

# JCAA NEWSPAPER MID-SUMMER 2006

Official Newspaper of the *JERSEY COAST ANGLERS ASSOCIATION*

(Published on August 21, 2006)

## Remember New Monthly Meeting Room

**"WORKING FOR MARINE RECREATIONAL ANGLERS"**

### JCAA REGULAR MEETING:

**Tuesday, September 26, 2006**

**Starting at 7:30 PM**

**Brick Plaza at 270 Chambers Bridge Rd**

**NEXT JCAA EXECUTIVE MEETING**

**Thursday, September 14th, 2006**

**Starting at 7:30 PM at JCAA Office**

### **OFFICIAL NEWSPAPER OF THE JERSEY COAST ANGLERS ASSOC.**

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**JCAA Newspaper Publisher Tom Fote**

**JCAA Newspaper Editor Paul Turi**

This publication is printed and mailed one week prior to each regular monthly meeting of the Jersey Coast Anglers Association. One of the prime goals of JCAA is to get accurate information into public hands as soon as possible.

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**JCAA General Membership Meetings are for club representatives and invited guests only. These meetings are not open to the general public. If you would like to attend as a guest, call the President at (732) 506-6565 or Tom Fote at (732) 270-9102 before the meeting date to ask permission.**  
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### 2006 OFFICERS

<b>President</b>	Bruce Smith	732-695-3431
<b>1<sup>st</sup> V.P.</b>	John Toth	732-446-6298
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<b>Treasure</b>	Doug Tegeder	732-341-5674
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<b>Mem. Sec</b>	Mike Tutela	732-793-5748

**Committee & Chairpersons listed on last page**

### Meetings And Other Dates

August 29<sup>th</sup> JCAA Special Board Meeting

September 7<sup>th</sup> NJMFC

September 14<sup>th</sup> JCAA Board Meeting

September 26<sup>th</sup> JCAA General Meeting

October 1<sup>st</sup> Governor's Surf Fishing Tournament

October 18-20 ASA Summit San Diego CA

October 23-26 ASMFC Annual MTG Atlantic Beach NC

November 19<sup>th</sup> JCAA Dinner

### **When are the other Environmental Groups going to step up to the plate?**

**By Tom Fote**

Over the last few weeks I have sent emails about summer flounder to the other environmental groups with whom JCAA usually works. I have been eagerly waiting for a reply and hoping for some support. To date I have heard from only two people. And they have been asking for information about this issue. At least these two individuals have suggested working together to resolve this issue.

I think my greatest disappointment is that JCAA has always responded to our fellow environmentalists. Even when we didn't agree, at least we were willing to engage in discussion about the issues of importance to all of us. I remember spending at least 12 hours on the phone helping with a press release with four other environmental groups, giving advice to keep them from alienating the recreational community. But now, when we ask for their help, all we get is silence.

We have discussed again and again within the network the problems that arise when we use only the available science to make decisions. We all know that some of the science is truly smoke and mirrors with little relationship to actual events or issues. These groups continue to tell me we can work around these situations with reviews and public

input. If they really believe that, now is the time to step up.

I don't think there is a thoughtful person with some background information about summer flounder who isn't appalled by what is going on. The recreational and commercial communities that depend on summer flounder are being held hostage by the National Marine Fisheries Service. We might debate about the level of conservation, but a decrease to 5.2 million pounds is absolutely absurd. There is no logical or scientific sense behind this proposal. Egos get locked into models and no one is willing to take a common sense step back.

I am waiting to see what the rest of the environmental community does. What they need to do is prove to the recreational/commercial community that they are not just out to put the recreational and commercial industries out of business. If that is their agenda, they should just say so. If it is not, then we should be working together to get a realistic quota for summer flounder. This is an opportunity for all of us as environmentalists to prove to the recreational and commercial communities that we can work together. Now is the time to prove our relationships are not all just one-way streets. If we don't prove to the cynics that we can work together there will be long-term consequences for all of us. And it will be the environment and the resource that will pay the price if our groups become opponents rather than colleagues.

I am headed to Washington, DC for a Board of Directors Meeting for the Marine Fish Conservation Network early in September. I will have an opportunity to talk with many of the national groups. I will report to ASA, JCAA and other organizations on what takes place.

### **GETTING ON THE JCAA EMAIL LIST**

It has never been more important to keep up with fisheries news. Things are changing rapidly and decisions can get made before you even know about the possibility. We need an up-to-date JCAA email list to keep you informed and tell you what to do. If you are not on the list, email me at [tfote@jcaa.org](mailto:tfote@jcaa.org). If your email address has changed, you need to let me know. Because we bulk email, we may sometimes end up in your spam box. Please check. If you are not receiving notice that our newspaper has been posted, send me your email address again and check your spam filter.

## **15th Annual Governor's Surf Fishing Tournament**

**Sunday October 1, 2006**

*By Paul Smith*

### ***TAKE ADVANTAGE OF EARLY ENTRY INCENTIVE***

***If your entry form is postmarked by September 9, 2006 you will:***

\* **SAVE \$5.00** on adult registration fee!

\* **BE ELIGIBLE** for special prizes only to pre-registrants on tournament day!

\* **AVOID DELAYS** – You will receive prior registration verification to avoid delays on the morning of the Tournament.

See your local sport shop for an entry form or visit: [www.njfishandwildlife.com](http://www.njfishandwildlife.com)

### **Tournament Day Registration Fees:**

**\$10.00(ages 18 & over - \$15.00 on Tournament Day)**

**\$5.00 – Ages 13-17**

**Children 12 & under are FREE!**

**Same day registration will begin at 5:00 am at Pavilion #1.**

**Participating anglers will fish on Island Beach State Park from 6:30 AM to 1:00 PM.**

Special arrangements are available for handicapped anglers. Balloon tire equipped beach wheelchairs are available for anglers with disabilities. **Volunteers will be needed to assist anglers with special needs who fish on tournament day. To volunteer, or to make arrangements for a handicapped angler, please contact Greg Kucharewski at 732-840-9197.**

**We need your help!** If you do not plan to fish in the tournament, we need your help! We need owners of 4-wheel drive vehicles to volunteer as beach judges who will measure the fish caught by tournament contestants. Judges are vital to the smooth operation and success of this tournament. **To volunteer as a judge, please contact by e-mail: [Reb Gilliland at reb@rebsrods.com](mailto:reb@rebsrods.com)**

We are looking forward to another successful event at Island Beach State Park on Sunday, October 1. Participating anglers will fish on Island Beach State Park from 6:30 AM to 1:00 PM. This annual event has become a fixture of the New Jersey Fall surf fishing season for an increasing number of surf anglers and their families.

**We have been told that Gov. Jon Corzine will be at the tournament this year!**

This is a fishing tournament that is enjoyed by the veteran surf fisherman as well as the novice angler. Anglers of all ages and levels of expertise take part and win in various categories in this tournament..

Tournament hats and t-shirts will be on sale in the Pavilion on Tournament day! There will be a limited number of hats that will have a special new Governor's Surf Fishing Tournament design. Don't forget to stop at the Pavilion, before and after fishing to get your hat and shirt!

Various sporting organizations, state agencies and Tournament supporters will have exhibits at the Pavilion throughout the tournament day.

**SPORTSPERSON OF THE YEAR DINNER/DANCE**

*By Paul Turi*

It's getting to that time of year again. The Jersey Coast Anglers Association will be hosting its annual "Sportsperson-of-the-Year" awards dinner/dance as a fundraiser on Sunday, November 19, 2006 from 4:00-9:00 p.m. at the Crystal Point Yacht Club, RT. 70 & River Rd, Point Pleasant, NJ. We will honor this year and past years' recipients of our "Sportsperson-of-the-Year" award. Past honorees include legislators, environmental leaders, outdoor writers and other worthy recipients.

As of this writing we do not yet have a keynote speaker.

At our September general membership meeting we will be taking nominations for this year's sportsperson of the year. So, if you or your club would like to nominate someone as this year's honoree, please present a short biography, no more than 100 words, as to why you or your club feels this person should receive this year's award.

Individual tickets are \$60 each and tables of 10 are \$500, which is a \$100 savings. This gala event will accommodate 300 supporters and friends for a semi-formal sit-down dinner with choice of entrees and cash bar. So get a group together from your club or organization and come to the dinner/dance and have a great time. Don't forget your partner. That's right. Treat your mate (you know, the one who waits for you at home/on the

dock all summer) to an evening to remember at the beautiful Crystal Point Yacht Club. Enjoy an excellent three-course meal, Door Prizes and a DJ. Share stories of fishing and bid on one of the many fantastic theme baskets on display.

We need door prizes and Chinese Auction and Silent Auction prizes, so if you or your club would like to donate a prize, please contact me, Paul Turi, at (609) 597-3193. Dan Miller will be co-chairing the event and tickets can be obtained by calling Dan at (609) 641-7821.

