

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

Haskin Shellfish Research Laboratory  
MS Teams Conference Call  
Bivalve, NJ 08349  
Tuesday, August 5, 2025  
6:00 PM

Present were:

Council: Chairman: Warren Hollinger (Cumberland County)  
Vice Chairman: Steven Fleetwood (Cumberland County)  
Councilman: Richard Malinowski (Salem County)  
Councilman: Scott Sheppard (Cumberland County)  
Councilman: Vacant (Cape May/Salem County)

State/Fed Reps: Craig Tomlin, Bureau of Marine Habitat & Shellfisheries  
Russel, Babb Bureau of Marine Habitat & Shellfisheries\*  
Andrew Hassall, Bureau of Marine Habitat & Shellfisheries\*  
Virginia Wheatley, NJ Department of Health\*  
Alissa Wilson, Bureau of Marine Habitat & Shellfisheries  
Amanda Wenzcel, NJ Department of Agriculture\*  
Michael Lindner, Bureau of Marine Habitat & Shellfisheries

Haskin Lab: David Bushek, Director  
Jen Gius, Laboratory Researcher IV  
Iris Burt, Laboratory Technician\*  
Michael Acquafredda, Aquaculture Specialist\*  
*\*Virtual Attendance*

General Public

*In compliance with the Open Public Meetings Act (N.J.S.A. 13:1B-30 et. seq), a notice of this meeting was posted July 31, 2025 with the Secretary of State's Office, State House, Trenton, NJ and sent to the NJ Advanced Media news outlets. This meeting will be recorded.*

Mr. Tomlin welcomed everyone to the August 5<sup>th</sup> meeting of the Delaware Bay Section of the Shellfisheries Council stating the meeting was held under the Open Public Meetings Act (N.J.S.A. 13:1B-30 et. seq) as mentioned above. Mr. Tomlin then performed a roll call for Council members and noted that representatives from various State agencies and the Haskin Shellfish Research Lab were present.

1. Delaware Bay Office Revenue Collected

Chairman Hollinger reviewed the revenue collected by the Delaware Bay Shellfisheries office for the months of May, June and July of 2025 as detailed below.

1.1. Revenue Collected for May 2025: \$26,670.00

License Type	Total	License Type	Total
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Oyster Tags*	\$24,292.00	Menhaden	\$52.00
Nets	\$1,288.00	Commercial Shellfish	\$50.00
Commercial Crab Pot	\$800.00	Recreational SF	\$20.00
AC Crab Dredge	\$100.00	Duplicate Fee	\$2.00
Application Fees	\$66.00		

\*Revenue towards Oyster Resource Development Account

1.2. Revenue Collected for June 2025: \$30,013.00

License Type	Total	License Type	Total
Oyster Tags*	\$24,872.00	Menhaden	\$52.00
Assign/Vessel Charters	\$4,000.00	Application Fees	\$34.00
Nets	\$831.00	Recreational Shellfish	\$20.00
Comm Crab Pot	\$200.00	Juvenile Shellfish	\$4.00

\*Revenue towards Oyster Resource Development Account

1.3. Revenue Collected for July 2025: \$26,638.00

License Type	Total	License Type	Total
Oyster Tags*	\$18,204	Commercial Shellfish	\$200
Assign/Vessel Charters	\$6,000.00	DB Crab Dredge	\$100
Nets	\$1,348	Application Fees	\$68
Comm Crab Pot	\$500	Recreational Shellfish	\$10
Menhaden	\$208		

\*Revenue towards Oyster Resource Development Account

2. Oyster Resource Development Account (as of 08/04/2025)

Encumbered: \$0.00  
Expended: \$166,309.87  
Uncommitted: \$183,783.02

Chairman Hollinger reviewed the Oyster Resource Development Account figures as shown above.

