

**Marine Fisheries Council Meeting
September 10, 2020**

Council Attendees:

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

Council Absentees:

DEP and Division of Fish and Wildlife Attendees:

Ray Bukowski – Assistant Commissioner, Department of Environmental Protection
Joe Cimino – Administrator, Marine Fisheries Administration (MFA)
Jeff Brust – Chief, Bureau of Marine Fisheries (BMF)
Russ Babb – Chief, Bureau of Shellfisheries (BSF)
Sean Cianciulli – Chief, Bureau of Law Enforcement (BLE)
Jason Snellbaker – Captain, BLE
Jeff Normant – Supervising Biologist, BSF
Heather Corbett – Supervising Biologist, BMF
Mike Celestino – Research Scientist, MFA
Colleen Brust – Research Scientist, MFA
Linda Barry – Senior Biologist, BMF
Tim Daniels – Assistant Biologist, BMF
Chad Power – Assistant Biologist, BMF
Matt Heyl – Assistant Biologist, BMF
Mike Auriemma - Assistant Biologist, BMF
Jessica Daher – Program Specialist, MFA
Kelly O'Neill – Program Specialist, MFA
Laura Versaggi – ACCSP Fisheries Specialist, BMF

Public Attendees:

David Kielmeier	Zack Greenberg
Scot Mackey	Kyle Hafstad
John DePersenaire	Kara Gross
Adam Nowalsky	Edmund Blaine
Jim Hutchinson	Tom Fote

The meeting was called to order. Notice of the Marine Fisheries Council (Council) meeting was filed with the Secretary of State on August 10, 2020. Mr. Herb welcomed Mr. Kaelin as the newest Council member and reminded everyone of recent changes in Council membership; Sergio Radossi is no longer a member. Mr. Herb described recent issues with Council, Council committee membership, and meeting attendance.

Approval of Minutes

Mr. Rush expressed his disappointment that the State did not submit a proposal to ASMFC for modified fishing seasons in response to COVID-19-related fishing day losses. Mr. Brust responded that staff considered the matter, but ability to work on this task was limited to due constraints on the process set by ASMFC in conjunction with state employee furloughs. Mr. Cimino added that it was not appropriate to submit a proposal because NJ had lost only one fishing day and it would have been too difficult to determine losses of the for-hire fleet by the given deadline.

Mr. Kaelin suggested that public attendees be listed in the Council meeting minutes.

Meeting minutes from the July 9th meeting of the Council were approved without revision. Motion made by Dr. Bochenek and seconded by Mr. Wark. The vote to approve was unanimous, without abstentions. Motion carried.

1. Enforcement Report – J. Snellbaker

On Thursday, July 9, Conservation Police Officers (CPOs) Moscatiello and Henderson responded to a complaint for out-of-season tautog being kept at the Manasquan Inlet. The complainant informed the CPOs that the fisherman had already put some tautog in his vehicle and had more out on the jetty. CPOs conducted surveillance of the Manasquan side of the inlet. Once the fisherman returned to his vehicle the CPOs initiated a fisheries compliance inspection. Upon inspection, the fisherman was in possession of two tautog inside his bookbag as well as an additional eight tautog in a cooler inside his vehicle. The fisherman was issued court mandatory summonses for taking 10 tautog during closed season as well as for 7 tautog that were under the legal-size limit.

On Thursday, July 9, CPO Raker received a complaint about an individual fishing the 96th St. Bridge in Stone Harbor, Cape May County, NJ with undersized summer flounder. CPO Raker conducted long range surveillance and observed multiple undersized summer flounder retained and walked across two lanes of traffic to the opposite side of the bridge, to a soft sided cooler away from the area the individual was fishing. Upon inspection, CPO Raker recovered 8 summer flounder, 6 of which were under the minimum size limit of 18" and 5 over the daily possession limit.

Over the past month District 8 conservation police officers apprehended a total of 74 people harvesting shellfish from prohibited waters, 62 people without a license, 5 people over their recreational limit, and 31 people harvesting on Sunday. Officers encountered the majority of these individuals while conducting routine patrols. This is a tremendous increase in the amount of people normally apprehended for these violations this time of year, and it is likely COVID-related.

