

Aquaculture Advisory Council
October 28, 2022
Rutgers Cooperative Extension, Ocean County
Meeting Minutes

Members Present: Mr. Frank Minch (Sec. Douglas Fisher), Mr. Russ Babb (Comm. Shawn LaTourette), Mr. Loel Muetter (Comm. Judith Persichilli), Dr. Dave Bushek, Dr. Douglas Zemeckis, Mr. Tommy Burke (Ms. Lisa Calvo), Mr. Barney Hollinger, Mr. Matt Gregg, Mr. Ned Gaine (Mr. Maury Sheets) [arrived at 10:20am], Dr. Amanda Wenczel

Members Absent: Ms. Melanie Willoughby (Sec. Tahesha Way), Mr. Mike De Luca (Dr. Laura Lawson), Mr. Steve Fleetwood (Mr. Frank Virgilio), Mr. Bob Rush (Mr. Richard Herb)

Public in Attendance: Megan Kelly (NJDEP), John Martin, Jeff Normant (NJDEP), Alan Talarsky (NJDOH), Alison Stout, Virginia Wheatley (NJDOH), Keith Z (? grower), James DeMarsh, Tracy Fay (NJDEP), Amanda Ferguson, Dale Parsons, Lauren Carroll, Ashely Kerr, Matthew Williams

Frank Minch called the meeting to order. Quorum was present.

D. Bushek made motion to approve meeting minutes from July 15, 2022. Second by M. Gregg. One abstention, remainder in favor; so moved.

Public Comment

No public comment.

New Business

Bird Management on Floating Gear- Robert Schuster (NJDEP)

R. Schuster started with information on the Bureau of Marine Water Monitoring, water classification and permitting of aquaculture. Presentation references letter sent out by the Bureau of Marine Water Monitoring to growers to inform them of the current issues related to water sampling around floating gear when birds are present.

During the annual program inspection for the National Shellfish Sanitation Program by FDA, covering southern coastal areas and Delaware Bay, the sanitary surveys noted a lot of birds in certain areas on the floating gear. In the 2019 Model Ordinance there is language requiring bird deterrents but the language on what is required is vague. Recently noted that there are instances of hundreds of birds and feces on the floating gear. Some of the gear had deterrents and some did not even though it was noted in their permitting operational plan. Bureau of Shellfisheries staff has subsequently gone out to other areas and noted the same issues with birds and fecal matter on the gear- gear that is dark appears completely white. Some of the gear does not even have shellfish within it but is collecting bird waste.

To rectify we have done a couple of items. Working with the FDA we came to an agreement that growers can follow a 21-day submergence of the shellfish prior to sales. This agreement was to

avoid a complete shutdown of the area. Maryland does not allow market size in floating gear to avoid this issue.

There is some debate on the sources of pollutants- human waste versus birds. The issue is that the model ordinance states that water classifications are based on fecal coliform levels, not the sources of the fecal coliform. If we exceed the criteria for approved waters, we could shut down the waters in the future. The standard is that we cannot have more than 14 colony forming units (cfu) in a sample. Additionally, we cannot have more than 10% of the samples exceeding fecal coliform levels greater than 31. This is usually where we have issues with nonpoint sources and spikes in the data that push the sampling event over the 10% threshold. In the area where we had a suspension in Ludlum Bay, we see that there is no fecal coliform when birds are absent; but, when we sample and birds were present, we have levels above 1,000 fecal coliforms per 100mL.

Keep in mind the number of 31, 10% of samples cannot exceed that 31. The minimum requirement to look at is 15 samples, so that would mean 2 samples over 31, and that water gets downgraded. If we look at a bigger set of 30 data points, it's still only 4 samples. Suspensions would not happen right away because as we continue to sample, that data is incorporated into the calculations. This is not imminent but as we sample, we have to sample around gear because we have to target potential pollutant sources.

This is not new to the industry, New York dealt with this issue in 2019. They were sampling and shutting down lease grounds for the years prior. We are planning to have a meeting with growers and bring in New York staff to help this industry figure out a solution. This is an ongoing conversation at the national level.

