

NEW JERSEY MARINE FISHERIES COUNCIL
Galloway Township Library
Galloway, New Jersey
January 5, 2012

In Attendance were: Chairman Gilbert H. Ewing, Jr.
Councilman Erling Berg
Councilwoman Eleanor Bochenek
Councilman Patrick Donnelly
Councilman Richard Herb
Councilman Walter L. Johnson III
Councilwoman Frances Puskas
Councilman Sergio Radossi
Councilman Joseph Rizzo

Absent:
Councilman Scott Bailey

Also in attendance representing the Division of Fish and Wildlife:

Thomas W. McCloy, Administrator, Marine Fisheries Adm. (MFA)
Brandon Muffley, Chief, Bureau of Marine Fisheries. (BMF)
Russ Babb, Acting Chief, Bureau of Shellfisheries
Jeffrey Brust, Research Scientist, MFA
Peter Himchak, Supervising Biologist, MFA
Captain Dominick Fresco, Bureau of Law Enforcement
Russ Allen, Principal Biologist, BMF
Peter Clarke, Assistant Biologist, BMF
Maryellen Gordon, Assistant Biologist, BMF
Sherry Bennett, Recording Secretary

Ms. Bennett read the compliance with the Sunshine Law. Notice of the meeting was filed with the Secretary of State on December 8, 2011. Meeting Minutes from the November 3, 2011 Council meeting were approved.

Chairman Ewing began the meeting with the Pledge of Allegiance.

Chairman Ewing reminded the Council and the public that an ASMFC Horseshoe Crab Public Hearing will begin at 7pm, so the Council Meeting needs to be concluded by 6:30pm.

Mr. Muffley made two "new" staff introductions to the Bureau of Marine Fisheries. Peter Clarke and Maryellen Gordon who will now be overseeing the Commercial Quota and Biological Sampling Programs and NJ Saltwater Angler Registry Programs and recreational fishery programs, respectively. Mr. Clarke previously worked with the Atlantic States Marine Fisheries Commission but was stationed at the Bureau's Nacote

Creek Office. Ms. Gordon has been with the Bureau for a while but will be taking on there responsibilities.

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 Fresco presented the Enforcement Report.

October – November 2011

While patrolling by land, a CO observed a familiar vessel fishing the Cold Spring Inlet jetties. The vessel was previously apprehended by the CO approximately a year ago for numerous undersize and over the limit tautog. With the aid of a spotting scope, CO was able to observe two individuals catch numerous tautog and attempt to conceal their activities from other nearby tautog fishermen. CO observed the vessel until it headed for its slip in Cape May Harbor. Once the vessel returned to its marina of origin, one of the individuals was dropped off at a dock. The vessel immediately left the marina and proceeded to head north on the ICW. The CO managed to follow the vessel by vehicle through four municipalities to another inland marina. The CO's cover was blown when the individual that was dropped off previously, arrived at the inland marina by vehicle. The CO managed to apprehend the individual before he could alert his counterpart who was operating the vessel toward a nearby dock. An inspection of the vessel revealed 26 live tautog in coolers full of water. Six tautog measured less than the legal size limit of 14 inches. The appropriate summonses were issued.

On October 24th CO's responded to a complaint of fishermen taking illegal summer flounder. While investigating this complaint, the COs spotted two other individuals who appeared to have been hiding something in the rocks at the Manasquan Inlet. An inspection moments later did not reveal anything illegal, however the behavior of the subjects lead the COs to believe that the two men were hiding something.

Shortly after the fishermen drove away, the CO went to the area of the jetty where the two men were fishing. After a few minutes of searching the CO did uncover two bags filled with tautog, neatly tucked up under a concrete ledge. It appeared as though the fishermen had planned to return for the fish at a later time.

CO's then set up surveillance of the jetty and parking area. After two hours darkness had set in, but there was no sign of the men. The CO decided to go look for the men elsewhere and about a half mile away the COs found one of the target vehicles with no one in it. The COs waited for the driver to return and about a half hour later one of the individuals returned to the car with an empty backpack.