**PRESIDENT'S REPORT**

*By Bruce Smith*

**Fifteenth Annual State of New Jersey Governor's Surf Fishing Tournament  
Sunday, October 1, 2006 at Island Beach State Park.**

The Annual Governor's Surf Fishing Tournament is a great opportunity to learn more about the sport of surf fishing and to enjoy a great family activity.

The entry fee is \$10 for adults over Age 18, \$5 for Ages 13-17 and free for Ages 12 and under if post- marked by September 9, 2006. Tournament Pamphlets and entry forms are available at bait and tackle stores.

Registration is permitted on the day of the tournament at Pavilion #1 IBSP after 5:00 AM. The Day of Tournament Registration Fees are: Age 18 and older; \$15; Ages 13 -17, \$5. Fishing begins at 6:30 AM and ends at 1:00 PM with Raffle Drawings 1:30 PM to 2:00 PM and the Awards Ceremony at 2:00 PM.

If you would like to measure fish and to serve as a judge, E-mail Reb Gilliland <reb@rebsrods.com>.

Visit [www.njfishandwildlife.com](http://www.njfishandwildlife.com) for more info.

**SPORTSPERSON OF THE YEAR AWARD CEREMONY AND DINNER**

Associate clubs in good standing are encouraged to submit, in writing, their nomination for Sportsperson of the Year Award. The letter of nomination should include details of the nominee's activities that have contributed to the improvement of recreational fishing.

Letters may be mailed to the JCAA office or hand-delivered to the September 26, 2006 General

Meeting by your club representative. Representatives in attendance will vote on the nominees at the October 10<sup>th</sup> General Meeting.

The successful nominee will receive the Sportsperson of the Year Award at the Awards Dinner at Crystal Point Marina on Sunday, November 19<sup>th</sup>.. Clubs will be mailed Dinner tickets in the near term.

We are still in need of raffle and door prize items.

#### **ASMFC / MAMFC Fluke, Black Sea Bass Meeting**

A delegation of ten JCAA past presidents and current Board of Directors members attended the recent joint ASMFC / MAMFC Fluke, Black Sea Bass and Bluefish Meeting in Philadelphia on August 2<sup>nd</sup>. Several of them spoke to express the position of our member clubs in strong opposition to the 2007 fluke catch limit of 5.2 M lbs. proposed by the NMFS and to encourage the Councils to adopt a 19.9 M to 23 M Lbs. TAL quota for 2007 in defiance of NMFS.

NJ Congressman Frank Pallone, Jr. attended the fluke session and addressed the joint councils. He presented a letter dated August 1<sup>st</sup> that was addressed to the chairmen of both councils and signed by New Jersey Congressmen Pallone and Jim Saxton and Senators Frank Lautenberg and Robert Menendez. (Copy of the letter is enclosed)

Congressman Pallone's statement reflected his knowledge of the marine fishery and particularly the economic importance of summer flounder to both the recreational and the commercial fishing communities and to the quality of life of hundreds of thousands of New Jersey anglers. He urged adoption of a reasonable, more lenient, TAL that would not wreak havoc upon all New Jersey fishing communities.

Thank you Congressman Pallone for being there and for standing up for us.

There were the usual criticisms that the MRFSS survey is deficient at best. There was an often repeated theme that reliable empirical data and anecdotal evidence from the recreational and the commercial professionals are ignored by the scientists. It was suggested that the councils find a way to utilize this valuable information.

Member clubs are encouraged to make sure that they have current contact information on file with the JCAA office. This includes e-mail contacts as well as phone contacts of club delegates and go-to

persons. Please send an e-mail to Tom Fote at <tfote@jcaa.org> with info updates or additions.

### **The Outdoor Recreation Alliance Funding Initiative For Fiscal Year (Fy) 2007 For Divisions Of Fish And Wildlife And Parks And Forestry Is Fully Operational.**

The Outdoor Recreation Alliance (ORA) represents over 45 statewide environmental organizations, sportsmen's groups, affordable housing advocates and environmental justice advocates working to secure a long-term stable source of funding for capital projects and operation, maintenance, stewardship and acquisition of New Jersey's state and local parks and natural heritage conservation.

There will be a Public Question on the November 7, 2006 General Election Ballot. The purpose of this referendum is to create a stable source of funding for improvements and facilities for recreation and conservation purposes, etc.

You will be seeing and hearing a lot about this in the next few months. For more information on the ORA, including a list of member organizations, please visit [www.outdoorrecreationalliance.org](http://www.outdoorrecreationalliance.org)

One of the objectives of ORA is to obtain increased appropriations for the New Jersey Department of Environmental Protection's Divisions of Fish and Wildlife and Parks and Forestry and the Office of Natural Resources Restoration in the state budget.

## **FISHERIES MANAGEMENT & LEGISLATIVE REPORT BY THOMAS FOTE**

### **SUMMER CRAZINESS**

Most people believe very little happens in the summer regarding fisheries management. This summer has certainly been an exception. In early August the Joint Monitoring Committee for ASMFC and the Mid-Atlantic Fisheries Management Council met to set quotas for 2007. We went to this meeting prepared to object to another 3.8 million pound cut.

We never expected to be cut by over 75%. Much of the information about the summer flounder issue is included in other articles in the newspaper. As of this writing, I have no clear idea how this will be resolved. There are some who believe the solution to the problem lies in the passage of the Magnusson Stevens Bill. My first concern is that the bill may not even pass. Even if we get the solution added to the House Bill, the Senate already has a bill that has been passed. Whatever the House passes heads to a conference committee where anything can happen. Even if the bill is passed with added flexibility, I doubt we will have it in place in time for the '07 season. I hope I am wrong but that is what I see at this time.

The only solution I see right now is for NMFS and ASMFC to change the target to one that can be reached. They need to stop using an imaginary number based on suspect data collected in 1930. NMFS knows full well that the environmental conditions have changed drastically since 1930. I am flabbergasted by their excuses. I am told they have no model to factor in any of the environmental changes that have happened since 1930. At the same time they tell me they have a model that can estimate the stocks in 1930 with absolutely ridiculous data. Also, NMFS is using the excuse that the environmental groups will sue them in 2010 if we don't reach this environmental target. I have not heard lawsuit rumblings from any environmental group. Additionally, if you read the Magnusson/Stevens Act carefully, you discover that there is no penalty for not reaching the target by 2010. Who are we kidding?

JCAA will keep you informed. As we get more information, we will make it available to the public. Right now, write your governors, senators and congressmen and tell them how concerned you are. You can urge them to find a solution. There is a lot of information contained in other sections of this newspaper about this topic so please read it carefully.

I would also like to thank Congress Frank Pallone for showing up to the joint meeting in Philadelphia to hand deliver the letter for him, Congressman Jim Saxton, Senator Frank Lautenberg and Senator Robert Menendez. These members of NJ congressional have be fighting hard for us. We need to get the rest of NJ delegation involved. Groups in other states need to get their congressional delegations also involved.

## **WEAKFISH**

The craziness continues at the weakfish meeting. Unlike summer flounder where recruitment has been lousy for the past few years, weakfish has very good recruitment. There are many small fish but they seem to disappear. The ASMFC Weakfish Management Board and the Technical Committee agree the problems they see are not being caused by fishing. They seem unable to identify an exact cause. However, since they think their job is to do something, even if there is no hint the action will solve the problem, they have proposed a 25% cut in the weakfish quota.

I tried to give them a history lesson but I'm not sure that I convinced them not to take an action for its own sake. It is interesting to listen to participants who will not be impacted by a decrease in quota. There is no negative financial impact for them. Yet they seem to ignore the economic consequences for members of our community who rely on weakfish. Testifying at the Weakfish Board I made the point that their proposed 75% reduction in summer flounder with little science and their 25% proposed reduction for weakfish with little scientific justification ruins their credibility. JCAA has always supported conservation when conservation makes sense and moves toward a reasonable goal. Right now, they meet neither of these criteria. Their proposals make no sense and there is no reasonable goal in sight that can be accomplished with these proposals. The ASMFC will publish this proposal. At this time there are no public hearings scheduled. There will be a meeting of the advisors and then they will accept written comments from the public.

JCAA should have more information by the September newspaper. The two proposals currently being published are a 25% reduction or status quo. We will keep you posted.

## **SPINY DOGFISH MEETING**

There is a summary of the meeting included below. Sometimes the irony is so clear. When we talk about summer flounder, we are discussing harvesting about 20% of the biomass. The current proposal is for 5 % of the biomass as the quota. In spiny dogfish the biomass is estimated at 900 million pounds, plus or minus 30%. Yet there is a debate about a quota of 8 million pounds. This would be less than 1% of the biomass. Any fisherman who has fished for fluke,

striped bass or codfish realizes that the dogfish biomass is healthy. There is also much speculation that at the current biomass, dogfish are one of the largest predator groups. If you put weakfish, bluefish, striped bass and summer flounder together, you do not equal the feeding packs of spiny dogfish. We support conservation but we don't support it over everything else. One of these days we need ecosystem management that puts everything in perspective. Until that happens we will continue species by species management with no recognition of the interaction that occurs.

