

NEW JERSEY MARINE FISHERIES COUNCIL

January 4, 2007

Galloway Township Public Library
Jimmies Leeds Road
Absecon, New Jersey

In Attendance were: Chairman Gilbert H. Ewing, Jr.
Councilman Robert Abel
Councilman Erling Berg
Councilman Patrick Donnelly
Councilman Edward Goldman
Councilman Richard Herb
Councilman Barney Hollinger
Councilman John Maxwell
Councilwoman Frances Puskas
Councilman Joseph Rizzo

Also in attendance representing the Division of Fish and Wildlife:

David Chanda, Director
Thomas W. McCloy, Administrator, Marine Fisheries Adm.
James W. Joseph, Chief, Bureau of Shellfisheries
Joe Meyer, Captain, Law Enforcement
Peter Himchak, Acting Chief, Bureau of Marine Fisheries
Brandon Muffley, Research Scientist
Jeffrey Brust, Research Scientist
Mike Celestino, Senior Biologist

Ms. Lyons read the compliance with the Sunshine Law. Notice of meeting was filed with the Secretary of State on December 5, 2006.

Approval of November 2006 Minutes.

Mr. Himchak pointed out a correction regarding the effective date of the commercial scup trip limit. On a motion by Dr. Abel, seconded by Mr. Goldman the corrected minutes were unanimously approved.

Law Enforcement Report

Captain Meyer presented the Law Enforcement Report.

On November 30, 2006 two Conservation Officers (CO) boarded the F/V Master Les at Cold Spring Fish Company in Cape May. The F/V Master Les is federally permitted for General Sea Scallops only which allows for a maximum of 400 pounds of shucked sea scallops per day. Onboard the F/V Master Les was a gray exacta which contained unbagged shucked sea scallops. There was also a blue cooler which contained unbagged shucked sea scallops. The CO directed the captain to bag the sea scallops and a total of 9 bags plus a partial bag were filled. The captain stated that each bag weighed approximately 45 pounds. The scallops were weighed in the packing room and a total of 464 pounds of sea scallops were found. With direction from the NMFS the entire load of scallops was seized and a NOVA will be issued at a later date. Also on December 14, the Coast Guard boarded the F/V Master Les at Cold Spring Fish Company. The Coast Guard found 119 pounds of summer flounder. A CO responded and issued a summons for landing summer flounder in excess of the 10% by-catch rule. The F/V Master Les had approximately 450 pounds of other product which meant it was 74 pounds over the legal State limit.

On 12/3/06, Conservation Officers (CO) inspected two fyke nets, which were set in the Shark River. Numerous violations were documented. By regulations, each fyke net cannot exceed a total length of 30 fathoms or 180 feet. Each of the fyke nets when measured utilizing a certified laser rangefinder was found to be 240 and 221 feet respectively. Additionally, none of the stakes used to support the net had reflectors on them as required by regulation for navigational safety. The stakes were also being used to join the two nets, thus in effect increasing the length even further. The nets' gear identification numbers were also missing. During the inspection, the owner belligerently approached the CO until he realized his identity. When asked for his fyke net license, the owner failed to have it in his possession. One summons was issued for the length violation on one net while warnings were issued on the other violations. The issued summons carries a penalty of \$300 to \$3000.

Over the course of a two-day patrol, a Conservation Officer issued the following summonses in and around the Belmar Inlet in Belmar and Avon, NJ.

- 2 summonses for sublegal striped bass involving 2 striped bass
- 1 summons for possession of winter flounder during the closed season
- 4 summonses for possession of tog less than 14" in length
- 1 summons for possession of 2 tog over the legal possession limit.

On December 17th District 8 Conservation Officers boarded the party boat Captain Collett in Atlantic City. The Captain Collett was targeting tautog and had 11 passengers

onboard. A total of 6 violations were found involving 9 undersized tautog and 6 tautog over the daily bag limit of 8 fish per person.

On December 18th a CO received a complaint of illegal fishing activity on the Longport Bridge. When the CO arrived there were only 2 fishermen present. Upon inspecting the fishermen, the CO found 21 tautog of which 16 were undersized. Appropriate summonses were issued.

