

DELAWARE BAY SECTION OF THE NEW JERSEY SHELLFISHERIES COUNCIL MEETING

MINUTES

Virtual Meeting, Web and Conference Call via GoToMeeting

Tuesday, November 9, 2021

6:00 PM

Present were: Chairman: Warren Hollinger (Cumberland County)
Vice Chairman: Steven Fleetwood (Cumberland County)
Councilman: Scott Sheppard (Cumberland County)

Absent was: Councilman: Richard Malinowski (Salem County)

DEP Representatives: Joe Cimino, NJ Marine Fisheries Administration
Russ Babb, Bureau of Shellfisheries
Jeff Normant, Bureau of Shellfisheries
Craig Tomlin, Bureau of Shellfisheries
Andrew Hassall, Bureau of Shellfisheries
Conor Davis, Bureau of Shellfisheries
Megan Kelly, Bureau of Shellfisheries
Robert Schuster, Bureau of Marine Water Monitoring

Haskin Lab: David Bushek, Director
Jason Morson, Marine Fisheries Scientist
Lisa Calvo, Aquaculture Marine Scientist
Jennifer Gius, Laboratory Researcher

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 5, 2021 with the Secretary of State's Office, State House, Trenton, NJ and this meeting will be recorded.

Mr. Tomlin conducted roll call, read the above compliance, and noted meeting etiquette and the meeting platform features.

1. September 7, 2021 minutes mailed to Council for consideration.

Mr. Tomlin informed the Council that the minutes were mailed out and will be on the agenda for consideration to approve at the next meeting. He noted that the mail delivery had been slow. Councilman Hollinger then reviewed the revenue and account information under items 2 and 3.

2. Delaware Bay Office revenue collected for:

September: \$22,023.00 and is summarized as follows:

Oyster Tags	\$18,356.00	Commercial Crab Pot	\$100.00
Assign Fees	\$3,000.00	Menhaden	\$52.00
Nets	\$253.00		

October: \$6,592.00 and is summarized as follows:

Oyster Tags	\$2,108.00	Tonging Tags	\$200.00
Crab Dredge	\$1,100.00	Otter Trawl	\$102.00
Nets	\$1,705.00	Planters License	\$100.00

Commercial Crab Pot	\$1,000.00	Application Fees	\$69.00
Menhaden	\$208.00		

3. Oyster Resource Development Account (*as of 11/09/2021*)
 Expended: \$163,395.31
 Unexpended/Uncommitted: \$602,754.27

4. Lease Ground Transactions - B. Hollinger

4.1. Applications for Transfer

Leaseholder	Applicant	Section	Lot	Acreage	Acreage Fee	Application Fee
Wayne Robinson	Bivalve Packing Co.	C	75	41	\$20.50	\$5.00
Wayne Robinson	Bivalve Packing Co.	C	77	24	\$12.00	\$1.00
Wayne Robinson	Bivalve Packing Co.	D	366	15	\$7.50	\$1.00
Wayne Robinson	Bivalve Packing Co.	D	428	11	\$5.50	\$1.00
TOTALS				91	\$45.50	\$8.00

Councilman Hollinger reviewed the lease transfers. **Councilman Hollinger motioned to approve the lease transfers. Councilman Sheppard seconded the motion. The motion passed and the transfers were approved.**

4.2. Applications for Decision

Applicant	Section	Lot	Acreage	Acreage Fee	Application Fee
*Courtney Riebel Randolph Camp	ADZ 2	2	10	\$100	\$250
*Edward Gaine	A	278	200	\$100	\$250

**Ms. Riebel and Mr. Gaine were present at the Consideration meeting on 9/7/2021.*

Councilman Hollinger reviewed the lease applications and that both applicants were present at the previous meeting. **Councilman Sheppard motioned to approve the lease applications. Councilman Fleetwood seconded the motion. All were in favor and the motion passed.**

5. Old Business

5.1. 2022 Lease Renewals - C. Davis

Mr. Davis reported that the traditional lease renewal packets were mailed on October 15, 2021 and the ADZ lease renewal packets were mailed during the week of October 18, 2021. The only remaining lease renewals to be mailed were for the lease transfers and new leases that were previously approved at the meeting. He said the mail had been sporadic, and that some people had already received and returned their packets while others had not yet received their packets.

