

**Aquaculture Advisory Council  
November 04, 2016  
NJDA Building, Trenton  
Meeting Minutes**

**Members Present:** Secretary Douglas Fisher/Ms. Monique Purcell, Mr. Jeff Flatley (Lt. Gov. Kim Guadagno), Mr. Loel Muetter (Comm. Cathleen D. Bennett), Dr. Dave Bushek, Ms. Lisa Calvo (Mr. Gef Flimlin), Mr. Ned Gaine, Mr. Steve Carnahan, Mr. Bill Avery (Mr. George Saridakis), Ms. Amanda Wenzel;

Arriving Late: Mr. Mike DeLuca (Dr. Robert Goodman) at 10:30am

**Members Absent:** Mr. Dave Chanda (Comm. Bob Martin), Mr. John Maxwell, Mr. Paul Waterman, Mr. Richard Herb, Mr. Dave Burke

**Public in Attendance:** Ms. Betsy Haskin, Mr. Scott Hender, Ms. Tracy Fay (NJDEP), Mr. Tommy Burke, Mr. Jonathan Atwood, Ms. Betsy McShane

Approval of August Minutes: Motion by Ned, Second by Steve, all in favor-motion passed.

**SWAP Presentation by Dave Jenkins**, Chief of Endangered and Nongame Species Program, Division of Fish and Wildlife, NJDEP [*Note: italicized text are comments/questions from Council or members of public.*]

- Wildlife action plans focus on species of greatest conservation need; goal to keep species out of ESA listing.
- Framework for comprehensive review and action regarding all species, not just those with recreational or commercial value/interest
- Continues funding from federal level for state wildlife conservation activities
- NJ's first SWAP was submitted in 2005, revised in 2008.
- Key components of SWAP:
  - ID species and habitat needs
  - Assess threats
  - Prioritize research
  - Adaptively monitor and revise plans
- Blueprint for how funding is spent at state level to conserve wildlife

*Does this provide a minimum population to survive as opposed to a maximum achievable population?(D. Bushek)* More about broad threats and identification of which species need a more in-depth analysis to avoid ESA listing, including species population levels.

*If a species is out of control, too large a population, would this call for culling that population?(B. Avery)* Yes, if that is a threat to the species or another species of greatest conservation need, actions like that are included in the plan.

Current plan is hierarchical:

- State-wide-→landscape regions of the state-→conservation zones; leads to redundancy to allow for use at local level (do not need to read through entire plan to determine how to use at local level)
- Prioritization and plan can be used by not just DFW, but also NRCS, NGOs, etc. any agency working on species conservation---not all actions in plan are directed at DFW since plan is encompassing of multiple levels

Criticism of 2008 plan:

- Too big
- Not enough detail/specificity
- Too much detail
- Repeatedly redundant
- Clearly cannot achieve revisions that correct all of the above; but considering where each may be applicable

Revision:

- Vision for the revision of plan (2008): Maintaining the resources necessary to protect the biological diversity of the state (broad)
- Goal: try to make the plan more focused; more focused on the implementable items
- Standardize language- Northeast States developed a lexicon of conservation threats and conservation actions (similar to taxonomy for species); lead by IUCN (International Union for the Conservation of Nature)
- Landscape-level/regional focus
- Focus on those species and areas where the greatest impact can be made (e.g. species that can be moved the farthest from threat of listing)

Current Revision: 107 Focal Species; Focal Areas= (not yet defined), possibly incorporate Northeast- RCOAs (Regional Conservation Opportunity Areas)

- Focal areas= areas where actions will lead to the greatest impact for the greatest number of species; regions where actions have the greatest chance of being successful.
- Focal species= species of greatest conservation need and we know what actions will lead to greatest impact
- 10 year lifetime for revised plan (expected)

How to get to Focal Species:

- Species-specific action development meetings: developing actions to address threats
- Peer-reviewed published lists as starting point
- Top Filter = Federally or State listed species, IUCN listed, other taxonomic listing of species of concern - initial listing of species of greatest conservation need (657 species)
- Federal review, regional review, fatal flaw analysis, to continue to refine listing (350spp.)
- Degree of imperilment + NJ responsibility to conservation + knowledge of how to address threats (actionability) = 107 spp.
- Grouping of spp. (e.g. marine mammals) led to 49 target groups

Focal Areas:

- Deliberately not species driven
- Co-occurrence of multiple factors on landscape scale lead to focal areas
- Aquaculture lease presence listed as a threat to the marine area habitat

Several Councilmembers expressed counterarguments that aquaculture leases are not a clear negative influence. It was clarified that the lease presence influences the ability of conservation measures to be implemented within the given area. The inclusion of aquaculture as a negative is in regard to looking at the landscape scale and identifying locations where conservation measures can be implemented to benefit the 107 spp.

