

NEW JERSEY MARINE FISHERIES COUNCIL

May 3, 2007

Galloway Township Public Library
Jimmies Leeds Road
Absecon, New Jersey

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

Also in attendance representing the Division of Fish and Wildlife:

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

Ms. Lyons read the compliance with the Sunshine Law. Notice of meeting was filed with the Secretary of State on April 10, 2007.

Chairman Ewing and Director Chanda presented Dr. Abel with a recognition award from the Division and Council for his service of over 12 years to the Council. Dr Abel expressed his thanks to all council members, staff and fishermen he had the opportunity to work with over the years.

Approval of March 1, 2007 Minutes was unanimous on a motion by Mr. Herb seconded by Dr. Donnelly.

Law Enforcement Report

Captain Meyer presented the Law Enforcement Report.

On December 11, 2006, Conservation Officer (CO) inspected the vessel Emily A as it docked and offloaded at the Point Pleasant Co-Op. This vessel was permitted to possess a total of 1,494 pounds of whole monkfish. The inspection resulted in the vessel being 243 pounds of whole monkfish over the daily possession limit. The value of this overage was seized and the CO is pursuing federal fisheries charges against the vessel.

On February 2, 2007, a CO inspected the monkfish boat Francis Anne after docking at the Lighthouse Marina in Barnegat Light, N.J. At approximately 3PM, the CO contacted the captain and crewmen and began his inspection. Pursuant to the vessel's "Category B" federal monkfish permit, combined with the time at sea poundage allocation, the vessel would have been permitted to land a total of 1,494 pounds of whole monkfish. Additionally, the vessel also would have been permitted to land a total of 10 % of that weight in monkfish livers or 149 pounds. After inspecting the vessel, the CO found that 2,998 pounds of whole monkfish were aboard together with 314 pounds of monkfish livers. After documenting the violation, the CO seized, pursuant to federal law, the value of the catch which was set at approximately \$5000.00. The CO over the next several weeks, then prepared the federal case package for prosecution of the vessel by the National Marine Fisheries Service.

On February 11, 2007, a CO inspected the F/V Miss Emma at the Point Pleasant Co-Op. The F/V Miss Emma has a "Category D" monkfish permit which allows the vessel to land, given his time at sea allocation, a total of 1,494 pounds of whole monkfish. Initially, the vessel offloaded 1,268 pounds of whole monkfish and 130 pounds of monkfish tails. Federal law allows for the conversion of monkfish tails to whole monkfish via a mathematical formula which results in the 130 pounds of monkfish tails becoming equivalent to an additional 431 pounds of whole monkfish. This quantity of 431 pounds when added to the 1,268 pounds of whole fish equaled 1699 pounds of whole monkfish, or 205 pounds over the vessel's possession limit. During the entire offloading, the CO observed that the Captain of the vessel seemed nervous and uneasy. After the offloading was complete, the CO asked the Captain if there were anymore fish aboard the F/V Miss Emma to which the captain replied "no". At this time, the CO asked the captain to open a fish tote along the port side of the vessel which the CO had been unable to see into prior to this moment. At this time, the captain uttered "this is what I was not being honest about". Upon inspecting this tote, the CO discovered an additional 199 pounds of whole monkfish, thus making the F/V Miss Emma a total of 404 pounds over the federal possession limit of whole monkfish. The CO seized the value of the entire catch of monkfish and over the course of the next several weeks, completed the federal case package necessary to prosecute the vessel under federal law.

On February 27th two COs were patrolling Cape May Harbor for recreational vessels returning from offshore black sea bass fishing trips. At approximate 4:45 p.m. the charter vessel Clean Sweep docked at Hinchey Marina with 8 persons on board. The Captain

originally indicated to the CO that he had his limit of 200 black sea bass. As the COs began to count the black sea bass located in several different coolers and holds the Captain indicated that he might be a few fish over the daily limit of 25 per man. A final count revealed a total of 221 black sea bass which was 21 fish over the limit. The captain was issued a summons for possessing 21 fish over the bag limit. In addition, any charter vessel that carries passengers for hire in Federal waters targeting any regulated species must obtain a Federal Charter and Party Boat Permit. The F/V Clean Sweep did not have this permit as well as 5 other charter and party boat vessels that were inspected. Federal warnings were issued to these particular vessels.

