

<b>NEW JERSEY SHELLFISHERIES COUNCIL</b>		<b>Delaware Bay Section</b>
<i>Meeting Minutes</i>		

<b>Meeting Name</b>	Monthly Meeting of NJ Shellfisheries Council - Delaware Bay Section		
<b>Meeting Date</b>	September 10, 2013		
<b>Meeting Time</b>	6:00 PM		
<b>Venue</b>	Haskin Shellfish Research Laboratory	<b>City</b>	Bivalve, NJ
<b>Attendees</b>	General Public		

<b>Council</b>	<b>State Representatives</b>	<b>Haskin Research Lab</b>
Warren Hollinger, Cumberland Co.	Russell Babb, DFW Shellfisheries	David Bushek, Director
Richard Malinowski, Salem Co.	Jason Hearon, DFW Shellfisheries	
Scott Bailey, Cumberland Co.	Craig Tomlin, DFW Shellfisheries	
Steve Fleetwood, Cumberland Co.	Gary Wolf, USFDA	
Cape May / Salem Co. – Vacant	Bruce Friedman, Marine Water Monitoring	
	Paul Wesighan, Marine Water Monitoring	

*Compliance with the Sunshine Law*

Notice of this meeting was posted August 12, 2013 with the Secretary of State's Office, State House, Trenton, NJ and the Bridgeton Evening News, and Daily Journal pursuant to L. 1975 c. 231.

**Revenue collected for July totaled \$34,036.00:**

<b>License Type</b>	<b>Total</b>	<b>License Type</b>	<b>Total</b>
Commercial Crab Pot	\$900.00	Oyster Tags	\$28,920.00
Nets	\$2,055.00	Dredge Boat Renewal	\$142.00
AC Crab Dredge	\$300.00	Commercial Shellfish	\$400.00
DB Crab Dredge	\$300.00	Recreational Shellfish	\$250.00
Application Fees	\$186.00	Juvenile Shellfish	\$18.00
Menhaden	\$564.00	Postage	\$1.00

**Revenue collected for August totaled \$18,872.00:**

<b>License Type</b>	<b>Total</b>	<b>License Type</b>	<b>Total</b>
Commercial Crab Pot	\$1,000.00	Oyster Tags	\$16,216.00
Nets	\$764.00	Dredge Boat Renewal	\$60.00
AC Crab Dredge	\$100.00	Commercial Shellfish	\$250.00
Application Fees	\$88.00	Recreational Shellfish	\$130.00
Otter Trawl	\$102.00	Juvenile Shellfish	\$8.00
Menhaden	\$154.00		

<i>September 9, 2013</i>		
<b>Unexpended</b>	\$493,189.59	Budget authority less expenditures ( <i>total spendable dollars currently in account</i> )
<b>Expended</b>	\$4,019.54	Total amt. Spent against the appropriation ( <i>spent from account during FY'13</i> )
<b>Pre-encumbered</b>	\$0.00	Total outstanding requisitions processed against the appropriation ( <i>Amount previously set-aside for preparation of term contracts- since cancelled</i> )
<b>Encumbered</b>	\$318,480.46	Total outstanding purchase orders processed against the appropriation. ( <i>Amount obligated to vendors or planned services (e.g., contracting, transplants)</i> )
<b>Uncommitted</b>	\$174,709.13	Amount available for pre-encumbrance, encumbrance, or expenditure. ( <i>Current free-balance that is not obligated/encumbered to specific vendors, etc.</i> )

**Shellfish Leased Ground Transactions - None**

**1. Old Business:**

*Correspondence*

Mr. Babb stated that the Council had received a letter and report from the Apollo Submarine Cable System Company as a condition of the permitting process.

*Direct Market Program Update*

Mr. Babb updated the Council on the Direct Market Harvest Report for the season to date. He reported that 60% of the harvest came from Shell Rock and Ship John seedbeds combined, with Shell Rock at 23,275 and Ship John at 17,951. He provided the following data as of September 10, 2013, the total industry harvest had been 68,195 bushels and there were 17,302 bushels left to harvest to meet this year's total allowable quota of 85,497. There had been 954 days fished this year with a mean industry daily catch per unit effort of 71.48 bushels per day. The initial quota for the high mortality beds was 27,097 bushels, with a harvested amount of 16,077, which leaves a remaining harvest of 11,020 for the high mortality beds. Low mortality had been closed for the year. The initial quota for the medium mortality beds was 34,576 bushels, with 27,236 bushels already harvested there are only 7,300 bushels remaining.

Mr. Babb touched on the fact that Shell Rock has been closed since July 18<sup>th</sup>. He summarized the remaining direct market data as follows, 84 boats and licenses signed up, 51 boats are done harvesting entirely, 8 boats haven't bought any tags, 4 boats bought a few tags but have not harvested, and 21 boats have purchased all of their tags but needed to finish harvesting their quota.

*Administrative Consent Order (ACO) Amendment Implementation Plan*

Mr. Babb stated that in the spring the Council requested that the license consolidation committee be reconvened to discuss the current license consolidation system that was put in place in 2010. He stated that the committee's charge had been to review the current system and make recommendations for changes if any. Mr. Babb continued stating the committee met a couple of times and ultimately made recommendations to the Council, which were ultimately approved at the Council meeting.

Based on those recommendations, Mr. Babb stated that they would need to change the rule in the administrative code. He added that a recommendation was made to change the current ACO document from 3 licenses to a boat to 6 licenses to a

boat. The recommendations requested removing the language stating if the boat was purchased after the adoption date of the rule, they would have to work that boat and catch 50% of the quota for two consecutive years in order to be eligible to consolidate. He stated that these recommendations and a revised ACO had been approved by the Commission's Office. The plan was to have this in place for January 1<sup>st</sup>, and a letter would be sent out to the industry highlighting the changes so they can plan accordingly for the next season. Further discussion ensued.