Questioned comparison to terrestrial agriculture- the map used for the presentation did not provide adequate example for such comparison, but it was stated that there is some ability to implement conservation measures on terrestrial agriculture lands. This gets to the difference between focal areas and focal species, which are two intentionally independent ways to get at threats and actions.

*Most literature shows aquaculture structure improves habitat, species usage, and biodiversity so it is confusing why it is listed as a negative impact. And this is at the habitat, not species level, similar to this mapping and landscape scale. (D. Bushek) These are areas of high human activities where we have little control over the activities. These areas are dedicated to another use, that cannot be used for conservation purposes. This is similar to terrestrial agriculture where say grassland birds require a certain habitat, and if the area is planted with a different or competing crop, it limits your ability to use or conduct activities within the area. (B. McShane)*

*It is saying where there is aquaculture, there is less ability to manage as a focal area? This is getting at areas where you can take action? (N. Gaine) It is areas where we can take effective action. If this is regarding the ability to take action, we are discounting agriculture because there are routes to take action on agriculture. We can effect change on agriculture. (N. Gaine)* The only place where agriculture is included on this mapping is the core grasslands because most of our grasslands in NJ are artificially maintained either on airports or agricultural lands. So this focuses some of the attention on agriculture. This is not final. Comments provided in this meeting will be taken back to the team for review. Also consider that mapping with RCOAs is still being considered and it may provide a better way to map NJ focal areas.

*We should note that we mainly focus on shellfish aquaculture, but there is also pond aquaculture. (D. Bushek) In the lexicon, aquaculture is only differentiated into two categories- large scale industrial aquaculture and small scale subsistence or artisanal aquaculture. It does not further refine to the level of species or system. We differentiate a bit when we identify threats.*

Looking at the mapping, the terrestrial “hot spots” for focal areas are not surprising given it contains areas with large contiguous tracts of undisturbed lands. The marine landscape is much more difficult with less mapping or information for this region. Marine landscape includes Delaware Bay, Raritan Bay, and the open ocean, as well as an overlap with the Coastal region in areas like Barnegat Bay and Great Bay.

The percentile ranking is stratified- so the percentile ranking is within landscape-e.g. represents percentile ranking of area of importance within the landscape region only- not throughout the state. This within landscape region stratification allows for goal of localized conservation.

*Several marine protected area programs are undergoing revisions to their management plans- Barnegat Bay Program, Partnership for the Delaware Estuary Program, and Jacques Cousteau NERR Program- each focusing on areas of high CFA values. Is your effort being coordinated with this effort? (M. DeLuca)* Marine Protected Areas is one of our data layers based on their information. *They are looking more at habitat scale and priorities; I'm suggesting that it would benefit to integrate these two efforts. (M. DeLuca)* I should mention that while we have gone through a threats assessment and action plan for Focal Species, for Focal Areas all we have done so far is mapped the areas. We are going to be turning in our SWAP with a plan for how we will develop a threats assessment and action plan for the Focal Areas. In the next 2-3 years we will bring the Focal Areas and habitat portion of the plan into the threats and actions portion of the plan, and coordinating with those programs you mentioned would be beneficial at that time.

*If the high impact focal areas for the Marine Landscape Region are only for that Region, based on what appears to be a different scale from all other regions, does this change the resolution of the impacts or the results for the Marine Region? (N. Gaine)* I would have to check with GIS staff. *The impact seems broader and bigger at this resolution, but it may be the imaging. (N. Gaine)* The intent was to focus the plan on threats and actions. This is another lens to do that.