On the weekend nights of July 27-28, District 8 officers conducted several land-based shark fishing patrols. Saturday night CPOs Raker and Harp inspected a vessel returning to the Corson's inlet ramp with 3-foot Sandbar shark laying on the deck. The sandbar shark, a prohibited species, was being kept by the anglers and had large knife stabbed into its head. Meanwhile, CPOs Meyer and Sloan were conducting surveillance in the area of Holgate for shore side shark fishermen. Two individuals were observed catching an approximate 6' sand tiger shark. The sand tiger, a prohibited species, was then needlessly drug high onto the beach where the individuals proceeded to take photos. CPO Meyer and Sloan intervened in the photo session after nearly 10 minutes and were able to return the shark to the water. On Sunday evening, CPOs Sloan and Tomlin conducted surveillance of shark fishermen in Cape May and made similar observations of individuals needlessly removing sandbar sharks from the water for extended periods of time. The weekend patrol resulted in multiple summonses for taking of a prohibited species and failure to register for the saltwater registry program. Additional warnings for taking of a prohibited species were issued. All cases involving the taking of prohibited shark species are forwarded to the National Marine Fisheries Service for additional enforcement action.

2. Legislative/Regulatory Report – J. Brust

Changes will be made to the recreational striped bass regulations to require mandatory use of circle hooks when using natural baits, starting Jan 1, 2021. New Jersey, in collaboration with American Sportfishing Association, is developing informative outreach materials. Examples of outreach flyers were presented to the Council as handouts.

Mr. Hollinger asked where the state was in the process of the crab pot/crab dredge regulatory package. Mr. Brust replied that it is in the same one as the menhaden package; that it has passed through the Division of Law Review. It still has another round of legal review and staff is trying to push the package through the system. It will go out for public comment for 60 days and should be posted in register by early next year.

Mr. Kaelin asked Mr. Brust about which menhaden package he was referring to. Mr. Brust responded that he was referring to the legal process to change menhaden legislation developed in

2013 following ASMFC Amendment 2 into regulation to allow for Council to make modifications as necessary.

3. Atlantic States Marine Fisheries Commission (ASMFC) Report – H. Corbett

Ms. Corbett provided a presentation summarizing items of the recent ASMFC Summer Meeting.

- **Striped Bass Board** — The 2019 Fishery Management Plan (FMP) review and compliance reports were approved. The Striped Bass Working Group Report was reviewed and Board members expressed support for including the Working Group's recommendation in the Public Information Document (PID). The development of an amendment was initiated, the PID will be reviewed at the October meeting. The motion to consider accountability measures for states that do not achieve required 2020 reductions relative to Addendum VI measures were postponed indefinitely due to limitations caused by COVID-19.
- **Atlantic Coastal Cooperative Statistics Program (ACCSP) Coordinating Council** — The governance survey results were reviewed and updates on program and committee activities were discussed.
- **South Atlantic Board** — Draft Addendum I to Amendment 1 to the Cobia FMP was approved. This Addendum would reduce commercial percentage allocations without reducing commercial quota below the 2019 level and make changes to calculating commercial triggers and *de minimis* status. Public hearings will be held virtually. Implementation plans will be due after the October meeting for review by the Technical Committee (TC) by the end of 2020. Implementation is expected in 2021. The terms of reference for the Red Drum Simulation Assessment were accepted.
- **Shad and River Herring Board** – The 2020 Shad Benchmark Stock Assessment and Peer Review Report was accepted. Results indicated that stocks remain depleted coastwide. Proposals to resolve management inconsistencies with Amendments for shad and river herring were approved. New Hampshire's request to close its river herring season next year was approved. The River Herring Technical Expert Working Group (TEWG) secured funding for a contractor to revise the Conservation Working Plan. The 2019 FMP review was approved for all states. Review of habitat plans were delayed until the October meeting due to COVID-19.
- **Atlantic Menhaden Board** — The use of Ecological Reference Points for management was approved. Fishery specifications for 2021-2022 were discussed. The TC was tasked to run a projection to help set specifications. This analysis will be reviewed at the October meeting to determine Total Allowable Catch (TAC) for 2021-2022.
- **Atlantic Herring Board** — The 2020 Management Track Assessment was reviewed; the stock is overfished but overfishing is not occurring, and recruitment remains at low levels. The New England Fishery Management Council (NEFMC) will review the results in September to set the 2021-2023 specifications. The Board will finalize

these specifications once the final rule is published by NOAA. Area 1A fishery performance was discussed and ME, MA, and NH will review this performance to consider changes to effort controls for Season 1.

