

NEW JERSEY SHELLFISHERIES COUNCIL - DELAWARE BAY SECTION -

MINUTES OF APRIL 1, 2008

NJDEP, Division of Fish and Wildlife
Bureau of Shellfisheries
6959 Miller Ave, Bivalve, NJ 08349
Phone: (856) 785-0730, Fax: (856) 785-0853

ADVISORY COUNCIL

Warren Hollinger, Chair, Cumberland Co.
Scott Bailey, Cumberland Co.
Stephen Fleetwood, Cumberland Co.

STATE REPRESENTATIVES

Russell Babb, Shellfisheries
Jason Hearon, Shellfisheries
Craig Tomlin, Shellfisheries
Karl Youghans, Law Enforcement

HASKIN SHELLFISH LABORATORY

Eric Powell, Director
John Kraeuter, Assoc. Director
David Bushek, Research Professor

Mr. Hollinger called the meeting to order.

Compliance with Sunshine Law: Notice of this meeting was posted with the Secretary of State's Office, State House, Trenton, NJ and the Bridgeton Evening News, The Press, and Daily Journal on March 15, 2008 pursuant to L. 1975 c. 231.

Mr. Babb informed the Council that the meeting would be recorded.

1. Revenue collected for January 2008: \$9,214.00. The revenue collected is itemized as follows:

License Type	Total	License Type	Total
Commercial Crab Pot License	1,300.00	Tongers License	550.00
Commercial Clam License	850.00	Area 1, 2, & 3 License	40.00
Recreational Clam License	120.00	Lease Fees	482.00
Juvenile Clam License	22.00	Assignment Fees	23.00
Otter Trawl License	455.00	Nets	3,439.00
Food Fish License	524.00	Maps	91.00
Atlantic Coast Crab Dredge License	600.00	Application Fees	118.00
Delaware Bay Crab Dredge License	600.00		

2. Revenue collected for February 2008: \$5,665.00. The revenue collected is itemized as follows:

License Type	Total	License Type	Total
Commercial Crab Pot License	800.00	Dredge Boat License	250.00
Commercial Shellfish License	500.00	Area 1, 2, & 3 License	68.00
Recreational Clam License	20.00	Assignment Fees	22.00
Otter Trawl License	102.00	Nets	2,961.00
Food Fish License	250.00	Maps	10.00
Atlantic Coast Crab Dredge License	500.00	Application Fees	82.00
Delaware Bay Crab Dredge License	100.00		

3. Revenue collected for March 2008: \$10,537.50. The revenue collected is itemized as follows:

License Type	Total	License Type	Total
Commercial Crab Pot License	2,200.00	Oyster Cultch Fees	3,314.00
Commercial Shellfish License	700.00	Oyster Dredge Boat License	404.00
Recreational Shellfish License	90.00	Assignment Fees	7.00

Juvenile Recreational Shellfish License	4.00	Nets	3,115.00
NR Recreational Shellfish License	20.00	Maps	10.00
Atlantic Coast Crab Dredge License	100.00	Application Fees	140.00
Delaware Bay Crab Dredge License	400.00	Area 1, 2, & 3 License	32.00

- Oyster Resource Development Account balance as of March 31, 2008: \$598,774.37

4. Leased Ground Transactions

4.1. Application for New Grounds

- Decision

Name: Ricci Brothers

SEC	LOT	ACRE
A	104	24

Name: Norm Bloom & Daughter Inc.

SEC	LOT	ACRE		SEC	LOT	ACRE
B	31	14		D	1	9
B	109	32		D	2	6
C	289	21		D	52	7
C	364	9		D	134	8
C	446	24		D	482	29

Councilman Fleetwood made a motion to approve all new leased grounds.

4.2. Leased Ground Transfers

John R. Bateman and Eric Bateman have transferred following grounds to Bivalve Packing Co., Inc.

SEC	LOT	ACRE		SEC	LOT	ACRE
B	58	35		C	392	23
B	101	57		D	186	17
C	135	28		D	287	43
C	137	12		D	395	28

John R. Bateman has transferred the following grounds to Todd Reeves, Thomas Reeves and Harbor House, Inc

SEC	LOT	ACRES		SEC	LOT	ACRES
A	91	170		B	278	46
A	99	135		B	279	24
A	108	87		C	35	20
A	153	64		C	109	9
B	137	44		C	516	30
B	138	15				

John R. Bateman and Charles Clark Sr. have transferred the following grounds to RCK Transport, Inc.

SEC	LOT	ACRE
E	8	194
E	23	197

Theodore J. Derecky has transferred the following grounds to William P. Riggin & Son, Inc.

SEC	LOT	ACRE
D	419	11

Richard Riggin has transferred the following grounds to Bivalve Packing Co, Inc.

SEC	LOT	ACRE
C	134	13

5. Vessel Transactions

For Council’s information, Theodore J. Derecky has transferred the Oyster Dredge Boat *Sea Hunt* and Oyster Dredge Boat License # 33 to William P. Riggin & Son, Inc.

For Council’s information, Michael H. McVey has transferred the Oyster Dredge Boat, *John G McVey* and Oyster Dredge Boat License # 6 to Scott Bailey.

For Council’s information, Scott Bailey has transferred the Oyster Dredge Boat, *Bunker* and Oyster Dredge Boat License #90 to Michael H. McVey.

For Council’s information, Michael H. McVey has transferred the Oyster Boat, *Bunker* and Oyster Dredge Boat License #90 to Todd Reeves.