*ADZ Extension for Offshore Grounds / Right of First Refusal*

Regarding the ADZ leases at the Cape Shore, Mr. Babb explained how each lease holder has a right of first refusal for those leases seaward of their inshore lease. The way the lease document reads, leaseholder had to advise the DEP within 90 days of their executed lease start date. He stated that a letter would be sent out to all ADZ lease holders and there was going to be a general inspection done on each lease as well. He noted that there are some grounds that are not being used and stated that this could be an issue moving forward. For example an inspection would show if someone on the inshore lease area was not legitimately using his or her lease. Mr. Babb reiterated that this does not look good while there is still a waiting list. Mr. Babb then acknowledged that it may be beneficial to reduce the application fee for the deep water ADZs to try an encourage use.

*ADZ Access Complaints / Access Survey of ADZ Leaseholders*

Mr. Babb spoke about there being ADZ access complaints from a few upland property owners adjacent to ADZ. He stated that the Bureau sent an access survey to all of the ADZ leaseholders on August 9, 2013. The letter requested the leaseholders fill out the attached access statement, which asked the leaseholders to outline how they access their lease. This was similar to the form they completed when they first received their leases. Further discussion ensued. Mr. Babb stated that there were a number of lease access forms that had not been returned and this could be an issue moving forward if they were not returned in a timely manner.

**2. New Business:**

*Upcoming ISSC/Vibrio Items*

Mr. Wolf updated the Council on the “recalls” and “closure cases” that happened nation wide this past season. He summarized a list of proposals that may be of interest and handed out copies of the proposals outlined in the handout to everyone in attendance. He also explained how the Interstate Shellfish Sanitation (ISSC) functions and that its bi-annual meeting was scheduled for late October. Further discussion ensued.

*Shorelines Survey Gandy’s Beach & Money Island*

Paul Wesighan from the Bureau of Marine Water Monitoring (BMWM) and Gary Wolf (FDA) conducted a shoreline survey of Gandy’s Beach. They explained that many holding tanks for sanitary waste are exposed and often underwater at various tides. Mr. Wesighan provided photographs of the exposed tanks that were observed at the houses and they acknowledged that a strong septic odor was observed. He added that one of the houses even had a hose going from a septic tank directly into the adjacent wetlands.

Mr. Fleetwood stated that many of the residents were victims of circumstance because no one from the state has ever attempted to protect the shoreline in this area. Further discussion ensued.

Mr. Friedman stated that it had been a very political and emotional subject. He added that homeowners either needed a septic system or a sanitary system. The latter would be very difficult given the towns location.

Mr. Fleetwood stated that he feels very badly for this town and this area of the state. Even after spending so much money for shoreline replenishments on the Atlantic Coast, it seems little attention is ever given to the Bay Shore communities.

Mr. Bailey stated that Money Island is one of the main designated landing areas used by the industry; it’s a critical place and requires protection.

Mr. Hollinger avowed that the bigger issue is the erosion of the shoreline in Maurice River Cove and the dilapidated barge accelerating the erosion problem. He felt that this is a state issue that the state needs to step up and fix.

*ISSC Proposal for Changes to NSSP*

Mr. Friedman presented the Council with a presentation on an ISSC Proposal for Changes to NSSP. Proposal No.13-202, which was sponsored by Mr. Ken Moore, deals with increasing the number of illnesses from two to three in order for an official “outbreak” to be declared by FDA.

Mr. Friedman stated that the biggest problem was that there are no times set as to how far apart the illnesses can be. New Jersey's illnesses in 2013 and in previous years have one here and one there, not in a cluster like seen in other states.

New Jersey's harvest dates for illnesses were 14 and 20 plus days apart. A lengthy discussion ensued.

Mr. Friedman explained that the proposal would increase from two people, to three or more persons not from the same household (or one or more persons in the case of paralytic shellfish poisoning PSP).

One of the most problematic issues has been "when to conduct trace back". A number of issues arise during a trace back such as: lack of proper harvest tags, dealer tags, shipping and receiving records to determine where oysters came from, etc. At times, officials have to rely on the actual chefs to tell them which oysters are from where, whether they were from NJ, VA, etc.

Mr. Wolf stated that the local health departments had to be more engaged. For example he had to explain to them that just because something says "blue point" it doesn't mean they are from Delaware Bay. Local officials do not realize a difference between a brand name and a harvest area. Once they understood that, then they realized they had oysters from different states. Further discussion ensued.

#### *NOAA S-K Grant Program Proposal*

Dr. Bushek stated that Ms. Daphne Monroe had requested a letter of support from the Council on a NOAA S-K Grant application. The project will look at the economics of the shell-planting program.

Mr. Hollinger made a motion for the letter to support NOAA S-K Grant Program Proposal. Scott Bailey seconded the motion and the motion was passed.

#### *Council Letter to Industry – EDA Information Request*

Dr. Bushek asked if the Council could send out a letter to all of license holders requesting economic information tied to the shell planting programs. Dr. Bushek explained that EDA was mostly interested in confirming that industry buy-in and support exists. Mr. Babb stated the Bureau and Council would put something together and work with the Haskin Laboratory to distribute.

<b>Adjourn</b>	<b>@</b> <b>PM</b>		
The next meeting of the Council will be tentatively held on:	Tuesday, October 1 <sup>st</sup>	In the library of the Haskin Shellfish Laboratory	
	<b><u>OR</u></b> Wednesday, November 6, 2013		