3. Vessel Transactions

3.1. J.C. Peterson

Mr. Tomlin recalled a meeting from July 2022, when the Council asked for an Administrative Consent Order (ACO) allowing harvest licenses held by the F/V J.C. Peterson to be harvested by another vessel after a barge broke free and damaged 3 fishing vessels including the F/V J.C. Peterson. Mr. Tomlin presented the vessel transaction stating the J.C. Peterson was repaired, the Oyster Dredge Boat License #18 was reinstated on the vessel, and the ACO was terminated.

4. Old Business

4.1. Red Knot Stakeholder Committee Update

Chairman Hollinger stated that the birds came and went, and the Committee had not held a meeting. Mr. Tomlin added that the Programmatic Biological Opinion (PBO) was set to

expire in 2026. Representatives from the DEP have met with the Army Corps of Engineers, US Fish and Wildlife Service (USFWS), Endangered and Nongame Species Program, and the Department of Agriculture and were working through the document to fast track the process. Chairman Hollinger asked if this was going to be the only PBO for the State. Mr. Tomlin said he talked to Wendy Walsh (USFWS) and it was not decided if the PBO will cover the whole State or if a separate PBO will be developed for the Atlantic Coast. Chairman Hollinger asked Mr. Tomlin if there were any changes to the critical habitat map for the red knots, to which Mr. Tomlin replied he was not aware of any changes. Mr. Gaine addressed a section of the PBO about horseshoe crab transit through stationary gear. He elaborated on the point by saying he has seen the USFWS endorse living shorelines and other structures ranging from 20-30 yards long by 5 foot tall with horseshoe crabs having no issue transiting. Mr. Tomlin explained the plan was to look at any available science to update the conservation measure within the new PBO. Chairman Hollinger asked Mr. Tomlin if the Red Knot Stakeholder Committee will have input on the new PBO. Mr. Tomlin replied that State representatives were hoping to have input from the Committee on the PBO once drafted. Mr. Babb said the last 10 years of science and data will play into how the new PBO is written. He also heeded caution with how much to dig into changes for the PBO since if the document was not finalized and reissued it can cause problems for the industry.

#### 4.2. 2025 Vibrio Update

Chairman Hollinger welcomed Virginia Wheatley from the Department of Health to give an update on the Vibrio case management and the cases in 2025. Ms. Wheatley described the reporting process from the initial consumption to the finalized illness report that comes before the trace back process. Ms. Wheatley told the Council that so far 22 cases were reported to the NJ Department of Health, adding that not all cases can be attributed to NJ harvest areas as some cases relate to multi-sourced shellfish. Ms. Wheatley stated that of the 22 cases only 7 involve shellfish harvested from only New Jersey and singled out a specific case where shellfish harvested from New Jersey was shipped to California and then shipped to New Mexico before consumption. Ms. Wheatley clarified one of the reporting cases, being Culture-Independent Diagnostic testing (CIDT+) that was not taken into consideration for closing harvest areas whereas culture confirmed cases would be taken into consideration. Ms. Wheatley stated per the Center for Disease Control (CDC) guidelines that anyone can get a Vibrio infection, however, certain medical conditions and treatments can increase the individuals' risk for infection and complications. Ms. Wheatley told the Council and industry members that in the event of a positive case of *Vibrio vulnificus* (Vv), *Vibrio parahaemolyticus* (Vp), or Vibrio CIDT+ that an email will be sent to the dealers inquiring about more information where applicable. Councilman Hollinger asked Ms. Wheatley if the cases this year were strictly from consumption of oyster or if cases derived from both consumption of oyster and clam. Ms. Wheatley stated most of the cases in 2025 were a result of oyster consumption but there were a few cases that have resulted from clam consumption. Vice Chairman Fleetwood thanked Ms. Wheatley and the staff at the Department of Health for the work that is required in tracking down and the reporting process for each Vibrio case. The Vice Chairman highlighted recent media from Florida that showcased Vv related deaths and how he tried to get in contact with the news outlets to provide more insightful information for consumption and the risks with no response. Mr. Gaine asked Ms. Wheatley how the 2025 Vibrio cases compared to last year at this time and if there was a pattern of higher number of cases in the beginning of summer, few cases throughout the summer and then a spike in case numbers toward the end of the summer months. Ms. Wheatley said that compared to previous years the reported number of cases was average to

low compared to years past but reminded everyone that the Vibrio season extends through September and into October. Ms. Wheatley also stated Mr. Gaine’s second question was a better question for DEP representatives but DOH staff can investigate trends in the fall and winter months after the Vibrio season ends.