On the evening of March 25th, COs apprehended an individual illegally harvesting hard clams under the cover of darkness from the polluted waters of the Shark River. The individual, an owner of a seafood business, was apprehended on his way back to his refrigerated van with approximately 250 hard clams contained in an onion skin bag. The individual was charged with harvesting and possessing shellfish from a prohibited area, clamming without a license, clamming on Sunday and clamming between the hours of sunset and sunrise.

During March 1st through March 15th the Elephants Trunk access area was open to General Category vessels for harvesting Atlantic sea scallops. There was a total allotment of 865 general category trips coast wide, which allowed for the daily harvest of 400 pounds of shucked sea scallops per day. Approximately 50 inspections were made from Atlantic City to Cape May by District 8 officers. A total of two violations were found involving logbook and overharvest infractions. Federal summary settlement charges were filed against these two vessels.

On April 14, 2007 a CO received a phone call from a Bayville resident regarding crab pots set illegally in a man-made lagoon. Upon investigation, the CO found two crab pots which were indeed set in a man-made lagoon contrary to law. Having retrieved his grappling hook from his patrol boat, the CO was able to pull both crab pots to shore. Then returning to patrol, he found another similar pot set in a nearby area. While attempting to retrieve that crab pot, he observed an individual in a boat approach the pot. The individual asked the CO if he was with the "Marine Police". Upon finding out that he was a State Conservation Officer, this individual told him that he had just had two crab pots stolen in a nearby lagoon. The CO asked the individual for his personal information and then informed him that he had taken his crab pots because they had been set illegally. Further investigation and interview by the CO revealed that the individual was fishing these crab pots with a 2006 recreational license and that besides being expired, he would only be allowed to fish two crab pots, not three. Additionally, the individual's boat registration was expired. The CO issued the individual one summons for setting crab pots in a man-made lagoon and requested that the individual go buy a 2007 recreational crab pot license and fax a copy to the Marine Regional Office.

On Saturday, April 14th COs conducted a boat patrol in Lakes Bay, Atlantic County. The officers noticed several crab pots set by two different commercial crabbers that had already tended their pots that day. The officers randomly tagged four crab pots from each

crabber to determine when the crabbers next tend was. On Wednesday, April 18th, COs checked all eight pots and the tags were not removed. Commercial crab pot regulations require that crab pots be tended at least once every 72 hours. The investigation determined that the crabbers returned on April 19th which meant the crab pots were not checked at all in a 120 hour timeframe. Summonses will be issued to each crabber for failure to tend crab pots in a 72 hour period.

On Wednesday April 25, 2007 COs were patrolling the Mad Horse Creek area in Salem County. The officers noticed that local gill netter was out fishing and decided to check him when he came in. At approximately 3:15 p.m. the gillnetter arrived at the dock to pack out his catch. The gillnetter was in possession of 133 pounds of shad and 5 pounds of bunker and herring. The gillnetter was properly licensed; however, the gillnetter did not possess a landing permit for shad. Appropriate summons were issued and the shad was seized and sold at fair market value.

Legislative Report

Mr. McCloy presented the Legislative Report.

Mr. McCloy referred Council to a copy of A3986, Assemblyman Kean's bill prohibiting commercial gear on artificial reefs. The Council discussed the bill at their previous meeting.

Mr. McCloy also referred Council's attention to A2537 which establishes the New Jersey Marine Science Consortium (MSC).

Dr. Abel explained that the New Jersey Marine Science Consortium (MSC) is an alliance of colleges and universities of New York, New Jersey and Pennsylvania. It was a part of the Department of Higher Education, and so as President, he reported to the Chancellor of Higher Education directly but in a special category so he was given permission to operate as an independent agency in terms of presenting the budget to the Legislature. It was a wonderful arrangement until for reasons the Governor abolished the Department of Higher Education. That cast the MSC adrift but they still reported every year to the Legislature de facto for the money, but on paper there was no link. Finally it was decided to legitimize the MSC and a bill was introduced which makes it a part of the State in a formal way to the Treasury Department. All of the Presidents of the major institutions have signed onto this.

Atlantic States Marine Fisheries Commission Report (ASMFC)

Mr. Berg presented the ASMFC report. He apprised Council that the ASMFC Boards would be meeting the week of May 17th.

The Lobster Management Board has approved sending forward for public comment and review Draft Addendum 11 to Amendment 3 to the Interstate Fishery Management for Lobster. The draft addendum responds to findings of the 2005 peer review stock assessment which calls for additional harvest restrictions on the southern New England (SNE) stock.

