

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

Meeting Name	Monthly Meeting of NJ Shellfisheries Council - Delaware Bay Section		
Meeting Date	May 12, 2009		
Meeting Time	6:00 PM		
Venue	Haskin Shellfish Research Laboratory	City	Bivalve, NJ
Attendees	General Public		

Council	State Representatives	Haskin Research Lab
Warren Hollinger, Cumberland Co.	James W. Joseph, DFW Shellfisheries	John Kraeuter, Assoc. Director
Scott Bailey, Cumberland Co.	Russell Babb, DFW Shellfisheries	David Bushek, Research Professor
Steven Fleetwood, Cumberland Co.	Craig Tomlin, DFW Shellfisheries	Kathy Alcox, Field Scientist
Cape May / Salem Co. – Vacant	Jason Hearon, DFW Shellfisheries	
Cape May / Salem Co. – Vacant	Jeremy Trembley, DFW Law Enforcement	
	Bob Connell, Marine Water Monitoring	
	Gary Wolf, Food & Drug Administration	
	Douglas Fisher, Secretary of Agriculture	
	Al Murray, Asst. Secretary of Agriculture	
	Joseph Meyers, Dept. of Agriculture	
	Calliope Alexander, NJ Dept. of Health	

Compliance with the 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 pursuant to L. 1975 c. 231.	<i>Revised – April 30, 2009</i>
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Minutes	
February 2009	Decision – Presented at April meeting
April 2009	Consideration – due to inadequate review time. Presented at May 2009 meeting

The Council was presented with the February 2009 minutes for review. Due to inadequate review time, a decision on the February 2009 minutes will be held-over until the next scheduled meeting.

Revenue collected for April totaled \$57,131.00. This revenue collected is itemized as follows:

License Type	Total	License Type	Total
Commercial Crab License	\$3,900.00	Cultch Fees	\$47,022
Atlantic Coast Crab Dredge License	\$200.00	Dealers License	\$100.00
Commercial Shellfish License	\$390.00	Map Fees	\$14.00
Recreational Shellfish License	\$130.00	Net License	\$4,841.00
Juvenile Shellfish License	\$2.00	Application Fees	\$198.00
Oyster Dredge Boat License	\$334.00		

Oyster Resource Development Account as of:

<i>May 12, 2009</i>		
Total Unexpended	\$672,056.71	Total dollars currently in account
Encumbered	\$292,290.40	Amount obligated to cover int. transplant costs - (5) participants
Pre-encumbered	\$200,000.00	Amount set-aside for preparation of term contract development
Uncommitted	\$379,766.31	Current free-balance

Oyster Dredge Vessel Transactions

For Council's information, Brian Hill transferred the oyster dredge vessel *Miss Samantha* (License No. 99) to Jeffrey Moore. For Council's information, Jeffrey Moore has renamed the oyster dredge vessel *Miss Samantha* (License No. 99) to *The General*. For Council's information, Jenny King replaced the oyster dredge vessel *Jody Lynn* (License No. 5) with the oyster dredge vessel *Jenna Marie*.

Shellfish Leased Ground Transactions

Lease Transfers

<i>Original Lessee</i>			<i>New Lessee</i>		
John W. King			Jenny King		
Section	Lot	Acreages	Section	Lot	Acreage
C	92	63	D	109	13
C	173	11	D	129	28
C	184	27	D	187	14
C	199	108	D	219	110
C	390	21	D	263	9
C	396	21	D	303	21
C	397	20	D	309	20
C	429	18	D	322	16
C	431	21	D	343	31
C	433	62	D	388	22
C	454	63	D	411	9
C	457	17	D	564	19
C	463	20	D	129	14
C	468	24	E	53	12
C	474	16	E	88	12
C	480	8	E	89	12
C	490	17	E	207	12
C	515	33	E	222	12
C	593	17	E	337	12
D	98	8	E	338	12
B	24	45	C	82	14
B	26	33	C	83	14
A	101	60			

Lease Transfers				
Original Lessee	New Lessee	Section	Lot	Acreage
James Tweed	Atlantic Capes Fisheries, Inc.	A	160	197
Geoffrey Carr	Atlantic Capes Fisheries, Inc.	A	24	96

Note: This transfer was inadvertently omitted from the April meeting.

Lease Transfers				
Original Lease	New Lease	Section	Lot	Acreage
William H. Riggan	William P. Riggan II	B	91	41
		B	246	28
		C	85	15
		C	149	37

Note: This transfer was inadvertently omitted from the April meeting.

Lease Transfers					
Original Lessee		New Lessee			
William H. Riggan		William P. Riggan II & Son			
Section	Lot	Acreages	Section	Lot	Acreage
B	57	34	C	573	57
C	49	26	D	193	10
C	9	31	D	208	12
C	314	12	D	289	20
C	344	14	D	302	26
C	404	18	D	458	38

Note: This transfer was inadvertently omitted from the April meeting.

Councilman Fleetwood made a motion to accept all lease ground transactions. Chairman Hollinger seconded the motion.

Old Business

Direct Market Program Update

Mr. Craig Tomlin reported that the industry had fished a total of 186 days, with more than half of those days being worked on Shellrock. He noted that over 13,000 bushels have come from Shellrock, and that four vessels had already meet their allotted quota.