Mr. Tomlin stated that Mr. Bushek shared a piece of information with him that he wanted to highlight quickly pertaining to Vp predictive models. Mr. Bushek states this model can be used to better inform the public or harvesters about the doubling rate of Vp and be used to determine optimal days to harvest to reduce the transfer of infection to humans. Vice Chairman Fleetwood asked Mr. Bushek if the “strains” of Vibrio used to determine these models were dependent on the area (Vibrio from Delaware bay used in the model for the Delaware Bay basically), Mr. Bushek said he could not give a definitive answer. Mr. Gaine stated that this could be a useful tool for determining intertidal work. The Vice Chairman added that this modeling could be harmful to the wild harvest industry by stating that this model could tell the harvesters that only 2 days out of the upcoming week would be optimal days to harvest. Mr. Bushek added that in the model it can add shading into account. A lengthy discussion ensued among the Council, industry and the public with a consensus that this model was a bad picture or reference for the industry and can be used against the industry.

4.3. Direct Market Harvest Program Update

Mr. Lindner gave an update on the 2025 Direct Market Season reporting 49,000 bushels had been harvested to date and the High Mortality Market Region closed July 28, 2025. He also stated that 25 of the licenses completed harvest, 27 licenses were currently underway, and the remaining 18 had not been started. Mr. Lindner also noted the remaining bushels to be harvested in the open regions being 7,500 bushels from Medium Mortality and 17,000 bushels from Shell Rock. Councilman Malinowski asked why there was such little harvest on the lower portion of the High Mortality Region since the goal was to work those beds including Strawberry, Ledge and Hog Shoal. Mr. Tomlin along with a few industry members stated that New Beds fell below the required harvest line and most harvesters ended up harvesting that portion of their quota from New Beds.

Bed	Boat Days	Harvest	CPUE	% of Region bu.
Cohansey	13	2,038	157	21.8%
Ship John	85	7,294	86	78.2%
Shell Rock	18	2,875	160	
Bennies	50	7,685	154	20.8%
Bennies Sand	135	21,812	162	59.0%
Nantuxent	40	4,755	119	12.9%
New Beds	21	2,530	120	6.8%
Strawberry	1	5	5	0.0%
Hog Shoal	2	189	95	0.5%
Ledge	1	24	24	0.1%
<b>MMM</b>	98	9,332	95	19.0%
<b>SR</b>	18	2,875	160	5.8%
<b>HMM</b>	250	37,000	148	75.2%
<b>Total</b>	366	49,207	134	