The Draft addendum presents options for a rebuilding time frame for the SNE stock and proposes management options for Lobster Conservation Management Areas 2 (inshore SNE), 3 (offshore waters), 4 (inshore Northern Mid-Atlantic), 5 (inshore Southern Mid-Atlantic) and 6 (New York and Connecticut (State Waters) to aid in the stock's rebuilding. The Addendum also proposes a mechanism of ensuring that a state meets its obligations under the plan in a way that minimizes the probability that any state's delay in complying does not adversely affect other states' fisheries or conservation of the resource.

It is anticipated that most the affected states (Maine through New Jersey) will conduct public hearings. The ASMFC held a public hearing in Toms River on the 19th of April. Approximately 20 members of the public were present. There was general agreement among the public the lobster stock was currently improving and new management restrictions were therefore unwarranted and second if the rebuilding plan is adopted it should be one of the longest rebuilding periods proposed, which is 15 years. Additional comments were that the lobster Conservation Management Area 4 suffers both by its inclusion of other areas where the lobster resource is much worse off such as Long Island Sound. It was suggested that the stock assessment should be performed just for Area 4.

Mid-Atlantic Fishery Management Council (MAFMC)

Mr. Goldman presented the MAFMC Report regarding issues relevant to New Jersey.

The Mid-Atlantic Council and six of its Committees met April 17-19, 2007 in Ocean City Maryland. The Council voted to approve Framework 7 to the Summer Flounder, Scup and Black Sea Bass Fishery Management Plan (FMP) for secretarial submission. Framework 7 is an administrative action that would allow the Council to adjust biological reference points during the FMP's annual specification setting process.

The Council approved a motion from its Atlantic Mackerel, Squid and Butterfish Committee to form an Industry Advisory Mackerel Group with the New England Fishery Management Council (NEFMC) and the National Marine Fisheries Service (NMFS). The purpose of the group will be to meet and develop recommendations and strategies for Council consideration relative to management of the Transboundary (Canada) Mackerel Resource.

The Ecosystems Committee reviewed the outcome of a staff survey of member states regarding the need for Special Management Zones (SMZ) for state authorized artificial reefs in the US Exclusive Economic Zone (EEZ). The Committee decided that the Council Demersal Committee should be the contact point for such requests as it has the

authority to initiate and investigate the establishment of such zones under the provisions of Amendment 9 to the Black Sea Bass section of the Summer Flounder, Scup and Black Sea Bass FMP.

Ms. Puskas updated Council on a meeting of the MAFMC's Tilefish Committee. Possible measures for the first amendment to the tilefish plan were selected which will be presented in June for consideration by the entire MAFMC. She also reported on a presentation by Captain Wagner who brought in line and gear and debris that he had taken out of his traps that he indicated was from the reef program. He presented the commercial fishermen's side of the situation (with SMZ's).

Shellfish Council Reports

Delaware Bay Shellfish Council Report

Delaware Bay Council report was presented by Mr. Hollinger.

2007 Direct Market Oyster Program Update

The natural oyster seed beds in Delaware Bay were officially opened to direct market harvest on April 9, 2007. Bureau staff continue to coordinate and monitor the harvest program and are expected to participate in this year's harvest. The total allowable catch for the industry has been initially set at approximately 79,000 bushels. Through nearly one month of harvesting, approximately 7,200 bushels have been landed, with the majority of the harvest coming from the Shell Rock seed bed (this constitutes just over 20 percent of that bed's quota (18,595 bu.)). At the current harvest rate, the Shell Rock seed bed would be expected to be closed to harvest in approximately seven weeks. The 2007 harvest season is scheduled to run through mid-November.

U.S. Army Corps of Engineers Nationwide Permit 48: Leasing & Shellfish Culture Activities

On March 12, 2007, US Army Corps of Engineers (ACOE) issued a new Nationwide Permit (48) for shellfish aquaculture. The new permit covers all existing shellfish farming activities. Over the next few years the federal and state regulatory agencies will be attempting to fully implement this new permit.