The COs confronted this individual and showed him that they had what he may have been looking for. The individual admitted that he and his friend saw the COs and hid the fish, fearing they would get tickets.

They possessed a total 16 tautog between the two bags, of which 14 were over limit and nine were undersized. The appropriate summonses were issued.

On November 8th CO's inspected an otter trawl vessel, at the Fisherman's Dock Cooperative in Point Pleasant Beach. The inspection uncovered an overage of 250 pounds of spiny dogfish and an extra trip of summer flounder. The Captain had already landed his one trip, weekly allowance of 3500 pounds earlier in the week from a directed summer flounder trip. Therefore he was not allowed to land any more than a by-catch allowance of 200 pounds of summer flounder per trip each of the remaining days of that week. The vessel offloaded 273 pounds of summer flounder making this trip a second, directed summer flounder trip for the week. The appropriate summons was issued.

During an Election Day boat patrol in the Atlantic Ocean, CO's attempted to conduct an inspection of a lone striped bass fisherman. As the officers approached the fisherman's vessel and announced their presence, the fisherman left the helm with the boat still in gear and attempted to throw striped bass overboard. The CO's had to make evasive maneuvers with the patrol vessel to avoid being struck by the individual's vessel. The fisherman possessed five striped bass and was issued summonses for possessing two striped bass over the limit and failing to fill out a striped bass bonus card immediately upon retention of a bonus striped bass.

On November 19, 2011 CO's inspected a party fishing vessel as it returned to its dock in Atlantic City. Fourteen of fifteen patrons on board were in violation. One hundred undersized black sea bass and four, undersized tautog were seized. A total of eight summonses were issued.

On November 20, 2011 CO's conducted a boat patrol in the Little Egg Harbor Inlet and intercepted vessels returning from striped bass fishing in the Atlantic Ocean. An inspection of one vessel with two fishermen aboard uncovered the possession of nineteen striped bass. Ten of the nineteen striped bass were under the legal size limit of 28 inches. The appropriate summonses were issued. Fifty-four more fishermen were inspected resulting in an additional six summonses being issued for striped bass bonus tag violations. A total of twenty-five striped bass were seized and donated to the Atlantic City Rescue Mission.

November –December 2011

On 11/21/11 CO's inspected a fishing vessel in Point Pleasant Beach after coming in from an offshore lobster trip. While CO was inspecting the holding tanks where the fishermen keep the live lobsters, the CO observed three winter flounder on the vessel's deck under one of the tanks. Before he could say anything, the first mate mentioned there were a few winter flounder under the port side holding tank. The commercial winter flounder season was closed at the time. The appropriate summons was issued.

On 11/27/11 and 11/29/11 District 7 COs assisted the USCG Sector NY with Living Marine Resource (LMR) patrols in Sandy Hook and Raritan Bays, and the Atlantic Ocean, from Sandy Hook south to Monmouth Beach and out five nautical miles.

On 12/16/11 CO's settled a case in Asbury Park Municipal Court involving the illegal commercialization of live tautog and the illegal possession of several other species of

marine finfish. At the time of apprehension, the two men were in possession of 93 black sea bass, 30 weakfish, 36 live tautog, 12 dead tautog, five striped bass, and an assortment of other species. In a plea agreement, the men paid a total of \$7000.00 plus court costs after pleading guilty to commercially harvesting tautog in closed season, failure to possess a commercial tautog permit, and a number of recreational violations.

On 11/26/11 CO's inspected a recreational vessel with four individuals aboard at a marina in Manasquan. The CO's conducted the inspection and subsequent interviews. The COs were shown 12 striped bass onboard with none of the individuals having filled out their striped bass bonus tags. While a CO was collecting the blank bonus tags, one of the individuals who thought he wasn't being watched, dropped a striped bass into the water taken from a live well. The CO immediately asked everyone to safely disembark the vessel. A thorough inspection of the vessel revealed 15 striped bass onboard and one summer flounder possessed during the closed season. The appropriate summonses were issued.

