

NEW JERSEY MARINE FISHERIES COUNCIL
Galloway Township Library
Galloway, New Jersey
September 2, 2010

In Attendance were: Chairman Gilbert H. Ewing, Jr.
Councilman Erling Berg
Councilwoman Eleanor Bochenek
Councilman Patrick Donnelly
Councilman Edward Goldman
Councilman Richard Herb
Councilman Scott Bailey
Councilman Walter L. Johnson III
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. (MFA)
James W. Joseph, Chief, Bureau of Shellfisheries
Jeffrey Brust, Research Scientist, MFA
Peter Himchak, Supervising Biologist, MFA
Captain Mark Chicketano, Bureau of Law Enforcement
Timothy Cussen, Chief, Bureau of Law Enforcement
Russ Allen, Principal Biologist, Bureau of Marine Fisheries
Russ Babb, Supervising Biologist, Bureau of Shellfisheries
Mike Celestino, Principal Biologist, Bureau of Shellfisheries
Sherry Bennett, Council Secretary

Ms. Bennett read the compliance with the Sunshine Law. Notice of meeting was filed with the Secretary of State on August 12, 2010.

Mr. Herb made a motion for approval of July 8, 2010 meeting minutes. Dr. Bochenek seconded. Motion passed for approval on meeting minutes.

Chairman Ewing began the meeting with the Pledge of Allegiance.

Audience Conduct

Chairman Ewing reminded the audience to take conversations outside or wait until the end of the meeting. Individuals wishing to make a public comment need to sign up.

Law Enforcement Report

Captain Chicketano presented the Law Enforcement Report.

District 7 Highlights June – July 2010

On 6/27/10, CO was waiting on a vessel to return to its dock in Keyport regarding information he received about this vessel possessing mutilated summer flounder prior to landing. The CO observed the vessel preparing to dock and walked up to the vessel. When the operator of the vessel saw the CO, he sped away towards the mouth of Matawan Creek disregarding his instructions to return to the dock. The CO attempted to follow the vessel by motor vehicle. Shortly afterwards, he observed the vessel near the Keyport Municipal Ramp and again instructed it to come in. The operator of the vessel eventually complied, but the CO observed that the operator had difficulty maneuvering the vessel into the dock. The CO detected the odor of alcoholic beverage on the operator's breath. NJSP was contacted and the operator was eventually charged with boating while intoxicated. The operator already had two previous DWI convictions. The CO found parts from two summer flounder on board the vessel. The CO charged the operator with possession of two mutilated fish and interference.

On 6/28/10 a CO observed a vehicle suspected of selling striped bass heading west on Rt. 36 in Leonardo. The CO's suspicions were due to a previous inspection of the owner of the vehicle and five of his fishing partners after a striped bass fishing trip where they returned to the dock with fourteen stripers. They were in legal possession because they had bonus tags. However, the CO observed at this time that all of the stripers went into coolers of the one suspect vehicle. The CO made a note of this and put it to use on 6/28 when he followed this vehicle to a seafood market in Roselle Park. The CO patiently waited outside the market while the suspect removed a cooler from the vehicle and carried it into the market. A short while after the suspect left, the CO inspected the market. The owner of the market was very cooperative and showed the CO a 22 pound striped bass and six bluefish the suspect sold for \$69. These fish were seized and summonses issued to the owner for failing to exhibit records of marine fish possessed, possess striped bass for sale and purchasing bluefish from a harvester while failing to possess a Federal bluefish dealers permit. The investigation of the fisherman is on-going.

On 6/19/10, CO's were watching individuals harvesting mussels in the Shark River Inlet. The officers inspected the individuals on their way back to their vehicles. Besides the mussels, they also found three tautog. They were each issued a summons for undersized tautog, no shellfish license in possession and warnings for harvesting shellfish in condemned waters. From there the officers answered a complaint in Deal in reference to an individual possessing over the daily bag limit of striped bass. The individual was apprehended and issued a summons for possession of two striped bass over the daily limit.

