

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

Maurice River Township Municipal Building
MS Teams Conference Call
Leesburg, NJ
Tuesday, November 1, 2022
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 Shellfisheries
Jeff Normant, Bureau of Shellfisheries
Megan Kelly, Bureau of Shellfisheries
Conor Davis, Bureau of Shellfisheries
Amanda Wenzel, Department of Agriculture

Haskin Lab: David Bushek, Director
Jason Morson, Associate Research Scientist

General Public

Compliance with the Open Public Meetings Act

Notice of this meeting was posted October 27, 2022, with the Secretary of State's Office, State House, Trenton, NJ pursuant to N.J.S.A. 13:1B-30 et seq.

Councilman Hollinger welcomed everyone to the meeting, performed roll call, then read the above compliance.

1. The following minutes are for Council's approval: July 5, 2022, and September 6, 2022

Councilman Fleetwood motioned to approve the minutes. Councilman Sheppard seconded the motion. All were in favor.

2. September and October 2022 Revenue

Revenue collected for September totaled \$13,369.00 and is summarized as follows:

License Type	Total	License Type	Total
Commercial Crab Pot	\$300.00	Oyster Tags	\$2,604.00
Nets	\$420.00	Recreational Shellfish	\$10.00
Application Fees	\$35.00	Assigned Fees	\$10,000.00

Revenue collected for August totaled \$19,076.50 and is summarized as follows:

License Type	Total	License Type	Total
Commercial Crab Pot	\$1,000.00	Oyster Tags	\$1,804.00

Nets	\$1,537.00	Commercial Shellfish	\$500.00
Application Fees	\$80.00	Recreational Shellfish	\$10.00
AC & DB Dredge	\$1,300.00	Assigned Fees	\$3,816.00
Tonging Tags	\$800.00	Lease Fees	\$7,971.50
Menhaden	\$258.00		

3. Oyster Resource Development Account (082):

(as of 11/01/2022)

Expended	\$186,135.53	
Unexpended	\$493,275.36	

4. Lease Transactions

4.1. Transfer from Janet Reeves to T.C. Reeves & Son Seafood LLC

Leaseholder	Applicant	Section	Lot	Acres	Acreage Fee	Application Fee
Janet Reeves	T.C. Reeves & Son Seafood LLC	D	501	40	\$20.00	\$5.00

4.2. Transfer from Todd Reeves to T.C. Reeves & Son Seafood LLC

Leaseholder	Applicant	Section	Lot	Acres	Acreage Fee	Application Fee
Todd Reeves	T.C. Reeves & Son Seafood LLC	C	8	14	\$7.00	\$5.00
Todd Reeves	T.C. Reeves & Son Seafood LLC	E	292	24	\$12.00	\$1.00
				38	\$19.00	\$6.00

4.3. Transfer from Timothy Reeves to T.C. Reeves & Son Seafood LLC

Leaseholder	Applicant	Section	Lot	Acres	Acreage Fee	Application Fee
Timothy Reeves	T.C. Reeves & Son Seafood LLC	A	135	75	\$37.50	\$5.00

Councilman Sheppard motioned to approve the transfers. Councilman Malinowski seconded the motion. All were in favor.

5. Old Business

5.1 Red Knot Stakeholder Committee Update

With no Red Knot Stakeholder meetings held recently, Councilman Hollinger asked Mr. Williams, who was in attendance as part of the public, to talk about his proposal for a change to the Conservation Measures

(CMs) found in the Programmatic Biological Opinion for red knots (*Calidris canutus*). Mr. Williams' suggestion would allow leaseholders to tend but not harvest their product two hours before sunrise during low tides when red knots are not present on the beach. Mr. Williams went on to explain this would help growers, operating on Aquaculture Development Zone four (ADZ-4), who have limited hours to access the area when the red knots are present on the beach. Councilman Hollinger stated that he had spoken to Mr. Babb about the possible change to the CMs, and asked Mr. Babb to comment. Mr. Babb responded that while stakeholder approval may be given, the adaptation of the rule would conflict with New Jersey Statue Title 50:2-11, which is titled *Taking shellfish after sunset, before sunrise or on Sunday*. After a lengthy discussion it was decided that the best course of action would be to bring a full proposal, which is directly tailored to the *action area* defined in the PBO, to the Agency Working Group. If approved by the Agency Working Group, then approach the Bureau of Law Enforcement to find a solution to the conflict between the growers needs and existing statutes.

