

NEW JERSEY MARINE FISHERIES COUNCIL

Toms River Municipal Building

Toms River, New Jersey

March 4, 2010

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

Also in attendance representing the Division of Fish and Wildlife:

Thomas W. McCloy, Administrator, Marine Fisheries Adm. (MFA)
Brandon Muffley, Chief, Bureau of Marine Fisheries
James W. Joseph, Chief, Bureau of Shellfisheries
Tim Cussen, Chief, Bureau of Law Enforcement
Jeffrey Brust, Research Scientist, MFA
Mark Chicketano, Captain, Bureau of Law Enforcement
Peter Himchak, Supervising Biologist, MFA
Tom Baum, Principal Biologist, Bureau of Marine Fisheries
Russ Babb, Supervising Biologist, Bureau of Shellfisheries
Mike Celestino, Principal Biologist, Bureau of Shellfisheries
Sherry Bennett, Council Secretary

Ms. Bennett read the compliance with the Sunshine Law. Notice of meeting was filed with the Secretary of State on February 2, 2010.

Mr. Rizzo made a motion to hold off approving meeting minutes from the January 7, 2010 meeting until the May 2010 meeting.

Chairman Ewing introduced Mr. Walter L. Johnson III as the new Atlantic Coast Shellfish Council Chairman.

Audience Conduct

Chairman Ewing reminded the audience to take conversations outside or wait until the end of the meeting. If you wish to speak or make a public comment there are sign up sheets at the front table. Please wait until your name is called and come to the front of the room before speaking.

Law Enforcement Report

Captain Chicketano presented the Law Enforcement Report.

District 7 Highlights December – January 2010

On 12/2/09 CO inspected the FV Jaime Mae, a commercial otter trawl vessel, at the Point Pleasant Co-op dock. The vessel had just returned from an offshore trip targeting spiny dogfish and offloaded its catch. Among other species, they had off-loaded their 200-pound by catch limit of summer flounder. The CO conducted an inspection of the onboard fish holds and observed two striped bass buried in ice within a large fish tote. The CO dug further into the ice and found an additional 102 pounds of summer flounder and 36 pounds of winter flounder. The CO then issued summonses for exceeding the summer flounder by-catch limit, possession of undersized striped bass and taking striped bass by means of a net. A federal verbal warning was issued for possession of winter flounder caught in federal waters. The illegal summer flounder were sold to the Co-op and the CO seized the check.

A case was recently settled concerning the party fishing vessel Big Mohawk, where undercover CO's observed numerous violations aboard this vessel on August 15, 2009. Guilty pleas resulted in the collection of a total of \$2340 plus costs. The vessel also received a 60-day suspension of its fillet permit for the months of June and July 2010, during the intended recreational summer flounder season.

District 7 Highlights January – February 2010

A CO did some research and developed a seafood market inspection route concentrating on the enforcement of the live fish market. On 2/13/10, CO's conducted eight inspections of markets and restaurants. No violations were observed and compliance was very good.

Information was received in reference to depuration clammers harvesting shellfish in prohibited waters off of the Borough of Atlantic Highlands in Sandy Hook Bay. On 2/23/10 CO set up a surveillance of this area, which is known to contain a large concentration of clams. He observed four individuals harvesting within the prohibited area. The CO, utilizing the USCG Sandy Hook, conducted boarding's of these individuals. Aside from the harvesting in prohibited waters violations, CO also found some of these individuals not exhibiting their commercial clam licenses and depuration permits. One of the clammers did not display a placard with his name and depuration plant affiliation, a violation of the depuration program. The CO ordered these clammers to immediately dump all of their clams into the water. Summonses are pending and the clammers will immediately be suspended from the depuration program. Convictions will mandate a three-year suspension of their commercial shellfish licenses.

