

## NEW JERSEY MARINE FISHERIES COUNCIL

Galloway Township Public Library  
Jimmies Leeds Road  
Absecon, New Jersey  
September 4, 2008

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

Absent: Councilman Erling Berg

Also in attendance representing the Division of Fish and Wildlife:

David Chanda, Director  
Thomas W. McCloy, Administrator, Marine Fisheries Adm. (MFA)  
James W. Joseph, Chief, Bureau of Shellfisheries  
Peter Himchak, Supervising Biologist, Marine Fisheries Adm.  
Mark Chicketano, Captain, Bureau of Law Enforcement  
Russ Babb, Supervising Biologist, Bureau of Shellfisheries  
Mike Celestino, Principal Biologist, Bureau of Shellfisheries  
Linda Barry, Technician I, Bureau of Marine Fisheries  
Sherry Bennett, Council Secretary

Ms. Bennett read the compliance with the Sunshine Law. Notice of meeting was filed with the Secretary of State on August 4, 2008. Chairman Ewing reminded everyone of proper conduct for the meeting.

Minutes for the July 2008 meeting were approved.

### **Law Enforcement Report**

Captain Chicketano presented the Law Enforcement Report.

Conservation Officers (CO's) conducted surveillance of the Belford Co-op at the end of the July – August commercial fluke season. Fishing vessels were observed returning to the dock to determine if any vessels would off load prior to the legal 6:00 a.m. off loading time. No vessels were observed off loading prior to that time. CO's inspected all off loading vessels. Two violations were observed; landing in excess of 500 pounds fluke, and possession of fluke for sale measuring less than 14 inches. The appropriate enforcement actions were taken.

On 8/10/08 CO's were inspecting vessels returning to the Belmar Municipal Ramp. A vessel with four fishermen aboard came to the ramp. They had three coolers containing a mix of 10 legal fluke and black sea bass, 3 short fluke and 2 short black sea bass. These individuals stated that the fish in the coolers were the only fish in their possession. CO felt suspicious that there were more fish, inspected the remainder of the vessel and uncovered an additional 15 short black sea bass in a plastic bag hidden under several life jackets. Each individual was issued summonses for the undersized fish.

While patrolling Morgan Creek in Old Bridge Township, CO's observed an individual using a cast net. This individual would remove fish from the net and place them in a backpack carried by his 10 year old daughter. After watching this individual for some time, the officers conducted an inspection. When asked, the individual stated he did not have any fish in his possession. CO's inspected the backpack and found undersized blue-claw crabs, 7 undersized porgy and 1 striped bass measuring 10 inches. Summonses were issued for the porgy and striped bass.

On August 17, Districts 2,3, 4 and 7 conducted a joint recreational marine fisheries enforcement operation on the Hackensack River, Newark Bay Complex, Raritan Bay, Sandy Hook Bay and the Atlantic Ocean. This operation involved 16 conservation officers and 3 deputy conservation officers in patrol vessels and on land. A total of 703 recreational fishermen and 12 recreational clammers were inspected, with a total of 49 summonses issued. A breakdown of the numbers and types of summonses are as follows: 15 – undersized fluke (for a total 35 fish), 5 – undersized striped bass (5 fish each), 4 – undersized black sea bass (for a total of 10 fish), 4 – undersized porgy (for a total of 23 fish), 2 – over limit bluefish ( 1 fish each), 1 – undersized tautog (1 fish), 1 – undersized weakfish (1 fish), 2 – undersized crabs (1 crab each), 3 – possession of mutilated fish, 2 – interference, 8 – clam without license, 1 – clam in condemned waters, 1- undersized clams. Written warnings were also issued for crabbing in the Newark Bay Complex. One notable incident involved an inspection of a boat containing two fishermen. The fishermen stated they only had skates in the boat. When CO informed them that the officers would be inspecting their boat, one of the fishermen attempted to surreptitiously remove fluke from a bucket and mix them in with 10 skates that they had in a cooler. The officers found 13 undersized fluke. The fishermen had no legal sized fluke.

Mr. Goldman asked if enforcement has seen an increase in violations of sub legal fluke since the new changes in regulations have gone into effect.