5.2 Direct Market Update

Mr. Davis gave the Direct Market update stating that as of the meeting: 99,413 bushels had been harvested from the High Mortality (HM) region; 25,360 bushels had been harvested from the Shell Rock (SR) region; 24,646 bushels had been harvested from the Medium Mortality Market (MMM) region. Furthermore, at the time of the meeting there were approximately 4,700 bushels of quota left to harvest, with approximately 4,000 from the HM region and 700 from the SR region. Lastly, the table below was shown as part of the meeting presentation, which gives a breakdown of each region.

Bed Name	Region	Boat Days	Total Bushels
Cohansey	MMM	4	242
Ship John	MMM	184	24404
Shell Rock	SR	159	25360
Bennies Sand	HM	17	2953
Bennies	HM	164	33767
Nantuxent	HM	109	12687
Total MMM		188	24646
Total SR		159	25360
Total HMM		290	49407
TOTAL		637	99413

5.3 Oyster Tonging Industry

Mr. Davis reported on the oyster tonging industry by reminding the Council that the 2022/23 season opened on November 1, 2022. At the time of the meeting 550 tonging tags had been sold. Lastly, a reminder of the recent change in water quality in the Maurice River Cove was given.

Following the update, a discussion was had about recent survey work and potential enhancement efforts. Following the discussion, Mr. Babb informed the Council that the Bureau would have a one-page summary of potential actions, and it would be the Council's pleasure to comment directly or send it to committee for further discussion.

5.4 Regulatory Update

Mr. Babb began with a review of which bills we before legislators. First discussed was bill S-436, which would dedicate \$100,000.00 for the Department of Agriculture to support aquaculture marketing via the Jersey Fresh program. Mr. Babb added that the Atlantic Coast Section of the Council sent letters of support for the bill and asked to include aquaculture in the Jersey Fresh program. Councilman Hollinger added that the bill states that the Department of Agriculture will develop the standards for the program.

Next, Mr. Babb talked about bill S-520, which has an accompanying Assembly bill. S-520 would allow for the commercial harvest of aquaculture products on Sundays. Again, the Atlantic Coast Section of the Council sent a letter of support for this bill. The Delaware Bay Section of the Council sent a letter questioning the process. Lastly, in mid-October amendments to the bill were proposed. Currently, the bill is on hold in the Senate and Assembly.

Lastly Mr. Babb addressed bill S-428 for "right to farm." While there is strong support for this bill, there was some objection to the language in the bill when it was last read in mid-October. Dr. Wenzel added that the amendments are not currently available online, yet they can be provided by request.

5.5 Shellfish Council Administrative Guidelines

Mr. Babb began by bring to the Council's attention that in 2015 administrative guidelines for the Council were drafted. It was then readdressed in 2017 but never formally adopted. Therefore, the Bureau is asking the Council to review the material, with particular attention to the creation of committees, so it can be commented on and revised before being adopted officially.

6. New Business

6.1 Lease Renewals Update

Mr. Davis stated that lease renewal packets were sent to all leaseholders on October 7, 2022 via U.S. Mail. Lease renewals can be returned via U.S. Mail or in person. Currently, the Delaware Bay Shellfish office is open to the public Tuesday to Thursday, 08:30 to 4:30. Appointment are available on Mondays and Fridays.

6.1.1 Upcoming January 2023 Council Meeting

Mr. Davis relayed to the Council that the Bureau would like to hold the upcoming January 2023 meeting on January 10, 2023, which is the second week in January. This would allow for delivery of returned lease renewals that maybe postmarked as late as December 31, 2022. By Delaying the meeting by one week, staff hopes to be able to report in full to the Council the status of all renewed and/or vacated leases.

6.2 SSO Update

Dr. Bushek began by reviewing what has been observed during the 2022 season. First, sample for the stock assessment have been collected. Furthermore, high levels of set are being seen in the Bay. Dermo disease is still very prevalent throughout the Bay, but the levels are starting to decrease with the decrease in water temperature. Efforts are being made to breed a strain of oysters with even higher resistance to Dermo disease at the Cape Shore laboratory.

Dr. Bushek went on to brief the Council on *Haplosporidium costale* infections, commonly known as Seaside (SSO) disease. SSO is similar to Multinucleated Sphere Unknown (MSX) disease caused by parasitic infections from *Haplosporidium nelsoni* in that both MSX and SSO have been detected in the Delaware Bay since the 1960's. However, unlike MSX, SSO is not tolerant of moderate to low salinities.

