

NEW JERSEY SHELL FISHERIES COUNCIL - DELAWARE BAY SECTION -

MINUTES OF MAY 1, 2007

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.
Cape May Co. Seat (Vacant)
Salem Co. Seat (Vacant)

STATE REPRESENTATIVES

James W. Joseph, Shellfisheries
Russell Babb, Shellfisheries
Jason Hearon, Shellfisheries
Craig Tomlin, Shellfisheries

HASKIN SHELLFISH LABORATORY

David Bushek, Research Professor

An audio recording of this meeting may be screened at the Division of Fish and Wildlife's Delaware Bay Office at the Haskin Shellfish Research Laboratory in Bivalve, New Jersey. For further information, please contact the Delaware Bay Office at (856) 785-0730.

The meeting was called to order by Chairman Hollinger.

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 April 23, 2007 pursuant to L. 1975 c. 231.

Mr. Joseph informed the Council that this meeting would be recorded.

1. Revenue collected for April 2007, \$9,469.00. This collected revenue is itemized as follows:

<u>License Type</u>	<u>Total</u>	<u>License Type</u>	<u>Total</u>
Commercial Crab Pot License	2,500.00	Atlantic Coast Crab Dredge	800.00
Commercial Clam License	200.00	Delaware Bay Crab Dredge	300.00
Recreational Clam License	120.00	Tonger License	50.00
Oyster Dealers License	100.00	Application Fees	342.00
Cultch Fees	28,024.00	Nets	3,482.00
Dredge Boat License	896.00		

- Oyster Resource Development Account Balance as of April 23, 2007: \$279,963.28 (uncommitted)

2. Acceptance of the July 2006, November 2006 and February 2007 minutes.

Councilman Fleetwood made a motion to accept the preceding minutes. Councilman Bailey seconded the motion and all members were in favor.

3. Leased Ground Transactions

3.1. Application for New Ground

- Consideration

Name: Charles Clark Sr.

<u>SEC.</u>	<u>LOT</u>	<u>ACRES</u>
A	19	105

Note: Charles Clark Sr. in attendance.

- Decision: None

4. Old Business

4.1. 2007 Direct Market Program Update: Harvest Summary & Control Dates

Mr. Babb reported that the industry had harvested approximately 7,200 bushels as of April 30, 2007, fishing a total of 99 days with an average CPUE of approximately 72 bushels. He stated that Shellrock had provided over 50 percent of the total harvest. Councilman Fleetwood asked if the Bureau could add an area management update to the existing harvest report for upcoming Council meetings. Mr. Babb stated that he would attempt to add that to the report.

4.2. Nationwide Permit No. 48 (NWP 48): Permitting for Shellfish Culture Activities

Mr. Samuel Reynolds from the U.S. Army Corps of Engineers (ACE) attended the meeting in order to address industry concerns regarding NWP 48. Mr. Reynolds addressed a number of questions presented to him by the Council and those in attendance. He explained that he had not been fully aware of the number of shellfish lots or the total acreage that was currently leased in Delaware Bay. Mr. Reynolds explained that NWP 48 pertains only to activities that were in use prior to the acceptance of the new NWP 48 and that it would not cover new leases or activities (after March 12, 2007). He stated that if an individual planned to acquire a new lease after that date, they would have to apply for an individual permit through the ACE. This permit costs \$100 (for commercial activities). Councilman Fleetwood inquired whether the transferring of grounds would also be covered by the new NWP. Mr. Reynolds informed the Council that the transfer of leases was covered under NWP 48 (e.g., the permit coverage was transferable). In order to facilitate a simpler submission for all involved, Mr. Babb suggested that the State submit one report for all leased grounds in Delaware Bay (only including lots leased prior to March 12, 2007). Mr. Reynolds stated that he was not certain that the collective submission would be acceptable, but added that he would voice his support. Mr. Reynolds stated that he would do what he could to help the industry to comply with this new permit. He warned of the possibility of a blanket denial of NWP 48 by NJDEP's Land Use Regulation Program (LURP). Mr. Joseph stated that he would reach out to the LURP to advise them of the importance of the situation.

4.3. Application Procedures for Proposed Aquaculture Development Zones (ADZs) in Delaware Bay

Mr. Joseph stated that through the federal and state application process, the 100-acre intertidal ADZ (below the Clam Line) had been reduced to approximately 90 acres and could potentially

accommodate approximately 15 leaseholders. In past discussions, the idea had been to send a letter to all existing leaseholders about the leasing of the ADZs. Mr. Joseph stated that they also stated that if someone that was not a leaseholder would like to lease a parcel in a particular ADZ, that the individual would need to submit a business plan. Mr. Joseph noted that the leaseholders that expressed an interest would be asked to reply in writing. He added that another issue to consider was lease allocation. For instance, if more than 15 people were interested in leasing the 90-acre ADZ below the Clam Line, there needed to be a procedure in place for parcel allocation. Mr. Joseph provided a number of potential scenarios and asked the Council to think about the issue. He reiterated the fees that had been discussed during the Aquaculture Advisory Council's leasing subcommittee deliberations, included a \$1,000 application fee, annual lease fees of \$100 per acre and a general production requirement of \$500 per acre. After a brief discussion, the Council suggested that the proposed letter be distributed and a public notice be posted regarding the leasing of the ADZs, which would include all the specific details. Following the receipt of the letters of interest, a lottery would be held to decide lot allocation and position (within the ADZ).

5. New Business: None

6. Adjournment

A motion to adjourn was made by Chairman Hollinger, which was seconded by Councilman Bailey.

The next meeting of the Delaware Bay Section of the New Jersey Shell Fisheries Council will be held on June 5, 2007 at 6:00 P.M. in the Haskin Shellfish Research Laboratory library.