

Marine Fisheries Council Meeting
January 7, 2021

Council Attendees:

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

Council Absentees: none

DEP and Division of Fish and Wildlife Attendees:

Jeff Brust – Chief, Bureau of Marine Fisheries (BMF)
Joe Cimino – Administrator, Marine Fisheries Administration (MFA)
Mike Celestino – Research Scientist, MFA
Heather Corbett – Supervising Biologist, BMF
Matt Heyl – Assistant Biologist, BMF
Jessica Daher, Program Specialist, MFA
Jason Snellbaker – Captain, Bureau of Law Enforcement (BLE)
Laura Versaggi – Fishery Specialist, ACCSP
Timothy Daniels – Assistant Biologist, BMF
Kelly O’Neil – Program Specialist, MFA
Linda Barry – Senior Biologist, MFA
Jeff Normant – Supervising Biologist, Bureau of Shell Fisheries (BSF)
Jennifer Tomko –Senior Biologist, BSF
Michael Auriemma – Assistant Biologist, BMF

The meeting was called to order. Notice of the Marine Fisheries Council (Council) meeting was filed with the Secretary of State on December 8, 2020.

Approval of Minutes

Council reviewed the minutes from the November 5th meeting and requested edits to the discussion on development of recreational summer flounder regulations. Motion made to postpone approval of the meeting minutes until the March Council Meeting. Motion made by Dr. Bochenek and seconded by Mr. Rush; Motion carried unanimously.

1. Enforcement Report – J. Snellbaker

CPO Henderson and RCPO Capri observed a vessel returning to a marina in Ocean Township, Ocean County. Upon inspection of the vessel, it was discovered that the group of five fishermen were in possession of eight striped bass. Three of which had bonus tags just slipped through the fish’s gills, but not properly secured. Through further investigation, RCPO Capri was able to determine that two of the bonus tags belonged to friends of the captain who were not even fishing on that trip. The appropriate summonses were issued.

With the fall striped bass migration in full swing, Marine Region CPOs performed multiple boat patrols off the New Jersey Coast from Cape May north to Sandy Hook. The primary focus of these patrols was to enforce the federal regulations pertaining to the unlawful taking and possession of Atlantic striped bass in the Exclusive Economic Zone (EEZ). More than a dozen cases involving anglers taking and possessing Atlantic striped bass in the EEZ were made, and each violation carries a penalty of \$500 per striped bass. The cases were referred to the National Marine Fisheries Service for prosecution. CPO Moscatiello responded to a complaint at the Manasquan Inlet, Point Pleasant Beach involving a fisherman allegedly catching and keeping undersized and out-of-season summer flounder. The caller was able to give an accurate description of the individual including the license plate of a vehicle the fisherman was placing the fish in. Based on the thorough details provided, CPO Moscatiello was able to quickly locate the suspect's vehicle just as the fisherman was packing his gear up and getting ready to leave. As the officer approached the rear of the vehicle, he could see several summer flounder located in an open cooler. Additional summer flounder were still in the fisherman's bucket, and the fisherman admitted to catching and keeping all the fish. In total the fisherman was in possession of 17 summer flounder during the closed season, all of which were less than the legal-size limit of 18 inches. The appropriate summonses were issued.

Although the limit was one fish, the tautog fishing activity in late October/early November continued to be high and CPO's made significant cases by both land and boat. In North Wildwood, CPO's Raker and Tomlin apprehended two individuals with 47 undersized tautog and 5 undersized black sea bass. Three days later while conducting inspections of vessels returning to the Spicer's Creek boat ramp, CPOs Tomlin and Raker located 14 tautog in a small inflatable boat; 12 of which were undersized. Shortly after clearing the inspection of the inflatable boat, CPOs Raker and Tomlin inspected a second vessel. The individuals denied having any fish on board, however, CPO Tomlin located a hidden compartment containing 24 tautog, 15 of which were undersized. The following week CPO's Harp and Sloan conducted an inspection of a small vessel returning to Spicer's Creek boat ramp. The inspection revealed 17 tautog, 10 undersized, which were in multiple compartments and coolers onboard the vessel. All parties apprehended for violations involving tautog face penalties of \$100.00 per fish.