On 12/16/11, a Maine seafood company, one of its owners and four fishermen were charged in federal court with conspiracy to falsify records and obstruct justice in connection with the over harvesting of Atlantic Sea Scallops off the coast of New Jersey. This case was developed during a joint investigation by New Jersey CO's and Special Agents from the National Marine Fisheries Service. During the inspection which occurred in Atlantic City in March 2008, the officers uncovered huge scallop overages which were secreted in hidden compartments on the vessels. With more in-depth records inspections of the Maine seafood company, Special Agents found numerous instances of under-reporting of scallops landed by the Maine vessels during two-week periods in March 2007 and 2008. Under the conspiracy charge, the defendants face a maximum fine of \$250,000 and five years in penalty. The maximum penalty for the business is a maximum of five years probation and a fine in an amount that is the greater of \$500,000 or twice the gross gain.

A CO received a complaint of an individual that was leaving a popular tautog fishing spot in Avalon with multiple undersize tautog. The CO was familiar with the suspected violator and attempted to intercept the individual at his residence. The CO missed the suspected violator at the residence, but managed to observe the suspect's vehicle heading in the direction of a Asian restaurant which the suspected violator owns. The CO followed the suspected violator to the restaurant and made contact with the individual to conduct an inspection of the coolers inside the suspect's vehicle. The coolers only contained fresh scales and slime. The individual agreed to take the CO back to his nearby residence to inspect his catch and voluntarily consented to the CO inspecting his cold storage areas. The CO inspected three separate freezers each containing dozens of frozen, whole tautog. The CO removed ten, undersized tautog. Two additional, live undersized tautog were found swimming in a 50 gallon fish tank. In addition to dozens of frozen tautog, the CO observed approximately 55 lbs. of shucked sea scallops which he determined were purchased unlawfully for use at the restaurant. With the assistance of a NMFS Special Agent (SA) the CO proceeded to go back to the individual's restaurant to conduct a seafood and records inspection. Before the CO and the owner arrived at the

restaurant, SA was able to thwart an attempt by staff and relatives at the restaurant from hiding and concealing containers of illegal fish, specifically three undersize tautog and five undersize porgies. Also found at the restaurant along with additional legal size frozen tautog, another 18 lbs. of unlawfully purchased scallops were found. The appropriate summonses were issued and an investigation into the origin of the scallops continues.

After receiving numerous complaints of recreational vessels fishing for striped bass in the Economic Exclusion Zone (EEZ), CO's conducted a striped bass patrol in the EEZ. Federal fisheries regulations prohibit the taking of striped bass in federal waters. Two vessels were apprehended and three striped bass were seized before the recreational fleet scattered back into state waters. The violations were turned over to National Marine Fisheries Service for prosecution and the seized striped bass were donated to the Wildwood Fireman's Food Bank.

On December 16, 2011 a CO was patrolling the beach of Wildwood Crest and observed a commercial fishing vessel tending gill nets approximately one mile from shore. The gill net season for the Atlantic Ocean closed on the December 15, 2011. When the vessel returned to the dock the CO spoke with the Captain who had landed approximately one bushel of menhaden. The Captain indicated that his nets were full of spiny dogfish and that he had intentions of landing and selling the spiny dogfish the following day. The CO advised the Captain of his violations and his intent to seize the fish caught in the gill nets. A CO made arrangements with the Captain to harvest the spiny dogfish the following day while a CO observed from his patrol vessel. 2400 lbs. of spiny dogfish were seized and sold for fair market value. The captain was issued summonses for using an anchored gill net and a drifting gill net during the closed season.

Mr. Herb requested the Law Enforcement Report be included as a full report in the minutes instead of a summary. Mr. McCloy suggested including the full Enforcement Report in the Council's Handouts while still presenting a summary in the minutes.

Legislative Report

Mr. McCloy presented Council with the Legislative report and brought Council's attention to Handout #1; A2770/S2058 would transfer the Division of Fish and Wildlife and related entities to the Dept of Agriculture.

A4063/S2880 deals with NJ Angler Registry Program Penalties. Penalties for individuals' would be \$25 for the first offense and \$50 for subsequent violations. For party and charter boats the first offence would be \$100 and \$200 for any subsequent offense. This bill has been passed and waiting for the Governor's signature.

