

**Aquaculture Advisory Council
April 08, 2016
Jacques Cousteau Coastal Center
JCNERR, Tuckerton, Ocean County
Meeting Minutes**

Members Present: Secretary Douglas Fisher, Ms. Nancy Belonzi (Lt. Gov. Kim Guadagno), Mr. Loel Muetter (Acting Comm. Cathleen D. Bennett), Dr. Dave Bushek, Ms. Lisa Calvo (Mr. Gef Flimlin), Dr. Robert Goodman, Mr. Ned Gaine, Mr. Bill Avery (Mr. George Saridakis), Mr. George Mathis (Mr. John Maxwell), Mr. Paul Waterman, Ms. Amanda Wenczel

Members Absent: Mr. Dave Chanda (Commissioner Bob Martin), Mr. Steve Carnahan, Mr. Richard Herb, Mr. Dave Burke

Public in Attendance: Dr. Brooke Maslo (invited speaker, Rutgers University), Mr. Peter Siner, Mr. Maury Sheets, Mr. Mike DeLuca (Rutgers University), Mr. Mike Francis (Congressman LoBiondo), Mr. Barney Hollinger (Shellfish Council), Mr. Bill Riggan, Ms. Stephanie Cash, Mr. Brandon Muffley (NJDEP), Ms. Wendy Walsh (USFWS), Mr. Craig Tomlin (NJDEP), Ms. Elizabeth Schuster, Mr. Jonathan Atwood (Sen. Van Drew/ Asm. Andrzejczak), Mr. Pete Rowe, Mr. Dale Parsons, Mr. Jerry Zodl, Mr. Tony Ni, Mr. Tommy Burke, Mr. Marc Zitter.

Secretary Fisher called the meeting to order. Ms. Wenczel performed roll call. There was a quorum present.

Secretary Fisher called for a motion to approve January 15, 2016 meeting minutes. Approval of the minutes was motioned; all voted in favor and the motion passed.

The Council and attendees were formally welcomed to the Jacques Cousteau Coastal Center and National Estuarine Research Reserve by Mr. Mike DeLuca, Reserve Manager. Mr. DeLuca provided a brief background on the Reserve facilities, the research conducted at the site, and the education provided by Center staff.

Following the welcome, Dr. Brooke Maslo (Rutgers University) provided a presentation on the first year results of a three year study of aquaculture and red knot interactions. Secretary Fisher introduced Dr. Maslo and the situation surrounding shellfish aquaculture along the Cape Shore region of Delaware Bay.

Dr. Maslo began the presentation with background information on aquaculture (e.g. intertidal, low tech, green), the potential conflict with red knots, and the issues surrounding horseshoe crab populations and the associated lack of eggs for red knots. Next, she described the study objectives (potential impact of tending or no impact) and methods (census counts, behavior studies). The study extends throughout areas currently used for aquaculture as well as several areas where aquaculture farms are not present, within the region from Kimbles Beach to Green Creek. The results and analyses conducted thus far were described. The most notable and discussed items include: 1) tending is likely causing fewer birds to be present within the study

segments, but the magnitude of that potential relationship is not well defined; 2) the influence of tide and tending combined needs to be further examined as it may be that the combination may have a greater impact on birds than just tending without consideration of tide level; and 3) there is no information on horseshoe crab eggs, but the study researchers are looking into potential avenues to capture some metric for egg counts per segment for the 2016 season (e.g. cores with sand and sediment type used as proxy for egg potential within a given segment). Several comments from the Council and public addressed this need for accurate estimates of horseshoe crab use of segments. Additional items Dr. Maslo noted for future years include the lack of information on the impact of banner planes within this region, as well as a better assessment of distance at which the birds show behavioral changes due to tending. The first item was not a priority for the study team but may be noted in future field observations; the second item- distance from tending- was a key factor to be addressed in the 2016 study. At the time of Dr. Maslo's presentation, there was no definitive method selected to account for distance, however, several options were being considered.

Secretary Fisher thanked Dr. Maslo for her time and presentation of ongoing research. He next addressed the Programmatic Biological Opinion (PBO) from the US Fish and Wildlife Service, which was completed April 1, 2016 (one week prior to the AAC meeting). Secretary Fisher expressed his continued thanks for the efforts to allow another growing season in 2016. He has always focused on ensuring the shellfish growers would be able to continue for the 2016 season as well as future seasons. Recognizing that the Council would have items to express regarding the PBO, Secretary Fisher then opened the floor for Council comments.