November 1st marked the opening of the 15 fish black sea bass season. During this time anglers may retain 15 black sea bass with a minimum length of 13 inches. Officers in District 8 had received complaints of patrons on a Cape May County party fishing vessel exceeding the daily bag limit and retaining undersized black sea bass. On November 10, CPOs Tomlin, Harp, and Lieutenant Petruccelli conducted an inspection of the party vessel as it returned to the dock. Nearly all the patrons onboard the vessel were found to be in violation of black sea bass size and bag limits. A total of 289 black sea bass were seized and donated to Atlantic City Rescue Mission. A total of 17 summonses were issued for undersized and/or over the limit black sea bass. On November 14, CPO's Raker, Meyer, Sloan and Lt. Petruccelli conducted an inspection of a different Cape May County party fishing vessel as it returned from a black sea bass trip. Several patrons were found in violation and a total 10 summonses were issued for the 80 undersized/over limit sea bass.

Responding to complaints in the area CPO Klitz and Recruit Szalc conducted a tautog patrol on the "canal" in Point Pleasant Borough, Ocean County. The CPO's quickly located three individuals keeping tautog under the current size limit of 15". The subjects were successfully apprehended with over 20 undersized tautog. The officers seized the fishermen's gear and issued multiple summonses for the violations.

CPO's Klitz and Woerner conducted a night patrol for striped bass violations in Perth Amboy, Middlesex County. Just before 2300 hours the officers conducted a foot patrol and found multiple groups in violation for possessing undersized striped bass as well as over their daily possession limit. A total of 10 undersized striped bass were seized and multiple summonses were issued to the individuals totaling \$1,000 in penalties plus costs.

CPO Henderson and Recruit Capri were conducting a boat patrol in the Atlantic Ocean off the coast of Seaside Park, Ocean County. They observed a vessel with three fishermen onboard actively trolling for striped bass and in the process of reeling one in. As the CPOs approached the vessel one of the fishermen hastily bent down out of sight at the stern of the vessel. Moments later the fisherman in question stood up and was holding two dead striped bass with one having a bonus tag attached. Once the hooked striped bass was landed, Recruit Capri boarded the vessel and verified there were only three striped bass onboard. After observing the corroded condition of the metal striped bass bonus tag, Recruit Capri suspected foul play was taking place with the bonus tag. After a brief interview, the fisherman admitted the bonus striped bass only had the bonus tag slipped through the gill plate and was not securely fastened prior to the approach of the CPOs. With the intent to circumvent the regulations so additional bonus fish could be taken at another time, the fisherman was issued a summons for failing to properly tag a bonus fish immediately upon retention.

CPO Moscatiello and Recruit Capri were conducting surveillance of the Barnegat Bay at the Barnegat Light Boat Ramp when they observed two fishermen inbound to the High Bar Harbor Marina. CPO Moscatiello and Recruit Capri then relocated to the High Bar Harbor Marina to conduct an inspection of the vessel. Upon inspection the two fishermen were in possession of three striped bass. Recruit Capri spoke with the operator of the vessel who claimed that they had dropped off a third fisherman at Van's Marina because he was not feeling well. The operator provided a detailed description of the third fisherman to Recruit Capri. When the alleged third fisherman arrived on scene, he did not match the description that the operator gave, was unaware of which boat they fished on, and couldn't retrace of the events that happened aboard the vessel that day. The operator then admitted that the third fisherman had not been on the vessel at all that day. Recruit Capri issued a summons for possessing one striped bass over the daily limit and an additional summons for interference.

In November, CPO Tomlin and Recruit Szalc began reviewing commercial fishing vessel trip reports for the port of Cape May. The officers discovered a summer flounder landing that exceeded the allowable daily landing limit by 2,000 pounds. The discovery prompted further investigation by CPO's Raker, Tomlin, and Recruit Szalc. Through a course of interviews, it was determined there was a

miscommunication between the dealer and the vessel which led to the vessel bringing in over the trip limit. Summonses for landing over the daily trip limit and accepting summer flounder in excess of the trip limit were issued to both the vessel and the dealer.