D. Parsons- Is there any area currently used for growing that you do not have background data on?
R. Schuster- No, we have our normal sampling stations. The issue is how far from those stations are from the lease areas with floating gear. We may adjust sampling based on this. D. Parsons- Do you have any tissue samples from any of the shellfish in the floating gear in question?
R. Schuster- The problem with tissue samples is that water classification is not based on tissue samples, it is based on the water samples. The FDA will not change anything based on levels in tissues, based on the NSSP. Also, based on some historic numbers out there for lease area closure, it was 230 fecal coliform per 100 grams. In New York during their sampling they were getting 24,000 fecal coliform per 100 grams in the tissue. D. Parsons- If a farmer was concerned, could you provide data for water quality?
R. Schuster- We could look at water quality.

Public (did not ID)- To be clear, we are not being judged based on a measure of say campylobacter in seagull poop, it's the total coliform counts in the water. R. Schuster- It's the total fecal coliform counts to classify the water quality. Public (did not ID)- If your farms next a neighborhood with septic tanks, you don't want your farm to be too close. R. Schuster- That's why you see conditional classification near our developed shorelines and tributaries. Conditional is open only certain times of the year. In the summer months, that is when we see more of the impacts and the waters are closed. Public (did not ID)- You could have a 100% effective bird deterrent system and if you're in the wrong location you're out of luck. R. Schuster- Yes, it could be somebody else, but we always look for that somebody else. Most recently, we had a suspended area around Waretown. We are working with Ocean Township because we know that each of those stations is in front of

a lagoon community. We do annual evaluations, so if we see something change and it's by a shoreline, we look at testing to determine if it's human or animal and work to fix it. Public (did not ID)- So you can look at testing to see the source. But that doesn't bring relief to the farmer. R. Schuster- Not immediately. D. Parsons- If a farmer wanted samples taken, can you do that? What if the farmer notices birds and wants to be cautious and not make anyone sick? R. Schuster- If it's water, we are going to be adding more sampling around the farms. We can work with farmers directly to do water sampling. Tissue samples are more extensive so we cannot commit to running those for a farmer.

D. Bushek- Isn't tissue used in the depuration facilities? R. Schuster- For depuration they have to pass tissue [requirements], but they also do water testing. D. Bushek- Sure, for water classification you have to do water testing. But if you are look at the 28 days submergence, is that a tissue thing, or is there another standard that is to be met? Or is there no measure of how the submergence worked? R. Schuster- The 21-day submergence is just moving the product away from the source and submerging in approved waters for the timeframe. D. Bushek- So the 21 days is based on the assumption that the time will eliminate the problem.

M. Gregg- So is the 21day submergence considered wet storage? Maybe this is a Department of Health question. R. Schuster- Defer to health. It's more like a relay because it's from lease to lease. L. Muetter- It is more of a relay because the movement is prior to harvest. Once it is landed after harvest, then it is Health jurisdiction. Prior to that it is DEP and how they would classify the movement. M. Gregg- It gets a little complicated with the movement, and what are the requirements for records. D. Parsons- Likely need an orange tag like any other relay permit. N. Gaine- If it's closed it's not harvesting. R. Schuster went through items previously discussed as N. Gaine entered meeting after this was discussed. N. Gaine- It is effectively a quarantine, there is no comingling at the approved site.

N. Gaine- Can you go over what other states are doing specifically for campylobacter because that seems to be the item that caused so much concern. That's what made this go from bird deterrents, bird mitigation to a national FDA priority. R. Schuster- I think it's actually the other, with bird deterrents added to the 2019 and the campylobacter showing it could be related back to birds. In other states it's the same as here- bird deterrents. N. Gaine- Add "and mitigate" to bird deterrents. Mitigation is an effective option, including where we locate our growing areas.