Mr. Ned Gaine commented that it had been too soon after the release of the document to fully review and comment, but that he wanted to see the ADZ Tier 2 permit to see how that would directly affect his farming in 2016. Mr. Gaine expressed that the PBO is daunting to review and the Tier 2 is more of a concern since it outlines the exact practices and conditions placed on growers over the time from April through September. Mr. Craig Tomlin mentioned that the Tier 2 conditions for ADZ4 (intertidal ADZ) would be sent out to all ADZ4 growers if that information had not yet been sent out as of this meeting.

Ms. Lisa Calvo commented that under the current PBO language, the leases and farms in the Northern Segment are effectively shut down in three years. There is no way for them to operate after three years as they would have to remove all gear from the leased area. Secretary Fisher noted this as a primary concern and asked the size of the impact. Ms. Calvo noted that two farms are within the Northern Segment and will be shut down in three years.

Mr. Bill Avery noted that the way the situation is being described in the PBO and PBA is a sort of mitigation. The one section in the north is being used as a red knot area to mitigate for use of the southern section. It seems that the impact should be known before it is mitigated.

Several other Councilmembers and attendees then mentioned similar comments to that of Mr. Gaine- the document is daunting and they have not had adequate time to review. At that time, Secretary Fisher decided to table any motion from the Council regarding the PBO until the next meeting to allow adequate review time. He asked the Council to review and provide a listing of

concerns to Ms. Amanda Wenczel so that she may compile the list for further discussion. The Council agreed to this process for review.

Mr. Ned Gaine noted in relation to the PBO that the State Wildlife Action Plan (SWAP) lists the impacts of aquaculture on endangered and threatened species higher in the 2015 plan relative to the 2005 plan. He requested clarification on this item from the NJDEP, ENSP, specifically with a presentation from ENSP staff to the AAC. Mr. Gaine expressed the need of the Council to review items such as the SWAP to then provide industry and research perspectives on the decision-making process as well as to alert the industry to potential future changes with regards to species interactions. Secretary Fisher noted that this seems to be an item the ENSP could accommodate and that NJDA staff will work with NJDEP to schedule a presentation to the AAC.

Finally, the meeting discussion moved onto the last main agenda item- the BMWM rules meeting with the AAC Subcommittee. The AAC Subcommittee members consisted of Mr. Mike DeLuca (Dean Robert Goodman), Mr. Ned Gaine, and Mr. Bill Avery (Mr. George Saridakis). Mr. DeLuca began the update by stating that the meeting was highly unproductive and far too late in the process to result in any substantive changes. It was beneficial to have this type of dialog, but it will not result in the changes need to the rules to make them more efficient. The three items Mr. DeLuca highlighted were: 1) the additional permits and reporting were sometimes in excess of the model ordinance but were not going to be scaled back to match the model ordinance; 2) the requirements for broodstock protections at hatchery and research facilities will not be changed and this is a huge cost for these facilities, none of which have yet to experience a theft of broodstock; and 3) the restoration and gardening rules were moved through without consideration of the impacts to the aquaculture industry. The new rules are already to legal staff for review, so there are no changes expected based on the meeting with the subcommittee. Mr. Gaine added that the meeting was not constructive in that there was no give-and-take; it was a question-and-answer style that will not result in changes. Mr. Avery informed the Council that any major changes to the rules at this point would require a resubmission/reposting (to the NJ Register with public comment period). They need compliance with FDA so they are not going to resubmit. This is another emergency rule-making. Mr. Avery suggested that the rules would be more efficient for the industry if they were split into three categories: seed, oysters, and clams. This would reduce some of the confusion as some of the regulations that apply to everyone are really more for oyster growers and the clam growers shouldn't have to follow.

In new business, Mr. Ned Gaine altered the Council to a petition by Seafood Watch regarding aquaculture. Ms. Lisa Calvo noted to all growers that the NJ Shellfish Aquaculture Report survey is now open, with links to the survey emailed to most growers. If a grower did not receive a link, please contact Ms. Calvo. Additionally, Ms. Calvo noted that the New Jersey Aquaculture Association is reorganizing and a meeting to discuss and conduct elections is to immediately follow the AAC meeting. For more information on the NJAA, contact Ms. Calvo.

A motion to adjourn the meeting was made, seconded, and approved. Meeting adjourned.