CPOs in Cape May have been busy with the implementation of the new possession in excess of daily limit vessel license. This license allows vessels to enter port and offload catch while retaining summer flounder and black sea bass onboard that is bound for another state. On December 13th, CPO Tomlin and Recruit Szelc conducted an inspection of a commercial fishing vessel in Cape May. The vessel operator claimed to be landing scup and summer flounder under New Jersey daily landing limits and had black sea bass on board bound for Virginia. The vessel, which did not have a New Jersey black sea bass landing permit, had failed to notify the department of any landing. This is an essential requirement in the law which allows enforcement to monitor the excess fish which are being landing in New Jersey. CPO Tomlin and Recruit Szelc issued the appropriate summonses for failing to call in for the possession in excess of a daily limit landing, failing to call in for a directed summer flounder landing, and exceeding the bycatch limit of black sea bass.

District 8 CPOs have been actively inspecting party fishing vessels in Atlantic and Cape May counties stemming from large quantities of undersized/over the limit fish being found in early November. On November 28th, CPO's Tomlin, Meyer, Sloan, and Recruit Szelc inspected two Cape May party boats returning from black sea bass fishing trips. The officers inspected patrons as they departed the vessels and recovered approximately 75 illegal black sea bass. A total of 11 summonses were issued primarily for possession of over the daily limit of black sea bass. This increased inspection frequency of party fishing vessels in Cape May and Atlantic Counties has had a noticeable impact on the violation rate of patrons as more recent inspections have resulted in minor, if any, violations.

2. Legislative/Regulatory Report – J. Brust

Mr. Brust provided Council with a document containing a list of bills and the activity associated to each, on both the State and Federal levels, for review. In addition, Mr. Brust noted that the Notices of Administrative Change for the large coastal shark season closure and the commercial black sea bass and summer flounder trip limits were approved by the Commissioner.

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

Mr. Cimino provided a presentation to summarize all meetings held during MAFMC December Meeting (Dec 14-17, 2020).

The Summer Flounder, Scup, and Black Sea Bass Management Board set the recreational regulations for 2021 at status quo. The Commercial State Allocations Amendment was postponed until the February Management Board meeting. New Jersey has requested their own public hearing on the Commercial and Recreational Allocation Amendment, to be held in January or early February.

The Bluefish Management Board set recreational harvest measures at status quo. Draft Addendum II to Amendment I of the Fisheries Management Plan (FMP) was initiated. This addendum updates the sampling effort to meet the Technical Committee's recommendation on seasonal abundance targets and age data collection.

The MAFMC discussed revisiting the research set aside program and to further develop at future meetings.

The MAFMC has been directed to review implementation of a possession limit for frigate and bullet mackerel harvest in the 2021 fishing year.

-Mr. Rush asked about who is in support of sector separation.

-Mr. Cimino responded that recreational landings exceed the recreational harvest limit where the commercial fleet harvests within their limit. The question is which should be the focus first, recreational reform or the state allocations. Ultimately both are moving together at the same time.

-Mr. Rush asked for further clarification regarding the summer flounder status quo regulation.

-Mr. Cimino stated there is a window to discuss a potential change to summer flounder season opening and closing dates, which has been an option in years past.

-Dr. Bochenek asked for clarification regarding the black sea bass recreational status quo regulation. She noted there was an economic impact and, as an example, referenced the closed businesses in Cape May during the 2020 fishing season. A request was made to check VTR data in the for-hire sector.

-Mr. Cimino stated there was not enough recreational information collected in 2020 to fully assess the stock, making it difficult to propose a change for 2021. He agreed to check for trends in VTR data.

-Mr. Wark asked where New Jersey stands on the bluefish quota and mentioned if bluefish become available, it's important that fishermen be able to harvest them.

-Mr. Rush asked for possible options should the fish become available.

-Mr. Wark suggested implementing a trigger mechanism where once a certain percentage of the quota is met, there is a smaller trip limit to keep harvest open later into the season. He asked to reconvene the bluefish committee to review options.

-Mr. Cimino stated that we have very little harvest and that there is no real indication the stock is in trouble, especially due to overfishing. There is not a lot of documentation available regarding a shift in migratory pathways. Staff would be happy to explore options with the committee.

-Mr. Wark recommended changes to the Research Set Aside (RSA) program so that it is not abused as it was in the past. For species like monkfish that is based on purchasing days, it is not advantageous for fishermen to risk their gear and there is little to no interest in paying for another day since the regular season length has increased in recent years. The program worked in the past, but some checks and balances would improve the program.

Bureau Reports – J. Brust

Mr. Brust presented the Marine Fisheries Bureau report.

The Striped Bass Bonus Program (SBBP) 2020 harvest was 33,524 pounds, the highest since 2004. Harvest will continue to be reported electronically for 2021. The 2021 SBBP opens May 15th.

