

**NEW JERSEY MARINE FISHERIES COUNCIL**

**Galloway Township Public Library  
Jimmies Leeds Road  
Absecon, New Jersey  
March 5, 2009**

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

Absent: Councilman Barney Hollinger

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  
Brandon Muffley, Chief, Bureau of Marine Fisheries  
Mark Chicketano, Captain, Bureau of Law Enforcement  
Peter Himchak, Supervising Biologist, Bureau of Marine Fisheries  
Tom Baum, Principal Biologist, Bureau of Marine Fisheries  
Jeffrey Brust, Research Scientist, MFA  
Mike Celestino, Senior Biologist, Bureau of Shellfisheries  
Linda Barry, Technician I, Bureau of Marine Fisheries  
Jen Resciniti, Technician II, Bureau of Marine Fisheries  
Sherry Bennett, Council Secretary

Mr. McCloy read the compliance with the Sunshine Law. Notice of meeting was filed with the Secretary of State on February 2, 2009.

Chairman Ewing reminded everyone of proper conduct for the meeting. Chairman Ewing announced an agenda change. The summer flounder discussion will be held until after new business.

Minutes from the January 2009 meeting were not available for approval.

## **Law Enforcement Report**

Captain Chicketano presented the Law Enforcement Report.

### **District 7 Highlights**

#### **District 7 Highlights December 2008 – January 2009**

A Conservation Officer (CO) inspected the crab dredge vessel, FV Big Dog, at the Belford Seafood Co-op dock. The operator of the vessel did not possess a 2009 crab dredge license. CO checked the suspended crab license list and found the operator's name. The value of the blue claw crabs was seized and the appropriate summonses issued. Penalties range from \$300.00 to \$1,000.00.

A CO inspected the recreational charter boat, FV Hyper-Striper, in Highlands Borough. The vessel returned to the dock with fillets from 12 tautog. The vessel did not possess a fillet permit. The appropriate summons was issued to the captain of the vessel.

A CO settled two cases this report period. One involved possession of an illegal size crab dredge by the FV Phyllis Ann, a Belford – based vessel. The owner of the vessel pleaded guilty to a \$300.00 penalty plus costs. The other case involved a charter vessel from Sea Bright, FV Long Shot, which possessed fillets from six striped bass. The owner of the vessel pleaded guilty and paid \$600.00 in penalties plus costs.

A CO recently settled a case in Keansburg Borough involving an individual illegally setting gill nets in Waakcaak Creek. The defendant pleaded guilty and received a \$1000.00 penalty. CO also settled a case against Meridian Seafood who shipped undersized frozen American lobster tails to a warehouse in Perth Amboy. The company pleaded guilty and paid \$750.00 in penalties plus costs.

A CO inspected the commercial vessel, FV Mandy Ness, out of Barnegat Light. The vessel returned from a two-day monkfish trip. The legal landing limit for this duration and for the vessel's permit was 2988 pounds (whole weight) of monkfish. The vessel possessed an additional 380 pounds of monkfish. A case package is being forwarded to a NMFS agent to be forwarded to the general counsel. The captain and owner abandoned the overage, and the officer seized value of the overage.

On 1/7/09 CO's attended a shark identification course at Ocean County Library in Stafford Township. NOAA sponsored the course and the instructor is a retired shark fisherman. The course provides a procedure for identification of sharks that are landed without heads and fins.

On 1/13/09 CO's were detailed to provide security at a public meeting given by NOAA. The meeting involved the status of the bottlenose dolphins currently residing in the Shrewsbury and Navesink Rivers. This has been a hot topic locally and also in the media. The officers reported no notable incidents at this meeting.