He asked that anyone who had not received their renewals within the next two weeks to contact the office to set up a meeting outside of the office to renew.

Councilman Hollinger asked if the shed lot leases were included. Mr. Davis said those leases were included and listed out on the ADZ fee checklist. He explained that the ADZ lease and associated shed lot were grouped together for the 2022 renewals. *Further discussion ensued.*

5.2. Aquaculture Advisory Council (AAC) Industry Seat - B. Hollinger

Councilman Hollinger explained the AAC seat had been discussed at previous meetings and at the Atlantic Coast Section (ACS) of the Council, and that both Sections of the Council would like to have a seat on the AAC. The AAC was awaiting Council decision for if the Council wanted a seat. He said that it would take a while to go through because the statutes would have to be opened to be changed to allow an industry seat. After short discussion, **Councilman Fleetwood motioned to look into having NJ Shellfisheries Council seats from both Sections on the AAC. Councilman Hollinger seconded the motion. All were in favor and the motion passed.** Councilman Hollinger said to Mr. Tomlin that a letter should be drafted and sent to the AAC, to which Mr. Tomlin agreed.

5.3. Red Knot Stakeholder Committee Update - B. Hollinger

Councilman Hollinger reported that the Committee had not met often except for a few times in 2020 and in early 2021. They were able to have one new rule change that went into effect. He deferred to Matt Williams to ask if he had updates to provide. Mr. Williams reported that he spoke with Tim Dillingham and suggested to open up hours to work after sunset because the red knots would be gone, and Mr. Dillingham said he would look into it. Mr. Williams said he would send a follow up email that week. After some discussion among Councilman Hollinger, Mr. Williams, and Mr. Babb, it was decided that new science and emerging information would not have an impact on the Programmatic Biological Opinion conservation measures. Mr. Williams said he would speak with Mr. Dillingham to discuss whether a meeting should be scheduled.

5.4. Nantuxent Channel Dredging Update - A. Hassall/Council

Mr. Hassall reported that the channel was dredged throughout October 2021. NJDOT was awaiting the post dredging survey results, which would be sent to DEP Aids to Navigation who would mark the channel. He noted that he was not aware of when the channel would be marked. The dredging and sand placement was completed, but the associated Blue Acres project was not yet conducted. *Further discussion ensued.*

Mr. Hassall then explained where the channel was supposed to be located using an engineering drawing and aerial map that were displayed. Councilman Fleetwood asked if the points on the map were of the same coordinates provided to him. Mr. Hassall said that those were the coordinates he had provided. **Councilman Fleetwood made a motion for the Council to send a letter to DEP and DOT staff to thank them for their work on the dredging project. Councilman Sheppard seconded the motion. All were in favor and the motion passed.**

5.5. Committee Updates

5.5.1. Leasing Committee - C. Tomlin/R. Babb

Mr. Tomlin reported that the next Committee meeting was to be on November 12, 2021 at 1:00 p.m. The Committee would review where they left off at their previous meeting since there had been a long time between meetings, which included the leasing policy. The Committee would then resume working on the Delaware Bay leasing policy, which was to be distributed to the Committee members the following day. Mr. Babb added that the goal was to have the leasing policy ready to present to the Council as soon as possible for their consideration and potential implementation. He said the topics were timely discussions that were needed, and regardless of the final decisions from the Council, what the industry thought of the issues needed to be captured to report back to the Council. He said that ideally the policy would be wrapped up by March 2022.

Mr. Tomlin said that at one point there were three Councilmen on the Committee and asked who was planning to attend the meeting to determine if a Secretary of State notice would be needed. Councilman Sheppard and Fleetwood said they would be attending, and Councilman Hollinger said he could not attend the meeting, and that the Council would rotate who would attend the meeting.