Leasing Committee

Chairman Hollinger stated that the Delaware Bay Leasing Committee (Committee) recently met concerning the draft Aquaculture Development Zone leasing agreement. He stated that the Committee approved this draft and it would be passed on to the appropriate state representatives. Chairman Hollinger noted that the Atlantic Coast Shellfisheries Council also had received and reviewed the draft. Mr. Maxwell stated that they had not yet approved the draft but they had already begun to look at the traditional leasing documents. Chairman Hollinger stated that the two Councils would work separately on traditional leasing documents but would then come together to present and potentially share their ideas.

Commercial Twp. Oyster Project

Chairman Hollinger stated that the group was successful in securing \$165,000 for upbay shell planting, and \$50,000 for shellplants and transplanting in the tongers area. Mr. Babb stated that it was anticipated that 108,000 bushels would be

planted on the state's natural seedbeds and approximately 13,000 bushels on the tongers beds as well as a 5,000-bushel seed transplant in the tongers area. Councilman Bailey asked if the total project allocations were going to the aforementioned two planting projects and one transplanting project. Chairman Hollinger stated that an additional \$120,000 would be going towards an aquaculture development project related to Commercial Township. Chairman Hollinger noted that this portion of the project would be in conjunction with Atlantic Cape Fisheries. He mentioned that this portion of the project would involve the use of grow-out gear, which would be provided by Atlantic Cape Fisheries. He added that the oysters would ultimately be sold back to Atlantic Cape Fisheries. A lengthy conversation ensued. Mr. Joseph noted that if these projects employed structure for grow-out and were located on any grounds other than the ADZs (which already had the required State and Federal permits), permits would be required. Further conversation ensued.

New Business

Oyster Rule Update

Mr. Babb stated that the oyster management rule proposal would appear in the June 1, 2009 New Jersey Register. He stated that the Bureau was now in the process of notifying the appropriate newspapers and agencies that the proposal would be available for comment and review as of June 1, 2009. He stated that if there were no significant problems or findings during the comment period that the proposed rules would be adopted during the fall, hopefully by September 1, 2009.

Oyster Dredge Boat Consolidation

Mr. Babb stated that Mr. Hearon had been working on the oyster license consolidation proposal and meetings have taken place between Bureau staff and staff from the DEP's Office of Legal Affairs. The Bureau was currently drafting the required impacts statements and general preparation for presentation to the department's legal team.

Derma Report

Mr. Bushek stated that the first Derma reports were in and that the levels were slightly higher than last year at this time. He stated that the extra rain might be a very good thing.

Intermediate Transplant Update

Mr. Hearon stated that the industry's per vessel increase resulting from the recently completed intermediate transplant would be approximately 223 bushels and that the second half of the transplant would be completed during the *Vibrio* closure in late June. He noted that the high mortality beds would open May 18, 2009. He also reminded that the Council's tag purchasing deadline was approaching. He reminded the Council and those in attendance that 600 tags needed to be purchased by July 7, 2009. A lengthy discussion ensued.

Aquatic Farmers Rule

Mr. Myers stated that aquaculture rule was being temporary adopted so that there would be no lapse in coverage.

Vibrio parahaemolyticus Update

Mr. Wolf stated that regulators and the industry worked together for a 2009 plan. He noted that the major component of this plan was the pre-chilling of oysters prior to shipment. The FDA worked with the NJ Department of Health and Senior Services by using staff from both agencies in order to allow for the 2009 oyster season to occur. Mrs. Alexander stated that she had been very impressed with the cooperation and enthusiasm of the industry and stated that this relationship could be used as a model for the rest of the nation. Mrs. Alexander stressed that all records for temperature control needed to be current and easily accessible. She noted that if any oysterman had questions that they would be able to contact her at any time. Councilman Hollinger reminded the industry that the reduced harvest hours were from sunrise to 11:00 a.m. beginning June 8, 2009. Enforcement Officer Trembley stated that sunrise is a specific time every day. Mr. Connell once again stressed the need for all dealers/harvester/shippers to keep excellent records to stop the closure of waters in the face of an outbreak. A lengthy conversation ensued. Councilman Fleetwood stated that some states only allowed harvest for one hour before product is required to be placed into refrigeration. He stated that in some states that they had enough inspectors to

individually certify each harvester to allow for greater time of harvest. Mrs. Alexander noted that transport vehicles must either be refrigerated or tarped and then placed into a forced refrigeration unit by 2:00 p.m. Mrs. Alexander noted that her group was ready and willing to verify that a cooler could chill the product below 45 degrees Fahrenheit for an earlier shipment.

Importance of Shellfish Inspectors

Assistant Secretary Al Murray stated that he would be representing Secretary Fisher. He stated that he was in attendance at the meeting to address the concerns about the lack of standardized shellfish inspectors. Mr. Wolf stated that one of his major duties with the FDA was to evaluate the state's shellfish programs. He stated that one of the major components of his evaluation is to see if the agency in charge of the shellfish program had enough staff to meet the tasks required of them. Mr. Wolf said that if an agency was understaffed that he could not allow that state to have a shellfish harvest program. Mrs. Alexander explained how her staff was stretched to their limits. She continued by saying that even with the new hires the agency would still be short in the area of standardized shellfish inspectors in South Jersey. Mr. Murray stated that he would bring the message to Secretary Fisher that vacant job titles within this vital government agency may be detrimental to the oyster industry and the community they live in.

Motion to Adjourn

Motion to adjourn was in audible. The next meeting of the Council will be held June 2, 2009 at 6:00 p.m in the library of the Haskin Shellfish Research Laboratory.