Conservation Officers conducted a several month investigation of the oyster dredge boat vessels Dina and Dina II. Based on their observations and reports submitted in early December by the captain and owner, it appeared that the F/V Dina caught her oyster quota as well as the quota for the F/V Dina II. Each oyster dredge boat received a total of 865 bushels of oysters and quotas are currently non-transferable. The owner/captain was interviewed at the Bivalve Shellfish Office. The owner/captain denied any wrong doing. Four summonses will be issued in Superior Court for violating the terms and conditions and failure to submit accurate records.

On 12/18/06, a CO began observing a sport fishing boat fishing off the coast of Long Branch, N.J. He began to observe the fishermen aboard catching and filleting each Striped Bass they caught. The CO enlisted the aid of another CO, and ultimately, the vessel was inspected at its dock in the Glimmer Glass Cove off of the Manasquan River in the boro of Brielle. An inspection of the vessel revealed 4 (1) gallon plastic bags full of Striped Bass fillets which were iced and hidden beneath the vessel's anchor line in the bow of the boat. The captain of the vessel took the entire responsibility for these violations and was issued summonses for possession of Striped Bass parts less than 28" in length, over the limit on Striped Bass, and for interference for lying to the officers as to the presence of extra Striped Bass besides their two "display fish". Additionally, the captain received a summons for littering while fishing by discarding bait boxes overboard. If convicted, he faces a total of approximately \$4700 in penalties.

On 12/19/06, a CO had occasion to inspect a sport fishing boat as it docked on Shark River Island, Neptune Twp. Two fishermen aboard presented 6 Striped Bass for inspection, all of legal size. However, neither of the fishermen had completed their bonus cards to legalize the possession of these extra fish. Additionally, the CO discovered a 1 gallon bag full of Striped Bass fillets hidden and concealed beneath a false compartment underneath the steps leading down into the cabin. The captain was issued summonses for failure to complete a bonus card, for possessing parts of Striped Bass (2 fish), and for possessing 2 fish over the daily bag limit. The guest fishermen were issued a summons for failing to complete a bonus card.

Ms. Puskas asked how you find out about these violations. Captain Meyer responded that the public is a great help. People who are following the rules and hear or see other things that are done and they call. Nothing beats having guys out there making inspections and checking fish and keeping their eyes open.

Dr. Abel noted that from a couple of past reports that these violations seem to be rampant. He commented that the amount of arrests are limited only by the size of the enforcement unit.

Captain Meyer responded that the Marine Enforcement Region has more people than ever, even though it is nowhere near what it needs to be. The officers are doing a great job. He expressed the belief that it is a small percentage of people who are not following the rules.

Legislative Report

Mr. McCloy presented the Legislative Report.

AR-193 A few members of the Council met with Assemblymen Van Drew and Albano regarding AR-193. The Assemblymen's office provided a revised draft (Handout #2) based on discussions with Council members and others. Dr. Abel will report on the Councils' discussions and Committee Report later on the agenda.

A-3754 Assemblyman Van Drew introduced A3754 which would transfer authority for setting management measures for striped bass (size and possession limits, seasons, area restrictions) from the Legislature to the Commissioner of DEP and the Marine Fisheries Council. This bill would not change the prohibitions on netting or sale of striped bass in New Jersey.

Atlantic States Marine Fisheries Commission Report (ASMFC)

Mr. Herb presented the ASMFC report.

The ASMFC Summer Flounder Board met in New York City on December 11, 2006 to discuss the flounder quota for 2007 and then the following day with the Mid-Atlantic Fishery Management Council to discuss recreational measures for black sea bass and scup. Mr. Herb confined his remarks to flounder and deferred to Councilman Goldman to cover sea bass and scup. Mr. Herb noted that the December 11 meeting was well attended by members of the recreational fishing community. He reviewed the situation of trying unsuccessfully, to set a 2007 quota for summer flounder since August 2006. Mr. Herb indicated that passage of the Magnuson Act included a provision to extend the rebuilding period for summer flounder by three years. Once the Act was signed by the President it would allow the National Marine Fisheries Service to revise their proposed 2007 summer flounder coastwide quota from 12.98 to 17.1 million pounds. Responding to his information the ASMFC Summer Flounder Board passed a motion to approve the 12.98 million pound quota until March 1, 2007 at which time the quota will be 17.1 million pounds. The Board also requested an independent peer review of the science behind determining the recovery target for summer flounder. The next action decided by the Board and MAFMC was whether the recreational summer flounder regulations

should be implemented on a coastwide or state by state basis. Implementing on a coastwide basis would result in more stringent regulations for most states and subsequently the state-by-state management was selected for 2007. Mr. Herb warned that New Jersey must be vigilant in protecting its summer flounder fishery as other states are attempting to change the basis of determining a particular states' allocation which would benefit them and be detrimental to New Jersey.

