

NEW JERSEY MARINE FISHERIES COUNCIL

Galloway Township Public Library
Jimmies Leeds Road
Absecon, New Jersey
January 8, 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 Barney Hollinger
Councilwoman Frances Puskas
Councilman Joseph Rizzo

Absent: Councilman John Maxwell

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
Jeffrey Brust, Research Scientist, MFA
Lt Fresco, Bureau of Law Enforcement
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

Ms. Bennett read the compliance with the Sunshine Law. Notice of meeting was filed with the Secretary of State on December 1, 2008. Chairman Ewing reminded everyone of proper conduct for the meeting. Chairman Ewing asked Council members to speak directly into the microphones, because it is not picking up as well as we thought.

Minutes for the November 2008 meeting were approved.

Law Enforcement Report

Lt. Fresco presented the Law Enforcement Report.

District 7 Highlights

On 10/27/08, CO's were patrolling Barnegat Inlet. They observed a charter boat returning to its dock at Lighthouse Marina. The CO's have encountered numerous violations with this vessel in the past and decided to inspect the vessel. As the vessel pulled up to the dock, one of the eight patrons on the vessel picked up a plastic bag and walked into the cabin. The CO's repeatedly advised this patron to stop what he was

doing but he ignored the officers' request. The bag when later recovered by a CO contained many undersized black sea bass. There were many coolers on the deck of the boat as well as the boat's main fish box. All of these containers contained fish. The officers measured and counted all of the fish. The following is a breakdown of the fish kept by the eight patrons: 447 black sea bass, 18 tautog, 4 scup, 3 bluefish and 1 smooth dogfish. Of these fish there were 247 over the daily bag limit of black sea bass, 219 undersized black sea bass, 10 over limit of tautog and 1 undersized scup. The captain and mate also had their own limits of black sea bass that were separate from the patron's catch. All eight of the patrons were each issued the appropriate summonses.

Due to the numerous violations occurring at Barnegat Light State Park, a plainclothes fishing operation was conducted on 11/02/08. COs fished along the jetty watching many individuals fishing for tautog. A CO entered the Barnegat Lighthouse where he could get a better vantage point of the area. The fishermen made numerous trips with fish to vehicles parked in several different locations. These individuals were then observed or stopped by a Lt. or CO. Notes were taken by the COs of the activities of the fishermen. The fishermen were also observed putting fish in plastic bags and placing them in the rocks, throwing fish wrapped in bags in the water and discarding numerous cigarette butts. By the end of the day the following violations were encountered and summonses issued: 2 interference, 2 wanton waste of marine fish, 7 undersized tautog (25 fish total), 9 over bag limit tautog (25 fish total), 1 undersized striped bass and 6 littering. One notable case involved a Lt. and CO who observed three fishermen catching and keeping many tautog. At the end of the day, one of the fishermen walked down the jetty towards the parking lot and was inspected by a CO with one legal tautog. Meanwhile, a CO followed the other two in the group walk along the beach to a location a couple of street blocks away. The CO responded to that location and found those fishermen in possession of 13 tautog. The appropriate summonses were issued to all three fishermen. Another case involved a group of fishermen who was hiding bagged tautog in the rocks. While CO's inspected an individual in the parking lot another individual began making a call on his cell phone. Immediately a CO then observed a fishermen in this group answer his cell phone and then reach into the rocks and throw a bagged fish into the water. The large groups of organized individuals fishing for tautog and deliberately violating the regulations along with the use of cell phones are making it very difficult to apprehend these violators. An operation such as this puts a big dent in the violating behavior that day at Barnegat Light.

CO's recently settled a case in Barnegat Light Municipal Court regarding eight individuals fishing aboard the Mary M III, a charter vessel. The defendants plead guilty for possession of over the limit black sea bass and paid a total of \$4,000.00 in penalties, plus court costs.