Dr. Bushek went on to share a document that was written by the Regional Shellfish Seed Biosecurity Program (RSSBP) in 2015 in response to an outbreak of SSO in Massachusetts, which was linked to in-state seed importation. The document states, "Overall, the data suggest a wide parasite distribution but with limited infection and disease development in the oyster host."

Dr. Bushek went on to say that there has been a more recent episode of SSO in Delaware, near Indian River Inlet where the salinity is nearly equal to the average salinity of ocean water. Dr. Bushek explained that given the distribution of SSO is heavily dependent on salinity, it is unlikely to move up the Delaware Bay or into smaller estuarine bays, such as the Barnegat Bay. Furthermore, while strains of oysters are not specifically being bred to resist SSO; available stocks have been deployed where SSO infection is likely without mass mortality events. Lastly, when asked, Dr. Bushek stated that SSO has not been detected in the Cape shore region since its discovery in Chincoteague, MD in the early 60's.

Lastly, a RSSBP information flyer was shared. The document gave an overview of the program, and states that the program can provide tools to: Evaluate and reduce risks of transfers; inform decision making regarding interstate seed transfer; enhance biosecurity hatchery to farm; and facilitate commerce. For more information on the program, please visit <https://rssbp.org/resources/>. For guidance on importing shellfish seed into New Jersey, please visit <https://dep.nj.gov/njfw/fishing/marine/permission-requirement-to-import-shellfish-seed/>.

6.3 Miscellaneous

6.3.1 Avian Deterrents

Mr. Babb spoke briefly on this topic, at the request of Council, on what Mr. Robert Shuster (not present) had presented at a recent Aquaculture Advisory Council meeting. While unable to speak to the specific criteria that would guide Bureau of Marine Water Monitoring (BMWM) to make recommendations for mitigation of Avian waste, Mr. Babb did talk about the Bureau of Shellfisheries concerns and recent work done with the Food and Drug Administration (FDA). That is, staff shared photographs of floating cages covered in droppings at the same meeting Mr. Shuster addressed the issue. The floating cages shown in the photographs were also seen by FDA and BMWM staff on a patrol. As such, the State is required to identify the area as a known pollution source, per the model ordinance. Furthermore, the State was obliged to work with the grower. The State did so by having the grower move the oysters out of the area for twenty-one days.

Mr. Babb went on to express that a long-term concern is down-grades in water quality, particularly in the back bays of New Jersey's Atlantic coast. That is, as the use of floating cage systems become more prevalent throughout New Jersey's waters, there is greater risk of closures due to high counts of fecal coliform, if avian deterrents are not used to mitigate perching birds on floating cage systems. Lastly, this could be particularly detrimental and iniquitous to the hard clam industry, which has thrived as an on-bottom practice for decades.

6.3.2 Additional Fisheries Management Plans

Councilman Hollinger informed those in attendance that the Marine Fisheries Administration will begin development of additional fisheries management plans. The species set to be targeted for management plans are species that do not have an interstate or federal management plan, such as blue claw crabs (*Callinectes sapidus*) and oyster toadfish (*Opsanus tau*). Mr. Babb added that the Bureau of Shellfisheries is drafting a fisheries management plan for hard clams (*Mercenaria mercenaria*).

6.3.3 Sunday Harvest

Mr. Williams raised the issue of Sunday harvest for lease holders in the Delaware Bay. The Council expressed their willingness to consider the idea. After a lengthy discussion on how the Council could work to adopt rules specific to Aquaculture Development Zone 4 under New Jersey Statue Title 50:2-11, the conversation shifted to the creation of a committee to further investigate what the regulatory framework to allow for the harvest of shellfish products on Sundays would look like.

Councilman Fleetwood motioned to form a Sunday Harvest Committee with Mr. Williams, Mr. Reeves, Councilman Hollinger, Councilman Fleetwood on it and Mr. Gaine acting as chair for the committee. Councilman Sheppard seconded the motion. All were in favor.

6.3.4 Consolidation

Councilman Sheppard asked for an update on dredge vessel license consolidation. Mr. Babb assured the Council that the current Administrative Consent Order would be updated and reissued to allow for the consolidation of ten dredge vessel licenses for the 2023 season.

7. Date, time, and place of next meeting: - Council

DATE: Tuesday, January 10, 2023

TIME: 6:00 PM

LOCATION: T.B.D.

Councilman Hollinger reviewed the date and time of the next meeting and noted the location was to be determined.

Councilman Sheppard motioned to adjourn the meeting. Councilman Malinowski seconded the motion. All were in favor and the motion passed.

The meeting was adjourned at 7:30 P.M