

NEW JERSEY MARINE FISHERIES COUNCIL

March 1, 2007

Galloway Township Public Library
Jimmies Leeds Road
Absecon, New Jersey

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

Absent: Councilman Robert Abel

Also in attendance representing the Division of Fish and Wildlife:

Thomas W. McCloy, Administrator, Marine Fisheries Adm.
James W. Joseph, Chief, Bureau of Shellfisheries
Joe Meyer, Captain, Bureau of Law Enforcement
Peter Himchak, Acting Chief, Bureau of Marine Fisheries
Brandon Muffley, Research Scientist
Jeffrey Brust, Research Scientist
Mike Celestino, Senior Biologist
Mark Canale, CO III, Bureau of Law Enforcement
Carl Youghans, Lieutenant, Bureau of Law Enforcement

Ms. Smallwood read the compliance with the Sunshine Law. Notice of meeting was filed with the Secretary of State on February 7, 2007.

Chairman Ewing advised the audience of changes in the agenda. He indicated that the meeting would end promptly at 6:30 PM because of the public hearing being held on the 2007 Multi-Species Proposal beginning at 7:00 PM. He also indicated that the discussion on 2007 Summer Flounder options would follow New Business.

On a motion by Dr. Donnelly, seconded by Mr. Herb, the January 4, 2007 minutes were approved unanimously.

Law Enforcement Report

Chairman Ewing indicated the Enforcement Report would be deferred until the May meeting to allow more time to take comment on summer flounder at this meeting.

Legislative Report

Mr. McCloy presented the Legislative Report. He informed Council that Assembly Sean Kean had introduced A3986 which would ban the use of commercial gear on reef sites in New Jersey waters and require NJDEP to apply to the Mid Atlantic Fishery Management Council for Special Management Zone status on reefs for which New Jersey holds the permits.

Atlantic States Marine Fisheries Commission Report (ASMFC)

Mr. Herb presented the ASMFC report. A detailed summary of the Winter 2007 meeting was included in the Council handout pocket.

Atlantic Striped Bass Management Board

The Board met to review an update from the Technical Committee and review and consider approval of a proposal from Maryland to eliminate the quota management system in place for the Chesapeake Bay spring trophy fishery. The motion to approve the proposal failed.

American Lobster Management Board

The Board approved Addendum X to Amendment 3 to the Management Plan for American Lobster which established a coastwide reporting and data collection program that includes dealer and harvester reporting, at sea sampling, port sampling, and fishery-independent data collection.

The Board also reviewed the progress being made on the development of draft Amendment 5 which includes options for a maximum size, the v-notch possession rule, and limits of permits.

Atlantic Menhaden Management Board

The Board heard a report on menhaden reduction landings from Chesapeake Bay. Preliminary reduction landings from the Chesapeake Bay for 2006 are approximately 65,000 metric tons. The final landings number for 2006 is expected to stay well below the 109,000 metric ton cap established by Addendum III.

Winter Flounder Management Board

The Board received a report on the status of the winter flounder resource and fisheries for both the Gulf of Maine (GOM) and Southern New England/Mid-Atlantic (SNE/MA) stock components. The SNE/MA stock component remains at low levels of biomass and is considered overfished with overfishing occurring. All involved states were found to have met or exceeded the plan's requirements.

Tautog Management Board

The Board approved Addendum IV which will require states to reduce fishing mortality by 28%. The recreational sector, which accounts for 90% of tautog harvest can expect the implementation of more restrictive management measures by January 1, 2008.

The Board received a report from the Commission's Law Enforcement Committee regarding the illegal live fish fishery that has been perceived by some as increasing in magnitude through the Mid-Atlantic region. The Board expressed its concern about this issue and committed to closely monitor enforcement efforts on the tautog fishery.