Information was received at the MRO from an individual on a sport fishing boat who witnessed two trawlers fishing within the two-mile limit off of Long Branch. The vessel's names were also given and found to be out of Belford Seaport. These vessels would drag into the two-mile limit and then quickly head back out beyond two miles. They repeated this activity several times. A couple of days later, a CO ascertained that these vessels

were not in port and was able to spot them from land. One vessel was fishing outside of two miles. The other vessel was observed off of Long Branch in the area it was earlier spotted by the sport fisherman. The CO set up observation from the shore, while another CO responded in his patrol vessel. The CO's apprehended the vessel within the two-mile limit. The appropriate summons was issued and the defendant has since appeared in court and paid a \$500.00 penalty.

On 11/21/08, a CO received a complaint from one of his many informants in reference to a fisherman on the 8th Avenue jetty in Asbury Park. The informant observed the fisherman catch a striped bass and place it in his vehicle and then continued fishing. The CO responded to this complaint and ran the license plate on the suspect's vehicle. The plate came back as stolen and the CO contacted the Asbury Park Police. The CO inspected the fisherman on the jetty, who after some creative interviewing, admitted to the fish in the vehicle. The CO found three undersized striped bass and was issued a summons for the illegal fish. Asbury Park Police arrested this individual for having the stolen vehicle.

On 11/29/08 District 7 CO's inspected party boats in Brielle and Point Pleasant after returning from their respective bottom fishing trips. A total of nine summonses were issued for possession of a total of 30 undersized black sea bass, and 1 undersized tautog. One individual was discovered with an outstanding warrant. Point Pleasant Police took this individual into custody.

The USCG Sandy Hook Station has asked District 7 CO's to accompany them on "Living Marine Resource" patrols. On 11/29/08 CO's obliged the CG and patrolled the Atlantic Ocean in northern Monmouth County. One inspection involved a party boat out of Sheepshead Bay, New York. This vessel was fishing for tautog. CO's apprehended a fisherman with 5 undersized fish and issued the appropriate summons. Later during the patrol, the CO's observed another vessel operating under power and being pursued by a flock of seagulls. The CO's surmised that the vessel might be filleting fish. The CO's boarded a charter-fishing vessel. Immediately upon inspection, a 28-inch striped bass carcass was observed as well as a bag containing two striped bass fillets. Further inspection revealed bluefish fillets and several rib sections of striped bass. The CO continued with a thorough inspection of the vessel and discovered a bucket with five bags containing two fillets each. The vessel's mate sheepishly tried to pawn them off as bluefish fillets to no avail. The CO issued summonses for filleting striped bass at sea and undersized striped bass.

On 12/5/08, CO's received information that a sport vessel out of Shark River with 3 fishermen on board, were keeping short tautog. The CO's waited for the vessel to return and then observed it stop to fish in the Shark River. The CO's observed the fishermen catching and retaining striped bass. The vessel was inspected at dockside and possessed 20 tautog, 7 of which were undersized and 2 tog over the possession limit. They also possessed 2 undersized striped bass. Summonses were issued for the tautog and striped bass violations. Two of the fishermen on this vessel were repeat offenders.

On 12/9/08, a CO was monitoring the Belford Port waiting for a vessel to return from a crab-dredging trip. Information was received regarding this vessel employing oversized crab dredges. The CO boarded the vessel when it returned and found three crab dredges each measuring 94 inches. The appropriate summons was issued.

A Lt. was contacted by the USCG Sandy Hook in reference to fish pot buoys located within the terminal channel in Raritan Bay. The Lt. inspected the buoys aboard the USCG vessel and found a line of conch pots placed across the channel marked with one "high flier" marker located just outside the channel. None of the pots inspected had identifying tags attached. Coordinates were noted from the coast guard vessel's GPS unit. The case was turned over to the CO for further investigation. It was found that the number on the high flier was from a pot license issued to an individual from Egg Harbor Twp. This individual was contacted and claimed to have sold a number of pots, along with high fliers to a commercial fisherman in Belford approximately one year ago. The CO contacted the Belford fisherman and observed more of the high fliers with the same license number issued to the Egg Harbor Twp. fisherman. The Belford fisherman admitted to setting the improperly marked pots, however he claimed that the line was moved into the channel. However it is unlikely that a string of approximately 100 pots, each weighed down by a concrete block would be moved very easily. Summonses were issued for failing to properly mark conch pots and placing the pots in a marked or chartered channel.

