

NJ  
10  
F537  
1990b

PUBLIC HEARING

before

ASSEMBLY CONSERVATION AND NATURAL RESOURCES COMMITTEE

SENATE BILL NO. 2526

(Requires permit to sell certain fish)

May 29, 1990  
John A. Taylor Pavilion  
Belmar, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Daniel P. Jacobson, Vice Chairman  
Assemblyman Joseph A. Mecca

ALSO PRESENT:

Assemblyman John A. Villapiano  
District 11

New Jersey State Library

Judith L. Horowitz  
Office of Legislative Services  
Aide, Assembly Conservation  
and Natural Resources Committee

New Jersey State Library

\* \* \* \* \*

Hearing Recorded and Transcribed by  
Office of Legislative Services  
Public Information Office  
Hearing Unit  
State House Annex  
CN 068  
Trenton, New Jersey 08625



THOMAS J. DUCH  
CHAIRMAN  
DANIEL P. JACOBSON  
VICE-CHAIRMAN  
JOSEPH A. MECCA  
MAUREEN OGDEN  
JOHN E. ROONEY

New Jersey State Legislature  
ASSEMBLY CONSERVATION  
AND NATURAL RESOURCES COMMITTEE  
STATE HOUSE ANNEX, CN-068  
TRENTON, NEW JERSEY 08625-0068  
(609) 292-7676

## NOTICE OF A PUBLIC HEARING

The Assembly Conservation and Natural Resources Committee will hold a public hearing on:

*S-2526 (Zane) Requires permit to sell certain fish.*

The hearing will be held on *Tuesday, May 29, 1990, at 10:00 a.m. at the John A. Taylor Pavilion, 5th Avenue and Ocean Avenue, Belmar, New Jersey.*

*The public may address comments and questions to Judith L. Horowitz or Jeffrey T. Climpson, Committee Aides, and persons wishing to testify should contact Deborah Del Vecchio, secretary at (609) 292-7676. Those persons presenting written testimony should provide 10 copies to the committee on the day of the hearing.*

### DIRECTIONS:

From Trenton, take I-195 East. At its terminus, it will turn into Route 138 (formerly Route 38). Continue on Route 138 until you intersect Route 35 at the terminus of Route 138. Take Route 35 North. At about 5th traffic light, turn right onto 8th Avenue. Continue on 8th Avenue for 7 or 8 blocks to Ocean Avenue. Turn left onto Ocean Avenue and continue straight for 3 blocks to the pavilion (a large white building), which is located on the boardwalk and beach. Metered parking may be found along the beachfront. Other parking may be found around Silver Lake nearby.

From Garden State Parkway, take Exit 98 onto Route 138, then follow directions as above.

Issued: 5/17/90



SENATE, No. 2526  
STATE OF NEW JERSEY

INTRODUCED MARCH 19, 1990

By Senator ZANE

1 AN ACT concerning the sale of certain fish and amending and  
2 supplementing P.L.1979, c.199.

3  
4 BE IT ENACTED by the Senate and General Assembly of the  
5 State of New Jersey:

6 1. Section 3 of P.L.1979, c.199 (C.23:2B-3) is amended to read  
7 as follows:

8 3. As used in this act:

9 a. "Aquaculture" means the propagation and rearing of aquatic  
10 species in controlled or selected environments;

11 b. "Commissioner" means the Commissioner of Environmental  
12 Protection;

13 c. "Council" means the Marine Fisheries Council created  
14 pursuant to this act, except in those sections of this act amending  
15 sections of Title 50 of the Revised Statutes;

16 d. "Department" means the Department of Environmental  
17 Protection;

18 e. "Fish" means any marine or anadromous animal or plant, or  
19 part thereof, excepting mammals and birds;

20 f. "Fisheries management plans" means plans to prevent  
21 overfishing[,] and achieve optimal yield from each fishery on a  
22 continuing basis, which are based on the best scientific  
23 information available, are in accordance with management plans  
24 promulgated pursuant to the [Fisheries] Magnuson Fishery  
25 Conservation and Management Act [of 1976] , 16 U.S.C. §1801 et  
26 al., and any appropriate interstate programs, provide for the  
27 management of stock as a unit throughout their range, and allow  
28 for flexibility management; provided, however, that such plans,  
29 where practicable and feasible, give preference to the interests  
30 and concerns of fishermen in this State;

31 g. "Marine waters" means all the salt waters of this State, and  
32 none of the fresh waters of this State as [defined] described in  
33 R.S. 23:1-2. Specifically it includes the waters of the Atlantic  
34 ocean, and all bays, inlets and estuarine waters located below the  
35 mouth of any fresh water river, stream or creek;

36 h. "Optimum yield" means the amount of fish from a fishery  
37 which will provide the greatest overall benefit to the State, with  
38 particular reference to food production and recreational  
39 opportunities, and the amount of fish which is prescribed as such  
40 on the basis of the maximum sustainable yield from such fishery,

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the  
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

New Jersey State Senate

1 as modified by any relevant economic, social, or ecological factor;

2 i. "Processing" means handling, storing, freezing, preparing,  
3 preserving, packing, transporting, holding, or selling fish or fish  
4 products;

5 j. "Taking" means to catch, net, capture, possess, or collect  
6 any fish or to attempt to engage in any such conduct;

7 k. "Fishery" means one or more stocks of fish which can be  
8 treated as a unit for purposes of conservation and management  
9 and which are identified on the basis of geographical, scientific,  
10 technical, recreational and economic characteristics, and any  
11 fishing for such stocks.

12 l. "Bait" means any fish or fish product used to attract  
13 another fish for the purpose of taking that other fish.

14 m. "Land" means to transfer a catch of fish from a vessel to  
15 any other vessel or to the land or any pier, wharf, dock, or other  
16 structure.

17 (cf: P.L.1979, c.199, s.3)

18 2. Section 9 of P.L.1979, c.199 (C.23:2B-9) is amended to read  
19 as follows:

20 9. a. The commissioner may by regulation require that every  
21 person, who takes fisheries resources, provide information on the  
22 species, number, weight, and any other information pertinent to  
23 management of the resources taken in a manner prescribed, and  
24 on forms supplied, by the department.

25 b. Every person engaged in the commercial buying, packing,  
26 storing, wholesaling, marketing, or processing of any fisheries  
27 resources within the State shall keep accurate records, books or  
28 accounts showing the species, quantity, and source of fisheries  
29 resources, the name of each seller from which the person  
30 purchased fisheries resources, and the permit number of each  
31 such seller's permit to sell fish, which permit is issued pursuant  
32 to section 4 of P.L. , c. (C. ) (now before the Legislature as  
33 this bill).

34 c. Every record, book, or account referred to in subsection b.  
35 shall be open for inspection by the department at reasonable  
36 hours.

37 d. The department may audit the records, books, or accounts  
38 of any person referred to in subsection b., and of anyone who  
39 takes fisheries resources and ships directly to market, in order to  
40 determine the quantity of resources taken and other information  
41 pertinent to management.

42 e. The records obtained by the department, and the  
43 information contained therein, shall, except as otherwise  
44 provided in this section, be confidential, and the records shall not  
45 be public records, and, insofar as possible, the information  
46 contained in the records shall be compiled or published in such a  
47 manner so as not to disclose the business record of any person.

48 f. The information in the above records [can] may be provided  
49 to other states, Federal agencies and regional fisheries agencies,

1 provided that those entities have similar confidentiality  
2 provisions that do not disclose the business record of any person.  
3 (cf: P.L.1979, c.199, s.9)

4 3. (New section) a. No individual may sell, barter, or offer  
5 for sale or barter any fish taken from marine waters, or from salt  
6 waters outside the State and landed within the State, without a  
7 valid permit issued therefor by the commissioner pursuant to  
8 section 4 of P.L. , c. (C. ) (now before the Legislature as  
9 this bill).

10 b. No individual may purchase or obtain by barter any fish  
11 taken from marine waters, or from salt waters outside the State  
12 and landed within the State, unless the individual who is selling or  
13 bartering the fish possesses a valid permit issued pursuant to  
14 section 4 of P.L. , c. (C. ) (now before the Legislature as  
15 this bill) and presents the original permit for verification of  
16 possession to the individual purchasing or bartering for the fish.

17 c. This section shall not apply to:

18 (1) the commercial resale of fish;

19 (2) the sale, barter, or purchase of bait, hard clams (*Mercenaria*  
20 *mercenaria*), soft clams (*Mya arenaria*), surf clams (*Spisula*  
21 *solidissima*), or oysters (*Crassostrea virginica*) where otherwise  
22 permitted by law and conducted in accordance therewith;

23 (3) the sale or barter of any species of fish exempted by the  
24 commissioner from the provisions of P.L. , c. (C. ) (now  
25 before the Legislature as this bill).

26 4. (New section) a. Any individual intending to sell or barter  
27 fish taken from marine waters, or from salt waters outside the  
28 State and landed within the State, shall apply to the  
29 commissioner for a permit. Upon receipt of an application for a  
30 permit to sell or barter fish, and payment of the appropriate fee  
31 therefor, the commissioner may issue a permit.

32 b. The commissioner shall establish fees for permits issued  
33 pursuant to this section within the following ranges:

34 (1) Resident Permit to Sell Fish . . . \$100 to \$500;

35 (2) Non-resident Permit to Sell Fish . . . \$100 to \$1,250.