- **Bluefish Board** — Progress of the upcoming amendment and recommendations from the PDT/FMAT were reviewed. Recreational sector separation was removed from the amendment. Approval of final alternatives are expected at the December meeting and public comment on the Draft Amendment is expected by February 2021. The 2019 FMP review and compliance reports were approved. The TC was tasked with reviewing the importance of recreational discards in assessments.
- **Summer Flounder, Scup, and Black Sea Bass Board** — The black sea bass commercial state allocation amendment draft options, which consider changes to state allocations of quota and Federal management of commercial fisheries, were approved. Public hearings are planned for the fall. The Recreational Reform Initiative to address recreational stability and flexibility for summer flounder, scup, black sea bass, and bluefish was discussed. Actions were postponed until the next joint meeting in August. The Massachusetts conservation equivalency proposal was approved to add for-hire sector dates to make up for COVID-19-related closures.
- **Administrative Committees** — The Executive Committee postponed discussion on the dividing of the South Atlantic Board until a later meeting. The Policy Board revised the stock assessment schedule; croaker, sturgeon, and spot assessments were pushed back two years, river herring was delayed one year, and jonah crab and horseshoe crab were scheduled for 2023.

Mr. Rush expressed disappointment at the State's inability to send a proposal to ASMFC to make up for lost fishing days for the for-hire sector. Mr. Cimino responded that the State lost one day of fishing and that it would be too uncertain to quantify days or quota that should be given back. Mr. Rush said being limited to ten people for fifteen days and losing the month of April blackfish was limiting the ability to fish. This could have been extrapolated over the fleet of party boats to make an attempt at sending an application. Dr. Bochenek asked if eVTR data could have been used to see who would have fished. Mr. Cimino responded that not everyone is required to submit eVTR data unless fishing in federal waters. Mr. Rush said that they are not fishing in state waters during those months.

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

Mr. Cimino provided a presentation summarizing items of the recent MAFMC August Meeting:

- **Mackerel, Squid, Butterfish Specifications** — There are no major changes to the Atlantic mackerel stock status, the ABC of 29,184 mt and Domestic Annual Harvest (DAH) of 17,312 mt will be maintained, and the management track assessment update is planned for 2021. The river herring/shad cap is to be maintained at 129 mt for 2021-2022. Issues surrounding localized bycatch, using trawl data to define the

- cap, and observer coverage to quantify bycatch were discussed. The longfin squid stock is not overfished and overfishing status is unknown; specifications were maintained with an ABC at 23,400 mt for 2021-2023 and status quo commercial quota. There is a management track assessment planned for 2023. The butterfish stock is not overfished and overfishing is not occurring, although biomass is at 69% of target levels and recruitment is low. The 2021 and 2022 ABCs were adopted at 11,993 and 17,854, respectively, and the Council recommended DAHs of 6,350 mt for 2021 and 11,495 mt for 2022. The research track assessment is planned for 2022.
- **Summer Flounder, Scup, and Black Sea Bass 2021 Specifications** — Under the risk policy adopted by MAFMC, specifications were changed to allow for increases in Acceptable Biological Catch (ABC) of approximately 8% for summer flounder, 13% for scup, and 16% for black sea bass. This increase for black sea bass would result in a commercial quota and RHL increase of 9%, marking the highest landings limit ever implemented. There were discussions about opening a February black sea bass season, but initial estimations of recreational harvest by states need to be revised. New Jersey was estimated to harvest over 80% of total catch, which was based on outdated VTR data. Options on how to quantify potential February harvest were discussed.
 - **Bluefish 2021 Specifications** — The 2021 specifications were reviewed based on the new risk policy, and status quo specifications were adopted. The Council recommended no transfers from recreational to commercial sector, given the poor status of the species and that the recreational sector is expected to harvest the entire RHL. There will be a rebuilding plan initiated in 2021.
 - **Commercial/Recreational Allocation Amendment for Summer Flounder, Scup, and Black Sea Bass** — The FMAT-recommended alternatives for commercial/recreational allocation options were approved. Alternatives related to sector separation in the bluefish fishery were removed from this amendment and will be considered for an omnibus amendment. Discussions for the Recreational Reform Initiative will happen during the next meeting, and review and approval of the public hearing document is expected in December.
 - **Surf Clam and Quahog Specifications & Other Management Issues** — Stock assessment results were discussed; overfishing is not occurring and there is a low probability of either species being overfished. Specifications are well-managed and recommendations were made to set specifications for the next 6 years (2021 – 2026). Recommendations were made to continue suspension of the minimum shell length requirement for 2021.
 - **Administrative Items** — Mike Luisi was re-elected as MAFMC Chair and Paul Weston (Wes) Townsend was re-elected as Vice Chair. New members were appointed representing NY and PA, members representing NY and MD were reappointed, and 3 members departed. Public comments on Executive Order 13921