District 8 Highlights

On 11/29/08, a Lt. observed two striped bass in the back of a truck parked at a Margate Marina while attempting to point out a recreational fishing vessel to a CO. The Lt. had received complaints about that vessel during previous fishing seasons and wanted to pass the information along to the CO. The vessel was not in the slip and was most likely out fishing and would not return for several hours. The officer's decided to look into the fish that were observed in the pick-up truck. The operator of the vehicle was not observed in the vicinity of the truck so the Lt. conducted a look up on the registration. When they received the information on the owner of the vehicle, it matched that of the suspect vessel. The officers now believed there was a high probability that the vessel would violate the striped bass limit by double tripping. The CO and Lt. set up surveillance of the vehicle and marina to wait for the vessel. At approximately 1630 hrs the vessel returned to the dock with two occupants. The CO and Lt. boarded the vessel and inspected their catch. An additional five striped bass were landed. One fisherman told the officers he had a "bonus" card; which would allow the taking of a third fish if the card is filled out immediately upon the retention of the "bonus/trophy" fish. When the officers asked to inspect the "bonus card", it had been stowed inside a bag in the forward cabin of the vessel and when retrieved was not filled out to indicate retention of an additional fish. The officers questioned the individuals about the two fish in the truck. The owner of the truck claimed that those fish were caught and retained over 24hrs earlier. The Officer's conducted a closer inspection of the condition of the fish and confirmed that they were most likely caught the day before. Although still in possession of the additional fish in the truck, CO gave the fishermen a verbal warning for exceeding the possession limit. Since the fifth fish landed by the fishermen was not "tagged" according

to the striped bass program rules, the CO issued one summons for the failure to tag the “bonus/trophy” striped bass and seized the fish. The seized striper was photographed and donated to the Atlantic City Rescue Mission.

On 12/8/08, while on patrol in Atlantic City, a CO observed a FV (fishing vessel) out fishing and based on the vehicles in the parking lot, appeared to have a large number of patrons on board. The CO’s boarded the FV as it returned to the dock. Officer’s inspected 13 patrons and issued 6 summonses for violations of New Jersey’s recreational tautog regulations. Four summonses were issued for the possession of undersized tautog and two for possession over the daily bag limit. In all, sixteen tautog were seized, 13 of the 16 tautog were possessed over the bag limit of 6 fish per person.

On 12/18/08 CO’s prosecuted a FV and its owner for violations issued following their investigation. The investigation was initiated in May of this year and centered on owner’s sale of black sea bass he landed from the FV. The three month investigation documented various violations by the owner. Including failure to call in, offloading vessel prior to declared call in time, failure to maintain records, and sale of black sea bass to a non-permitted dealer.

In a plea agreement, the owner pleaded guilty to one count and accepted a sentence of \$1,000.00 civil penalty with a sixty-day suspension of his New Jersey commercial black sea bass landing permit. The suspension must be served during an open commercial black sea bass season therefore it will commence on January 1, 2009.

Legislative Report

Mr. McCloy presented the Legislative Report.

Mr. McCloy brought Councils attention to Handout #2 on A3252, sponsored by Assemblyman Albano and Milan of District 1. This bill requires DEP to establish a free recreational saltwater fishing registry. It is identical to a previous bill S2194, introduced by Senator Van Drew and Bateman.

Mr. McCloy also pointed out Handout #2a. A letter from the Fish and Game Council addressing A3252, which mentions the costs that the NJ Division of Fish and Wildlife could incur, may be in excess of \$1 million. It also, suggested that a task force be set up which should include the Fish and Game Council along with the Marine Fisheries Council and Division of Fish and Wildlife.