*Is any of the mapping socioeconomic? (B. Avery)* No not really. *It looks like the focal marine areas are high tourism locations.* This is a summary of all the data layers used, including positive and negative factors. Socioeconomic concerns are not specifically included, but tangentially through urban areas and roads. These layers are developed by the Northeast office of TNC, so you would have to go back into the actual layer development to see what it included. I can tell you what it is intended to capture, but I can't tell you the geographic analysis and synthesis they did.

We are currently developing a database and entering data into system. We will be submitting the draft plan to USFWS knowing it requires a public review- this will occur sometime in 2017. After public comment, incorporate comments and then provide final to USFWS. This will be a 30-60 day review timeframe for the public. The website with information will be continually updated as each component is drafted; not just waiting for one final plan. That website will have all the information on the full plan public review.

*Since we see that aquaculture is pertinent, and the AAC has the role of reviewing everything that can impact aquaculture, we should be advised when the public comment period is open. Could we be provided with notice? (N. Gaine)* We have a listserve currently active that I can add all of you onto and you will receive updates.

*I still can't believe that aquaculture is a negative but not smokestacks or coal-burning plants. (B. Avery)* They are incorporated into the urban areas layer, which is anything mapped according to the State's land use/land cover map- the data layer for the mapping shown here. *Can you explain the scale of the map? (D. Bushek)* It represents co-occurrence of all the positive or negative

influences. To normalize, it uses percentile ranks. For each mapping, the scale could have wide ranges, so we use percentile so all maps are on the same scale. The 90-100 percentile, or 0.9 to 1.0, is the best at the intersection of positive influences; these are the areas that are considered the best for habitat and actions. The white areas are nothing- there is no habitat (e.g. 95 corridor).

*Did aquaculture get on the map just because it is on the land use maps? (B. Avery)* No, for aquaculture we used separate sources of data. The land use/land cover map was for urban areas. For lease lots we used the actual GIS mapping of those lease lots, which is not on the land use/land cover maps. *Everyone should consider that we are speaking to a small map within your slide here, so maybe everyone can go to the website to access the map if they want to review it further. (M. Purcell)* On the website, you can find this information as well as find the location for comment.

*Is the overarching theme of this that all aquaculture is bad? No. Well that's kind of what your slide sort of portrays. (J. Flatley)* First of all, these data layers were not developed solely by the folks in my office, this includes all information from staff within DFW as well as some outside experts. We presented this in a little more detail at the marine workshop and I don't have a listing of attendees but there were marine experts that reviewed this. *I cannot speak to what they reviewed at the workshop, but to get to everyone's point, it seems very generalized when you have roads and urban and then compare it to something very specific. That's the way I read it and it sounds like everyone here is reading it that way. (J. Flatley)* Maybe this was pointed out at that meeting. What I know was pointed out at that meeting was that we have a wealth of data layers in the terrestrial system but paucity for the marine system. I can bring this back to the group for further discussion. *Was the NJDEP, BMWM present at the marine meeting?* I cannot speak to the specific workshop where BMWM staff were present, but I know they attended at least one of the workshops. All attendees are listed on the website.

*Are neighboring states of NY, PA, DE conducting similar reviews and submitting similar plans? (S. Carnahan)* They may be using different techniques or processes, but yes they are submitting similar plans. *It seems with species that cross state boundaries that a regional focus would be good. (S. Carnahan)* That is why we used a regional focus to our narrowing of Focal Species and we are coordinating with neighboring states.

*Can you comment on what portion of your priority species you think will interact with shellfish aquaculture sites? (L. Calvo)* If you look at the threat assessment on the website, we have a listing of whether the threat is a threat for each species. For structural shellfish aquaculture, I think it is probably limited to red knots and ruddy turnstone, possibly oystercatchers. Those three are the only migratory shorebirds I can think of in these areas. *What about for aquaculture in general, are these the only three species that interact with aquaculture?* It would be online in the threat assessment and identified for each of the 107 species. *Keep in mind that it is listed for all aquaculture, so consider that it will include freshwater aquaculture and species that use those areas. (A. Wenczel)*

As a last comment, keep in mind that the marine mapping is one item that we know needs improvement and will be evolving over time.