Atlantic States Marine Fisheries Commission (ASMFC) Report

Mr. Himchak presented Council with the ASMFC Report. A summary of the Annual meeting activities were provided in Handout #2.

Atlantic Herring Section

The Section reviewed the 2011 landings; Area 1A catch rates were lower than average from June to September and increased in October while Area 3 catch rates were higher than average. For 2012, the Section approved seasonal allocations for Area 1A catch of 72.8% from June to September and 27.2 % from October to December, as was done in 2011. The fishery will close when 95% of seasonal period's quota has been harvested and any underages from the June to September period, may be rolled into the October to December period.

American Lobster Management Board

The Board adopted a 10% reduction in exploitation for the Southern New England Stock by all fishing sectors and all gear types starting January 1, 2013 as the first phase of stock rebuilding. The reduction would come from changes in the size limits and seasonal closures.

Tautog Management Board

The Board did not approve the alternate NJ methodology that would result in a 29% reduction in harvest. Consequently, NJ will have to reduce its commercial and recreational landings by 53% in order to comply with Addendum VI management plan for tautog. These reductions were required in order to promote rebuilding of the coastwide tautog resource.

Horseshoe Crab Management Board

The Board approved Draft Addendum VII to the Horseshoe Crab Fishery Management Plan for public comment. A public hearing is being held immediately following the Council meeting.

Menhaden Management Board

The Board approved Addendum V to Amendment 1 to the Interstate FMP for Atlantic Menhaden. The Addendum establishes a new interim fishing mortality threshold and target with the goal of increasing abundance, spawning stock biomass and menhaden availability for predators. The new threshold and target equates to a maximum spawning potential of 15 % and 30 %, respectively, of an unfished stock.

Spiny Dogfish and Coastal Sharks Management Board

The Board approved a spiny dogfish quota of 30 million pounds for the 2012/2013 fishing year, and a daily trip limit at 3,000 pounds. The Board also approved a 33 non-sandbar large coastal sharks possession limit.

Summer Flounder, Scup and Black Sea Bass Management Board

The Board met to discuss recent actions by NY, CT and RI to extend their scup recreational fishery beyond the previously approved season closure dates. The Plan Review Team concluded that the actions were not consistent with the Scup Fishery Management Plan.

Mr. Allen continued the Report with other ASMFC activities.

South Atlantic Board

The Board asked the TC to develop management triggers and revise assessment triggers for Atlantic croaker. In regards to black drum, the ASMFC is going to develop a new FMP by Summer 2013.

Shad and River Herring Management Board

The Board reviewed state sustainability plans for river herring and shad. New York's river herring plan was approved as were the shad plans for South Carolina and Florida. The remaining plans will be acted on in February 2012. The Delaware Basin (NY, NJ, PA, DE) states submitted a joint shad plan. The Board also approved bycatch allowances for Maine (river herring) and Virginia (shad) for 2012. The bycatch allowance for the Potomac River Fisheries Commission was tentatively approved pending additional Technical Committee review.

Winter Flounder Management Board

Stock assessment results for the Southern New England/Mid Atlantic stock were presented that show the stock is overfished but overfishing is not occurring. Some Board members expressed concern that further management measures may be necessary for this stock.

Atlantic Sturgeon Management Board

This Board did not meet. However, Council was advised that a final ruling on whether Atlantic sturgeon will be listed as a threatened or an endangered species is coming soon. If listed, it isn't clear what the impact will be on NJ fisheries and research programs.

Atlantic Striped Bass Management Board

The Board took no action on Draft Addendum III, which proposed options to reduce fishing mortality and protect the spawning stock when it is concentrated and vulnerable. The Board voted to postpone further action on Draft Addendum III until completion of the benchmark stock assessment in 2013.

The assessment update finds the resource not overfished and overfishing not occurring. Mr. Allen provided Mr. Radossi with an update to his question from the November Council meeting regarding the status of the Hudson River stock. The Hudson River stock is in good shape and had a peak recruitment year in 2007.

Chairman Ewing commented that he is glad to see the development of a FMP for black drum.

