

**Marine Fisheries Council Meeting  
July 9, 2020**

**Council Attendees:**

Joe Rizzo	Eleanor Bochenek
Sergio Radossi	John Maxwell
Bob Rush	Dick Herb
Patrick Donnelly	Kevin Wark
Barney Hollinger	

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

Ray Bukowski – Assistant Commissioner, Department of Environmental Protection  
Dave Golden – Director, Division of Fish and Wildlife (DFW)  
Jeff Brust – Chief, Bureau of Marine Fisheries (BMF)  
Joe Cimino – Administrator, Marine Fisheries Administration (MFA)  
Carole Stanko – Chief, Bureau of Wildlife Management (BWM)  
Lisa Barno – Acting Assistant Director, DFW  
Jonathan Cianciulli – Chief, Bureau of Law Enforcement (BLE)  
Colleen Brust – Research Scientist, Bureau of Shellfisheries (BSF)  
Brian Neilan – Senior Biologist, BMF  
Samantha MacQuesten – Assistant Biologist, BMF  
Laura Versaggi - Fishery Specialist, ACCSP

The meeting was called to order. Notice of the Marine Fisheries Council (Council) meeting was filed with the Secretary of State on June 23, 2020.

**Approval of Minutes**

Meeting minutes from the May 14<sup>th</sup> meeting of the Council were approved without revision. Motion made by Mr. Maxwell and seconded by Mr. Hollinger. Motion carried.

**1. Enforcement Report – J. Cianciulli**

On May 13th, 2020 CPOs Henderson and Woerner received information via the OGT hotline about two fishermen on kayaks keeping tautog during the closed season. The CPOs responded to the area and quickly located the suspects. After a lengthy surveillance period, the CPOs were able to contact the fishermen at a small kayak launch in Perth Amboy, Middlesex County. Upon inspection the fishermen were found to be in possession of 30 tautog of which 29 were undersized. Court-mandatory summonses were issued to both men for possession of undersized tautog and taking tautog during closed season. The penalty for tautog violations is \$100 for each fish in violation and since the fish were pooled together, each fisherman is facing up to \$5900.00 in penalties.

In the late evening hours of May 16th, 2020 Lt. Scott received a tip that a group of fishermen were setting a gill net near the Belford Ferry Terminal, Belford section of Middletown, Monmouth County. Upon arriving to the area, Lt. Scott positioned himself to observe two of the men in a canoe retrieving what appeared to be a long net. Upon inspection, the men were found to be in possession of a gill net, tub trawl (small longline), and several different species of regulated fish. Det. Harp and CPO Meyer assisted Lt. Scott with processing the evidence and issuing summonses. Both men in the canoe received five summonses each, which included charges for using a gill net without a license, unmarked gill net, using gear not permitted (tub trawl), and violations for undersize and closed season summer flounder. Each fisherman is facing up to \$9060.00 in penalties.

While approaching a commercial scallop vessel to conduct a routine inspection, CPO Raker observed a fisherman on board frantically begin to cut open a bag and dump sea scallops over the side and into the water. After a brief investigation, CPO Raker determined that the vessel crew member discarded the scallops because the additional product would have exceeded the daily vessel trip limit of 600 pounds. CPO Raker recovered the cut open bag with scallop remnants still inside and processed the case as an act of federal interference. The fishermen ultimately cooperated by providing a full confession. The case was referred to NMFS for enforcement action.

At 4am one morning in May, CPO Meyer, Detective Harp and Lt. Petruccelli apprehended two individuals after returning in a vessel to an Atlantic City private dock with four undersized striped bass in their possession. The illegal fish recovered were tied on a stringer and attached to large weight indicating they would have discarded the fish if approached by a patrol vessel on the water. The men were issued summonses for the over the limit and undersize violations and their fishing gear was seized as evidence. One week later, the same officers apprehended one of the same men returning to the same private dock at the same time with one undersized striped bass in his possession. The man's fishing gear was seized, and the man was issued a court mandatory summons.