Mid-Atlantic Fishery Management Council (MAFMC)

Mr. Goldman presented the MAFMC Report.

In addition to taking joint action with the ASMFC on summer flounder, the MAFMC and ASMFC set recreational measures for scup and black sea bass for 2007. Measures for both species will remain the same in 2007 as they were in 2006. For scup; 50 fish @ 9" with a season of Jan 1-Feb 28 and July 1-Dec. 31. For black sea bass; 25 fish @ 12" with no closed season.

Framework I, to the Council's Surf clam and Ocean Quahog Fishery Management Plan (FMP) which requires a vessel monitoring system (VMS), passed. The VMS requirement is anticipated to be in effect by May 1, 2007.

Framework 4 to the Joint FMP for Monkfish was passed by the Council. Details contained in these actions and the Mid-Atlantic Council's motions are available via the Internet at: [http://www.mafmc.org/mid-atlantic/press/MAFMC_Monk FW4 Motions.pdf](http://www.mafmc.org/mid-atlantic/press/MAFMC_Monk_FW4_Motions.pdf)

The Council approved the recommendation regarding how future bottom trawl surveys are to be conducted by the *R/V Henry B. Bigelow*.

The Council posthumously recognized Nelson Beideman with its 2006 Fisheries Achievement Award (FAA). The award was presented to Terri Beideman and is designed to recognize individuals and/or entities that exhibit outstanding professionalism, diligence, and effort to protect living marine resources.

The Council also recognized one of its own when it presented the Ricks E Savage Award to Captain Jimmy Ruhle. This was the first time the award was made, and it is designed to recognize a person who has added value to the MAFMC process and management goals through significant scientific, legislative, enforcement or management activities.

Ms. Puskas indicated that a public hearing on Amendment 14 to the Summer Flounder, Scup, Black Sea Bass Plan will be held in Toms River, NJ at 7pm on January 24, 2007.

Shellfish Council Reports

Delaware Bay Shellfish Council Report

Delaware Bay Council report was presented by Mr. Hollinger.

The direct market program was officially closed on November 17, 2006. Bureau of Shellfisheries personnel continue to proof and analyze harvest data. After a nearly eight-month harvest season, approximately 60,449 bushels of oysters had been direct marketed; an increase of 32,162 bushels compared to 2005 levels. Seventy-two vessels (the most since the inception of the direct market program) actually participated to some degree during the season. The daily catch averages for the 2006 season increased for both the single (54 bushels per day) and dual dredge vessels (92 bushels per day), up from 40 bushels/day and 72 bushels/day in 2005, respectively. The average daily catch for single dredge vessels was the highest recorded since the 1997 season, while dual dredge daily harvests were the highest since 1999. The total industry harvest is expected to have had a dockside value of approximately \$2.5 million with a total economic benefit to the State economy of \$14.5 million.

Atlantic Coast Shellfish Council Report

Mr. Maxwell reported there was no meeting of the Atlantic Coast Shellfish Council in December 2006.

Mr. Joseph updated the Council on four other shellfish-related issues:

1. Mr. Joseph reported that as part of the \$2 million federally-funded Delaware Bay Oyster Restoration Project in 2007, Bureau staff had coordinated the planting of approximately 300,000 bushels of shell on the New Jersey side of Delaware Bay to enhance oyster recruitment. Shell was planted using two techniques: direct planting on the central natural seed beds and shell planting on in high-recruitment zones of the lower bay with subsequent reharvest and planting on the central seed beds. Shell planted directly on the natural seed beds had recruitment rates 14.4 times the baywide average. The shell planted downbay and subsequently moved to the central seed beds had recruitment rates 105 times the baywide average. In this bi-state initiative, approximately 200,000 bushels of shell were also planted in Delaware waters, all of which were direct plants on the seed beds without subsequent movement.

2. Mr. Joseph informed the Council that the Bureau had conducted a bay scallop survey of Little Egg Harbor Bay (LEHB) as it had done in 2005 following reports of an increase in scallop abundance after many years of extremely limited stocks. Bureau staff sampled 157 stations in LEHB in the area sampled in 2005. The stock estimate of age 1+ scallops was determined to be 22 bushels, down 79% from that of 2005 (102 bushels). Mr. Joseph indicated that while bay scallops stocks continue to be low, the Bureau had received reports of bay scallops from Barnegat Bay and that if time and personnel allowed, the Bureau would sample in Barnegat Bay in the fall of 2007.