36 c. Every permit applicant shall receive a credit toward any fee  
37 assessed pursuant to this section for the amount of any fee paid  
38 by the applicant for any permit or license to take fish in the  
39 State that is held by that applicant and is valid at the time of  
40 application for the permit to sell fish, except the minimum fee  
41 after application of the credit shall not be less than 10% of the  
42 full cost of the applicable fee for a permit to sell fish. In order  
43 to receive the credit allowed pursuant to this subsection, the  
44 applicant shall, for each valid permit or license to take fish,  
45 produce proof of purchase in the form of the original permit or  
46 license or a good quality copy thereof acceptable to the  
47 department.

48 No credit may be allowed pursuant to this subsection for a fee  
49 paid for any permit or license to take any fish or shellfish

1 described in paragraphs (2) and (3) of subsection c. of section 3 of  
2 P.L. , c. (C. ) (now before the Legislature as this bill).

3 d. A permit issued pursuant to this section shall be  
4 nontransferable and shall be void after December 31st next  
5 following its issuance.

6 5. (New section) The "Fish Sale Permit Account" is  
7 established within the "hunters' and anglers' license fund"  
8 created pursuant to R.S.23:3-11. All permit fees collected  
9 pursuant to P.L. , c. (C. ) (now before the Legislature as  
10 this bill) shall be deposited into this account. Monies in the  
11 account shall be allocated to the Division of Fish, Game and  
12 Wildlife in the Department of Environmental Protection for  
13 enforcement of the laws pertaining to protection of fisheries  
14 resources and for the management and enhancement of those  
15 resources.

16 6. This act shall take effect on January 1 next following  
17 enactment.

18  
19  
20 STATEMENT

21  
22 This bill would prohibit any individual from selling or bartering  
23 any fish taken from marine waters, or from salt waters outside  
24 the State and landed within the State, without a valid permit.  
25 The bill would also prohibit any individual from purchasing or  
26 obtaining by barter any fish taken from marine waters, or from  
27 salt waters outside the State and landed within the State, unless  
28 the individual who is selling or bartering the fish possesses a valid  
29 permit to sell fish, which permit is issued pursuant to the act, and  
30 presents the original permit for verification of possession to the  
31 individual purchasing or bartering for the fish.

32 The permit requirements of the bill would not apply to the  
33 commercial resale of fish; the sale, barter, or purchase of bait,  
34 hard clams, soft clams, surf clams, or oysters where otherwise  
35 permitted by law and conducted in accordance therewith; or the  
36 sale or barter of any species of fish exempted from the provisions  
37 of the act by the Commissioner of Environmental Protection.

38 The bill would also authorize the commissioner to establish  
39 fees for permits to sell fish within the following ranges:

40 (1) Resident Permit to Sell Fish . . . \$100 to \$500;

41 (2) Non-resident Permit to Sell Fish . . . \$100 to \$1,250.

42 Every permit applicant would receive a credit toward any fee  
43 assessed pursuant to the act for the amount of any fee paid by  
44 the applicant for any permit or license to take fish in the State  
45 that is held by that applicant and is valid at the time of  
46 application for the permit to sell fish, except the minimum fee  
47 after application of the credit would not be less than 10% of the  
48 full cost of the applicable fee for a permit to sell fish. No such  
49 credit would be allowed for a fee paid for any permit or license

1 to take certain fish and shellfish exempted from the licensing  
2 requirements of the bill.

3 The bill would expand the present statutorily imposed  
4 recordkeeping requirements for commercial buyers and handlers  
5 of fish in the State to include a requirement to obtain and keep a  
6 record of the name and fish sale permit number of the individual  
7 who first sold the fish in question to a commercial buyer.

8 Finally, the bill would establish a "Fish Sale Permit Account"  
9 within the "hunters' and anglers' license fund" created pursuant  
10 to R.S.23:3-11. All permit fees collected pursuant to the act  
11 would be deposited into this account for use by the Division of  
12 Fish, Game and Wildlife for enforcement of the laws pertaining  
13 to protection of fisheries resources and for the management and  
14 enhancement of those resources.

15 A considerable number of fish caught by recreational anglers  
16 from marine waters are later sold by those anglers. However, it  
17 is presently difficult to gauge the extent of these sales. Because  
18 of the increasing tendency to manage fisheries through the use of  
19 resource allocation systems between recreational and commercial  
20 anglers, it is important for the State to accurately assess how  
21 many of the fish being sold in the State are caught by  
22 recreational anglers and how many are caught by commercial  
23 anglers. Further, recreational anglers who sell their excess fish  
24 may often do so at a price below that which commercial anglers  
25 must sell to meet their overhead costs. Consequently, these  
26 recreational sales may be negatively affecting the economic  
27 viability of the commercial fishing industry in the State. Thus,  
28 the intent of this bill is to facilitate the collection of information  
29 for resource management purposes, reduce waste of the fisheries  
30 resources, and discourage price undercutting by recreational  
31 anglers.

32

33

34

#### NATURAL RESOURCES

35

36

Requires permit to sell certain fish.





# TABLE OF CONTENTS

## Page

Tom Fote President Jersey Coast Anglers Association	4
Rhonda Leonard Party boat and charter boat owner Belmar, New Jersey	7
Barry Goldman Charter boat owner Belmar, New Jersey	11
Bob Nash Member Board of Directors United Boatmen of New Jersey and New York	12
Robert A. Itchmoney Assistant Director Division of Fish, Game and Wildlife New Jersey Department of Environmental Protection	15
Bruce Halgren Administrator Marine Fisheries Administration New Jersey Department of Environmental Protection	17
Joseph Pallotto President Asbury Park Fishing Club Member New Jersey Striped Bass Fishermen's Association	20
Brian Kelly President New Jersey Striped Bass Fishermen's Association	21
Bill Jenks Retired bay clammer	22
Ron Nielson Private citizen	23



**TABLE OF CONTENTS (continued)**

**Page**

Robert Woardel  
Private citizen

25

William Egertir  
United Boatmen of New Jersey and New York

28

**APPENDIX:**

Statement submitted by  
Bob Nash

1x

Letter from Nils E. Stolpe  
Executive Director  
New Jersey Commercial Fishermen's Association

4x

\* \* \* \* \*

hw: 1-36



ASSEMBLYMAN DANIEL P. JACOBSON (Vice Chairman): All right. We're ready to begin. Ladies and gentlemen, this is a meeting of the Assembly Conservation and Natural Resources Committee, and we're here to hear testimony about a legislative proposal to enact a license to sell fish. I'm the Vice Chairman of the Committee. With me are Assemblyman Joe Mecca, a member of the Committee from Passaic and Essex, and my colleague in District 11, who is serving on the Committee today to hear the testimony, Assemblyman John Villapiano.

A couple of procedural things: If anyone wants to speak who hasn't filled out one of these forms, we have little slips right there on the table for those who are going to give testimony, and pencils. Please feel free to fill one out and bring it up here so we know who's who, and who wants to testify.

The bill has been introduced in the Senate and will eventually come to this Committee. It prohibits any individual from selling or bartering any fish taken from marine waters or from salt waters outside the State and landed within the State without a permit. The way the legislation is written the Division of Fish and Game, as far as setting the fee, can set a fee from \$100 to \$500. Also under the legislation, it would be prohibited to purchase a fish or to barter to obtain a fish from anyone not holding a valid permit.

At this point, a quick opening statement from me and then I'll turn it over to John. I have problems with the legislation, and I'm against it. To me it's almost like having kids who are out on the street selling lemonade having to buy a permit or a license for that, and I think that's overkill. I'm very concerned that it expands the bureaucracy further into the lives of recreational fishermen. I'd like to see the recreational fishery in this State be preserved as one where people can just go out and fish and enjoy it and not worry about rules and regulations or licenses and fees. I'm also

very concerned with the idea behind this is try to conserve fisheries. I don't know? It might even promote the taking of more fish, because once people buy a license for \$100 or \$500, they might feel that they have to take more fish and sell more fish to make up for that cost, and I think you might actually have a counterproductive result, the result the opposite of what's intended.

That's my concern with it. I know there are other concerns on the other side about if you're selling fish you are a commercial fisherman and you should be regulated as such, but at this point I'm not convinced that the amount of fish that are being sold in this way is really having a major impact, and again, it's a custom in this area, from time immemorial, to be able to do this, and I really don't at this point-- I can't support the legislation.

John?

ASSEMBLYMAN VILLAPIANO: Thank you, Assemblyman Jacobson. Thank you, Assemblyman Mecca, for coming down again. He was here last week on a menhaden bill, and now he's here again on the license to sell fish. We appreciate you coming down Joe, thanks.

Ladies and gentlemen, we actually have a very tough day as far as fishing is concerned, (referring to the inclement weather that day) but we certainly appreciate you coming out to hear this testimony this morning.

Approximately six weeks ago, Senator Zane and Senator Zane's Committee, which is the equivalent to the Assembly Natural Resources Committee, heard testimony on this particular bill, Senate Bill No. 2526, which does institute a license to sell certain fish. At that time Assemblyman Jacobson and myself and a number of other people who are in attendance today voiced our opposition to the particulars of the bill, and there was also a person from Fish and Game who voiced support. Since that time we have studied the bill again. We are sure that

Fish and Game is here this morning to -- or the Department of Environmental Protection is here this morning -- to give testimony on the particular bill, and I'm sure that we'll be able to spend a little bit more time, and while I appreciate so much DEP coming out here, because this is the group that maybe wasn't represented that day in Trenton except for one or two, and you know how sometimes how those Committee hearings can go when you have five or six things on the agenda, you just don't get an opportunity to spend as much time on any one particular issue as you would normally like to.