As this process unfolds however, shellfish farmers need to be aware that there is a default filing date of June 17, 2007, at which time the ACOE must be in receipt of either a report (for leases less than 100 acres in size) or a Preconstruction Notification (PCN) for leases greater than 100 acres in size). If the default filing date were missed, then all applications, regardless of size, would require a PCN. Bureau of Shellfisheries staff offered to work directly with the ACOE (Philadelphia District) staff, on behalf of the industry, in order to meet the June 17 default-filing deadline. Army Corps representatives in attendance at the meeting agreed to consider accepting this type of application from the Bureau of Shellfisheries rather than individual leaseholders. If the

ACOE management approves this procedure, it is important to note that the application(s) submitted by the Bureau of Shellfisheries would only cover those leases held prior to March 12, 2007.

Atlantic Coast Shellfish Council Report

Mr. Maxwell indicated there was no activity to report.

Mr. Joseph updated Council on the oyster enhancement project and ADZs in Delaware Bay.

Delaware Bay Oyster Restoration Program

Bureau personnel continue to plan and prepare scope of work and contracting documents for the implementation phase of the 2007 oyster reef enhancement program. Project funding will be shared equally by the states of New Jersey and Delaware in its respective, ongoing shell planting programs. The field plantings to date have been conducted by the states' natural resource management agencies. Costs for this project are shared between the federal government (75%) and the non-federal sponsor (25%). Therefore, the continuance of the program is contingent upon the Task Force's ability to provide this 25 percent cost share. This year, it became necessary for the respective states to provide the cash contribution. New Jersey's share will be provided by Economic Empowerment Zone funding through the Township of Commercial. Efforts are still underway to secure the Delaware share of the cash contribution.

The 2006 oyster-spawning season yielded the seventh consecutive year of low recruitment. The restoration program is designed specifically to address the recruitment problem. The 2005 and 2006 oyster reef enhancement programs involved the planting of approximately 750,000 bushels of shell throughout the Bay. Native shell in NJ naturally attracted only 21 spat per bushel, baywide. In contrast, shell planted in the lower bay high recruitment zones attracted approximately 2,213 spat per bushel, over 105 times more spat than native shell. Specific restoration sites from 2005 could be opened for limited harvest as early as 2008. Multiple year harvest projections have the potential to significantly increase future commercial harvests. Sites for the 2007 field program are currently being delineated.

Chairman Ewing inquired what would happen if Delaware couldn't come up with the necessary matching funds and Mr. Joseph indicated the whole program would be in jeopardy.

Aquaculture Development Zones (ADZ) in Delaware Bay

In order to establish leases within the four ADZs in Delaware Bay prior to the adoption of new regulations governing this new form of aquaculture in New Jersey, the Department is pursuing a detailed lease document while regulations are concurrently developed. The

proposed lease document would include many of the ADZ provisions discussed by the Aquaculture Advisory Council's Leasing Committee. There are still some outstanding legal issues that must be resolved before the use of a lease document in this manner can proceed. It should also be noted that while three of the four ADZs in Delaware Bay which the Division has obtained the required state and federal permits may be leased via this mechanism, the intertidal ADZ in the lower Bay can not be leased until the proposed changes to Title 50 are adopted. DEP, the Shellfish Council and some industry members are currently seeking legislative support to effectuate the proposed statutory changes.

Committee Reports

Spiny Dogfish Committee Report

Ms. Puskas presented the Spiny Dogfish Report.

The Spiny Dogfish Committee met on April 11, 2007 with commercial advisors to discuss a potential State rule change that would allow New Jersey's commercial fishermen to take advantage of the 2 million-pound increase in quota in State waters during 2008. The increased quota is a result of the ASMFC Management Board's recent revisions to the 2006/2007 quota and specifications for the 2007/2008 fishing year. Commercial advisors recommended the following for the rule:

- Any fishery for spiny dogfish in State waters should be tended gear only.
- Only one trip per vessel per calendar day.
- Only 5-1/2 inch stretch gill net is allowed – Gill net size could be reduced later if determined that too many large females were being caught.
- Otter trawling is another method of catching appropriate size spiny dogfish.
- A fee could be added (\$250-\$500) to ensure only serious and experienced commercial fishermen participated.
- The fee could be utilized to offset State monitoring cost.

Division Staff indicated that a license and subsequent fee would require legislation. A discussion ensued on how the legislation should be written and who could be contacted to sponsor the legislation. Division staff recommended that language pertaining to Fish Vessel Trip Reports (FVTR) and penalties for non-compliance be included in the legislation.