On 6/27/10, CO's inspected the FV Dauntless in Point Pleasant as it returned from a wreck fishing trip. As the CO's appeared to inspect the vessel, a CO observed one of the patrons throwing some of his catch overboard. Another patron attempted to leave the vessel without his cooler and was directed to retrieve it. This individual went to the far side of the vessel. The CO's were strategically positioned to watch this otherwise unobservable side of the vessel. The CO's possessed a video camera and recorded the patron bend over, beneath the top of the vessel's railing and immediately pass fish

through the scupper holes. Each of these individuals was issued summonses for wanton waste of fish and interference. Another patron was issued a summons for possession of three undersized black sea bass. The officers also seized three unclaimed coolers from the vessel, which contained both legal and illegal fish.

A CO settled a case involving a fisherman in possession of 40 tautog out of season. On 7/12/10, the fisherman appeared in Barnegat Light Municipal Court and a plea agreement was reached with the individual paying \$720.00 plus court costs.

District 7 Highlights - July – August 2010

On 7/26/10, CO's fished in plainclothes aboard the party boat Big Mohawk out of Belmar, NJ to monitor compliance with the vessel's suspended fillet permit. This original suspension was due to another plain clothed operation last year during which the vessel's mates were observed, with the captain's approval, clubbing short fluke. The CO's observed one of the three mates fillet a short fluke, distribute the strips to patrons and then discard the rack in front of a CO. In a separate incident, a CO observed a patron routinely remove fluke strips from his cooler and distribute them to one individual in particular. The mate was issued summonses for filleting a short fluke, filleting at sea, and the possession of fluke parts. It was determined that the mate acted on his own and therefore the vessel was not held culpable. The patron who was removing fluke parts from his cooler was issued a summons for possessing parts of three fluke. The individual who was accepting the parts was issued a summons for possession of fluke parts.

On 7/26/10 at approximately 9:30 p.m., Trenton Dispatch received information from a concerned citizen regarding a vessel moored in Waackaack Creek in Keansburg. The complainant stated that the owner of the vessel had recently loaded an otter trawl and doors onto the vessel and that there were presently two individuals on the vessel preparing to leave the dock. A short time later, the complainant called back and stated the boat did not leave due to a problem with its running lights. On 7/27/10, CO's set up a surveillance of the suspect vessel. At approximately 10:00 p.m., the vessel returned to its dock with two individuals on board. An inspection of the vessel uncovered no fish, however the net and deck were soaked and attached to the vessel in a readily useable condition. The operator of the vessel was interviewed and gave inconsistent statements to the officers. The operator did not possess an otter trawl license. Summonses are pending for the following violations: Fail to possess an otter trawl net license, unmarked otter trawl doors, possession of an otter trawl net in readily useable condition during hours of darkness within 2 miles of the Atlantic coastline and forfeiture of the net and doors.

A CO has been receiving continuous information regarding a recidivist violator who owns a residence on the Shark River who takes several trips a day for fluke. On 7/30/10, a CO observed two individuals of the residence unload eight seemingly undersized fluke at the dock. A subsequent inspection revealed three coolers on the dock that contained sixty-six fluke on ice. The suspect claimed he had bought the fluke from a market a couple of days earlier. That lead was followed up and found to be false. The suspect then changed his story, stating that he bought it directly from a commercial fishing vessel in Point Pleasant. The claim of buying the fluke from the commercial fishing vessel was

also unfounded. This individual claims that he fillets fish and sells them to local restaurants. The suspect also claims that none of the fish in the coolers were caught recreationally. The CO issued summonses to this individual for: purchasing fluke from a harvester without possessing a summer flounder dealer permit, possess twelve summer flounder for sale measuring less than 14 inches failing to possess records and for interference with a state conservation officer.