This gives us a great opportunity to hear from the public, to hear from the fishermen, to hear from DEP, in order to once again reiterate our feeling. I don't want the rest of you to think that this is just a closed door; we have blinders on, or I have blinders on. I'm always open to listen to testimony. I did speak in opposition the first day, when Senator Zane's Committee did hear this particular bill. I'm still feeling somewhat negative on it, and I believe that my biggest problem with the bill is that it really doesn't equate.

I don't understand how we can equate counting fish to revenue, and that the revenue that DEP needs in order to do what they have to do, and one of the main reasons that this legislation should be supported by them is that it will enable us to better control the marine environment. Those are a couple of the angles and the aspects that we'll pursue this morning to get a better feel for just why this legislation and how this legislation will help us to assess and develop a total marine environmental plan, and we'll listen with open ears.

I do say that both Assemblyman Jacobson and myself, and -- I don't know if Assemblyman Mecca has taken a position yet on the salt water fish license that's been bantered around in the Federal government -- but we have gone on record as being opposed to that, and while we understand that there is a significant need for revenue in order to develop plans, we just



feel that this particular legislation, or legislation that is like it, is just going about it in the wrong direction and the wrong way and should not become law.

So with that Assemblyman Jacobson, I thank you for the opening comments, and now I'm ready to listen.

ASSEMBLYMAN JACOBSON: Thank you, and also I want to thank everyone for coming out, again. We have an excellent turn out, just as we had last week for the Bunker Bill hearing, and for all of you to know, there will be a transcript made available to the other members of the Committee. We have tape recording equipment, so everything will be recorded.

All right. We'll start taking testimony, and also when you come up to testify, please identify your name -- your full name -- any affiliation, and also the town that you live in. Please also, speak up so everyone can hear in the room.

Tom Fote?

T O M F O T E: Tom Fote, Jersey Coast Anglers Association, which represents 56 fishing clubs in the State of New Jersey and three environmental organizations. At the last meeting of Jersey Coast Anglers we took a look at S-2526. We noticed that the bill was set up primarily for the commercial fishermen in the fact that they were exempted from paying the \$100 fee, and we'd wind up paying the \$100 fee. The way the bill is written, they'd wind up paying only about 10%, or maybe \$10, for the license, where the rod and reel commercial fisherman would have to pay the full \$100. The club voted again, unanimously, not to support S-2526 as presently written. What we did was to offer a couple of suggestions that may make it acceptable -- we didn't guarantee that -- but we'd like to see these included in the bill, and then we'd like to decide on them.

1) That special permits be available to handicapped, low income, senior citizens, and people selling less than 100 pounds at administrative costs. This fee could be \$10. What

that means is that if the fee was put on a structure of \$100, we would have a \$10 exemption just for those people.

2) That all fees be set in legislation, not as proposed ranges. When I looked at this bill, there's a range, say from \$100 to \$500. I can't support anything I'm not knowing what it's going to cost me, and so I want to know exactly what the bill would cost, what the permit would cost.

3 That a scale fee be set up. This could work as follows: If you sold between 100 pounds and 1000 pounds, the permit would cost maybe \$100. If you sold over 1000 pounds your fee would cost \$250 or \$500. What we're saying is, that's a public resource out there, the fish. Nobody's contributing to its benefits, nobody's fertilizing the ocean, and you're taking a public resource, and if you're going to take a lot more public resource than a hook and line commercial fisherman or a hook and line fisherman, then you should pay more for the right of taking that resource, if you're going to pay at all.

4) There should be no reduction for fee rates because of other licenses. This has to do with gill nets. If you're going to charge a fee, then you charge everybody the same fee. Why should the hook and line fisherman be forced into paying more than a regular commercial gill-netter for the fee?

5) That there should be a checkoff on the permit to know what fishery contributes the most money. What we're saying here is that in effect, that the license should be checked off whether you're a hook and line fisherman or whether you're a gill net fisherman. Why do that? That clause is saying that a committee should be made up to advise how these funds are being spent. That committee should be proportionately set up by the people who contribute to the permit. So, if 80% of the people come from the hook and line fishery, then they should have maybe four out of the five seats on that advisory council to see how that permit money is spent,

and that since that's a commercial fishing part of the industry, then maybe one of those five people should sit on the New Jersey Marine Fisheries Council.

Now, these are all suggestions and we ask that they be included in the legislation, but we didn't say -- and it's kind of a copout -- but they didn't say that they would vote if all of those were included, or if not, of every one of them. As we stand right now, again, I will say that we unanimously voted against S-2526 as written.

Does anybody have any questions on that? I have made copies available. Assemblyman Mecca and all of them have-- Assemblyman Villapiano and Assemblyman Jacobson have gotten copies, I think Judy has a copy already.

ASSEMBLYMAN JACOBSON: Thank you, Tom. I just also want to note for the record, we have a letter from the New Jersey Commercial Fishermen's Association that was written to Bruce Halgren, the Administrator of the Marine Fisheries Administration, favoring the idea requiring a New Jersey license to sell fish. Let me just read you one paragraph so you will know what their position is:

"As you know, the products of our commercial fishermen are in far too many instances forced to compete in the marketplace with recreationally caught fish. The unfairness of this, particularly when those recreational fishermen are the same ones who are constantly clamoring for more and more restrictions on commercial harvesters, is obvious. Equally obvious is the questionable quality of many of the recreationally caught fish once they get to market. These fish reflect badly on the carefully handled, high quality products that our commercial fishermen have been providing to consumers for years. Particularly considering the totally undeserved effects that all of the recent "ocean pollution" publicity has had on consumer confidence in locally caught seafood, and the efforts by New Jersey government to combat this negative

publicity, we should all be doing everything in our power to guarantee that only the highest quality products get to market. Recreational fishermen, at least those who casually sell a few fish when returning from a successful trip, have neither the equipment nor the knowledge, nor the commitment, to insure that the fish they sell will even be edible by the time they reach the consumer.

"Even more importantly, as Congress moves closer to passing a mandatory seafood inspection bill, these casually sold fish are going to be left completely out of whatever system is eventually put into place. The success of this program which is going to cost many millions of dollars to put into place and is going to add an increased burden on the members of our seafood industry, is going to be threatened by every finfish or shellfish that gets sold through the back door. The system will be destined to fail if unlicensed and unregulated seafood sales are permitted.

"As far as the particulars of the licensing scheme are concerned, provisions should be made to allow transient boats, or those that are forced by emergency into New Jersey ports, to sell their catch if the occasion arises and they don't have a valid license. I think we would all hate to see a trip wasted because of some unforeseen interruption and a flexible one-time or temporary license, possibly sold by the docks, should be easy to arrange."

Those are the comments of Nils Stolpe, the Executive Director of the Commercial Fishermen's Association.

The next witness is Mrs. R. Leonard, and Mrs. Leonard, please identify where you are from, too, for the record, and your affiliation and how you stand on the bill.

R H O N D A L E O N A R D: Good morning. My name is Rhonda Leonard and I own a party boat and a charter boat out of Belmar. I live in Wall Township, and I think that I can safely say that, again, some of my competitors are here and I can

probably speak for them, as well. If any of them feel differently, please speak up.

Again, the fact that I haven't had an opportunity -- except for just this morning -- to read this bill, bear with me while I go through some of the things that just came to light immediately.

One of the first things in the bill that I do notice is that it says, Fisheries Management Plans, and then it tells you what this is to do and achieve. One of the things that it says here is that it is going to achieve an optimal yield, and it's based upon the best scientific information available. Now, we've recently gone through some very heavy discussions with the National Marine Fisheries and find that they haven't had any scientific information; it's all been speculation. Again, I think that if something like this is going to be put into place, or even talked about, then let's get some scientific information.

The other thing that it says is that it is going to give preference to the interests and concerns of fishermen in this State. I don't see that this bill is doing that. Also, it says here that the section shall not apply to the commercial resale of fish. I think it has to be defined as to what is commercial and what is recreational. Commercial to me is people who are directly deriving their income from a resource, an industry, whatever. The people who work for my two boats, my mates in particular, are deriving their income-- Yes, I take recreational fishermen. I feel those fishermen are paying a fee to me to be allowed to use a natural resource in this State. My mates who are working and deriving their direct income are in it for their living. This, to me, would make them commercial. Why then, in order for them to sell the fish, that they derive directly from a business in this industry, of which we are documented as a fishery, why is a permit necessary for this? So, therefore, the people who are fishing with me,

in an industry -- in a commercial sense, should not be required to have a permit, nor should my crew be required to have permits. I think there's something missing here.

The fact that you have just read a statement from the commercial sector, the ones who are the seiners, the netters, the draggers, they're saying that their fish gets to market fresher. Baloney.

You don't get fish much fresher than as it comes off of the party boats, the charter boats, and people come down and they are allowed to walk the docks. They are enjoying a resource within the State: the marinas, the boats, the people. It's a tourism industry and one of the by-products, the income for mates, is generated through the sale of these fish. No, we are commercial fishermen in the truest sense. We derive our income that way.