Mr. Berg commented that the MAFMC's Amendment 14 to the Squid, Atlantic Mackerel, Butterfish Plan will focus on the bycatch of river herring and shad in the mackerel and squid fisheries and is scheduled to be approved in 2014.

Mid-Atlantic Fishery Management Council (MAFMC)

Mr. Berg presented Council with the MAFMC report; Handouts 3a-c.

A more detailed summary of the MAFMC meeting can be found by visiting the Council's website at <http://www.mafmc.org>.

In December the MAFMC met with the ASMFC Summer Flounder, Scup and Black Sea Bass Board to set catch and harvest limits for 2012. The Board and MAFMC revised the 2012 harvest limits and recommended some liberalization of recreational management measures. They adopted a recreational harvest limit of 8.76 million pounds for the summer flounder fishery, with conservation equivalency permitted.

For the scup fishery the MAFMC and the Board recommended a recreational harvest limit of 8.31 million pounds, with a 10.5 inch minimum size limit, a 20 fish possession limit and an open season all year in federal waters.

The MAFMC and the Board also recommended management measures to achieve 1.32 million pound recreational harvest limit they had adopted in August for the 2012 black sea bass fishery. For Federal waters they recommended an open season of January 1 to February 29 with a 12.5 inch minimum fish size/15 fish possession limit; May 19 to October 14 and November 1 to December 31 with a 12.5 inch fish/25 fish possession limit.

Mr. Himchak elaborated more on the summer flounder quota. The new commercial quota selected in December represents a 700,000 pound decrease from the 2011 NJ commercial quota. Consequently, Council should consider whether they want to move forward with the trip limit recommendations presented at the November meeting. The recreational harvest limit was also reduced significantly but NJ may actually be able to liberalize its management measures since the 2011 harvest was significantly under the target.

Mr. Himchak brought Council's attention to Handout 3c, a notice for upcoming vacancies on the MAFMC. NMFS will be formally requesting nominations from Governor Christie for three upcoming vacancies. One seat is New Jersey's obligatory seat and two seats are at-large seats which are open to nominations from each MAFMC constituent state governor.

Shellfish Council Reports

Delaware Bay

Mr. Babb presented Council with the Delaware Bay Report in Mr. Bailey's absence.

Final 2011 Delaware Bay Oyster Harvest Season

The Delaware Bay Direct Market Oyster Season, which opened in early April, closed in early December after eight months of harvesting. The fishery experienced a nearly 40 day closure due to water quality impacts from Hurricane Irene and Tropical Storm Lee. In an effort to make up these days, the Division extended the season from November 18

to November 30 and allowed for Saturday harvesting. At the close of the season, approximately 95,000 bushels of oysters had been harvested.

Relatively large mortalities of oysters are expected to show up in the fall random sampling program due to the large amounts and duration of freshwater on the upper seed beds from the two storm events. The data from the sampling program will be peer reviewed at the 2012 Stock Assessment Workshop, scheduled for February 13-15, at the Haskin Shellfish Research Facility in Bivalve, NJ.

Atlantic Coast

Mr. Johnson reported that there was no Atlantic Coast Report to present to Council at this time.

Committee Reports

Dr. Donnelly presented Council with Tautog Committee Report, Handout #4.

The Tautog Committee met on January 4, 2012. In attendance were Marine Fisheries Council's Tautog Committee members, commercial and recreational advisors and Division staff.

Division staff presented a brief overview of the purpose of the Atlantic States Marine Fisheries Commission's (ASMFC) Addendum VI and how it evolved from its original intent of implementing measures to reduce illegal live harvest to reducing recreational and commercial harvest by 53%.

Division staff then presented several options to commercial and recreational advisors for achieving the required reduction that included changes in seasons and size limits.

Commercial and recreational advisors provided feedback and suggestions for the options provided. Commercial advisors were content with two different options that involved a 15" minimum size. Recreational advisors recommended an increase in size to 15 inches with a total of eight seasons. Marine Law Enforcement expressed concern over the complexities of having eight seasons and the challenges involved with limited staff and educating the public about these changes.