Captain Chicketano responded that non-compliance of fluke has not increased, still the same as the past.

Dr. Donnelly asked if anything was observed with regard to summer flounder fillet violations (as it related to the provision allowing the filleting of one legal size fish for bait).

Captain Chicketano indicated nothing suspicious in regards to fillets. Everything the CO's have seen are the same type of violations they have run into in the past.

### **Legislative Report**

There has been no activity due to the Legislature being out of session.

### **Atlantic Coast Marine Fisheries Commission Report**

Mr. Himchak presented the ASMFC Report, in Mr. Berg's absence, Handout #2.

### **American Lobster Management Board**

Addendum XII identifies issues associated with history-based fishing rights programs and transfer programs. The Board reviewed a proposal to consider actions in the addendum to end the delay in the administration of trap allocations and transfers, resolve critical database needs, and prevent the potential shift of trap-fishing effort from state waters to federal waters, as well as from one state to another, and from one LCMA to another. The Board also initiated the development of an addendum to consider changes in a Lobster Conservation Management Area 3 transfer program, including changes to the tax on both partial trap sales and whole business sales.

### **Summer Flounder, Scup and Black Sea Bass Management Board**

The Board approved initiation of an addendum to explore the addition of maximum size limits as a potential management tool to develop slot limits & a trophy fishery for summer flounder. A motion to develop another addendum, to include mandatory regional management areas for the recreational summer flounder fishery, was postponed until the annual meeting. Lastly, all jurisdictions are to provide the Law Enforcement Committee (LEC) with their recreational regulations on summer flounder, scup, and black sea bass as related to whether or not filleting of these species is permitted at sea and the LEC will provide a report at the annual meeting in October 2008 as to whether or not their regulations negate the effectiveness of that state's minimum size limits for these three species.

### **Weakfish Management Board**

The 2008 biological sampling plans for all states were approved. Addendum I to Amendment 6 requires non-de minimis states to collect length and age samples based on the magnitude of their landings. The weakfish stock assessment is being updated through a series of workshops and will be finalized and peer reviewed next year.

### **Atlantic Striped Bass Management Board**

The recently completed peer review of the striped bass stock assessment received a very favorable review by the panel of independent experts. The Board accepted the updated biological reference points approved at the peer review that document spawning stock biomass levels much higher than previously calculated under previous modeling techniques. The Board tasked the Striped Bass Technical Committee with reviewing the higher spawning stock biomass estimates with the management objectives of Amendment 6 before continuing discussion on the possibility of developing an addendum.

### **American Eel Management Board**

The Board approved Draft Addendum II, with some suggested changes, for the public hearing process. Addendum II is designed to increase the escapement of silver eels to the

spawning grounds. Public hearings will be conducted and comments will be reviewed at the annual meeting in October 2008 when the Board will consider approval of Addendum II

### **Atlantic Menhaden Management Board**

All jurisdictions were in compliance with the reporting requirements of the Fishery Management Plan. Coastwide landings for menhaden increased 19% from 2006 in 2007 to 219,075 metric tons. The harvest for reduction purposes only was 174,455 metric tons, up 11% from the 2006 landings of 157,385 metric tons. The preliminary estimate of the coastwide bait harvest for 2007 is 44,620 metric tons; which is up 70% over the 2006 bait harvest of 26,210 metric tons. Bait landings now represent nearly 20% of the total annual menhaden harvest.

The reduction fleet experienced large catches of menhaden off New Jersey in 2007, as far out as 30 miles from shore which was highly unusual; no doubt, attributed to a coastal upwelling. Large coastal harvesting of menhaden by the reduction fleet is good, because it likely lessens the harvesting of fishing within Chesapeake Bay. The Chesapeake Bay cap for 2008 was set at 122,740 metric tons for the reduction fishery.

Funding for Chesapeake Bay research projects related to the implementation of the existing harvest cap on reduction landings to address localized depletion concerns is only half way through the 5-year plan. The Board tasked the Technical Committee with assessing how the currently funded research is addressing the potential localized depletion of menhaden in Chesapeake Bay.