4.4. Survey Methods Overview

Ms. Gius gave a presentation to the Council and audience members of the survey methods that Rutgers Haskin Shellfish Research lab used in the bed resurvey and assessment surveys. She quickly overviewed the oyster bed regions, beds, and qualities that determine the bed regions of the bay breaking them down in harvest and transplant regions. Ms. Gius stated that the two surveys were used to estimate the oyster abundance and density on beds, grids, and regions. Ms. Gius stated the resurvey assessment was used to estimate oyster density on every grid in each bed, and the assessment survey was used to estimate the oyster density of every bed in each region. Ms. Gius stated that the grid densities provided by resurvey were used to update maps of the bed that break down each grid into high, medium, and low-density qualities compared to the rest of the grids in the bed. Ms. Gius added that bed densities were not comparable when comparing two different oyster beds; for example a high-quality grid on one bed could be a medium or low-quality grid on another bed if the overall density differs. Ms. Gius stated the grid qualities defined by the resurvey assessment were used to determine the survey locations of the assessment survey by choosing randomized high and medium quality grids from each bed. Mr. Gained asked Ms. Gius if the density differentiations depicted in the presentation tend to stagnate at points or if most beds follow a gradual curve toward the high density. Ms. Gius said the beds tend to follow a gradual curve. Mr. Gain asked to clarify the minimum size of oyster that would be counted and thus included in the data for each survey. Mr. Bushek replied that any oyster 20mm and above would be classified and counted. Mr. Reeves asked when Rutgers staff chose sites that were used in the assessment survey if they had an equal ratio of high to medium quality grids, Ms. Gius said the ratio was close to evening out across the bay but may differ from bed to bed due to the number of grids on each bed. Mr. Gain asked Mr. Bushek if there was a standardized density view of the bay; Mr. Bushek stated that there currently was no standardized density view due to the drastic density difference between the up-bay and down-bay regions.

Ms. Gius described the survey methods used in the field, whether it be resurvey or the assessment survey, stating that on each grid 3 tows were taken randomly throughout the grid and a subset of each tow was collected to form a composite bushel. Ms. Gius noted that a total volume of each dredge was taken via calibrated points on the survey vessels hopper to distinguish the number of bushels brought up by each dredge. Ms. Gius stated that after forming the composite bushel, the bushel was sorted into a category of live oyster, box oyster, cultch material, and other debris. Volumes of each category were taken and counts of live oyster and boxes were recorded. Ms. Gius showed and elaborated upon the formulas used to obtain the relative oyster density per grid, efficiency, catchability coefficients for each bed region, and true oyster density, shown below.

$$\text{Oysters per Bushel} \times \text{Total Bushels of Material/Area Towed} = \text{Relative Oyster Density per grid}$$

$$\text{Relative Density per Grid} \times \text{Catchability Coefficient} = \text{True Oyster Density}$$

$$\text{Relative Oyster Density (Dredge)/True Oyster density (Tongs)} = \text{Efficiency}$$

$$1/\text{Efficiency} = \text{Catchability Coefficient}$$

Ms. Gius stated that to obtain the dredge efficiency and catchability coefficients that a series of experiments were done to estimate the relative oyster density using a commercial dredge and 1m<sup>2</sup> patent tongs. Ms. Gius described that a series of dredges were taken on a transect parallel to a transect of patent tong grabs to show the relative and true densities thus

obtaining the efficiency of the dredge. Ms. Gius presented the catchability and efficiency figures for each bed and added that efficiency varied by location noting that the dredge was more efficient at catching live oyster compared to catching boxes or cultch material. Mr. Gaine asked if all beds individually were surveyed to obtain their catchability coefficients or if the data was grouped and extrapolated out since there were groupings. Mr. Bushek stated some beds could not be surveyed due to the time needed and cost to obtain efficiency of every bed, some beds were grouped together. Mr. Gaine then asked within the groupings if there could be error, Mr. Bushek said the catchability can have error and if the density or the topography of the bed changed the efficiency will change. Mr. Fleetwood Jr. asked if the efficiency could vary between a slack tide and a tide moving with heavy current. Ms. Gius and Mr. Bushek both stated that in the past tidal factors had been documented and do add to the variability of the data along with weather, vessel, captain, and single vs dual dredge.

Ms. Gius stated that by having the density of each grid and having a known area you can calculate the abundance of each bed, the abundance of each bed can be added together per region to get a regional abundance, regional abundance is multiplied by exploitation rates per region to get total removals and that is how the Lab calculates quota estimates for the Stock Assessment and Transplant bushels. Mr. Reeves expressed his eagerness to see the data captured by the Vessel tracking units at the end of the year to see what percentage of the low, medium and high-quality grids the industry worked that year. Mr. Bushek added the vessel tracking units can also be used to better assess the areas for enhancement. Ms. Gius stated that moving forward the Lab intends to resurvey the beds that see most of the enhancement more often to assess the changes in bed dynamics and vessel tracking can show promising trends once the data is accessible. Councilman Sheppard asked Mr. Bushek why the change from a bushel per tow to the composite bushel was made, Mr. Bushek stated that the composite bushel shows a better representation of whole the grid as its 3 different tows taken compared to the 1 tow that represented one random part of the grid.