Spiny Dogfish and Coastal Sharks Management Board

The Board voted to increase the 2006/2007 quota to allow a maximum harvest of six million pounds and set state specified trip limits of up to 3,000 pounds. The Board also voted to allow states to adopt their own trip limits up to 3,000 lbs for the 2007/2008 fishing season and a 6 million pound quota.

American Eel Management Board

The Board approved the development of Draft Addendum II to the Plan for American eel. The Draft Addendum will propose a number of management options to facilitate an increase in the number of adult American eel (also know as silver eel) that are able to out-migrate to the ocean and spawn. The Draft Addendum will be available for Board consideration at either the Commissions' Spring or Summer Meeting.

Weakfish Management Board

The Board approved Addendum II to Amendment 4 to the Plan for Weakfish. The states of Massachusetts through North Carolina will be required to implement a six fish creel limit at their current size limit for the recreational fishery. The addendum also reduces the allowable commercial bycatch limit from 300 pounds to 150 pounds per day or trip.

Summer Flounder Scup, and Black Sea Bass Management Board

The Board reviewed and accepted summer flounder state recreational proposals and a methodology to establish regional measures. The Board reviewed and approved draft Amendment 14 for public comment. The purpose of this Amendment is to develop a

rebuilding plan for the scup stock. The Board initiated an addendum that will be reviewed and considered for public comment at the Commission's Spring Meeting Week to extend Addendum XII, which expires on January 1, 2008. Addendum XII sets the state-by-state shares for the black sea bass fishery. Also included in the initiated addendum will be options to explore changes to the summer flounder recreational allocation.

Mr. McCloy informed everyone that a public hearing on Amendment 14 (Scup rebuilding) will be held in New Jersey on March 26, 2007, 7 PM at the Ocean County Administration Building.

Mid-Atlantic Fishery Management Council Report (MAFMC)

The MAFMC Report was presented by Mr. Goldman.

The MAFMC approved Amendment 14 to the Summer Flounder, Scup and Black Sea Bass Fishery Management Plan (FMP) for Secretarial submission. The Council opted to rebuild the scup resource within seven years by using a constant fishing mortality rate. If approved by the National Marine Fisheries Service (NMFS) this calendar year, the plan would take effect January 1, 2008.

Framework 7 to the Summer Flounder, Scup, and Black Sea Bass FMP was introduced and reviewed at this meeting. This framework affords the Council more flexibility for incorporating the biological reference points used for purposes of stock status determination into the management process in a more timely manner.

The Council also reviewed and approved an updated version of Amendment 9 to the Squid, Mackerel, and Butterfish FMP. Amendment 10 to the Squid, Mackerel, and Butterfish FMP was also addressed at this meeting for the purpose of receiving an update on the timeline and status of butterfish rebuilding efforts. The Council approved for inclusion in Amendment 10 a motion that would authorize sectors in the *Illex* and *Loligo* squid fisheries.

The Council also recommended that a letter be provided to the Marine Protected Area Center regarding is Draft Framework for Developing the National System of Marine Protected Areas (MPA). The letter will emphasize: the need to consider broader representation by the Council in the federal advisory process.

Jim Gartland, Project Manager responsible for the most recent Northeast Area Monitoring Assessment Program provided Council a presentation on the survey's methodology and results. One interesting fact he mentioned was that summer flounder over 16" are predominately female.

Committee Actions

The Ecosystems Committee met and received presentations from a NMFS official regarding Liquefied Natural Gas (LNG) facilities and windmill farms. The Committee also discussed the establishment of special management zones (SMZ) related to artificial reefs that are located in the exclusive economic zone (EEZ).

The Tilefish Committee met and reviewed the current status of Draft Amendment 1 to the Tilefish FMP.

The Law Enforcement Committee met and reviewed enforcement priorities for the 2007 fishing year, and will be taking a more proactive role in FMP's.

Ms. Puskas thanked fishermen that had attended the MAFMC meeting for their comments. She stressed the importance of their continued involvement in the process.