### **TAUTOG BOARD MEETING**

There is no good news on tautog either. The stocks are not rebounding even with the strict management measures in place. My feeling is that the illegal fishery for the live fish market is what is destroying the stocks. Until we make the penalties large enough that the fishermen lose more than one night's catch, nothing will change. It is time to begin confiscation of boats, vehicles and anything else involved in this illegal fishery. I am not talking about someone who has one extra tautog or the commercial guy who has a minor violation. I'm talking about the organized smuggling rings supplying the live market. We need to do something about it.

### **ASMFC SUMMARIES OF THE AUGUST MEETING WEEK**

#### **Spiny Dogfish & Coastal Sharks Management Board** **(August 15, 2006)**

##### ***Meeting Summary***

The Spiny Dogfish and Coastal Sharks Management Board met order to discuss the next steps in the development of the Draft Interstate Fishery Management Plan for Atlantic Coastal Sharks. After receiving a summary of public comment on the Public Information Document, an update on results from the 2006 Large Coastal Shark stock assessment, and recommendations from the Coastal Sharks Advisory Panel and Technical Committee, the Management Board tasked staff to create a matrix table highlighting all the common themes received from the public comment, Advisory Panel, and Technical Committee. This concise summary of information will be presented to the Management Board at its next meeting in October. From there, the Management Board will provide direction to the Coastal Sharks Plan Development Team for those issues and options to be included in the first draft of the Coastal Sharks Fishery Management Plan.

The Management Board also discussed a proposal submitted by Massachusetts requesting the Management Board change the already established 2006 quota and possession limits in order to open a directed spiny dogfish fishery in state waters. After discussion on the proposal, the Management Board tasked the Spiny Dogfish Technical Committee to review of the scientific merits of the Massachusetts proposal. Specifically, the

Management Board would like the Technical Committee to investigate:

- The impact of the Massachusetts proposal on dogfish mortality
- The influence and reliability of the 2006 biomass estimate for determining stock status and implications to the Massachusetts proposal
- The influence of variable fishery selectivity pattern on the F reference points and implications to the Massachusetts proposal
- The likelihood that opening a directed dogfish fishery would result in the targeted harvest of adult female dogfish
- The feasibility of a male-only dogfish fishery
- If a small-scale directed fishery were initiated, what is the potential for other fisheries to be closed due to bycatch of dogfish in those fisheries (i.e., Atlantic herring)
- The North American Journal of Fisheries Management (2002) paper and other relevant literature on the predatory impacts of spiny dogfish on populations of other species

The Management Board will meet in October to review the findings of the Technical Committee and consider final action on the Massachusetts spiny dogfish fishery proposal. For more information, please contact Ruth Christiansen, Fisheries Management Plan Coordinator, at (202) 289-6400 or rchristiansen@asmfc.org.

##### ***Motions***

Move that the spiny dogfish commercial coastwide quota be increased this year from 4 million pounds to 6 million pounds.

Motion made by Dr. Pierce, second by Mr. Pope. Motion postponed.

Move that the trip limit for the spiny dogfish commercial fishery be increased this year from 600 pounds to 2000-5000 pounds.

Motion made by Dr. Pierce, second by Mr. Pope. Motion postponed.

Move to postpone the motions until after Technical Committee review of the Massachusetts proposal to see whether it will have a negligible effect on F and report back to the Board in October.

Motion made by Mr. R. White, second by Mr. Boyles.  
Motion passes (13 in favor, 3 opposed, 0 null and 0  
abstain).

**TAUTOG MANAGEMENT BOARD**  
**(August 15, 2006)**

*Press Release*

**Tautog Board Initiates Addendum to Rebuild Stock**

Arlington, VA – The Commission’s Tautog Management Board approved the development of Draft Addendum IV to the Interstate Fishery Management Plan for Tautog. The Draft Addendum will propose the establishment of new biological reference points (target and threshold limits for biomass and fishing mortality) to define stock rebuilding goals.

This action is taken in response to the findings and recommendations of the 2006 peer-reviewed stock assessment, as well as those of the recently updated virtual population analysis (VPA). Both assessments indicate the tautog resource continues to be at low biomass levels. Since the mid-1980s tautog has undergone a substantial decrease in total and spawning stock biomass, with both currently at levels about one-third of their early time series average. Based on the current fishing mortality target (0.29) and the recent fishing mortality estimates for the last two years, overfishing is not occurring.

In addition to defining a coastwide biomass target, the Draft Addendum will also propose allowing individual states or groups of states to develop scientifically-based spawning stock biomass and fishing mortality rate targets and thresholds appropriate for that geographic region. These regional reference points would require Technical Committee review and Management Board approval before they could be implemented at the state and/or regional level.

The Draft Addendum will be available for Board consideration in October at the Commission’s Annual Meeting in Atlantic Beach, North Carolina. If approved, it will be made available for public comment in the fall with final Board approval anticipated for early 2007. For more information, please contact Ruth Christiansen at (202) 289-6400 or [rchristiansen@asmfc.org](mailto:rchristiansen@asmfc.org).

**ATLANTIC MENHADEN MANAGEMENT BOARD**  
**(August 16, 2006)**

*Press Release*

Atlantic Menhaden Board Approves Draft Addendum III  
for Public Comment

*Addendum Proposes Chesapeake Bay Reduction Fishery  
Cap of 109,020 MT*

Arlington, VA – The Commission’s Atlantic Menhaden Management Board has approved sending forward for public comment Draft Addendum III to Amendment 1 to the Interstate Fishery Management Plan for Atlantic Menhaden. The Addendum proposes the establishment a five-year annual cap on reduction fishery harvests in Chesapeake Bay of 109,020 metric tons, based on the mean harvests for 2001 – 2005. The cap would be implemented beginning in 2006 and extend through 2010. Harvest for reduction purposes would be prohibited in the Chesapeake Bay when 100% of the cap is landed. Overharvest in any given year would be deducted from the next year’s quota. The Draft Addendum also proposes an option to allow under-harvest in one year to be credited to the following year’s harvest, not to exceed 122,740 metric tons.

This action responds to a proposal submitted by the Commonwealth of Virginia that essentially mirrors the intent and provisions of Addendum II but allows for a possible slight increase in annual harvest, and proposes the transfer of under-harvest to the following year’s harvest.

“Draft Addendum III is a product of the combined efforts of Virginia and Maryland, working in consultation with their diverse stakeholders, to seek a solution that will meet the needs of the Bay’s resources and fishing constituents,” stated Menhaden Board Chair A.C. Carpenter of the Potomac River Fisheries Commission. “The Management Board carefully considered Governor Kaine’s proposal as presented by Secretary Preston Bryant before it agreed to accept the proposal in the form of the Draft Addendum. Notably, no states voted against sending the Draft Addendum forward for public comment.”

The Commonwealth of Virginia and Omega Protein have also entered into Memorandum of Agreement to conduct a research program to determine the status of menhaden in the Bay and assess whether localized depletion is occurring. The research program will address the following research priorities: (1) determine menhaden abundance in the Chesapeake Bay; (2) determine estimates of menhaden removal by predators; (3) evaluate the rate of exchange of menhaden between the Bay and coastal systems; and (4) conduct larval studies to determine recruitment to the Bay. These priorities mirror those contained in Addendum

II. The Commonwealth of Virginia and Omega Protein will work together to secure funding for menhaden research.

Copies of the Draft Addendum will be available by August 31 and can be obtained by contacting the

Commission at (202) 289-6400 or via the Commission's website at [www.asmf.org](http://www.asmf.org) under Breaking News. Public comment will be accepted until 5:00 PM on October 6, 2006 and should be forwarded to Braddock Spear, Fisheries Management Plan Coordinator, 1444 'Eye' Street, NW, Sixth Floor, Washington, DC 20005; (202) 289-6051 (FAX) or at [comments@asmfc.org](mailto:comments@asmfc.org) (Subject line: Menhaden Draft Addendum III). The Board will meet in October at the Commission's Annual Meeting in Atlantic Beach, North Carolina to review public comment and consider final approval of the Addendum.

**WEAKFISH MANAGEMENT BOARD (August 17, 2006)**

*Meeting Summary*

The Weakfish Management Board met with two main goals: (1) receiving new information from the Weakfish Technical Committee and (2) determining the next steps for advancing Draft Addendum II to Amendment 4 of the Interstate Fishery Management Plan for Weakfish.

The Weakfish Technical Committee provided the Board with an updated characterization of the current recreational and commercial fisheries for weakfish, as well as the Committee's response to several tasks assigned by the Board at its last meeting in May 2006. An overview of the new information along with the presentation by Technical Committee staff will be made available on the Commission's website.

The Board decided to include the updated stock information in a revised Addendum II, to be reopened for public comment during the fall of 2006. The Board is expected to take final action on Addendum II at the Annual Meeting in October 2006.

