

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, November 12, 2024
6:00 PM

Present were: 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: Russ Babb, Bureau of Marine Habitat & Shellfisheries
Craig Tomlin, Bureau of Marine Habitat & Shellfisheries
Andrew Hassall, Bureau of Marine Habitat & Shellfisheries
Alissa Wilson, Bureau of Marine Habitat & Shellfisheries*
Sarah Gentile, Bureau of Marine Water Monitoring*
Karen Bates, Bureau of Marine Habitat & Shellfisheries*
Jenny Tomko, Bureau of Marine Habitat & Shellfisheries*
Amanda Wenczel, 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 November 1, 2024, 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 meeting while 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 as well as stating representatives from Haskin Shellfish Research Lab and NJDEP were present.

1. Review of minutes: September 2024 – B. Hollinger

Chairman Hollinger addressed his fellow Council members by stating the Council minutes were sent by mail and electronically and asked if all members had time to review prior to the meeting. Councilman Sheppard said he didn't have a chance to review and thus Chairman Hollinger decided to table the minutes review until the following meeting in January 2025.

2. Delaware Bay Office Revenue Collected – B. Hollinger

2.1. Revenue Collected for September 2024: \$14,970.00

License Type	Total	License Type	Total
Oyster Tags	\$10,020.00	Commercial Crab Pot	\$200.00
Assigned Fees	\$4,000.00	Application Fees	\$38.00
Nets	\$702.00	Rec Shellfish	\$10.00

2.2. Revenue Collected for October 2024: \$8,784.50

License Type	Total	License Type	Total
Lease Fees	\$4,012.50	Commercial Shellfish	\$400.00
Assigned Fees	\$1,200.00	AC Dredge	\$300.00
Nets	\$848.00	DB Dredge	\$300.00
Commercial Crab Pot	\$700.00	Otter Trawl	\$102.00
Menhaden	\$406.00	Map Sales	\$70.00
Possession in Excess	\$400.00	Application Fees	\$46.00

3. Oyster Resource Development Account (*as of 11/06/2024*) – B. Hollinger

Encumbered: \$2,158.00
 Expended: \$54,383.24
 Uncommitted: \$147,327.15

4. Old Business

4.1. Red Knot Stakeholder Committee Update – B. Hollinger

Chairman Hollinger informed the Council and the public that he does not have any updates from the committee and inquired to state representatives if they had any updates. Mr. Tomlin and Mr. Babb stated they had met with representatives from U.S. Fish and Wildlife service and the Army Corp of Engineers regarding the next iteration of the Red Knot-Aquaculture *Programmatic Biological Opinion* (PBO). As a result of this discussion all interested parties concluded that for the time being they will continue with the current management scenario outlined in the PBO.

Chairman Hollinger added that during the Marine Fisheries Council meeting in the prior week that a report shared by the ASFMC (Atlantic States Marine Fisheries Commission) stated the horseshoe crab population was steady and not declining. Chairman Hollinger opined that the surveys being conducted should include the tributaries of Delaware Bay as he believed the current scope of the survey is missing a large portion of the population. Mr. Brust told Chairman Hollinger he would discuss his concerns with colleagues in the NJFW Endangered and Non-Game Species Program.

4.2. 2024 Direct Market Update – A. Hassall

Mr. Hassall gave the Council the Direct Market Harvest Fishery Update. He stated the High Mortality region closed July 8, 2024, with 32,625 bushels harvested from the region and Bennies which comprised 53.4% (17,414 bushels) of the total regional harvest. He added that the Medium Mortality Market region closed October 10, 2024, with a total of 15,984 bushels

harvested with the 87.6% (13,931 bushels) of the harvest coming from Ship John. The last update Mr. Hassall provided was regarding the Shell Rock region, he stated the bed has approximately 750 bushels left to be harvested.