Handouts 2b and 2c are from the Marine Fisheries Council to Senator Van Drew and Bateman regarding the importance of Councils involvement in the development of a program in NJ to register saltwater anglers. Mr. McCloy then pointed out Handout #2d, a response from Senator Van Drew and Assemblyman Albano and Milan. Mr. McCloy brought Councils attention to second paragraph, which welcomes Council’s involvement prior to the passage to this or any legislation similar to it.

Chairman Ewing did comment that at a recent meeting with the Assemblymen, they did reiterate they would appreciate help from other Council members before it is passed.

Chairman Ewing felt it would be beneficial to send a letter to the Assemblymen offering the help of a couple of Council members to be in attendance at any meeting in regards to A3252.

Ms. Puskus asked who would those Council members be?

Chairman Ewing responded that he would ask for volunteers to attend these meetings after a response was made to send such letter to the Assemblymen.

Mr. Herb moved to send such a letter, offering a couple of Council members help to be in attendance at any meeting in regards to A3252.

Chairman Ewing asked if any Councilmen would like to volunteer to attend such meetings to get in contact with him, and we can proceed forward after hearing back from the Assemblymen.

Mr. McCloy brought Councils attention to Handout #3. Bill S3445, sponsored by Assemblyman Fisher authorizes DEP to issue and charge fee for commercial license for taking spiny dogfish within State waters. S3445 covers everything that has been discussed at previous Council meetings, except for the last clause of the bill, which reads: "The fees collected from the spiny dogfish license would be deposited into a separate "Commercial Fisheries Management Account"... "and establishment and administration of a State saltwater angler registry."

Mr. Rizzo commented that the \$3500 dollars the spiny dogfish license could generate would be used to offset the higher cost of the free recreational saltwater angler registry.

Mr. McCloy commented that it could be used for that program.

Chairman Ewing does not believe that commercial program funds should be used for recreational program funds or the other way around. He suggested a letter to Assemblyman Fisher asking for removal of those lines in bill. Chairman Ewing asked Mr. McCloy to draft a letter.

Mr. McCloy reminded Council that this bill was introduced to provide funding for the Division to monitor a commercial spiny dogfish fishery. Receipts for a commercial spiny dogfish license would not be adequate to fund a saltwater angler registry program.

Ms. Puskus suggested that maybe there should be no license fee.

Mr. McCloy reiterated the purpose of the fee was to provide funding for the Division to monitor a quota when it falls under the ASMFC jurisdiction. If the federal plan works for NJ fishermen then there is no need for the Division to monitor the fishery.

Chairman Ewing stated his problem with the bill was that a commercial program was financing a recreational program. He suggested keeping the fee for the commercial program but eliminate it being used for a recreational program.

Mr. Goldman agrees that dropping the bill all together would not be a benefit because he could see us right back at square one when the law (federal plan) changes.

Mr. Goldman agrees that a letter in support of this bill should be sent, but like the license fee be used exclusively for commercial purposes.

Mr. Berg stated that the bill right now is not really needed, but it will be needed in the future.

Dr. Donnelly commented how long it took to get this far and does not want to abandon this effort. In addition, the commercial fishermen were in favor of the fee but most likely disagree with the recreational use of the fee.

Dr. Donnelly, felt it is a good time to let these Assemblymen know that the Council would like to be involved with these bills prior to them being introduced. If the reference to funding an angler registry program is removed from the bill, then the Council would be in support of S3445.

Ms. Puskus agreed that we should let them know that we would like to be involved in modifying S3445.

Mr. Rizzo agreed and asked for a motion.

Dr. Donnelly made a motion to send a letter to Assemblyman Fisher giving Councils support to S3445 with proviso that Council is not in agreement with Section 5, that indicates the Commercial Fisheries Management Account be used for the establishment of a State saltwater angler registry.

Chairman Ewing asked for questions. Motion passed.

Atlantic States Marine Fisheries Commission (ASMFC) Report

Chairman Ewing commented that there is no report at this time because meeting has not been held yet. The only activity since the last ASMFC meeting was on 2009 recreational measures for summer flounder, scup and sea bass. This will be covered under the MAFMC report since it was a joint meeting.

