

<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>	January 5, 2010		
<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.	James W. Joseph, DFW Shellfisheries	David Bushek, Research Professor
Scott Bailey, Cumberland Co.	Russell Babb, DFW Shellfisheries	
Steven Fleetwood, Cumberland Co.	Jason Hearon, DFW Shellfisheries	
Richard Malinowski, Salem Co. ( <i>Absent</i> )	Robert Connell, Marine Water Monitoring	
Cape May / Salem Co. - Vacant	Joe Myers, Department of Agriculture	

<b>Compliance with the Sunshine Law</b>	Notice of this meeting was posted 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.	December 15, 2009
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Annual Election of Council Chairperson (N.J.S.A. 50:1-18(a))
<b>Mr. Fleetwood nominated Mr. Bailey for Chairman and Mr. Hollinger for Vice-Chairman. Councilman Hollinger seconded the nomination. All were in favor.</b>

<b>Minutes</b>	
July 2009	Presented for decision
October 2009	Presented for decision
November 2009	Presented for decision

The preceding minutes were approved on a motion by Mr. Fleetwood, which was seconded by Mr. Bailey.

Revenue collected for November totaled \$5,210.00. This revenue collected is itemized as follows:

License Type	Total	License Type	Total
Commercial Crab License	\$300.00	Cultch Fees	\$606.00
Atlantic Coast Crab Dredge License	\$300.00	Net License	\$221.00
Delaware Bay Crab Dredge License	\$300.00	Assignment Fees	\$6.00
Commercial Shellfish License	\$1,550.00	Lease Fees	\$1,705.00
Area 1, 2 & 3 License	\$50.00	Application Fees	\$16.00
Map Sales	\$156.00		

Revenue collected for December totaled \$38,808.50. This revenue collected is itemized as follows:

License Type	Total	License Type	Total
Commercial Crab License	\$5,800.00	Menhaden License	\$256.00
Atlantic Coast Crab Dredge License	\$3,000.00	Dredge Boat Fees	\$2,300.00
Delaware Bay Crab Dredge License	\$3,806.00	Map Sales	\$7.00
Commercial Shellfish License	\$350.00	Net License	\$8,903.00
Recreational Shellfish License	\$10.00	Survey Fees	\$90.00
Area 1, 2 & 3 License	\$138.00	Lease Fees	\$13,812.50
Otter Trawl License	\$102.00	Application Fees	\$234.00

Oyster Resource Development Account as of:

<i>December 31, 2009</i>		
<b>Unexpended</b>	\$539,583.79	Total dollars currently in account
<b>Expended</b>	\$1,452.34	Spent from account during FY'09
<b>Pre-encumbered</b>	0.00	Amount previously set-aside for preparation of term contracts (cancelled)
<b>Encumbered</b>	\$1,007.66	Amount obligated to vendors or planned services (e.g., contracting, transplants)
<b>Uncommitted</b>	\$538,576.13	Current free-balance (not obligated/encumbered to specific vendors, etc.)

**Oyster Dredge Vessel Transactions**

For Council's information, Brian Henderson transferred the oyster dredge vessel *Sun Pal* and license no. 96 (11 GRT) to Thomas McNulty, Jr.

Shellfish Leased Ground Transactions		
Lease Transfers		
Original Lessee		New Lessee
John Bateman & Eric Bateman		Bivalve Packing Co., Inc.
Section	Lot	Acreage
C	56	9

The preceding leased ground transfer was approved on a motion by Mr. Hollinger, which was seconded by Mr. Bailey. Mr. Fleetwood abstained from voting.

## 1. Old Business

### *2010 Leased Ground Extensions*

A motion to accept the 2010 lease ground extensions was made by Mr. Bailey and seconded by Mr. Fleetwood. All were in favor.

### *Final 2009 Oyster Harvest Season Summary*

Mr. Hearon stated that the total harvest for the 2009 season had been 80,691 bushels, leaving a balance of 4,394 bushels that were not caught from the total allowable catch. He noted that the Shellrock seedbed provided over 24% of the total harvest and had a catch per unit effort (CPUE) of 75 bushels per day. Mr. Hearon added that the Ship John and Bennies Sand seedbeds provided the second and third largest amounts, with 21% and 20% of the total harvest, respectively.

### *Oyster Stock Assessment Workshop Reminder (February 1-3, 2010)*

Mr. Joseph reminded the Council and the general public that the annual Oyster Stock Assessment Workshop would be held at the Haskin Shellfish Research Laboratory on February 1-3, 2010. This meeting would be open to the public and industry participation was encouraged.