#### 4.5. Intermediate Transplant Program Update

Mr. Tomlin gave an update to the Intermediate Transplant Program that occurred April 28 - May 12 showing total oysters moved from source beds to the recipient beds. Chairman Hollinger asked how the Low Mortality region held up with choosing to take a higher Exploitation (Removal) Rate that was recommended by the Stock Assessment Review Committee. Ms. Gius said that the Haskin Lab conducted a resurvey of Upper Arnolds, Arnolds, and Strawberry this year and while she had not had time to finalize the numbers the Low Mortality region seemed to be holding up very well. Ms. Gius added that the vessel tracking will add to this data to see from where exactly the source material came.

#### 4.6. Shell Plant Program Update

Mr. Tomlin gave an update on the 2025 Shell Plant Program noting that there was a rough start to shell plant between mechanical failures and weather not cooperating. Even with the troubles, six barges ended up being planted in the three market regions. Mr. Tomlin added that he had another presentation that he will give at the September 9<sup>th</sup> meeting detailing how the Department selects which sites to enhance.

#### 4.7. Spat Monitoring Program Update

Mr. Lindner presented a spat monitoring program to the Council that is taking place in Delaware Bay. He explained that ranging from Stow Creek down to Cape Shore there were 10 sites in tributaries and 4 sites in the open bay (Cohansey, Shell Rock, Nantuxent, and Egg Island)

that were being monitored for water quality and spat presence every week. To date, 8 of the 14 sites have had spat presence with the highest density of spat seen being at the Fortescue site. Mr. Lindner stated that these sites had been monitored since June 17<sup>th</sup> and to be continuously monitored through early October to see if there was a second spat set. Councilman Sheppard asked what was used to catch the spat. Mr. Lindner responded that each site had a bag filled with 20 whole surf clam shells attached to a block and rests on the bottom. Chairman Hollinger asked that if the project where to continue next year could a bag be placed in the Maurice River Cove, Mr. Lindner agreed. Mr. Gaine asked what the turnover time was before seeing the data and full spat counts. Mr. Lindner responded the earliest he could have the full workup would be midday Friday. Mr. Gaine also stated that he would love to see the data go live in real time in the future. Mr. Tomlin added that this likely would not be able to show quantitatively but will be used to show trends like that of the Atlantic coast.

#### 4.8. Dermo Update

Mr. Bushek shared that dermo was progressing at an average level compared to prior years and a drought over the winter was seen, resulting in relatively low box counts compared to the long-term average. Mr. Bushek also stated that according to Ms. Burt, there had been a new trend occurring where early in the year the box counts were relatively low and started to ramp up in the later months of the year.

Mr. Bushek also presented the freshwater discharge rates from Trenton that run through the Delaware River and noted the discharge rate reflected the rainfall in the watershed. Mr. Bushek highlighted the blue line of the figure showing that from November 2024 until May 2025 the discharge rate was low and from May until present the discharge had been above the trend line which is the typical pattern for the time of year.

Mr. Gaine asked Mr. Bushek if the dermo data from Cape Shore was available as it was not presented. Mr. Bushek stated that the data was collected today so was not available yet but shared that the wild oyster presented an odd pattern while the NEH<sup>®</sup> oysters were showing a higher infection rate but relatively low mortality. Mr. Gaine asked about the wild oyster infection and mortality baseline to which Mr. Bushek replied both metrics were average and he would send him the data collected.

