

MINUTES OF THE MEETING  
OF THE  
DELAWARE BAY SECTION OF THE NEW JERSEY SHELLFISHERIES COUNCIL

Haskin Shellfish Research Laboratory  
Bivalve, NJ  
Tuesday, January 8, 2019  
6:00 PM

Present were:           Chairman:    Warren Hollinger       (Cumberland County)  
                                  Councilman:  Richard Malinowski    (Salem County)

Absent were:           Vice Chairman: Stephen Fleetwood    (Cumberland County)  
                                  Councilman:    Vacant                   (Cumberland County)  
                                  Councilman:    Vacant                   (Cape May/Salem County)

State/Fed Reps:        Craig Tomlin, Bureau of Shellfisheries

Haskin Lab Attendees: Jason Morson, Laboratory Researcher

General Public

*Compliance with the Sunshine Law*

Notice of this meeting was posted December 13, 2018 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.

Mr. Tomlin did roll call and read the above compliance. Councilman Hollinger reviewed the revenue and account information below.

**1. Revenue collected for December totaled \$38,963.34 and is summarized as follows:**

License Type	Total	License Type	Total
Commercial Crab Pot	\$5,400.00	Commercial Shellfish	\$1,550.00
Nets	\$8,589.00	Recreational Shellfish	\$30.00
Application Fees	\$456.00	Dealer License	\$500.00
Menhaden	\$1,034.00	Hunting	\$100.25
AC & DB Dredge	\$6,100.00	Tonging	\$500.00
Map Sales	\$70.00	Assign Fees	\$5,600.00
Dredge Boat Renewal	\$1,224.00	Lease Fees	\$7,810.09

**2. Oyster Resource Development Account (082):**

Unexpended	\$670,415.46	Budget authority less expenditures ( <i>total spendable dollars currently in account</i> )
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### 3. Lease Ground Transactions:

*Lease Transfers:*

William Friswell to Bivalve Packing Company

Section	Lot Number	Acres	Fee
D	450	41	\$5.00

**Councilman Hollinger** motioned to approve the lease transfer. **Councilman Malinowski** seconded the motion.

*Applications for Council's Consideration:*

Applicant	Section	Lot #	Acreage	Application Fee
Joseph Haase	D	53	200	\$250.00

Councilman Hollinger noted that Joseph Haase was in attendance. That fulfilled the applicant's requirement to attend one of two meetings in which the application was up for consideration or decision.

*Applications for Council's Decision:*

Applicant	Section	Lot #	Acreage	Application Fee
Jersey Select Oysters LLC	ADZ 2	1A	10	\$250.00

Mr. Tomlin noted that David Adams was in attendance and had attended the meeting in December 2018 when his application was on the agenda for Consideration, thus fulfilling the aforementioned requirement. **Councilman Hollinger** made a motion to approve the lease application. **Councilman Malinowski** seconded the motion. **The lease was approved.**

### 4. Old Business

Leased Ground Renewals & Non-Renewals (Bowker, Malinowski, Swan, Swan)

Mr. Tomlin said leases were renewed annually per the calendar year at the Council's discretion. Councilman Hollinger reviewed that the Bowker lease, Malinowski lease, and two Swan leases were not renewed before December 31, 2018, which required the lease holders to attend the Council meeting to appeal their renewal. Councilman Hollinger asked Mr. Bowker if he wanted his lease, to which he replied yes. He then asked Benji Swan if she wanted their leases, to which she replied yes. **Councilman Hollinger motioned to extend the lease renewals if they were paid within one month from the Council meeting.** Councilman Hollinger then asked Councilman Malinowski and Robert Malinowski if they wanted their lease, to which they replied no. Councilman Hollinger commented that they would not have been able to vote on their lease due to the absence of Councilman Fleetwood.

Red Knot Update

Councilman Hollinger reported that there was no red knot update since nothing was reported from the Aquaculture Working Group.

## 5. New Business

### Election of Council Chairman and Vice Chairman

Since the entirety of the Council was not in attendance, Councilman Hollinger announced that the election would have to wait until the March 2019 Council meeting when all three Councilmen were present.

### Stock Assessment Review Committee (SARC)

Mr. Tomlin summarized that Mr. Morson was to provide dates for the Stock Assessment Workshop (SAW), and that he wanted to confirm who would hold the Council and industry seat on the SARC. Councilman Hollinger confirmed that he would be sitting on the SARC for the Council and Scott Sheppard would hold the industry seat. Mr. Tomlin noted that once the SAW dates were established they would coordinate with Mr. Sheppard. Mr. Morson informed that the SAW would be held on February 12 and 13. Councilman Hollinger asked what time the SAW would start. Mr. Morson said it would probably start at 9:00 AM on the 12<sup>th</sup>, and 8:30 AM on the 13<sup>th</sup>, but he would have to confirm that information.

### Scheduling the Next Council Meeting

While scheduling the date for the next meeting, Councilman Malinowski said they would need time between the SAW and the following meeting. Mr. Tomlin said the Council usually takes a week to receive comments about the SARC recommendations, and the Haskin Lab would need time to put together the SAW document for the Council meeting. Mr. Morson said March 12 would be a good date for the meeting. The Council agreed to schedule the meeting for March 12. Mr. Tomlin said after the SAW the Bureau would have the tags ordered the following day.

### Open Discussion

Councilman Hollinger opened the floor up to the Public. Ned Gaine voiced his concern that in the past, he had been denied two separate appeals to the Atlantic Coast Section to renew leases after failing to renew by the year's end. He explained he had to attend the January Council meeting to explain his hardship as to why he was not able to renew his lease before December 31 of the previous year. He asked why those appealing today did not have to state their hardships to approve the extension of their leases, and what constituted a hardship. Councilman Hollinger explained that the Atlantic Coast Section (ACS) had a different policy than the Delaware Bay Section (DBS). The DBS's policy used to be to grant the lease extensions if the lease holder in question attended the Council meeting and stated their hardship, which could be anything that prevented them from renewing their lease. He further explained that within the past few years, the DBS changed their policy to allow the lease extension if the lease holder in question attended the Council meeting, and nothing more. Councilman Hollinger described that the ACS had a rule that required the lease holder to attend the meeting and state their hardship, and that the ACS used to be more stringent with the excuses. He further said that within the past few years the ACS became more lenient with what constituted a hardship, which may be why Mr. Gaine was denied his appeal in the past. Mr. Tomlin summarized that the current policies were such that the lease holder must attend the meeting for the DBS, and the lease holder must attend a meeting and state a hardship for the ACS. Mr. Gaine commented that the policy was written in Title 50, but Mr. Tomlin informed him there were no policies in Title 50. [The code that was referenced in conversation was §N.J.A.C 7:25-24.8 Lease Renewals.]

**6. Councilman Hollinger motioned to adjourn the meeting. Councilman Malinowski seconded the motion.**

The NJ Shellfisheries Council, Delaware Bay Section meeting adjourned at 6:13 PM.

The tentative date, time, and place of the next Council meeting will be:

Date: March 12, 2019  
Time: 6:00 PM  
Place: Haskin Shellfish Research Laboratory  
6959 Miller Ave, Port Norris, NJ 08349