### *Athos I DARP – Creation of Oyster Reefs*

Mr. Babb reminded the Council that he had reported in early 2009 that mitigation monies would be available to the State of NJ to fund a three-year oyster restoration project commencing in 2010. He added that the funding was part of a pending mitigation settlement with the owners of the Athos I oil tanker that had discharged oil into the Delaware Bay Estuary. He provided an update to the Council adding that, to date, the Trustee States (i.e., NJ, DE, and PA) had not yet received the funding for this project and it appeared unlikely that that the project would commence in 2010 as initially expected. A lengthy conversation ensued.

## 2. New Business

### *2010 Water Classification Changes*

Mr. Connell updated the Council on the 2010 shellfish growing waters classifications of Delaware Bay waters. He added that no changes in water quality classification would be occurring in 2010. He noted that there were a few changes along the Atlantic Coast. Mr. Connell stated that the Bureau of Marine Water Monitoring referenced the Vibrio Management Plan in the new regulations. He explained that this was added in order to allow for the framework to place time constraints on the harvest of shellfish. Mr. Connell informed the Council of a new proposal that would require all shellfish gardening and shellfish restoration activities in non-approved waters to be reviewed by the Shellfish Resource Recovery Steering Committee (SRRC). Mr. Fleetwood expressed concern that there would be no industry representation on the committee. Mr. Fleetwood made a motion that the Council submit a written comment to the rule proposal suggesting that the SRRC include an industry representative. A lengthy conversation ensued.

### *Council Documents*

Mr. Hollinger stated that the Council had been working on several documents over the past year that needed to be reviewed. He stated that, ideally, the Council would move to accept the documents at the Council's regularly scheduled March meeting. The documents presented include the following: 1) Industry Seats on SAW – Proposed Appointment Process; 2) Leasing Committee Recommendations; 3) Authority Letter to Attorney General's Office, and; 4) Leasing Policy Document for Delaware Bay.

### *Aquaculture Advisory Committee Meeting*

Mr. Myers stated that the next Aquaculture Advisory Committee meeting would be held on January 15, 2010 at the Rutgers University Eco-Complex in Columbus, NJ. He noted that at present the meeting was set to discuss the newly approved Middle Island Thorofare shellfish leases and the Department of Agriculture's (DOA) Shellfish Census. Mr. Myers also stated that the DOA's aquaculture rules had been proposed for readoption.

### *Instant Spill Updates*

Mr. Connell stated that the Atlantic Coast Council had requested a better way to report water closures due to spills to industry working in the affected waters. He informed the Council that a system would be put in place where an individual logs onto a website and enters their cell phone number and the Counties they harvest in. He added that when a spill occurs, a text message would be sent to the individual's phone if he/she indicated that they worked in the affected county.

### *Lease Renewal Issues*

Mr. Kelleher stated that he had been unable to renew his leases and hoped that he would not lose them. Mr. Taylor stated that he had also not been able to renew his leases by the December 31<sup>st</sup> deadline. A lengthy conversation ensued regarding why the lessees had not been able to make it into the office to renew their leases. Mr. Joseph stated that, in his opinion, the Council had two options in regards to how to handle the issue. He noted that over the past decade the Delaware Bay Section had adopted, by policy, many of the rules that governed the leasing and use of bottom on the Atlantic Coast Section. He added that according to the Atlantic Coast leasing regulations, the lessees could either be granted an extension by the Council or would have to reapply for the lease(s). Mr. Burke stated that he and Mr. Fleetwood had both signed up to acquire any leases that were not paid for by December 31, 2009. However, he also noted that he believed that the lessees that did not pay for their leases should be able to keep them. A lengthy conversation ensued. Mr. Fleetwood stated that he would be willing to waive his claim to the leases as long as Mr. Burke agreed to also waive his claim. Mr. Burke agreed to this arrangement. Mr. Fleetwood stated that this was not a new policy and that this was how this was always handled. Despite this long-standing policy, he made the suggestion that the lessees be able to reapply for their respective lease grounds.

### *Tag Ordering*

Mr. Babb suggested that the Bureau send out a form to all industry members asking them to provide a breakdown of what percentage of single and bulk tags they anticipated using in the 2010 oyster season. He stated this would be done in an attempt to refine the Bureau's ordering from the contractor that produces the harvest tags. Mr. Babb stated that the industry could significantly reduce costs if tag purchasing was more accurate. A lengthy conversation ensued. The Council suggested sending the letter during February - March 2010.

*Adjournment* - The Council's next meeting was tentatively set for February 23, 2010 at the Haskin Shellfish Research Laboratory. **Mr. Fleetwood made a motion to adjourn, which was seconded by Mr. Hollinger.**