Again, going further down looking at a permit to sell fish, and they're giving you \$100 to \$500. They're not telling you how they're basing it is ridiculous. First of all, the whole permit idea is ridiculous, but if we're tearing apart this law here, that particular piece, they don't say if it's for one fish, two fish, how many fish, poundage, whatever it is. It's ridiculous. Then, in addition to that, they're saying that it's not even like any other of the other permits in the fishing industry where it's on a perpetual basis. They're going to have to renew this every year. Again, absurd.

Again, it says, the last statement, the intent of this bill is to facilitate the collection of information. They don't need to tax the recreational fisherman or "a commercial recreational fisherman," to find information, and to reduce the waste of fisheries' resources. I don't believe that there's ever been any waste proven, not in this industry.

And then, to discourage price undercutting by recreational fishermen-- I'm sorry, it's not a matter of price undercutting. It's supply and demand. And in addition to

that, what are you going to do, start taking an outlet firm and saying, "You can't sell because Macy's is higher than you are. They have a bigger overhead." They choose to be like that.

The whole bill is completely off base. That's all I have to say.

ASSEMBLYMAN MECCA: I have a question. It would be fair to say, you don't like the bill?

MS. LEONARD: I don't like the bill.

ASSEMBLYMAN MECCA: Do you feel that your party boats really pose any kind of serious competition to the commercial fishers?

MS. LEONARD: No. If you could-- I invite any of you to come out with us when we pass by some of the commercial fleets, if you want to see waste, and you watch the amount of by-products from a particular catch that are dumped over the side out of their nets. That's waste by a commercial fisherman.

Do we? No. Our fish is taken home. It's either eaten by the people who are catching it. It's given away. I can bring you down people that fish with me who come down from Pennsylvania, New York, firehouses, and things-- They're getting fish so that they can take it back to feed a lower income group of persons. No, there is no waste in our industry, and no, we do not take too much.

ASSEMBLYMAN MECCA: Would you say there's anybody who goes out on your boats, consistently, say every day or every two days or every week and would be using your party boats to run a business?

MS. LEONARD: No. I have tried over the years to get what I call a nucleus, a regular clientele.

ASSEMBLYMAN MECCA: Right, repeat customers.

MS. LEONARD: A repetitive business. The most repetitive that I can come up with is about a man during a year -- an entire year. Now, let's take my party boat. We even take the charter boat, that's a shorter season. We'll take the

long season. My party boat, maybe I have a guy who is going to come out at most, seven times. Now, of the percentage of the people who I carry, he is less than 1% of the people who I carry.

ASSEMBLYMAN MECCA: Okay. Thank you.

B A R R Y G O L D M A N: (speaking from audience) Mr. Chairman?

ASSEMBLYMAN JACOBSON: Are you signed up for a--

MR. GOLDMAN: No, I haven't.

ASSEMBLYMAN JACOBSON: Why don't you sign up, because we have to keep order for the--

MR. GOLDMAN: I may not want to say anything, but what I would like to ask is--

ASSEMBLYMAN JACOBSON: What's your-- I'll tell you what, I'll let you go next. Your name and affiliation for the record?

MR. GOLDMAN: I don't want to say anything, I would like to ask the proponents of this bill to say something first, because if I get hit by this thing--

ASSEMBLYMAN JACOBSON: Yeah. They're coming.

MR. GOLDMAN: I have not had an opportunity to read the bill.

ASSEMBLYMAN JACOBSON: They're coming also. They're here, too.

MR. GOLDMAN: I may want to talk.

ASSEMBLYMAN JACOBSON: Yeah, and when you're ready, feel free to come up and fill out a form. We'd be happy to have you.

MS. LEONARD: Am I released?

ASSEMBLYMAN JACOBSON: You're released. Thank you very much, Mrs. Leonard.

Just for the information, we have signed up, five more who are against, and two members of Fish and Game, who are, I assume, for the bill.



Why don't we take one more against, and then we'll get Fish and Game up so they can also give some response to what they've heard, too.

Bob Nash from the United Boatmen, I'll take next.

**B O B N A S H:** Good morning. My name is Bob Nash. I'm a member of the Board of Directors of the United Boatmen. Our organization represents party and charter boats from the State of New Jersey.

I would like to take this opportunity to thank you for holding these hearings in Belmar so that our organization could have the opportunity to show its opposition to this bill.

The recently enacted Bluefish Management Plan states: "Any person who uses a valid State permit to sell fish harvested from the EEZ must agree as a condition to using either permit that his/her bluefish catch and gear will be subject to all the requirements of this part." This even takes care of fish that are not caught in the EEZ.

We believe that this condition of the Bluefish Management Plan sets a dangerous precedent. Specifically, if we in New Jersey enact a "License to Sell Fish," any person selling bluefish would be immediately subject to Federal jurisdiction even if this person never leaves New Jersey waters. We do not want the police powers of the State of New Jersey usurped by the Federal government. We believe that the citizens of the State of New Jersey acting through our duly elected State government should never give up the police powers of our State waters.

Such a precedent is dangerous, and unnecessary. As the "License to Sell Fish" legislation would abdicate New Jersey's police powers in this area, we must go on record as opposing this legislation at this time.

Assemblyman Villapiano and Jacobson, we know that you have gone on record opposing this provision of the Bluefish Management Plan and its effects on New Jersey's police powers.

We would like to commend you for your foresight on this issue, and hope that the State will challenge this provision in the Bluefish Plan.

We know that at a meeting in Trenton on May 21 that Bruce Halgren, we assume on behalf of the Division, interpreted this provision of the Bluefish Plan to mean that the aforementioned license was only a State license limited to selling fish caught in the EEZ. We have reviewed three previously drafted Bluefish Plans and find no justification for such an interpretation.

The "License to Sell Fish" is obviously a means to delineate between recreational and commercial fishermen for the purpose of allocating the 80/20 separation of the catches. Nowhere in the plan is there any reference to a State permit such as Mr. Halgren refers to. Instead, the plan talks about, "a commercial permit issued by the state of landing," or, "Any person who sells bluefish would be identified as a commercial fisherman and must have a commercial fishing permit that would allow sale of bluefish. Commercial hook and line fishermen may take more than the possession limit if they have a commercial permit issued by the state of landing." And I quote again, "Any person selling bluefish identified as a commercial fisherman must have a commercial permit that allows the sale of fish. States without a permit system are encouraged to implement this permit system. New Hampshire, New Jersey, Virginia and North Carolina do not require a permit to sell." To our knowledge, no state has a permit such as the one described by Mr. Halgren.

It is clear that the Bluefish Plan sets a precedent which if followed in other management plans would deprive New Jersey of its right to regulate its own fishery. If we enact the proposed "License to Sell Fish" legislation, we are signing on to the Federal seizing of this power. We therefore ask that this legislation not be enacted

Thank you for your time and your attention.

ASSEMBLYMAN JACOBSON: Thank you, Bob.

ASSEMBLYMAN VILLAPIANO: Bob, you did mention it in there about the meeting that we had last week concerning the interpretation of the rules as far as the Feds and the EEZ and their jurisdiction over -- possible jurisdiction -- over the State waters? I think it's very apropos that subject is brought up today. In essence, if this bill is passed, we are kind of beginning to adhere to that principle. That's something that Assemblyman Jacobson and myself feel very strongly about, that the State does have the jurisdiction to control, and should have the jurisdiction to control its own fishery within the two-mile limit, and therefore we just appreciate you bringing that back up. We'll continue to push the State to make sure that the regulations are clarified so that we do not lose the ability to regulate our own fisheries.

MR. NASH: Well, as it stands right now, if -- especially referring to the Bluefish Management Plan -- if fish are caught inside the State limits, and then you proceed outside of the State limits into the Federal, into the EEZ, you are subject to the regulations of the Federal government.

ASSEMBLYMAN VILLAPIANO: Thank you.

ASSEMBLYMAN JACOBSON: Thank you very much, Bob.

Also, just in fairness to Bruce Halgren, I think the outcome of that meeting was-- Actually we kind of said that we would research it more because John and I had expressed some concerns similar to what you said. Bruce said that he wasn't sure if that was exactly the way it worked, and we're all looking into it. But, just so it's clear where Assemblyman Villapiano and I stand, clearly we have a lot of problems with the Federal bluefish limit, and certainly have a lot of problems with the within State limit, and we're going to work toward whatever mechanism that we can to fight that.

Thank you very much.

MR. NASH: Thank you.

ASSEMBLYMAN JACOBSON: All right, our next witness, how about Mr. Itchmoney? How about Bob Itchmoney from Fish and Game? Okay, Bob Itchmoney and Bruce Halgren. They come together.

R O B E R T A. I T C H M O N E Y: My name is Bob Itchmoney. I'm the Assistant Director for the Division of Fish, Game and Wildlife. I have with me Bruce Halgren, who is the Administrator for the Marine Fisheries Section within the Division.

ASSEMBLYMAN JACOBSON: Bob, could you speak up please, because there's a lot of people behind you, it's hard to-- The acoustics aren't too good.

