

**Aquaculture Advisory Council  
October 18, 2019  
Meeting Minutes**

**Members Present:** Sec. Douglas Fisher, Mr. Joseph Cimino (Comm. Catherine McCabe), Mr. Joseph Constance (Sec. Tahesha Way), Dr. Dave Bushek, Dr. Douglas Zemeckis, Mr. Mike De Luca (Dr. Robert Goodman), Ms. Lisa Calvo, Mr. Barney Hollinger, Mr. Bill Avery (Mr. George Saridakis), Mr. Maury Sheets, Ms. Betsy Haskin, Dr. Amanda Wenczel. Mr. Loel Muetter (Comm. of Health) arrived after meeting started.

**Members Absent:** Mr. John Maxwell

**Public in Attendance:** Matt Gregg, Ned Gaine, Sarah Gentile (NJDEP), Matt Williams, Susan Linder, Virginia Wheatley (NJDOH), Tommy Burke, Jenny Tomko (NJDEP), Russ Babb (NJDEP)

Sec. Fisher called the meeting to order; a quorum was present.

Motion to approve July 19, 2019 minutes; one abstention, remainder in favor; motion carried.

*Public Comment:* [none]

Sec. Fisher noted that the Governor released Agriculture funding to Rutgers.

*New Business:*

J. Tomko- 2020 lease renewal is now available by going to the Shellfisheries Offices

S. Gentile- Commercial Shellfish Aquaculture Permit 2020 applications will be available in November with processing in December. A letter will be sent to 2019 permit holders to remind them of the need for 2020 permits.

B. Hollinger noted an issue with the license payment system and his inability to pay for the licenses. R. Babb informed the group that the system was recently changed, and this could be one license (limited entry) holding up the process.

A. Wenczel- the Aquatic Farmer License application is now fillable, up on the website soon

A. Wenczel- Reminded growers of the East Coast study of regulatory costs associated with shellfish aquaculture. Growers recommended to speak with researchers directly if interested in participating in the study.

A. Wenczel- Crop insurance options for aquaculture have been discussed between NJDA & USDA, FSA staff as well as a grower representative. Currently, NAP is only option, but the group is exploring additional crop insurance options for the New Jersey industry. B. Avery- unclear how to legally and appropriately account for seed I have grown and then plant if I didn't buy it. Hardest part of insurance is placing a value on what you have. Sec. Fisher- Crop

insurance is based on yield of the crop, expected return, not expenses. M. Sheets- like commodity crops, you only get what you expected to yield but was lost. B. Hollinger- We have crop insurance, and you only get 50% of the price of the seed at size of loss. L. Calvo- the amount you receive is based on the actual lost product. There is an assessor that visits the farm to account for shellfish lost. The newer option for this industry is whole farm crop insurance which accounts for revenue in the past and covers losses from an average of years past. The real item to highlight here is that FSA is wanting to engage this industry and the current NAP option is free for new growers to cover farm losses.

*Aquaculture Red Knot Stakeholder Committee Update:* (B. Hollinger)

Four topics were up for decision:

1. Add an aisle 1-2' between a pair of racks- passed with consensus
2. Intertidal access 3hrs before and after low tide, previously 2hrs before and after- passed
3. Rack height currently 14" legs, maintained at 12" clearance. Proposed to move to 8" leg and 6" clearance. Unclear if passed, B. Hollinger thought it did, but M. Williams stated it did not
4. Gear ok in north, place into sloughs- no consensus, died during discussions

Overall, the science that has been collected is still in question/being denied that horseshoe crabs can reach the beach unimpeded by aquaculture gear.

Meeting Nov. 14<sup>th</sup> between the Stakeholder Committee and Agency Workgroup.

Sec. Fisher asked what all this means to growers. B. Hollinger responded that a higher rack means the oysters are exposed more in the summer, which means they eat less and grow slower (and therefore longer to market), exposed to heat, and potentially greater concerns with Vibrio and temperature abuse. In the winter, racks are more likely to be destroyed by ice. B. Haskin- Also in winter, when they are exposed to cold air, there is greater mortality.

Sentiment by SC reps is that the rack height change was not approved and would not change.

*Aquaculture Development Plan Committee Update:* (L. Calvo & M. De Luca)

M. De Luca- meeting with DLUR and Tidelands staff to gain a better understanding of their programs, as well as to measure their interest in changing processes. ADP Committee is drafting text and has meeting this afternoon. A draft will be ready for the next AAC meeting for Council review.

Sec. Fisher asked if a review of the 2011 ADP Update was conducted. M. De Luca- many recommendations still applicable. L. Calvo- one big advancement is the three-tier permitting system implemented by DEP Land Use.

Sec. Fisher- need tangible items we can bring to legislators.

A. Wenczel- interesting item from meeting with Tidelands staff is that the Tidelands Resource Council has unfilled vacancies, similar to every other Council that has a connection to aquaculture.

A. Wenczel- introduced the Aquaculture AMP document that was last worked on by the AAC in 2015. This item will be addressed by the ADP Committee since it is a critical component to Right to Farm protections. (Discussion on the process of revisions ensued) A. Wenczel to send out a copy of the current AMPs. (Discussion on the process for complaint resolution “applying” the AMPs also occurred)

*Councilmember Comments:*

M. De Luca- NJ Aquaculture Innovation Center had a seawater tank failure this year, requiring replacement of both tanks. Even with issues, seed production was successful and fulfilled all grower orders.