Ninety-seven percent of the commercial summer flounder quota and 93 percent of the commercial black sea bass quota was harvested in 2020. New Jersey has currently harvested 89% of the 2020-2021 spiny dogfish quota, which runs until April 20, 2021. NJ was in a similar situation last year and received a quota transfer from the New England states. A similar request has been made to the New England region for a spiny dogfish transfer for 2021. The majority of New Jersey commercial landings have been processed and there will be an update when final harvest values have been recorded.

A proposal to survey the Raritan Bay has been submitted to NOAA. Money that has been historically used for the surf clam survey will be reallocated to fund this new survey. It is designed to be a multi-gear and multi-year project that will sample the Raritan and Sandy Hook estuary. It is scheduled to start in 2021 and will continue through 2025. There will still be a surf and hard clam component to the survey.

There have been reports of menhaden fish kills from Rhode Island down to New Jersey, but not in large numbers. Jan Lovy, New Jersey's fish and wildlife pathologist, has found multiple samples with organ degeneration and believes the culprit to be a microorganism rather than typical causes such as low oxygen. He is currently investigating further to pinpoint the cause. It is not widespread, is species specific, and should not impact the menhaden population.

-Mr. Kaelin asked if the transfer of SBBP tags had ever been considered and stated that the non-transferability doesn't seem to make a lot of sense.

-Mr. Brust mentions he is unaware of a discussion regarding transferability. The small amount of quota harvested may not be an accurate representation and references Captain Snellbaker's report that fishermen are not always securely attaching their bonus tags to their harvested fish. There is harvest that is likely not being reported.

Delaware Bay Shellfish Council Report (Mr. Hollinger)

Mr. Hollinger presented a report regarding the Delaware Bay 2020 Direct Market Harvest Program.

The 2020 Direct Market season was open from April 6 through November 20 and the total harvest was approximately 96,490 bushels of the 97,103 bushels quota, with an average CPUE of 125.8 bushels per boat per day. A portion of the harvest was planted on shellfish leases mostly during April and May, but tapered off in June and July due to the effects of the pandemic.

Several meetings were held to discuss the channel dredging project in Nantuxent. Channel configuration was finalized in December of 2020 and the dredging permit application details are still being reviewed. The project is being planned in conjunction with a beach nourishment project for Nantuxent Beach. Permit applications are planned to be submitted in January of 2021, with dredging occurring in the fall.

The Nature Conservancy and The Pew Charitable Trusts bought and planted several thousand aquaculture oysters on the tongers bed near the mouth of the Maurice River and East Point Lake.

Atlantic Coast Shellfisheries Council Report (Mr. Maxwell)

In January of 2020, the Aquaculture Council began a review of the Aquaculture Development Plan which is still currently under review. The review has occurred every five years since the establishment of this Council, in the 1990s. Both the Marine Fisheries Council and the Fish and Game Council have a vacant seat available, for one representative each, to sit on this Aquaculture Council. Neither seat has a vote. Some of what is happening is concerning as it seems they are delving into DEP, Marine Fisheries, and Shellfisheries authority.

-Mr. Hollinger reported that the Aquaculture Council is making disparaging comments about the Shellfish and Marine Fisheries Councils, and is using incorrect data and corrections are not making it into documents. The Aquaculture Council is reporting no available leases and there are at least 78,000 available acres, as one example. He raised a question of who has the authority regarding offshore aquaculture. Mr. Cimino replied that permitting would occur through DEP, and interjurisdictional species would have input from eg ASMFC or MAFMC, but that MFA would have some say on things like harvest size. But MFC authority would be different than current Shellfish Council authority over shellfish aquaculture. The Aquaculture Council has also discussed legislation to remove those vacant seats from Marine Fisheries and Fish and Game, but Mr. Hollinger and Mr. Maxwell who are both members have been pushing to get voting rights for those seats.

The Council agreed to submit comments to the Aquaculture Council and will send Mr. Rush as a Marine Fisheries Council representative to participate in the Aquaculture Council discussion.

Shellfisheries Bureau Report (Jeff Normant)

Due to the COVID-19 pandemic, license renewals were only conducted through the mail. For the Atlantic Coast, there were 190 out of 192 total possible renewals. For the Delaware Bay, there was a similarly high percentage of renewed licenses. A Shellfisheries Council meeting will be held this upcoming Monday and those who have not yet renewed were contacted and given the opportunity to attend and to renew at that time.