N. Gaine- Can you explain to the group the process of a rule change from the ISSC meeting through to an NSSP change? R. Schuster- There will soon be a call for proposals, by mid-November. Those should address any items with the shellfish program, and those get to the full meeting. N. Gaine- I'm bringing this up now because it's a two-year process. R. Schuster- When you go to the Conference, there are multiple task forces that deal with different proposals. Once they get to the task force, they then get voted on and adopted or moved to committee. Committee is the most frequent path. Committee develops language then voting on at ISSC. States then vote on adding favorable items to the NSSP. Then the FDA must have concurrence with the additions/changes. N. Gaine- This is why following federal requirements on this issue are so critical. We all agree that there are different solutions to this issue and we need to be open to seeing what works in what location. We don't want the FDA to come in and say no, this is not working.

R. Schuster- Reiterate this is a national issue. We need folks to be creative and share ideas, come up with what works. N. Gaine- Reiterate that we must be using the words deterrent and mitigation. Using both words open the mind to alternatives outside of gadgets to move birds away from the farm. I would prefer bird waste deterrents and mitigation to describe this.

D. Bushek- May want to consider Washington State as another contact. Terri King is a contact. I also like using mitigation. A farm in California I worked with had issues where the Department of Health and US Fish and Wildlife were at odds because of the word deterrents and it was near a bird rookery.

M. Gregg- Discussing the Model Ordinance, the change in the model ordinance has not been incorporated into our State regs yet, correct? N. Gaine- State has not adopted it yet. M. Gregg- So the state is using the CSAP to incorporate this. R. Schuster- Correct. M. Gregg- Change the AFL application language. A lot of people do not have the ability to move product, they do not have multiple leases. N. Gaine- Also need to be permitted and compliant. R. Schuster- We have brought this up to BSF and Land Use. R. Babb- This was an issue in Maryland in 2018 when we visited. Their approach is that everything is submerged for the final 30 days before harvest. There are two different issues with mitigating for the public health concern and deterring so that the water classification is not impaired.

B. Hollinger- So if the water is approved but we still have bird issues, you don't have to move anything, you can just submerge for 21 days on that same lease? R. Schuster- So long as there is no visible waste that could be ok. If there is still floating gear with waste visible, while submerging gear that is not ok. It would all need to be submerged. B. Hollinger- Why are we doing 21 days instead of 30? R. Schuster- It worked in Delaware, and the timeline is for an intermittent issue. From a relay in the rules, it says 30, but we were able to work out the 21 days with FDA.

N. Gaine- Are we looking to codify this in the next rule change, or are we letting the Bureau be fluid with the changing environment? R. Schuster- It would be very difficult to add this to the next rule change. We will add this to permits as they are issued, which we have been doing. We can place conditions on a permit. N. Gaine- Will we have a vetting with industry prior to your next rule change related to the permit? R. Schuster- It will all depend on the requests for permitting change.

Public (did not ID)- Can somebody explain how it goes from the seagull pooping on the float to the patient getting sick? Does the oyster filter it out and it goes into the meat? Does it get secondarily contaminated when you shuck it? And how long does it [campylobacter] live in salt water? To mitigate it would be helpful for us to know the mode and vector of transmission. N. Gaine- Solution is dilution. R. Schuster- Typically with bacteria like this, and with vibrios, they get concentrated through the filter feeding. Bacteria in the waters can be at low levels, but when the oysters start filtering, they concentrate the bacteria. A secondary item we see with vibrios which may be a factor with bacteria is how the product is handled after harvest. Once you have enough in the product, once it starts to warm up, they will begin to multiply, so the handling after harvest is critical too. N. Gaine- We also don't know if the strain that gets caught in the oysters is a virulent strain, similar to vibrio.

Public (did not ID)- Is it part of the seagulls biology or microbiome to have campylobacter? R. Schuster- It can be within many different bird species. There is a lot of work still to be done.

J. DeMarsh- Is there a seasonal aspect to the mitigation with the 21 day submergence? For instance, there may be fewer birds in the winter than in the summer. R. Schuster- We have left this somewhat open in discussions with FDA. At the national level, we have been discussing a threshold for “a lot of birds”. We are using discretion to determine the need. When we sampled in Ludlum Bay in June and July there was good water quality, and we did not see birds in the area. But in August, the bacteria count was over 1,000 and there were birds everywhere. We also have to keep in mind, and something I keep stressing to FDA, is once the water temperature goes below 50-degrees, the shellfish are not filtering and are not taking up the bacteria. Moving won’t be as effective at that temperature either because the shellfish will not be pumping and not purging the bacteria.