Mid-Atlantic Fishery Management Council (MAFMC) Report

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

The MAFMC together with the Atlantic States Marine Fisheries Commission's (ASMFC) Summer Flounder, Scup and Black Sea Bass Board (Board) met on December 9, 2008 and adopted the 2009 recreational management measures for summer flounder, scup and black sea bass:

	Summer Flounder	Scup	Black Sea Bass
2009 Harvest Limit	7.16m lbs	1.74 m lbs	1.17 m lbs
Possession Limit	state-specific	25 fish (EEZ)	25 fish
Minimum Fish Size	state-specific	12” (EEZ)	12.5”
Open Season	state-specific	Jan. 1-Feb. 28 and Oct. 1-Oct 31	Jan. 1 – Dec 31

For the recreational summer flounder fishery, the MAFMC and Board adopted the conservation equivalency alternative in lieu of a coastwide option. This decision requires the states to develop state-specific management measures to achieve state-specific harvest limits. The states will develop management proposals and submit them to the Board for approval at its February 2009 meeting. A non-preferred alternative adopted was a coast wide daily bag limit of two fish with a 20 inch total length (TL) minimum size requirement, and an open season from May 1 until September 30, 2009. In addition, a precautionary default measure of a 21.5 inch TL minimum fish size, a one fish possession limit and an open season from July 4 to September 7, 2009 was also approved. This measure would be imposed on any state that does not develop and implement conservation equivalent management measures. For states that exceed their 2008 target, the Board passed a motion that would require those states to implement seasonal closures to achieve a minimum of 50 percent of the required harvest reduction, and directs the ASMFC Technical Committee to reevaluate the application of performance measure for evaluation of state conservation equivalency proposals.

Mr. Goldman suggested that since New Jersey was over four percent in 2008 and the 2009 quota was increased that NJ would not have a reduction.

Mr. Brust commented that New Jersey was over 2008 landings by 9%. So with the increased quota for 2009, NJ will have to take a 4% cut. The recommendation from the Technical Committee is that half of that cut has to come from the highest wave in the season July/August.

For the 2009 recreational scup fishery, the Board voted to adopt conservation equivalency for state waters. For Federal waters, the MAFMC voted to increase the possession limit from 15 fish to 25 fish in 2009, and increase the minimum fish size from 10.5 inches to 12 inches. The season would be open January 1 through February 28 and October 1 through October 31, 2009.

For the 2009 recreational black sea bass fishery, the MAFMC and Board voted to increase the minimum fish size from 12 inches to 12.5 inches and maintain the current 25 fish possession limit. The season would be open January 1 through December 31, 2009. The MAFMC and Board also voted that if the Wave 5 data results indicate that a 10 percent reduction is not needed, the measures approved at this meeting would revert to the 2008 management measures.

The MAFMC also adopted quota and management measure for the 2009/2010 spiny dogfish fishing year. A commercial quota of 12.0 million pounds was approved. The daily commercial trip limit for the 2009/2010 fishing year was set at 3,000 pounds.

The MAFMC recognized Captain James Ruhle and, posthumously, Captain Philip Ruhle with its 2008 Fisheries Achievement Award.

The MAFMC received a presentation from NMFS on its Research and Management Strategic Plan for Deep Sea Corals and Sponges. The primary goal of the Plan is to improve research, conservation, and management of deep-sea coral and sponge ecosystems.

Mr. Berg informed the Council that at a meeting he attended, a plan was being made to look at Amendment 16, which includes 19 different species of which one of those species is winter flounder. Winter flounder is in really bad shape and the recommendation is no retention of winter flounder. Mr. Berg will keep Council informed as more develops.