On May 23rd Detective Harp, CPO Meyer, and CPO Sloan conducted an inspection of a party fishing vessel in Atlantic City. The vessel was returning from a black sea bass trip with approximately 10 anglers on board. Officers quickly identified multiple violations regarding size and possession limits of black sea bass as. In total, 73 black sea bass were seized, and 14 summonses were issued for undersized/over the limit black sea bass. It was also found that the vessel operator failed to complete the required fishing vessel trip report, a violation that was referred to National Marine Fisheries Service for enforcement action. All seized fish were donated to the Atlantic City Rescue Mission.

In Early June, Detective Harp responded to complaint of illegal fishing in Barnegat Light. The caller reported two individuals catching and hiding multiple tautog in trash bags in the rocks of the jetty. The season for retention of tautog was closed. Thanks to the observations of the complainant, Detective Harp was able to apprehend one of the individuals as he attempted to offload a backpack of tautog into a vehicle. A total of 19 closed season tautog, 18 under the minimum size, were recovered. The Individuals were issued court mandatory summonses and face penalties totaling \$3,700.00.

On Sunday, June 14, 2020, CPOs Henderson and Woerner were on boat patrol in the Atlantic Ocean when they observed an unknown purse seine catch vessel, set vessel, and carry vessel off Sandy Hook actively hauling in Atlantic menhaden just over two miles off the beach. As the CPOs closed the gap to perform an inspection, the carry vessel immediately started to leave the area toward Federal waters and the catch vessel released all the Atlantic menhaden in their net. Upon speaking with the operator of the catch vessel, it was determined none of the vessels or operators were licensed to fish for Atlantic menhaden in New Jersey waters and all the Atlantic menhaden were intended to be landed in New Hampshire. The operator and the owner of the catch vessel was charged with not possessing a New Jersey Menhaden Purse Seine Vessel License and taking Atlantic Menhaden from New Jersey waters on Sunday. The operator of the catch vessel was also charged with not possessing a New Jersey Menhaden Operator's License and for releasing dead fish from its net into the waters of the State.

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

This year, MFA implemented an ITQ system for the commercial purse seine menhaden fishery. A bill has been introduced to change how the allocation is done. This bill would require that an ITQ is based upon eight years of landings, rather than only five. If bill is passed, it would not take effect until 2021. It has been through its first reading with more updates to come as it moves through.

NMFS is changing their commercial retention limits for Aggregated Large Coastal Shark and Hammerhead. Effective June 19<sup>th</sup>, 2020, ALCS possession increases to 55 large coastal sharks (sandbar sharks excluded) or hammerheads per vessel per trip within state waters. No action required by Council.

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

Mr. Cimino gave a presentation summarizing highlights of MAFMC October meeting.

- **Black Sea Bass Commercial State Allocation Amendment** – A draft amendment to reallocate state-by-state black sea bass quotas due to changing stock distribution was discussed. This has been an ongoing discussion and will continue. Sub-options under the trigger approach were modified and an alternative to consider federal in-season closures

when the coastwide quota/buffer is projected to be reached was added. The goal is to continue development of all other management approaches presented.

- **Summer Flounder, Scup and Black Sea Bass Commercial/Recreational Allocation Amendment** Items in the Amendment will review and potentially modify allocations of TAC or landings between commercial and recreational sectors for summer flounder, scup, and black sea bass. Three issues were removed from the amendment for further consideration through a separate process. Final alternatives are expected to be approved during the August meeting.