Shellfish Council Reports

Delaware Bay Shellfish Council Report

Mr. Hollinger presented the Delaware Bay Shellfish Council Report.

The Delaware Bay Shell Fisheries Council met on last night (February 28, 2007) to review the 9th annual Stock Assessment Workshop (SAW) committee report for the Delaware Bay oyster resource and industry. Many issues related to the status, health and management of the oyster stock were addressed. The status of the stock is considered mixed, with trends in abundance, recruitment, biomass, disease prevalence, and other metrics variously up or down in different regions of the Bay. The Council reviewed the final SAW report, which contained a number of harvest allocation recommendations. For the second consecutive year, the "exploitation-based reference point," which in essence, uses past levels of fishing effort to set the current year's harvest allocation, was used to set the 2007 harvest allocations. Based on these reference points, the Council elected to recommend a harvest allocation for the 2007 oyster season that is approximately 80,000 bushels (by comparison, approximately 61,000 bushels were reported as harvested in 2006). A tentative season opening date of April 9, 2007 was recommended. The Council's recommendations are being forwarded to the Commissioner's office for her consideration.

Atlantic Coast Shellfish Council Report

Mr. Maxwell presented the Atlantic Coast Shellfish Council Report.

2007 Monmouth County Relay Program

At the February 21, 2007 meeting of the Atlantic Coast Section of the New Jersey Shell Fisheries Council, the 2007 hard clam relay coordinator suggested that the 2007 Monmouth County hard clam relay program be suspended for 2007 and to try and resume

the program in 2008. In order to resume the relay program in 2007, the three criteria had to be met such as funding for enforcement, acceptable QPX results and adequate participation of at least an average of ten participants over a 30-day period. While all three criteria were met, there were still a relatively low number of participants signed up for the relay (13 total) to try and meet the average participation requirement. The Council agreed with the advice of the relay coordinator and suspended the program for 2007.

Committee Reports

Tautog

Dr. Donnelly presented the Tautog Committee Report.

The Tautog Committee met on February 6 to discuss recent ASMFC action and its impact on New Jersey tautog fisheries. In attendance were members of the Tautog Committee, advisors, and Marine Fisheries staff.

During a recent meeting, the ASMFC Tautog Management Board voted to approve Addendum 4 to the Fishery Management Plan. Addendum 4 establishes a biomass reference point of 26,800 metric tons spawning stock biomass as a target and 20,100 MT SSB as a threshold. These reference points will allow managers to determine the overfishing status of the stock. Addendum 4 also requires a 28% decrease in fishing mortality rate from $F = 0.28$ to $F = 0.20$ to allow rebuilding of stocks to biomass target levels. These restrictions are for the recreational fishery only and must be implemented by Jan 1, 2008.

States must submit plans to reduce fishing mortality by early April. In New Jersey, landings have decreased by 84% since implementation of Addendum 3 in 2003, while other states landings have more than doubled. As such, the Committee feels additional reductions in New Jersey's fishery are not warranted, and the Committee has recommended that New Jersey submit supporting evidence of this viewpoint in lieu of implementation options. In the mean time, the Committee requested advisors to identify and submit potential management options in case New Jersey's request for exemption is not granted.

The Management Board also received a report from the ASMFC Law Enforcement Committee regarding the illegal tautog market. The Board expressed its concern about the issue but took no action other than to monitor enforcement efforts on the fishery. The Committee recommends sending a letter to the Management Board expressing our "grave concern" that the Board is ignoring the magnitude and implications of the illegal harvest on the stock and its fisheries. Not only is the Board ignoring concerns of member states, but also recommendations of the ASMFC Law Enforcement Committee. The Committee suggested advisors think about possible management measures to control the illegal fishery in New Jersey. This issue will be discussed further at the next Committee meeting.

Black Sea Bass Committee

Dr. Donnelly presented the Black Sea Bass Committee Report.