### **Shad & River Herring Management Board**

The Commission's Shad & River Herring Management Board approved sending forward Draft Amendment 2 to the Interstate Fishery Management Plan (FMP) for River Herring for public review and comment. The Draft amendment solicits comments on proposed requirements for population and by-catch monitoring, as well as commercial and recreational management measures. It is anticipated that the majority of coastal states will be conducting public meetings on the Draft Amendment; information on those meetings will be released once they become finalized.

### **Spiny Dogfish & Coastal Sharks Management Board**

The Spiny Dogfish & Coastal Sharks Management Board approved the release of two addenda for public review and comment. Both addenda propose management options that reflect the historic regional distribution of the spiny dogfish landings among the states. Draft Addendum II proposes to eliminate the current seasonal allocation system and to formalize the regional allocation system. Draft Addendum III proposes a suite of options for the establishment of a state-by-state allocation system including quota transfer between states. The Spiny Dogfish and Coastal Sharks Management Board moved to recommend approval of the Interstate FMP for Atlantic Coastal Sharks to the

Commission. Section 4.3.2 of the FMP was revised to allow the transit of large coastal sharks legally caught in the EEZ through VA, MD, DE, NJ waters from May 15 through July 15 provided that the fisherman notifies the state enforcement agency and/or NMFS prior to transiting and gear is stowed.

### **Horseshoe Crab Management Board**

The Management Board reviewed the public hearing comments on Draft Addendum V and approved Addendum V. With Addendum IV due to expire on September 30, 2008, the Board had initiated the development of Addendum V to continue horseshoe crab management in the mid-Atlantic region. The management measures under Addendum V will continue annually with Board consent.

Mr. Rizzo asked Mr. McCloy for documentation on eel management.

Mr. McCloy will get the addendum on eel management to Mr. Rizzo prior to the NJ public hearing.

Mr. Rizzo asked Mr. Himchak who the one person was who voted against the management options approved for Addendum V to the horseshoe crab FMP.

Mr. Himchak responded that, as proxy for the Division Director, he voted against the adopted management measures. Mr. Himchak stated that he first introduced a motion to require, in Addendum V, a moratorium on the horseshoe crab bait fishery in NJ and DE until available data indicated that horseshoe crab and shorebird minimum biometric requirements currently being developed by the Horseshoe Crab Technical Committee and the Shorebird Technical Committee have been attained, indicating a commercial harvest of horseshoe crabs in DE and NJ would not put any species at risk of extinction. The motion received a second but a substitute motion was made for a limited harvest in NJ and DE and the substitute motion passed.

Mr. Rizzo questioned the wisdom of voting in such a minority, 14-1, 12-1, as a poor political decision.

Mr. Himchak responded that it was important to get on the record the Division of Fish and Wildlife's continuing support for a moratorium on harvesting horseshoe crabs in NJ and DE to address the needs of shorebirds, since we haven't seen any improvements in the shorebirds populations. Remaining silent would be irresponsible for the DF&W which is staying the course on its management commitment.

Mr. Rizzo commented that such a position is not making a lot of friends and if you are not going to win the vote then what is the point. He asserted that taking this kind of approach negatively impacts other issues.

Chairman Ewing commented that when motions are made there are a lot of discussions. It is not one of these things that everyone feels like the motion was a waste of time. If the Management Board didn't feel like it was important they would not have seconded it and there also would not be any discussion on it. Just because it appears that the vote was

one sided, doesn't mean it was close or it wasn't close. The state has to do these things to get it on record to have the discussion and to inform the people.

Mr. McCloy commented that if New Jersey doesn't make a stance, then we become known as the roll over state. Being assertive when stating your opinion is better received than being aggressive about it. The state should also be entitled to its opinion in regards to any management issue, and do what we feel is the right thing to do. States routinely have positions that don't make it into the management plans.

Director Chanda responded that he hasn't received any phone calls on the state making a motion to amend Addendum V to include a moratorium on the horseshoe crab bait fishery. This moratorium is NJ's first step in managing the Delaware Bay and the life it supports. NJ knows we cannot do it alone, so we will always be there pushing for the other states to come and do the right thing.