Promoting American Seafood Competitiveness and Economic Growth were reviewed. Councils were tasked to prioritize recommendations to reduce burdens on domestic fishing and to increase production within sustainable fisheries. The Executive Committee will review these recommendations at the October meeting.

- **Other Business** — The Scientific and Statistics Committee (SSC) discussed considerations of including social sciences and economic impacts when making fishery management decisions. A working group was established to better define economists' role in setting ABCs. A letter to NEFMC was drafted to request prioritization of development of an amendment to address leasing in the full-time limited access scallop fishery. A letter was submitted to NOAA Greater Atlantic Regional Fisheries Office (GARFO) discussing ongoing COVID-19-related concerns about continuation of the observer and at-sea monitor program aboard commercial vessels. Both NEFMC and MAFMC were granted a coverage requirement waiver for July, but the program was restarted in August. MAMFC submitted a letter of support to GARFO to continue coverage waiver until the end of the year.

Mr. Rush asked if the bluefish stock assessment considers both the inshore and offshore migration because the inshore run is not happening, but the offshore run is. Mr. Cimino agreed that stock movements affect commercial and recreational catch and stock assessments are subject to that variability. Mr. Cimino stated that fishery independent data should give the more representative signal of changes of movement and stock health and that the next assessment and rebuilding plan will give better idea of changes. Mr. Rush responded that there are plenty of fish offshore, even though there are not as many inshore, and that fishermen should not be penalized if changes occur in migration patterns. Mr. Cimino stated that recruitment patterns are a driving factor in stock health and indices of recruitment are not catch driven.

Mr. Rush asked if there has been discussion to not have the potential February black sea bass season count as mandatory payback. Mr. Cimino replied he has not heard anything about not accounting for payback and that in order to harvest in February there would have to be an accounting system in place. Mr. Rush stated that counterparts in Virginia said only one or two permits were issued for February and that once payback estimates are made again, it should be discussed.

Mr. Brust responded to Mr. Rush's earlier question, that the Bluefish TC is aware of potential changes to migration patterns. Mr. Brust recommended use of the State's Volunteer Angler Survey to submit data that might better help understand these changes.

Mr. Nowalsky provided a variety of additional updates from the recent ASMFC and MAFMC meeting reports: all actions of Summer Flounder, Scup, and Black Sea Bass were joint actions as part of both MAFMC and ASMFC; the Recreational Reform Initiative discussion should occur at

the October ASMFC Annual Meeting; the commercial black sea bass amendment public hearing is scheduled for October 27; an analysis was done to derive MRIP numbers from February VTR data to provide recreational harvest when MRIP is not sampled in February and the most recent estimate of 450,000 lbs. needs to be reconsidered; regarding the TC analysis of menhaden, if Board is able to meet 50% probability of meeting the target, it would result in a 20% cut to quota; the Tautog Board met separately from the ASMFC meeting and discussed that NJ and most other states have a mandatory tagging program for the commercial fishery, but NY and CT do not. Mr. Nowalsky commented that the MAFMC risk policy is positive outcome for the future of decision making.

Mr. Kaelin asked if both proposals for black sea bass and fluke reallocation amendments talk about trade off between catch-based and landing-based methods, because it is a controversial issue. Mr. Cimino responded that management needs to go to the public with a better explanation of these issues. Mr. Cimino also mentioned that summer flounder, scup, and black sea bass are all managed under one plan by NMFS and ASMFC staff and not by individual state membership.