After receiving input from recreational and commercial advisors the Committee recommends the following options to achieve a 53% reduction in harvest:

**TAUTOG FISHERY MANAGEMENT OPTIONS UNDER ASMFC
ADDENDUM VI
Recreational (52.99% savings)**

Jan 1 – Feb 28	4 fish, 15" minimum
Mar 1 – Mar 31	CLOSED
Apr 1 – Apr 30	4 fish, 15" minimum
May 1 – Jul 26	CLOSED

Jul 27 – Aug 31	1 fish, 15” minimum
Sept 1 – Oct 17	CLOSED
Oct 18 – Nov 15	1 fish, 15” minimum
Nov 16 – Dec 31	4 fish, 15” minimum

Commercial Option “A” (53.26%)

Jan 1 – Jan 15	OPEN, 15” minimum
Jan 16 – June 21	CLOSED
June 22 – June 30	OPEN, 15” minimum
July 1 – Nov 8	CLOSED
Nov 9 – Dec 31	OPEN, 15” minimum

Option “B” (52.65%)

Jan 1 – Jan 10	OPEN, 15” minimum
Jan 11 – June 12	CLOSED
June 13 – June 30	OPEN, 15” minimum
July 1 – Nov 21	CLOSED
Nov 22 – Dec 31	OPEN, 15” minimum

Regulatory Actions

Tautog Commercial and Recreational Measures

Chairman Ewing commented that the Committee Report serves as a Motion from the Committee. He asked Council if they had any questions. Dr. Donnelly made a suggestion to discuss the motion in two separate parts, recreational followed by commercial so as to limit confusion. Council agreed. Chairman Ewing opened the meeting for public comment on the tautog motion.

Public comments on recreational tautog measures:

Mr. Fulmer, NJ Council of Diving Clubs, commented that tautog is the #1 fish for sport divers. He favors a 16” minimum but went along with the 15” fish. He supports the recreational measures.

Mr. Hutch, expressed concerned that nothing is being done to NY fisherman who are in NJ waters out of season. He asserted there is no enforcement. He would like to see more uniform seasons between NJ and NY, so there would be no poaching of NJ stock by NY fishermen.

Mr. Bob Bogan questioned why there was only one option. He would like to see an increase to a 5 fish possession limit during the Nov. 16 – Dec. 31 season. He further commented that roller rigs are damaging habitat. Dr. Donnelly commented that given the Committees’ time constraint, this was the most preferred option. An increase in the possession limit meant less days to fish. Consensus was to have the longest fishing season.

Mr. Sciliano, criticized the MRFSS data, used to determine performance in the recreational fishery. NJ representatives presented a model with a 29% reduction instead of 53%. This model was not approved. He asserted it failed for political reasons. This is why it is so important for the fisherman to fill out that volunteer angler survey on the Division website.

Mr. Rush, United Boatman, preferred closing October 18 to November 15 season to allow for a higher possession limit during the season of Nov 16 to Dec 31. He complained that only one day is not enough time to sort through all the information for the best plan (referring to the Committee meeting the prior day).

Mr. Hartley, preferred a 16" minimum size and a single closed season.

Mr. Thompson, understands that this option might benefit the greatest number of NJ anglers although he did not really like it.

Mr. Nowalsky supports the recreational proposal.

Mr. Namowitz suggested an extra fish in the possession limit during the Nov. 16 to Dec. 31 season. He commented that the divers didn't need a fish.

Mr. Blane commented that there was no enforcement.

The public comment on the recreational option concluded.

Chairman Ewing asked the Council if they had any other questions.

Ms. Puskus asked how difficult it would be to add one more fish at the end of the season.

Mr. Brust commented that a 5th fish in the November to December season will mean less days to fish. It is not hard to calculate but will take a little time.

Mr. Rizzo commented that it appears time has run out to look at other options.

Dr. Donnelly indicated that at the Committee meeting there were no good options. This really was the best option for all.

Mr. Rizzo referenced the comment about NY fishermen in NJ. If it is as bad as the public says, the Governor should be notified and the issue be handled accordingly.

Dr. Donnelly commented after listening to the Enforcement Report, it's his opinion the laws are being enforced.

Chairman Ewing asked for a roll call on vote on the recreational tautog management option. Motion passed. (8 in favor, 1 abstention).