## **District 8 Highlights**

### **MONTHLY HIGHLIGHTS DISTRICT 8 - JANUARY 09**

On 1/3/09 Conservation Officer (CO) observed a crab dredge vessel harvesting in the Great Egg Harbor Bay in Somers Point. CO noticed that the two dredges that were being towed by the vessel were connected by a bridle system, which allowed the dredges to be attached to only one tow cable. A "bridle" configuration is only permitted in the Delaware Bay, the Atlantic Ocean and North of the Rte 36 Bridge, not in the area where this vessel was working. Another CO assisted the CO with the inspection of the vessel when it returned to the dock. The inspection of the vessel revealed that in addition to the bridle connecting the tow bars of the two dredges, the frame of the dredges were chained together preventing the independent action of each. The vessel landed 15 bushels of crabs. Additionally, the inspection of the vessel's crab dredge license revealed that the owner failed to renew his Atlantic Coast Crab Dredge License. Officers issued two summonses, one for failure to have valid 2009 crab dredge license and one for the use of an illegally configured crab dredge.

District 8 Officers patrolled Cape May's commercial docks for the opening of New Jersey's January 2009 commercial fluke season. CO's apprehended the FV Jane Carolyn landing 263lbs of fluke over the weekly trip limit of 5,000lbs. Officer's seized the overage and sold it to Cold Spring Fish and Supply Co. They issued both the Captain and the owner of the vessel one summons each for landing in excess of the trip limit. In addition, CO's apprehended the FV Miss Planters for landing 100lbs of fluke over the trip limit of fluke. Officer's issued a written warning for the overage. CO apprehended the FV Little Sammie at Lunds Fisheries with 150lbs in excess of the daily trip limit of summer flounder. He issued the vessel a written warning for the overage landed.

On January 7, 2009, CO apprehended the FV McKenzie at Cold Spring Fish and Supply Co. in Cape May for landing in excess of New Jersey's trip limit for Summer Flounder. CO observed the vessel offload 5,410lbs of summer flounder, 410lbs over the landing limit of 5,000lbs once per week. CO seized the overage and auctioned it off to a New Jersey permitted fluke dealer. Cold Spring Fish and Supply Co. was the successful bidder and issued a check for the fair market value of the product. CO issued one summons each to the owner and the operator of the FV McKenzie for the violation of New Jersey's commercial fluke regulations.

### **MONTHLY HIGHLIGHTS DISTRICT 8-SEPTEMBER 09**

On January 24<sup>th</sup> a Conservation Officer (CO) observed two commercial clambers harvesting hard clams on a sand bar near Nummy Island in Middle Twp, Cape May County. The CO was able to approach the individuals on foot and apprehended them with two bushels of hard clams each. The CO identified the individuals and returned their clams to the polluted waters. He allowed the individuals to move to approved waters to harvest clams while he returned to his patrol vehicle and issued summonses for their violations. Later in the afternoon, the CO met up with the individuals at the North Wildwood Municipal ramp to serve them each with one summons for harvesting clams

from condemned waters. He also issued the owner of the vessel summonses for forfeiture of the boat and motor used in the violation.

Acting on information he received from other commercial clammers, a CO suspected an individual of selling clams directly to a bar in the Villas section of Middle Twp., Cape May County. CO's conducted surveillance without any luck. On his regularly scheduled day off, CO went clamming and observed the suspect clammer harvesting near him. The off-duty CO contacted an on-duty CO and was able to make observations of the individual. The off-duty CO signed on to be on-duty shortly thereafter and joined the other CO with the surveillance. The Officers followed his activities and watched a local restaurant manager meet the clammer at his home. The Officers observed the manager of Atkinsons Restaurant, in Middle Twp. purchase one bag of clams from the clammer. Since all initial shellfish transactions must be to a State certified shellfish dealer; who must maintain detailed records of the product's origin, the CO's followed the restaurant manager to his home. CO's apprehended him there for the illegal transaction believing the illegally sold shellfish was intended for public consumption at the restaurant. Officer's returned to the clammer's residence and apprehended him for failure to tag each container of shellfish harvested and for the sale of shellfish to a non-certified dealer. Summonses for both individuals are pending upon further investigation.