7. Old Business – J. Brust

In November 2020, Council requested a meeting of the recreational summer flounder committee to discuss possible options for the 2022 season, but it was delayed to the new year until after the joint ASMFC/MAFMC meeting in December. -Dr. Donnelly requested a meeting with the Committee to create options to present for the 2022 season. Starting this process now will give us the appropriate amount of time to be able to submit a proposal instead of reacting to ASMFC's options.

-Mr. Herb stated fishermen may be killing a large number of fish while attempting to catch a keeper. The fishing effort after a keeper is caught likely decreases. A committee meeting was recommended to discuss 2022 regulations

-Mr. Rush agreed to a committee meeting and would like to be proactive in planning for 2022.

Mr. Kaelin asked for an update on where New Jersey's herring disaster relief letter stands. Other states have already submitted requests and he would like New Jersey to move forward with their own request.

-Mr. Brust stated the draft letter is moving to the Governor's office for review, and he will be drafting a summary of the issue to accompany the letter tonight.

Mr. Rush asked if there was a list of summer flounder recreational advisors. Mr. Brust reported that a list of Advisors has been approved.

-Dr. Bochenek requested to discuss options for summer flounder. It is critical to our recreational fishermen and reducing our discard mortality.

- Mr. Herb requested staff speak with some Council members to identify some options to evaluate ahead of the meeting.

-Dr. Donnelly stated that the season closure for fluke and sea bass in the fall is a decade old and was supported by advisors when it was implemented.

-Dr. Bochenek commented that it is time to revisit it and asked if there is an option available for New Jersey to harvest at times that has not previously been allowed.

-Mr. Rush agreed that the decision was made years ago, but the black seabass stock is currently 210% rebuilt and there should be more allotted catch at this stage. He urged New Jersey to be

prepared to go into these regulatory meetings with our own plan of sea bass and summer flounder regulations.

- Dr. Bochenek suggested we have some black sea bass discussions at the same time as fluke.

Mr. Hollinger asked for an update on the blue crab transferability regulations. Mr. Brust responded that the regulatory package has been through legal review and will be published for public comment within the next few weeks.

Mr. Rush requested an update on CARES funding. Mr. Cimino reported that the application process is closed, and staff is almost finished reviewing applications. The next step is to distribute the checks to those who qualify. There will be additional money available to New Jersey for more relief and the Council will be updated when more information becomes available.

- Mr. Hollinger asked about funding being available for advertising.
- Mr. Cimino responded that we were not able to get that portion approved, but some of the focus for the next round of funding will be on outreach and promotional activities. There were many fewer applicants for the first round of funding than expected, so we need to look beyond direct payments for any additional funds
- Mr. Hollinger suggested the small number of aquaculture applications might have been because of the CARES 2 funding from agriculture.
- Mr. Rush asked if the website or application might change because it was not very user friendly. Mr. Cimino responded that the web and form design were not DEP's responsibility but hopefully DEP staff were responsive and helpful with questions from applicants. Congress did not put a lot of effort into reconfiguring the program for the second round, such as qualifying requirements.

Ms. Brust provided an update on wind energy issues.

New Jersey's second offshore wind solicitation opened in September and closed on December 9th. There was a new requirement for each developer to provide funds for research and monitoring. These funds are intended to be for regional research and monitoring for fish and wildlife. The funding is for \$10,000 per megawatt. MFA staff are collecting input on how to spend funding provided from regional institutions, industries, monitoring groups, and from the New Jersey Offshore Wind and Environment Resources Working Group (Working Group).

The next Working Group meeting will be held January 13. The creation of a subgroup to look at research and monitoring needs, will be discussed. Updates on different projects, as well as NJ PACT, will be provided. Quarterly meetings are proposed for March, June, and October of 2021.

The Working Group reviewed and commented on a draft on monitoring guidance provided by the Responsible Offshore Science Alliance (ROSA). The draft focuses on how to establish the collection of background data needed to compare pre and post construction values for environmental projects. Staff

met with Ocean Wind regarding their monitoring plans. Their fisheries lead was involved with the development of ROSA’s monitoring guidance document and the meeting was very positive.