Artificial Reef Committee Report

Dr. Donnelly presented the Artificial Reef Committee Report.

The Reef Committee met with recreational, for hire and commercial advisors to discuss the numerous requests to prohibit fish/lobster pots on reefs in the Exclusive Economic Zone (EEZ) and inshore reefs by pursuing Special Management Zone (SMZ) status and/or enacting state regulations respectively. Division staff provided background

information pertaining to the history of the Reef Program, funding and results from a pot fishing effort survey conducted during 2005. Following the presentation the background information advisors discussed their concerns and/or described user conflicts with the committee.

Advisors (recreational, for hire and commercial) were able to fully express their concerns and the exchange of information was valuable to all. Dr. Donnelly requested another meeting be scheduled for May 16, 2007.

Regulatory Committee Report

Dr. Donnelly presented the Regulatory Committee Report.

The Regulatory Committee met on April 25, 2007 to review public comment on the multi-species regulatory proposal. The proposal was published in the New Jersey Register on January 16, 2007. A public hearing was held on March 1, 2007. The comment period closed on March 17, 2007. Only 13 individuals provided comments.

Division Staff presented a summary of oral comments received at the public hearing along with complete copies of all written comments. Comments on the following issues were discussed: expanded Commissioner's authority for Notices of Administrative Change, use of summer flounder parts for bait, shad permit transfers, recreational lobster pots, Atlantic Coast crab dredge licenses, crab pot gear tampering and the crab pot license transfer program.

During review and discussion of the proposal and comments, the Committee suggested the following for possible items in the next proposal: re-evaluate the use of summer flounder parts for bait to allow for "ribbons" from a previous trip, review shad permit transfers to allow for full transferability and determine the appropriate number of lobster pots allowed in the recreational fishery. One committee member did not support the fee increase for a Tier 1 crab pot license.

After discussion and consideration of public comment, the Committee recommended that the regulatory amendments be adopted as proposed with no changes.

Dr. Donnelly made a motion, seconded by Mr. Berg to adopt the regulatory package as proposed.

Chairman Ewing asked for discussion on the motion.

Mr. Rizzo requested entering two letters into the public record, one from Assemblyman Van Drew, and one from Assemblyman Albano with their objections to components of the crab plan. Mr. Rizzo expressed the need for some fine tuning in the crab plan and expressed the desire to delete the crab plan from the proposal.

Chairman Ewing asked Mr. Rizzo if he was going to make a motion to amend the first motion and Mr. Rizzo answered in the affirmative. Mr. Rizzo made a motion to amend the previous motion to reject the crab plan provision. The motion was seconded by Mr. Herb.

Chairman Ewing asked Council for discussion on the amended motion to reject the crab pot portion of the proposal.

Chairman Ewing indicated that the comment period on the proposal was closed and suggested the letters from Assemblymen Van Drew and Albano be submitted into the record during the public portion of the meeting. Mr. Rizzo agreed.

Dr. Donnelly asked for clarification on what sections were included in the “crab plan”, transferability and the fee associated with it and crab pot tampering?

Mr. Rizzo indicated he was under the impression that it was all or nothing. The point of contention here was the fee and transferability.

Mr. McCloy discussed the various sections dealing with crabs and how several different sections were connected to the transferability issue.

Mr. Rizzo clarified that his motion was to delete the entire crab package out of the proposal.

Chairman Ewing asked for the motion be read .

“Move to amend the previous motion to delete the crab pot plan proposal from the regulatory package in its entirety.”

Mr. Rizzo confirmed that that was his motion.

Ms. Puskas asked if Council would have to start all over for the entire proposal.

Chairman Ewing indicated just the crab pot portion.

Dr. Donnelly asked if the Atlantic Coast Crab Dredge license provisions stay in?

Chairman Ewing said just the crab pot section is being deleted.

Dr. Abel discussed the letter from Assemblyman VanDrew. The primary concern expressed by the Assemblyman was the fee increase. Dr. Abel questioned what the Commissioner’s response to the Assemblyman was likely to be. Mr. McCloy indicated that the Division’s recommendation would be to adopt all the crab pot provisions as a package.

Mr. Rizzo commented that the letter is just making a comment on what their constituents have a problem with in the proposal.

Director Chanda indicated the Commissioner hasn't had a chance to write her letter of response. He stated that Mr. McCloy made the Division's feelings clear and would make that recommendation to the Commissioner.