On January 26<sup>th</sup> a CO was patrolling the commercial docks in Atlantic City for federally permitted commercial vessels under the Joint Enforcement Agreement with NMFS. At approximately 1230hrs, he observed the FV Lauren Kim enter port and dock along side FV Capt Sig. Both vessels are primarily surf clam vessels but possess other federal permits. CO recognized the FV Lauren Kim as a vessel that he had received a request to board from Special Agents from NMFS Office for Law Enforcement in New Jersey. Information was that the vessel was landing sea scallops under their Limited Quota General Category permit during the General Permit season closure. On his way to board the FV Lauren Kim, the CO interrupted mates from the FV Capt Sig, scurrying off the vessel with several bags of sea scallops hidden in trash bags along with the trash from the vessel. The CO secured the scene until he was able to receive assistance from another CO. The CO apprehended the FV Capt Sig for landing 120 lbs of sea scallops during the closed season, landing more than 40 lbs of shucked scallops while declared into the surf clam fishery and failing to complete a Fishing Vessel Trip Report to declare the landing of scallops and monkfish. During his interviews with the vessel's captain, crew and owner, CO determined that the mates were acting on their own, the owner maintained that he maintains the permit for scallops on the vessel as a means for the crew to supplement their pay. Allegedly the vessel and owner do not deal with the scallops, the taking and selling of the scallops is left up to the crew. The boat sees no profit in the scallop harvest. Unfortunately, the Captain and owner are responsible for all of the federal violations since they hold the federal permits. Needless to say the crew fears that they may lose their jobs. The CO is preparing the required case reports to be forwarded to NMFS for prosecution. The CO seized the illegally harvested scallops and auctioned them off to a federally permitted dealer for fair market value, holding the check as evidence of the violation.

After assisting CO with the FV Capt Sig, the CO was able to board FV Lauren Kim in reference to suspected violations during a sea scallop closure in October of 2008. The CO was able obtain some records showing their activity during that period. That investigation is continuing.

NJ Marine Conservation Officers assisted NMFS Agents with the simultaneous service of four federal criminal Lacy Act Warrants, two in New Jersey and two in Delaware. The warrants were obtained in connection with the an on-going investigation into the over harvest and under reporting of Oysters taken during the “Direct Market Season” from the State seed beds in the Delaware Bay. The investigation was initiated and developed through New Jersey Marine Unit District 8 Officers’ field investigations. The investigation is continuing in conjunction with NMFS agents as evidence obtained is processed.

On January 8, 2009 CO’s successfully prosecuted the last four individuals apprehended in February 2008 for harvesting oysters in the condemned portion of the Maurice River Cove in Commercial Twp. One individual was found guilty of harvesting oysters at night and harvesting oysters from condemned waters. For each charge he was sentenced to having his shellfish privilege suspended for three years and was fined \$300.00 plus \$33.00 court cost. In addition, the Judge ordered the forfeiture of all of the equipment he used in commission of his violations. Early in 2009, while waiting for this case to be heard, the CO learned the same individual was actively harvesting oysters without purchasing his 2009 shellfish license; which he was entitled to do up until the 8<sup>th</sup> of January. The CO made observations and obtained records showing that he was harvesting and selling oysters harvested from the Maurice River Cove without having a valid commercial 2009 shellfish license. The CO issued the individual an additional ten summonses for his violations.

These cases are scheduled for March 2009 court date also in Commercial Twp Court, Cumberland County.

### **Legislative Report**

Mr. McCloy presented the Legislative Report.

There has been no activity on marine issues in the Legislative since the January meeting of the Council.

Mr. McCloy directed Council’s attention to several letters in the handouts. Handout 1a was a letter from Council to Senator Van Drew and Assemblymen Albano and Milan, requesting the Council members be included on any legislative committees discussing saltwater angler registration. There has been no response to the Council’s request.