- Mr. Rush asks if there has been any discussion regarding adjusting seasons due to days lost due to COVID-19. Mr. Cimino responds that there were discussions about states putting forward proposals, but ultimately delayed for consideration at a later time. If a species is considered overfished or overfishing is occurring, it is unlikely that any changes to seasons will occur. Mr. Rush proposes to Council that moving forward, adjustments must be made at the Council level to benefit New Jersey fishermen. Dr. Bochenek agrees with Mr. Rush's statement.
- Mr. Hollinger asks whether these fishermen would be eligible for the CARES Act money using data put together from previous years. Mr. Cimino states that they will be eligible.
- Mr. Brust explains tautog regulations – no talk of size or bag limit changes, and no real opportunity to change seasons between now and end of the year.
- Dr. Bochenek suggests opening the fall season earlier. Mr. Brust states this would qualify more as a bag limit change and not a season change, and that MFA would need more direction from ASMFC on whether this would be allowed.
- Mr. Cimino explains that the point of the CARES Act is to provide compensation for this missed time.
- Mr. Wark asks whether any mechanism has been discussed to quantify the loss of the for-hire sector. Mr. Cimino responds that an option being discussed is to use previous years' data, but the unknown recreational data may not be quantifiable.
- Mr. Rush suggests extending the sea bass season, Mr. Brust states it is something we can look into. MFA is currently working on something similar. It may not be possible to do before the August ASMFC meeting due to furloughs.
- Director Golden presents option of discussing this issue and approach with the Black Sea Bass Committee.

Motion to request that staff address the possibility of adjusting the sea bass season to account for COVID losses and to provide a proposal to ASMFC for the August meeting.

Motion by Mr. Rush, seconded by Dr. Bochenek.

- Mr. Herb opens for public comment. No comments.
- Mr. Donnelly makes a comment discouraging the separation of recreational fishing into for-hire vs. individual.

- Mr. Cimino explains that we cannot prove, quantify, or show that private recreational fishing wasn't operational because MFA surveys were suspended.
- Motion carries with no opposition.
- **Bluefish Allocation and Rebuilding Amendment** – Reviewed FMAT recommendations on proposed alternatives and removed alternatives that used using NEFSC's recreational discard estimation method. Requested FMAT include a new set of alternatives to explore ability for states to have a minimum default allocation. Expect to approve final alternatives at the December meeting.
  - Mr. Wark asks if the split will still be based on historic levels. He expresses concern for industry due to the unpredictable movements of bluefish. He doesn't want New Jersey to lose a share even if fish are not immediately present.
- **Illex 2020-2021 Specifications** – A 48-hour Illex reporting requirement was adopted for dealers after July 15 until a directed fishery closure, and a lowered directed fishery closure threshold of 94% was established to allow for in-season adjustments. It was requested that NOAA use in-season adjustment authority to raise the 2020 quota and will request dealers to voluntarily report 2020 Illex landings within 48 hours.

Mr. Cimino closes with other business. NMFS is resuming At-Sea Observer Monitoring on August 1. MAFMC is submitting a letter due to concern regarding the health of fishing crews/observers. Discussion on how/when to resume in-person meetings and options for holding "hybrid" meetings are ongoing, but upcoming meetings will be held via webinar for now. The President signed an Executive Order that tasked fishery management councils with developing prioritized lists of recommended actions to reduce burdens on domestic fishing and to increase production within sustainable fisheries. Final action on mackerel, squid, butterfish FMP Goals/Objectives, and Illex Permits Amendment will be taken at the next meeting.

#### 4. Bureau Reports – J. Brust

Mr. Brust presented the Marine Fisheries Bureau report.

- SBBP Update:

<b>SBBP update - as of 7/6/2020</b>		
	Individual	For-hire
Permits	4,363 <sup>b</sup>	191
Fish	35	107
Total pounds = 968.4		

- Artificial Reef update: Two deployments occurred in June without issue and videos are posted on the Division's website:
  - 150' long caisson gate deployed on June 8
  - 65' tug boat deployed on the Sandy Hook Reef on June 9

- Mr. Brust indicated that most staff (biologists and technicians) have been furloughed for most of July. MFA is short-staffed for the next 2-3 weeks. Response times will be slow. Managers have not yet received furlough days.

Mr. Hollinger (Shellfish Council) states that shellfish sales are expected to drop off due to COVID. A new Council member was appointed to the Delaware Bay Shellfish Council.

Mr. Maxwell indicates a third Council member was elected and discussed possible new meeting place(s) once meetings are able to resume.