[Monique Purcell as chair at 10:55am; Secretary Fisher left meeting]

### **NRCS (USDA) Betsy McShane Cost-Share Program Update**

Environmental Quality Incentives Program (EQIP) is a cost-share program throughout the nation. We have targeted aquaculture funding through that program here in NJ and were able to fund 8 projects last year under that program. We allocated close to \$214,000 towards the 8 projects, mostly for rack replacement to ensure compliance with the Programmatic Biological Opinion of the USFWS on Structural Aquaculture and red knots. This assisted with the cost of rack replacement, with the goal of greater horseshoe crab movement under and between higher racks. We also funded a shell placement project to grow an oyster reef, as well as a few growers contracting to have energy plans written to improve energy use over time. Once the growers have the energy plans in place, they can apply through our program again to begin implementing some of the recommended practices. The funding for 2017 has already opened with the beginning of the (Federal) fiscal year, but we are looking for ways that we can improve the program with added practices to benefit aquaculture. This can include any aquatic farmer so any shellfish grower, finfish, or plant.

*Was the shell planting a commercial grower?* Yes, a commercial shellfish grower. The funding is available to private landowners, with the shellfish leases being an applicable form of private land ownership. If an NGO had a lease, they could also apply for funding.

### **Jonathan Atwood- Legislation**

Two bills to speak to- 793 and 794. A793 directs the Department [of Agriculture] and the DEP to work with the US Army Corps on permitting; A 794 directs the Department to work with the DEP to streamline the state permits. We made some amendments to clarify that we are not eliminating regulations or obligations, and are only aiming at streamlining the process. Amendments in the Senate will need to be reconciled in the Assembly, and then expect final signature by the Governor.

*Is one of these the one that declares aquaculture an economic driver? (N. Gaine)* No, that one is a resolution, but it has had a harder time gaining traction within the Legislature.

*M. Purcell-* In reference to these bills, please be aware that we (NJDA) were contacted by a reported from Spotlight regarding 794. I was extremely misquoted in the article and wanted to clarify for the Council what I stated. The only correct item in the article is that we support the intent of the legislation but that we are concerned with the language stating “any” since that is a broad statement and we wanted it to say shellfish aquaculture project. We also had concern in that it is calling for more regulation; we think we need to streamline the current regulations. I also never said that “I” was responsible for the items quoted in this article. I stated that we as a Department are a partner in the streamlining process, so I have no idea where some of the quotes stemmed from in this article.

### **Agency Vision for Adaptive Management- Amanda Wenczel**

The Agency Workgroup (AWG)- consisting of the US Fish and Wildlife Service (USFWS), the NJDEP Bureau of Shellfisheries (BSF) and Endangered and Nongame Species Program (ENSP), and the NJDA- provided the document emailed to the AAC ~2 weeks prior to the meeting, and

handed out at the meeting. The Programmatic Biological Opinion (PBO) for the consultation on red knots and structural aquaculture within Delaware Bay calls for adaptive management of the consultation and associated consultation measures; however, it does not stipulate how that process is to unfold. The AWG began framing the process in August of this year [2016], and the document here begins to lay-out this framework. As you can see this provides for a great deal of public involvement so the process is not finalized, this is an initial outline.

Specifically to note in this meeting, on page two- Stakeholder Committee, the AAC is listed as a member. Invitations to the members listed here will be sent out in a week or two, and a process for nominating a representative from AAC must be decided today while there is a quorum.

*This list is not a finalized listing of members for the process? This does not include NJ Shellfish Association or Delaware Bay Shellfish Growers or NJ Aquaculture Association. (D. Bushek)* The member organizations listed here are those that have been actively engaged in the process thus far. Once the Stakeholder Committee is formed, if those on the Committee decide amongst themselves that the invite list [membership] needs to expand, that would be a decision for the Committee. This is just the beginning of the process, just beginning to take shape, so this is something that can change and be developed by the members as the process unfolds.