MR. ITCHMONEY: The Department of Environmental Protection supports S-2526 which would require a permit to sell fish. With the increase in the number of marine recreational anglers and the advancement in technology in both the recreational and commercial fisheries, there is virtually no marine fishery resource along the east coast that is currently in an underutilized condition. In an effort to properly manage the more important marine species along the coast, the use of allocation systems among user groups is being used more frequently. This has most recently been the case in the coast-wide Bluefish Management Plan where the recreational angler has been allocated 80% of the resource and the commercial fisherman 20%. An allocation scheme for recreational and commercial harvest of striped bass has also been adopted by the Atlantic States Marine Fisheries Commission. The allocation schemes are usually based on historic harvest information. Commercial landings data has been collected by the National Marine Fisheries Service since the early '50s; recreational landings data has been collected on a statistically valid coast-wide basis since 1979.

**New Jersey State Library**

One of the problems with these data bases is the possibility for double counting of fish. Recreational fishermen are interviewed both at the site of landing and also by telephone, for their harvest, but there is little consideration taken for that so-called recreational harvest that is then also sold and is counted again as commercial harvest. A system such as the Permit to Sell proposal would allow us to determine the proportion of fish sold that were harvested by rod and reel anglers. This would be very useful when determining the true allocation among commercial and recreational user groups.

Senate Bill No. 2526 should also help reduce waste of our marine resources. Much of the sale of recreational caught fish is done on an opportunistic basis. When a fisherman is fishing in our coastal waters for the day, primarily for recreation, and there is a large abundance of fish in the area at that time, some fishermen will continue to harvest beyond their needs and then sell, or attempt to sell, the excess for profit. Due to the fact that the fishermen did not anticipate such a large harvest, these fish are often not cared for properly and come to the market in a relatively poor condition. Also, when there is an abundance of a given fish available, the individual getting to the market a little late may not be able to sell his catch and therefore, that portion beyond his immediate needs will be wasted.

Further, this is a period of time when a number of commercially important fishery resources have been overfished and our commercial fishermen are having a difficult time just staying in business. The recreational angler who brings fish in for sale at the market is normally only looking for a little pocket money, or possibly to cover his fuel expenses for the day, and does not have to take into consideration the full costs included in harvesting the fish that the commercial fisherman has. This in turn, increases the problems already faced by New Jersey's commercial fishermen.

Bill No. S-2526 does not in any way prohibit the rod and reel angler from fishing with the intent to sell. This angler is prepared to properly handle his catch and has existed as a traditional aspect of the commercial fishery. It is, however, important to identify this individual and have the ability to properly identify that portion of his harvest which is sold.

The concept of a permit or license to sell fish is not a new one. As a matter of fact, New Jersey is one of only three states along the Atlantic coast that does not have some sort of permit or license to sell fish.

Thank you.

ASSEMBLYMAN VILLAPIANO: Bob, I've got two questions here. Do you personally agree -- and Bruce, you chime in -- do you personally agree that fish that are caught by recreational anglers that are sold through the backdoors -- as it was referred to earlier -- or to anybody, are actually in poor condition?

MR. ITCHMONEY: Some may be in poor condition. I'm not saying that they all are, but that may occur, yes.

ASSEMBLYMAN VILLAPIANO: You know, if you're going to make a statement like that in testimony-- You know, that's a pretty serious statement, and then to answer my question, "Some may be," I mean, some may be if the commercial fishermen do it also. I mean, is that a matter of fact, that fish that are caught by a recreational angler that are sold are in poor condition?

ASSEMBLYMAN JACOBSON: That's just for the tape purposes, Bruce, so speak up. (referring to

B R U C E H A L G R E N: Not in all cases, certainly not, but again, you know, I'm not on the docks. I didn't make that judgment, but commercial dock owners, co-ops and that sort of thing, have made that statement, yes, definitely. And again,

it's not those people who go out with the intention to sell those fish. It's those people who may stay out there a lot longer because there's fish available that day and just have run out of cooler space. I mean they're not keeping their fish.

There are also some commercial fishermen who bring fish in that are less than great. Typically, at the docks, those people are known, and they don't get as good a price either. So yeah, it definitely happens.

ASSEMBLYMAN VILLAPIANO: Can I ask you one other question? Now, this is an opinion type question. I don't really think that we can really figure out whether it's going to be fact or not, but referring to something that Assemblyman Jacobson said before: If we go ahead and institute a \$100 to \$500 fee for a resident of the State of New Jersey to sell fish, wouldn't you agree that then that sport fisherman now has more of a reason or an incentive to catch more to sell more to pay for his license? Can you comment on that?

MR. HALGREN: Yes, I'll comment on that. No, I don't believe that's so. For one thing, one of the things that we wanted to address here, and the fee is immaterial, is that prior to somebody going out and catch fish for sale, he should be aware and have planned that he's going to go out and catch fish for sale and be part of that commercial fishery. To do so, whether he buys that license ahead of time saying, "Yes, I'm prepared to be at least part of the time, a commercial fisherman," that individual who is catching fish to make money is probably already catching as many fish to make that money as he possibly can. If the license did deter somebody from opportunistically taking fish, somebody who would have felt that going out and catching five, six, seven, or eight fish or whatever a typical day is, a successful day and take them home to eat them, that license further restrained him from taking fish beyond his needs, I think that might be beneficial to the resource anyway.

Again, the resource just can't stand any excessive harvest -- any additional harvest than what it's sustaining now -- and in many cases I think you'll see greater and greater restrictions on the harvesting of our marine resources as time goes along.

ASSEMBLYMAN JACOBSON: Except for menhaden. For some reason menhaden is always an exception. I don't know why.

Do you have any more questions, John?

ASSEMBLYMAN VILLAPIANO: No.

ASSEMBLYMAN JACOBSON: I have a quick question, the fees -- I think a simple question: From \$100 to \$500? What criteria do you use to set that fee? Why would it be \$150? Why would it be \$475? How do you do that? Do you have any criteria for that?

MR. ITCHMONEY: That went through the Marine Fisheries Council and was determined by the committee, but also it's a-- We were attempting to make it high enough that it reduced the opportunistic fishing but not so high that it was prohibitive.

ASSEMBLYMAN JACOBSON: Who is actually going to set the fee; the Council, or are you guys going to set the fee?

MR. ITCHMONEY: The Commissioner-- The Council would have the ability to veto, but the Commissioner sets the fees.

ASSEMBLYMAN JACOBSON: Are there any guidelines usually when you set these fees, or do you just -- just the discretion of the Commissioner? I mean, why would you set it at \$150 versus \$400? Did you think it wouldn't be discouraging enough, would you set it higher? What would you do? I mean, obviously you want more revenue.

MR. HALGREN: What I can say is right now, we have a range with our commercial licenses and we have had, since that was instituted in about 1979-- And the range-- The fees were initially set at the low end of that range, and are still at the low end of that range. None of them have been increased.



The range potential is there in case the value of the resource goes up so significantly that a license fee is no longer any discouragement at all. One of the things that we didn't want to occur is to have a fee so low that people bought this license to sell; not necessarily to sell, but merely as a means of avoiding any other bag limits that might be set.

ASSEMBLYMAN JACOBSON: Any idea how many licenses would be sold? Have you had any estimates of it?

MR. HALGREN: Yes, but I can't recall. I based it only on what New York did. New York has about the same number of recreational anglers -- marine recreational anglers -- as New Jersey, and they just passed a law very similar a year or so ago. I don't recall the number of licenses sold, but we assume that it would be very similar.

ASSEMBLYMAN JACOBSON: Please provide that, because that will, obviously, give us an idea of how much revenue you'd be raising on this.

MR. HALGREN: Yeah. I think I did it at the Senate Committee hearing, but I'll make sure I get it to you.

ASSEMBLYMAN JACOBSON: I appreciate it.

All right, gentlemen, thank you very much. Okay, our next witness will be Joseph Pallotto. Mr. Pallotto, please identify yourself and where you are from, for the record.

J O S E P H P A L L O T T O: Do these things work? (referring to microphones)

ASSEMBLYMAN JACOBSON: No. Those are just for the recording device, Joe.

MR. PALLOTTO: I'm Joe Pallotto. I'm from Asbury Park. I'm the President of the Asbury Park Fishing Club, and also a member of the New Jersey Bass Fishermen's Association. The Asbury Park Fishing Club is definitely opposed to this.

Number two, I would like to say Fish and Game is full of cow pucky. These guys weren't out in that northeast wind

this morning fishing. I was. And if I catch a fish out there I should have the right to do whatever the hell I want to do with it. If I want to sell it-- I just spent \$15,000 on a boat. If I take all the man-hours I put into fishing, they cost me \$100 a pound, for God's sakes. Now, all of a sudden, the communist countries are getting freedom and we're getting stuck with all this bureaucratic crap. I think it's ridiculous, and that's all I have to say.

ASSEMBLYMAN JACOBSON: Joe, thank you for your candid testimony. I think it's a good time for Brian Kelly. It's a little different style here. Mr. Kelly, please identify yourself and your organization and where you are from.

B R I A N K E L L Y: My name is Brian Kelly. I'm President of New Jersey's Striped Bass Fishermen's Association, and I'm a resident of Long Branch, New Jersey.

First off, I would like to say that the Association is vehemently opposed to this legislation -- the introduction of this legislation. We are in total disagreement. There is no necessity for any commercial fisherman, or any recreational fisherman to be paying additional fees, whether it be to sell fish or whatever; license fees.

First off, the State is claiming that the reasoning behind this whole thing is they would like conservation to be enacted more. Gentlemen, what you're saying is, "We want to conserve fish, but if you pay your money, you can take all the fish you want." It's double-talk; it's a double standard, and the fishermen of this State are just about fed up. All the Department of Fish and Game is trying to do is to raise revenue for the bureaucracy that they've already established. It's unnecessary.