Mr. Kaelin commented that menhaden could face a possible 32% reduction. He suggested to the Council members that the Menhaden Board should look into this issue and review models before the meeting because there is a lot of money to be lost by the industry.

Mr. Wark responded to Mr. Cimino's earlier comments on bluefish that with the loss of transfer from the recreational to the commercial sector, there is great concern that the Barnegat Light and Pt. Pleasant fleets could not stand to lose more to the recreational sector. Mr. Cimino replied that states are willing to transfer commercial quota due to the species' low dollar value and that projections showed that if we had a few years of reducing fishing mortality, like we have had in 2020, that might help to rebuild the stock. Mr. Fote noted the change to 10 fish limit in the 1980s still resulted in stock declines. Mr. Fote commented that he does not believe bluefish recruitment contributes to fishery health. Mr. Fote concluded that public representation at meetings is very important to get voices out to Councils for both the recreational and commercial sectors. Mr. Rush responded to Mr. Fote that people do not comment and participate at meetings because they believe that the Council doesn't listen to comments and issues posed by public members, which makes them frustrated. Mr. Fote replied that it is still important to participate.

5. Bureau Reports — J. Brust

Mr. Brust shared his screen of the NJ Fish and Wildlife Story Map that was created to direct consumers to support local fresh seafood dealers during the COVID crisis. Mr. Rush asked if there is a similar resource for the for-hire sector. Mr. Brust replied that there is a directory already online that needs updating.

The Striped Bass Bonus Program has, as of Monday (9/7), 6,667 individuals and 123 party boats enrolled. Staff is still getting caught up with backlogged applications. Harvest is at 1,100 lbs. from 169 fish; 114 fish are from party boats and 55 from individuals.

NMFS has given control of the For-Hire Telephone Survey to states, which started July 1. Staff has been calling 35-65 randomly selected for-hire vessels every week to gather data on number of trips, number of passengers, and whether trips were private or paid to gather fishing effort data.

The Bureau is trying to extend the time period for harvest license renewal deadlines because the Marine Fisheries office is closed to the public. It will be sending out information by early to mid-October.

Mr. Nowalsky asked if there is there a way to notify for-hire sector captains about when they might receive a call from the state and if the phone numbers used to call them could be disclosed; since it is less likely for a captain to answer an unknown phone number. Mr. Brust responded that the protocol is to send letters of selection each time vessel is selected, that messages are left when there is no answer, and calls are made at different times of day. Mr. Rush asked if it would be advisable to separate the random sample by party boat and charter boat sectors. Mr. Brust commented that it would make sense to stratify the sample and that the system may already be set up that way.

6. Shellfish Council Reports

- Delaware Bay — B. Hollinger

The direct market harvest program, as of September 9, has harvested a total of 66,800 bushels of the 97,103 bushel quota. The high mortality region was closed July 28, while the shell rock and medium mortality beds remain open. Nantuxent had about 75% of high mortality harvest. The total harvest in shell rock is 32,800 bushels of the 46,984 bushel quota. The overall CPUE is about 125.7 bushels per boat per day, with CPUE for shell rock is 134 bushels per boat per day, and CPUE for medium mortality region at 45 bushels. The season closes on November 27, and with markets at present state, it is unsure whether the total quota will be harvested.

The Nantuxent channel dredging project had a meeting on August 21 to discuss alternatives to the planned project, since initial survey results were unfavorable. Sediment for the proposed channel were too silty and did not have enough sand for the planned beach replenishment. Stockton will conduct further surveying in September to determine if a northern channel path can be used. The DOT has set aside funding in their 2021 budget. Dredging is expected next fall, pending approval of an area to put the material.

- Atlantic Coast — J. Maxwell

There is a new member to the Atlantic Coast Shellfish Council, representing Cape May County. This puts the Council at membership from three of the five participating counties, but representation is still vacant for Monmouth and Burlington counties. Regular business and transfers are being conducted. Because the Nacote Creek office is closed, Jeff Normant was asked to share information about how lease renewals will be done. Mr. Normant explained that payment and renewals will be done by mail, transfers will be held off until January, and no new leases applications are being accepted due to staff and office work limitations. Mr. Hollinger asked about how staff is going to confirm that lease holders are receiving the letters and packages. Mr. Normant assured that letters will be sent appropriately, phone calls will be made, and that there will be leniency in the process.