On 8/7/10, a CO was inspecting sport fishing vessels returning to the Keyport Ramp. A vessel came in with two individuals on board. The fishermen claimed to have had a bad day fishing and did not possess any fish. Upon inspection of the vessel, the CO found ten filleted fluke hidden underneath baby clothes in a carry-on bag. The fluke were also determined to be undersized as well. Each individual was issued a summons for five mutilated fluke and five undersized fluke.

Around midnight on 8/8/10, CO's were patrolling the Shark River during low tide. The CO's observed these individuals out on the mudflats adjacent to Seaview Island. One of the individuals returned to a vehicle and opened the tailgate of this vehicle. This individual whistled to another individual who ran from the water's edge towards the vehicle, carrying two bags of hard clams. The bags contained in excess of three hundred clams. Each individual received a summons for not possessing a commercial shellfish license, harvesting shellfish after sunset and harvesting shellfish from the prohibited waters of the Shark River.

On the weekend beginning 8/6/10 to 8/8/10, a CO apprehended twenty individuals for illegal clamming. On these days, the CO patrolled Sandy Hook and Raritan Bays during low tides. These individuals were issued summonses and warnings for harvesting shellfish (mussels and hard clams) without a license and harvesting shellfish from Special Restricted waters. One individual also possessed short crabs.

On 8/8/10, a CO was watching a minivan in the parking lot of Barnegat Light State Park when he observed two individuals return to the minivan and place what he thought to be fish into the trunk of the minivan. The CO continued to watch the minivan as he inspected other fishermen. The CO then observed five individuals return to the minivan with just their poles. The CO upon initiating an inspection, found 45 tautog in the van, of which 35 were under legal size. The driver was issued summonses for possession of 40 tautog over the daily limit, and possession of 35 tautog under the legal size limit.

A CO received information regarding individuals on a recreational tuna fishing vessel who were keeping every fish they caught. On 8/8/10, the CO assisted by NMFS Special Agent (SA) apprehended FV Double Connection returning from a 40-hour tuna fishing trip with four occupants. As the CO inspected the vessel, the captain claimed to have three yellowfin tuna and three skipjack tuna. The CO observed the three legal yellowfin tuna. However, while the CO was inspecting the vessel prior to SA arriving at the dock, one of the individuals was able to conceal two tuna and remove them from the vessel. The CO discovered a "skipjack tuna" which in fact was a yellowfin tuna with the head and tail removed. A mate on the vessel also tried to remove this tuna from the vessel, but

was caught by the CO. The vessel's captain later admitted to SA that the two tuna removed from the vessel were also yellowfin tuna with the heads and tails removed. All three of the mutilated yellowfin tuna measured less than 27 inches in length. Federal regulations require that all yellowfin tuna landed without heads must measure at least 27 inches in length and ALL tunas landed must have the tail and one pectoral fin intact. Federal charges are pending against the captain and mate. The mate will also be issued a State summons for interference.

A CO received information of an individual keeping undersized fluke on the Point Pleasant side of the Manasquan Inlet. The informant stated that the suspect was placing the fish into a nearby vehicle. The CO apprehended the individual with one short fish in a bucket and two more short fish in the vehicle where the fisherman's wife attempted to conceal the fish by sitting on top of them. While at that location, a CO observed a number of fluke being caught on the Manasquan side of the inlet. He proceeded to the Manasquan side to make observations of those fishermen. The CO noticed one individual in particular who was not fishing, but associated with a group of fishermen. It appeared to the CO that this individual was serving as the group's "look out". At one point the "look out's" attention was diverted and the CO moved in and inspected the group. The first fishermen he encountered possessed eight undersized fluke and another possessed three undersized fluke. The appropriate summonses were issued in all cases.