They claim that recreational fishermen are selling so many fish. Presently, with the restrictions on striped bass, bluefish, the absolutely, darn near nonexistent fluke fishery last year, what fish are we going to sell? If there's any one

here from any of the local fish markets, I'd like to know how much sea robins are going to pay this year? The recreational fisherman is not making money from selling fish.

Like Mr. Pallotto said, he spent \$15,000 on a new boat. The average catch of his fish is costing him about \$100 a pound. Dockage fees are up. Restrictions are up. Gasoline prices are up. If a guy does take a few fish to a fish market to sell them, he's looking to offset the cost of his ramp fees, possibly save a little money on gas. We are not making any money.

Another point I would like to make is the State people are claiming that this is all necessary. It sounds very similar to what happened a few years ago with the clamming industry, and look at the shape they're in now. I can see all this stuff coming down the road. They would have our marine fisheries situation the same as clamming. The clamming industry is in horrible shape. The clambers are not getting anything for it, and what are the fishermen of New Jersey going to get from paying a license? Absolutely nothing.

And in regards to Mr. Fote's comments about making amendments to the bill; totally unacceptable. The fees are unjustified and we absolutely oppose it, with any amendments, any way, shape, or form. Thank you.

ASSEMBLYMAN JACOBSON: Thank you very much, Brian. Since you brought up the issue of clamming, I think it's appropriate our next witness should be Bill Jenks.

B I L L J E N K S: My name is Bill Jenks, and I'm a retired bay clammer. I'm commercial, and I oppose this bill. Right now, there are approximately 40 saltwater licenses and permits that we have to pay, including a killey pot license. I don't think this is fair. Our commercial clam license is \$50 now, to clam in the bays. In my lifetime I have seen the license go from 50 cents to \$50. We just had a \$25 increase.

Now, how will this bill affect me? I'm retired, but I like to seine crabs in front of my house on the Manasquan River. If I catch two or three dozen soft crabs and I want to sell a dozen, I've got to pay \$100 to be legal. This is not fair. I jack eels at night. If I want to go jacking, I've got to pay \$100. It won't be worth it. I feel that my rights as a resident citizen of the Jersey shore are being destroyed. If this bill is passed it will destroy the very essence of life at the shore. It will destroy the party boat and charter boat fishing; that's for sure.

I want it to be understood that not all commercial fishermen are in favor of this bill. It seems that the State is pitting one against the other, and making a big thing out of it. This is not a fact, and what this is, it's really a disguised saltwater fishing license, which we all agree is not right. Mr. Halgren said, and this is a direct quote, "The fee is immaterial." Why have a fee at all?

That's all I have to say.

ASSEMBLYMAN JACOBSON: Thank you, Bill. Our next witness will be Ron Nielson. For the record Ron, please identify where you are from.

R O N N I E L S O N: My name is Ron Nielson, I'm from Princeton, New Jersey. I don't have a prepared statement, and I represent only myself. I feel like I'm specifically one of the targets of this proposed legislation as--

ASSEMBLYMAN JACOBSON: Speak up a little bit, because it's tough to hear behind you.

MR. NIELSON: I thought this was--

ASSEMBLYMAN JACOBSON: That's just for recording purposes.

MR. NIELSON: I feel like I'm one of the targets of this proposed legislation. I don't own a boat. I haven't got \$15,000 tied up in that, but I do go out on party boats, and I estimate that last year I spent a little over \$2000 in party

boat fares. I went out quite often, and sometimes when the catch was more than I needed I would sell them to a restaurant, one particular restaurant that gave me the best price that I could get. My total estimated sales lie in the realm of \$500 to \$700 in the course of the year.

If I did not have recourse to sell this catch, the economic effect of that would be that I would probably go on \$1000 less worth of trips per year, on party boats. Now, these party boat trips range all the way from here down to Cape May and Fortescue, and I would estimate that this amount of money that I spent on party boat fares went to about 15 boats.

The statements by the Fish and Game people that the fish was not cared for is simply not true. This restaurant purchased my fish and would never buy commercial fish because the commercial fish were simply not as high a quality as my fish. When I took the blackfish I caught on the Big Mohawk in to this restaurant, many of them were still alive. You don't have that on a commercial fishing boat.

I don't know if there are any other questions that might need to be answered. I'd be happy to answer them, if I can.

ASSEMBLYMAN JACOBSON: I just want to make a brief comment. I think you brought out an excellent point in your testimony, and that's that the economic impact of recreational fisheries on our State, and in particular, in our area here in Monmouth County. I think it's very interesting, you said you'd go on less party boat trips, and as you know, particularly here in Belmar the economic health of our party boats and our charter boats is very important to Belmar as well as our region here in Monmouth County. I think it's very important for the record, and for representatives of Fish and Game to understand, that when you're regulating these fisheries, particularly the recreational fisheries, and trying to do it to bolster the commercial, because that's the livelihood of commercial

fishermen that's very important because that is their lives and how they feed their families. But we have to be careful because those actions could also impinge on the economic livelihood connected to the recreational fishery, particularly these charter boat captains. I think you, as a person who patronizes those businesses-- That's very insightful testimony because of that.

MR. NIELSON: Yeah. I see quite a few of the captains and crew members here from the boats that I have gone on.

ASSEMBLYMAN JACOBSON: Yeah, because we don't need-- Because there is enough pressure now on businesses in this State, particularly now with the economy seeming to slow down, and I really-- Aside from we want to preserve the spirit and tradition of the recreational fishery in New Jersey, I'm very concerned with the health of the boats in the Belmar Marina, quite frankly, and I want to make sure that they are economically strong.

MR. NIELSON: And certainly I would like to keep them in business so I would have a boat to go to.

ASSEMBLYMAN JACOBSON: Yeah, you want to help too. Good. All right. Thank you very much.

Actually in any marina throughout the State, not just in Belmar, but Belmar is in the district too. But throughout the State, seriously, it brings up a good point about the economic aspects about the recreational fishery.

All right, we have two more witnesses signed up. I see we have a third. If anyone else wants to testify, now is a good time, please fill out that slip.

Robert Woardell from the United Boatmen?

R O B E R T W O A R D E L L: Thank you. My name is Bob Woardell. I'm not here speaking for the United Boatmen, I'm speaking for myself at this point in time.

ASSEMBLYMAN JACOBSON: Bob, please identify where you are from, too?

MR. WOARDELL: I'm from Point Pleasant. I am currently a part-time captain, deckhand, fisherman, out of Point Pleasant. It's obvious, listening to some of the comments that have been made here this morning, that we need a great deal of research. The Division has come forward and made certain statements, which you have picked up on very quickly, as to the condition of the fish. It's obvious to me, working at it every day of the year except Christmas, that these people haven't done their homework. Conditionwise, I've been around party boats now for about 30 years, and it's been my observation and experience that for the most part, recreational fishermen are very careful in taking care of their products, whether it be for their own consumption or for ultimate sale. This has been verified by fish markets throughout the area who tell us, "Any time you have fish that you don't have a market for, please bring them to us."

They also delved into the fact of the waste factor. This happens to be a very sore point with me. The recreational -- or commercial, which way you want to term us -- I am not aware of any material waste factor involved in any of our fishing areas, whether it be bluefishing, or any of the other species which we catch. However, it galls the heck out of me to be fishing offshore here, not too many miles, and watching tons of fish being dumped by commercial netters, who, because they feel they don't have a market or they don't want to do a little extra work, dump thousands of pounds of fish a day, and come in and tell us that we're wasting fish. It's obvious that the people from the Division either haven't done their homework, or they don't wish to be attentive to the problem that exists out there.

I can take you out there any day of the week, when the commercial boats are working, and at some points the sea gulls are too stuffed to get off the water. There are miles of fish floating on top of the water. They tow from anywhere from a

half hour, to two to three hours at a time. These fish come up, there isn't a scale on one of these fish. The heads are torn off, the guts are laying out. These are the fish that they bring to market that Mr. Stolpe refers to as high quality fish. Excuse me. That's not high quality in my book.

We take fish -- and I'll use my own boat that I work on -- we ice the fish down, we wash them down. These are as good, if not better, than anything you get in the market. They are fresher because they've only been out of the water a maximum of six hours. Fish that are shipped through the commercial industry are anywhere from one-day to seven-days old, before they even reach the consumer. Excuse me, Mr. Stolpe, they are not fresher than what we provide.

I derive my income from the fishing industry. This is how I make my living, I support my family. I have a very strong conviction that if I won't eat it myself, I will not sell it to anybody else. I'm not sure that this feeling pervades throughout the commercial industry.

And the imposition of this license -- permit, whatever you want to call it. I don't know whose idea it was, or what the purpose of it is. I see it as a revenue producing bill. Where it's going I have a pretty good idea. It's just a fishing license, a saltwater fishing license disguised by another name.