3. Mr. Joseph informed the Council that the next meeting of the Aquaculture Advisory Council would be held at the NJ Agriculture Museum at Cook College (New Brunswick) on January 19, 2007 (10:00am).

4. Mr. Joseph informed the Council that the FDA was conducting a workshop on *Vibrio parahaemolyticus*, a pathogen sometimes causing illness in consumers of raw or undercooked oysters. The workshop was scheduled for January 26, 2007 (9:00am-noon) ant the Maryland Waterman's Association meeting in Ocean City, MD.

Committee Reports

Summer Flounder

Mr. Goldman presented the Summer Flounder Committee Report.

The Summer Flounder Committee met on November 29, 2006 with commercial advisors to discuss the status of the 2006 commercial quota and probable impacts of a reduced 2007 commercial quota. Division staff provided an update of 2006 landings; reporting that as of November 28 about 95,000 lbs. of quota remained unlanded out of a total quota of 2.33 million lbs. Current regulations allow for a trip limit modification if at least 100,000 lbs. of quota remains unlanded as of December 1. Remaining quota is less than 100,000 lbs., therefore the November/December directed trip limit cannot be modified.

The Committee also discussed the implications of a possible reduced quota for 2007 based on coastwide total allowable landings of 12.98 million lbs. proposed by the National Marine Fisheries Service. This would result in a New Jersey directed quota of 1.14 million pounds in 2007. Division staff provided an analysis of the impacts of the reduced quota, projecting that each of the two month seasons would experience a closure based on past landing patterns. The Committee discussed the possibility of adjusting landing days to keep each season open as long as possible. Current regulations do not provide an easy mechanism to change landing days, therefore it is unlikely that any changes could be made soon enough to affect most of the 2007 fishery. Advisors reported that they would attempt to develop a voluntary program among fishermen to limit landing days for the purpose of keeping each season open as long as possible.

Spiny Dogfish

Dr. Donnelly presented the Spiny Dogfish Committee Report.

The Spiny Dogfish Committee met on November 29, 2006 with commercial advisors to discuss the ASMFC Management Board's recent revisions to the 2006/2007 quota and specifications for the 2007/2008 fishing year. Division staff discussed the 2 million-pound quota increase to 6 million pounds in context with the existing 4 million pound quota maintained by the NMFS for EEZ waters and explored ways to modify New

Jersey's regulations that would allow fishermen to take advantage of this additional quota for State waters.

The Committee discussed the procedures and timetable for the development of new regulations. Division staff explained that the adoption of a new rule would not be likely until 2008, thereby precluding NJ commercial fishermen from capitalizing on the increase during the 2006/2007 fishing year. The Committee discussed other potential ways of expediting a rule change. A Council member representing the recreational fishermen indicated that recreational fishermen would likely be in favor of New Jersey commercial fishermen benefiting from the increase in quota since spiny dogfish have been having negative impacts on recreational fishing experiences. Division staff indicated that due to recent retirements and current fiscal constraints that the Bureau of Marine Fisheries would not be able to perform the required monitoring. Advisors reported that they would write a letter to the Governor requesting an expeditious rule change. Division staff recommended that in the development of a New Jersey spiny dogfish fishery, several resource considerations should be taken into account in any proposal, such as: the spiny dogfish male:female ratio highly favors males; the mean size of mature females is getting smaller; and, recruitment has been low in recent years and may become lower since harvest in 2005 was 84% female dogfish, thus delaying and lengthening the spiny dogfish rebuilding schedule.

Miniature-Fyke Fishery Data Reporting

Mr. Rizzo reported on the data reporting meeting held on December 14, 2006.