Dr. Donnelly made a motion to amend the original motion of the Committee Report to select commercial tautog Option A. Ms. Puskus seconded.

Chairman Ewing asked for questions on the motion.

Dr. Bochenek asked what the difference was between the two options. Mr. Burst commented that there was no consensus of commercial fisherman, some preferred the winter season over the summer season. Therefore Option A is provided as an option supported by the majority, of advisors (not all supported); while Option B was developed to take an equal, 33% reduction across all three seasons since consensus was not achieved.

Mr. Radossi asked why Option A was selected instead of B? Dr. Donnelly said it was for discussion purposes and to generate a specific option for the public to comment on.

Public Comment on Commercial Tautog option.

Ms. Berko preferred, Option A, because it provided the best fishery.

Mr. Conti supported, Option A, because fish were worth more money in the fall.

Chairman Ewing asked for a roll call vote on the commercial tautog options. The Motion to select Option A passed (8 in favor, 1 abstention).

Dr. Donnelly commented that he wanted to thank the Committee for meeting last night, considering time constraint. Hopefully in the future more time is allowed for Committee to meet before Council has to make a decision.

River Herring Moratorium

Mr. Muffley presented Council with the draft provisions to close NJ's river herring fisheries, with the caveat that 5% bycatch is allowed (not for sale), to allow the mackerel and Atlantic herring fisheries to continue to operate in Federal waters (as written in handout 6a).

Mr. Berg questioned how this will be enforced. Mr. Muffley commented that the industry indicated that they are able to sort the catch shore side.

Dr. Donnelly expressed his concern about throwing away a resource. He asked why it can't it be used for bait? Mr. McCloy commented if a fisherman was to use it as bait he is now in possession, which is a violation of the closure. If these fish were given to a crabber how does law enforcement know where the crabber got the herring. To allow the sale/possession of these offshore caught herring would circumvent the entire closure.

Mr. Radossi asked if we can have a Committee to discuss these options.

Mr. Muffley commented the Council could have a Committee meeting, however if Council chooses not to adopt river herring closure then NJ will be found out of compliance in February at the ASMFC meeting. It should be noted that this issue has been discussed at almost every Council meeting for the last two years.

Chairman Ewing suggested moving forward with the chance of revisiting this issue when more time is available.

Mr. Berg commented that there are other issues with river herring such as dams blocking their upstream spawning migration.

Mr. McCloy reminded Council that the MAFMC will be addressing bycatch issues as part of Amendment 14 to the Squid, Mackerel, Butterfish FMP. Mr. McCloy advised Council that the Bureau of Freshwater Fisheries has not implemented a closure in fresh water yet, so even if Council approves this motion NJ can still be found out of compliance in February.

Mr. Berg commented that it appears that there is no choice for the Council. He made a motion –Mr. Johnson seconded- to approve the river herring closure with the caveat that 5% bycatch is allowed for those vessels in the Federal mackerel and Atlantic herring fisheries. Motion Passed.

2012 Commercial Trip Limits for Summer Flounder

Mr. Muffley brought Council's attention to Handout #5, the October 2011 Committee Report on summer flounder commercial trip limits. Action on this was tabled at November's meeting pending the outcome of a revised summer flounder quota decision between the MAFMC and ASMFC in December.

Chairman Ewing asked Council how they wanted to handle tabled the motion regarding summer flounder trip limits for 2012.

Dr. Donnelly commented that the quota will not be increasing as originally anticipated so trip limits should remain the same. He made a motion to withdraw the Committee Report Motion as it applied to commercial summer flounder trip limits.

Mr. Rizzo seconded the motion to withdraw.

Motions passed. Commercial summer flounder trip limits will remain as they were in 2011.

Mr. Muffley presented Council with a Notice of Administrative Change including the river herring closure and tautog measures previously approved, for the Council's approval.

Dr. Donnelly made a motion to approve the NAC. Motion was seconded by Mr. Johnson and passed.

Regulatory Updates

Mr. Muffley presented Council with a regulatory update. Handout #6b is a copy of the NJ Register notice reflecting the increase in commercial scup trip limits that the Council acted on at the November meeting.