Handout 1b, was a letter from Council to Assemblymen Fisher requesting he modify A3445, regarding spiny dogfish, to remove the reference to saltwater angler registration. There has been no response from Assemblymen Fisher. Mr. McCloy questioned the

future of this bill since Assemblymen Fisher has been appointed by Governor to be Secretary of the Department of Agriculture.

Handout 1c, was a copy of a letter sent to Senator VanDrew from the Cape May Party and Charter Boat Association opposing S2794, which would establish a free angler registry program. The Association supports NJ implementing a fee based program to collect this information.

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

Chairman Ewing commented that Mr. Fote has been appointed as new ASMFC Commissioner, and will be joining us at the next meeting.

Mr. McCloy presented the ASMFC report bringing Councils attention to Handout #2a, and mentioned this entire report can be viewed on the ASMFC website.

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

The Board reviewed reports on requested analyses and discuss the possibility of an Addendum to Amendment 6. The reports presented at this meeting were preliminary; final reports are expected in May. A motion to initiate an addendum based on an analysis in the preliminary Technical Committee report was made, but failed for the lack of a majority. This motion covered development of an addendum to increase the commercial fishery allocation. One analysis conducted by the Technical Committee (TC) dealt with conservationally equivalent recreational regulations to the current two fish at 28 inches regulation. Mr. McCloy referred Council's attention to Handout #2C, for a list of the various options. He suggested Council may wish to have a future Committee meeting to discuss the potential options. He also advised Council of alternate measures implemented by Delaware and Pennsylvania during the spring and summer of 2009.

### **American Lobster Management Board**

The Board approved Addendum XII to Amendment 3 to Interstate Fishery Management Plan for American Lobster. The Addendum establishes protocols for the consistent application of individual trap transferability (ITT) programs for the plan's lobster conservation management areas (LCMAs) that implement an ITT program. The Board approved sending forward DRAFT Addendum XIV for public comment. The Draft proposes modifications to the LCMA 3 trap transfer program. NJ will be holding a public hearing at the Nacote Creek Enforcement Office on March 26, 2009 at 7pm.

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

The Board approved the initiation of Draft Addendum I, which will propose measures to allow commercial fisherman to remove smooth dogfish fins at sea and eliminate smooth dogfish recreational possession limits.

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

The Summer Flounder, Scup and Black Sea Bass Management Board approved an increase to the 2009 scup total allowable landings limit from 7.34 million pounds to 11.18 million pounds. This increase is consistent with that taken by the National Marine Fisheries Service for federal waters.

The Board's action is based on the results of a recent review of the scup stock assessment, which indicates that the scup resource is rebuilt and overfishing is not occurring. The states chose to maintain their recreational management measures for the 2009 fishery.

The Board received a report on the Data Poor Workshop for black sea bass. It has been determined that the stock is not overfished, but not yet rebuilt and overfishing is occurring. As a result there is some confusion if NMFS will follow through with an increase in the recreational size limit as approved by both the Board and the MAFMC in December.

The Board reviewed state proposals to manage the states' 2009 summer flounder recreational fishery. The Board approved all state proposals that met the previously approved requirement that 50 percent of a state's reduction come from a seasonal closure.

### **Winter Flounder Management Board**

Mr. McCloy brought Council's attention to Handout #2b on a Winter Flounder Addendum. The Winter Flounder Management Board approved the development of Draft Addendum I to Amendment 1 the Interstate Fishery Management Plan for the Inshore Stocks of Winter Flounder. The Draft Addendum will propose a suite of management measures to reduce mortality on the inshore stocks of winter flounder. The range of management measures will include zero possession limits for both commercial and recreational fisheries. The NMFS has already proposed a rule that prohibits possession in the EEZ. This action is taken in response to the findings of the 2008 Groundfish Assessment Review Meeting, which estimates that the SNE/MA stock of winter flounder is at 9% of the target biomass. NJ will be holding a hearing sometime in April on the ASMFC Addendum. The Board will meet again in May, and consider final action on the Addendum.