Bed	Region	Boat Days	Harvest	CPUE	% of Region	% of Total
Cohansey	MMM	20	2,053	102.7	12.8%	3.1%
Ship John	MMM	137	13,931	101.7	87.2%	21.1%
Shell Rock	SR	109	17,502	160.6	100.0%	26.5%
Bennies Sand	HMM	42	8,310	197.9	25.5%	12.6%
Bennies	HMM	107	17,414	162.7	53.4%	26.3%
Nantuxent	HMM	53	6,901	130.2	21.2%	10.4%
Region Total	MMM	157	15,984	101.8		24.2%
Region Total	SR	109	17,502	160.6		26.5%
Region Total	HMM	202	32,625	161.5		49.3%
Total		468	66,111	141.3		

4.3. Dermo Update – J. Gius

Ms. Gius told the Council that Dermo prevalence was up and that over 50% of the oysters on the lower beds had heavy infections. She continued stating that there were no drastic changes observed in mortality rates, just slight upticks. Ms. Gius explained that there was a slightly higher incidence of mortality on Bennies. She noted that overall, most of the witnessed mortality was drilled spat and not new boxes from adult oysters. Ms. Gius stated that the Haskin Lab staff will take a close look at box counts and mortality rates during the November monthly monitoring. She noted that this is especially important with the dry weather causing an increase in salinity throughout the bay.

4.4. Vessel Tracking Device Update – A. Wilson

Mrs. Wilson informed the Council that the units for vessel tracking were received October 29, 2024, but were shipped with incorrect power cables. She stated that she should receive the correct cables within the next week or two. Chairman Hollinger asked if the plan was still to outfit harvest vessels prior to the harvest season closing to test the units. Mrs. Wilson stated that while the Department was hoping to do that it was very unlikely given the timeframe. Mr. Tomlin added to this saying the Department was to test the units on their vessels to develop a few different methods to implement them prior to the 2025 harvest season.

4.5. Bennies Resurvey Update – J. Gius

Ms. Gius was asked to take another look at the Bennies Resurvey by the Council and presented 8 charts detailing bed density and strata alongside catch per unit effort (CPUE) data dating back 10 years for dual dredge and single dredge boats. The updated figures displayed the 2014 and 2024 resurvey data on the same density scales, so they were more comparable to each other. The first pair of updated figures showed that oyster density was down across the bed region with oyster densities in 2014 ranging from 0 to <60 oysters/m² and in the 2024 survey no grid being above <20 oysters/m². The second pair of figures also showed that oyster

density was down across the bed region on a finer scale with oyster densities in 2014 ranging from 0 to <60 oysters/m² and no grid in the 2024 survey being above <15 oysters/m².

Vice Chairman Fleetwood stated that the catch for the past 2 years on Bennies seemed standard for the time series. Ms. Gius responded by showing that Bennies made up 10-20% of the total harvest prior to 2020 and the 2022 and 2023 harvest from Bennies made up about 30-40% of the total harvest showing increased fishing pressure on the bed. Ms. Gius referred to the CPUE figure and explained it was not the best representative measure of bed quality as its determinant on how many boats and days were fished on the different beds, as well as relying on some inaccurate reporting of hours fished. Ned Gaine asked for clarification on why the Bennies 2024 bed strata figure showed a section of the bed being classified as high and density figure showed it was not as dense as some other areas of the bed. Ms. Gius and Mr. Tomlin clarified that density and strata are different representations, where density is a total number of oysters while strata is that density compared to densities within the same bed. Ms. Gius further elaborated that the strata figures used to randomly select medium and high-quality grids to be resurveyed, this leaves the low-quality grids out of the final calculation. Mr. Tomlin added to the general conversation stating the density figures show that overall bed density has dropped between the 2014 and 2024 surveys. Mr. Gaine asked if Haskin Laboratory staff can produce a figure showing the overall change in bed density by grid. Ms. Gius said they can make that available for the future.