Dr. Donnelly made a comment in regards to horseshoe crabs as to when we would be able to harvest again. Dr. Donnelly doesn't get the feeling that the DF&W's Endangered and Non-game Species Program will let us know when the birds come back to allow harvest of horseshoe crabs again. He thought that the ASMFC could give us some guidelines and to when, but such guidance does not appear to be within this addendum.

Mr. Himchak responded that Addendum V was developed and approved because Addendum IV had an expiration date. The management measures of Addendum V will be reviewed every year by the Management Board for continuing interstate management of horseshoe crabs. Referring to language in the failed motion the DF&W made on Addendum V, Mr. Himchak stated that the Horseshoe Crab Technical Committee and the Shorebird Technical Committee are co-operatively reviewing horseshoe crab and shorebird data to address the needs of the shorebirds, developing the appropriate biometrix requirements for horseshoe crab and shorebird management.

Mr. McCloy brought up another topic with ASMFC in regards to striped bass. DE and PA have developed a proposal that would change the recreational season for striped bass in the Delaware Estuary. It has not been presented to the Striped Bass Board, only to the Technical Committee, and NJ is not signing on at this point. The purpose is to target male striped bass in the Delaware Estuary. Delaware's proposal is to have a 2 fish allotment in a range of 20 to 26 inches for a 2-month period between July and August. Pennsylvania is basically the same, except they prefer the months of April and May. This is problematic for NJ because of our spawning closure in the same area during April and May. We will keep the Council informed as more on this topic develops.

### **Mid-Atlantic Fishery Management Council (MAFMC)**

Mr. Goldman presented the MAFMC Report; the full report can be viewed on line. The MAFMC and the (ASMFC) Summer Flounder, Scup, Black Sea Bass and Bluefish Boards (Board) met and achieved consensus on their recommendations regarding proposed fishing regulations for 2009.

The MAFMC and ASMFC voted to increase the 2009 summer flounder total allowable landings 2.68 million pounds, to 18.45 million pounds. The recommended increase is due to information from the June 2008 Stock Assessment Workshop. Owing to a new stock assessment model and related assumptions, the rebuilding target for summer flounder was reduced from a spawning stock biomass target of 197.1 million pounds to 132.4 million pounds. This change in biological reference point means that summer flounder are not over fished nor is over fishing occurring.

For the scup fishery both the MAFMC and the ASMFC recommended a quota of 7.34 million pounds, i.e., status quo for 2009. Management of scup continues to suffer from the lack of a current stock assessment.

For black sea bass, it was recommended that the 2009 quota be reduced to a 2.30 million pound quota. The 2009 fishing year is the last year of the rebuilding period for this fishery.

The MAFMC and ASMFC adopted a quota of 29.36 million pounds for bluefish for 2009 which is an increase of 1.20 million pounds from 2008. Under the current fishery management plan, the commercial fishery would be allocated 4.99 million pounds and 24.37 million pounds would be allocated to the recreational sector.

The MAFMC continued to refine its preferred alternatives for Amendment 10 to the Atlantic Mackerel, Squid and Butterfish FMP. The purpose of Amendment 10 is to rebuild the butterfish stock. The proposed management actions include the possibility of implementing a butterfish mortality cap program for the *Loligo* fishery; increasing the *Loligo* minimum codend mesh sizes; eliminating exemptions for *Illex* vessels from *Loligo* minimum codend mesh requirements; and, establishing seasonal gear restricted areas (GRAs).

The MAFMC reviewed alternatives to adjust stock status determination criteria in Framework 2 to the Spiny Dogfish FMP.

The MAFMC approved proposed draft comments to the National Marine Fisheries Service regarding its Proposed Rules on: National Standard 1 Guidelines (ACLs and Ams); NMFS integration of NEPA procedures into one environmental impact assessment procedure pursuant to MSA; and, the National Recreational Fishing Registry.

The MAFMC is seeking nominations for its annual Fishery Achievement Award.

## **Shellfish Council Reports**

### **Delaware Bay Shellfish Council Report**

Mr. Hollinger presented the Delaware Bay Shellfish Council Report.