The Commission welcomes Thomas L. Lewis, a commercial pound netter from Virginia, to the Weakfish Advisory Panel. The Board approved Mr. Lewis's nomination at the meeting.

For more information, please contact Nichola Meserve, Fisheries Management Plan Coordinator, at (202) 289-6400 or [nmeserve@asmfc.org](mailto:nmeserve@asmfc.org).

**CONGRESS OF THE UNITED STATES**  
**WASHINGTON, DC 20515**  
**August 1, 2006**

Mr. Ronald W. Smith  
Chairman  
Mid-Atlantic Fisher Management Council  
Suite 2115 Federal Bldg.  
300 S. New St.  
Dover, DE 19904-6726

Mr. Preston P. Pate, Jr.  
Chairman  
Atlantic States Marine Fisheries Commission  
1444 Eye St., NW 6<sup>th</sup> Floor  
Washington, DC 2005

Dear Chairman Smith and Chairman Pate:

As you prepare to jointly finalize management measures for the 2007 summer flounder fishery, we are writing to express our concerns about potentially drastic cuts that could have dramatic impacts on New Jersey's fishermen.

By most measurable standards, the rebuilding plan for summer flounder has been a resounding success. Under rebuilding, the biomass has more than doubled and the spawning stock biomass has nearly tripled. Management measures seem to be working and the biomass has reached a level that all stakeholders acknowledge is quite healthy. In spite of this, following a few years of low recruitment, the fishery is facing a virtual shutdown.

It is our understanding that the initial recommendation to the Mid-Atlantic Fishery Management Council's (MAFMC) Summer Flounder Monitoring Committee was to reduce the current total allowable landings (TAL) of 23.6 million pounds compared with 2006. This TAL would actually represent the smallest annual TAL since the summer flounder management plan was implemented.

We also understand that the National Marine Fisheries Service has proposed an exceptionally low TAL of 5.2 million pounds. This would be a cut of nearly 80% from the 2006 TAL and an even greater reduction when compared with the 2005 quota of 30.3 million pounds. Moreover, it would effectively shut down the recreational summer flounder fishery, which is a critical part of the recreational fishing industry in our state.

We have heard numerous times from the National Marine Fisheries Service (NMFS), as well as from representatives of your respective organizations, that the *NRDC v. Daley* decision from 2000 ties managers' hands with respect to the need to rebuild the summer flounder stock. While we recognize that the case did require management measures to have at least a 50% probability of achieving a target maximum fishing mortality rate to rebuild the stock to a target, the decision did not set a specific biomass target.

We join those who question whether the current rebuilding biomass target of 204 million

pounds is achievable given prevailing environmental conditions. It is not clear that this level has ever existed in nature. We understand that the target is based on an estimate of the stock size around 1930, but there is no viable data from that era that would confirm such an estimate. Moreover, the marine environment has changed dramatically over the past century, including a significant increase in human activity and pollution and a serious loss of coastal wetlands.

We urge you to carefully consider the current biomass target figure and the harsh cuts that may result from using it as you make your decision this week on the summer flounder quota. Please do what you can to avoid drastic cuts that would seriously impact New Jersey's fishermen.

Sincerely,

**Frank Pallone, Jr.**

Member of Congress

**Jim Saxton**

Member of Congress

**Frank Lautenberg**

United States Senator

**Robert Menendez**

United States Senator

**August 9, 2006**

**Dr. William T. Hogarth**

**United States Department of Commerce**

**National Oceanic and Atmospheric**

**Administration**

**1315 East-West Highway**

**Silver Spring, MD 20910**

Dear Dr. Hogarth,

I am writing to respectfully request NOAA Fisheries undertake a Magnuson-Stevens Act Section 304(e)(7) review of the summer flounder management plan and recommend any needed changes identified by the review to the Mid-Atlantic Fishery Management Council.

By most measurable standards, the rebuilding plan for summer flounder has been a resounding success. Under rebuilding, the biomass has more than doubled and the spawning stock biomass has nearly tripled. Management measures seem to be working and the biomass has reached a level that all stakeholders acknowledge is quite healthy. In spite of this, following a few years of low recruitment, the fishery is facing a virtual shutdown.

Many knowledgeable participants question whether the current rebuilding biomass target of 204 million pounds is achievable given prevailing environmental conditions. I understand that the target is based on an estimate of the stock size around 1930, but there is no viable data from that era that would confirm such an estimate. Moreover, the marine environment has changed substantially over the past century, including a significant increase in human activity and pollution and a serious loss of coastal wetlands habitat.

Current law includes a provision that is intended to address situations where rebuilding plans may not be progressing as planned. Specifically, section 304(e)(7) of the Magnuson-Stevens Act requires periodic reviews of rebuilding plans and their regulations. Certainly, summer flounder presents a case where it is reasonable to question whether the 204 million pound target is achievable in the required time frame under the Magnuson-Stevens Act, and therefore it may be necessary to make some course corrections to accomplish the overall goals of the Act.

This action would have two important results. First, it would allow current rebuilding management measures to remain in place for the time being while this review is undertaken. Second, it would allow the Council proper time to review the data, perhaps including an external peer review, and complete a thorough analysis of what actions may be necessary to adequately rebuild summer flounder to the desired target. This public process would allow participation by affected fishery participants and the public generally. In sum, this action under 304(e)(7) would allow for an orderly, thoughtful, public process that should produce new management options that are based both in sound science and rational decision-making.

I am hopeful you will undertake the requested review and that needed course adjustments will be recommended and implemented so we can have a healthy fishery.

Thank you for your consideration. Please feel free to contact Andy Oliver of my staff at (202)225-4765 if you have any questions or need any clarification.

Sincerely,

Congressman

Jim Saxton

Member of Congress

**JCAA Report on the Joint Meeting of the  
MAFMC & ASMFC To Set 2007  
Specifications for Summer Flounder, Sea  
Bass, Scup, Bluefish**  
**By Tom Fote**  
**August 3, 2006**

The question of the summer flounder quota for next year was not really decided at the joint meetings of Atlantic States Marine Fisheries Commission (ASMFC) and the Mid-Atlantic Fishery Management Council (MAFMC) Management Board at the Sheraton Society Hill Hotel in Philadelphia.

The MAFMC voted for a quota reduction of 3.7 million pounds from this year's quota of 23.6 million pounds. This was not the 13.9 million pounds Total Allowable Catch (TAL) that the Monitoring Committee voted for or the 5.2 million pounds TAL that National Marine Fisheries Service (NMFS) wants to impose. The Council voted 18-2 for a 19.9 million pound quota for 2007, a figure that had been recommended by the staff.

John Boreman from NMFS voiced his concerns about the stock assessment. He believes that with this huge spawning stock biomass we should be realizing higher recruitment. According to the tables the recruitment is worse now than when the stock was collapsed. If you look at striped bass, the larger the spawning stock biomass, the better the recruitment has been. With summer flounder the tables suggest just the opposite is true. When you look at the tables the age class distribution is right on target for the rebuilt stock. Mr. John Boreman was not comfortable with the stock assessment which the Monitoring Committee, ASMFC and MAFMC were using for decision making. He suggested that there be a complete review of the figures over the next few months. Pat Kurkul, the Northeast Regional Director for NMFS, voiced her concerns and said the ASMFC Technical Committee should review the stock assessment and the target. She said it makes no sense to have the same people review their own figures. She also suggested an outside peer review of their finding. However, she did not repudiate the NMFS commitment to 5.2 million pounds. I sense a "let's wait and see" attitude.

There was no clear message sent to ASMFC so they voted to take no action at this time and to revisit this issue at the annual meeting in October. ASMFC and MAFMC will hold a joint meeting in

December and I hope a decision will be made at that time. NMFS will not set the specifications until there is a review of the stock assessment in relationship to the actions taken by MAFMC. This means the specifications might not be set until January or February. It is difficult for the fishing industry to plan for the upcoming year with all this indecision. I voiced my disgust with the entire process and the 3.7 million pound reduction proposed by MAFMC. With the status of the stocks observed by those of us who are actually on the water, I cannot understand why we can't reap some of the benefit. JCAA supports status quo. To put this in perspective, we will have a lower quota in 2007 than we did in 1993 and 1994 when the stocks were collapsed. This is also below the 14 year average of 21.93 TAL. We will have to wait and see and JCAA will keep you informed. JCAA had nine representatives at this hearing (almost half of the recreational anglers present) and will continue to represent your interests at upcoming meetings.