Other Management Boards that met but did not take any actions on addenda/amendments were Eel, Weakfish, Menhaden, Shad and River Herring and the Atlantic Herring Section. Summaries of Board activities can be reviewed in Handout 2a or on the ASMFC website.

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

The MAFMC Report was presented by Mr. Goldman. He indicated more detailed information could be found on the Council Website.

The Mid-Atlantic Fishery Management Council met in Galloway, NJ on February 11 – 13, 2009. For the Omnibus Annual Catch Limits (ACL)/ Accountability Measures (AM) Amendment, the MAFMC Council voted to have staff develop and compile options for all managed species, and create a scoping document prior to meeting again with the ACL/AM Committee.

The Squid, Mackerel, and Butterfish Committee met and finalized the range of alternatives to be considered and analyzed for Amendment 11 to the Atlantic Mackerel, Squid and Butterfish FMP. A major provision being considered is capping fishing capacity in the mackerel fishery. The MAFMC anticipates adopting a draft EIS in April 2009 and conducting public hearings in the May/June 2009.

A scoping session for Amendment 14 to the Surfclam and Ocean Quahog FMP was convened. The MAFMC voted to remove 1 of the 6 issues and include the remaining issues in Amendment 14 for purposes of public hearing document development.

The MAFMC received a report on the Northeast Data Poor Stock Peer Review Meeting, which included scup and black sea bass. The Peer Review Group concluded that scup is not overfished and overfishing is not occurring. The Peer Review Group also concluded that black sea bass is not overfished but overfishing is occurring.

To encourage early adoption of voluntary fishing practices to reduce butterfly bycatch in the Loligo squid fishery, there was a very well attended Public Workshop held. If NMFS approves Amendment 10 to the Atlantic Mackerel, Squid and Butterfish FMP, it would establish a butterfly bycatch mortality cap for the Loligo squid fishery in 2011. The participants discussed ways to mitigate against possible future closures of the Loligo fishery owing to attainment of the butterfly mortality cap.

### **Shellfish Council Reports**

#### **Delaware Bay Section**

Mr. Joseph presented the Delaware Bay Shellfish Council Report in Mr. Hollinger's absence.

#### **2009 Oyster Stock Assessment Report – Council Harvest Recommendations**

The Delaware Bay Shellfisheries Council met on Monday, February 23, 2009 to review the 10<sup>th</sup> annual Stock Assessment Workshop (SAW) committee report for the Delaware Bay oyster resource and industry. Many issues related to the status, health, and management of the oyster stock were addressed. The status of the stock is considered mixed, with trends in abundance, recruitment, biomass, disease prevalence, and other metrics variously up or down in different regions of the Bay. The Council reviewed the final SAW report, which contained a number of harvest allocation recommendations. For the fourth consecutive year, the "exploitation-based reference point," which in essence uses past levels of fishing effort to set the current year's harvest allocation, was used to set the 2009 harvest allocations. Based on allowable options presented in the report, the

Council recommended a base harvest allocation for the 2009 oyster season that is approximately 59,000 bushels. This base allocation can be increased to up to 80,000+ bushels with a large scale intermediate transplant, which will move smaller oysters from upper bay beds to the primary direct market beds, where meat condition and overall growth is improved. For comparison, approximately 90,000 bushels were reported as harvested in 2008. A tentative season opening date of April 6, 2009 was recommended.

### **Atlantic Coast Section**

Mr. Maxwell presented the Atlantic Coast Section Council Report.

### **Leasing Committee to Convene**

The Atlantic Coast and Delaware Bay sections of the New Jersey Shellfisheries Council have formed two committees to review various aspects of the State's aquaculture leasing program. Both sections have indicated their intention to initiate the meetings with a review of the Aquaculture Advisory Council's Leasing Committee Report, which focused on the Aquaculture Development Zones in Delaware Bay. The Council chosen committee members include current shellfish leaseholders as well as staff from Rutgers University. The Atlantic Coast Section will hold its first meeting on March 9, 2009 while the Delaware Bay Section will hold its first meeting on March 11, 2009.