### **2008 Direct Market Oyster Program Update**

The natural oyster seed beds in Delaware Bay were officially opened to direct market harvest on April 7, 2008. Bureau personnel continue to coordinate and monitor the harvest program. Seventy-seven vessels (the most since the direct market inception 12 years ago) are expected to participate in this year's harvest. The total allowable catch for the industry has been initially set at approximately 76,106 bushels. Individual harvest quotas have been set at 1,208 bushels per vessel. Through nearly five months of harvesting, approximately 53,434 bushels have been landed, with the majority of the harvest coming from the Shell Rock and Ship John seed beds. The 2008 harvest season is scheduled to run through mid-November.

### **Delaware Bay Oyster Restoration Program**

Bureau staff is nearing completion of the federally funded 2008 oyster reef enhancement program. Project funding is shared equally by the states of New Jersey and Delaware in its respective, ongoing shell planting programs. This funding came largely through the efforts of the Delaware Bay Oyster Task Force (Task Force), which consists of staff from the NJDEP, DNREC, Delaware River and Bay Authority (DRBA), Rutgers University, U.S. Army Corps of Engineers (USACE), DRBC, the Delaware Estuary Program and the Partnership for the Delaware Estuary. Costs for this project are shared between the federal government (75%) and the non-federal sponsor (25%). The latter is collectively provided by the combined efforts of the Task Force. The continuation of the program was contingent upon the Task Force's ability to provide this 25 percent cost share, 20 percent of which must be provided as a cash contribution. The Township of Commercial (Cumberland Co.) provided the critical cash contribution to the USACE on behalf of the State of New Jersey.

Through August, approximately 375,000 bushels of sea clam shell have been deployed on approximately 10 sites throughout Delaware and New Jersey waters in the Delaware Bay. Ongoing monitoring of NJ's two lower Delaware Bay plant sites has demonstrated spat setting rates of 1,646 and 175 spat per bushel.

The restoration program, now in its fourth year, is designed specifically to address the recruitment problem that has plagued the resource over the last seven years. The 2005, 2006 and 2007 oyster reef enhancement programs involved the planting of over 1,000,000 bushels of shell throughout the Bay (with 18 restoration sites in the NJ alone). Multiple year harvest projections, while often tenuous due to the vagaries of nature, have the potential to significantly increase future commercial harvests.



### **Vibrio parahaemolyticus Incident**

During the month of July 2008, two illnesses occurred that were attributed to shellfish (oysters) harvested from New Jersey waters. The shellfish were linked with oyster beds in Delaware Bay, New Jersey. Two individuals in Maryland (separate incidences) became ill after consuming raw oysters traced through dealer records to oysters shipped from Delaware Bay in mid July. Using the Bureau's landings records, those oysters were apparently harvested from Delaware Bay seed beds, specifically, the Ship John and Shell Rock seed bed. The harvesting of shellfish from the shellfish harvest area known as DB-1 (above a line between East Point out to Cross Ledge Shoal) had been suspended on August 19, 2008. The Bureau of Marine Water Monitoring sampled oyster tissue for the presence of the pathogenic strain of *Vibrio parahaemolyticus*. All sampled levels met the criteria for safe harvest recommended by the U.S. Food and Drug Administration. The seed beds were conditionally reopened for harvest on August 29, 2008. For the past six years the Council has taken a number of voluntarily steps by closing the fishery during the latter half of June and by reducing the daily hours of harvest (typically 7:30 a.m. to 3:30 p.m.) from sunrise to noon from June through the first week of September. These proactive steps were taken in order to minimize the potential for post-harvest growth of the pathogen due to elevated temperatures caused by handling. *Vibrio parahaemolyticus* is a microorganism (bacterium) that occurs naturally in coastal waters and is typically associated with oysters harvested from southern states with warmer water temperatures (e.g., Louisiana and Texas). The Council has formed a Vibrio committee that will work with the DEP, the Dept. of Health and Senior Services and the FDA to identify other options to reduce temperature abuse following harvest.

### **Atlantic Coast**

Mr. Maxwell presented the Atlantic Coast Shellfish Council Report.