On February 6, 2007 a meeting of the New Jersey Marine Fisheries Council's Black Sea Bass Committee was held at the Nacote Creek Enforcement Office. In attendance were Division of Fish and Wildlife Staff; Black Sea Bass Committee Council members, commercial fishermen; and representatives from the Garden State Seafood Association (GSAA) and Jersey Cost Anglers Association (JCAA).

The purpose of the meeting was to discuss commercial seasons and trip limits. New Jersey allocated its ASMFC quota into four seasons. If the total coastwide federal quota is reached prior to a state reaching their ASMFC state share, only state license holders will be able to continue to fish. All federal permits holders will not be permitted to continue fishing following a Federal closure. If the total coastwide federal quota is reached, any overages will be deducted from the 2008 coastwide black sea bass quota.

Commercial fishermen warned that it would not be a good idea to liberalize any trip limits at this time. There is an anticipated increase in effort by fishermen who had been fishing for conch, switching back to black sea bass. Although New Jersey fishermen have not gone over the black sea bass quota in recent years, there was concern this could happen due to the increased effort. No changes were proposed to adjust the trip limits.

The issue of how by-catch was accounted was discussed. It is recorded as directed harvest when the season is open, then recorded as by-catch if the season is closed. This arrangement was not fair to the fish potters since it is impossible for them to land black sea bass as a by-catch due to the requirement of having 90% of some other species on board. Beause of the limitations of distinguishing by-catch versus directed harvest during an open season, there will no change any time soon.

Executive Committee Meeting

In Dr. Abel's absence, Chairman Ewing asked Mr. McCloy to present the Executive Committee Report. At their meeting the Executive Committee reviewed the Marine Fisheries Administration (MFA) budget and constraints as a result of retirements over the last few years. The MFA routinely faces a budget deficit of over \$500,000. Mr. McCloy indicated that the MFA was revising the programmatic needs document developed for the Council back in 2002. This current effort is part of a larger Division of Fish and Wildlife initiative to identify critical programs for fisheries and wildlife management. Once this is complete the next step in the process will be to develop suggested funding sources to meet the program needs.

Regulatory Proposals

Mr. Himchak provided Council with an update on the multi-species regulatory proposal developed throughout 2006 that primarily included the mandatory reporting of miniature fyke net license holders, the two-tiered blue crab licensing system and provisions for license transferability, the transferability of American Shad Permits to immediate family members, the provisions to allow the Commissioner the authority, with the consent of the Council, to provide for the optimal utilization of commercial fisheries quotas, the allowance of flexibility in administering the Striped Bass Bonus Fish Program, and the allowance for a fisherman to use the parts of one legal sized summer flounder as bait. Council was notified that this multi-species proposal was published in the New Jersey Register on January 16, 2007 and a Public Hearing on the multi-species proposal would be held following the Council's present meeting in the same room to start at 7:00 PM. Council and attendees were advised that the Public Hearing did not include summer flounder recreational management measures for 2007. The recreational size, season, and possession limits for summer flounder for 2007 were the focus of the current Council meeting and these management measures would be adopted separately through a Notice of Administrative Change.

Council was also asked to develop a list of management issues that may require amendments to regulations in a proposal to be developed for adoption in 2008.

Old Business

Mr. McCloy directed Council's attention to Handouts Numbers 6 and 7. Number 6 was a survey of the provisions of the recently reauthorized Magnuson-Stevens Act that was put together by ASMFC staff. Handout Number 7 was a draft "Development Plan for Recreational Fisheries Statistics". Development of this plan was mandated by the Magnuson-Stevens Act to revamp the current Marine Recreational Fisheries Statistics Survey which is used to estimate recreational harvest and effort. MRFSS has been deemed inadequate information upon which to make management decisions.

Horseshoe Crabs

Mr. Himchak updated the Council on horseshoe crab activities.

