

**NEW JERSEY MARINE FISHERIES COUNCIL**  
**Galloway Township Library**  
**Galloway, New Jersey**  
**May 10, 2012**

In Attendance were: Chairman Gilbert H. Ewing, Jr.  
Councilman Scott Bailey  
Councilman Erling Berg  
Councilwoman Eleanor Bochenek  
Councilman Patrick Donnelly  
Councilman Richard Herb  
Councilwoman Frances Puskas  
Councilman Sergio Radossi  
Councilman Joseph Rizzo

Absent: Councilman Walter L. Johnson III

Also in attendance representing the Division of Fish and Wildlife:

David Chanda, Director  
Thomas W. McCloy, Administrator, Marine Fisheries Adm. (MFA)  
Brandon Muffley, Chief, Bureau of Marine Fisheries (BMF)  
Russ Babb, Acting Chief, Bureau of Shellfisheries  
Jeffrey Brust, Research Scientist, MFA  
Lt Snellbaker, Bureau of Law Enforcement  
Peter Himchak, Supervising Biologist, MFA  
Mike Celestino, Principal Biologist, MFA  
Russ Allen, Principal Biologist, BMF  
Sherry Bennett, Council Secretary

Ms. Bennett read the compliance with the Sunshine Law. Notice of the meeting was filed with the Secretary of State on April 25, 2012. Meeting Minutes from the March 1, 2012 Council meeting were not available at the time of this month's meeting.

Chairman Ewing began the meeting with the Pledge of Allegiance.

**Agenda Change:**

Chairman Ewing announced that all Committee reports will be recommending management measures. Council will consider the management measures for the respective species immediately following the Committee report. Public Comment will be taken before any vote.

**Audience Conduct**

Chairman Ewing reminded the audience to take conversations outside or wait until the end of the meeting and to turn off all cell phones. Individuals wishing to make a public comment will need to sign up.

## **Law Enforcement Report**

Lt. Snellbaker presented Council with the Law Enforcement Report. A detailed report of enforcement highlights was provided in Handout #1.

CO Brian Scott and CO Klitz recently completed the Marine Law Enforcement Training Program at the Federal Law Enforcement Training Center located in Glynn County, Georgia.

On February 16, 2012, COs conducting a boat patrol on the Cohansey River, came upon two staked/anchored gillnets that were not properly marked with identification of the owner. CO's tracked down the individual and he was charged with having gillnets set without a 2012 gillnet license, not properly marking his nets, and wanton waste of marine fish. Upon further inspection the CO issued additional charges to the same fisherman after he found out that he had recently sold 110lbs. of shad and still had not purchased a 2012 gillnet license.

On February 16, 2012, CO conducted an inspection of two commercial otter trawl vessels that sold over the bycatch limit of black sea bass without possessing a NJ Black Sea Bass Landing Permit. Apparently the dealer who purchased the fish was not aware that he could only buy greater than bycatch amounts from NJ Black Sea Bass Permit holders. The appropriate charges were issued.

In response to information received from other Atlantic Coast states regarding increase of illegal elver (juvenile American eel) harvesting activity in their states, Marine Region Conservation Officers have been conducting patrols along traditional elver habitats but have found no evidence of violations.

On April 8th, during a routine inspection at a local restaurant, three undersized cod and four undersized American lobsters were found. The appropriate summonses were issued.

On March 24th, CO's issued summonses to fishermen for possession of four undersized striped bass and two striped bass over the daily bag limit in Union Beach.

On March 25th, during an inspection of a commercial trawler fishing vessel at the Point Pleasant Packing Co. dock in Point Pleasant Beach which had multiple species on board, CO's discovered the Captain possessed more black sea bass than was legally permitted and issued the appropriate summons.

A CO apprehended a commercial fishing vessel in Cape May for landing in excess of the daily trip limit of summer flounder. This same vessel had received a written warning for the same violation a few weeks prior. A summons was issued and the fishing vessel now faces a 60 day suspension of its' NJ summer flounder landing permit in addition to monetary penalties.

A Delaware Bay Commercial Crab Potter was apprehended for setting crab pots before the season opened. The appropriate summons was issued.

CO's apprehended an individual clamming in Brigantine while his shellfish license privileges were revoked and issued the appropriate charges.

All 38 patrons charged with taking and possessing black sea bass during the closed season on the party F/V Jamaica recently plead guilty, resulting in \$15,330 collected in penalties.