A meeting will be held on January 20 by the Rutgers University Center for Ocean Observing Leadership. They held a workshop previously to discuss possible effects of offshore wind on the MidAtlantic Cold Pool. The upcoming meeting will discuss ecological metrics and sampling strategies for baseline monitoring.

Mr. Wark shared a meeting announcement. The Atlantic Shores offshore wind lease holder, EDFR Shell, is holding its first series of recreational engagement meetings. The meetings are aimed to start some dialogue and gather information from the recreational community.

-Bob Rush asked if we are going to see the results of these studies before the building starts.


-Ms. Brust stated we will have the results, but we will not be able to determine the effects until afterwards.

8. New Business

Mr. Auriemma provided a presentation on the upcoming cobia recreational regulation changes: The two options presented are to match the nearest non-*de minimis* state’s (VA) regulations or to adopt the default *de minimis* option. New Jersey currently mirrors Virginia’s regulations, but because Virginia will be making changes, New Jersey is required to make changes as well. Current regulations, along with the two options, are summarized in the table below.

Summary

<u>CURRENT</u>		<u>OPTIONS FOR 2021</u>	
NJ Recreational Cobia Regulations		Match VA Regulations	
Bag Limit	1 fish	Bag Limit	1 fish
Vessel Limit	3 fish	Vessel Limit	2 fish
Size	Minimum 40" TL	Size	Minimum 40", 1 fish > 50" TL
Season	June 1 – Sept. 30	Season	June 15 – Sept. 15
		OR	
		FMP <i>De Minimis</i> Option	
		Bag/Vessel Limit	1 fish
		Size	Minimum 37" TL
		No Seasonal Restrictions	



- Dr. Bochenek asks if these are the only two options available to NJ. Mr. Brust responded that the two options in the FMP are coastwide default *de minimis* regulations defined in the FMP or the regulations of the nearest non *de minimis* neighbor. Both DE and MD also follow VA's regulations and will also need to change. Mr. Cimino mentioned that states as far north as RI have asked to be included in the cobia FMP, so there will likely be a revision of how *de minimis* is defined for this FMP.
 - K Wark asked about the reason VA implemented a gaffing prohibition. Was it feel good, or because of high gaffing mortality. Mr. Cimino indicated there was no data to show it was excessive, so more of a feel good effort.
 - Mr. Rush commented on the MRIP estimates of 0 fish landed in the last two years. He knows there were landings. Mr. Cimino responded that we had state records for hook and line and spearfishing, so we know there was harvest. Mr. Brust noted that the MRIP harvest estimate is 0 but discards are not 0 because no anglers intercepted by APAIS had harvested a fish, but several had caught and released cobia.
- Dr. Donnelly motions to adopt the Virginia regulations and open the topic for discussion and public comment. Motion seconded by Mr. Hollinger.
- Mr. Hollinger asked how we were determined to be *de minimis*. Mr. Auriemma indicated that the *de minimis* definition is any state that lands less than 1% of the coastwide total based on the most recent three year average.

-John DePersenaire recommended reaching out for more public comment before voting because there may be some interest in the default *de minimis* option. Mr. Herb asked how we might get public comment since we don't have a committee or advisors for cobia. Mr. Depersenaire responded that he could reach out to some interested parties for input if the vote can be delayed.

-Captain Snellbaker supported the default *de minimis* option because it is less complex, easier to enforce, and provides an additional three inches.

-Dr. Bochenek motioned to postpone the vote on cobia regulation change and to gather public comment. Bob Rush seconded;

-Bob Rush recommended reaching out to the Fishermen's Magazine to help collect public comment.

-Mr. Fote recommended reaching out to the radio stations. Dr. Bochenek will be part of a radio show next week and offered to help get the word out.

Motion carries unanimously.

Jeff Kaelin presented a draft motion and the rationale behind it. The motion was to establish a separate committee on offshore wind and energy policy development that would include membership from the

Council members, advisors representing recreational and commercial finfish and shellfish fisheries, seafood processors, and interested citizens. Bob Rush seconded the motion.