On 2/23/10 a CO was conducting inspections of commercial vessels at Viking Village in Barnegat Light. The CO boarded the FV Karen L, a commercial hook and line vessel returning from a black sea bass trip. The vessel possessed 113 pounds of black sea bass in excess of the 1000 pound landing limit. The overage was seized and sold to the fish dealer with a check to be held by the Division. Summonses will be issued to the captain

and owner of the vessel. A conviction will result in a 60-day suspension of the vessel's black sea bass directed fishing permit.

MONTHLY HIGHLIGHTS DISTRICT 8 JANUARY 2010

On January 2, 2010 Conservation Officers' apprehended the FV Abracadabra for possession of black sea bass and summer flounder in excess of New Jersey's commercial landing limit. The officers determined that the captain of the vessel had harvested and possessed double the landing limit of both species after a five-day trip near the Hudson Canyon area of the Atlantic Ocean. The vessel landed and offloaded one day's limit on January 1, 2010 then left the dock on the morning of January 2, 2010. On the 2nd, the vessel's captain sailed the FV Abracadabra offshore in an effort to give the appearance of a harvest trip only to return to the dock in under 15hrs. CO's boarded the vessel upon its return to the dock, interviewed the captain and seized the excess fish landed. The appropriate state summonses were issued for the violations.

On January 3, 2010, a CO boarded the FV Catherine Lane at Cold Spring Fish and Supply in Cape May. The FV Catherine Lane had been at the dock since January 1, 2010 awaiting the opening of New Jersey's 2010 summer flounder quota, which didn't allow landing until 0001hrs on January 3rd. Because the vessel had requested and was granted an emergency landing prior to the fluke season opening, they were under orders to wait for approval prior to their offload. During the supervised offload, the CO documented 5,380lbs of summer flounder from this vessel, 380lbs over the trip limit of 5,000 lbs. The CO seized the overage and issued the appropriate summonses to the vessel's captain and owner.

Legislative Report

Mr. McCloy presented the Legislative Report. He brought Council's attention to a number of handouts as follows:

S221/A1152 was pre-filed for introduction in the 2010 session. This bill prohibits the use of certain fishing gear on artificial reefs.

SR46 is a new bill sponsored by Senators' Smith and Bateman that urges the Mid-Atlantic Fishery Management Council to establish new artificial reefs for commercial fishing.

S1122/A823 requires DEP to establish a free recreational saltwater angler registry.

S1186 concerns the moratorium of taking, landing, or possession of horseshoe crabs or the eggs of horseshoe crabs and establishes a revised recovery target for the red knot.

S1184 revises the penalty for horseshoe crab violations in regards to the moratorium on taking, landing, or possession of horseshoe crabs.

S1140 revises the statute concerning licenses to take menhaden. It would create a limited entry program.

AJR18 establishes the Saltwater Fisheries and Aquaculture Task Force.

Atlantic States Marine Fisheries Commission (ASMFC) Report

Mr. McCloy presented the ASMFC report. He referenced Handout #9, the summary of the ASMFC winter meeting.

Summer Flounder, Scup and Black Sea Bass Management Board

ASMFC approved all of the state proposals for summer flounder except for the one option in the Maryland proposal that split management measures in the Bay and ocean waters due to the lack of data to support this area split.

Recreational scup measures in New Jersey for 2010 will be the same as in 2009.

ASMFC recommended regulations for the 2010 recreational black sea bass fishery if the new increase in total allowable landings (TAL) is approved by NMFS. The recommended regulations would be a 12.5" minimum size limit, 25-possession limit and an open season of May 22 to September 12 for 2010. Mr. McCloy reminded everyone that the MAFMC selected a different season than that selected by ASMFC.

Atlantic Striped Bass Management Board

ASMFC passed a motion to initiate an addendum to increase the commercial quota for striped bass coastwide.

Shad & River Herring Management Board

The ASMFC adopted the fisheries dependent and independent monitoring program as proposed in Amendment 3. States without an approved plan for a sustainable fishery are required to close by January 2013.

Mr. Himchak presented Council with these updates from the ASMFC winter meeting.