### **Legislative Report**

Mr. McCloy presented Council with the Legislative Report. Handout #2 is a copy of S1764/S1922 which prohibits possession and sale of shark fins. Once the shark is lawfully landed the shark's body may be processed for sale, but the fins must be destroyed. NY and MD have also had similar bills introduced.

Ms. Puskus expressed concern on how this will affect the fisherman.

Mr. Herb questioned why a legally landed shark should have its fins destroyed. Considering the shark is already killed, destroying the fins after the fact is a waste of the resource.

### **Atlantic States Marine Fisheries Commission (ASMFC) Report**

Mr. Himchak presented Council with the ASMFC Report. A summary of the winter meeting was provided in Handout #3b. Handout #3a is a news release announcing a change in leadership at the ASMFC. A new Executive Director, will replace the current Executive Director, John V. O'Shea, who has served in the position for the past ten years.

### **Atlantic Herring Section**

ASMFC Atlantic Herring Section approved draft addendum V for public comment. The addendum proposes measures to refine and consolidate Atlantic herring spawning regulations as recommended by the Atlantic Herring Technical Committee.

### **American Lobster Management Board**

The Commission's American Lobster Board has approved for public comment Draft Addendum XVIII to Amendment 3 to the Interstate Fishery Management Plan for American Lobster. The Draft Addendum proposes a consolidation program for Lobster Conservation Management Areas 2 and 3 to address latent effort and reduce the overall number of traps allocated. The Draft Addendum responds to the depleted condition of the Southern New England (SNE) lobster resource and the Board's intent to scale the capacity of the SNE fishery to the size of the SNE resource, with an initial goal of reducing qualified trap allocation by at least 25% over a five to ten year period.

### **Menhaden Management Board**

The Board gave guidance to the Plan Development Team (PDT) regarding management options to include in draft Amendment 2. Once approved, draft Amendment 2 will go out for another round of public comment before any final management options are selected. A subgroup of Board members will work with the PDT in developing options for Amendment 2.

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

The Commission's Spiny Dogfish and Coastal Sharks Management Board increased the 2012/2013 spiny dogfish quota from 30 to 35.6 million pounds. The increase is consistent with proposed regulations for Federal waters as well the recommendations of the ASMFC Spiny Dogfish Technical Committee and MAFMC Spiny Dogfish Monitoring Committee.

Shark fishermen out of Barnegat Light had submitted a request to the DEP Commissioner to allow removal of the first dorsal fin on smooth dogfish at sea by fisherman. This issue was referred to the ASMFC Technical Committee and Law Enforcement Committee, as a change in Addendum I to the Shark FMP would be required before NJ would be able to make any regulatory change. The Board also discussed efforts in many states to have legislation passed to prohibit the possession and sale of legally harvested shark fins (see Legislative Report on page 4.) The Board chose to form a subgroup of Board members to prepare an appropriate response.

The NJ Marine Fisheries Council passed a motion to send a letter in opposition to sponsors of New Jersey bills that call for the prohibition on the possession of legally caught shark fins. The letter will be sent to the bill sponsors, co-sponsors and appropriate legislative committees.

Mr. Berg asked what the trip limit on spiny dogfish is. Mr. Himchak responded 3,000 pounds.

Ms. Puskus asked about the request by fisherman for removing the first fin in light of this new bill, S1764, being introduced. Mr. Himchak indicated the first dorsal fin was needed for identification purposes. The ASMFC's Shark Technical Committee will have to evaluate the fishermen's request as well as the proposed legislation prohibiting 'finning' and develop a position.

### **Horseshoe Crab Management Board**

The Horseshoe Crab Management Board met to review compliance with the Horseshoe Crab Fishery Management Plan (FMP) during 2011. As part of this review, the Board considered and approved a transfer request from North Carolina (from Georgia) to cover an overage in harvest in 2011.

Mr. Allen continued the ASMFC report.

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

The ASMFC has approved for public comment draft Addendum III to Amendment 6 to Interstate Fishery Management Plan for Atlantic Striped Bass. The draft Addendum proposes implementing a mandatory commercial tagging program for all states and jurisdictions with commercial striped bass fisheries and increasing penalties for illegally harvested fish. Public hearing will take place this summer. NJ will not hold a public hearing since NJ does not have a commercial striped bass fishery.