J. DeMarsh- We want to be sure the product is healthy, and we are following the public health precautions. Be we still have some discretion to see how the birds are on our farms and use the water temperature to determine the need for submergence. R. Schuster- We want to give some leeway right now. If you go out and harvest and there are no birds, take a picture. Document it. The big item is that we do not want to go down a path of non-conformance. We need to be in conformance to be on the interstate shippers list. This impacts the whole industry and not just aquaculture. N. Gaine- Look at the website with data collection locations and track to see how the data is changing with time, season, etc. And caution to not ask the Bureau what to do, because then our options get limited. R. Schuster- That’s what we are doing, allowing for solutions for each farm and location. J. DeMarsh- I’m sensitive to that, I just want to be sure we are being proactive to the situation and finding solutions. R. Schuster- Best thing is to keep the lines of communication open.

D. Parsons- There are going to be wide variations in flow dynamics from one farm to another. One farmer may not be as impacted. To what extent can Bureau determine this variation for a farmer. R. Schuster- It’s all through our routine sampling. D. Parsons- Is every growing area covered monthly? R. Schuster- Not every growing area is covered every month. D. Parsons- Can a grower request sampling for their area? R. Schuster- That would be difficult to accommodate with our current resources. If there is a known pollution source, we will be targeting that area. So, a grower with floating gear and birds in the area will likely be in an area we sample. If you have a big concern or are seeing a lot of birds, contact us so that we can see about getting immediate samples to see what is going on in the area. D. Parsons- The farmer is not going to know if the levels are changing. That is going to be on your data. R. Schuster- That’s why I said this is a long-term situation and we need to keep collecting data.

N. Gaine- What do we have in mind when this affects another business or a lease? At what point do we have any mechanism or discussion about one farm impacting another? R. Schuster- This is why I have brought this up at Council meetings and have been in discussions with BSF. J. Normant- There is a responsibility on the growers. They are aware of this issue and have been informed. We have seen empty floating gear causing the issue and we notified everyone. N. Gaine- You notified the grower but not the neighbor. R. Schuster- The letter went out to all growers. N. Gaine- But if I have an issue, my neighbor does not know about it. Should he? J. Normant- Growers should be thinking of limiting birds for their own farm and water area. Need to discuss at

Shellfisheries Council and maybe designate areas for hard clams versus oysters. Floating gear could shut down the whole area. N. Gaine- What do we say about one neighbor affecting another? This is a discussion that needs to be had. D. Parsons- If its one grower causing an issue, you shouldn't downgrade the whole area. Have the farmer remove his gear; pull his permit for causing water quality issues. R. Babb- This is all part of a discussion that needs to happen. This needs to start at the Shellfisheries Council. J. Normant- Shellfisheries Council and the Leasing Committee. R. Babb- Leases were developed for traditional on-bottom culture and this is a new technique and issue for us to work through. For instance, in Great Sound there are a lot of clams in that area, and I doubt those clammers want to see oysters grown in floating gear. We need to work through this.

Seafood Processing Grant- A. Wenczel

Grant was open in the spring to reimburse for Covid-19 expenses to protect employee and consumers. Due to possible communication issues, the grant has reopened for 60 days. DEP email blast and DOH to email out later. Not for farmers but for dealers and processors. R. Babb- December 19th at 5:00pm is the deadline.

N. Gaine Motions

Motion 1: The Council requests an annual data report from the NJDEP, Bureau of Marine Water Monitoring on the number of Commercial Shellfish Aquaculture Permits issued, the number of new permits, number of old permits (renewals), number of non-renewals (expired), and the harvest data, aggregated to not disclose individual permittee information.