DISTRICT 8 - AUGUST 10

On 8/17/10, while conducting a FDA mandated *Vibrio Parahaemolyticus* patrol of the direct market oyster harvest in the Delaware Bay, CO's boarded the FV Miss Samantha operated by the owner, Don Carter. The officers discovered that the operators of the vessel were not tagging their containers of harvested oysters as required by the newly adopted regulations. The "new regulations" are not new, but mirror terms and conditions of the harvest season which all harvesters have been signing which serve as an agreement with the state of NJ. These harvesters agree to abide by these conditions for the privilege of harvesting oysters from State managed oyster beds. These regulations have been written and formulated for well over 20 years while managers and enforcement officers have struggled to protect the resources with the previous ineffective regulations. These provisions, now in regulation, continue the decade old requirement that every bushel of oysters harvested be tagged to insure compliance with the seasonal quota. The regulations now effectuate the most recent agreement of terms and conditions signed by all permitted oyster vessels before the start of the 2010 harvest season. CO will issue the appropriate summonses to the owner and operator of the vessel for 13 untagged containers.

While on boat patrol in the Absecon Inlet, CO observed a fisherman on an Atlantic City jetty catch and retain what appeared to be an illegal tautog. The CO suspicions about the fish were all but confirmed when the man wrapped the fish in a plastic bag and hid it in the trunk of his vehicle. The CO quickly moored his patrol vessel in shallow water close to the shore, waded onto the beach area, and climbed onto the jetty to question the individual about the fish. The man retrieved the fish from a latched compartment of the

truck designed for the vehicle's jack. The fish was tucked deep in the compartment against the wheel well. The CO issued the appropriate summons for the undersized fish.

On 8/7/10, a CO responded to a complaint about illegal activity on the Party/Charter Vessel Capt. Robbins in Sea Isle City, Cape May County. The CO boarded the vessel and inspected as many patrons as he could. He was able to apprehend two patrons who retained undersized black sea bass from the trip. The CO issued the appropriate summonses.

On 8/8/10 while patrolling Lower Twp. marinas in Cape May County for returning offshore recreational tuna vessels, a CO apprehended two individuals in possession of four tuna fillets. The CO determined that the individuals had just landed the tuna without having a valid Federal HMS permit as required by federal regulation. The CO seized the illegal fish and will be issuing a federal Enforcement Action Report to document the offense. He will consult with NMFS Agents for processing of the case.

Captain Chicketano presented a summary of these items that were seized by enforcement during the last two months: 75 sub legal blue crab, 212 fluke, 33 individual parts of fluke, 11 blackfish, 33 black sea bass, 3 striped bass, 143 tautog, 6 porgies, 7 over the limit blue fish, bushel of mussels, 48 bushels of hard clams.

Dr. Donnelly asked if blackfish has a 90% violation rate. Captain Chicketano stated that it is probably only 10 to 15% of which are re-offenders. If enforcement is observing activity, the fish are biting and the fisherman knows how to catch them, then yes, 90% violation rate is realistic.

Dr. Donnelly passed on a compliment from fluke fisherman who were pleased with how law enforcement handled their situation and educated the fisherman on the law.

Legislative Report

Mr. McCloy presented the Legislative Report. He brought Council's attention to Handout #2 and #3. S2102, establishes a striped bass license plate; dedicates fees to Division to run an angler registry program. S2185, establishes a recreational fishing license plate; dedicates fees to coastal fishing research (Rutgers).

Atlantic States Marine Fisheries Commission (ASMFC) Report

Mr. Himchak presented the ASMFC report. The ASMFC Management Boards met from August 2-5, 2010 in Alexandria, VA. He brought Council's attention to Handouts # 4a and #4b. Handout 4a is a list of Atlantic States Marine Fisheries Commission meeting dates and locations for 2011. The number of meeting weeks has been reduced from four to three in 2011 and Mr. Himchak expressed concern on how this reduction in meeting weeks may affect the timely and efficient development of interstate fishery management measures.