New Jersey's congressional delegation came through for New Jersey's commercial and recreational fishing industry and recreational anglers who want to harvest summer flounder. Since the Monitor Committee meeting I have spent a lot of time in discussions with the staffs of Senators Lautenberg and Menendez and Congressmen Saxton and Pallone. The day I came back from Las Vegas I met with Congressman Saxton to share our concerns over the quota. I know Congressman Saxton had a meeting with Dr. Holgarth on July 27<sup>th</sup> to discuss summer flounder. At the striped bass hearing on 7/27, Congressmen Saxton, Pallone and Gilchrest (Maryland) questioned Dr. Holgarth and other panel members at length about summer flounder issues. Congressman Frank Pallone, ranking minority member on the Subcommittee on Fisheries, appeared in person at yesterday's meeting and made a statement. He brought a letter from Senators Lautenberg and Menendez, Congressman Saxton and himself. In the letter the New Jersey delegation laid out their concerns about the dramatic negative economic impact on the recreational and commercial fishing industry of any reduction in the summer flounder quota. The letter discussed the quality of life issues and the importance of summer flounder to the tourism industry. It makes me proud to be from New Jersey when our Congressional delegation steps up to the plate in a big way. They have always supported conservation of the marine resource. But

they understand when proposed quotas are unjust and they are willing to speak up on our behalf. I was impressed that this letter laid out the facts in an intelligent and coherent way. Congressman Pallone made a statement to ASMFC and MAFMC. He did an excellent job of laying out the facts and his concerns while still respecting the difficult work of the council and commission members. He demonstrated his extraordinary knowledge of the issues and the facts. This is the first time I remember a congressman attending a MAFMC and ASMFC meeting and taking a stand. New Jersey anglers should thank Senators Lautenberg and Menendez and Congressmen Pallone and Saxton for their hard work on our behalf. If it were not for their effort I do not believe NMFS would be undertaking a review of the data.

The quota for sea bass voted on by ASMFC and MAFMC was reduced by 1.5 million pounds to 6.5 million pounds. For the last two years the actual catch of sea bass was under 5 million pounds so this change should not have much of an impact. The scup quota was reduced by about 3 million pounds. But again, this should have little impact on New Jersey's recreational fishery.

There was a long discussion about the transfer of over 4 million pounds from the unused recreational quota of bluefish. The North Carolina representative wanted a quota or transfer of over 4 million pounds. Tony Bogan, at his last MAFMC meeting as a council member, made a motion to cut the transferable quota by half (about 2 million pounds). With the possible reduction in summer flounder and the reduction in sea bass and scup, he expressed some concern that the effort on bluefish would increase. He also pointed out that there has been a dramatic increase in the recreational harvest in bluefish in the last five years. A transfer of over 4 million pounds could result in the recreational community overfishing its target. There was much discussion and the recreational anglers in the audience spoke in favor of Mr. Bogan's motion. Because of the influence of the commercial community, the councils defeated Mr. Bogan's motion and voted for the higher quota. Last year NMFS rejected the council's recommendation for a bluefish transfer and opted for a smaller transfer. We can hope that will happen again. The ASMFC did not have a quorum for the Bluefish Management Board in attendance so they did not vote. I was disturbed to discover that we were actually fishing

on two quotas last year. NMFS reduced the quota on the commercial sector to 8 million pounds while ASMFC stayed at the higher quota first voted on by the council. I did not hear the outcry from NMFS that they would shut down the Federal waters if ASMFC did not come in line. I guess it was a moot point because the quota was never reached. But NMFS is adamant that this will not happen with summer flounder. If you care about bluefish you should ask that the ASMFC have a meeting to vote on the bluefish quota and write your commissioners asking them to support the smaller quota transfer.

This was Tony Bogan's last meeting as a council member on the MAFMC. Tony decided not to submit his name for reappointment at this time because of the time it requires and the responsibilities of work and family. Tony worked extremely hard as council member. There is an incredible amount of time spent just reading the materials before each meeting, not to mention the actual meeting time. You could always tell that Tony read every word before the meeting began. We will sorely miss Tony's insight and all his hard work.

#### **JCAA & NJSFSC COMMENTS ON SUMMER FLOUNDER QUOTA FOR 2007**

Dear Council Members and Commissioners.

I could not believe my ears when I was told that NMFS is proposing a reduction of the summer flounder quota to 5.2 million pounds for 2007. This all stems from a target that was set when the plan was first put in place. That original target was based on poor science and little understanding of ecosystem management. I have been told by scientists that the original target of 204 million pounds for the biomass was an estimate of what the biomass was in the 1930's. We already recognize how poor the data collection is now. I cannot imagine data collection in the 1930's. We know for sure that it was considerably less reliable than the miserable information we are collecting now in the recreational sector. In the 1930's we know that much of the commercial catch went unreported. The same was true in the 1960's. Using base years from the 1930's is absolutely beyond comprehension.

Recreational anglers are absolutely convinced that the target is based on little or no science. But there are bigger problems. Even if the 1930's data were somehow reliable, the target set by NMFS ignores completely the changing realities of ecosystem management. I sit on the Policy

Committee of the Barnegat Bay Estuary Program and in that capacity have access to current, reliable information about the loss of wetlands and other ecosystem problems. Based on a variety of scientific estimates, we believe that we have conservatively lost about 50% of our wetlands since the 1950's. There was even greater loss between 1930 and 1950 during the war. Anyone who knows anything about summer flounder knows that the bays and estuaries are the nurseries for summer flounder. With this decline in habitat, there is no way to reach the same biomass estimated for the 1930's. The degradation in the water quality in the past 80 years and the negative impact of the power plants and discharge from sewage treatment plants has destroyed much of the carrying capacity of the bays and estuaries. The other factor in ecosystem management that must be considered is the status of all the stocks that are competing for the same forage species. When the target was mystically computed, there was no recognition of the relationship between the biomass of summer flounder and the biomass of striped bass, weakfish, croakers, spots, scup, bluefish and others. We have no information about the numbers of each species in relationship to the other. Did anyone ask the question: was this a high point for summer flounder and a low point for all other species? Without that information we can't compare current stocks in any useful or meaningful way. That is the problem inherent in using single-species plans. In ten years NMFS is proposing that we build every species to an all time high even though each species is competing for dwindling habitat and same forage species.

If the target was lower, we could reasonably assume that we were on the right path to meet that target. All you have to do is look at the figures included from NMFS documents to see how much the population of summer flounder has increased. We would have a quota in the mid-thirty million pound range not less than twenty million pounds. I have included excerpts from my recent testimony before Congress.

TESTIMONY: Congressional Hearing July 27

*"In 2004 ASMFC and NMFS set quotas for 30 million pounds in 2005 and 33 million pounds in 2006. Both of those quotas were vetted, approved and endorsed by both organizations. In 2005 they changed their mind and reduced the quota from 33 million pounds to 23.6 million pounds for 2006. This*

*recommendation seemed absurd to almost every state director, council and commission member, commercial and recreational angler that I spoke with. The proposal of 5.2 million pounds for 2007 will basically shut down the fishery and destroy the industries that depend on the commercial and recreational harvest. They may as well decide the quota is zero pounds. The excuse that NMFS provides is they are abiding by the law. The intent of the law was to rebuild the stocks and to promote a healthy fishery for both the recreational and commercial anglers. It is my belief that NMFS is interpreting the law, not following either the letter or the intent of the law".*

These numbers were pulled from NMFS' SARC

Documents (all numbers in pounds):

	1993	2000	2005
Spawning Stock Biomass:	20,460,000	42,680,000	67,320,000
Total Biomass	46,860,000	61,380,000	104,060,000

Why the years picked? 1993 was first year of management under current allocation system  
 2000 was first year under SFA requirements (the 10 year clock started)  
 2005 is the most recent year for which we have data

Since 1993 the stock's SSB has gone up a multiple of: 3.29; and, its biomass has gone up a multiple of: 2.22

Although overfishing is occurring given our F target rate of 0.276, the stock is not overfished as it's more than one half the current Bmsy target of 204,000,000.

During the recent Congressional hearing, Dr Bill Holgarth was asked if he could reach the current goal with a little flexibility. He said if we went to 2012 instead of 2010 we could reach the goal of 204 million pounds. I have considerable respect for Dr. Holgarth but I cannot support that assumption. All you have to do is look at the figures I have included to know the date is almost irrelevant. The problem is the target. I think summer flounder fishermen are being used as pawns in NMFS ongoing attempts to have more flexibility built into the Magnusson Act for the 10 year rebuilding period. Instead of playing political games, NMFS should revisit the target and set one that is attainable and relevant for 2010 based

on the best data currently available on all the variables.

Sincerely,  
 Tom Fote  
 Legislative Chairman for JCAA and the NJ  
 Federation of Sportsmen Clubs

**Landings to be further reduced in 2007**

Press Release  
 Jan Saunders, Executive Assistant  
 Mid-Atlantic Fishery Management Council  
 300 South New St, Suite 2115  
 Dover, DE 19904-6790  
 Tel. 302-674-2331 Ext 18  
 E-mail: jsaunders@mafmc.org

During their meeting last week in Philadelphia to adopt 2007 fishery management measures, the Mid-Atlantic Fishery Management Council and the Atlantic States Marine Fisheries Commission's (ASMFC) Summer Flounder, Scup and Black Sea Bass and Bluefish Boards (Board) heard concerns from Congressman Frank Pallone on behalf of himself, Congressman Jim Saxton and Senators Frank Lautenberg and Robert Menendez regarding the "possibility of a drastic cut in the summer flounder quota" and the resulting "impact to the local economy that would be devastating". Following his comments and those from numerous members of the public, for a second year in a row the Council and the Board recommended decreases in the total allowable landing levels (TAL) for summer flounder, scup, and black sea bass. Bluefish was the single bright spot as its quota was increased by nearly three million pounds.