Mr. Muffley reminded Council that he reported that the multi-species rule was a number two priority for the Department which could mean adoption in 2012. The Department has since reprioritized rules and the multi-species proposal has been moved to a number three priority which means it won't be adopted until 2013. The Division is currently looking into new ways to modify regulations without going into a full blown regulatory proposal.

Old Business

Commercial Landings

Mr. Clarke presented Council with a review of NJ's commercial landings for 2011. The 2011 summer flounder fishery ended the year harvesting 97.3% of the annual quota, leaving 75,425 lbs. un-used. Industry advisors were contacted regarding increasing the trip limit on Dec. 1, but consensus was to maintain the existing trip limits to avoid going over the annual State quota.

The 2011 black sea bass fishery ended the year catching 85.67 % of the annual quota and leaving 49,095 lbs. un-used. The black sea bass fishery utilized the Dec. 1, 50,000 lb. trigger to increase the trip limit in order to catch the remaining quota. While the increase helped, it was too late in the year to capitalize on the remaining fish.

The NJ scup landings during 2011 were lower than previous years in percent landings.

NJ Winter I landings were 32% of the coastwide landings compared to 58% in 2009 and 49% in 2010. NJ landed 24% of the State summer quota and only 5% of the Winter II coastwide quota.

In 2011 the NJ bluefish fishery harvested only 50.78% of the State quota leaving 683,725. lbs un-used. Typically, all gear types except the purse seine allocation over harvest their gear quota. In contrast, all gear types under harvested in 2011 with the trawl fishery utilizing the highest percentage of quota at 79%, followed by the gillnet fishery at 59%, the hook and line fishery at 42%, and finally the pound net fishery at 15% of their respective quotas. The availability of bluefish during the spring and summer months in near shore waters was absent this year where in previous years it was overly abundant.

Saltwater Registry

Ms. Gordon presented Council with an update on NJ Saltwater Registry.

The preliminary numbers for 2011 with respect to the NJ Saltwater Recreational Registry Program are as follows:

- 251,281 individual registrants
- 1,017 for-hire vessel owner/operators

The 2011 data has not been transferred to the National Marine Fisheries Service as of yet, due to confidentiality issues. There was a conference call on December 21 to walk through the download of encryption software, which will allow us to securely transfer data.

Changes have been made to the saltwater registry website for 2012 to make it more user friendly. Also, the size of the registration card has been decreased to the size of a credit card. A reminder to register for 2012 will be posted on the Division website and sent out via email to anglers.

New Business

Mr. McCloy brought Council attention to Handout #7; a news release indicating NOAA has released their regional saltwater recreational fishing plans designed to improve fishing, stewardship and science. Mr. McCloy referred Council to the NOAA website listed in the handout for more detailed information.

Ms. Puskus gave a warm welcome to the new staff but said it still appears the Administration is overworked and understaffed.

Chairman Ewing asked about the Administration planning document. Mr. Muffley commented that the Department planning document is in the process of being reviewed by the Commissioner's Office.

Public Comment

Mr. Aikers commented he is sad to hear about closing the river herring fishery.

Mr. Mackey commented about the under harvest of bluefish. He asked Council to revisit this issue and use more flexibility so harvest levels can be realized.

Mr. Layton invited Council to stay for the horseshoe crab hearing to follow. He asked the Council to send a letter with comments on the Addendum.

Mr. Nowalsky stressed the need for Council to act next fall to open a black sea bass fishery in January/February 2013.

Mr. Rush, concurred with Mr. Mackey's comments on bluefish.

Mr. Rizzo asked where the Division stood on the Horseshoe Crab Addendum.

Mr. Himchak responded that the public will weigh in on options tonight at the hearing for the Division to consider.

Mr. Rizzo commented that he hopes NJ wants to keep its quota.

Mr. Himchak advised in the affirmative that NJ does want to maintain or have an allocation for the fishery in the future.

Chairman Ewing commented that it is difficult to defend a quota since management of horseshoe crabs has been taken out of the Council's hands by legislation.

Meeting adjourned.

Next Meeting March 1, 2012 in Toms River.