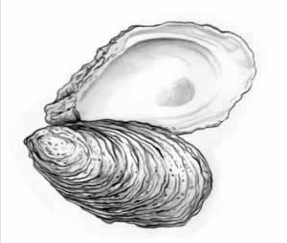


<b>NEW JERSEY SHELLFISHERIES COUNCIL</b>		<b>Delaware Bay Section</b>
<i>Meeting Minutes</i>		

Meeting Name	Monthly Meeting of NJ Shellfisheries Council - Delaware Bay Section		
Meeting Date	October 5, 2010		
Meeting Time	6:00 PM		
Venue	Haskin Shellfish Research Laboratory	City	Bivalve, NJ
Attendees	General Public		

Council	State Representatives	Haskin Research Lab
Scott Bailey, Cumberland Co.	James W. Joseph, DFW Shellfisheries	Eric Powell, Director
Warren Hollinger, Cumberland Co	Russell Babb, DFW Shellfisheries	David Bushek, Research Professor
Steven Fleetwood, Cumberland Co.	Jason Hearon, DFW Shellfisheries	
Richard Malinowski, Salem Co.	Craig Tomlin, DFW Shellfisheries	
Cape May / Salem Co. – Vacant		

<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.	September 20, 2010
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Mr. Joseph informed the Council that this meeting would be recorded.

The August minutes were presented for consideration. Due to inadequate review time, the minutes would be held-over until the next scheduled meeting.

**Revenue collected for August totaled \$19,371.00 and is itemized as follows:**

License Type	Total	License Type	Total
Commercial Crab License	\$500.00	Duplicate License	\$2.00
Commercial Shellfish License	\$50.00	Oyster Cultch Fees	\$17,480.00
Recreational Shellfish License	\$240.00	Oyster Dredge Vessel License	\$10.00
Juvenile Shellfish License	\$10.00	Net License	\$933.00
Non- Resident Shellfish License	\$40.00	Application Fees	\$106.00

**Oyster Vessel Transactions**

For Council's information, Eric Bateman has transferred the oyster dredge vessel *A.B. Newcomb* and oyster dredge vessel license #16 to Robbins & Robbins, Inc.

Revenue collected for September totaled \$8,952.00 revenue collected is itemized as follows:

License Type	Total	License Type	Total
Commercial Crab License	\$300.00	Atlantic Coast Crab Dredge License	\$100.00
Recreational Shellfish License	\$30.00	Dealer's License	\$100.00
Oyster Tag Fees	\$7,928.00	Net License	\$364.00
Delaware Bay Crab Dredge License	\$100.00	Application Fees	\$30.00

Oyster Resource Development Account as of:

<i>October 5, 2010</i>		
<b>Unexpended</b>	\$566,819.12	Total dollars currently in account
<b>Expended</b>	\$0.00	Spent from account during FY'11
<b>Pre-encumbered</b>	\$0.00	Amount previously set-aside for preparation of term contracts (cancelled)
<b>Encumbered</b>	\$0.00	Amount obligated to vendors or planned services (e.g., contracting, transplants)
<b>Uncommitted</b>	\$566,819.12	Current free-balance (not obligated/encumbered to specific vendors, etc.)

**1. Old Business**

*Direct Market Program*

Mr. Tomlin informed the Council that the only seed beds that remained open are the high mortality beds. He stated that the industry catch per unit effort is down slightly to 62 bushels per day and that the total harvest stood at approximately 69,000 bushels. Mr. Tomlin noted that there was 28 days left in the season and that approximately 7,600 bushels had not been harvested to date.

*Outstanding Council Policy Documents*

Mr. Bailey asked the Council for comments on the documents that had been drawn up by previous committees and individuals. Mr. Fleetwood stated that the document regarding the selection process for industry representation on the Stock Assessment Review Committee (SARC) should be a person that had attended at least one year of the meetings to fully understand the process. He reiterated that someone that had sat through the workshop previously should only represent the Industry. Mr. Bailey stated that the policy document for selecting industry representation for the SAW would require a three-year term. **Mr. Hollinger made a motion to pass the document with the revision of a three-year term. Mr. Malinowski seconded the motion, which carried with a 3 to 1 majority.** The Council requested that the Bureau of Shellfisheries send a letter to all license holders asking them to contact the Bureau's Delaware Bay Office indicating their interest in participating on the SARC. Once names were acquired, a drawing would be held at the next Council meeting to select the representative. Mr. Joseph noted that the next document was the Council's Leasing Committee's recommendations. Mr. Fleetwood expressed concerns over the proposed single fee for leased grounds for both sections of the Council. A lengthy discussion ensued. Mr. Fleetwood stated that he believed that the Delaware Bay Section of the NJ Shellfisheries Council (Council) should proactively raise lease fees. The Council took no action on the Leasing Committee's recommendations. Mr. Joseph asked if the Council would make a decision on the Delaware Bay Leasing Procedures document. Mr. Babb stated that this document was still in the development process and that Mr. Fleetwood had suggested revisions in the past (e.g., removal of language that would prevent a person from renewing or acquiring a lease if they had incurred criminal charges). **Mr. Fleetwood made a motion to approve the document provided that the language**

**regarding “criminal charges and not able to renew or lease grounds” were removed. A lengthy discussion ensued. Mr. Hollinger seconded the motion.** Mr. Joseph noted that Authority Letter to Attorney General is still pending a response.