The table below summarizes the recommended fishery management measures for 2007:

	<b>Total Allowable Landings</b> <i>(millions of pounds)</i>	<b>Commercial Quota</b>	<b>Minimum Fish Size (TL)</b>	<b>Recreational Harvest Limit</b>
<b>Summer Flounder*</b>	19.90	11.94	14"	7.96
<b>Scup</b>	16.00	12.30	9"	3.70
<b>Black Sea Bass</b>	6.50	3.19	11"	3.31
<b>Bluefish</b>	27.76	9.50	---	18.26

The total allowable landings and associated quotas and harvest limits recommended for summer flounder reflect Council action only. The ASMFC will determine its summer flounder position during its annual meeting (October 22-26).

Based on the most recent National Marine Fisheries Service (NMFS) Status of U.S. Fisheries Report, two of the above four stocks are classified as overfished (scup and black sea bass), but only one is experiencing overfishing (summer flounder).

When the Council took action last year for the 2006 fishing year it proposed reducing the 2005 TAL of 30.3 million pounds for summer flounder by 4.3 million pounds anticipating that the 14% reduction would allow for appropriate rebuilding. However, the ASFMC and NMFS adopted a TAL of 23.59 million pounds for 2006. Hence, if the Council's 19.9 million pound TAL recommendation is accepted by NMFS for 2007, it will effectively implement a reduction of over 34% in a two year period. Reductions of this magnitude are the reason for concern expressed by Congressman Pallone on behalf of himself and many members of Congress. The 19.9 million pounds does have a 50% likelihood of achieving the target fishing mortality.

For the scup fishery both the Council and the Board recommended a TAL of 16.00 million pounds. This is a slight reduction from the current year landing level of 16.27 million pounds. Discards in the directed scup fishery together with a lack of recent stock assessment information continue to create uncertainty. The lack of a current assessment led both management authorities to take a precautionary approach in establishing the 2007 TAL for scup. Although the stock is currently categorized as overfished, its overfishing status is unknown. The recommended TAL for scup is within the range of long-term potential catches associated with a stock at approximately 1/2 B<sub>msy</sub>.

For black sea bass it was recommended that TAL be reduced from 8.0 million pounds in 2006 to 6.5 million pounds in 2007. In addition, beginning on January 1, 2007, circular vent size for black sea bass pots must be increased to 2-1/2", and 2 escape vents must be installed in the parlor portion of the trap. Given the uncertainty of the survey estimates and the June stock assessment review comments which questioned the current biological reference points and their soundness for management purposes, the Council and the Board established a TAL of 6.5 million pounds.

Based on a recent stock assessment update, the Council and Board adopted a TAL of 27.76 million pounds for bluefish of which 9.5 million would be allocated to the commercial fishery and 18.26 million pounds would be allocated to the recreational sector. Possession limits would not change in the recreational sector, i.e. the bag limit would remain at 15 fish. In recent years neither sector has landed its allocation, nor

has either sector landed enough fish to achieve the 2007 recommended allocations.

The Council and Commission also reviewed the proposed rebuilding plan for scup [Amendment 14 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP)] and provided staff guidance for purposes of completing the public hearing document (PHD). It is anticipated that the PHD will be approved at the next Council meeting (October 10-12).

The Council and Commission likewise reviewed comments received during the scoping period for Amendment 15 to the Summer Flounder, Scup, and Black Sea Bass FMP. Twenty-eight potential issues were provided to the public during scoping and, based on feedback and written comments, the Council and Commission reduced the number of issues for further consideration to sixteen. Issues that warranted further consideration and action include: user allocations for summer flounder and scup; commercial allocations by state for all three species; review of biological reference points for all three species; for-hire management for all three species; management of the summer flounder and scup recreational fisheries; data collection requirements and protocols; rollover of unused quota; and, limitation on vessel replacement upgrades.

It was also moved and approved by the Council that letters be sent to Congress providing the Council's position regarding reauthorization of the Magnuson-Stevens Act. Letters are also to be sent to the NMFS requesting research be initiated to study the effectiveness of circle hooks in reducing bycatch mortality in summer flounder, scup, black sea bass, bluefish, and tilefish; and, expressing support for the convening of a Northeast region workshop for recreational anglers to discuss the use of circle hooks and handling techniques to reduce bycatch mortality.

### **Oral Congressional Testimony** **On the Opening of the EEZ,** **July 27, 2006**

I would like to thank Congressmen Gilchrest, Saxton and Pallone for an opportunity to discuss this important species. I have been before this committee a number of times in the past to talk about this issue and many other issues. I have been involved as a commissioner and proxy for a commissioner on the ASMFC from 1990 until 2005 and probably have the longest involvement of anyone on this panel in the management of striped bass. It has been over 30 years.

Striped bass is one of the few great success stories when it comes to fisheries management. Two years ago I would have included summer flounder. While summer flounder is clearly a success when we

consider the rebuilding of the stocks, the current actions proposed by NMFS makes summer flounder anything but a success story as far as fisheries management goes. The constant raising of size limits has almost eliminated the inshore anglers from this fishery and other fisheries. Just ask the people who fish the Chesapeake Bay, Hudson River, Delaware Bay and the Raritan Bay to name a few of the inshore fisheries that have been greatly affected.

Striped bass has always been predominantly an inshore fishery. When we closed the EEZ we guaranteed that striped bass would remain the most available inshore fishery for all user groups. This includes anglers who fish from bulkheads, in the rivers, on piers and in the bays and estuaries. These are precisely the anglers who would be shortchanged if striped bass becomes primarily an offshore fishery. Striped bass is truly the "everyman" fishery. That's why striped bass has been called the poor man's gamefish. JCAA will oppose any action that changes this availability to all anglers.

The overriding concern is the huge economic importance striped bass is to the states within its path of migration. In the Maryland part of Chesapeake Bay striped bass is the only finfish available to both recreational and commercial fishermen. The charter boat and party boat fleets in the Chesapeake Bay depend on striped bass for their very existence. So do all the businesses that depend on striped bass recreational anglers for their livelihood. The same is true for the Hudson River. Raritan Bay and Delaware Bay charter and party boat fleets. While summer flounder and weakfish are sometimes available in the Hudson and Delaware Rivers, striped bass remains the "money fish" all year round. Opening the EEZ is not worth the potential economic and quality of life costs.

The reason that we have so much concern is that we are very close to the point at which we will have to consider reducing the harvest of striped bass. In three of the last six years reductions have been considered by the Atlantic States Marine Fisheries Commission. Most of those concerns center on the number of older fish and age class distribution. Opening the EEZ would target those older year classes that are of most concern and increase the overall harvest.

This is not a recreational vs. commercial issue. The commercial fishery is capped on the coastal stocks and therefore landings would not increase. However, the bycatch and discard rate

could increase dramatically. This proposal by NMFS would allow commercial fishermen who were not a major part of the historical fishery and have not harvested in the EEZ in many years to begin harvesting striped bass in the EEZ. The numbers of commercial fishermen targeting this fishery would rise. With the rise in the number of commercial fishermen, the number of nets and other gear targeting striped bass would increase as well. In order to accommodate this increase for the commercial fishery without violating the existing caps, trip limits would become necessary and discards would increase. We can only imagine the escalating enforcement problems and cost.

The prospect of an expanded recreational fishery in the EEZ is a nightmare. This Congress and Senate have been considering Marine Protected Areas (MPAs) for some time. What we have here is an MPA for striped bass that has over a 15-year history – all positive. The closure protects the large striped bass (spawners) when they are in the EEZ and allows the historical recreational and commercial fisheries to grow and survive while they fish on other species.

If we open the EEZ, I predict that within 3 years we will exceed the targets, the biomass will decrease and the ASMFC will be asking for further restrictions on the recreational sector. The only way to accommodate this increase will be to raise the size limit and cut the bag limit. This will serve to further damage the inshore fishery and have dramatic economic consequences.

At the current time, recreational anglers have absolutely no trust in the management of any species that is jointly managed by ASMFC and NMFS. All we have to do is look at what is happening with summer flounder. NMFS is proposing a reduction of the summer flounder quota to 5.2 million pounds. In 2004 ASMFC and NMFS set quotas for 30 million pounds in 2005 and 33 million pounds in 2006. Both of those quotas were vetted, approved and endorsed by both organizations. In 2005 they changed their mind and reduced the quota from 33 million pounds to 23.6 million pounds for 2006. This recommendation seemed absurd to almost every state director, council and commission member, commercial and recreational angler that I spoke with. The proposal of 5.2 million pounds for 2007 will basically shut down the fishery and destroy the industries that depend on the commercial and recreational harvest. They may as well decide the

quota is zero pounds. The excuse that NMFS provides is they are abiding by the law. The intent of the law was to rebuild the stocks and to promote a healthy fishery for both the recreational and commercial anglers. It is my belief that NMFS is interpreting the law, not following either the letter or the intent of the law.