Mr. Berg asked if the Striped Bass Bonus Program, which utilizes NJ's historical commercial quota, would be impacted by the Addendum? Mr. Allen responded there would be no impacts since it is no longer a commercial fishery.

#### **Shad and River Herring Management Board**

The ASMFC river herring benchmark assessment indicates the stocks are depleted. The "depleted" determination was used instead of "overfished" and "overfishing" because many factors, not just directed and incidental fishing, are contributing to declining abundance of river herring. Other issues such as fish passage, predation, water quality and climate change will have to be addressed.

#### **American Eel Management Board**

The American eel benchmark assessments indicate the stock is depleted. An independent panel of scientists urged the American Eel Board to examine alternative reference points to provide more protection to the spawning stock biomass.

Both American eel and river herring are being considered for Federal listing under the Endangered Species Act.

#### **South Atlantic State-Federal Fisheries Management Board**

ASMFC approved the Public Information Document for the Interstate Fishery Management Plan (FMP) for Black Drum for public review and comment. The PID solicits public input and actions to be taken in terms of management, enforcement, and research; and any other concerns about the resource or fishery. New Jersey will hold a public hearing on July 12, 2012 at 7pm in Galloway Township.

#### **Atlantic Sturgeon Management Board**

The Sturgeon Board met to discuss state strategies in response to the recent Atlantic Sturgeon Endangered Species Act (ESA) listing. Handout #3c is the response to a letter the ASMFC sent to National Oceanic and Atmospheric Administration (NOAA), requesting a delay in the effective date (April 6, 2012) of the listing. NOAA denied the request. The ESA provides mechanisms for exempting incidental take of a listed species. Section 7 of the ESA addresses activities that are authorized, funded or carried out by federal agencies, while Section 10 addresses actions of non-federal entities, including states and private individuals. Modification of the Section 10 process would require amendment of the ESA or its implementing regulations, either of which would take several years at minimum to complete. NJ has already started the Section 7 and Section

10 processes, and ASMFC is also working on potential ideas to apply for a coastwide Section 10 permit or possibly encourage individual states to apply.

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

Mr. Berg presented Council with the MAFMC report; Handouts #4.

A more detailed summary of the Council meeting can be found by visiting the Council website at <http://www.mafmc.org>.

### **Tilefish**

The Council approved annual landing specifications for tilefish for the 2013-2014 fishing years. The Council agreed to continue with current regulations of a 500 pound commercial incidental trip limit and an 8-fish recreational bag limit per person per trip.

### **Spiny Dogfish**

The Council voted to approve the set of alternatives for analysis in Amendment 3 to the Spiny Dogfish Fishery Management Plan (FMP) as recommended by the Fishery Management Action Team. Amendment 3 addresses four issues: 1) establishing a small research set-aside (RSA) allowance; 2) updating EFH definitions; 3) maintaining existing management measures until replaced through rulemaking; and 4) modifying the commercial quota allocation scheme.

### **Atlantic Mackerel, Squid and Butterfish**

The Council voted to approve Framework 5 to the Atlantic Mackerel, Squid, and Butterfish (MSB) FMP. Framework 5 addresses changes to the scope of individuals who would be allowed to conduct vessel hold measurements as required under Amendment 11 to the MSB FMP. The Council voted to approve Framework 6 to the MSB FMP. Framework 6 provides a more clearly defined management process when applying the Council risk policy and describes the limited circumstances under which acceptable biological catch (ABC) can be increased for stocks without status determination criteria on overfishing.

### **Surfclam and Ocean Quahog**

The Council recommended opening of the area known as Cultivator Shoals on Georges Bank as soon as possible.

### **Atlantic Sturgeon**

The Council discussed the recent ESA listing of Atlantic Sturgeon. The Council also agreed to form an Atlantic Sturgeon Advisory Panel and will advertise for advisors. The monkfish fishery will probably be the most impacted by this listing.

### **Ecosystem and Ocean Planning**

The Council voted to initiate a plan amendment to protect deep sea corals within the Mid-Atlantic Council management boundary, and to coordinate a broad scale deep sea coral management measures with other Federal Councils.

## **Shellfish Council Reports**

### **Delaware Bay**

Mr. Bailey presented Council with the Delaware Bay Shellfish Council Report.