5.5.2. Consolidation Committee - A. Hassall

Mr. Hassall reminded everyone that the Committee was reviewing the Oyster Dredge Boat License consolidation rules to recommend changes to the rules that were to be presented to the Council. He informed that a letter was sent out to Oyster Dredge Boat License holders containing the proposed rule changes, which were presented on screen. He reported that a few people responded, and that it was all positive feedback. He said scheduling the next Committee meeting for November was in progress, and the Committee was to review the changes once more before presenting them to the Council.

5.6. Direct Market Fishery Update - A. Hassall

Mr. Hassall reported that the season was winding down with the High Mortality region open and approximately 2,700 bushels left to harvest with three licenses still harvesting. The High Mortality region reopened on October 1, 2021, and there were approximately 113,600 bushels harvested overall.

5.7. Oyster Tonging Industry Update - C. Tomlin

Mr. Tomlin reported that there were four tongers that purchased tags. He noted that there were no harvest reports submitted yet, but they were due the following week for that current harvest week.

5.8. Dermo Update - D. Bushek

Dr. Bushek reported that the water temperature, salinity, and oyster size classes followed their typical trends throughout the year. He noted that hurricane Ida came through and depressed the salinity and when dermo levels were at its highest. The dermo pattern was also following

normal trends. The high salinity Cape Shore location showed the highest increase in dermo and he noted the decrease between August and September was due to the heavily infected oysters dying off. The rest of the Bay was increasing steadily and likely peaked in October, and there was not much dermo in the upper part of the Bay. He reported that the salinity had been low at opportune times which made the cumulative recent mortality below the 22-year mean. He then showed the Trenton water discharge USGS station and pointed out the spikes of fresh water throughout the year, including hurricane Ida, that lowered salinity in the Bay and likely helped decrease dermo levels. Ned Gaine asked why the average size for each site was relatively consistent each month. Dr. Bushek responded that there was recruitment and mortality each month. He said if size was measured at Cape Shore then a steady increase would be shown. He also noted that the size measurements were not of a cohort but of a general population. Councilman Hollinger asked if there were any sites within the leased grounds, to which Dr. Bushek said there was not. The Councilman also asked if any spat set had been observed. Ms. Gius replied that they observed set on the lower beds, and that Beadons stood out. She had not seen much spat up bay from what was measured so far. *Further discussion ensued.*

5.9. Vibrio Update

A representative from the Bureau of Marine Water Monitoring (BMWM) was not able to attend the meeting to provide an update. Mr. Gaine said it was nice when their Bureau regularly attended the in-person meetings. After some discussion, he asked if they could be asked to attend the virtual meetings as well. Mr. Babb responded that someone from BMWM had planned to attend the meeting, but something prevented them from attending. Councilman Hollinger and Mr. Babb agreed that the Bureau would reach out to coordinate with the BMWM. *Further discussion ensued.*

5.10. Shell Plant Contract Update - C. Tomlin

Councilman Hollinger asked how much more the industry would spend in 2022. Mr. Tomlin replied that he did not yet know. Mr. Tomlin reported that he had been working with the Trenton contract staff regularly, and that it was to go to bid soon. Mr. Tomlin said that looking at current trends, Councilman Hollinger was right in that they were to expect prices to be higher than they had been paying in the past. He noted that average prices in the past were from \$1.80 to \$2.00 per bushel when planted, and that he would guess prices of around \$3.00 per bushel when planted. He said the Bureau and Council would have to think about how to use the Oyster Resource Development Account spending. Councilman Hollinger said that they would review the accounts and options and may possibly have to raise the per bushel tax, but they would need to wait for the contract and pricing to be finalized.