At the request of Councilman Rizzo, Marine Fisheries Administration staff organized an informal meeting with a small group of commercial eel fishermen to discuss new data reporting regulations for eel. Beginning January 1, 2007, ASMFC will require all states to collect trip-level harvest information for their commercial American eel fisheries. Staff has determined that the most efficient way to collect this information in New Jersey would be to require all miniature fyke license holders to report their trip information and dealer transactions, and staff has developed a set of reporting forms for the fishermen to use. During the meeting on December 14, staff reviewed the management history of eel, described the reporting requirements, and provided examples for filling out and submitting the forms. Meeting participants discussed the regulations and forms, provided insight on ways to improve the forms, and discussed the need to develop in-state management measures (such as limited entry) to protect the commercial American eel fishery in New Jersey and its participants from future ASMFC management requirements. Participants are expected to discuss these issues with other eel fishermen, and their recommendations could be made known to the Marine Fisheries Council through an Eel Committee meeting. Staff will also be holding a series of meetings with all miniature fyke license holders in January and February to present the reporting requirements and provide examples on completing and submitting reporting forms. Mr. Rizzo speculated that after a few years of data collection that the eel harvest would be restricted. Mr. Brust indicated the meetings would be held on January 25th in Cape May Court House, January 30th in Galloway Township and on February 5th in Brick.

Executive Committee Meeting

Dr. Abel reported on the two meetings held regarding AR-193.

On the 22nd of November, the day before Thanksgiving, Assemblymen Van Drew and Albano hosted a meeting of interested parties on Assembly Resolution 193 to establish a fishery aquaculture task force. The four major objectives are essentially the same as originally drafted. Chairman Ewing said New Jersey has provided less funding proportionately to fisheries than any other state on the Atlantic Coast and mentioned the fact that frequent attempts to get this rectified have failed. He also mentioned the Task Force in many ways duplicates the Marine Fisheries Council and is therefore redundant. Assemblyman Van Drew said that there is no intent to usurp the authority and responsibilities of any other functionary of the State. Mr. Van Drew indicated that money is very tight and this bill is needed to promote fisheries in New Jersey. At that point the discussion centered mainly around the composition of the Task Force. It was finally settled at a figure of 23. Dr. Abel noted that if nothing else, this resolution represents the first declaration of policy at the policy level of the State of New Jersey. Mr. Van Drew's office provided a revised version of the bill for the Executive Committee to review. The Committee still had some concerns about the specific language in the bill which Mr. Herb will discuss with the Assemblyman's Office.

Mr. Rizzo asked for clarification of the Council's position.

Dr. Abel indicated that Assemblyman Van Drew would like to have a Task Force that will be unanimously supported.

Chairman Ewing expressed the belief that this legislation will go through so those members of Council that met with the Assemblymen are trying to include changes that will benefit the Marine Fisheries Council.

Mr. Maxwell asked what role the Aquaculture Advisory Council would have on the task force as they had no specific representation. Dr. Abel indicated council members had asked that question of the Assemblymen but it was not answered.

Dr. Donnelly questioned whether there was a change in the Council's position (from the September meeting) without a motion to that effect.

Chairman Ewing indicated that the Council will not oppose the resolution.

Dr. Abel added, that to oppose the resolution would only hurt the Council's position.

Ms. Puskas asked about the commercial/recreational representation on the task force. The latest version of the resolution has four representatives from each sector.

Regulatory Proposals

At the November 1, 2006 Council meeting, an update was presented to Council on what was then known as the 2006 multi-species regulatory proposal. Subsequent to that Council meeting a letter was sent to the Commissioner from the Council requesting to give the regulatory proposal a little more priority for a number of reasons and it is most likely that the Council's letter gave the proposal a higher level of priority within the Department. There is now some progress to report on the status of the proposal. The marine fisheries multi-species proposal contains commercial eel reporting requirements, crab pot license transferability, Commissioner flexibility for the striped bass bonus program and optimum quota utilization, and shad permit transferability. The proposal will be published in the January 16, 2007 New Jersey Register and a public hearing has been scheduled on March 1, 2007 at 7:00 at the Galloway Township Library following the Marine Fisheries Council meeting. Council members are thus afforded maximum opportunity to stay for the hearing. The commenting period causes some timing issues for the Council to consider. Normally the public hearing is scheduled later in the sixty-day comment period and is done so that the greatest majority of the comments have been received, summarized, and then presented to the Council prior to the end of the commenting period or during the sixty-day period of opportunity within which the Council has the authority to veto any portion of the proposal. Since the public hearing follows the March 1, 2007 Marine Fisheries Council meeting, Council members will only receive a brief summary of how many comments come in, and how aggressively the comments are for or more importantly against any aspect. The Council may have to schedule a special meeting prior to the May scheduled Council meeting for the sole purpose of giving sanction to the multi-species regulatory proposal for adoption. The full extent of the public comments will not be known until after the public hearing when the comment period closes March 17, 2007. The special meeting would afford the Council the opportunity to have a very thorough discussion on any aspect of the proposal which they may wish to veto prior to its becoming adopted.