#### **2012 Delaware Bay Direct Market Oyster Season**

The Delaware Bay direct market oyster season opened on April 9, 2012. Approximately 6,900 bushels have been harvested to date. The catch per unit effort is approximately 70 bushels per vessel per day, down slightly when compared to the 2011 average. There have been 98 boat days fished by the industry. The Ship John and Cohansey seed beds have taken the majority of the harvest pressure, providing nearly 90% of the total harvest.

### **Atlantic Coast**

Mr. Babb presented Council with the Atlantic Coast Report in Mr. Johnson's absence. Recently two meetings were held with shell fisherman to discuss ways to enhance shell fishing in the Barnegat Bay. The focus was to review hard clam planting areas. The Department received \$1.6 million dollars for enhancement work for hard clams in Barnegat Bay and a smaller effort for oysters. The Bureau will also be conducting the first hard clam survey in Barnegat Bay since the mid 1980's.

Dr. Donnelly asked if there are bay scallops present in these areas as there were a couple years ago. Mr. Babb responded that the Department will know more once the Barnegat Bay Survey begins in mid-August 2012, but that many of those scallops were no longer around, with some actually being harvested illegally.

## **Committee Reports**

### **Tautog Committee Report**

Dr. Donnelly presented Council with Tautog Committee Report, Handout #5.

The New Jersey Marine Fisheries Council Tautog Committee met at the Nacote Creek Law Enforcement Office on April 17, 2012 to discuss commercial and recreational options for 2012. In attendance were Committee members, Marine Fisheries staff, Law Enforcement staff, and industry advisors.

Chairman Donnelly began the meeting by reminding everyone that ASMFC had originally required states to take a 53% reduction in harvest in 2012 to achieve the plan specified fishing mortality target. Following implementation of these regulations, however, an error was discovered in the stock assessment, and it was determined that only a 39% harvest reduction was required. The purpose of this meeting was to discuss options that provide a 39% harvest reduction relative to 2011.

Staff presented only one option for each the commercial and recreational fisheries. The intent of the options was to restore regulations as close as possible to the regulations in effect during 2011 while still meeting the required reduction. The options focus on re-opening closed seasons later in the year (June days for commercial; July-October days for recreational), since restoring seasons early in the year would be no benefit to the industry in 2012. The proposed regulations are:

<b>Recreational</b>	
Jan 1 - Feb 28	4 fish at 15"
Mar 1 - 31	Closed
Apr 1 - 30	4 fish at 15"
May 1 - July 16	Closed
July 17 - Nov 15	1 fish at 15"
Nov 16 - Dec 31	6 fish at 15"

<b>Commercial</b>	
Jan 1 - 15	Open, 15" minimum size
Jan 16 - June 10	CLOSED
June 11 - 30	Open, 15" minimum size
July 1 - Nov 8	CLOSED
Nov 9 - Dec 31	Open, 15" minimum size

Committee members and industry advisors recognize the benefit of these regulations for the 2012 season, but requested that staff investigate other options for 2013 and beyond, such as restoring a higher bag limit to the beginning of Wave 6 in the recreational fishery, and shifting season days from January to June and/or November in the commercial fishery. Staff noted that these analyses would be possible, but would require a full review by the ASMFC Tautog Committee and Management Board prior to implementation.

Dr. Donnelly concluded report by stating the Committee Report serves as a motion.

Mr. Muffley presented public with a table of the options for the public to view.

Chairman Ewing requested public comment on the tautog options since Council had no comments to make at that time.

#### **Public Comment**

Five fishermen from the public provided comments. Mr. Thompson, Mr. Nowalsky, Mr. Siciliano, and Mr. Hartell; supported the recreational option the Tautog Committee presented to Council. Mr. Parker supported the commercial option but would like to see more dates in fall/winter for 2013.

Chairman Ewing proceeded with a vote from the Council on the motion as presented, since no further comments from Council were made. The motion passed as read in the Tautog Committee Report.