I'm further very much concerned as to the overall effect that this is going to have on the entire area of Ocean, Monmouth, and in fact, the entire State of New Jersey. Just recently, the Asbury Park Press had an article in the Sunday paper -- I think it was about three or four weeks ago, now -- in which the combined Chambers of Commerce estimated that Ocean and Monmouth Counties would recognize somewhere in the neighborhood of \$12.4 billion this summer from the tourism business. We are in the tourism business, whether we want to admit to it or not. I think by the continued increase of



regulations, size limits, catch limits, etc., whatever the imagination wants to go to, is going to eventually have a material effect on the overall economic stability and survival of Ocean and Monmouth Counties. We depend on the tourist, and whether a person can catch 10 bluefish or not is immaterial. The fact that the law exists. The fact that he has to buy a license can act as a deterrent for someone coming to the Jersey shore with his family. He pays for his room; he pays for his board; he pays for going out on a boat; he pays for his entertainment. Now you're going to tell him he has to have a license to sell fish, too. If he catches 50 fish and he can only use 10, what's it going to hurt? He's not going to do it.

The hook and line fisherman has never hurt the fishing stock; never. What a hook and line fisherman would catch in a year, the commercial fishermen catch in a day. So I mean, to say that the recreational fisherman is the bad guy is totally out of context and totally irresponsible from the governing officials to even think along those lines.

I guess it's a case of who sings the loudest and the longest; who wants to be heard and who doesn't want to be heard. I think it's time that the recreational fishermen stop sitting back, and come up and say, "Hey, we've had enough. It's time to deal with the facts as they are and put things where they are supposed to be."

As you can well imagine, I am opposed to this license. Thank you.

ASSEMBLYMAN JACOBSON: Thank you, Bob.

William Egertir?

W I L L I A M E G E R T I R: My name is Willie Egertir and I run a party boat and I'm here too, with the United Boatmen.

ASSEMBLYMAN JACOBSON: Willie, just say where you're from, too, for the record.

MR. EGERTIR: I'm from Point Pleasant. I work with Bob Woardell, and he said most of what I was going to say, but--

In the commercial fleet, and I'm sure you've seen bumper stickers that say "Commercial fishermen are farmers, too." Well, something went wrong in that statement, because a farmer, in my opinion, is a man that puts something in a field. Puts something into it, gets something out of it, and puts back.

The commercial industry here is not what you would call a farmer. They take out, and what the put back is dead, is useless. I like to see when they say, that the commercial fish, their fish are counted. Do they count the fish that they are dumping back that are not being used? That is waste. I mean, like this year I have seen waste, that places that do buy fish from commercial men, Shop Rite, Foodtown, places just like that, if they can't sell it, that fish is dumped, there's more waste. The fish that a recreational fisherman takes, like say on a party boat -- even a little private boat -- when they leave they go out with ice. They go out with enough ice to ice up what they're going to catch and bring back. Here you're telling that man that his fish is going to come in and is poor quality. My boat, right now, is next to a fish market, and I can tell you that the waste that I see-- And I don't see anybody there saying that the fish is in great shape. There's nobody there. If those fish are shoveled three or four times on a shovel, and stepped on before it gets into a box, and then before it even makes it to a market-- I cannot see how they say a commercial fish-- And besides, they're going to charge us the fee. What is our fee going to do? Our fee is only going to help the commercial man, and we're not considered commercial fishermen, in my opinion.

That's just what I would like to say.

ASSEMBLYMAN JACOBSON: Thank you. Any questions? (no response)

Thank you very much.

MR. EGERTIR: Thank you.

ASSEMBLYMAN JACOBSON: Our last witness is Barry Goldman.

MR. GOLDMAN: I didn't have a chance to read this.

ASSEMBLYMAN JACOBSON: Barry, for the record, please identify where you're from.

MR. GOLDMAN: My name is Barry Goldman. I'm from Ocean Township, New Jersey. I run a fishing boat down here in the Belmar Marine Basin, and I've been labeled by the bureaucracy as one of their enemies. They've had sting operations against me, and all these sort of things.

It's nice to have an opportunity to see my old friend, Bruce Halgren, again. I sat before him in several meetings around the State. I followed him around when they were putting these laws on striped bass, and he constantly denied that the Hudson River was an important spawning grounds for striped bass. By accepting only striped bass from the Chesapeake Bay being the reason for all of our stripers--

ASSEMBLYMAN JACOBSON: Barry, you've got to keep it on the license bill.

MR. GOLDMAN: Okay. Well, we'll get off of that. I'm just trying to discuss his credibility. Now we're going on to--

ASSEMBLYMAN JACOBSON: That's not the issue, Barry.

MR. GOLDMAN: Okay. He stated here before-- I didn't want to talk until after I heard what he had to say, because I thought it would be interesting. He said that the quality of fish that recreational fishermen sell is very low, or intimated that. I am sure that he's aware that most of the fish that recreational fishermen sell are going to fish dealers and to restaurants, who are probably better qualified at figuring out the quality of fish than anyone. A very small proportion of our fish get sold right at the dock, and those fish are right off the boat onto the dock. So this quality thing is something that should be dismissed immediately.

Another thing he started talking about, waste. Well, I had it out with his predecessor last year about waste. He made all of these claims and he was going to show me all these wasted fish and we had the County of Monmouth send their people all over the State looking for all these wasted fish, and they gave a report that has been submitted to the Federal government that there were no-- They could find none. They checked every port around.

He didn't really have much else to say, except you asked him how much money they expected to bring in by this, how many licenses will be sold, and he says he knows, but he forgot. That was very interesting. So that's where we stand on that guy.

Now, I would like to talk on this license just a little bit. There's a little history here on licenses because I go down to Florida once in awhile in the winter. Florida instituted a license. They did that to segregate the people; that they could sell some of them a license to sell fish, to get them off their back when they sold the other people a license to go fishing. As soon as they sold the other people a license to go fishing, they doubled the price of the license that they sold to the people to sell fish. Immediately after that, after they doubled the price, six months later in the same year when these guys had already bought a doubled priced license, they told them that the fish that they sold mostly -- which down there happen to be snappers and groupers, which would be bluefish and fluke or something else here -- are a restricted species and you can't sell them anymore unless you make a major portion of your income be selling those fish.

Now then, they also told them if you want to buy some other type of fish you've got to buy stamps to put on your license, which is an additional fee. Now, I know, Bruce knows, you know, that none of these are isolated incidents. These guys all see what each other are doing and are all looking to

do the same thing. So if we have a license to sell fish in New Jersey, the plan has been set. If that goes through we are then going to have a license to catch fish. We're going to have a stamp that we're going to have to buy to sell various types of fish. We're going to have restricted species. All this is going to happen.

Now, they're ready to have revolts in Florida over this. I'm not ever going to go fishing in Florida anymore. My customers-- Let me say one other thing on things that have been discussed. I've got a lot of customers who come on my boat and sell the fish they catch on a regular basis, in excess of what they can eat. We do not allow customers to sell fish at the dock. They take those fish and they sell them to restaurants and fish dealers, so the quality thing is not a problem. They take that money and come fishing with me with the money they make from selling the fish. If they could not sell those fish, I would lose my customers, and it would hurt me drastically and it would hurt everybody in my industry drastically.

Thank you.

ASSEMBLYMAN JACOBSON: Thank you, Barry.

Okay. Thank you very much. We'll have some closing comments. Assemblyman Villapiano?

ASSEMBLYMAN VILLAPIANO: Thank you, Mr. Chairman. You are the Chairman today. We appreciate the testimony today. We appreciate everybody coming out and spending the amount of time that they did to hear the different viewpoints as far as the license to sell fish. I think what has happened, unfairly so today, is that we have pitted commercial fishermen versus recreational fishermen. In my estimation, coming into this hearing, my opinion was that this was a revenue raiser for the Department of Fish and Game, which would establish quite a bit of money under a fish sale permit account in the Department of Environmental Protection, and that all of the concern about marine counts, and being able to put enough people on to ensure

the marine environment in the future, and to make sure the counts were done adequately and properly and to control and manage was kind of like a little shroud that was put over the real fact, and that fact was that there should be enough money in the fish to sell permit account in order to make this account worthwhile, justifiable, and into the future have enough money to make sure that we were able to continue monitoring and regulating all sorts of wildlife accounts.

I think what I've heard today through testimony is that the -- and I just don't think it's proper -- is that the commercial fisherman has come forth and said, "Sport fishermen are competing with us. Therefore charge them between \$100 and \$500, and that will lessen the competition." It's just a signal that doesn't seem to make a lot of sense. Also, if I'm being charged \$100 to \$500 for a fish account, I'm going to go out and justify it. I'm going to go out and catch more fish. I'm going to sell more fish, which seems to be at odds with the overall intention; that is, marine fishery, and environmental management.

The whole bill just doesn't seem to mesh. Something's not right, and what's being done is Senator Zane is putting forth something which at the expense of most of the people in here, is going to raise money, and raise revenue for the State of New Jersey. If the Department of Environmental Protection wants to continue proper marine environmental management, and wants to count properly, ask us as a State government, Assemblyman Jacobson, Assemblyman Villapiano, and any other person who is really truly concerned about the control and the number of species and stocks in our oceans, to make sure that enough money is allocated from the budget of the State of New Jersey. Let's not try to raise the revenue on the backs of the sport fishermen by: 1) downgrading the quality of the product that they are producing; 2) pitting them against a commercial industry which has a place. Although we've heard testimony

New Jersey State Library

today about the amount of waste, the commercial industry has a place. It feeds a lot of people and therefore should be able to exist. Let's do it all management-wise. Let's do it all, but allocate the resources and get the money from the General Treasury as opposed to the backs of the sports fishermen.

That's all I have, and I still remain opposed to this bill. Assemblyman Jacobson?