Mr. Hollinger said it was his understanding that the increase in the fee was to fund the program considering the number of people who are going to come in and transfer these crab pot licenses. He advocated that the fees should only go up once somebody has made that transfer to cover the cost of the actual transfer and not an overall fee across the board to all commercial crabbers. If it is only transferability then it should only effect the people that want to transfer. Otherwise there is going to be extra money around that is not really needed.

Chairman Ewing reminded everyone that the fee structure was a recommendation from the industry, not from DEP. This was also not just for transferability, it was because there is a two tier program and that differentiates the amount of pots that will be allowed by one fisherman as opposed to the other fisherman.

Mr. Rizzo indicated the reason for the motion to delete this (crab provisions) is because there are still a lot of questions, and loopholes that have to be closed. He suggested instead of getting bogged down in discussions that should take place at the Crab Committee, he is asking that Council just delete this package and then go back and go over all this.

Mr. McCloy addressed Mr. Hollinger's comments about the fee. The idea of the fee was never designed to fund the program. It is not nearly enough to fund the program. The fee was related to the two tier system. If you look at the fee differential it's twice for tier one over tier two and if you look at the pot allocation for tier two and tier one, tier one pot allocation is twice the tier two allocation. He also reminded everybody about the original regulations put into place in 1994, and the lottery that was held. There are still 80 people waiting, since 1994, for crab pot licenses to come down to the target level so they have the ability to get licenses. There are a lot of inactive crabbers holding licenses and the higher fee may inspire them to give up their license so the Division can address some of these people on the waiting list. The proposed fee is more involved than just funding the program.

Mr. Rizzo once again clarified that his motion is to delete the crab pot proposal out of the regulatory package in its entirety.

Mr. Goldman asked to speak on the motion. He indicated that Council has worked long and hard on this and put in a lot of time. He acknowledged it wasn't perfect and maybe in the future it can be tweaked in regulatory changes down the road but there are other regulatory changes the Council needs to look into. He had spoken to a couple crabbers

and they were 110% for this package including the extra \$100.00 fee. Mr. Goldman didn't see a problem with transferability and supported approving the entire package as proposed.

Mr. Rizzo indicated that the process says that if you have an opinion, you come to the public hearing and you put your opinion down on paper. So the majority of crabbers that put their opinion on paper had a problem with the fee.

Chairman Ewing asked for a roll call vote on the amended motion.

Dr. Abel requested his vote be delayed until after that of the Crab Committee as he had missed the last meetings' discussion.

Mr. Berg No
Dr. Donnelly Yes
Mr. Goldman No
Mr. Herb Yes
Mr. Hollinger Yes
Mr. Maxwell Yes
Ms. Puskas No
Mr. Rizzo Yes
Dr. Abel Yes

The motion to amend passes 6-3.

Chairman Ewing indicated that the amended motion was now the main motion and will be voted upon.

Chairman Ewing indicated the motion was to approve the 2007 regulatory package with the exception of the crab pot provisions.

Mr. Goldman indicated the Council's authority was to disapprove regulations, not approve.

Chairman Ewing agreed and indicated this to Council.

Dr. Donnelly reviewed the Council discussion of the last half hour and indicated the Council was going to vote for Council approval of the 2007 regulatory proposal with the disapproval of the crab pot provisions.

Chairman Ewing indicated that in essence, that is what happened and that is what is going to happen. This portion of the proposal strictly pertains to crab pots, that is the only thing that is disapproved and that is what we are voting on.

Mr. Himchak asked if the change in the cap on Atlantic Coastal Crab Dredge licenses remains in the proposal for approval and was given an affirmative response.

Chairman Ewing indicated the crab pot portion is up for disapproval nothing else is effected. He asked if everybody was satisfied that the wording was correct and it only pertains to that portion on crab pots the Council is disapproving.

Ms. Puskas clarified that a 'yes' vote would be disapproval of that portion (crab pot provisions), approving everything else.

Chairman Ewing called for a roll call vote the motion.

Mr. Berg Yes
Dr. Donnelly Yes
Mr. Goldman No
Mr. Herb Yes
Mr. Hollinger Yes
Mr. Maxwell Yes
Ms. Puskas Yes
Mr. Rizzo Yes
Dr. Abel Yes

The motion passed 8-1.