The legal challenge to the Department's implementation of the 2 year moratorium on the horseshoe crab commercial bait fishery was discussed. All legal briefs from both the appellants, those challenging the Department's action, and the Department have been filed and these legal documents are being reviewed by the Appellate Division of the Superior Court of New Jersey. Chairman Ewing indicated that any council member that wanted the lawsuit documents should contact Mr. Himchak. He suggested that Council wait for a determination and then obtain the legal document on the judges' decision.

Mr. Himchak also provided Council a brief update on the horseshoe crab litigation in the State of Delaware wherein a commercial fisherman and a bait company were challenging that state's implementation of a two year moratorium on the horseshoe crab commercial

bait fishery. Delaware's Deputy Attorney General has advised its resource managers that the appeal will be heard some time in May 2007.

Council was advised of the contents of handouts 8a, a letter from Chairman Ewing dated January 19, 2007 to Commissioner Jackson inquiring about previously recommended financial compensation for horseshoe crab permittees affected by the two year moratorium; 8b, a letter from Dr. Abel, Chairman of the Council's Horseshoe Crab Committee, dated January 8, 2007 to Mr. Eric Stiles, New Jersey Audubon Society, wherein Dr. Abel requested assistance from the environmental organizations in financially supporting the horseshoe crab permittees for both the financial impact of the moratorium and the fishermen's attempts to hatch and grow horseshoe crab eggs; and 8c, a letter and accompanying report from Dr. John Kraeuter, Rutgers University, dated January 9, 2007 to Mr. Tom McCloy, reporting on the results of the pilot study conducted in 2006 by commercial fishermen, entitled, "Preliminary Studies on Developing Hatchery and Nursery Systems for Horseshoe Crabs (*Limulus polyphemus*).

Chairman Ewing indicated that any Council member that wanted the lawsuit documents should contact Mr. Himchak. He suggested that Council wait for a determination and then get the judges decision.

Council Appointments

Chairman Ewing advised members that he had sent a letter to Commissioner Jackson supporting reappointment of all Council members as well as filling of vacant seats. No response has been received from the Commissioner.

Extension of Fyke Net Season

Mr. McCloy directed Council's attention to a letter from a commercial fisherman requesting opening of the fyke net season earlier, specifically for the harvest of eels. Mr. McCloy referenced Mr. Herb's report on the ASMFC Eel Board's action to develop an addendum to address how to ensure sufficient silver eels can migrate to the Sargasso Sea to spawn. Opening the fyke net season early as requested, would target silver eels. He recommended that the Council take no action at this time to encourage a fishery that may have to be closed once the ASMFC Eel Addendum is adopted.

New Business

Artificial Reefs

Mr. McCloy advised Council of numerous letters received requesting a prohibition on fishing fish/lobster pots on artificial reef sites. He suggested that the Council convene a meeting of the Reef Committee to address this issue. Council agreed the Committee should meet.

Ms. Puskas indicated that this issue was discussed at the MAFMC and that the MAFMC was going to get information on all gears used on reefs. She also indicated there was a discussion about the Coast Guard monitoring the reefs.

Quota Management

Chairman Ewing enlightened the Council about a meeting he had with a commercial fisherman regarding a program he had developed to monitor quotas. The program would allow maximum flexibility when setting/changing trip limits. Staff will look at the program to assess it's practical application.

Summer Flounder

Mr. Goldman presented the Summer Flounder Committee Report.

The Summer Flounder Committee met on February 20, 2007 to discuss recreational management options for the 2007 fishing season. In attendance were members of the Summer Flounder Committee, Summer Flounder Committee Advisors representing industry associations and fishing clubs from throughout the state, ASMFC Commissioners, and Marine Fisheries Administration staff.

Staff began by presenting the 13 management options that had been developed. These options covered a range of size limits, bag limits, and seasons necessary to meet New Jersey's required 39.5% reduction. It was explained that it was not necessary to consider some size and bag limit options because the savings would be the same as other size and bag limit combinations. For example, 3 fish at 17" provides the same harvest savings as 8 fish at 17" and would result in the same season. Staff also provided an overview of some public comments received regarding preferred options.