### **NJ Surf Clam Quota**

The Surf Clam Advisory Committee (Committee) of the Atlantic Coast Section of the Shellfisheries Council (Council) met on September 4, 2008 to set the quota for the 2008-2009 New Jersey surf clam harvest season, which will commence on October 1, 2008 and end on May 31, 2009. The harvest quota is based upon the annual surf clam inventory conducted by the Bureau of Shellfisheries. Pursuant to the surf clam regulations the harvest quota shall be set between 250,000 to 1,000,000 bushels; however, the quota cannot exceed 10 % of the estimated standing stock. The estimated standing stock of surf clams for 2008 was 1.71 million industry bushels. Therefore, the quota could be set at a maximum of 171,000 bushels. However, due to declining surf clam stocks and low recruitment, the Committee recommended setting the harvest quota at 58,368 bushels to conserve the resource while allowing limited harvest opportunities. The quota for last season (2007-2008) was set at 198,000 bushels, but only 576 bushels of surf clams were landed. The stock of surf clams has dramatically declined over the last several years, a trend that had also been observed in federal waters from the Delmarva Peninsula to waters off northern New Jersey.

Chairman Ewing asked Mr. Joseph if he had anything for the Council's information. Mr. Joseph noted that between September and the November 14, 2008 meeting of the

Aquaculture Advisory Council (AAC), there would be a series of meetings of the AAC's Leasing Committee and the NJ Shellfisheries Council (SFC) to discuss: proposed changes to the lease fees for traditional aquaculture leases as well as the fees for the new Aquaculture Development Zones (ADZ) in Delaware Bay; new lease documents for both these types of leases; and the allocation policy for parcels within the ADZs. Mr. Joseph noted that the SFC had also decided it would form its own leasing committee (in addition to that of the AAC), with the desire to have the SFC's committee focus on traditional leasing issues while the AAC's leasing committee would focus on the ADZ lease issues. Ultimately, the SFC will consider the recommendations of both committees as they make recommendations to the Commissioner on these issues.

### **Regulatory Updates**

Mr. McCloy presented an update on the 2008 Rule Proposal. He indicated that the recent ASMFC shark plan provisions have been incorporated as well as the reef/pot issue. He stated that progress is slow, but we are tying up the loose ends. He reminded everyone that recent retirements have only exasperated an already difficult situation.

Dr. Donnelly asked if the spiny dogfish were included and Mr. McCloy responded in the affirmative.

Ms. Puskas asked if "Trenton" was not talking about dogfish anymore?

Mr. McCloy responded that there is a meeting scheduled with the Deputy Commissioner and Garden State Seafood Association (GSSA) on September 19 which includes the topic of spiny dogfish. He reminded Council that the industry had agreed to pursue Legislation to establish a spiny dogfish license.

Mr. McCloy brought Council's attention to Handout Number 7 in regards to a letter sent to inform everyone that NMFS has adjusted the 2008 Winter II commercial scup quota. The possession limit per trip will remain at 2,000 lb, consistent with the final rule Winter I to Winter II possession limit increase table published in the 2008 final scup specifications.

Mr. McCloy indicated the need for Council to make a motion to approve the Winter II, 2,000 lb. trip limit. NJ's current trip limit is 3,500 lb. He suggested that the motion be structured such that whatever trip limit NMFS imposes in the future would automatically go into effect in NJ.

Ms. Puskas made a motion to approve the Winter II trip limit at whatever limit mandated by NMFS, which for 2008 will be 2,000 lbs. Motion passed unanimously.

### **Old Business**

#### **Windfarm's**

Mr. Cohen, President of Fishermen's Energy gave an overview of a windfarm proposal. Fishermen's Energy of New Jersey (FERN) is a wind-energy development company organized by the principals of New Jersey's leading fishing industry, which encompasses

one of the most productive fishing grounds and seafood sectors in the U.S. The U.S. fishing industry has historically opposed consideration of offshore wind energy, fearing that the construction of wind farms off the coast will cumulatively and negatively impact the ability to fish. Times have changed. Fishermen have now chosen to view offshore energy as an opportunity, rather than a threat. Fishermen's Energy has proposed to build and operate offshore wind farms. Fishermen will harvest the sea for clean renewable electricity as well as seafood, managing both renewable resources side by side.