Dr. Donnelly had read that neighboring states are to open a bay scallop fishery. He asked if NJ was considering the same? Mr. Joseph responded that NJ does not envision a bay scallop fishery based on survey conducted by Mike Celestino, which revealed a low abundance of bay scallops.

### **Committee Reports**

Mr. McCloy reported that he had not scheduled committee meetings for eel and summer flounder. He indicated he would try to move these forward.

### **Regulatory Updates**

Mr. Muffley updated Council on the 2009 Multi-Species Proposal and brought Council's attention to Handouts #4 a and b. Handout #4a is the letter sent by the Council to the Mr. Mauriello, Acting Commissioner in regards to the concerns the Council has to the 2008 Mariner Fisheries Multispecies Rule Proposal and its current status. Handout #4b is Ms. Cradic's, Assistant Commissioner, response to Council's letter. In this letter she does state a timetable for rule promulgation has been developed (which has already past). Mr. Muffley suspects at best, that the filing of the proposal to occur around March 20<sup>th</sup> which will result in publication in the NJ Register on April 20<sup>th</sup>.

Mr. Muffley also advised Council that the spiny dogfish provisions in the rule proposal were being removed. The attorneys indicated that the Department could not include provisions that were contingent upon actions of the NJ Legislative. Since the 2009 federal and ASMFC specifications for spiny dogfish are the same, NJ fishermen will be able to operate under the existing regulations tied to the federal plan. If the two groups

should do something different next year, NJ fishermen could be in the same situation as previous years and not be able to participate in this fishery. To safe guard against this the commercial fishing industry needs to pursue the legislation introduced by Assemblymen Fisher, A3445.

Mr. Muffley also brought Councils attention to Handout #7, a letter from Louis Egnatovich, asking for a regulation change; on the size/number of crab dredges north of Route 36 (Highlands Bridge) and in the Atlantic Ocean. Mr. Muffley mentioned that it is the Council's choice on how to proceed with a regulation change on crab dredges. The Council will discuss this matter at a later date as part of a Crab Committee meeting.

### **Old Business**

No old business at this time.

### **New Business**

Director Chanda stated that letters have been sent out to various fishing clubs offering Division personnel to come visit with their clubs and give a presentation on what is ahead with the National Saltwater Angler Registry Program.

Dr. Donnelly asked about the status of the subway car deployments. He understood that the Division suspended acceptance of cars after only two deployments, one at the Atlantic City Reef and one at the Cape May Reef. Mr. McCloy indicated that some of the stainless steel subway cars deployed recently showed significant structural damage as reported by divers. Prior to resuming deployment, this material the Division wants to determine the extent of the damage and possible cause.

Mr. Goldman read a letter from a fisherman who would like to change the regulations on filleting fluke. He was requesting permission to use "ribbons" from previous trips as bait. Chairman Ewing said Council would present this letter to Law Enforcement Committee.

### **Summer Flounder/Black Sea Bass Committee Report**

Mr. Goldman presented the report and brought Council's attention to Handout #5. A meeting of the New Jersey Marine Fisheries Council's Summer Flounder Committee was held at the Nacote Creek Enforcement Office. In attendance were Division of Fish & Wildlife staff, Summer Flounder Committee Council members, ASMFC Commissioners, and advisors representing several recreational fishing organizations, charter and party boats, tackle shops and private anglers.

The purpose of the meeting was to discuss the 2009 options for New Jersey's summer flounder recreational fishery. NJ is required to take a 4% reduction from its 2008 recreational harvest. At its February meeting, the ASMFC Summer Flounder Management Board approved several of the fishery options submitted by New Jersey. The Committee discussed these options.