2007 Regulatory Proposal

Mr. Himchak asked Council to think about developing ideas for the 2007 regulatory proposal including such things as drum management and the creation of a commercial spiny dogfish fishery. The 2007 regulatory proposal procedure should begin soon considering it takes at least 12 months for a proposal to be adopted. Ideas must be developed and committee meetings held to come up with a multi-species regulatory proposal for 2007 as soon as possible.

Old Business

Update on horseshoe crab lawsuit.

Council members were briefed on pending horseshoe crab lawsuits. Council was informed at the November Council meeting about litigation in New Jersey at that time

and they asked whether or not these legal briefs were public information. After approval of the Division of Law, staff distributed to all Council members copies of all legal documents either personally on November 21 or by mail shortly thereafter. If any Council members did not receive these legal briefs with a cover memo that explains what the items are kindly notify staff. In reference to the cover memo with the legal briefs, New Jersey is now in the process of developing the State's response to the appellants' challenge on rulemaking for the horseshoe crab moratorium. The response is due either January 9 or January 29 depending on whether the State gets an extension. Regardless, the document is pretty well finalized. In the State of Delaware, according to newspaper articles two challenges have been filed on the Delaware moratorium on horseshoe crab harvesting. There are two separate challenges but the appellants are the same, a Delaware commercial waterman and a Virginia commercial fishing company. The appellants are challenging Delaware's horseshoe crab moratorium for 2007 and 2008, filing challenges with both the Delaware Environmental Appeals Board and the Delaware Supreme Court. It is two challenges but it is basically one lawsuit by the same appellants.

Mr. Rizzo requested just a brief outline what those suits are about at the next Council meeting.

Mr. Himchak agreed.

Horseshoe Crab Spawning/Beach Configuration

Dr. Abel introduced Nancy Jackson, a Professor at the NJ Institute of Technology. Dr. Abel had requested Ms. Jackson attend the Council meeting to make a presentation on her research regarding beach configuration and horseshoe crab spawning location selectivity/egg survival. Ms. Jackson indicated that wave action alone was not sufficient to dislodge buried horseshoe crab eggs for the shorebirds. The repeated spawning of other crabs was necessary to ensure sufficient numbers of horseshoe crab eggs were available for shorebirds. Ms. Jackson presented her studies on horseshoe crab egg development as related to beach grain size and spawning location on the beach. She summarized her presentation by indicating her research looks at the way in which beaches have to be modified for shore protection and how that influences the ability for the beaches to actually serve as incubators for horseshoe crab eggs and how that begins to influence the overall viability and development of horseshoe crab eggs once they are buried.

Old Business

Dr. Donnelly inquired as to the status of Council appointments. Mr. McCloy responded that all Council seats (vacant and anticipated vacancies) had been forwarded to the Commissioner for consideration. He noted that as of January 8, 2007 all Council members except one will be serving in expired terms.

Dr. Donnelly requested meetings of the Tautog and Black Sea Bass Committees. In the case of tautog, something needs to be done to address the illegal fishery and the potential additional restrictions coming down from ASMFC. For sea bass, trip limits need to be evaluated in light of the reduced 2007 quota and the pending regulatory amendment that allows flexibility in setting trip limits to ensure optimal utilization of the quota. Mr. Himchak inquired if Dr. Donnelly had been contacted by the ASMFC for a Tautog Advisory Panel meeting. Dr. Donnelly responded in the negative.

New Business

Mr. McCloy updated Council on that portion of the reauthorization of the Magnuson-Stevens Act regarding recreational fisheries. The Act requires the NMFS to implement a new and improved recreational survey methodology (Marine Recreational Fishery Statistics Survey) by January 1, 2009. A primary component of this new survey is a requirement for a federal recreational fishermen registration system. There would be no fee associated with this registration until 2011, at the earliest. The only fishermen/vessels that would be exempt from this registration system would be those fishermen that are covered by a state registration program.

Mr. Rizzo commented that implementation of a system would cost money and Mr. McCloy concurred.

Director Chanda indicated that the Division has updated and expanded the funding needs document originally composed for Marine Fisheries for the entire agency. It is still in draft form, not ready for distribution. The idea of putting it together is so that the Councils, both the Marine Council and Fish and Game Council, and the Commissioner's Office can have an opportunity to see what is necessary to accomplish management goals. The first step is for the Finance Committee to get together and discuss the needs document and look at more information on the Magnuson-Stevens Act and what it means to New Jersey.