#### 4.9. Vessel Tracking Device Update

Mrs. Wilson told the Council she had been working with the State's IT group to complete the installation process but had not yet been successful at the final installation. She stated that she was hopeful that by the end of the year she will have the information gateway set up to have the data ready for the Stock Assessment. Vice Chairman Fleetwood asked why the process was taking such an extended amount of time. Mrs. Wilson and Mr. Tomlin explained that there were multiple levels of security and safety precautions set in place by the State to protect the personal information and thus needed to be detailed to not breach any data. Mr. Gaine and Council members agreed that this process was taking too long and debated writing a letter to those involved asking to finalize the process. Mr. Tomlin and Mr. Babb agreed that a letter can be written if the process is held up any further. **Vice chairman Fleetwood motioned to have a letter written to the Department of Information & Technology if no progress was made with the Samsara API Token soon explaining the need for the data. Councilman Malinowski seconded the motion; all Council members were in favor and the motion passed.**

#### 4.10. Regulatory Committee Update

Mrs. Wilson stated that on Tuesday July 29<sup>th</sup> she sent out executive summaries of the Committee meetings to all members and Councilmen. Mr. Babb apologized for the delay in the summaries, citing himself as the hold-up. Mr. Babb then stated that the Atlantic Coast Section of the Shellfisheries Council had accepted the report 2 weeks prior and the Atlantic Coast Regulatory Committee summary as a result was posted on the New Jersey Fish and Wildlife commercial shellfish aquaculture webpage. Mr. Babb asked the Council members and members of the public to review the Delaware Bay Regulatory Committee summary and Atlantic coast summary since they were both to be put into one large regulatory consideration. Mr. Babb also stated that for any input or public comment ahead of the rule writing that will take place this year into the rule proposal next year, contact the Delaware Bay or Atlantic Coast Shellfish offices for input whether in writing or over the phone. Chairman Hollinger asked Mr. Babb if the Council must approve the summary before it is posted. Mr. Babb replied that the Council must approve and agree that the report is an adequate reflection of what occurred during the meetings. Vice Chairman Fleetwood asked Mr. Babb if the proposed rules were going to change. Mr. Babb responded that some of the proposed rule changes might not get written into law but when there is pushback Council and Committee members will be notified. Councilman Sheppard stated he could not view the summary via email but will come into the Delaware Bay Shellfish office to obtain a copy. **Vice Chairman Fleetwood motioned to accept the Regulatory Committee executive summary so that it can be posted to the Department's website. Councilman Sheppard seconded the motion; all Council members were in favor and the motion passed.**

#### 4.11. Bushel Tax Increase Rule Update

Mr. Tomlin addressed the Council stating that at the January 7, 2025, meeting there was interest by the council in increasing the industry's bushel tax from \$2.00 to \$4.00 that was then proposed at the March 4, 2025, meeting. Mr. Tomlin told the Council and industry members that the rule was proposed and posted on August 4, 2025, and the 60-day comment period was open and would close October 2, 2025. Vice Chairman Fleetwood asked why the rule as written will result in a locked rate at \$4.00, thus not allowing the Council to set the tax rate within a given range. Mr. Tomlin stated that a variable rate rule had to be based on the Consumer Price Index (CPI). He then noted that after the rate is set, The Council could ask to restart the rule making process and potentially have and change the rate within 6 months . Vice Chairman Fleetwood and Councilman Sheppard both addressed their concerns with the current rule. The Vice Chairman stated that if the Council is allowed to set transplant parameters and the associated fee that they should also be able to set the bushel tax per year. Councilman Sheppard added to the point of Vice Chairman Fleetwood that if the Council can increase the bushel tax rate that they should also be allowed to increase the exploitation percentage that dictates the amount of harvest. A conversation ensued between Councilman Sheppard and Mr. Bushek about the harvest quota for the Direct Market program. Councilman Sheppard stated that if the quota was higher that would increase the amount of revenue collected by the bushel tax to fund the Shell Plant and Transplant programs.