American Lobster Management Board

Mr. Himchak stated there was nothing new to report since his January report on lobster except that they are still trying to develop reference points for future lobster management. Regardless of the reference points selected, the Southern New England (SNE) stock of American lobster needs rebuilding and New Jersey lobstermen fish on the SNE stock.

Atlantic Herring Section

ASMFC Atlantic Herring Section set specifications for 2010-2012. The Atlantic Herring Section also approved Draft Addendum II and III for public comment. Draft Addendum II proposed changes to the specification definitions, administrative process and annual paybacks for overages in a management area. Draft Addendum III proposed exemptions for "days out" for small mesh bottom trawl vessels fishing in Area 1A. New Jersey will not be conducting public hearings on these two Draft Addendums.

Spiny Dogfish & Coastal Shark Management Board

ASMFC set the spiny dogfish 2010/2011 fishing year (May 1 to April 30) quota at 15 million pounds with a maximum possession limit of 3,000 pounds.

Horseshoe Crab Management Board

ASMFC initiated an Addendum to address future management measures. The ASMFC Horseshoe Crab Technical Committee will make recommendations for options in Addendum 6 for implementation in 2011. The horseshoe crab benchmark assessment indicates increased abundance in the southeast and Delaware Bay region and decreased abundance in New York and New England.

Mid-Atlantic Fishery Management Council (MAFMC)

Mr. Berg presented Council with the MAFMC report and directed them to Handouts #10a-d. Eric Schwaab has been appointed as Assistant Administrator to the National Marine Fisheries Service (NMFS).

NMFS announced that it is accepting proposals under the Mid-Atlantic Council's Research Set-Aside (RSA) Program for research activities to be conducted in 2011. MAFMC, in coordination with NMFS and the ASMFC may set aside up to 3 percent of the total allowable landings (TAL) in certain Mid-Atlantic fisheries to be used for research endeavors. NMFS is soliciting proposals for research activities concerning the summer flounder, scup, black sea bass, *Loligo* squid, *Illex* squid, Atlantic mackerel, butterfish, bluefish, and tilefish fisheries.

The MAFMC will host an educational workshop March 16-18, 2010 on "catch shares." This workshop will be open to the public. The term "catch share" encompasses a broad spectrum of fishery management systems that share a common approach: allocation of a portion of a scientifically determined catch limit to a discrete set of users (i.e. individuals, groups, or communities).

The 2010 black sea bass quota was reconsidered. The Black Sea Bass Monitoring Committee and the Scientific and Statistical Committee (SSC) reconsidered its original 2010 acceptable biological catch (ABC) recommendation of 2.71 million pounds (with an associated 2.30 million lb TAL). The SSC agreed by consensus to increase its ABC recommendation for black sea bass for 2010 to 4.5 million pounds (a 1.79 million pound increase in ABC for the 2010 black sea bass fishery).

There were two public hearings scheduled by the MAFMC for New Jersey. One was held in Cape May on Amendment 11 to the Squid, Mackerel and Butterfish Fishery Management Plan. The second public hearing is scheduled for March 9, 2010 in Lakewood, NJ on Amendment 5 to the Monkfish Fishery Management Plan.

Mr. Himchak commented that the MAFMC was petitioning the NMFS for additional observer coverage to document by-catch of butterfish and river herring in small mesh bottom trawl fisheries.

Mr. Berg commented that the meeting schedule for the April MAFMC meeting in Duck, NC can be found on the Mid-Atlantic website.

Shellfish Council Reports

Atlantic Coast

Mr. Johnson presented the Atlantic Coast Shellfish Council report. Mr. Oliver Twist III was appointed and confirmed as a new Councilman.

Delaware Bay

Mr. Joseph presented the Delaware Bay Shellfish Council report for Mr. Bailey, who had informed the Council that he would be arriving late to the meeting.