The meeting continued with participants discussing some general concerns about how selecting management measures may affect the fishery this year and in future years. The group expressed caution in selecting too large a size limit or too small a bag limit in the event MRFSS data shows that NJ exceeds its 2007 quota and must tighten restrictions again next year. There was also discussion on how seasons will affect anglers and industry in different parts of the state.

Each of the participants provided summary input for the industry group or fishing clubs they represented. Many of the groups had taken strawman polls of their members relative to the six New Jersey options approved by ASMFC and published in local newspapers in recent weeks. The majority of the clubs had selected the option requiring 8 fish at 17" with a June 9 through September 18 season; however, in light of additional options not available at the time of polling, advisors noted how their members would also support 8 fish at 17" with a May 26 through September 10 season, which would have the benefit of including both Memorial Day and Labor Day. One club preferred a longer season of April 7 to October 21 associated with 8 fish at 17.5".

The Committee and Advisors narrowed the list down to 4 options to present to the Council and to publicize on the Division's website to allow the public the opportunity to review them and provide comments prior to or at the March 1, 2007 Marine Fisheries Council meeting.

Size	Bag	Season
16.5"	8	July 1 to September 3
17"	8	May 26 to September 10
17"	8	June 9 to September 18
17.5"	8	April 7 to October 21

These options reflect the three options preferred by participants as well as a 16.5" option that is similar to recent years' regulations for comparison. The Summer Flounder Committee recommends 8 fish at 17" with a May 26 to September 10 season as the preferred option of the Committee. The season for this option is six days longer than the other option at 17".

Mr. Brust presented an overview of the Committee discussion and Summer Flounder 2007 recreational options.

Chairmen Ewing then invited public comment on the four options selected by the Committee.

Below is a summary of public's preferences regarding the four recreational summer flounder options under consideration by Council.

<u>Name</u>	<u>Affiliation</u>	<u>Comment</u>
Tony Bogan	United Boatman	Option 4
(Mr. Bogan expressed his opinion of MRFSS and indicated that the longer the season was open the likelihood MRFSS would be overestimating landings)		
George Bacher	Party Boat/Angler	Option 2
Jeff Gutman	Party Boat/Voyager	Option 2
Michael Tutela	Berkeley Striper Club	Option 4
	Surf/Shore Fisherman	
Ray Szulczkewski	Cape May Party and Charter Boat Assoc.	Option 2
Charlie Kennedy	Recreational fisherman	Option 2
	Back bay/offshore	
Fred Ohlman	Bait & Tackle Store	Specific interests
	Boat rentals backbays	not expressed
	Wildwood	
John J. Hearn	Recreational Fisherman	Option 4
Eddie Yates	Party Boat/Hunter	Option 2
James Van Daley	Absecon Saltwater Sportmans Club	Option 2

Bob Bevan	Cape May Party and Charter Boat Assoc.	Option 3
Gene Doebley	Recreational Fisherman	Option 2 Slot fish in the future
Bob Rush	VP – Cape May Party and Charter Boat Association	Option 2
Tom Parson	Recreational Fisherman	Option 4
Charles Heuer	Recreational Fisherman	Option 2
Rich Heuer	Recreational Fisherman	Option 2
Scott Newhall	Recreational Fisherman	Option 4
Paul Chubb		Option 4
Lou Schott	Absecon Saltwater Sportsman Club	Option 4
Joe Gartland	Cape May Party and Charter Boat Assoc.	Option 2
Gordon Mann	Recreational kayak fisherman	Option 4
Brooke Koeneke	Party Boat in Somers Point	Option 2
Norman Hafsrud	Charter boat in Ocean City	Option 4
Mars Anagnon	Boat rental/tackle shop Fishing pier business	Preferred different options
Ray Bogan	United Boatman ASMFC Summer Flounder Advisor	Option 2
Carmine Montaco	Party Boat owner	Option 2
Ed Coleman	Mate on Lucky Charm Charters	Option 2
Jerry Hurd	Party Boat in Avalon	Option 2
Willie Egerter	Party Boat in Point Pleasant Beach	Option 2
David Showell	Absecon Bay Sportsman Center	Option 2
Paul Thompson	Party Boat in Cape May	Option 2
John Toth	President – Jersey Coast Anglers Association	Option 2 Supports future minimal bag limit for fall season
Robert Bogan	United Boatman Party Boat/Gambler	Option 2
Jack Wilson	Recreational Fisherman	Option 4
Jim Donofrio	Recreational Fishing Alliance	Option 2 RFA trying to fix the system
Bill Serwicki	Captain in Cape May	Option 4
George Bucci	Recreational fisherman	Option 4