Mr. Goldman stated it was important to involve advisors early in the process.

Ms. Puskas asserted that raising funds could be accomplished by a saltwater license otherwise the agency is at the mercy of the Legislature, and that this has not been working well. Ms. Puskas expressed the need to move quickly with a state registration program so as to not have to rely on the federal one.

Mr. Ewing indicated that in discussion with Assemblyman Van Drew, regarding AR-193 he stated the biggest problem facing fisheries management was the lack of funding to address the numerous issues.

A meeting of the Executive Committee will be held to review the current funding needs and begin discussions on funding options.

Mr. Rizzo requested Council write a letter to the Commissioner inquiring about the compensation promised horseshoe crab fishermen. Dr. Abel indicated he had sent the Commissioner a letter asking the same question but had received no response. Council agreed to sending a letter to Commissioner Jackson from the Council.

Mr. Goldman questioned whether a Committee needed to be established to study the implications associated with the Magnuson-Stevens Act (Act). Mr. Himchak suggested providing Council with the summary of the pertinent sections of the Act as developed by ASMFC. Council agreed.

Mr. Goldman referred Council's attention to Handout #13 (Article of Biodiversity Loss and Ocean Ecosystems Services). He indicated that the MAFMC had provided several articles refuting the conclusions of this article. He will provide copies for Council.

Public Comment

Mr. Donofrio (RFA) had several comments. First he indicated no saltwater license was necessary. He spoke of RFA's role of working with Congress and NMFS to develop the current language in the Magnuson-Stevens Act and asserted that the data can be improved without any fee based license.

He then called for a Tautog Committee meeting to address the illegal fishery and number of pots being fished. He advocates all pots be removed from the water during the closed season.

He also addressed a concern with enforcement regarding vehicle stops. He asserted that recreational fishermen may give their legal daily catch to someone else to transport home. In such a case that person could exceed the daily possession limit. He indicated that fishermen have been summoned in these cases and that this situation needs to be addressed.

Mr. Litchko (commercial fisherman) suggested that the recreational fishermen system could be setup so it was voluntary and therefore wouldn't require a fee. He also advised Council that fishermen filed a petition with USFWS to take the red knot off the candidate species list for fabrication of the science.

Mr. Wagner (commercial fisherman) criticized Mr. Donofrio's assessment of the pot fishery. The pot fishery is not targeting just tautog so the pots cannot be removed from the water during tautog seasonal closures. The same pot is used for sea bass, lobster and other species. He also indicated that a potential solution to much of the illegal fishery (tautog) was the requirement to make recreational fishermen mark coolers. The Council/agency dropped this provision from the regulatory proposal due to opposition from party and charter boats. Mr. Wagner further indicated that the biggest deterrent to breaking the law is license revocation. He stated that requiring a saltwater license that could be revoked would help the enforcement of the regulations.

Mr. Jenks (commercial fisherman) addressed the Council regarding the harvest of eels by fyke net. He indicated with the lack of horseshoe crabs as bait, fyke nets could be used to harvest eels but the season opens too late. He requested the fyke net season be opened in October, specifically for eels.

Ms. Berko (commercial fisherman) requested the state support no change for the tautog commercial fishery for the current ASMFC addendum. She also expressed concern that accounting of the bycatch for sea bass had to be revised or the set aside for bycatch had to be lowered.

Mr. Scott (commercial fisherman) reiterated the comments of Mr. Wagner and Ms. Berko regarding tautog and sea bass.

Mr. Rush (Cape May Party and Charter Boat Association) supported the status quo for the ASMFC tautog addendum. He supported doing something about the live fish (tautog fishery) market because they are all fish less than the 14" minimum size. Although not supporting a recreational saltwater license he indicated discussions on the issue should receive wide public involvement.

Mr. Yates (charter boat) expressed support to address the live tautog fishery. He agreed with Mr. Wagner that to remove pots from the water during a closed season for tautog was not practical. He also expressed the same enforcement concern regarding recreational bag limits that Mr. Donofrio had discussed. Ms. Puskas asked Mr. Yates if he permitted his customers to keep live fish. Mr. Yates indicated that although he has the capabilities to keep fish alive onboard his vessel he does not allow his customers to do so.

Meeting adjourned.