Shellfish Council Reports

Delaware Bay Direct Market Harvest Program

Mr. Hollinger presented the Delaware Bay Shellfish Council Report. Prior to the 2008 season, the Stock Assessment Review Committee (SARC) recommended that the industry total allowable catch (TAC) be set at 76,106 bushels. In June of this year the Bureau coordinated two distinct oyster transplants (moving underutilized stocks to accessible harvest beds). The transplants added 14,498 additional bushels to the TAC totaling 90,604 bushels. As of Friday, October 17, 2008 the industry had harvested the TAC for all beds below and of including Shellrock (Shellrock and high mortality areas). As a result, all beds within those management areas were closed to harvest for the remainder of the season. The medium mortality beds remained open for the balance of the season, which closed on Friday, November 21, 2008. The inconsistent reporting by harvesters continues to plague the data updating and management process. The office is still receiving reports for harvest that had occurred three months prior. The most up-to-date data brings the total for the 2008 season to 89,882 bushels harvested. The industry harvested approximately 99 percent of the TAC.

Atlantic Coast

Mr. Joseph presented the Atlantic Coast Shellfish Council Report.

Mr. Joseph brought Councils attention to Handout #4a and #4b on Oyster Restoration in Chesapeake Bay including the use of a Native and/or Non-Native Oyster. The ASMFC supports the native oyster restoration, but does not support the alternatives that include the use of non-native oysters. The uncertainties and risks associated with this are too great to support the introduction of a non-native species. The ASMFC is thankful for the opportunity to comment on this important issue and is willing to work with agencies as the issue moves forward.

The Barnegat Bay Shellfish Restoration Program planted 8,000 bushels of crushed shell and 100,000 individual diseased resistant oyster seed in Barnegat Bay as part of the on going program to help in re clamming the bay.

Next aquaculture meeting will be held on Friday January 16 in Trenton.

Committee Reports

Chairman Ewing presented the Executive Committee Meeting Report.

The meeting was held January 6, 2009 with NJ Division staff to discuss the implications of the re-authorization of the Magnusson Act, the National Saltwater Angler Registry final rule, and other issues facing marine fisheries management in New Jersey. The Committee was informed that the Division plans to mail out letters to fishing clubs and other interested constituents throughout the state, indicating the Division's willingness to come to each of these constituent groups to discuss all of these issues in more detail.

Regulatory Updates

Mr. Muffley updated the Council on the Notice of Administration Change (NAC). The NAC for the 2009 commercial summer flounder and, black sea bass changes to quotas and trip limits were approved and appeared in the January 5, 2009 registry.

Mr. Muffley updated the Council on the 2008(9) Multi-Species Proposal, in that nothing has happened since it has not been assigned to an attorney for review. He requested Council's support and help in getting this proposal through, so that the State stays in compliance with the ASMFC requirements in this proposal.

Mr. Goldman made a motion to send a letter to the Commissioner showing Council's support and stressing the importance of this 2008(9) Multi-Species Proposal be approved. Motion was seconded.

Mr. Hollinger commented this is an issue throughout, and their needs to be a way to streamline the legal review process.

Director Chanda commented that it is good to stress the importance of these rules and regulations. He also let Council know that this is effecting everyone as our agencies get smaller.

The motion to send a letter to Commissioner stressing the importance of these rules and regulations was passed.

Old Business

Chairman Ewing stated he received a letter of "Thank You" from Saint John's church for the money they received in Theresa Selmeier's name and that it will be used by Saint

John's to feed the hungry. This is good way to serve her memory. (Theresa was a former secretary to the Council).

Ms. Puskus asked Director Chanda about the Budget.

Director Chanda commented that Marine Fisheries accounts are frozen. The State budget process begins in February. Things are not very optimistic.

Beach Access

Mr. McCloy asked about any other new information heard regarding reserving of beach at Island Beach State Park (IBSP). Dr. Donnelly commented it seemed to only be a problem at the Governors Tournament where people were staking out sections of beach prior to the crowds.

Director Chanda commented that the State does stake off a specific area for special programs for that day including the Woman's and Handicap Tournaments. There are plenty of other areas to access the beach beside that one location that is used that day for the Tournament. This would be a surf tournament issue that they would have to address with the partners, but don't feel that one day out of the year for the State to reserve a spot for special programs should be a problem.