D. Bushek- Database is built to house hatchery & disease information to ease seed transportation/importation process. Hatchery certification program protocols under development. Surveillance is a component of the certification which may help with insurance should a disease outbreak occur. Need more work on surveillance on-farm.

B. Hollinger- the USACE and NMFS is in NJ today to review deeper water aquaculture. R. Babb filled in details on visit. The visiting agencies are seeing more projects in areas where deeper draft vessels may be traversing.

L. Calvo- upcoming seminars- research project to view macrofauna use of aquaculture sites as well as a HACCP training session. Needs to know if a surf clam culture workshop would be beneficial to growers now that research has shown the species can be successfully cultured.

D. Zemeckis- Rutgers Extension series meets monthly and the next one is shellfish focused. Also noted the Barnegat Bay Partnership 3-day meeting.

B. Avery- described seeing shellfish overwintering in Plymouth (Mass) within basement/root cellar. Would be a good idea to explore for NJ. L. Calvo- Betsy has a grant to study that this year.

S. Fisher- NJDA can generate press if there is a good story to be telling the public. Recently did this with scallop fishermen, and if any of you have a good story where you think we can act as promoters, let us know. We did this type of promotion- dock side or in-water- in the past, but nothing recently.

*Old Business:*

J. Tomko- SAWG Update- contact list and a regulatory listing for aquaculture ready to share with meeting attendees or send out later. Provided some detail on the Shellfish Aquaculture website under development.

B. Hollinger- ISSC meeting recap. No need for TP roll; do not need hand sanitizer because it takes too long to be effective; boats need storage for oil/grease/mechanical items; no using road salt to deice deck of boat- must be food grade. Vibrio serving size (to determine occurrence of illnesses) is based on 13 shellfish but NJ serving could be less. Can we look at typical serving size in NJ to have a better estimate of Vibrio illness per serving? V. Wheatley- yes this could be

examined. Possibly an intern or other partner agency to explore this further. Sec. Fisher- if you can get this moving in NJ, I can work with other states to get their participation.

*Public Comment:*

M. Williams- The last Stakeholder Committee meeting had two people missing from our side (aquaculture interest), and so we did not pass the rack height measure. This happened last year (rack height measure not passing). This group (AAC) could send a proxy to these meetings. This group (AAC) does not affect my life/business on a daily basis, but the SC process is one way that day-to-day business can be affected. I'm sure all other growers in the area are upset by the fact that this measure did not pass. We had a chance to change something and people did not show up. That change could save us all money.

N. Gaine- The focus now should be on the rewrite of the PBO, looking at the next 10-years and what research will benefit the next PBO. Research that will be published and peer reviewed and must be used in decisions by federal agency.

N. Gaine- ISSC:

1. This is the first time (at ISSC) the FDA has stated they are viewing Vibrio cases as a whole, not just culture confirmed. This means that any "Vibrio" case is counted against us, regardless how they got the Vibrio and what type it is (e.g., Cholera).
2. Model Ordinance likely to change the permitting requirements so that Operational Plan will need to include a plan to mitigate bird waste.
3. MSD devises now modified to be needed on any "vessel or vehicle", which is a change from "boat". This means a bucket on an ATV- pick-up truck on the road? Yes, that's the interpretation/concern. And "Human Waste" (sign or lettering) needs to be placed on the bucket. L. Calvo noted that this could be a concern for agritourism.

N. Gaine- (directed at D. Bushek) Study on pathogens, is that only shellfish pathogens, or human pathogens? D. Bushek- yes, only shellfish pathogens. State agencies study human pathogens. N. Gaine- my concern is moving of shellfish with virulent strain of Vibrio. D. Bushek- so far, any state known to have virulent strains have been denied entry by other states. N. Gaine- we need to have a record of where these virulent strains are located so we do not move seed from those areas. D. Bushek- we are getting the system ready but human pathogens are a whole different regulatory process than shellfish pathogens, so we are focusing first on shellfish pathogens.

N. Gaine- Suggested refocusing aquaculture gear discussions (changing perspective) with non-aquaculture interests to discuss view from that of horseshoe crabs, not view from above.

N. Gaine- need updates to the AAC website. A. Wenczel- will address that item before the next meeting.

L. Muetter- clarification that items passed at the ISSC do not become effective until review and approval by the FDA. N. Gaine- as soon as FDA approves, does it then immediately become effective because we have adopted the Model Ordinance within regulations? L. Muetter and S. Gentile noted that not all the Model Ordinance is adopted in regulations. Only portions of the

MO are within regulations. If items change, the DEP would need to do a rule change to adopt the measure.

M. Gregg- when are the BMW rules going to be in the Register? S. Gentile- currently under legal review, no estimate right now.

N. Gaine- added that Council vacancies are an Agriculture issue and statewide issue. The Fish & Game Council is missing the Agriculture appointee too. Sec. Fisher- the County Ag Boards need to be writing to get seats filled.

Meeting adjourned.