7. Committee Reports

Mr. Herb discussed the Commercial Summer Flounder Committee Report. Main concerns from the last Committee meeting focused on the underutilized commercial quota. There was a 50/50 split by the Committee; half wanted to reduce effort to maintain price, while the other half wanted to increase trip limits to make a trip worthwhile. An issue is that if quotas are adjusted by state in the future, and NJ decides to reduce catch to keep price high while others keep higher catch, NJ could get a reduction in the future. Mr. Herb shared the report with the following trip limit options: 700 lbs. seven days a week, 1,250 lbs. four days a week, 2,500 lbs. two days a week, 5,000 lbs. one day a week, or 6,000 lbs. one day a week. No action is needed by the Council.

Mr. Kaelin asked if or when the Marine Fisheries Council will be able to vote or weigh in on this. Mr. Brust explained that the State passed recent regulation that allows the Commissioner to change summer flounder and sea bass trip limits one season at a time to make up for leftover quota. Mr. Brust followed that it must be done by letter and needs advisory support. Mr. Kaelin commented that he would like to see the 6000 lb. limit because he does not think managers or Councils should set regulations to influence the marketplace.

8. Regulatory Action

It has been federally mandated that New Jersey modify its state shark regulations to align with an ASMFC Atlantic Coastal Shark FMP Amendment that required closure of inshore waters during the pupping season. Specifically, this closes commercial and recreational aggregate large coastal species (LCS) and hammerhead groups fisheries in state waters from May 15 through July 15. Currently, New Jersey's shark regulations simply refer to those of NOAA Fisheries, which does not include inshore state water closures; thus New Jersey does not close its state waters during this time. This change will close that loophole. A draft notice of these changes was distributed to Council members before the meeting.

Motion made by Mr. Hollinger to approve the draft notice of the rule change, seconded by Mr. Maxwell.

Mr. Rush asked what the timeline would be for implementation. Mr. Brust responded that it could be completed before the November meeting.

Vote on the motion resulted in unanimous approval with no abstentions. Motion carried.

9. Old Business

Mr. Brust reminded Council about completing ethics training and submitting the outside activity questionnaire.

Mr. Herb discussed the updated letter of solicitation and application for becoming a Council Advisor. Mr. Kaelin suggested providing the date that the letter and application was revised and approved by Council.

Mr. Brust provided a brief wind energy update. The Department is working on an update to the Environmental Working Group. Full update of these issues should be coming soon. Dr. Bochenek noted that a new application window was opened for NJ's second offshore wind solicitation, which is for 7500 MW.

Mr. Cimino provided the CARES Act update. A spending plan was sent to NOAA and comments were sent back. In attempt to speed up the process in the fairest way, staff attempted to create a tier system and predict losses of each sector (dealers, for hire, commercial, and aquaculture). It was also proposed to have a first-come, first-served process where individuals who sent applications first can receive payment first. However, NOAA could not approve a process to potentially run out of money before all applications are received. Staff decided to slow the process down to understand the total losses for each sector, which will then better inform how to proportionately and fairly send checks. Resubmission of the spending plan is coming soon and there is high confidence it will be approved. Once the details of the plan are finalized, it will be highly publicized and shared with the Council about where and how applicants can complete the application. AC Bukowski assured that the submittal was going to occur as soon as possible. Mr. Cimino provided additional minor details about the discussion with NOAA in preparing a formal submittal.

Mr. Herb reviewed next year's Council meeting dates.

Motion made by Mr. Rush to accept next year's meeting dates, seconded by Mr. Kaelin. Vote to unanimously accept meeting dates with no abstentions. Motion carried.

10. New Business

The MAFMC submitted a letter in opposition of restarting the observer program on August 14 and requested continuation of the observer program delay until the end of the year. A copy of the letter was distributed as a handout to Council members prior to the meeting. Mr. Wark commented that the observer coverage worries fishermen in Barnegat Light, many of which have underlying health conditions and are at risk of COVID, and that a truncated fleet has led to additional overwhelming pressure for observer coverage.

Motion made by Mr. Wark for the Council to send a letter to mirror the MAFMC letter in opposition of restarting the observer program. Seconded by Dr. Bochenek. Vote in support of motion was unanimous, with no abstentions. Motion carried.