Vice Chairman Fleetwood referred back to the CPUE figure stating the industry tried to fish Bennies in 2020 and once the fleet got there had nothing to harvest as the stock was undersized and asked how the harvestable stock bounced back. Ms. Gius stated that the bed dynamics based on the data presented shows that every 3-4 years the harvestable stock seems to trend down until a good oyster spat set occurred. She explained that the 2024 fishery was likely harvesting the end of good spat recruitment that occurred in 2018-2019. Mr. Babb added to the conversation that vessel tracking should lead to interesting results, better identify fishing habits and further the enhancement work conducted by the industry. Vice Chairman Fleetwood agreed with Mr. Babb that it was going to be a great tool to hone in on over the coming years and presented the example of determining if the industry only fished high density grids or fish mix grid densities or even low densities.

4.6. Lease Renewal Update – A. Wilson

Mrs. Wilson told the Council that letters were sent to lease holders on October 1, 2024, to inform them that the lease renewal period was open October 15, 2024, through December 31, 2024. Mrs. Wilson also informed the Council that so far about 20% of lease holders have renewed their leases.

Chairman Hollinger asked about child support being a requirement for their lease renewal as it was mandatory for other fishing and hunting licenses in the state. Mr. Tomlin informed the Council and the public that if you submit the required child support form through the electronic portal, similarly to other hunting and fishing licenses, then that form applies to any electronic sales for the rest of the year and will not have to be completed again. He explained that lease renewals were not on the electronic portal so you would have to submit the paper version of the child support form when filling out lease renewals.

5. New Business

5.1. Shell Planting Information

Chairman Hollinger asked what data could be compiled before looking for new shell plant funding sources. The Chairman asked if Haskin Lab staff could pull together monthly

monitoring and CPUE (cost per unit effort) data to show correlation between enhancement efforts and cost benefit. Ms. Gius stated the Lab had monthly data dating back years from monitoring each shell plant site for 2 to 3 years and all data collected from the fall random sampling survey that takes place each year. Mr. Tomlin added that Kathy Ashton-Alcox had written articles studying the cost effectiveness of shell planting.

Chairman Hollinger addressed a previous scenario where the industry was given 5 million dollars in 2003 to be used for shell planting and asked if the Department or Haskin Lab representatives could specifically look at the effects from that time and the following years. Chairman Hollinger explained that he was looking for data to be compiled because the monetary resource seemed to be slowly dwindling, and he would like to entertain the idea of pursuing grants or some other type of aid to help sustain the industry and the resource.

5.2. Bushel Tax Increase Scenario

During the September 10, 2024 meeting, the Council asked Department representatives to provide the Council with an audit or budget analysis of the Oyster Resource Development Account (ORDA) in regard to how much revenue was being generated by the industry and the costs of running enhancement efforts to show if the self-imposed bushel tax would need to be increased from \$2 per bushel and by how much. The scenarios given to the Council members prior to the meeting detailed actual past figures and future estimates including:

- Revenue collected from the bushel tax using 100,000-bushel quotas for future estimates
- Industry-imposed bushel tax being the variable at 2, 3, or 4 dollars
- Funds expended for transplants using 30,000-bushel transplants for future estimates
- funds expended for shell plants using 100,000-bushel shell plants for future estimates

All Council members reviewed the expected scenarios. Chairman Hollinger and Vice Chairman Fleetwood expressed concerns regarding the \$4 per bushel industry tax scenario in the case that the quota does not reach the estimated 100,000-bushel quota placeholder in the following years given the lower quota in 2024 netting less revenue for the ORDA. Vice Chairman Fleetwood also voiced concern regarding the viability of changing the \$2 per bushel tax as it was written in regulations [N.J.A.C 7:25A-1.8] and was not able to be changed unless the regulation was updated. Mr. Babb told the Council that if they were to write a letter addressed to the Commissioner and Governor requesting the bushel tax be increased to further fund the enhancement work the industry conducts. All Councilman agreed that given the current state of the industry, \$3 would be the ideal starting place, if they can increase the bushel tax. It was noted by Vice Chair Fleetwood that If harvest quotas were to increase back to 100,000+ bushels, then the Council would entertain increasing the self-tax above \$3. Mr. Babb agreed that the strain on the industry would be seen if the tax were to increase to \$4, but the only way to make the industry self-sustaining would be to target that mark soon. Chairman Hollinger motioned the best course of action would be for the Council to compose a letter to the Commissioner and the Governor asking if there was an avenue for the regulation to be relaxed to allow the bushel tax to be increased by the Council to \$3 per bushel or potentially a small fee range. All were in favor