5.11. Oyster Industry Science Steering Committee Update - C. Tomlin

Mr. Tomlin informed that the next Committee meeting was to be on November 23, 2021 at 4:00 p.m., and that it sounded like there were already ideas to present. Mr. Gaine asked if he could request to be on the Committee. Councilman Hollinger said he was fine with it, and Mr. Tomlin said that the Committee was set up through the oyster industry's Stock Assessment Workshop and would discuss it with Dr. Bushek. *Further discussion ensued.*

5.12. CARES Act Update - J. Cimino

Mr. Cimino opened by apologizing for not being available to attend the Council meetings in some time. He reported that the CARES Act application period was to close on November 12, 2021. He said it would take a while to process the applications. He noted that applicants needed greater than a 35 percent loss from July through December 2020 compared to the previous five years, and there were only around 40 or 50 applications. He said the Marine Fisheries Administration (MFA) had other intentions to use the money received such as assistance in marketing, education, and training. He said the MFA was working on an RFP for a State school to have surveys conducted to ask the industry what the most useful training or education program would be for them. Once that survey was conducted, the MFA was to work with other State agencies to develop the education and training.

Councilman Hollinger reported the USDA had a grant with about \$750,000 available for spending on NJ agriculture, and that both the Departments of Health and Agriculture had sent letters to gather information for the grant. Mr. Cimino said the state block grant was for dealers and processors, and that the MFA had an application ready. He said there were not a lot of respondents, but they appreciated any feedback. Mr. Gaine asked if he knew when the money was to be released. After some discussion, Mr. Cimino said that it would likely be in early 2022 and likely in February.

6. New Business

6.1. Sunday Harvest - B. Hollinger

Councilman Hollinger reported that the NJ Farm Bureau had worked with aquaculture producers and had written a small piece of legislation for opening Sunday harvest strictly to commercial harvesters off of shellfish leases. Councilman Hollinger said the NJ Shellfisheries Association was against opening harvest on Sunday. He asked what the Council's thoughts were on the subject.

A lengthy discussion ensued including the following: thoughts that opening harvest on Sundays to commercial harvest would be followed by recreational harvest; concerns if Bureau of Law Enforcement funds would allow them to patrol on Sundays including concerns about *Vibrio* season; concerns of surveying harvest areas to study if they could handle extra fishing pressure; and a discussion on how to investigate how the changes would have had to be made.

Mr. Babb said the Bureau would get an informal opinion and noted that there would be different areas of the NJDEP that would want to weigh in on the topic. He further explained that there were other parties that would be interested in the topic of opening recreational harvest on Sunday such as some local municipalities and wild hard clam harvesters. Councilman Hollinger said the Council and Bureau could look at Title 50 and pick up the discussion at a later date. *Further discussion ensued.*

6.2. Council Letter to Leaseholders - B. Hollinger

Councilman Hollinger reported about a letter from the Atlantic Coast Section (ACS) to their leaseholders reminding them about the innovations within the shellfish aquaculture industry. The ACS Council was recommending to all growers to comply with everything they were responsible such as lease utilization forms, permits, and licenses to name a few. Councilman Hollinger recommended that the Council send a similar letter to the Delaware Bay leaseholders.

After some discussion, **Councilman Fleetwood made a motion to send a letter similar to the ACS letter to all leaseholders for the leaseholders to be in compliance with the leasing rules, regulations, licensing, and permitting. Councilman Hollinger seconded the motion. All were in favor and the motion passed.**

Mr. Babb said it was important for both Sections of the Council to weigh in on the matter, and that the Bureau was appreciative of the Council supporting the letter. He informed that if any leaseholders needed help to become compliant that they should reach out to the Bureau who would be happy to help directly or with getting leaseholders in touch with the appropriate people. He said a letter from the Bureau would be sent in early 2022 to leaseholders outlining the different license and permit requirements of leaseholders and informing them they must become compliant if they were not already. He highlighted that one of the main issues was that if the industry wanted to be legitimate, that the compliance issue needed to be worked on. *A lengthy discussion ensued.*

6.3. Tentative 2022 Council Meeting Schedule

January 4

March 1

May 3

July 5

September 6

November 1

Councilman Hollinger reviewed the 2022 schedule which was presented.

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

DATE: Tuesday, January 4, 2022

TIME: 6:00 PM

LOCATION: Virtual

Some discussion took place as to when and how the Council meetings could proceed in person in the future. Mr. Babb said options needed to be explored to have a plan, and the Bureau would follow up before next meeting.

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

The meeting adjourned at 7:42 p.m.