American Lobster Management Board

The American Lobster Technical Committee had recommended a 5-year moratorium on the Southern New England (SNE) stock following the latest benchmark peer review of the stock assessment. Subsequent to the TC recommendation, the NMFS has agreed to support having an independent panel from the Center for Independent Experts review the White Paper on Recruitment Failure in the SNE lobster stock and environmental data to comment of the TC's moratorium recommendation, considering the appropriateness of applying the nearshore data to offshore fisheries. In the meantime, the ASMFC is continuing development on an Addendum to rebuild the SNE stock.

Tautog

The ASMFC Tautog Management Board moved to begin development of an addendum to address the illegal live fish market of tautog and to prevent an increase in fishing mortality prior to the completion of the next benchmark stock assessment.

Shad and River Herring

The Shad and River Herring Technical Committee will review the updated state river herring sustainability plans and develop recommendations for the ASMFC Management Board to consider at its November 2010 meeting. States or jurisdictions without an approved sustainable fishing plan in place will be required to close their river herring commercial and recreational fisheries by January 1, 2012.

Spiny Dogfish and Coastal Sharks

The spiny dogfish stock has recently been declared rebuilt and a current quota of 15 million pounds is in place. The annual quota is likely to increase in 2011, and could conceivably be as high as 22 to 26 million pounds in the near future. This would allow for significant growth in the fishery, however, there are currently not sufficient markets to accommodate these landings. The ASMFC will continue to develop through an Addendum, state-by-state allocations so states will know their annual quota in advance, as opposed to the current seasonal quotas by region. The Management Board also commented on Amendment 3, the federal spiny dogfish plan, recommending the MAFMC similarly allow for state-by-state quotas and eliminate the current seasonal and regional quotas.

Atlantic Menhaden

The Management Board tasked the Technical Committee with developing more restrictive reference points based on maximum spawning potential. These new reference points would then serve as the basis for a new Addendum for menhaden management.

Weakfish

The Management Board recognized that all states have implemented the requirements of Addendum IV, which include a 100 lb commercial trip limit and bycatch limit and a one fish recreational creel limit. North Carolina was approved for a conservation equivalency proposal that has a 10% by-catch allowance up to 1000 pounds of weakfish per trip. The

technical committee will annually review the fishery to ensure conservation equivalency is maintained. North Carolina had an impressive database to support this request.

Horseshoe Crab

The Management Board moved to adopt Option 2 for Addendum VI, which maintains current harvest quotas through April 30, 2013. At any time prior to this date, the Management Board may, through an addendum process, adopt the Adaptive Resources Management (ARM) Model for determining annual harvests of male and female horseshoe crabs of the Delaware Bay population. Adopting the status quo at this time also enables the Technical Committee sufficient time to develop the appropriate allocation methodology for the Delaware Bay horseshoe crab population, which will also require a separate Addendum. The Management Board also recommended that the Policy Board authorize the Executive Director to send letters to the US Fish and Wildlife Service's Division of Migratory Bird Management, Environmental Non-Governmental Organizations that have an interest in shorebird issues, and biomedical companies to request funding to support the Virginia Tech horseshoe crab benthic trawl survey, a key requirement component of the ARM Model. States utilizing horseshoe crabs of the Delaware Bay population were encouraged to submit a multi-state proposal to the Atlantic Coastal Cooperative Statistics Program to support the benthic trawl survey.

Research Set Asides

A workshop will be held at the annual meeting to address the ongoing issues regarding research set asides (RSA).

Mid-Atlantic Fishery Management Council (MAFMC)

Mr. McCloy presented Council with the MAFMC report. Handout #5.

At the joint meeting the MAFMC and the ASMFC Summer Flounder, Scup, Black Sea Bass and Bluefish Boards approved quotas for 2011. The summer flounder quota increased by 7 million pounds, the scup quota increased by 6 million pounds, the black sea bass quota remains status quo, the bluefish quota decreased by 2 million pounds. The decreased bluefish quota will have a minimal to no impact on the recreational side, however, the commercial impact in NJ will be a decrease in quota of approximately 100,000 pounds in 2011. Transfer of up to 4 million pounds of quota from the recreational fishery to the commercial fishery was approved but will be dependent upon the results of the MRFSS bluefish landings.