Those in attendance voiced several concerns about options that included mid-season closures. Advisors stated that mid-season closures often kill the fishery and people do not come back. There were also concerns that it is not enforceable because people will not realize that the season is closed or ignore the closed season, therefore any savings or reduction in harvest will not be realized. Several advisors had surveyed constituents that encompassed various bait & tackle shops and boat captains. They commented that it came down to a question of "Which holiday do you want?" There was strong support for Option #2 (18", 6-fish, June 1 through September 7) and for Option #5 (18", 6-fish, May 23 through September 4). The Committee favored option #2, but due to the potentially large economic implications of the different seasons, is not recommending any option until public comment has been heard. Option #11 (18.5", 8-fish, May 9 through October 4) was ruled out since it did not meet the ASMFC Summer Flounder Board mandate, that 50% of the required reduction come from a closed season.

The Committee briefly discussed potential changes to the recreational size limit for black sea bass. The ASMFC Summer Flounder, Scup and Black Sea Bass Management Board recently approved increasing the coastwide recreational minimum size limit from 12'' to 12.5'' with no closed season, due to concerns about the status of the coastwide stock. However, results from the recent NMFS Data Poor Workshop indicate the black sea bass stock may be rebuilding quicker than previously thought. Therefore, NMFS may recommend retaining the 12'' size limit, but has not determined the recreational size limit for federal waters. If the NMFS retains the 12'' minimum size, the ASMFC will also move forward with a 12'' minimum size in state waters. In the interim the 12'' minimum is a ASMFC compliance measure.

Mr. Baum presented Council with an Overview of Summer Flounder Options. He reviewed the 2008 regulations and the rationale why New Jersey has to take a 4% reduction in 2009. Eleven options were presented to Council.

Option #11 is not viable since it does not meet the required 50% reduction from a closed season as mandated by the ASMFC.

Option	Size Limit inches	Bag Limit	Open Season	Reduction from Season Closure	Total Reduction
1	18	8	June 6 – September 7	4%	4%
2	18	6	June 1 – September 7	2%	4%
3	18	4	May 31 – September 7	2%	6%
4	18	8	May 23 – September 1	4%	4%
5	18	6	May 23 – September 4	2%	4%
6	18	4	May 23 – September 4	2%	6%
7	18	8	May 15 – July 20 & August 3 – September 13	4%	4%
8	18	6	May 13 – July 20 & August 3 – September 16	2%	4%
9	18	8	May 20 – July 19 & July 30 – September 11	4%	4%
10	18	6	May 18 – July 19 & July 30 – September 13	2%	4%
11	18.5	8	<b>May 9 – October 4</b>		9%

**2008 Regulations:** 18” size limit, 8 fish possession limit, open season May 24 to September 7

Mr. Goldman mentioned mortality rate was something that should also be closely looked at in more detail. Based upon the number of discarded (undersized) fish and the assumed hook and release mortality as many fish are dying after release as are being harvested. Approximately 2.3 million each. So at least 2.3 million fish are being killed that are of no benefit to anyone.

**Public Comment**

Chairman Ewing opened the meeting to public comment on the summer flounder options.

Mr. Ray Bogan, provided his thoughts on where fluke management should be going. He indicated a 3 –4 fish bag limit in the 16 to 16.5” size would be ideal for the fishery. Unfortunately, that isn’t a viable option at the moment. He felt that Option 5 is more of a weather gamble, and therefore supports Option 2. He asserted that Option 2 would benefit more people in NJ.

Mr. Bachent, party boat angler, supports Option 5.