FERN have proposed a two-phased 'pilot' offshore wind farm proposal. The first phase will be a 20 megawatt (MW) farm with 8, 2.5 MW turbines. The plans are economically viable and can be up and running quickly. The second phase, a 330 MW farm would be built after federal regulations are finalized. This second phase will help supply the electrical needs of Atlantic County and its business community. FERN will work with the State of NJ to develop a State ocean energy master plan. FERN intends to build the offshore wind energy capacity of NJ for the benefit of all of NJ's citizens.

FERN looks forward to working with the State of NJ, local government officials, community and business organizations, and residents alike, to bring renewable energy from offshore for the benefit for our friends and neighbors. If FERN is awarded this opportunity they intend to give the opportunity to fishermen with fishing permits to invest in our industry, another way to give back to our fishermen family.

Chairman Ewing asked how they will generate power?

Mr. Cohen said he cannot answer that question but FERN has retained experienced engineers that are addressing all technical aspects of the proposal.

Chairman Ewing asked how does FERN plan on burying the cables? And will they be near shipping channels?

Mr. Cohen said their companies target depth is 6 feet burial (minimum 4 feet burial) and fishermen will be allowed to fish over them. In shipping channels they would have to be deep, but as far as he is aware nothing is proposed to be in the channels.

Ms. Puskas asked about the status of a plan to build windmills off Long Island?

Mr. Cohen replied that there are 3 proposals. Long Island Power and Light subcontracted for 40 turbines to Florida Power and Light, but the project was stopped because it cost too much. The cost is twice as much to build offshore than onshore. But the reality of it is, that there is not enough space in NJ, except offshore to build, so building offshore will happen. There is a grant available for \$19 million for which FERN has applied. The \$19 million would be received over 5 years as energy way generated.

Mr. Herb expressed concern about how areas would be selected and if there would be any consideration of avoiding productive fishing areas.

Mr. Cohen replied that if NJ was to reward this project to FERN, there is a permitting process to go through. The turbines need to be placed in the best areas that produce the most wind.

Mr. Goldman thanked Mr. Cohen for coming to talk to the Council. He is the first company to talk to the Council about windfarms. He appreciated his insight on how this would impact fishermen. It will most certainly also produce a tourist attraction.

Ms. Puskas asked who would be in control, State or Federal?

Mr. Cohen responded that the first phase is proposed within the first 3 miles of the State, so the DEP with Army Corps of Engineers would be involved. The second phase will be federal jurisdiction because it will be located 7 miles out to sea.

### **Marine Recreational Information Program (MRIP) and Federal Angler Registry**

Mr. McCloy brought Council's attention to Handout #4 in regards to the MRIP and the Federal Angler Registry series of informational brochures put out by NOAA. At the last meeting Council discussed the Angler Registry Rule. The public comment deadline had been extended to August 21; a final rule is anticipated on November 1.

Mr. Goldman would like to add to his previously presented MAFMC Report, that the MAFMC felt the \$15 to \$20 fee will be onerous on top of a Highly Migratory Species (HMS) permit. This \$15 to \$20 is for the individual person, not for the entire boat and the people you have on the boat. He suggested to the MAFMC that a check off box, on the HMS permit, and decrease the dollar amount more or charge \$1 and do it online.

Chairman Ewing commented that we should be ready to dig deep into our pockets if we don't come into compliance with the registry (Federal) program. Those states that do not have a program sanctioned by the federal government will end up funding the federal program.

### **Governor's Surf Fishing Tournament**

Mr. Herb referenced the issuance of a scientific collection permit to allow the retention of legal size summer flounder during the Governor's Surf Fishing Tournament. When the Council met on the fluke regulations a few months back he was left with the impression that this issue would come back to Council. The Council didn't want to open it to one charitable organization and then get requests from other tournaments. Mr. Herb expressed his opinion that it would have been more appropriate if this request came through the Council.

Director Chanda indicated that the Governor's tournament is unique since it is sponsored by the DEP. He did not foresee it causing any negative effects. He agreed that the Council should have been involved in the discussion.

Chairman Ewing mentioned about taking out handicap individuals in Cape May and how they would have liked to have been able to take an extra fish on their day also.

Mr. Goldman did not think this was an appropriate course of action.

Director Chanda reminded everyone that the decision was his, not the Governor's.