Mr. Himchak commented that the Omnibus Amendment on Annual Catch Limits and Accountability Measures for all species managed by the MAFMC was passed (Handout #5). Mr. Himchak expressed concern that, with all the reductions to Annual Catch Limits built into the process for scientific and management uncertainties, MAFMC members should be careful not to be too conservative in establishing annual harvest quotas. The MAFMC has a good track record on over seeing that none of its fisheries are currently overfished.

Mr. Berg commented on the Magnuson-Stevens Act (Handout #5). The new Magnuson-Stevens Act requirements to address ACL/AMS restricts what the Council can do, which made it hard not to approve the Omnibus Amendment.

Shellfish Council Reports

Delaware Bay

Mr. Bailey presented the Delaware Bay Shellfish Council report.

2010 Delaware Bay Oyster Harvest Season

The Delaware Bay Direct Market Oyster Season started on April 5, 2010. Through five months of harvest, 69 out of 79 vessels that originally signed up to participate have harvested 58,424 bushels of oysters with an average catch per effort of 62 bushels per vessel per day. The medium mortality and Shellrock seed bed management areas were closed when their respective quotas were harvested. At this point, approximately 17,900 bushels remain to be caught on the high mortality beds. The harvest season is scheduled to run through mid-November 2010.

Administrative Consent Order Allows Consolidation of Oyster Licenses

The Administrative Consent Order (ACO) has been in effect for just under two months and has allowed approximately half of the licensed oyster vessels to be consolidated. A total of 41 vessels are now involved in an ACO, 16 being designated harvest vessels and 25 being retired from the fishery.

Atlantic Coast

Mr. Johnson presented the Atlantic Coast Shellfish Council report.

FDA Patrol Frequency Requirements for Shellfish

At the August 16, 2010 Shellfisheries Council meeting, concerns regarding the State's ability to meet the minimum FDA patrol frequency requirements in shellfish growing waters, as detailed in FDA's 2009 assessment, were raised. Council discussed the possibility of having the New Jersey State Police (Marine Bureau) assist in meeting the minimum FDA patrol frequency requirements since the State Police normally patrol these waters on a regular basis.

Mr. Joseph commented on the Surf Clam Advisory Committee. Stocks have declined 92% over the last 13 years. The stocks this year are at the lowest levels since the Bureau's annual survey began. The recommended harvest quota is 55,000 bushels for the upcoming season. New Jersey is not unique in the decline of these stocks, as it also affects the stocks in waters from the Delmarva Peninsula to New York.

Mr. Joseph also reported on the shellfish enhancement efforts of the Bureau of Shellfisheries. Over 1 million hard clams were planted this past spring in Great Bay and 1.5 million will be planted this fall in Barnegat Bay

Mr. Berg asked what happened to the scallops in Barnegat Bay. Mr. Joseph commented there was a brief two and half year period where they were rebuilding and doing well. When revisited the next year, they were mostly gone, some of which may have been caught illegally.

Mr. Bailey asked for the per vessel quota of surf clams based on the annual quota. Mr. Joseph commented about 1,000 bushels. Mr. Johnson asked if bait clamming (surf clams) was still available north of Barnegat Light. Mr. Joseph responded in the affirmative. Mr. Ewing asked if clams inside federal waters are seeing a decline too. Mr. Joseph acknowledged that the decline is seen in federal waters also. Mr. Berg commented that Georges Bank plans to open for surf clams. He commented that paralytic shellfish poisoning (PSP) is a periodic problem in that area. Ms. Puskas asked if there was a difference way up north with the quantities of surf clam. Mr. Joseph commented that NJ has seen a decline since 1997. The decline started in the south and is working its way north, as NY has started to feel the effects of this decline recently. He speculated that this trend may be temperature related and is progressing slowly from south to north.

Committee Reports

Executive Committee Meeting Report

Dr. Donnelly presented the Executive Committee Report. Bringing Council's attention to Handout #6 and Handout #7.

