota system, and have pay back provisions if they exceed their quota.

Mr. Rush expressed concerns that these measures will affect NJ anglers and for-hire vessels more than other states, which makes it hard to support. He was also concerned that there was no socio-economic analysis conducted to evaluate the impacts to industry.

Mr. Brust indicated that staff understands and agrees with many of the concerns that have been discussed by Council. However, if we do nothing, we would be found out of compliance which would result in a moratorium and even larger impacts to NJ's fishery. For that reason, DEP recommends implementing the emergency regulations. A draft Notice of Administrative Change to bring us into compliance with the emergency regulations is provided in the meeting handouts and staff is looking for a decision from Council.

A motion was made to postpone a decision on the NOAC in order to hold a Striped Bass Committee meeting with advisors to discuss the emergency regulations, followed by a special meeting of the full

Council in June to take final action. Motion by Dr. Donnelly, second by Mr. Kaelin. Council discussion and public comment on the motion follows.

Victor Hartley, Keyport Princess, asked who will enforce the law if we go out of compliance and a moratorium is imposed. He expressed concern that excluding 2020 from the projections biases the results. He also recommended that we adjust the bonus program to allow anglers to keep a fish from 31-38”.

Eddie Yates, United Boatmen, is concerned discards are going to go up which will increase discard mortality. His organization recommends going out of compliance. ASMFC management decisions have gotten overbearing and it’s got to stop.

Paul Haertel commented that ASMFC is mismanaging the stock and supports the ASMFC emergency action to help protect striped bass. There has been support for strict management measures for years, and if they have been followed, the stock would rebuild quicker. Also, recreational discard mortality is excessive and they need to consider measures like closed seasons to control it.

Noel Feliciano, One Stop Bait and Tackle, expressed frustration that management keeps getting more strict. Anglers have less to fish for and less to keep, which will result in people not following the regulations. The rules are discouraging kids from learning to fish and hunt which is the opposite of what we should be doing.

Greg Cudnik, Fisherman’s Headquarters, stated that his business would fail without striped bass. He agrees we need data and regulations that are based on those data. Striped bass is what keeps NJ fisheries going because other species have short seasons. Going out of compliance would be bad for fishing and for businesses. Recommended not going out of compliance.

Rich Kasprzak does not understand the regulation change. He claims that the river where he fishes has plenty of fish and he uses the fishery to feed himself. He believes there are record number of fish showing up.

Ray Bogan questioned what benefit we have by being a part of the ASMFC. Regulations keep getting stricter and the benefit we derive is minimal. He believes the process was unjust and that the emergency action should at least be delayed and recommended we go out of compliance. There are less impactful alternatives if conservation equivalencies were allowed. A three inch slot limit is an effective fishery closure and no one should be advocating for that. This process was biased, and if ASMFC really wants to reduce mortality and do it equally, there should be a full closure coastwide with no exceptions. Regarding the motion, if we will have more and better data by delaying, then he supports the motion. But if it is just to delay a decision with no information, then there is no point in waiting.

James Elmore, ReelMax Life believes poaching is the main reason for the status of the stock. There is a

lack of marine enforcement staff and there is a need to do something about all of the poaching. He does not believe the overfishing status.

Mr. Cimino commented that the main concern with the stock is that the Chesapeake is not as productive as it was in the past which makes the future uncertain. There is not much more information that we will be able to get to inform a decision, but the only two alternatives are comply or get shut down. To Ray's question about what benefit we get for being a part of ASMFC, NJ is the biggest all around player in terms of recreational and commercial fisheries and participating in ASMFC is how we protect those fisheries. Not having a voice at the table would be a very bad idea.

Eleanor Bochenek believes if the stock is really in trouble that everyone should take a cut on the coast. This action wasn't based on science and it seems like a political ploy to get NJ out of the fishery.

Chairman Herb called the vote on the motion to postpone the striped bass decision until after the committee meets with advisors. Motion passed with 7 in favor and 1 opposed.

A motion was made for Commissioner LaTourette to write a letter to ASMFC requesting any additional information from the Striped Bass Management Board to that could inform the decision by the committee and Council. The response would need to be provided by July 1, 2023. Motion by Mr. Rush, second by Dr. Donnelly. The motion passed unanimously.

2. Old Business – J. Brust

Staff continues to request action on filling the two Council vacancies, but no decisions have been made. Jim Hutchinson asked if no decision had been made or if those names had been denied. Mr. Brust responded that he thinks a decision has not been made. Mr. Cimino added that applicants apply directly with the Governor's office and staff provides recommendations, but they do not need to be followed. In Mr. Hutchinson responded that he understand the process, but wants to know why the process isn't being followed through. The Governor's office has had names for several years without any decision. Mr. Hollinger commented that it is not just Marine Fisheries Council; several other Councils have had open seats with no appointments for several years. He suggested the Senate Judiciary Committee has been the bottleneck for these appointments.

NJ's first offshore wind project, Ocean Wind 1 by Orsted, has received all state permits that it needs to move ahead with construction.

The Blue Crab Committee and advisors requested time to provide comments on Fish and Wildlife's recommendation to expand terrapin excluder device requirements in the crab pot fishery. Written comments were distributed as a handout. Staff also received several phone calls from harvesters who voiced similar concerns. The main concern is the effect TEDs would have on the harvest of large crabs (#1's). Mr. Brust informed Council that staff is working with staff from ENSP to collect more data on crab sizes and terrapin populations. These data will be used in conjunction with industry's concerns to develop the next round of recommendations that can reduce terrapin mortality without significantly

affecting the fishery. Mr. Rizzo asked whether there will be opportunity for wider public comment, since these comments were meant to just be from advisors. Mr. Brust confirmed that once we are closer to having acceptable regulations there will be an opportunity for broad public comment.

Brian Rodriguez, commercial harvester, commented that we know regulation is coming and we just need to find common ground. He recommends that all pots should have a heavy enough bottom iron to keep them from moving around. Also, all creeks less than 150 feet wide should be closed to crab pots and pots should not be allowed to be set at depths where they fall bare at low tide.

Mr. Brust indicated that upcoming committee meetings would include spiny dogfish to discuss commercial trip limits, and offshore wind to meet with several developers. A striped bass committee meeting will also be planned to discuss the ASMFC emergency regulations.

3. New Business

NOAA Fisheries Annual Report stated that a reduced number of stocks are overfished, and rebuilt stocks have increased.

The mileage rate has increased to \$0.47 for reimbursements. Council must submit reimbursement paperwork by the first week in June in order to be reimbursed before the end of the fiscal year.

4. Public Comment

A commercial crabber asked if there would be more opportunity to comment on terrapin excluder device regulations before they are implemented. Mr. Brust indicated there would be more time comment once staff has recommendations that are more acceptable to the committee and advisors. Mr. Hollinger added that the process takes several years so there will be time for comment and nothing will be a surprise.