ASSEMBLYMAN JACOBSON: Thank you, Assemblyman Villapiano. I just have to say, before I go on to Assemblyman Mecca for a closing comment, I want to thank him very much for coming down here. He has a very busy schedule. He came down for the menhaden hearing last week, and just so all of you know, keep an eye on this gentleman. He's rapidly becoming well versed in the fisheries issues, and I think will be taking a leadership role. He has showed quite a bit of interest in discussions with me on the Committee. Without further ado, Assemblyman Mecca.

ASSEMBLYMAN MECCA: I'd like to thank Dan and John for having me down here. It's important that we have people from off the shore -- I'm from Passaic and Essex County -- to participate in these hearings.

You learn in Trenton real quick that there's things, and there's bills, and people behind the bills tell you what they say it is, and you find out what it really is, and it's through this process that you find out what it really is.

I'm concerned about licensing on recreational fishermen of any kind. I represent quite a few fishermen who come down and participate in Ms. R's boat rides, and I'm concerned about the industry, totally. There is room for everybody down here. It's just that we have to strike a correct balance. John is right when he says that we have to facilitate the commercial fisherman, but that doesn't have to be at the expense of recreational fishermen or the party boaters.

Thank you all for coming out. It's very impressive to see how many people are very interested in this and spend the time. Again, I thank the Chairman and John for having me here.

ASSEMBLYMAN JACOBSON: Thank you, Assemblyman Mecca.

Before I make my closing comments I also have to thank the representatives of Fish and Game for coming, both Bob Itchmoney and Bruce Halgren. You know, I disagree with Bob and Bruce on -- I think I disagree on almost everything with you guys -- but it's very important that they come and they say where they are coming from, for us to make the laws.

As you know, there are two houses in the Legislature: There's an Assembly and the Senate. There's a corresponding committee to this one in the Senate, and the Chairman, Senator Zane, is sponsoring this legislation, and obviously I have some disagreements with him. So, it's important that we see where everyone is coming from; we thrash things out.

I just want to recap real briefly, again, what the main points are so you know what my final findings are. I again, of course, remain opposed to the legislation. I also just want to say that the new thing that came out to me in testimony is again, the economic impact on party boats and charter boats, and that's very important both for Point Pleasant and for Belmar. The side effect that this legislation will have -- the side economic impact that this legislation will have -- an adverse economic impact on those boats. So again, although it might be in many ways to help regulate a fishery and to help promote a commercial fishery, it will have very much of an adverse impact on a very important economic activity in both Monmouth and Ocean County.

Of course, I'm very concerned, and ever since I worked for Jim Howard as an aide, and then for Frank Pallone, with the idea of a saltwater fishing license, and I remain -- as most recreational fishermen -- bitterly opposed to that. I am



concerned, as was said in testimony, that the more you license, the more we're heading toward that direction, of a saltwater fishing license, and I'd like to avoid any type of new licenses for that reason.

Also, just to repeat what I started with, it just sounds to me like you're licensing a kid to sell lemonade. And that, to me, is the best analogy. I wouldn't want to go up to little kids on the side of the street selling lemonade and say, "You need a \$40 mercantile license to do business here." That's just not what it's all about.

I think this hearing has been very productive. I thank all of you for coming. Assemblyman Villapiano and I, as we have been, pledge to maintain and become very active on these issues and stay active and have more hearings. I appreciate your input. Come again. Have a good day.

**(HEARING CONCLUDED)**

## APPENDIX



FROM NILS E. STOLPE 30 05/25 07:56 P.01

**NEW JERSEY  
COMMERCIAL FISHERMEN'S ASSOCIATION**

P.O. Box 77314  
West Trenton, NJ 08628

May 25, 1990

Bruce Halgren, Administrator  
Marine Fisheries Administration  
N.J. Department of Environmental Protection  
Trenton, NJ 08625

Dear Bruce:

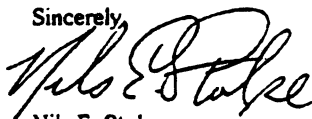
Most of the commercial fishermen I have spoken with favor the idea of requiring a New Jersey license to sell fish. As you know, the products of our commercial fishermen are in far too many instances forced to compete in the marketplace with recreationally caught fish. The unfairness of this, particularly when those recreational fishermen are the same ones who are constantly clamoring for more and more restrictions on commercial harvesters, is obvious. Equally obvious is the questionable quality of many of the recreationally caught fish once they get to market. These fish reflect badly on the carefully handled, high quality products that our commercial fishermen have been providing to consumers for years. Particularly considering the totally undeserved effects that all of the recent "ocean pollution" publicity has had on consumer confidence in locally caught seafood, and the efforts by New Jersey government to combat this negative publicity, we should all be doing everything in our power to guarantee that only the highest quality products get to market. Recreational fishermen - at least those who casually sell a few fish when returning from a successful trip - have neither the equipment nor the knowledge (nor the commitment) to insure that the fish they sell will even be edible by the time they reach the consumer.

Even more importantly, as Congress move closer to passing a mandatory seafood inspection bill, these casually sold fish are going to be left completely out of whatever system is eventually put into place. The success of this program, which is going to cost many millions of dollars to put into place and is going to add an increased burden on the members of our seafood industry, is going to be threatened by every finfish or shellfish that gets sold through the "back door." The system will be destined to fail if unlicensed and unregulated seafood sales are permitted.

As far as the particulars of the licensing scheme are concerned, provisions should be made to allow "transient" boats, or those that are forced by emergency into New Jersey ports, to sell their catch if the occasion arises and they don't have a valid license. I think we would all hate to see a trip wasted because of some unforeseen interruption and a flexible, one - time or temporary license, possibly sold by the docks, should be easy to arrange.

I hope that these comments are helpful. I am sorry that I will miss this hearing but will certainly attend any that follow.

Sincerely,



Nils E. Stolpe  
Executive Director

1 X



# UNITED BOATMEN OF NEW JERSEY AND NEW YORK

(Representing Party and Charter Boatmen)

Board of Directors:  
HOWARD BOGAN, Chairman  
RAYMOND ETTTEL  
PAUL FORSBERG  
MARTY HAINES  
"SPEEDY" HUBERT  
CHP'S HUETH  
RICHARD KESSINGER  
BOB NASH  
PETE PEARSON  
GEORGE SEVASTAKIS  
BOB WIEGAND

Post Office Box 451  
Brielle, New Jersey 08730

201/528-6620  
201/528-5014



Executive Director:  
DAVID BRAMHALL

May 29, 1990

My name is Bob Nash, and I am a Member of the Board of Directors of the United Boatmen. Our organization represents Party and Charterboat Fishermen in New Jersey.

I would like to take this opportunity to thank you for holding this hearing in Belmar and for giving our organization the opportunity to express its opinions of the "License to Sell Fish" Bill.

The recently enacted Bluefish Management Plan states: "Any person....who uses a valid state permit to sell fish harvested from the EEZ must agree as a condition of using either permit that his/her bluefish catch and gear (without regard to whether fishing occurs in the EEZ or landward of the EEZ, and without regard to where such bluefish or gear are possessed, taken, or landed) will be subject to all the requirements of this part."

We believe that this condition of the Bluefish Management Plan sets a dangerous precedent. Specifically, if we in New Jersey enact a "License to Sell Fish", any person selling

2x

bluefish would be immediately subject to Federal jurisdiction even if that person never left New Jersey Waters. We do not want the police powers of the State of New Jersey usurped by the Federal Government. We believe that, we the citizens of the State of New Jersey acting through our duly elected State Government should never give up police powers to our State Waters.

Such a precedent is dangerous, and unnecessary. As the "License to Sell Fish" legislation would abdicate New Jersey's police powers in this area, we must go on record opposing this legislation, at this time.

Assemblymen Villapiano and Jacobsen, we know that you have gone on record opposing this provision of the Bluefish Management Plan and its effect on New Jersey's police powers. We would like to commend you for your foresight on this issue, and hope the State will challenge this provision in the Bluefish Plan.

We know that at a meeting in Trenton on May 21 that Bruce Halgren, we assume on behalf of the Division, interpreted this provision of the Bluefish Plan to mean that the aforementioned license was only a state license limited to selling fish caught in the EEZ. We have reviewed 3 previous drafts of the Bluefish Plan and find no justification of such an interpretation.

Jx

The "License to Sell Fish" is obviously a means of delineating between recreational and commercial fishermen, for the purpose of allocating the 80%/20% split of the catch. No where in the Plan is there any reference to any state permit such as Mr. Halgren referred to. Instead the plans talk about, "a commercial permit issued by the state of landing,"; or "Any person who sells bluefish would be identified as a commercial fisherman and must have a commercial fishing permit that would allow sale of bluefish. Commercial hook and line fishermen may take more than the possession limit if the have a commercial permit issue by the state of landing,"; "Any person selling bluefish is identified as a commercial fisherman and must have a commercial permit that allows the sale of fish.....States without a permit system are encouraged to implement a permit system." and ...."New Hampshire, New Jersey, Virginia and North Carolina do not require a permit to sell." To our knowledge no state has a permit such as the one described by Mr. Halgren.

It is clear that the Bluefish Plan sets a percedent which if followed in other management plans would deprive New Jersey of its right to regulate its own fishery. If we enact the proposed "License to Sell Fish" legislation, we are signing on to such Federal usurption. We therefore ask that this legislation not be enacted at this time.

Thank you for your time and attention.

4x