Dr. Donnelly referenced the Council's conservative approach to setting seasons in previous years. He indicated the concern about trying to maximize a season, going over the target and then being penalized the following year with more stringent management measures. He acknowledged that none of the options available were good but pointed out that they were the most liberal of any state.

Dr. Donnelly made a motion seconded by Mr. Goldman to approve Option #2; 17 inch fish, 8 fish possession limit and open season of May 26 – September 10, 2007 as New Jersey's 2007 summer flounder management measures.

Mr. Goldman indicated he, personally, would prefer the longer season of Option 4 (April – October) but expressed the same concerns about the increasing size limit based on the report given at MAFMC that summer flounder greater than 16 inches are predominately females. He commented that focusing the fishery on females would make it difficult to increase the spawning stock biomass (target for stock recovery). Mr. Goldman supported Option 2.

The motion to approve Option 2 was unanimously approved.

Mr. Goldman then made a motion, seconded by Dr. Donnelly to approve a Notice of Administrative Change modifying the summer flounder management measures to reflect the measures specified in Option 2. The Council unanimously approved the motion. The Draft Notice of Administrative Change will be forwarded to Commissioner Jackson for her action and implementation.

Public Comment – Other Issues

Chairman Ewing opened the meeting for public comment on other items.

Mr. Scott supported the Council being involved with deliberation on use of commercial gear on artificial reefs as opposed to the Legislature.

Mr. Wagner agreed with Mr. Scott.

Ms. Berko expressed interest in the Advisory Panel for reefs and remarked that something needed to be done about the abundance of spiny dogfish.

Mr. Parker asserted that the illegal live tautog fishery was not being conducted by commercial fisherman but by recreational fisherman. He stated the best way to end the illegal fishery is to require the fish be landed dead.

Mr. Nowalski asserted that the reef issue was not a user issue but a gear issue. He indicated that fixed gear on reef sites restricts access by other fisherman as well as reef deployments. He indicated that other states have reef sites designated as Special Management Zones.

Mr. Wark requested a meeting of the Spiny Dogfish Committee to develop a program to utilize the increased quota approved by the ASMFC. He expressed concern that NJ fishermen would lose out in their quota shares in the future if they didn't land fish.

Mr. Rizzo requested a Spiny Dogfish Committee meeting soon.

Mr. Berg indicated that the spiny dogfish quota needed to be increased further and there need to be more processors.

Mr. Egerter supported increased harvest of spiny dogfish.

Ms. Melay and Mr. Collet also supported increased harvest and encouragement of a recreational fishery.

Mr. Crane asked Council for their support for the Shad Permit transfer provision in the Multi-Species proposal. It was recommended he provide those comments as part of the public hearing that would follow the Council meeting.

Mr. T. Bogan discussed the rationale of the National Marine Fisheries Service (NMFS) as to why spiny dogfish were not abundant (opinion of NMFS). He offered his vessels as sampling platforms to collect any information that would dispute NMFS position.

Mr. Berg commented that it was a public education process informing people how spiny dogfish can be utilized.

Meeting adjourned.