Mr. Brust made Council aware of the Presidential Executive Order about the promotion of American seafood production and the creation of a National Seafood Council. There has also been a press release regarding federal support for seafood export tariffs on certain species. Mr. Fote shared information about recent similar items discussed within NOAA MAFAC; including involvement with promoting seafood industry, its proposal for research on impacts of wind turbines, and electronic reporting for recreational fisheries.

Mr. Herb reminded the Council of upcoming meetings and issues with black sea bass and fluke, and asked Mr. Brust if the recreational fluke size option of 17.5 inches has been considered. Mr. Brust responded that staff is not ready to work on the recreational regulations, as the commercial regulations need to be completed first. Recreational measures should be discussed by spring. Mr. Herb suggested that the Council begin work on recreational measures sooner to avoid running out of time with discussions in the late winter and spring. Dr. Bochenek commented that the Council needs to think about a way to avoid the two-week lull period that fishermen in southern part of the state experience between when fluke season closes and black sea bass opens. Mr. Rush commented that the Council should be proactive rather than reactive to this issue, and that it should explore options such as a slot size or other suggestions by the public. Mr. Brust responded that the Council was made aware in the past that the fluke season would be only 60 days long for a 17-inch minimum size.

Discussion transitioned to collection of data to study size distribution of summer flounder in the north vs. south of the state and inshore vs offshore. Comments were made by both Dr. Bochenek and Mr. Rush that the data needs to be collected. Mr. Brust agreed that there needs to be innovative and proactive plans to better collect the data.

Mr. Brust asked Mr. Kaelin what the goals would be in having a Menhaden Committee meeting in mid-October because the timing is difficult. Mr. Kaelin responded that it is a tremendously important issue for the state and that the public should be informed of quota options being

considered by ASMFC, and potential outcomes. Mr. Kaelin explained that the F rate is well below the target reference point, which would allow for enough menhaden under rebuilt striped bass fishery conditions; thus, he believes there is no reason to cut the fishery quota up to 32%. Mr. Kaelin concluded that with this cut quota, the state would lose significant economic opportunity next summer.

11. Public Comment

Mr. Nowalsky brought to the public's and Council's attention an irregularity in for-hire sector eVTR reports from April 2018 to June 2019. An analysis found that up to 50% of party vessel trips were incorrectly submitted as charter vessel trips because one of the applications used to submit eVTRs only offered two trip type options from which to select, charter or commercial. Any operator using this software could select charter, even if it were a party boat trip. The software was updated in April 2019, but not all operators have used the updated version. Additionally, this issue would introduce questions of the validity of historic for-hire sector data in discussions of further separating charter and party sectors. Dr. Bochenek claims that NOAA is going to scrub the historic data, so it will not be used in the assessment. Mr. Nowalsky said he would advocate for not scrubbing the data, but rather fixing the data.

John Hutchinson followed up on previous inquiries regarding the separation of spotted sea trout from weakfish specifications. Mr. Brust responded that the two species are considered the same under current regulations and that new regulations have been drafted to separate them. Mr. Brust was unsure of a timeline for when these will be implemented. Mr. Hutchinson also asked about how angler intercept data is separated from for-hire eVTR data in analysis, such that there is no overlap in data. Mr. Brust replied that they are treated entirely differently in analysis, and that the MRIP is comprised of both intercepts and FHTS. Intercepts capture catch data, FHTS captures effort.

John DePersenaire of the Recreational Fishing Alliance expressed disappointment that a proposal for a black sea bass extension was not submitted to the Commission. He noted that it is important to not only think of the lost revenue to captains and crew, but also the lost days that anglers have to access NJ resources. He also commented that the RFA would not support exemptions to the striped bass circle hook regulation, such as allowing the use of J hooks in the for-hire sector. Lastly, he commented that he hopes the state can figure out how to collect data on discard mortality in the recreational summer flounder fishery, especially in south Jersey and inshore waters.

Scott Mackey voiced support for Council's concern about the issue surrounding commercial fisheries observer program.

Meeting is adjourned at 8:10PM. The next Marine Fisheries Council Meeting will be held on November 5, 2020. It is to be determined whether it will be held as a webinar or at Atlantic County Library-Galloway Branch.