Angler Registry

Mr. McCloy brought Councils attention to Handouts #8 and #9 on the Saltwater Angler Registry. The rule was adopted December 22, 2008. The handouts list some key changes from the proposed rule, one issue being timing. Handout #9 states saltwater recreational anglers and spear fishers who are not exempt from the requirement will need to be registered to fish in Federal waters beginning January 1, 2010. This one-year extension was granted at the request of numerous states that sought additional time to consider strategies for gathering and sharing the information required by the national registry.

Mr. Herb commented that there is to be a conference call to clear up some confusion in regards to Handout #8.

Mr. McCloy referenced Handout #10 on New York Governor Patterson's proposed State budget for the next year which includes new fees for anglers. Establishing a new trout and salmon stamp fee of \$10 and requires that all persons fishing for trout and salmon to possess a stamp in addition to the standard fishing license fee. Establish a new marine fishing license at the cost of \$19 for state residents and \$40 for out-of-state individuals. The marine fishing license would also serve as a registry of New York marine anglers and would fulfill requirements of the National Saltwater Angler Registry Program.

Mr. McCloy referenced Handout #11 of a letter sent out by a fisherman to the NJDFW, NJSFS and FG&W Council in supporting the need for NJ to implement a saltwater

fishing license. It also recommended saltwater/all water licenses of the types that currently exist for fresh water.

Mr. Muffley brought Councils attention to Handout #12, which talks about how the Virginia Marine Resource Commission recently disciplining dozens of watermen for repeatedly violating catch-reporting requirements. Thirty-three commercial watermen were placed on 2-year probation and nine others had their licenses suspended indefinitely. Mr. Muffley referenced the work NJ did with regards to the crab license reporting. Other states are now taking action against watermen who violate the requirements of their licenses.

Dr. Donnelly asked if the Division is able to tell who has not used their license from the NJ crabbing license program. Mr. Muffley responded the program provides this information.

Mr. Muffley further updated the Council in that there are a few commercial crab licenses available and the Division is working off a lottery list to award these licenses.

Mr. Hollinger asked for an update on how the Internet reporting system is going. Mr. Muffley responded that although there are a few glitches with the new program, there are about two dozen that have signed up for the reporting system.

Chairman Ewing asked if any old business from Council members.

Dr. Donnelly asked if Council appointments have been made. Mr. McCloy responded not at this time.

New Business

Mr. Rizzo requested an Eel Committee meeting in February or at the Divisions earliest convenience.

Mr. Goldman requested Recreational Summer Flounder Committee meeting prior to March and how the advisor list was coming along.

Mr. McCloy commented that as usual, the Division will provide a suite of options to ASMFC for approval and then schedule a Committee meeting with advisors to discuss the options ASMFC approves. The meeting will be held in time for Council to take action at their March meeting. Ms. Puskus requested the Council to invite the new Commissioner to one of our Council meetings in the future. Chairman Ewing said he would personally extend an invite to the Commissioner.

Public Comment

Mr. Layton updated Council on his project to hatch and raise horseshoe crabs. Success was not very good. Mr. Layton also thanked Mr. Himchak for the support the Division gave on eels at the recent ASMFC meeting.

Mr. Litchko asked Council to modify the blue crab regulations dealing with license supervision/revocation for reporting violations.

Mr. Chew asked what the DEP is doing for NJ dogfish? Because DEP can't change regulations fast enough, NJ fisherman lost out on a million dollars from the dogfish fishery. What is Council doing to make sure it does not happen again to help fisherman?

Mr. McCloy stated that statute supercedes regulation and currently the legislature is in charge of making the necessary changes, not DEP.

Mr. Buzas commented on the multi-species proposal, specifically mentioning sharks and that the ASMFC plan and Federal plan should be the same. If the rule doesn't get adopted then NJ will be out of compliance. He supported the Council on sending a letter and stress the importance to get these rules and regulations adopted.

Next Meeting is March 5, 2009.

Meeting adjourned.