Discussion on keeping track of the industry via permitting data and harvest data. Concern over BMWM capacity to provide report; BMWM staff stated this could be accomplished with little addition to workload. Stressed that this is aggregate data, cannot identify individuals.

Motion moved by Ned Gaine; Second by Matt Gregg. All in favor, so moved.

Motion 2: The Council requests an annual data report from the NJDA, Office of Aquaculture Coordination on the number of Aquatic Farmer Licenses, including the number active, new, and non-renewals.

Similar discussion items to Motion 1; capacity to provide data confirmed by NJDA staff.

Motion moved by Ned Gaine; Second by Barney Hollinger. All in favor, so moved.

Motion 3: A standing report on the current (2021) Aquaculture Development Plan added to all agendas to review action items and their status. Amendment to clarify that this will be a tracking document to see where items are making progress, stalling, or are completed.

Discussion on the motion to clarify the content and format of the report. It was agreed to amend the motion to specify that the report should focus on the items that are attributed (Acting Authority) to the AAC and NJDA. The report can be a tracking document that is updated quarterly- presented at each AAC meeting- and will be added to future agendas under Committee Reports. Amendments deemed "friendly amendments" and added to the motion for vote.

Motion moved by Ned Gaine; Second by Barney Hollinger. All in favor, so moved.

Motion 4: Numbers 3, 4, 8, & 10 from N. Gaine's ADP recommendations sheet to be charged to the Legislative Committee. [ADP Recommendation sheet appended to minutes]

3. Support efforts that move farmed seafood under the specialty crop program or create a separate funding source within the USDA for this commodity group.
4. State legislature to appropriate and allocate funds to promote New Jersey farmed seafood over the next five years.
8. Review composition of AAC given changes to member agencies and industry since first created via NJ Aquaculture Development Act. Process of evaluating representation should consider potential increase in industry seats on the Council. Changes require statutory amendments.
10. Consolidate state-level applications within a single common application using the Aquatic Farmer License application as a template.

Discussion that the first three items are either underway or already addressed by a committee. The last item may be agency only.

Motion moved by Ned Gaine; Second by Barney Hollinger. All in favor, so moved.

N. Gaine moved that pictures be in the ADP by the next meeting. No need to motion as the process is underway.

Motion 5: The ATTC [Aquaculture Technology Transfer Center], mentioned in the Aquaculture Development Act, includes agencies that are no longer active in aquaculture but are listed as serving the role of assisting aquaculture in FSA [USDA, Farm Service Agency] applications. A new agency should be identified to serve this role.

Motion moved by Ned Gaine.

More information on the ATTC and the role of assisting with federal applications needs to be researched prior to further Council discussion.

Motion Tabled- Motion to table for future meeting by Ned Gaine, Second by Loel Muetter.

Council Committee Reports

Marketing Committee- B. Hollinger

One of several bills related to aquaculture in the Legislature related to marketing funding. Two Mondays ago there was a meeting of the Assembly Agriculture and Food Security Committee where the bills were going to be discussed and were pulled from discussion. The amendments were not introduced or discussed. NJDA was to discuss with DEP & DOH on the bills. One was shellfish aquaculture in the Jersey Fresh program. There is a bill to fund aquaculture under Jersey Fresh and aquaculture needs to be in the Jersey Fresh program. Concerns from DOH that someone could circumvent the NSSP with the bill, such as allowing retail sales of harvest without going through

a Certified Dealer. NJDA ensured DOH & DEP that the Model Ordinance is the baseline for building any Jersey Fresh program for shellfish aquaculture

Motion 6: Numbers 5 & 6 from Ned’s ADP Recommendations sheet assigned to the Marketing Committee. Ned amended to have a list of the charges for each committee included in the ADP Committee Standing Report at the next meeting.

5. Aquaculture industry within NJ examine possible long-term funding solutions for marketing and promotion.
6. Develop guidance on shellfish aquaculture agritourism practices that complies with applicable regulations.

Discussion that these items are already part of the Marketing Committee charge. Motion amended to have these recommendations identified as part of the role of the Marketing Committee (e.g., within the ADP quarterly tracking report).