The Executive Committee of the Marine Fisheries Council met at Nacote Creek to discuss funding options for the future of the Marine Fisheries Administration. On hand was Division staff, Council members and advisors.

The purpose of the meeting was to see the progress of the funding options that were discussed earlier. Updates were provided on the License plate proposal, the Conservation Lottery and the Saltwater License proposal. All of the ideas were well researched and covered thoroughly.

The Executive Committee met after the advisors meeting, and made the following series of recommendations:

1. To support any marine fisheries related license plate proposal, so long as the funds go to a dedicated fund to be used at the discretion of the Director of Fish & Wildlife (the current bills do not meet this criteria).
2. To support the Conservation Lottery, with the caveat that the funds be distributed in a manner similar to which was discussed at the meeting.
3. To support the Saltwater License with the understanding that some of the logistical fine points be clarified.

The Executive Committee understands that none of the above proposals, on their own, are enough to remedy the situation. Due to the fact that funding is also necessary for Shellfisheries and commercial fisheries, The Committee is also of the belief that proper appropriation from the State Treasury is essential for a viable Marine Fisheries Administration. The Committee looks forward to continue working towards that goal.

Of the options mentioned above, the Committee believes the Saltwater License is the only one in a format that has addressed most of the Committee's concerns. (The primary of which is that any proposed funding source must be placed in a division managed dedicated account only to be used for Marine Fisheries Management) and as such

supports moving this option forward. Once/if changes are made to the two other proposed funding bills/resolutions, the committee stands ready to endorse these funding options as well.

The Committee also met to discuss Council guidelines for public and Council participation during Council meetings. These guidelines have been discussed and worked on for quite some time and the Executive Committee is hoping to finalize these guidelines.

On behalf of the Committee, Dr. Donnelly made a motion to approve the recommendations contained in the Executive Committee Report regarding funding options.

Mr. Goldman expressed concerns in regards to recommendations #2 (conservation lottery) and #3 (fishing license). He has not seen the particulars on these proposals. Mr. Herb indicated that the particulars of a fishing license would be determined by the Legislature and the Council could decide at that time to support or oppose those particulars. The primary emphasis of a fishing license is that the revenue generated be protected and only spent for marine fisheries management.

Mr. Johnson expressed the opinion that the Federal government should provide more money for managing New Jersey marine fisheries.

Director Chanda explained the Sportfish Restoration Fund which was the primary Federal funding source used by New Jersey to manage fisheries. He further indicated that implementation of a saltwater fishing license in New Jersey could increase the amount of money New Jersey would receive from this fund.

Mr. McCloy indicated that the ASMFC also had funding available to the Atlantic coast states to improve their saltwater angler database. New Jersey is the only state NOT eligible for the funds because there is no saltwater angler database. (no license)

After further Council discussion and comments from the public, Mr. Goldman offered a friendly amendment to “support all three options.”

Dr. Donnelly didn’t accept the amendment. He indicated that the current license plate and lottery legislation did NOT dedicate the funds to the Division for marine fisheries management.

Mr. Goldman then made a motion to amend, seconded by Mr. Johnson, to support all three options.

Dr. Donnelly further stated that the Executive Committee supported funding from the three options discussed, but only if the revenue generated was dedicated to the Division of Fish and Wildlife for marine fisheries management. After further discussion, Mr. Goldman withdrew the motion to amend and the original motion was modified to read.

Move to accept the Executive Committee Report as follows:

“The Executive Committee understands that none of the above proposals, on their own, are enough to remedy the situation. Due to the fact that funding is also necessary for Shellfisheries and commercial fisheries, the Committee is also of the belief that proper appropriation from the State Treasury is essential for a viable Marine Fisheries Administration. The Committee looks forward to continue working towards that goal.