2010 Oyster Stock Assessment Report – Council Harvest Recommendations

The Delaware Bay Shell Fisheries Council met on Tuesday, February 23, 2010 to review the 10th annual Stock Assessment Workshop (SAW) committee report for the Delaware Bay oyster resource and industry. The status of the stock is considered mixed, with trends in abundance, recruitment, biomass, disease prevalence, and other metrics 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 fifth consecutive year, exploitation-based reference points, which use past levels of fishing effort to set the harvest allocation, were used to set the 2010 harvest allocations.

Based on options recommended in the report, the Council recommended a base harvest allocation for the 2010 oyster season that is approximately 48,000 bushels (down approximately 10,000 bushels from the starting 2009 quota). This base allocation can be increased to up to 70,000+ bushels with a large scale intermediate transplant, which will move smaller oysters from upper bay beds to the primary direct market beds. A tentative season opening date of April 5, 2010 was recommended.

Bureau Rule Proposals – Management Amendments & License Consolidation

Mr. Joseph reported that the Bureau of Shellfisheries (Bureau) has two oyster-related rule proposals currently in development. The first proposal is known as the “Oyster Management Rule.” This rule is progressing to conclusion as the final document is pending final adoption in the NJ Register. This proposal includes a major reorganization of the chapter with necessary amendments to allow for the proper management of the resource from an enforcement perspective.

Concurrent to the development of the “Oyster Management Rule,” the Council had established a committee to review the concept of consolidating licenses within the oyster fishery. The Council’s committee recommendations were taken by staff and placed into a regulatory format.

The Bureau has finalized responses to the public comments received to the “Oyster Management Rule” proposal as well as drafting and working to finalize the proposal of the “Consolidation Amendments.” The Bureau and the Office of Legal Affairs are

currently anticipating that the adoption of the “Oyster Management Rule” will occur once the new Administration has completed its review of pending regulatory proposals (Executive Order-1).

Shell Planting Contracts

Mr. Joseph indicated that Bureau staff continues to work with Department of Treasury personnel on a draft proposal for the establishment of a shell planting and shell-purchasing contract. Contracting as part of the federally funded shell planting program has largely been handled by the U.S. Army Corps of Engineers. Due to program funding cap limits in the Omnibus Appropriations Bill that was used to fund this program, the federal government’s role in the program is likely to diminish. As a result, the State of New Jersey (DEP) will once again need to handle contracting logistics. Bureau staff continues to work with staff from the Department’s Office of Management and Budget as well as staff from the Department of Treasury and anticipates a contract in place by this summer. It is unclear whether this will be in place for the traditional July shell planting time period, which is the peak of the oysters’ spawning season. The objective is to develop a multi-year extendable term contract for the purchasing, storage and planting of shell to enhance the oyster reefs of Delaware Bay.

Despite the current lack of a useable contract, the Bureau is formulating a plan that would still allow for the planting of approximately 100,000 to 150,000 bushels. Consistently planting shell year in and year out - even if at lower quantities - is a major goal of the Bureau’s management program.

Committee Reports

Executive Committee Meeting Report

Dr. Donnelly presented the Executive Committee Report. The Executive Committee met March 3, 2010, to discuss two topics. The Committee continues to address and work on how to run the public comment portion of the meeting more efficiently. The second topic was how to fund marine fisheries management and the consideration of establishing a saltwater license. It was agreed to invite advisory members from various fishing organizations to address this matter prior to the May Council Meeting.

Summer Flounder and Black Sea Bass Committee Report

Mr. Goldman presented the report.

A meeting of the NJ Marine Fisheries Council’s Black Sea Bass and Summer Flounder Committees was held at the Nacote Creek Enforcement Office. The purpose of the meeting was to discuss the status of the recreational black sea bass fishery and the 2010 options for New Jersey’s summer flounder recreational fishery.

At the February 2010 Board meeting, the ASMFC approved recreational measures for black sea bass of 12.5” minimum size limit, 25-fish possession limit, and a season of May 22 – September 12. The following week, the Mid-Atlantic Fisheries Management Council recommended recreational measures of 12.5” minimum size limit, 25-fish

possession limit, and a split season from May 22 thru August 8 and September 4 thru October 4. The National Marine Fisheries Service now needs to make a final ruling on their recreational measures.