Motion moved by Ned Gaine; Second by Barney Hollinger. All in favor, so moved.

Long-term funding discussion and clarification on specialty crop funding- federal government change.

AMP Committee- D. Zemeckis

Review of AMP Committee- Charge to update the Shellfish AMP.

Draft to Council for review in April of 2022, with no comments. This October draft finalizes the document.

N. Gaine- Two points of discussion. First, there is a reference to Title 50 in only one section. This document should either reference all statutes or remove that reference. Second, the gear section, there is a bullet on tagging gear. It should say the tag is to identify to the farm somehow.

After discussion on tagging and current requirements for tagging (ADSZ and US Army Corps), language was not changed.

Removed reference to Title 50 within the AMP document. “All or nothing” with references in the document and Title 50 was the only reference. Discussion on adding a section within the AMP that has a statute and regulations reference. That material would not be adopted in regulation so it will not be added.

N. Gaine- Page 4, disease identification section there is a bullet referencing sending samples for testing. D. Parsons had suggested “shall” instead of “may”. Discussion on how this change could impact right to farm because “shall” has a very specific legal meaning. Change was not made.

N. Gaine- In the same section, the bullet with... “Monitor the health of shellfish stock for disease related mortalities (e.g., atypically high and sudden deaths). Notify the appropriate authorities and

neighbors of disease events...” should include the Shellfish Council. They may be included with appropriate authorities so their neighbors at a distance can be notified.

D. Bushek- We are working with the USDA on the seed disease reporting and at the federal level there are certain items where there are reporting requirements. Then when we have a sample, there is a confidentiality concern. USDA wants to know what is going on, but the farmer may not want this to be elevated. If it is a reportable disease, there is a reporting mechanism that must be followed. N. Gaine- It could be something like Bob’s letter on birds to say there is an issue in a water body. We should as good neighbor policy notify our neighbors. Similarly with the birds we should do the same. Notify the Council as the sounding board. It’s in the best interest in the industry to communicate these things. D. Bushek- Along the same lines, if you mention these items at an open, public meeting, such as a Council meeting, it may get into the press in a way that is not appropriate and causes more problems. I think you want to exercise caution with this item. N. Gaine- In the leasing policy right now, we don’t have a mechanism for a neighbor influencing another neighbor. When his farm affects mine, I should be able to know about it. I understand limiting notice to the public.

D. Zemeckis- The beginning part of that statement says with a disease event. There are background levels present normally. We have the examples given but should we spell that out more? N. Gaine- At what point do we make this threshold. D. Bushek- If you maintain your farm, you should know what is abnormal for your farm. B. Hollinger- We should know if something is new. D. Bushek- If something is new it is usually reported out higher. N. Gaine and D. Bushek stated that the atypically high and sudden deaths were sufficient.

N. Gaine- Also a timeline. Shellfish Council should be notified within two Shellfish Council meetings, which at the fastest is two months. F. Minch- So are you saying everyone is within the two months for notification or just the Council. B. Hollinger- I want to know right away, not two months later. N. Gaine- I say two Council meetings so if you miss one, you can get the next one. D. Zemeckis- This is just to notify the Council it does not need to be at a Council meeting. N. Gaine- Giving adequate notification time.

D. Bushek- Sounds like you are identifying the Shellfish Council as an appropriate authority. Who are the others? NJDA? N. Gaine- I delineated the Shellfish Council, I did not delineate others. D. Zemeckis- Is this in permits? N. Gaine- Just in the AMP policy here. This item is added because it is one instance where one farmer can affect another. D. Zemckis- These are naturally occurring diseases. This is not something with the famer’s practices that caused the issue. D. Parsons- Notifying DEP, they are more inclined to keep confidentiality. The Council does not have to keep it confidential. J. Normant- We can state there is an issue but not identify which farm or lease. We would keep it to the waterbody. You don’t have to do anything about it necessarily, but you know there is an issue in the area. N. Gaine- We are saying we’re ok with just telling the state? I think as a management practice you should tell your neighbor. You should tell the state too. And it could be for right to farm it could be one farmer coming after another farmer.