Of the options mentioned above, the Committee believes the Saltwater License is the only one in a format that has addressed most of the Committees concerns. (The primary of which is that any proposed funding source must be placed in a Division managed dedicated account only to be used for Marine Fisheries Management) and as such supports moving this option forward. Once/if changes are made to the two other proposed funding bills/resolutions, the committee *endorses (deleting “stands ready to”)* these funding options as well.”

Chairman Ewing asked for a vote on the motion. The motion was approved unanimously.

Mr. McCloy requested clarification to what was meant by “changes” to the other two options. Dr. Donnelly indicated the revenue had to be dedicated to the Division for marine fisheries management.

Dr. Donnelly made a motion for Council to approve the Guidelines for Public Participation during Council Meetings. (Handout #7)

Council members Johnson, Rizzo and Goldman expressed concerns about several of the guidelines (#3, 4, 8, 11, 12) with particular reference to the one (#11) dealing with dialog between the staff and public.

Chairman Ewing indicated that the purpose of these guidelines (which have been generally followed for numerous meetings) is to allow the Council to complete their business in the allotted time. In the past, some discussions between staff and public have consumed a considerable amount of time.

Director Chanda reminded everyone that the purpose of the meetings is for the Council to conduct its business. Discussions with staff can be accomplished via letters, email, telephone or meetings.

Mr. Johnson acknowledged that it was important for the Council to get their business completed and that prolonged public dialogue with staff could hamper this. He thanked Director Chanda for clarifying the means by which the public could communicate with staff.

After allowing for public comment Chairman Ewing asked for a vote on motion, which passed, 8 in favor and 2 against.

Mr. Herb made a motion for the Council to send a letter to legislators, bait and tackle shops and fishing clubs to address the funding options approved by the Council. Dr. Donnelly seconded. Motion unanimously approved.

Regulatory Updates

Mr. McCloy brought Council's attention to Handout #9, the NJ Register copy of the shark regulations adoption.

Mr. McCloy updated Council on the 2008 rule proposal. There has been no further progress.

Old Business

Mr. McCloy brought Council's attention to Handout #10, regarding a letter Council sent to the Commissioner on the extreme delay in advancing the 2008 Marine Fisheries Multispecies Rule Proposal. Mr. Ewing commented that he has not heard back from the Commissioner himself, but he was invited to meet with the Commissioner's staff. A meeting date has not been scheduled.

Mr. Herb asked if anyone has heard anything back on the modifications on striped bass regulations. Mr. McCloy has not heard of any new legislation being introduced.

Mr. Berg announced that the MAMFC meets in Cape May in October 2010.

New Business

Dr. Donnelly asked Mr. McCloy for the fishing regulations on killies at the next meeting.

Chairman Ewing advised the Council about the sinking of the Radford on an artificial reef. Council members interested in attending the deployment should contact Mr. McCloy.

Bob Connell and Jim Manual gave a presentation on NJ's Oil Spill Contingency Plan. The overview presented focused on the recent Gulf oil spill, and how this could affect NJ if it should reach NJ shores. They were optimistic that the Gulf oil spill will not reach NJ.

Mr. Joseph brought Council's attention to Handout #13, a Shellfish Harvest Poster. The purpose of the poster is to educate the public on the proper handling of shellfish.

Mr. Johnson suggested the poster be included on future charts and distributed to tackle shops.

Mr. McCloy brought Council's attention to Handout #14, for the 2011 Council meeting schedule. After some discussion, Council approved Scenario 2 for the year 2011.

(Meetings will continue to be scheduled every other month beginning in January with a special meeting in April.)

Public Comment

Mr. Nowalsky, RFA; asked Council to respond back to the RFA on the Guidelines of the Public Procedures and thanked Council for addressing this matter. He also brought Council's attention to a letter (Handout #12) he wrote to Mr. McCloy in response to comments made at the last Council Meeting in July, regarding the DEP adopted amendments to coastal shark regulations.

Meeting adjourned.

Next Meeting is WEDNESDAY November 3, 2010, Galloway Township Library.