At its December 2009 meeting, ASMFC's Summer Flounder Management Board approved state by state conservation equivalency for managing summer flounder in 2010. NJ exceeded its 2009 target for summer flounder by 24%. Due to the increased coastwide quota, NJ is required to take a 1% reduction for 2010 from its 2009 recreational harvest estimate. At its February meeting, the ASMFC Summer Flounder Management Board approved several of the fishery options submitted by New Jersey.

Although all of the options satisfy the 1% required reduction, the Advisors in attendance all voiced concerns about the options that increased the size limit in order to increase the length of the season. Increasing the season is seen as ill advised and too risky. The situation that New York has gotten itself into was cited as a prime example. The option with the 4-fish bag limit was not favored by anyone. Options that started in June in order to increase days in September were not recommended, as were the options that began earlier in May but excluded September and some of August. Those groups representing surf anglers supported options that included a longer season. The Advisors present at the meeting were unanimously in favor of the option with the May 29 though September 6 open season. This option retains the 18-inch minimum size limit and 6-fish daily bag limit and includes Memorial Day Weekend and Labor Day Weekend, thus benefiting the majority of anglers. The Council Committee also supports the option recommended by the Advisors.

2010 Management Measures

Mr. Muffley presented the proposed 2010 ASMFC management measures for black sea bass. Mr. Muffley brought Councils attention to the varying seasons that are proposed. (ASMFC vs MAFMC). Ultimately, New Jersey needs to be in compliance with the ASMFC requirements.

On behalf of the Black Sea Bass Committee, Mr. Goldman made a motion to approve the 2010 recreational black sea bass measures of 12.5" minimum size limit, 25-fish possession limit and a season of May 22 to September 12. Chairman Ewing asked for comments from Council members.

Dr. Donnelly asked if the ASMFC would change their recommended season to that suggested by the MAFMC? Mr. McCloy commented that the ASMFC will need to reconvene if a change has to be made from its initial recommendation. Chairman Ewing reminded everyone of the season recommendations:

ASMFC: May 22-Sept 12

MAFMC: May 22-Aug 8 and Sept 4-Oct 4.

Public Comment on Black Sea Bass

Mr. Bogan believes that the ASMFC had a caveat in their recommendation that would support the final ruling made by the NMFS. He supports the MAFMC as a means to have something to fish for after the summer flounder season closes.

Mr. Rush, supports the split season.

Mr. Gordon suggested a reduction in the bag limit to keep the season open longer.

Mr. Verdi supports a split season, unless allocations change.

Mr. Packer supports a split season.

Mr. Gutman supports a split season, wishes to see a winter season for next year.

Mr. Norwalsky supports a split season.

Chairman Ewing summarized public comment to be in favor of a split season for black sea bass.

Mr. McCloy brought Council's attention to the fact that the motion on the floor was to go along with the ASMFC, not the MAFMC recommendation. To be in compliance, NJ needs to adopt the ASMFC provisions.

Ms. Puskas stated that the ASMFC does not have a split season.

Chairman Ewing commented that the split season was brought up, but not discussed at the ASMFC.

Mr. Berg made an amendment to the motion to add that the Council prefers a split season.

Chairman Ewing asked Mr. McCloy to summarize the motion.

Mr. McCloy summarized the motion; "the Council moves to adopt recreational measures for black sea bass for the 2010 season as required by the ASMFC and if possible, to adopt a split season as the preferred season by the MFC." Motion passed.

Summer Flounder

Mr. Baum reviewed Mr. Goldman's presentation on the Summer Flounder Committee Report. Mr. Baum presented the table of 12 options for summer flounder. Out of the 12 options presented Option One is the Committee recommended Option: 18" size limit, 6 fish bag limit, open season of May 29 to September 6.