Summer Flounder

Mr. Himchak referred Council's attention to Handout #8 which is the signed Notice of Administrative Change modifying summer flounder recreational management measures for 2007. These were decided upon at the March meeting and the 17", eight fish, season from May 26 through September 10 was adopted and signed by Commissioner Jackson on March 13.

Old Business

Chairman Ewing directed Council's attention to Handout #9, a letter to Council from Mr. Figley regarding the SMZ's and Handout #10, a letter to Council from the Commissioner regarding horseshoe crab fishermen compensation.

Dr. Abel spoke about his previous letter seeking help acquiring compensation for horseshoe crab fishermen. He suggested it was time to follow-up.

New Business

Oil Exploration

Ms. Puskas spoke to Council regarding recent developments in the leasing of tracts for oil/gas exploration off Virginia. She suggested sending letters to the Commissioner and legislators expressing Council's concern regarding how oil exploration off the coast could be detrimental to New Jersey fisheries.

Mr. Goldman indicated that the oil industry has good safety measures in place and before any letters are sent it would be good to get more information.

Chairman Ewing commented that there was a problem with oil spills during lighterning activities.

Public Comment

Mr. Rizzo submitted Assemblymen Van Drew's and Albano's letters (crab pot provisions) into the public record.

Mr. Anderson (commercial crabber) expressed concern about the Council's action on the crab pot provisions. He indicated that many people had worked very hard on this proposal and the Crab Committee had approved it. He felt the Council had taken away an opportunity from the crabbers and that it was a disservice to those crabbers.

Mr. Reichle (GSSA) requested a meeting of the Summer Flounder and Black Sea Bass Committees to discuss trip limits for 2008.

Mr. Siciliano asked Council to support a request to ASMFC to suspend summer flounder regulations during the Governor's tournament on October 7, 2007 (summer flounder season closes September 10, 2007). He also requested Council ask about the peer review that the Summer Flounder Board requested in December of 2006.

Mr. Layton updated Council on his activities in preparation for rearing of horseshoe crabs this year and requested help obtaining the permit. Mr. Himchak indicated he had met with Messrs. Layton and Givens and just needs to work out the final details of the permit.

Mr. Keilmeirer thanked Dr. Abel for his work over the years. He indicated that more review was necessary for the blue crab proposal.

Ms. Berko asserted that Council was rushing to judgment on SMZ status for artificial reefs.

Mr. Scott agreed with Ms. Berko.

Mr. Givens further commented that crabbers couldn't afford the increased crab pot fee and a demographics study needs to be done on reef utilization. Mr. Givens asserted that the Division wouldn't need money if they collected all they were entitled to (supposedly an audit report finding) for exotic animal permits.

Director Chanda responded that he did not see the connection between exotic animal permits and marine fisheries operations.

Mr. Wagner opposed the move to designate artificial reefs as SMZ's and thanked Council for rejecting the crab license provisions.

Ms. Wagner thanked Mr. Rizzo for his efforts regarding the crab pot provisions and suggested the evaluation on SMZ status should not be rushed.

Mr. Rizzo indicated that the SMZ status on reefs was a volatile issue and there needs to be some compromise.

Mr. Donofrio thanked Dr. Donnelly for his efforts on the Reef Committee. He also requested on behalf of RFA, a gill net closure in the commercial weakfish fishery for the month of April beginning in 2008.

Captain Nowalsky commented that the reef issue needs to move forward and a compromise needs to be reached. He advocated that it was better for the Council to address this issue as opposed to the Legislature.

Mr. Muermann told Council that the crab business was a dying industry with increased expenses and cheap imports.

Ms. Muermann felt the Crab Committee meetings were not well attended.

Mr. Hammerstrom addressed Council and encouraged them to draft a resolution to DEP to increase harvest pressure on spiny dogfish. He asserted they were significant predators on other more important species. He also advised Council that sewage treatment facilities need to upgrade to tertiary treatment if the fishery resources are to survive. He discussed his efforts in this regard over the years.

Mr. DiDominico suggested that the reef accusations be investigated to insure that perception was fact. He commented that the RFA proposal to close the weakfish gill net fishery in April was impractical. He further indicated that GSSA is pursuing legislation for a spiny dogfish license.

Director Chanda invited Council members to a shorebird banding operation on May 16.

Mr. Reichle indicated that the commercial industry has scheduled a meeting on the reef issue.

Meeting adjourned.