Mr. Tomlin said that if 6-month period passed and there were no comments, that it would be significantly harder to justify a reduction to the bushel tax with the price of enhancement efforts increasing yearly. Vice Chairman Fleetwood stated the initial reason he, and the other Council members wanted to increase the bushel tax rate was due to dwindling funds in the Oyster Resource Development Account (ORDA) and the need to transplant 100,000 bushels of oyster prior to any shell plant in 2025 both of which would be costly. Mr. Babb added to the conversation that if the Council members came to a consensus that the proposed \$4.00

tag price should be lowered and to what it should be lowered too, they would need to let representatives with the Bureau of Shellfisheries and Marine Habitat as soon as possible. Mr. Babb expressed that the representatives' project the enhancement programs will still be challenging to fund in the coming years. Mr. Babb expressed that if anyone had comments on the rule to notify department representatives and send a copy of the comment to Amanda Parker with the Office of Legal Affairs within the 60-day comment period.

Mr. Gainé stated that he was contacted by the Garden State Seafood Association (GSSA) about the rule proposal going forward and asked Mr. Gainé if he supported the Rule. Mr. Gainé told the GSSA representative that he supported the rule with the caveat that the Council would be able to set the tax rate within a range. Mr. Gainé suggested to the Council that they submit a comment expressing the desire to have purview over the rate within an acceptable range. Mr. Gainé stated that the industry itself is currently shouldering the burden to fund the enhancement programs.

#### 4.12. Enforcement Update -C. Tomlin

Mr. Tomlin read an update from the Bureau of Law Enforcement that stated two new recruits were attending the Game Warden school that will serve the Marine Division and one recruit in Cape May County in the Police Academy that will start in August. The update also stated that there were three new patrol vessels that were equipped with eSummons which enables officers to write a summons on site. Mr. Tomlin also told the Council that multiple charges were filed against two Cumberland County commercial fishermen for unlawful use of a dredge in a hand tong only section of Delaware Bay after a month-long investigation. The men were charged with using an unlicensed vessel to take oysters in Delaware Bay, utilization of an unlawfully sized dredge to catch oysters in Delaware Bay, failure to tag oysters, failure to report oyster harvest, failure to wear personal flotation devices, and the use of an unregistered vessel in state waters. Chairman Hollinger stated he had talked to Officer Brian Scott about the case mentioned and asked Mr. Tomlin if any of the new recruits will be coming to serve the Cumberland County area. Mr. Tomlin said he was not sure but that he can ask Officer Scott.

## 5. New Business

### 5.1. US Army Corps of Engineers – Proposal to Reissue and Modify Nationwide Permits

Mr. Tomlin told the Council that the Army Corp of Engineers had a short window to reissue their nationwide permits, and the Bureau went through them to see if there were any changes that affected the fishery, aquaculture work, or any of the enhancement work. Mr. Tomlin stated that there was only one change under Nationwide Permit 48 (NWP48) and it specifically had to deal with oysters in Washington State so there was nothing to cause alarm. Chairman Hollinger stated that the only change would be the inclusion of the CID number on each lease holders' piece of structure and equipment. Mr. Tomlin stated that the inclusion of the CID number is only a regional condition.

Mr. Gainé asked if NWP48 could now included permission for the State to hold the permit for the lease holder to put shell on their own leases. Mr. Tomlin stated that at the current time there was no provision for this. Mr. Tomlin added that currently the State held a permit through the Department of Land use to allow lease holders to plant shell on their leases and not the ACOE permit, but that it was possible that the State may work with the ACOE for a blanket permit. Mr. Gainé stated if there was a simple fillable form through the State offices that lease holders could use to fill out so they can plant shell on their lease would be beneficial. Mr. Tomlin said representatives with the Army Corp of Engineers expressed their

interest in attending both the Delaware Bay and Atlantic Coast Sections of the New Jersey Shellfisheries Council and it can be discussed in that event. Mr. Gaine also highlighted a concern with the language change in NWP 48 regarding notifying the Coast Guard and the process that was now required.