#### **Black Sea Bass Committee Report**

Dr. Donnelly presented Council with Black Sea Bas Committee Report, Handout #6. A meeting of the NJ Marine Fisheries Council's Black Sea Bass Committee was held at the Nacote Creek Enforcement Office. In attendance were Division of Fish & Wildlife staff, Black Sea Bass Committee Council members, as well as advisors representing several recreational fishing organizations. The purpose of the meeting was to again discuss options for New Jersey's 2012 black sea bass recreational fishery. In February 2012, the ASMFC's Black Sea Bass Management Board (the Board) approved Addendum XXII to the Fishery Management Plan. Preliminary estimated coastwide harvest in 2011 was well below the 2012 coastwide harvest target. The approved Addendum established a regional management approach which allowed the states from Massachusetts to New Jersey to collectively liberalize up to 57%. At the end of March, the black sea bass recreational harvest estimates for Wave 6 (November and December 2011) were made available. These estimates were significantly higher than the

projected harvest that the Technical Committee used when initially calculating the liberalizations. This resulted in 40% liberalization for the northern region versus the original 57% liberalization.

During the meeting, the advisors brought up several concerns and issues that included: 1) multiple seasons discourage patrons returning after a season has closed, 2) the State regulations should be similar to federal water regulations (the last two weeks of October will not be open in federal waters) and 3) try to have the black sea bass season open after the summer flounder season is closed. The Black Sea Bass Committee considered all this and agreed to move forward with four options for the Council's consideration, with a preferred option of 12.5 inch size limit, 25 fish possession limit, and open seasons of May 19 through September 3 (Labor Day), September 23 through October 14 and November 1 through December 31. Although the concept of multiple seasons is not popular, this option does provide opportunities for black sea bass while summer flounder is closed and does not conflict with the anticipated federal waters proposed rule. Regulations will be implemented for State waters only. These options do not address the opening of the January and February of 2013 season. The Council approved that season at their March meeting pending the adoption of that season by the National Marine Fisheries Service. On behalf of the Black Sea Bass Committee, I recommend adoption of Option #2, 12.5 inches, 25-fish, and open seasons of May 19 through September 3, September 23 through October 14 and November 1 through December 31.

All options include 12.5-inch size limit and 25-fish possession limit.

<b>Options</b>	<b>Open Season</b>	<b># Days Open</b>
<i>Originally Approved 2012 option</i>	May 19 through October 14 and November 1 through December 31	210
1	May 19 through September 25 and November 1 through December 31	191
<b>*2</b>	<b>May 19 through September 3; September 23 through October 14 and November 1 through December 31</b>	<b>191</b>
3	May 19 through October 6	141
4	May 19 through June 17; July 1 through September 3 and September 29 through December 31	189

**\* preferred option**

Dr. Donnelly concluded the report by stating the Committee Report serves as a motion.

Mr. Muffley presented public with a table of the options for the public to view.

Chairman Ewing moved onto Public comment since Council had no comments to make at that time.

### **Public Comment**

Three fishermen from the public provided comments on the black sea bass 2012 recreational measures: Mr. Thompson, Mr. Nowalsky and Mr. Hartell supported the preferred Option #2 of the Black Sea Bass Committee Report presented to Council.

Chairman Ewing proceeded with a vote from the Council on the motion as presented, since no further comments from Council were made. The motion to approve Option 2 passed.

### **Lobster Committee Report**

Mr. Radossi presented Council with Lobster Committee Report, Handout #7.

On April 24, 2012, a meeting of the New Jersey Marine Fisheries Council's American Lobster Committee was held at Nacote Creek Enforcement Office. In attendance were Division of Fish & Wildlife staff, American Lobster Committee Council members, and industry appointed advisors. The purpose of the meeting was to review Lobster Conservation Management Area (LCMA) 4 and 5 options for a 10% reduction in landings for fishing year 2013.

Staff first gave a summary of Atlantic States Marine Fisheries Commission (ASMFC) Addendum XVII and the proceedings during the February 2012 ASMFC American Lobster Management Board (Board) meeting describing the history of the approval of the NJ LCMA 4 and 5 conservation equivalency options for reducing harvest. The Board approved seven options for LCMA 4 and 5, all of which included mandatory v-notching combined with a seasonal closure during 2013. Vessels will be required to implement v-notching by July 1, 2012.

Staff then presented the seven reduction options and the methods and data used to develop these options. Other details such as the requirements that during any closed season lobster traps would be removed from the water unless the traps were used to harvest other species. If the closed season extends four weeks or longer, the Board will allow a two week grace period for removal of lobster traps and the setting of un-baited lobster traps two weeks prior to the season reopening. The grace period is to allow industry to safely remove and set a large number of traps if inclement weather occurs. Lobster landings will be prohibited during the grace periods. The ASMFC Lobster Technical Committee will review the proportion of v-notch females in the catch to determine compliance by July 1, 2014. Staff emphasized the importance of at sea sampling aboard lobster trap vessels in order to achieve v-notching validation.