For Council’s information, Todd Reeves has replaced the Oyster Dredge Boat *Ada Lore* #24 (59 GRT) with the *Eben Thacher* (47 GRT)

For Council’s information, Gary Lee has transferred the Oyster Dredge Boat, *Karen L* and Oyster Dredge Boat License #35 to Bivalve Packing Co., Inc.

6. Old Business

6.1. Enforcement Report

Officer Youghans provided the Council with an update on enforcement activities within the Maurice River Cove area. He stated that in January 2007 enforcement officers apprehended two fishermen while harvesting in condemned waters. The two fishermen were found guilty in a court of law and were scheduled to have their licenses revoked for a period of three years. Officer Youghans stated that in the month of February 2008, nine individuals were apprehended for harvesting oysters in the condemned waters of the Maurice River Cove. During these incidents, enforcement officers seized 10 pairs of tongs and embargoed 68 bushels of oysters from the nine individuals. Mr. Youghans stated that they have issued forfeiture tickets for six boats, six motors, one motor vehicle and one trailer. Furthermore, he stated that there were multiple verbal warnings given to all fishermen in the condemned area prior to the issuing of tickets. He added that pending the court’s decision on the recent violations, a list of the revoked license holders would be provided to all oyster dealers (in order for them to deny harvested oysters from those individuals).

7. New Business

7.1. Oyster Season Regulatory Update

Mr. Babb stated that the adoption date for the new regulations should be in mid to late summer. He stated that the new Terms and Conditions document (that would be signed by all participating oystermen) incorporates the proposed changes to the regulations. Officer Youghans stated that he would like to discuss the new tagging, reporting and call-in procedures. He stated that oystermen

must call-in prior to harvesting (i.e., before the dredge hits the water) and prior to off-loading. “Off-loading” is defined in the proposed rule as “physically separating a container of oysters from the vessel.” Mr. Youghans stated that cages needed to be tagged with cage tags only (i.e., not single tags), unless it is the last cage on the vessel (in which case, single tags may be permitted). Given this allowance he reiterated that no more than one cage on any vessel could have single tags attached. He further explained that tags needed to be used sequentially. A lengthy conversation ensued.

Members of the industry had raised the issue of the use of “diggers’ tags.” It had been explained, after much discussion, that the placement of “diggers’ tags” should follow the rules set forth by the New Jersey Department of Health and Senior Services. Mr. Youghans stated that each “culler” or deckhand on a vessel would be permitted to have one untagged bushel basket (for which they are using in order to fill bags/cages). The industry members asked if it would be possible to exchange single tags for cage tags and cage tags for single tags at the end of the season. Mr. Babb stated that it is not standard practice to exchange tags but under certain extreme circumstances the licensing office may be able to exchange some tags. Officer Youghans stated that the tags should not be altered in any way (e.g. removing by scissors ect). Mr. Youghans noted that if an oyster boat was going to work a leased ground during the direct market season, they were required to call-in and notify the Division of Fish and Wildlife prior to harvesting. Mr. Babb added that when transplanting to leased grounds, harvesters were required to have the appropriate number of tags for the bushels on the vessel. Mr. Youghans stated that the weekly reports must be submitted to the Division within one week from Friday of the week that the harvest occurred. He stated that if an oysterman had delinquent weekly reports, they would not be permitted to purchase additional

tags.

7.2. Oyster Tongers' Committee

Mr. Hollinger stated that the Council would be forming a committee to assist the Council and Division in the management of the tongers' fishery. He stated that the committee would provide a public forum to discuss resource management and enforcement issues related to the tongers' fishing program. A lengthy conversation ensued regarding the marking of the special restricted water classification line in the Maurice River Cove.

7.3. Consolidation

Mr. Mason asked the Council what the final decision had been regarding the oyster dredge boat consolidation proposal. Chairman Hollinger stated that the consolidation issue finalized at a fall Council meeting. Lengthy conversation had ensued. He added that Division staff was in the process of drafting a formal rule proposal.

7.4. Department of Agriculture

Mr. Cazonier stated that it would be a significant loss to the industry should the State of New Jersey decide to cut the Department of Agriculture (DOA). He stated that the Department of Agriculture had stepped in and assisted the oyster industry in the past. Mr. Myers stated that the state was not looking at a full shutdown but was considering moving the DOA's responsibility to another state agency. **Chairman Hollinger made a motion to send a letter to the Governor's office pertaining to the potential loss of the Department of Agriculture and the negative impacts that could occur. All members were in favor.** A lengthy conversation ensued.

7.5. New *Vibrio* Management Plan

Councilman Fleetwood stated that the U.S. Food and Drug Administration (FDA) had a new *Vibrio* Management Plan. He stated that the new *Vibrio* Management Plan would use water temperature and introduced ambient air temperature to establish a management structure. He stated that the new management plan could result in oystermen having a harvest window of only five hours (from the time the dredge hits the water to the time product is placed in refrigeration). A lengthy conversation ensued. Councilman Fleetwood stated he would be attending the International Shellfish Sanitation Commission meeting where the new plan would be discussed.

7.6. Intermediate Transplant

Mr. Babb stated that due to changes in Department policy the Bureau would be soliciting potential transplant participants shortly via a mailing to license holders. He stated this would be done so that the contractors performing the work would be paid in a more timely fashion.

7.7. Adjournment

Mr. Hollinger made a motion to adjourn.

The next meeting of the Delaware Bay Section of the New Jersey Shellfisheries Council will be held on Tuesday, May 6, 2008 at 6 pm in the library of the Haskin Shellfish Research Laboratory Port Norris, New Jersey.