F. Minch- What we have is notify appropriate authorities and neighbors, you want to add shellfish council. They are not within appropriate authorities? Are we back to what you said earlier with citations, should we list them all out now? N. Gaine- I’m not saying if the Shellfish Council is an

appropriate authority, I am saying they should be notified. J. Normant- The Shellfish Council advises the Commissioner. They have the authority to issue a lease. They advise and consult the Commissioner so anything going to the Council will go to the Department anyway. What would the Council's role be in this situation? N. Gaine- I don't know but that is up to the Council to decide. R. Babb- I would not put the Shellfish Council in with the other authorities since their authority is very specific.

Motion 7: Moved by N. Gaine.

Amend the language on Page 4 of the AMP document, Disease Identification and Prevention, first bullet (currently):

- Monitor the health of shellfish stock for disease related mortalities (e.g., atypically high and sudden deaths). Notify the appropriate authorities and neighbors of disease events.

To state (proposed):

- Monitor the health of shellfish stock for disease related mortalities (e.g., atypically high and sudden deaths). Notify the appropriate authorities, ~~and~~ neighbors, and the appropriate section of the New Jersey Shellfish Council (within two meetings) of disease events.

The motion added the Shellfish Council to the parties to be notified in the event of a disease outbreak. Discussion on what is a neighbor, and that documentation of notices would need to be maintained. F. Minch- If a case were brought to a CADB or the SADC, they will look at what is reasonable, for neighbors or appropriate notice. They are not looking miles away or the whole bay. J. Normant- In an area such as Ludlum Bay where it is a smaller area, you should notify the neighbors and then the authority, DEP will notify everyone in the Bay. It could impact everyone in that space. N. Gaine- You will be notified already, but what I'm trying to get at is how far away is a neighbor. Leave it at neighbor.

Motion did not pass; 4 votes in favor, no majority to pass the motion.

Motion 8: Move the AMP document back to the AMP Committee for further discussion and word selection related to the above items.

Motion moved by Ned Gaine; Second by Dave Bushek. All in favor, so moved.

Legislative Committee- M. Gregg

Bill status review. Letters from the AAC on Jersey Fresh and Sunday Harvest, in support of the bill. No letter related to the Right to Farm bill. A proposed amendment, replicating the language developed by the SADC-NJDA-Growers was put forward at the Assembly Committee meeting but pulled back from discussion. Bill is through the Senate, make changes on the floor at the next Committee hearing.

Motion 9: Send a letter of support to Legislature for bills S428/A3039, Aquaculture Right to Farm.

Motion by Barney Hollinger; Second by Matt Gregg.

N. Gaine- Single Enterprise definition inclusion must be vetted with the agriculture community. Cannot endorse a document that may affect a party beyond the scope of this board. The definition

applies to all farmers, not just us. I need to read through and discuss with my County Ag Board. A. Wenczel- SADC has sent out the single enterprise definition out to CADBs and the definition is formalizing the way it has already been used. N. Gaine- I cannot vote on something without talking to my community. F. Minch- It is codifying something that is already being used. And that is why we were so purposeful with going through the process of bill development.

A. Kerr- Was an action taken on this at the last State Board meeting? B. Hollinger- Not at the last meeting. We already approved the language that was sent to Senator Smith which is included in the amendments.

M. Gregg- Noted that timeline is important. It would be ideal to get a letter out before the next potential committee meeting. A. Wenczel- Some of that is out of our control. We will see if there is a way to move this faster with the timeline in mind. F. Minch- Since the other letters went through this one may have a quicker review.

Motion did not pass; 4 votes in favor, no majority to pass the motion.

Jersey Fresh- A. Wenczel

Moving aquaculture within the Jersey Fresh program requires standards, quality standards. The baseline to start from is following all DOH standards/requirements. We need to develop these for regulatory inclusion. The standards would need to be part of the regulatory change that incorporates aquaculture into Jersey Fresh. It seems that the Legislative Committee would be best for this task.