After input from industry advisors on the pro/cons of the various options, the Lobster Committee agreed to advance three options with a preferred option of mandatory v-notching, areas 4 & 5, and a seasonal closure from February 1 – March 31 (Option 2).

<b>Options</b>	<b>Total Pounds Needed for 10% reduction</b>	<b>Total Harvest</b>	<b>Lbs Conserved v-notching</b>	<b>Lbs Conserved with Closure</b>	<b>Total Lbs Conserved</b>	<b>Options</b>
<b><u>Option 1:</u></b> LCMA 4 Percent Conservation Through 100 % V-Notching and <b><u>January - February Closed Season</u></b>	47,126	471,259	31,222	23,422	54,644	<b>Option 1:</b> 11.6%
<b><u>*Option 2:</u></b> LCMA 4 Percent Conservation Through 100% V-Notching and <b><u>February- March Closed Season</u></b>	47,126	471,259	31,762	17,125	48,887	<b>Option 2:</b> 10.37%
<b><u>Option 3:</u></b> LCMA 4 Percent Conservation Through 100% V-Notching and <b><u>2 week May Closed Season</u></b>	47,126	471,259	30,345	20,491	50,836	<b>Option 3:</b> 10.79%

(\*Option 2 is preferred Choice)

Staff and advisors briefly discussed measures in other LCMA's which will affect several fishery participants in NJ including measures being adopted in LCMA 3. Effective January 1, 2013, all fishers in LCMA 3 will abide by the new minimum gauge size increase from 3-1/2" to 3-17/32" and follow the existing maximum gauge size of 6-3/4".

Mr. Radossi concluded the report by stating the Committee Report serves as a motion.

Mr. Muffley presented public with a table of the options for the public to view.

Chairman Ewing asked Council for comments at this time. No comments from Council. Mr. McCloy clarified the Committee's Report regarding the "grace period". Fisherman will have 2 weeks to remove traps out of water once the season closes, and a one week grace period for setting out traps prior to reopening of season. (No lobsters from the respective areas may be landed during the grace period.)

Chairman Ewing restated the preferred option of the motion as follows:

For Areas 4 & 5:

- Mandatory v-notching

- Seasonal closure from February 1 – March 31 (including the grace period of 2 weeks to remove traps and one week to set out traps).

For Area 3:

- Maximum gauge size of 6-3/4”
- Increase the minimum gauge size from 3 1/2” to 3 17/32”, effective January 1, 2013.

### **Public Comment**

Mr. Horvath supports Option 3 with a May closing as opposed to a February and March closing.

Mr. Celeste would prefer to fish year round and supports Option 3 (May closure).

Dr. Donnelly commented that at the meeting the general consensus from the advisors was in favor of Option 2.

Dr. Bochenek asked what was the Committee’s rationale between Option 2 and 3. Dr. Donnelly commented that weather was a concern and historically, in February and March there are not many lobsters around. Mr. Muffley commented May is historically a peak month for this fishery.

Chairman Ewing proceeded with a vote from the Council on the motion and the motion passed for Option 2 for Areas 4 and 5 and the minimum and maximum gauge sizes for Area 3.

### **Regulatory Actions**

Mr. Muffley presented Council with regulatory action on Spanish Mackerel. For the NJ fillet permit to be in ASMFC compliance, Spanish mackerel must be landed whole, and cannot be filleted at sea.

For the commercial fishery for Spanish mackerel the season is March 1 to February 29, with a trip limit of 3,500 pounds.

Mr. Berg made a motion to remove Spanish mackerel from the NJ fillet permit and to amend all commercial regulations to mirror Federal regulations for Spanish mackerel. Dr. Donnelly seconded the motion. No one from the public had any comments.

Chairman Ewing proceed with a vote from the Council on the Spanish mackerel motion which passed.

### **Draft Notice(s) of Administrative Change**

Mr. Muffley brought Council’s attention to Handout 8, the Draft of the Notice of

Administrative Change on modifications to the recreational and commercial tautog seasons, recreational black sea bass season, lobster seasons and Spanish mackerel measures.

Mr. Berg made a motion seconded by Dr. Bochenek, for approval of the Draft Notice of Administrative Change that incorporated all of the provisions for tautog, black sea bass, lobster and Spanish mackerel approved by Council.

