

**NEW JERSEY SHELL FISHERIES COUNCIL  
- DELAWARE BAY SECTION -**

**MINUTES OF JUNE 5, 2007**

NJDEP, Division of Fish and Wildlife  
Bureau of Shellfisheries  
6959 Miller Ave, Bivalve, NJ 08349  
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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

Russell Babb, Shellfisheries  
Jason Hearon, Shellfisheries  
Craig Tomlin, Shellfisheries  
Paul Wesighan, Marine Water Monitoring  
Fred Kelly, U.S. Dept. of Agriculture

HASKIN SHELLFISH LABORATORY

Eric Powell, Director  
John Kraeuter, Assoc. Director  
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 Mr. 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 May 18, 2007 pursuant to L. 1975 c. 231.

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

The Council minutes from April 2007 were presented for consideration. **The preceding minutes were approved on a motion from Mr. Fleetwood. Mr. Hollinger seconded the motion.** Due to inadequate review time, a decision on the May 2007 minutes would be held-over until the July Council meeting.

1. Revenue collected for May 2007, \$50,001.00. This revenue collected is itemized as follows:

<u>License Type</u>	<u>Total</u>	<u>License Type</u>	<u>Total</u>
Commercial Crab Pot License	\$3,300.00	Dredge	\$800.00
Commercial Clam License	\$450.00	Nets	\$2,905.00
Recreational Clam License	\$360.00	Tonger License	\$50.00
Cultch Fees	\$42,660.00	Juvenile Clam License	\$2.00
Dredge Boat License	\$32.00		

- Oyster Resource Development Account balance as of May 31, 2007: \$330,313.00 (uncommitted)

2. Leased Ground Transactions

- 2.1. Application for New Ground

- Decision

<u>Name</u>	<u>Charles Clark Sr.</u>		
	<u>SEC.</u>	<u>LOT</u>	<u>ACRES</u>
	A	19	105

It had been noted that Mr. Clark had been in attendance at the May 1, 2007 meeting. **Chairman Hollinger made a motion to approve the leased ground application. The motion was seconded by Councilman Fleetwood.**

### 3. Old Business

#### 3.1. 2007 Direct Market Program Update: Harvest Summary and Control Dates

Mr. Hearon stated that through two months of harvesting Shellrock continued to provide the bulk of the harvest and had reached 44 percent of its annual total allowable catch (TAC). He stated that high mortality beds had a combined harvest of 18,300 bushels (27 percent of area quota) and the low mortality beds had a harvest of 4,834 bushels (14 percent of area quota). Mr. Babb stated that the control dates for the 2007 season had been included in letters to the industry as well as in the "Terms and Conditions" document signed by all active oystermen. He reminded those in attendance that July 16, 2007 would be the last day for harvesters to purchase a minimum of 600 tags. Those harvesters not meeting that deadline would be ineligible to purchase any additional tags.

#### 3.2. Nationwide Permit No. 48: Permitting for Shellfish Culture Activities

Mr. Tomlin stated that there were new federal reporting requirements for all shellfish leaseholders. He stated that the Bureau had submitted a report for all those shellfish leases less than 100 acres in size (held prior to March 12, 2007). He added that a "Pre-Construction Notification" had been submitted for all shellfish leases greater than 100 acres in size (held prior to March 12, 2007). Mr. Hollinger suggested that the Bureau send a letter to all leaseholders explaining to them what had been done for them and what would be required of them in the future. Mr. Babb replied that a letter would be sent as soon as the U.S. Army Corps of Engineers (ACE) approved the applications. Mr. Hearon reminded the Council and those present that from this point forward, individual leaseholders would be required to obtain their own permits. Mr. Myers stated that the N.J. Department of Agriculture was currently in the process of trying to bring the Aquatic Farmer License program in line with the new federal permit dates.

#### 3.3. Intermediate Transplant Program Update

Mr. Babb stated that the intermediate transplant program was scheduled to occur during the last two weeks of June. He stated that currently, only two boats had signed up to participate. Mr. Hearon stated that he recently discussed the quantity target (bushels) with Dr. Powell and that he had stated that the estimate for the number of bushels to be moved would be approximately 16,000 bushels plus or minus 5,000 bushels. A lengthy discussion ensued regarding what the target number of oysters should be. Mr. Hollinger noted that the price paid per bushel transplanted last year had been \$2.00. **Mr. Hollinger made the motion to set the per bushel transplant rate at \$2.00. The motion was second**

**by Councilman Fleetwood.** Conversation ensued regarding the difficulty of coordinating the transplant program without a firm quantity target (a realistic bushel estimate). A decision had been made to terminate the transplant program once 16,000 bushels had been moved or after two weeks, whichever occurred first.

### 4. New Business

#### 4.1. Water Quality Classification Changes in the Upper Delaware Bay

Paul Wesighan (Bureau of Marine Water Monitoring) presented the Council with charts depicting areas of the Bay that were scheduled to be downgraded due to water quality failures. He stated that an area adjacent to Cherry Tree Creek, just south of Mad Horse Creek (10.4 acres) had been downgraded from Approved to Seasonally Approved, an 129.6 acre area west of Bayside had been downgraded from Approved to Seasonally Approved, an 103.4 acre area west of Seabreeze had been downgraded from Approved to Seasonally Approved and a 10.5 acre area near False Egg Island Point (at the mouth of Straight Creek) had been downgraded from Approved to Special Restricted. The Bureau suspected that all of the preceding downgrades were most likely related to non-point sources of pollution.

#### 4.2. Clarification of Letter to Harvester

Chairman Hollinger asked the State representatives for clarification regarding the tarping rules enacted during the reduced harvest period(s). Mr. Wesighan had stated during his presentation that the tarping had been intended to shade the oysters but cautioned that harvesters should also maintain adequate airflow beneath the tarp for the oysters. Mr. Babb added that if a harvester was in Approved waters, it was also recommended that the oysters on deck be washed periodically with raw water pumps (for evaporative cooling).

#### 4.3. U.S. Department of Agriculture (USDA) - Proposed Cost Share Program

Fred Kelly (USDA) presented the Council with a draft description of the Environmental Quality Incentives Program (EQUIP). He stated that the EQUIP program is the primary method that the USDA can use to help with water quality. He stated that this cost share program was one method the USDA could employ in order to get aquaculturists to use environmentally sound equipment and methods. Mr. Kelly explained that this program has worked in Massachusetts and Rhode Island. Mr. Kelly described a number of potential cost share options that could have applicability to Delaware Bay aquaculture activities (attached) and asked for comments and feedback. He stated that the USDA maintains an

office in Vineland where one could sign up for the program.

5. Adjournment

**The motion to adjourn was made by Chairman Hollinger.  
Councilman Fleetwood seconded the motion.**

The next meeting of the Delaware Bay Section of the New Jersey Shell Fisheries Council will be held on July 16, 2007 at 6:00 P.M. in the Haskin Shellfish Research Laboratory library.