Discussion on whether to be within the Legislative Committee or Marketing Committee. Agreement that the Legislative Committee has better expertise of membership for this topic. Marketing Committee may also join Legislative Committee (joint committee meeting) if desired by members/chairs.

Motion 10: Charge the Legislative Committee with developing a draft set of quality standards for aquaculture to help incorporate the industry into the Jersey Fresh Program.

Motion moved by Ned Gaine; Second by Barney Hollinger. All in favor, so moved.

M. Gregg- Sunday Harvest, there is opposition to the bill. I think the opposition is louder than support. If you are in favor, contact your legislator to support.

Shellfish Council Updates

B. Hollinger- No update for the Delaware Bay Section.

R. Babb- Atlantic Coast update:

- Discussions on bird deterrents.
- Concerns expressed at the last meeting with imports and planting without approval.
- Sent out a letter to address.
- Discussed how committees are formed and operate.

Red Knot- Aquaculture Update
No Update.

Councilmember Comments

N. Gaine- Recommend this Council put forward the request to the Bureau of Marine Water Monitoring a multiyear permit that includes renewals. I think your regulations say 1year, but you could look into a multiyear permit and a renewal without change. The NSSP does not restrict to a single year. Ongoing constraint to have a permit each year.

D. Parsons- You made a motion early that the BMWM is going to provide numbers for each year. Now you want it to be multiyear. N. Gaine- I want information coming to the Council and a multiyear permit. D. Parsons- On the Atlantic Coast there is something new each year. N. Gaine- That doesn't mean if you change your activity you need to notify the appropriate authority. If you modify, you need to notify the authority. As the industry grows, some of us are consolidating to standard practices.

Discussion on timelines for permits. D. Parsons- I made a suggest a few years back to have Tidelands and Land Use at the BSF office so a farmer goes to one office for everything.

B. Hollinger- That's a regulatory change. R. Schuster- We are in the process of a rules renewal and we cannot add something now. We keep it at a yearly permit for a few reasons. We need yearly harvest data. As Dale pointed out, there are a lot of changes on the Atlantic Coast. We are supposed to be notified but are not told of all changes. Some people will also put structure on leases they are not supposed to place structure onto. N. Gaine- That's an enforcement issue and non-compliance. The easier we can make this, and lessening paperwork, is the goal.

R. Schuster- All of our permits have been 1-year permits. M. Gregg- Wouldn't this be easier to have a multiyear permit. R. Schuster- No, we have all the permits each year. L. Muetter- We should also see what FDA would think on this matter. N. Gaine- Not in NSSP. L. Muetter- But we are reviewed by FDA and our FDA inspector favors the single year permit.

F. Minch- I would need more information before we move this forward.

Old Business

Public Comment

D. Parsons- I've been going through a right to farm case. Barney you have a letter that the State Board supports the Right to Farm language right now? B. Hollinger- In the right to farm, yes. N. Gaine- That bill with single enterprise was last Monday, and Atlantic County meets next week. M. Gregg- I hear you Dale, I think the letter would help. There is overwhelming support without the letter. D. Parsons- Say you meet Tuesday, can you then vote? Would you entertain a special meeting to vote on letter of support?

M. Gregg- Make the motion to hold a virtual meeting for letter. B. Hollinger- Second.

F. Minch- By all accounts this bill is going to go through.

N. Gaine- Also discuss AMP at the meeting.

M. Gregg- Amended his motion to have a two-tiered special meeting to finalize AMP and vote on a letter.

D. Zemeckis explained that his abstention is because it is for specific bill language not the idea, which is how Secretary Fisher explained Sunday Harvest vote.

All in favor, Ned Abstained. Motion moved.

M. Williams- Can we get a seed production report from Rutgers. D. Bushek- Yes, we can provide a report on seed production. How many seed and number of growers, without identifying the growers.

M. Williams- Is it possible for Shellfish Councils to address Sunday Harvest, without the legislation. B. Hollinger- Yes, the Shellfish Council can discuss and advise the DEP. A. Wenczel- It is only for oysters, according to Title 50

Meeting adjourned.