Chairman Hollinger asked Department representatives about years past shell plants and if they could investigate total shell planted given the time series range 2003-present. Mr. Babb and Mr. Tomlin informed the Council that shell plants in that timeframe had been ranging from 100,000-200,000 bushels at their peak. Vice Chairman Fleetwood expressed he would like the scale of shell plants exceed 100,000 annually, Department representatives and the Council agree

with the Vice Chairman, and all agree the target should be a minimum of 150,000-bushels planted annually. Chairman Hollinger expressed interest in seeing a full report of expenditures for enhancement work to be presentable in case grants or other funding sources were needed to sustain the industry in the future. Mr. Babb added that a section of the report should include the ecological and ecosystem services the enhancement work provides.

6. Public Comment

6.1. Aquaculture Advisory Council Comments

Mr. Williams and Mr. Gaine voiced their concerns to the Council over productivity of the Aquaculture Advisory Council specifically citing the Department of Agriculture not marketing the aquaculture industry and the action plan not being completed within 18 months of their Marketing Committee being formed. Chairman Hollinger acknowledged Mr. Williams' concerns and stated it could be contributed to a staffing issue within the Department of Agriculture, but the Council will speak to the Committee members and see what can be done to suffice the public's concerns.

6.2. Round Table Discussion

Arvene Kilby introduced herself to the Council members and the audience as the Constituent Services Director for Senator Michael Testa and the Assemblymen Antwan McClellan and Erik Simonsen. Ms. Kilby told the Council that Senator Testa would like to hold a round table meeting with Council and industry members in December prior to the holidays to give status to the enhancement practices taking place and what issues they can foresee coming within the next calendar year to see if there are any legislative pieces that the Senator can oversee or provide aid to. Chairman Hollinger voiced a concern about vacant chairs on the various Councils and Committees throughout the State not being processed in a timely fashion by the Judiciary Committee. The Council thanked Ms. Kilby for attending the meeting and asked her to extend their thanks to Senator Testa for showing his interest and support to the industry and fielding concerns.

6.3. Rutgers Aquaculture Symposium Workshop

Mr. Acquafredda informed the council members and the public that on January 31, 2025, Rutgers is to host the Aquaculture Symposium and Workshop at Cape May Tech 9:00 AM - 5:00 PM. This was to serve as an opportunity for Rutgers to share their research with the industry and hear from the industry to see what was working and what they would like to see going forward.

6.4. Natural Mortality for Stock Assessment Workshop

Mr. McConnell asked Haskins Laboratory representatives if the natural mortality rate that is used at the stock assessment workshop is a static number or if the rate fluctuates year by year. Ms. Gius stated the natural mortality rate is not a static number given to each bed and varies year by year and bed to bed. She said if he would like a full breakdown as to how it is determined she could crunch the numbers for him to discuss.

7. Meeting Schedule – B. Hollinger

Tentative 2025 Meeting Schedule (Every other month; first Tuesday unless noted)

January 7

March 4

May 6

July 1
September 2
November 12, **Wednesday** (Election Day 11/4, Veterans Day 11/11)

Date, time, and place of next meeting:

DATE: January 7, 2025

TIME: 6:00 PM

PLACE: Haskin Shellfish Research Laboratory and MS Teams

Councilman Hollinger reviewed the tentative schedule and told the Council members to see if any dates had conflicts.

8. Adjournment – Council

Vice Chairman Fleetwood made a motion to adjourn the meeting, Councilman Malinowski seconded motion. All council members were in favor of the motion and the meeting was adjourned at 7:23PM

Meeting Attendees:

Ned Gaine, Industry
Arvene Kilby,
Matthew Williams, Industry
Timothy Reeves, Industry
Steve Fleetwood Jr, Industry
Todd McConnell, Industry
Justin Givens, Industry