We need to keep reminding ourselves that striped bass is an economic and management success. We need to keep it that way. Remember when this came up for a vote under Amendment 6 a majority of the states did not vote for it. It was the NMFS and US Fish and Wildlife agencies that cast the deciding votes. If we look at their history, no one wants NMFS to be involved with striped bass. And the way to guarantee they don't have an opportunity to ruin another fishery is to keep the EEZ closed and keep their hands off striped bass.

Sincerely,  
Tom Fote

Legislative Chairman for JCAA and the NJ Federation of Sportsmen Clubs

**To: US Dept. of Interior  
Minerals Management Service  
Argonne National Laboratory  
9700 S. Cass Ave  
Argonne, IL 60439**

**Reff: Renewable Energy and  
Alternate Use Programmatic EIS Scoping**

The Jersey Coast Anglers Association (JCAA) is writing you with comments and issues that should be addressed and analyzed in the Environmental Impact Statement (EIS) your agency is in the process of preparing. These written comments are in addition to those made by JCAA at the May 23, 2006 scoping meeting in Trenton, NJ. These comments are being made on behalf of the 75 fishing clubs represented by JCAA.

Recreational fishing in New Jersey evolves more than 1.2 million anglers and generates more than 1 billion dollars to the state's economy. Any renewable energy program or its activities that could adversely impact on the recreational fishery can have serious economic and social impacts on New Jersey as well as decrease its quality of life.

The JCAA has an open mind on the siting of renewable energy projects in near shore ocean waters. We are concerned over the environmental damage caused by existing power facilities both on

land and on estuarine waters. Renewable energy facilities could eliminate many of the existing environmental problems so long as they do not cause other environmental problems. It was stated at the NJ scooping hearing that wind energy projects will most likely be a few miles to 15 miles offshore. This is the location where most saltwater recreational fishing takes place. The closer wind generation occurs to shore, the greater the potential conflict with fish habitat and well as spatial conflict with anglers. For example, the placement of any towers to support wind energy will usurp the natural ocean habitat which is a public resource now used by anglers and the wildlife they depends on it. How does the MMS plan to mitigate for this loss of habitat? Will the agency require the construction of artificial reefs at the base of each tower to increase the production of fish and invertebrate life?

We have identified several areas of interest that require addressing in the EIS. They are as follows:

Impacts of the placement of wind turbine towers on or near existing fishing grounds. Will such towers prevent recreational fishing in the immediate area?

The loss of natural habitat by the placement of wind towers on the ocean seabed.

Environmental impacts caused by the installation and maintenance of transmission lines between towers and between towers and shore.

Electro magnetic impacts on marine life caused by the transmission lines. Will these interfere or prevent the migratory movement of fish and benthic organisms?

Will the tower fields become exclusion zones for anglers either because of national security or safety reasons for navigation

Sincerely  
Bruce Freeman

## **YOUTH EDUCATION BY GREG KUCHAREWSKI**

### **. TAKE A VETERAN CRABBING AT THE JERSEY SHORE**

The JCAA Youth Education Committee and members of the Vietnam Veterans of America, Chapter 12, will present a crabbing seminar for veterans and their families at 6:00 p.m., Tuesday, September 12, 2006, VFW Post 8867, 373 Adamston

Road, Brick, NJ. A crabbing day is also scheduled on Saturday, September 16, 2006 at the new Mantoloking Bridge recreation area and Brick Beach Bayside. The program is open to Veterans from all services and their families. To register please phone Sue at: 732-364-0040. It will be fun for the entire family. Remember to register and visit the VFW Post 8867 on Tuesday, September 12, to learn about the FREE Crabbing Photo Contest and how to catch BIG Jersey Blue Claw Crabs. Win prizes and learn everything you need to know to enjoy this favorite summer pastime.

### **HELPING OUR MILITARY FAMILIES**

The JCAA Youth Education Committee and the Vietnam Veterans of America (Chapter 12), and volunteers from the Army Community Service Center continue to provide fishing instruction for over 125 children that attend the Fort Monmouth School Age Services Summer Camp. The fishing clinics are held at Husky Brook Pond on Monday during July and August. The New Jersey Division of Fish and Wildlife conducted a warm-water species identification demonstration for 125 children and their families at Husky Brook Pond. We would like to thank Jim Oross, Fisheries Specialist for providing the "Hand-On" fish program on June 28, 2006.

### **GOVERNOR'S SURF FISHING TOURNAMENT**

The JCAA Youth Education Committee is helping novice anglers at the Governor's 15th Annual Surf Fishing Tournament, Sunday, October 1, 2006. This will require extra volunteer hours from member clubs in JCAA. If members in your fishing club would like to help others learn the joy of surf fishing, please phone 732-785-9278 or e-mail [gkucharews@aol.com](mailto:gkucharews@aol.com) and place IBSP in the subject line. Help is needed to provide assistance for disabled anglers, youth anglers, and novice anglers. This is a fun day. Come out and share your surf fishing expertise and help cast a line of caring.

### **OHIO NATIONAL YOUTH SPORTS PROGRAM**

The Jersey Coast Anglers Association's Youth Education Chairman traveled to the University of Toledo to support their National Youth Sports Program NYSP, and Youth Fishing Program. Over 280 children participated in the University of Toledo's National Youth Sports Program and celebrated another successful summer recreation program. The Ohio Division of Fish and Game supported the program and supply loaner fishing equipment for the NYSP "Hooked On Fishing Not On Drugs" portion of the program. The JCAA

Youth Education Committee helped organize the land skills theory classes on campus and suggested campers form local fishing groups in their neighborhood. The Merickel-Farley Trout Club donated funds to purchase prizes for campers and their club members volunteered at Olander Park for the hands-on fishing program. Many campers caught their first fish and now have the fishing bug.

#### **NJ DIVISION F&W LOOKING FOR VENDORS**

Each year, our annual Wildlife Heritage Festival draws in thousands of people. This great family event includes a fishing, hunting and outdoor equipment flea market, wildlife artists and taxidermists, conservation groups, Division displays, fishing for kids, shotgun and archery ranges and much more, but we need your help making it even better. We are currently looking for flea market vendors who have fishing, hunting and any other outdoor equipment or services for sale. Whether it's old, new, slightly used, we want you here. If you are interested in attending this event as a vendor, please contact Jessica Griglak at 908-637-4125 or by e-mail at [Jessica.Griglak@dep.state.nj.us](mailto:Jessica.Griglak@dep.state.nj.us).

If you would like to help with our youth education efforts and offer some of your time to teach children the joy of fishing, please phone 732-785-9278 or e-mail [Gkucharews@aol.com](mailto:Gkucharews@aol.com).

#### **A LONG, POISONOUS WAIT**

**As dioxin spreads through state waterways, the DEP accuses two firms of intentionally avoiding a long-mandated cleanup**  
**Sunday, August 06, 2006**

**BY ALEXANDER LANES** Star-Ledger Staff

In 1992, a New Jersey appellate court handed down a famously scathing opinion. For almost two decades ending in 1969, a three-judge panel found, the Diamond Shamrock Chemicals Co. had polluted the Passaic River, illegally and intentionally. "Diamond's management was wholly indifferent to the consequences," Appellate Division Judge David Baime wrote. "Profits came first." The decision came in an insurance dispute. But it had a larger significance: It gave the federal Superfund program greater leverage to order, in 1994, that Diamond's corporate successors clean up its river pollution.

Twelve years later, the pollution is still there, and spreading. Dioxin, which the National Research Council says is among the most dangerous chemicals humankind has ever created, has spread from

Diamond's old plant in Newark to the Hackensack River, Hudson River, Arthur Kill, Kill Van Kull, Newark Bay and New York Harbor.

In the meantime, the family of companies that bought Diamond's assets, led now by Spanish oil giant Repsol YPF S.A. and its subsidiary Tierra Solutions Inc., have financed the creation of a vast body of scientific literature on all aspects of Passaic River pollution. They say the research, which their hired scientists have disseminated in journals, conferences and textbooks around the world, has been conducted in earnest preparation for a cleanup. But in recent weeks, state environmental regulators have stepped up complaints that the companies' studies are scientifically unsound, and have been carefully designed to help the companies avoid the potential \$1 billion cost of removing their toxic waste from the river. They say federal officials, under intense pressure from lobbyists, have allowed the companies to postpone a cleanup perhaps indefinitely, and structure it so taxpayers will shoulder much of the cost.