On behalf of the Summer Flounder Committee, Mr. Goldman made a motion for the 2010 summer flounder recreational measures to be: 18" minimum size limit, 6 fish bag limit, open season of May 29 to September 6, Option One.

2010 Summer Flounder Management Options

OPTION	Size Limit (inches)	Bag Limit	Open Season	Total Savings	# days open season
1	18	6	May 29 – Sept. 6	1%	101
2	18	6	June 12 – Sept 13	1%	94
3	18	6	June 19 – Sept. 17	1%	91
4	18	6	June 26 – Sept 21	1%	88
5	18	6	May 21 – August 29	1%	101
6	18	6	May 12 – August 22	1%	103
7	18	6	May 4 – August 15	1%	104
8	18	4	May 23 – Sept 6	1%	107
9	18.5	6	May 13 – Sept 13	1%	124
10	18.5	6	May 29 – Sept 26	1%	121
11	18.5	6	May 21 – Sept 12	9%	115
12	18.5	6	May 29 – Sept 17	9%	112

Public Comment on Summer Flounder

- Mr. Schwarzwaldy – option one
- Mr. Jeffreies – option one
- Mr. Bogan – option one, hopefully will prevent more reduction next year.
- Mr. Alexander – option one. Does not want to see size or bag limits decrease.
- Mr. Hartel – option four. Thank you for holding the meeting in Toms River.
- Ms. Hartel presented two emails: Mr. Escol for option 4 and a PA resident for option 4.
- Mr. Nevis – option four
- Mr. Kennedy – option one.
- Mr. Koeneke – option one
- Mr. Rush – option one
- Mr. Arbeitman – option one
- Mr. Szulcziski- option one.
- Mr. Bodish – option four
- Mr. Callahan – option four
- Mr. McCuleland – option one
- Mr. Camer– option one
- Mr. Connell – option one over all, option 8 only for more days.
- Mr. Fumo – option one
- Mr. Connell – option one
- Mr. Thompson – option one
- Mr. Siciliano – option one, Thank you for holding meeting in Toms River.
- Mr. Mulligan – option one.
- Mr. Viridi – option one.
- Mr. Huelth – option one.
- Mr. Yates – option one
- Mr. Bachert – option one
- Mr. Buban – option one
- Mr. Bradshaw – option one
- Mr. Kane – option one
- Mr. Koliass – option one

Mr. Gutman – option one
Mr. Nowalsky – option one.
Mr. Meimbresse – option one
Mr. Wells - from a web poll option one, 50+%, or option 4, 18%
Mr. Secea – option one
Mr. Quinn – option one
Ms. Reingold – option one. Would like to see a slot fish for children 12 and under.
Mr. Palazzolo – option one
Mr. McDermitt – option nine.
Dr. Donnelly extended his thanks to the Council members for holding this meeting in Toms River. He felt that there was a better representation of the State on these fishery matters.

Ms. Puskus suggested holding meetings in different parts of the state.
Chairman Ewing said that it is a good idea, but logistic problems come up by moving from place to place.

Chairman Ewing took Councils' vote on the motion for Summer Flounder for 2010 which passed.

Weakfish

Mr. Muffley reviewed the recommendations for weakfish presented at the January 2010 meeting both for the recreational and commercial fisheries.

Mr. Berg made a motion to move to adopt the required measures set forth by the ASMFC for weakfish.

Chairman Ewing asked for questions from Council and Public Comment. Seeing none, Council voted to approve the motion on weakfish.

Sharks

Mr. McCloy brought Council's attention to Handouts #11 a, b, c, and d, regarding NJ's non-compliance with the ASMFC plan, because there is no implementation of regulations. Mr. McCloy highlighted the New Jersey rationale why a moratorium should not be imposed and laid out the timeframe for NJ to comply with the ASMFC requirements.

One provision New Jersey is required to implement is the closure of the nursery areas to protect spawning populations of Large Coastal Sharks, in state waters. The closure dates are May 15 to July 15 which would leave an open shark season January 1 to May 14 and July 16 to December 31st. He requested Council make a motion to approve the revised season to come into compliance with the nursery area provision to be included in a Notice of Administration Change with the other management measures of the other species previously approved.