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

No regulatory actions at this time. There will be a couple at the September meeting.

## **6. Old Business**

- Colleen Brust provided an update on offshore wind activities.
  - Staff is starting to look into compensation for fisheries. This was spurred by a report from the Massachusetts compensation plan, which made many commercial fisheries unhappy. Staff spoke with their representatives to figure out the pros and cons of this plan.
  - Staff have been collaborating with BPU on the Draft OSW Strategic Plan, with emphasis on fisheries and wildlife recommendations. This plan has been drastically improved, and Council will be informed when it goes public.
  - The US Coast Guard has announced the Port Access Route Study for coastal NJ and approaches to the Delaware Bay. Staff has been looking at transit and how it relates to commercial and recreational fisheries. Stakeholder meetings were held in June to get information from representatives. The study has not begun and there will be further opportunities to provide feedback.
  - Solicitation for the New Jersey Offshore Renewable Energy Credits is coming up this Fall. BPU has asked staff to provide comments on fisheries related requests.
  - Gov. Murphy announced the NJ Wind Port in Hope Creek, Delaware Bay.
  - Atlantic Shores is currently working on their site investigation, and Ocean Wind is still waiting for the official release of their construction plan. Once released, this will start the clock on the Federal review for Ocean Wind.
  - Staff attended the NYSERDA Technical Working Group Meeting last month and their transit study was released. Study recently began on cabling and its effects on fishing. Staff will be collaborating with NYSERDA for policy making.
  - Vineyard Wind released the supplemental EIS and did an extensive transit review. EIS has been receiving public comment for a few weeks.

- Virtual meetings and RODA have been moving forward to discuss short and long term needs for science-related fisheries. The Executive Planning Committee has been created and Mr. Cimino has been appointed as NJ’s representative.
- Virginia just installed first turbines in US Federal Waters and set a new energy goal. This was a big leap for Mid-Atlantic Region.
  - o Mr. Rizzo asks about compensation plan – How do you have a compensation plan before you know what your damages are? Ms. Brust states that we are very far from that plan and the first priority for the compensation plan is to involve the commercial fishery. Mr. Wark explains it will start with baseline assessments to gauge the losses.
  - o Mr. Rush asks if the process has slowed up, or if it is still moving forward. Ms. Brust indicates that some processes have slowed down, which leads to other things moving slower.
- Mr. Herb comments on realigning committee structure now that the Council has new members.
- AC Bukowski gives highlights of the CARES Act updates. A significant amount of progress has been made. A spending plan is on target for July. New Jersey is front-loading so that checks can be dispersed as quickly as possible.
- Dr. Bochenek raises question on whether committees need to consider scheduling meeting dates via webinar. Mr. Brust states that most committees discussed have already met, but if something needs to be scheduled that can be done.

**7. New Business**

Mr. Herb discusses next year’s meeting schedule. The Council votes on the following preferred dates:

Date	Location	Time
Jan 7	Galloway	5:00 PM
March 4	Stafford <u>Twp</u>	5:00 PM
May 13*	Galloway	5:00 PM
July 8*	Galloway	5:00 PM
Sept 9*	Stafford <u>Twp</u>	5:00 PM
Nov 4	Galloway	5:00 PM

Mr. Brust will be providing ethics requirements to the two new members to complete training and briefing. The Council will need to take an annual 10-minute briefing to review and the full training must be done every three years.

## **8. Public Comment**

John DePersenaire (RFA) would like an update on the separation of spotted sea trout from weakfish to have it managed as its own species, since its stock status seems to be doing much better.

- Mr. Cimino states that since NJ is a member of the management plan, they are required to have a 12-inch minimum size limit. By regulation, both species are managed the same. However, the Board is currently going through the process of separating the two species. Spotted seatrout will still have the same regulations as weakfish, but the Council can take action once the separation is finalized.

Meeting is adjourned. The next Marine Fisheries Council Meeting will be held on September 9<sup>th</sup> at 5:00 pm at the Stafford Township Administrative Office.