Mr. Goldman asserted this is not fair to other anglers in the State. The Council waited to hear about this at its March meeting and nothing happened, so they assumed it was a dead issue and now it comes up under a scientific collecting permit. He expressed his opinion that it is just wrong.

Mr. Goldman made a motion for Council to oppose issuance of a scientific collecting permit. Motion second by Mr. Rizzo

Mr. Rizzo felt that data could still be collected on the fluke caught and that they should be returned since the season is closed.

Ms. Bochenek asked if this is the first time this has happened?

Chairman Ewing said that the first time this was addressed to the Council, the Council opposed it. The Council has heard nothing back and assumed that the permit would not be issued. Now all the sudden, the tournament is coming up and now they have a scientific collecting permit.

Mr. Herb indicated if it is a means of collecting data it would be okay, it was just that it never came back to Council first.

Mr. Goldman then stated he would like to amend his motion to send a message to the Director and the public that the Council had nothing to with the tournament getting the permit in the first place.

Amended motion made by Mr. Goldman, Council was opposed to giving scientific collection permit to the Governor's Tournament in the first place. Mr. Rizzo seconded. Motion passes 6 in favor, 2 against.

### **Saltwater License**

Ms. Puskas commented that NJ needs to move forward on the recreational saltwater license.

Mr. Hollinger made a motion to send a letter of support for a saltwater fishing license to Senator Bateman for Senate Bill 2080 as is. Ms. Puskas second.

Mr. Herb indicated the Council did not like all aspects of the bill so how could they make a motion to support the bill.

Mr. Goldman commented that the federal government needs to have a registry in place by 2009, there will be no charges (federally) until 2011.

Ms. Bochenek asked if there was a way for us to mend the motion to say we support such a bill, but will wait until more information comes our way.

A comment was made that the motion should also include Charter and Party Boats.

The motion was unanimously defeated.

Mr. Herb suggested if nothing has happened on the bill by next meeting then the Council should make a motion to make sure that the Council is not in support of this bill.

Ms. Puskas requested that a saltwater license to be placed on the next meetings agenda.

Mr. McCloy suggested writing a letter to asking the Commissioner to include the Council in any discussions regarding a saltwater license.

Mr. Goldman made a motion to write a letter to ask the Commissioner to include the Council in discussions and address concerns regarding Bill S2080. Mr. Herb seconded.

Ms. Puskas asked if the motion is adequate to address all NJ issues?

Mr. McCloy requested clarification on what the letter would say?

Dr. Donnelly suggested including the concerns that came out of the current Council meeting.

Motion to send the letter passed, 7 favor, 1 opposed.

Chairman Ewing asked if Mr. Rizzo and Ms. Puskas received the 75-page report (comments on the horseshoe crab rule proposed they had requested)? They did.

Mr. Herb requested a Summer Flounder Committee meeting to discuss the potential for a slot limit (ASMFC addendum). Implementation of a slot limit would require a coastwide (maybe regional) approach as opposed to state by state.

Chairman Ewing commented that NJ would have to be paired up with NY. He felt a slot fishery was the wrong way to go. He suggested this needs more thought.

### **New Business**

Council members did not bring up any new business.

### **Public Comment**

Mr. Rush asked Council if there was any monetary gain to the organizations running the Governor's Tournament? Director Chanda said there is a fee for the tournament and it goes into fishing enhancement.

Mr. Rush commented that he supported an advisory meeting and stressed that NJ doesn't want to loose what we have currently in regards to fluke.

Capt. Nowalski commented that the flounder slot limit could be beneficial but the science has to support it.

Capt. Nowalski asked about the recent targeting of enforcement actions in regards to tuna fishing and which enforcement agency has been involved.

Capt. Chicketano said the State has not been involved with the Coast Guard boarding ships specifically looking for tuna.

Mr. Mackey requested a committee meeting to discuss trip limits for summer flounder, black sea bass and scup in light of the quota recommendations for 2009.

Mr. Wenek addressed Council regarding terrapin excluders on crab pots. He advocates their use on all recreational crab pots.

Mr. Rizzo invited Mr. Wenek to the Crab Pot Committee Meeting when they address this issue.

Next Meeting is November 6, 2008.  
Meeting adjourned.