#### *Lease Fees*

Mr. Bailey made a motion to raise lease fees to \$0.75 per acre, up from \$0.50. The motion was seconded by Mr. Fleetwood. All members were in favor.

#### *Tidelands Fees*

Mr. Joseph stated that the Tidelands Resource Council (TRC) had a resolution assessing a fee of \$0.01 per square foot for structural aquaculture. He added that the Council had a copy of Walter Johnson’s (Chair of Atlantic Coast Section of Shellfisheries Council) letter to Commissioner Martin of the DEP, which questioned the legality of the TRC with respect to aquaculture. Mr. Joseph explained that the resolution would specifically apply when there was permanent structure utilizing the water column (not to include marking stakes/poles). A lengthy discussion ensued.

#### *Consolidation of Councils*

Mr. Fleetwood asked if there had been any response to the Council’s letter regarding the proposed consolidation of the Council. Mr. Joseph stated that he had not heard anything but did mention that it would take a change of the Title 50 Statute in order to accomplish this change. He added that he would be surprised if any group or legislator would support that consolidation recommendation. Mr. Fleetwood suggested that the Council send a letter to all local legislators copying the Atlantic Coast Section of the Council.

## **2. New Business**

#### *2010 Changes to N.J.A.C. 7:25A - Tonging, Tagging & Reporting*

Mr. Tomlin stated that the changes to N.J.A.C. 7:25A (adopted July 6, 2010) now required all tongers to report weekly harvest and to purchase harvest tags prior to harvesting in Delaware Bay and/or its tributaries. Mr. Babb stated that the monies collected from the sale of tags for the tongers fishery would be placed into the Oyster Resource Development Account. Mr. Hollinger suggested that a management system for the tongers area should be developed. Mr. Hearon stated that even though there was no direct transplant to the area, there have been shell plantings as well as planting of seed. He stated that the spat counts for the past few years had been very good. The Council decided that the decision of managing this specific fishery would be held-over until 2011.

#### *Stock Assessment Workshop Update*

Mr. Joseph stated that as long as the Council was comfortable with a season opening date during the second week of April in 2011, that the SAW would be held February 7-9, 2011. He explained that the one-week delay would provide the Haskin Laboratory and SARC with an additional week to compile and analyze data. The Council agreed and stated that they were comfortable with an approximate mid-April opening.

#### *N.J.A.C. 7:25A Oyster Rule Re-Adoption – Important Dates*

Mr. Babb informed the Council that N.J.A.C. 7:25A Oyster Rule re-adoption without amendment met the required filing deadline and had been granted a 180-day extension, beginning on October 13, 2010. He noted that the proposal would be published in the New Jersey Register on November 15, 2010 and the 60-day comment period would end on January 14, 2011.

#### *Oyster Stock Assessment Budget*

Mr. Powell requested that the Council send a letter to the President of Rutgers University to remind him to retain the monies for the Oyster Stock Assessment Program in his budget request to the Governor. The Council was in agreement to send the letter.

*Oyster License Consolidation Committee*

Mr. Riffin asked that the Council reconvene the Oyster License Consolidation Committee. He noted that the Department's Administrative Consent Order-Consolidation program had been very successful to date. He added that now that the program has been in effect for nearly five months that many of the fears from within the industry associated with the concept of consolidation have been dismissed. Mr. Babb noted that if the current document was changed it might not be able to be adopted before the current ACO program runs out (i.e., July 12, 2012). **Mr. Hollinger made a motion to reassemble the Committee, which was seconded by Mr. Fleetwood. Roll call vote: Hollinger, Yes; Fleetwood, Yes; Malinowski, No; and Bailey (tiebreaker), No. The Council did not pass the motion to reconvene the Committee with a vote of 2-2.**

*Adjournment\**

The Council's next meeting was tentatively set for November 9, 2010 to be held at the Haskin Shellfish Research Laboratory in Bivalve, NJ.

**A motion to adjourn was made by Mr. Bailey, which was seconded by Mr. Hollinger.**

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*\* Please be reminded that all shellfish leases must be renewed (in person) by December 31 each year. Bureau offices will begin accepting lease renewals beginning October 15 of each year.*

*\*State offices will be closed on Friday, December 24, 2010.*