Mr. Bob Bogan, party boat Gambler, supports Option 2.  
Mr. Bob Rush, supports Option 2.  
Mr. E. Yates, presented several letters that support Option 2.  
Mr. Tony Bogan, indicated that Option 2 won by a slim margin from a survey of fishing groups he conducted. Quality vs. quantity on fishing days was the issue of concern to most. The recreational fishery is becoming the discard fishery that exceeds the commercial fishery. (See Mr. Goldman's previous comments).  
Mr. Ray Szulczioski said that based on people he spoke with, a small margin chose Option 5. He believes the end of May is the beginning of summer with many visitors.  
Mr. Larbohn, supports Option 5. He also commented discards need to be addressed and that NMFS data is flawed.  
Mr. Alexander, supports Option 5. He needs Memorial Day, it will be a huge economic loss otherwise.  
Mr. Seabrook, supports Option 5.  
Mr. Murphy, supports Option 5.  
Mr. Teise, supports Option 5.  
Mr. McDermott, took a poll on his blog, and the results were 39% for Option 1, 29 % for Option 5 and 23% for Option 2. His choice was in support of Option 5.  
Mr. Gartland, supports Option 2.  
Mr. Rothman, supports Option 2.  
Capt. Koeneke, supports Option 2.  
Mr. , supports Option 2.  
Mr. Mike Tabasc, supports Option 5.  
Capt. Hammerstrom, Carol Ann II, supports Option 2.  
Capt. Nowalsky, prefers Option 2, but supports Option 5 for State anglers. .  
Mr. Bob Schumann, supports Option 2.  
Mr. Showell, supports Option 5.  
Ms. Laurenson, supports Option 2, stressing the need to keep some of those later fishing days in September.  
Mr. Skowronski, supports Option 5. He asked Council if they ever looked into slot sizes.  
Dr. Donnelly commented that a slot size would mean 1 fish at 20"  
Mr. Joe Maffie, supports Option 5, but Option 10 is a good choice too.  
Mr. Myer, supports Option 5.  
Mr. Shypton, supports Option 5. Commented that as size increases, discards increase.  
Mr. Hafsrud, supports Option 5.

That concluded the public comment of summer flounder options.

Mr. Goldman made a motion for the 2009 summer flounder provisions to go with Option 5: 18" size limit, 6 fish possession limit, open season of May 23 to September 4<sup>th</sup>.  
Mr. Herb seconded motion.

Mr. Goldman said the purpose of his motion was to benefit both the fisherman and the many visitors who visit NJ to fish at that time of year.

Dr. Donnelly commented that the Council is not in agreement. Personally he would like it to be Option 1, but would support Option 2.

Chairman Ewing also mentioned that he would personally choose Option 2.

At the request of the Chair, Ms. Bennett took a roll call of Council members present. Motion carried by majority of 6 favor, 2 against.

Dr. Donnelly made a motion to increase the black sea bass, size limit from 12 to 12.5” with the caveat that the size limit revert back to 12” if like action is taken by ASMFC and NMFS. Mr. Goldman seconded motion, motion passed.

Dr Donnelly made a motion to approve the Notice of Administrative Change with summer flounder and black sea bass provisions approved in the previous motions. Ms. Puskus seconded motion, motion passed.

### **Public Comment**

Mr. K. Goodman, addressed Council in regard to crab regulation. He would like to see the provisions on recreational trot lines be revised. Council indicated they would consider this issue at a future Crab Committee meeting.

Mr. Marty Buzas, asked Council for a committee meeting on scup, when the scup data becomes available. He is interested in setting alternate trip limits for the winter fishery. He also asked for a clarification on spiny dogfish and why it wasn't part of the rule proposal.

Mr. McCloy explained that fisherman could pursue spiny dogfish under NJ's existing regulations since the federal and ASMFC provisions were the same. He cautioned that in the event the two organizations ended up with different plans next year, NJ fishermen could find themselves out of the fishery again unless the draft legislation is passed.

Mr. Chew criticized the DEP for the fishermans exclusion from the spiny dogfish fishery for the last few years.

Mr. Egnatovich addressed Council regarding his letter (see comments by Mr. Muffley under Regulatory Updates). He requested Council to modify the number and size of dredges for the Raritan/Sandy Hook bays and Atlantic Ocean. Council will put this item on the agenda for the Crab Committee when they meet.

Mr. Blaine, questioned why NJ doesn't have a dogfish fishery when other states do.

Next Meeting is May 7, 2009.  
Meeting adjourned.