### **Regulatory Proposal Update**

Mr. Muffley once again presented Council with an update on the 2008 regulatory proposal that was hopefully to be adopted in 2012. Unfortunately it has now been postponed again.

### **Old Business**

Mr. Muffley presented Council with Commercial Quota Program updates for the summer flounder, black sea bass and bluefish fisheries. The commercial summer flounder fishery has been right on target so far in 2012. The Season 1 quota was slightly over, while the Season 2 quota was slightly under. No changes to the summer flounder trip limits were recommended.

As in the past couple of years, the black sea bass fishery continues to rollover unused quota from season to season. Due to the low trip limits in place and continued rollover of quota, the Council may want to consider modifying trip limits at their July meeting. Staff will keep Council and industry advisors apprised of Season 2 landings.

Commercial bluefish landings are relatively low so far in 2012, however April landings were up significantly.

### **MRIP Update**

Mr. McCloy brought Council's attention to Handout #9, Marine Recreational Information Program (MRIP) update. The MRIP is reaching out to the fishing community to build communication amongst recreational fisherman to facilitate a better understanding of resources, needs and priorities.

### **Crab License Transferability**

Mr. McCloy brought Council's attention to Handout #10, which is a letter from a fisherman who wishes to ask Council to expand crab license transferability beyond immediate family. Mr. Bailey and Mr. Rizzo expressed an interest for the Council to set up a meeting to discuss crab license transferability issue.

Mr. McCloy suggested Council should prioritize other committee meetings first, based on other species urgency and if time permits a crab license committee meeting can be added.

Chairman Ewing asked Mr. McCloy to set up dates for these committee meetings in the following order: menhaden, black sea bass, blue crab and sturgeon.

### **New Business**

Director Chanda announced to Council the new Assistant Commissioner for Natural Resources is Richard Boornazian. He replaces Amy Cradic.

Mr. McCloy updated Council on the proposed Federal recreational black sea bass season scheduled to open on May 19, 2012. It has not been adopted and there is some uncertainty if the Federal process will allow adoption before May 19. If not adopted, Federal waters will open on May 22, the same as in 2011.

Mr. McCloy presented Council with Handout #11 which lists all Council Committee assignments. He also reminded Council all travel reimbursements from July 1, 2011 to June 30, 2012 must be submitted.

Mr. McCloy informed Council that the new 2012 edition of the Marine Digest will list tautog and black sea bass regulations that are incorrect, until the new revisions have been adopted. He advised Council and fisherman to check for these updates at the Division's website.

### **Public Comment**

Chairman Ewing opened up the meeting for general public comment on Council's meeting.

Mr. Tierno addressed Council with his concerns on crab license transferability and appreciates the time and effort Council will make to look into this issue further.

Mr. Szelc would like to request Council to have a blue crab committee meeting and would like to see changes, if any, voted on separately and not clumped in all together in one regulation.

Mr. Wade would like to see a change made to crab license transferability. He has an uncle who has no heir, and who would like to transfer the license to his nephew to keep the license in the family.

Mr. Hartell, questioned the proposed shark fin bill S1764 when Federal and state laws already prevents fining of a shark. Mr. Hartell also commented on a recent violation by a party boat harvesting sea bass during the closed season and indicated the captain should be held responsible.

Mr. Siciliano also expressed concerns over the proposed shark bill.

Mr. Berg made a motion for Council to write a letter opposing S1764/S1922 bills, regarding sale of shark fins. Mr. Radossi seconded motion. Dr. Bochenek added a

friendly amendment to motion for Council to write a letter to the respective legislators on S1764/S1922 on Councils opposition of such bills, considering there are present regulations that allow for selling parts of sharks, including fins. The letter should be sent to sponsors and appropriate committee members. Motion passed.

Mr. Beiting spoke about the importance of the spiny and smooth dogfish to European markets and fins to the Asian markets. He provided Council with a letter requesting they pursue changing the regulations so all fins could be removed from smooth dogfish.

Mr. McCloy commented that there are already Federal and state laws in place for landing sharks. The dogfish fin regulation is an ASMFC mandate. ASMFC will evaluate Mr. Beiting's request to see if changes can be accomplished to accommodate the suggestions made tonight.

Meeting adjourned.

Next Meeting July 12, 2012 (2<sup>nd</sup> Thursday), Galloway Township Library.