"It seems just incredible that Tierra has been able to do nothing, essentially, but studies," state Department of Environmental Protection Commissioner Lisa Jackson said. "And really studies that I think are geared only toward making sure they never have to do anything substantive."

Executives at Tierra and Repsol declined requests for interviews. But their public relations representative and lobbyist, Michael Turner of the MWW Group, said it was only fair that the cleanup costs be shared, since the Passaic contains a great deal of pollution from other companies and public sewers.

"The river has suffered over 100 years of industrial activity," Turner said. "We're willing to pay our fair share, but we're not the only ones involved here."

In an interview Friday afternoon, Environmental Protection Agency Regional Administrator Alan Steinberg said he chose to focus on the future, not the past. "What is past is not prologue here," Steinberg said. "I am determined that the days of exposure to dioxin will come to an end."

#### **TROUBLE FROM LONG AGO**

Diamond's old factory site, along the river in Newark's Ironbound section, is covered in cement now, and topped with potted trees. Entombed within is soil laced with 2,3,7,8-tetrachlorodibenzo-p-dioxin, often called TCDD, or simply dioxin.

A highly toxic byproduct of waste incineration and herbicide manufacturing, dioxin causes disfiguring skin problems and altered liver function in the short term, and cancer, as well as immune and reproductive disorders, in the long term, according to the World Health Organization and the International Agency for Research on Cancer.

From the water, Diamond's old property appears silent and sterile now. When New York-New Jersey Baykeeper Andrew Willner motored down that stretch of the river in a small boat last month, he encountered almost no other traffic, save for a cormorant carrying an eel. "This was all commerce," he said, passing abandoned berths outside old factories. "Barges, tugs, small ships."

Diamond acquired its property on Newark's Lister Avenue in 1951. It manufactured pesticides, including DDT and Agent Orange, the deadly Vietnam-era defoliant. Its waste contained high levels of dioxin, and until at least 1956, the company's disposal policy amounted to dumping all of it in the Passaic River, courts found.

The EPA discovered the contamination in 1982, and placed the site on the Superfund list. Contaminated soil was gathered from around the area and capped at the site. Gov. Thomas Kean declared a state of emergency and banned the consumption of fish and crabs from the river in 1983. But the toxic muck at the bottom of the river remained.

The Army Corps of Engineers stopped dredging the contaminated river that same year. Silt filled the shipping channel, choking off commerce. Marinas and berths went to rot.

Diamond sued its insurance companies seeking coverage for the pollution damage, but the courts denied it. The appellate court found in 1992 that Diamond had failed to control its dioxin simply because doing so would have cost money and slowed production. Concentrations of dioxin are normally so small that they are measured in parts per trillion. In one spot near Diamond's Newark plant, however, river sediment had 5.3 parts per million, about a half-million times more than what is typically found in an urban river, DEP officials said.

Consuming fish or crabs from the river sharply increases a person's cancer risk, according to a 2002 DEP assessment. Yet DEP surveys of the river have shown that people in nearby working-class communities regularly fish in it to put food on the table.

Many of Diamond's assets were purchased by Occidental Petroleum Corp. in 1986, though most of its environmental liability fell to a spinoff called Maxus Energy Corp., which later changed its name to Tierra.

In 1994, under EPA pressure, the companies signed an administrative order compelling them to study pollution in six miles of the Passaic surrounding the former Diamond plant, then clean it up. They did study the pollution. But not in the way EPA wanted them to.

### **HIRED EXPERTS**

Between 1990 and 2005, scientists retained by the companies published at least 35 studies or papers on Passaic River pollution in academic journals, most of them vetted by other scientists in a quality control process called peer review. The companies' consultants also presented their science at conferences and symposia around the globe, including events in Newark, Washington, D.C., Venice and Vietnam.

They did so as well in at least three toxicology textbook chapters on dioxin, an article in the magazine of the New Jersey League of Municipalities and a general interest book titled "A Common Tragedy: History of an Urban River."

### **A REVIEW OF THE RESEARCH REVEALS TWO DOMINANT THEMES.**

The first: Dioxin was not as dangerous as regulators believed, and those seeking an expensive cleanup of it were on the wrong track. The second: The cleanup should focus more on a host of other contaminants -- ones that came from all kinds of sources, not just Diamond. For example, the book "A Common Tragedy," contained much discussion of all sorts of Passaic River polluters dating to the colonists and before. But it barely mentioned dioxin, the river's most notorious contaminant. And it cautioned against high hopes for the Passaic. "It can never be returned to its primeval state," the book said. "Nothing is pristine."

EPA staff scientists alleged in the late 1990s that the hired scientists were trying to distract the agency. The companies "should not be permitted to obfuscate the (Superfund) requirement of investigating the off-site release of dioxin into the Passaic River with their proposed goal of attempting to investigate the ecological 'state' of the river," the leader of an EPA technical team wrote in a memo to the site supervisor in 1998.

The memo went on to call the companies' research "inappropriate and scientifically unsound."

### **A DIFFERENT APPROACH**

In 2002, the federal government changed course, embracing the companies' view that a sweeping river cleanup was called for, not just of dioxin, and that the costs should be shared with others. The EPA and the Army Corps of Engineers decided that dredging and cleanup needed to be coordinated. The approach was called the Urban River Restoration Initiative, and the lower Passaic River was declared a pilot area for it in 2003. The new approach called for a \$19 million investigation of 17 miles of the Passaic and Newark Bay, a study expected to take at least a decade. Federal and state taxpayers would supply \$9 million. The other \$10 million would come from Tierra and dozens of other current and former Passaic River companies.

The EPA's Steinberg said the public money was to pay only for measures that were beyond the scope of the Superfund cleanup. "That \$9 million was never intended to defray Tierra's costs," Steinberg said. Nevertheless, the approach was one that Tierra had been advocating for years. In fact, Tierra's Washington lobbyist, Robert Dawson, states on his Web site that he had developed this "fundamentally new approach" alongside "senior officials of the executive branch and key members and committees of the U.S. Senate and U.S. House of Representatives."

Dawson, principal of Dawson & Associates Inc., and former head of the Corps of Engineers, did not return calls for comment. But federal records show that Tierra has spent \$1.7 million on federal lobbying in the past six years, with annual expenditures increasing from \$200,000 in 2000 to \$380,000 last year.

Rep. William Pascrell (D-8th Dist.), who has been involved in the discussions about how to approach the Passaic cleanup, confirmed that Dawson played a key role. "Dawson was at every meeting," Pascrell said.

In interviews, state regulators have criticized the current federal approach, saying it will take far too long, and that by the time the studies are finished the dioxin will have spread so far it will be less practical to remove it. And they said that although plenty of governments and companies poured sewage and chemicals into the Passaic over the years, Diamond did far more damage than anyone else. "What's going to make that job really expensive is the fact that there's dioxin in that sediment," Jackson, the DEP commissioner, said. "The polluter should pay, not us. The federal government is us."

### **A LAWSUIT AND A THREAT**

Last year Jackson's predecessor, Bradley Campbell, also dissatisfied with the federal approach, took harsh enforcement actions against Diamond's successors. Campbell issued a directive giving them 30 days to pay for a \$2.9 million study -- by a consultant the state hired -- on how to clean up the river by dredging up to 10 million cubic yards of dioxin-contaminated sediment. That sort of project, involving dredges specially outfitted to contain the contamination, could cost \$500 million by one estimate, not including the cost of treating the contaminated sediment. Campbell also sued the companies to force them to pay for any eventual dredging. In its lawsuit, the DEP argued that the companies had "orchestrated and implemented a strategy to delay and impede the cleanup and restoration of the Passaic River."

In turn, Tierra has threatened to sue the state, as well as Essex, Union and Bergen counties, the cities of Newark and Elizabeth and the Passaic Valley Sewerage Commission for contributing to the pollution.

Pascrell, who has received \$6,000 in campaign contributions from Dawson since 2000, sent a letter to Gov. Jon Corzine in February. Pascrell wrote that he had "worked hard to ensure the federal government is contributing its part to a full and comprehensive study" and argued the state's aggressiveness could undermine his efforts.

Nevertheless, Corzine included \$12 million in the state budget to continue the lawsuit. So far, Jackson has allowed Tierra to ignore the 30-day deadline to fund the \$2.9 million study. She said that should not be interpreted as leniency. "That goes to litigation strategy, which I really shouldn't discuss," she said.

Steinberg, the EPA regional administrator, defended what he called the agency's "holistic" approach to the Passaic, but offered only limited support for its past actions. "The question is what are we doing now," Steinberg said. "We are right now heavily focused more than ever on the remediation of the Passaic River."

An EPA spokeswoman said the agency did not plan to make a final decision until at least 2011 on how to clean up the Passaic. But Steinberg said he is examining what can be done to stop dioxin exposures in the meantime. "There may be opportunities to take early cleanup actions on the lower Passaic River," he said. "But we need to make sure those early actions make sense and are supported by sound science."

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