The rationale is that the Council advises the Commissioner on issues and management programs related to marine fisheries resources. Wind energy development will affect all the Council's constituents over at least the next few years and is new policy area for everyone, including our partners in the Marine Fisheries Administration. The Council has the ability to provide useful educational and policy forum to consider potential impacts from the wind energy development on New Jersey's fisheries and marine fisheries resources. At the recent NJ PACT meeting, marine fisheries was on the agenda, but was never raised because the agenda ran long. But the PACT proposal was that PACT rules would modify fisheries rules to make installation of electric cables and associated infrastructure conditionally acceptable with appropriate mitigation and compensation of impacts Mr. Kaelin is concerned that these changes are proposed even though there have been no detailed discussion about mitigation or compensation with any of the offshore wind projects from New England down to Virginia. This committee could better coordinate the concerns of both commercial and recreational sectors regarding OSW and their impact to fisheries and fishery resources.

-Pete Himchak, representing Lamonica Fine Foods, strongly supports the motion. He stated that it is essential that the Council and the MFA work closely with NJDEP for the development of any regulatory proposals that modify the existing CZM rules.

-John Depersenaire, RFA, supported the motion. He stated that this could be a way to provide input and steer some of the research and monitoring money toward projects that would focus on fisheries resources.

-Barney Hollinger stated that he, Kevin Wark, John Maxwell and Dick Herb, are currently on the board and Jeff Kaelin is replacing Jeff Reichle, on the Offshore Wind work group. Do we need another committee if we have so many people involved with OSW already?

- Jeff Kaelin explained that with the authority we have with the Council, we could provide recommendations from the Council and may have a better chance at influencing policy. This influence would be useful in the long run to support the committee, and to unify the other work group and the pact in a formal way.

-Dr. Bochenek expressed support for this committee from a management perspective.

-Kevin Wark expressed support and mentioned that this would allow for transparency to our fishermen.

-Scott Mackey, Garden State Seafood Association, expressed support. He stated that the DEP holds a special trust over New Jersey's resources, and this is a good opportunity to follow through with this obligation.

-Pete Himchak stated that this committee would allow for Industry and fishermen to be able to sit down with Marine Fisheries staff and Council members to reach a consensus that would represent all interested parties.

- Mr. Brust asked how the committee would operate – similar to other Council committees, or as an *ad hoc* committee of the members already on the DEP OSW working groups?

-Jeff Kaelin stated that advisors would include those showing interest and would need to apply to join the committee. The Council would vote for advisory membership, as is done with other committees. This would be more of a formal committee that would meet quarterly or on a planned basis to notify the public of offshore wind updates. The agenda would be set in a formal matter by the Council, and the Department.

Motion passes unanimously.

9. Public Comment

-John DePersonaire asked for clarification regarding the circle hook mandate for striped bass. Suggested some additional outreach to clarify the many questions surrounding the new regulations. He also notified the Council of an issue that industry representatives from multiple states (Massachusetts to North Carolina) will address to ASMFC on the use of natural baits.

-Mr. Cimino stated the ASMFC held an Executive Committee meeting to further discuss the circle hook mandate and some of the possible exceptions, which will be discussed further at the February Board meeting.

-Harvey Yenkinson asked for support of regulations that eliminate the month-long closure of black sea bass and fluke in the fall. The original fall closure in federal waters has been eliminated and the state should eliminate it as well. Suggests increasing the size limit and cutting back bag limit during the fluke season. He asked Council and Marine Fisheries staff to consider options that take the spawning potential of the harvest into account, referring to the concept that harvesting males would have less impact on the summer flounder spawning potential than harvesting females. Females are worth more to the stock than males. He asked Marine Fisheries to reduce the black drum bag limit to one per day. He suggested we need to be more proactive protecting the fisheries that are still healthy before they become an issue. Triggerfish is growing in popularity, but MAFMC likely won't do anything for years, so Council should implement regulations to protect it.

-Eddie Yates, United Boatmen and Hunter Deep Sea Fishing in Barnegat Light, stated that he is in support of the fluke and black sea bass advisory committees scheduling meetings to discuss potential options for future regulations. He requested for more quota in the black sea bass fishery. Need to put pressure on ASMFC and MAFMC who need to put pressure on NMFS who has declared the stock rebuilt but not increased quotas proportionally.

-Philip Welsh requested help to keeping boats active and to be able to fish from the end of fluke season to the beginning of black sea bass season, in any combination. Fall fishing is uncertain due to weather, so fall days are not the same as summer days. He stated support for achieving new regulations on black sea bass.

The next meeting will be held virtually on March 4, 2021.

Motion to close made by Bob Rush. seconded by Eleanor Bochenek.