Dr. Donnelly made a motion to revise the open shark season to January 1 to May 14, and July 16 to December 31, with a closure of May 15 to July 15 in state waters for the protection of spawning Large Coastal Sharks. Motion passed.

Mr. Muffley brought Councils' attention to Handout #17, the draft Notice of Administrative Change for summer flounder, black sea bass, weakfish and suggested Council include the provisions just approved for sharks.

Mr. Berg moved to approve the NAC including the provisions for summer flounder, black sea bass, weakfish and sharks. Motion passed.

Regulatory Update

Mr. Muffley brought Council up to date on the multi-species regulatory proposal. Good news is that the provisions on sharks are exempt from Executive Order-1 made by the new Governor. The bad news is that the rest of the proposal will not move forward at this time.

Chairman Ewing commented on his disappointment that this multi-species proposal has not been approved since development of the proposal in 2006.

Old Business

Mr. McCloy brought Council's attention to recent correspondence. Handout # 12 a –b is a letter to the ASMFC on the RSA, and ASMFC response on the RSA. Handout #13 is Council letter to NMFS nominating Ed Goldman for the Recreational Fisheries Working Group. Handouts #14 a – c are Council letters to Governor Christie, Senate President Sweeney, and Assembly Speaker Oliver concerning funding for marine fisheries management. Handout #15 is a Fish and Game Council letter to the Marine Fisheries Council regarding support of a saltwater fishing license.

Mr. Herb asked if anything has come from the Governor regarding eliminating the Council. Mr. McCloy hasn't heard anything on this issue.

Chairman Ewing indicated the Council has accepted the offer of help from the Fish and Game Council for its support and efforts to obtain funding for marine fisheries management

New Business

Mr. Muffley updated Council on the Endangered Non-Game Species Advisory Committee Meeting to be held March 17th. A presentation on the Horseshoe Crab/Shorebird model is scheduled.

Mr. Goldman reported on the rally in Washington regarding the proposed legislation dealing with the "Flexibility in Rebuilding American Fisheries Act." He made a motion

to send a letter from Council to NJ Federal legislators to support this Act. He urged Council to show its support for this legislation that would provide flexibility in rebuilding fisheries.

Public Comment

Mr. Nowalsky supports the motion.

Mr. Taylor supports the motion.

Mr. Bogan supports and has supported the "Flexibility Act" since it was introduced 2 years ago.

Chairman Ewing took Council's vote. Motion was passed with one abstention.

Mr. McCloy reminded all anglers of the need to register through the Federal Angler Registry Program before fishing in 2010. The Federal registry has nothing to do with a State fishing license.

General Public Comment

Mr. Bogan expressed the impending doom of accountability measures with the NMFS bad data. Shutting fisheries down due to lack of accountability measures. He also expressed concern about the Marine Recreational Information Program (MRIP) that will replace Marine Recreational Fishery Statistics Survey (MRFSS). He asked the status of the RSA application.

Mr. McCloy commented that a request has been submitted to discuss the RSA and other fisheries issues with the Commissioner.

Ms. Bochenek asked Mr. McCloy why this year is different in that the Commissioner must be involved when they never were before. Mr. McCloy commented that the previous Commissioners' were involved with the RSA discussions every year.

Mr. Gutman asked what the hold up was with RSA.

Mr. McCloy responded, as the Director Chanda commented in January, the new Administration needs to be advised on RSA issues.

Chairman Ewing commented he understands Mr. Gutman's frustration in the RSA procedures. The Councils' regulatory proposal is still waiting to be approved for publication.

Mr. Connell commented that the last time he addressed this Council was in 2002. He is pleased to see so many familiar faces with the Council. He commended the Council members for all their years of dedicated service.

Meeting adjourned.

Next Meeting is May 13, 2010, Galloway Township Library.