#### 5.2. Legislative Updates

Mr. Tomlin presented a list of legislative updates relating to aquaculture. Matt Williams discussed the A5708 bill S4273 that modified the definition of “aquaculture” throughout the State law to include construction of facilities and appurtenant structures. He noted that the change was a single word exclusion of the word not in the definition to include sheds and other structure dedicated to aquaculture. Mr. Gaine added that he would like to see the Council write a letter of support for this update to be supported for the current session but also for all future sessions where the bill is present. To Matt Williams’ point, Luke Williams added that the current definition of aquaculture contradicts itself saying you were allowed to practice aquaculture, but you needed an appurtenant structure to partake in aquaculture that was not currently allowed.

Mr. Babb added that not currently present on the slide was Simonson’s assembly bill 5945 that was statutory change to Title 52 that added a section under 1-27. The bill read that the Council shall set the maximum size of any single ground to be leased on the Atlantic Coast at 50 acres that currently does not have a Senate companion. The Councilmen tabled writing a letter of support for the proposed changes to the bills until the next meeting September 9, 2025, for time to review.

#### 6. Public Comment

Mr. Gaine submitted a letter to the Council members regarding the Jersey Fresh Program that detailed the need to distinguish the New Jersey shellfish product. Mr. Gaine wanted to develop a blanket program for all New Jersey shellfish which would allow harvesters and growers to partake in the Jersey Fresh program thus gaining marketing power for shellfish product in the State. Matt Williams stated that the Jersey Fresh program was above the baseline and if New Jersey shellfish were to be included in the Jersey Fresh program he would want a requirement that the shellfish seed must also be produced in New Jersey. Matt and Luke Williams stated this could be used to push forward the permitting requirements by the State that could be used to construct new hatcheries. Mr. Gaine highlighted a concern for the seed requirement stating it could shrink the already small industry. Mr. Gaine stated the program might have to be self-funded like other industries in the Jersey Fresh program but could include the industry as a whole and would be voluntary.

Councilman Sheppard asked Mr. Gaine where the sales unit of 250 that was included in his letter came from and if he were to sell a cage of oyster that contained 25 bushels would qualify. Mr. Gaine told Mr. Sheppard that the sales unit would not affect the harvesters, it would affect the wholesalers, and it was an arbitrary number that was added, and he is open to other sales units. Mr. Bushek added that the retailer would determine what their sales unit would be. Councilman Sheppard stated that on a trip to Minnesota he was able to recognize immediately that oysters at a market were produced from Washington, and it would be good to mark and distinguish New Jersey shellfish product in a similar manner. Mr. Bowne asked Mr. Gaine what the inspection and audit process would be to be able to qualify for inclusion in the program. Mr. Gaine replied that the audit process would be voluntary, and the inspection process would likely occur at all levels including retailer, distributor, wholesale, and harvester. Chairman Hollinger

and Councilman Sheppard both asked Mr. Gaine if the sales unit number can be struck and Mr. Gaine agreed. **Vice Chairman Fleetwood motioned to strike the 250 sales unit and to leave the figure blank, and to send the letter to the Department of Agriculture. The motion did not receive a second and the motion was not passed.**

7. Meeting Schedule – B. Hollinger

After review and discussion by the Council, the next meeting date was moved from September 2, 2025 to September 9, 2025.

Date, time and place of the next meeting

Date: September 9, 2025

TIME: 6:00 PM

PLACE: Haskin Shellfish research Laboratory and MS Teams.

8. Adjournment

**Vice Chairman Fleetwood motioned to adjourn the meeting. Councilman Malinowski seconded the motion. All Councilmen were in favor, and the meeting was adjourned at 9:05 PM.**

Public Attendees:

Ned Gaine

Tim Reeves

Steve Fleetwood Jr.

Jason Bowne

Robert Malinowski

Matt Williams

Luke Williams