

NEW JERSEY MARINE FISHERIES COUNCIL

Nacote Creek Law Enforcement Office

Rte. 9

Port Republic, New Jersey 08241

March 18, 2008

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

Absent: Councilman Barney Hollinger
Councilman John Maxwell

Also in attendance representing the Division of Fish and Wildlife:

Thomas W. McCloy, Administrator, Marine Fisheries Adm.
Peter Himchak, Acting Chief, Bureau of Marine Fisheries
Jeffrey Brust, Research Scientist

Mr. McCloy read the compliance with the Sunshine Law. Notice of meeting was filed with the Secretary of State on March 13, 2008.

Chairman Ewing indicated that the meeting was only going to address New Jersey's non-compliance issue with tautog.

Mr. McCloy updated Council on the status of New Jersey's non-compliance with the ASMFC tautog plan. On March 11, 2008 Governor Corzine received a letter (Handout Number 1) from Dr. James Balsiger, Acting Assistant Administrator for Fisheries, on behalf of the Secretary of Commerce. The letter indicated that NOAA Fisheries concurs with the ASMFC finding that New Jersey has not complied with the ASMFC Tautog Plan. A moratorium on New Jersey's recreational and commercial tautog fisheries will be imposed, effective April 1, 2008. The moratorium will continue until the Secretary of Commerce determines New Jersey has taken the necessary action to get into compliance with the Plan.

Dr. Donnelly reviewed the report from the October 2007 Tautog Committee meeting where the Committee recommended not implementing any new restrictions because the New Jersey analysis indicated New Jersey was already fishing at the target fishery

mortality rate. Dr. Donnelly informed Council that the Tautog Committee had developed options that were required by the ASMFC as a fall back position, if the attempt to remain at status quo failed.

Mr. Berg explained that the ASMFC Tautog Technical Committee and Management Board were not comfortable with the New Jersey analysis because it differed from the methodology used by other states.

Mr. Brust presented the options previously developed by the Tautog Committee that would meet the reduction required by the ASMFC (Handout Number 3).

Mr. Berg inquired about how much time the process would take to get into compliance.

Mr. McCloy explained the steps necessary to have the moratorium lifted. The Council must recommend management measures that meet the required reduction, the Commissioner must approve those measures and file the changes with the Office of Administrative Law. The changes are effective upon filing. Once filed New Jersey must then notify ASMFC of the action. The ASMFC (Executive Director in consultation with ASMFC Chairman) will evaluate New Jersey's measures and if they agree the measures meet the plan the ASMFC then notifies the Secretary of Commerce who will rescind the moratorium.

Mr. Herb referenced the recreational measures. He wanted to know what could be gained during other seasons by closing the summer fishery when there was only a one fish possession limit.

Dr. Donnelly indicated that the summer fishery (1 fish possession limit) was very important to the divers and they had only reluctantly agreed to give up the one fish possession limit in early July.

Mr. Himchak added that the divers and New Jersey Council of Diver Clubs were very active in New Jersey and that one fish possession during the summer was very important.

Mr. Goldman wanted to know if the options before the Council were approved by ASMFC.

Mr. Brust indicated these options were based on the methodology approved by ASMFC.

Mr. Goldman expressed his concern that the Secretary of Commerce did not do a very thorough analysis of the New Jersey situation before concurring with the ASMFC finding of non-compliance.

Mr. McCloy indicated that these issues could be pursued but indicated that would take time. It would not be resolved before the April 1 deadline (for the moratorium).

Dr. Donnelly agreed with Mr. Goldman's concerns and encouraged New Jersey to "fight on" but recommended getting into compliance first.

Mr. Berg asked if the reduction was based on pounds and Mr. Brust indicated it was based on the number of fish, not pounds.

Dr. Donnelly made a motion to approve adoption of a Notice of Administrative Change that implemented the management options developed by the Council's Tautog Committee as represented on Handout Number 3 (also displayed on screen). Mr. Goldman seconded.

Mr. Berg indicated that the commercial fishermen were not comfortable with the commercial option but he would let them speak for themselves.

Chairman Ewing opened the meeting to public comment.

Ms. Berko asserted that the commercial fishermen should not have to take any reductions.

Mr. McCloy informed Council that the Division's position was that each sector should take their proportion of the required reduction as indicated in Handout Number 3. The recreational fishery should take a 25% reduction on their 90 percent of the fishery and the commercial fishery should take a 25% reduction on their 10% of the fishery.

Mr. Rizzo asked about the commercial tautog (NJ) quota.

Mr. Himchak indicated the New Jersey commercial quota was not tied to the coastwide stock assessment and was not part of the ASMFC plan. Mr. McCloy suggested that the "quota" be viewed more as a "cap" on the commercial fishery. As long as the commercial fishery operates within the seasons approved for the ASMFC plan they can harvest up to the New Jersey harvest cap of 103,000 pounds, even if they harvested less in previous years.

Mr. Scott advocated no cuts in the commercial fishery, even if it meant a moratorium.

Mr. Daffin commented that the commercial fishery is small compared to the recreational fishery so it shouldn't have to take the same reduction.

Mr. Himchak explained that the 25% reduction on each fishery was proportional to the size of that respective fishery.

Mr. Wagner stated his position that if the quota (NJ) wasn't caught then the season should be open so it can be caught.

Ms. Wagner advocates that the commercial fishery should have no reduction and that the recreational fishery should take the extra reduction.

Mr. Koch supported staying out of compliance and identified the recreational fishery as causing all the problems with the tautog stock.

Mr. Buzas supported staying out of compliance.

Mr. Nowalsky thanked Council for responding quickly to the notice of a moratorium. He requested a meeting of the Tautog Committee to address these issues.

Mr. Berg made a motion to table the previous motion until such time as the Tautog Committee has met to re-address the options. Ms. Puskas seconded.

Mr. Goldman reminded everyone that the Council's plan was to stand firm for status quo but to have a backup plan if New Jersey was found out of compliance and facing a moratorium. The options being discussed are the backup plan.

Mr. Rizzo expressed his concern that fishermen had from last October to bring up issues with what the Committee had developed and nobody did so until now.

Mr. Herb asked for a clarification of the Division's position and Mr. McCloy responded that each sector should take their share of the reduction.

Dr. Donnelly commented that the Council held out for as long as possible for the status quo but it was always the Council's intent to come into compliance when faced with a moratorium.

Mr. Berg withdrew his motion to table.

Mr. Goldman indicated that an added benefit to the Spring closure option (in both recreational and commercial fisheries) was that it was during the spawning season. He also acknowledged comments on the illegal tautog fishery and commented that a landing license, that has been supported by most of the Council, would go a long way toward solving the problem. The industry needs to support a landing license.

Mr. Kelly gave everyone a brief historical overview of tautog management in New Jersey over the last 15 years. (He was one of the original industry advisors). He suggested a more detailed overview be given at a future Tautog Committee meeting so everyone would understand how things developed.

Ms. Wagner indicated that if seasons are the only way to restrict the catch then the fishery will eventually be eliminated.

Chairman Ewing called for the vote and the motion passed four in favor and two against with the Chair not voting.

Chairman Ewing acknowledged the dedication of the advisors, but expressed concern about individuals and Committees changing their minds at the last minute. This has been

happening frequently over the last year with the Council. He encouraged people to stand by their decision because of the difficulties created by starting the process all over.

Ms. Wagner said the reason for last minute changes in decisions was that the advisors did not know everyone in the fishery and consequently were not able to solicit their thoughts.

A lengthy discussion ensued on how to best notify everyone in the fishing industries of the various issues. Nothing was resolved on this issue.

Meeting adjourned.