*So this is the beginning shape of the adaptive management process or structure? Since this is somewhat new, what is the breakdown on how each of the groups and components interact with each other? (N. Gaine)* The AWG includes the USFWS, and they have the final decision-making capacity because this process is informing their Biological Opinion. The Biological Opinion is their [USFWS] opinion on whether or not the action [structural aquaculture] will jeopardize the species in question [red knot]. So the USFWS- called “Service” in the Vision Document- is the top of the chain of decisions. *OK, so then it seems there are actions or responsibilities for each of these groups listed in the document. For instance the proposed changes to Conservation Measures from the Stakeholder Committee, who does that go to and for what action? (N. Gaine)* Some of the process is still under development and will be developed throughout the life of adaptive management. As it is currently, there are meetings of the Stakeholder Committee as just the Committee for that group to conduct discussions and decision-making. Once a decision is made or information is gathered to present to the AWG, all that is presented to the AWG at the annual Stakeholder Committee Meeting. Then the Adaptive Management Meeting would follow the Stakeholder Committee Meeting, and include a review of decisions regarding any changes to CM- so on farm changes. This is according to how it is currently outlined in the Vision Document.

*This process seems very fluid in what we have here now. Who is advising in the structuring of this process? (N. Gaine)* Right now, Jim Lyons with USGS is assisting with the process and Greg Breese with USFWS in Delaware has been informing the process but not available for in-person meetings. A meeting is set for December for the AWG to see how this adaptive management process “fits” into the broader category of adaptive management and structured decision-making. Many in this region look to the horseshoe crab ARM – Adaptive Resource Management- as the model for this type of process, but Jim has informed us that this may not be the best fit for us. For instance, that process is an iterative fishery quota decision; whereas for this process [red knots & aquaculture] it may be a yearly decision but it could be different

decisions in a given year, with different objectives. Even with the assistance of these experts, it is not clear as of yet the best path forward for this process.

*Who will participate in the structured decision-making; does that include the Stakeholder Committee or just the AWG? (L. Calvo)* For the December meeting it is just the AWG to determine logistics and where this process should fall within the whole range of possible methods. Moving forward, it will include the Stakeholder Committee.

It should say “Councils” for Shellfish Council because there are two, and there should be two growers represented because there are different kinds of growers? (B. Avery) I think this does not have the Atlantic side listed because this is to deal with the red knot issues on the Delaware Bay. (D. Bushek) The problem I have with that is that this could be carried over to the Atlantic side without representatives. (B. Avery)

*Under responsibility for the Stakeholder Committee, it lists the potential to form the Science Advisory Group- where would that group fit within this overall structure? (M. DeLuca)* As it is currently provided in the Vision Document, the Science Advisory Group would be formed as a decision of the Stakeholder Committee. In terms of interactions, the AWG would interact with the Science Advisory Group, but more so the interactions would be between the Stakeholder Committee and the Science Advisory Group because the Committee would need the science to inform decision-making.

*In the Stakeholder Committee is this Democratic, is there voting? (N. Gaine)* Decision-making will be a process formed by the Committee. *Ok, because I have concerns that some of the representatives, such as Middle Township may not have as much detailed information on some of the items to allow for voting. I don't see them knowing as much of what is in the PBO. (N. Gaine)* The first item on the list of responsibilities is to have read the PBO, so if they are going to be a representative they better come informed. (B. Haskin)

*Structured decision-making, which is to help bring us to a point of moving this forward, does that include the AWG and Stakeholder Committee? (B. Haskin)* Both will be involved, but I am not clear on how each is included at this time. *As I understand that process everyone with a stake needs to be involved so that the process works. Hopefully, everyone who wants to be involved in the process can be so that they are aware and informed of how we get to the final decision. (B. Haskin)* Additionally, it's not just so everyone is informed, but it's a process to allow all of you to inform the process. Many with information on this issue need to inform the process in a singular, cohesive decision-making forum and this process should allow for that.

(D. Bushek) In here it states that an annual Stakeholder Committee Meeting must be held before the annual Adaptive Management Meeting, and I see from the August 5, 2016 [AAC] meeting minutes that Mike [DeLuca] mentioned that we received funding from the County. Getting to the point on County involvement, they provided funding to host a panel of experts from outside the region. We reviewed our panel with the AWG and the listed organizations here as potential members of the Stakeholder Committee, and held our meeting this week. The AWG unfortunately decided not to attend and a couple of the conservation groups decided not to attend as well. It was a very productive meeting with substantive results. In addition, shortly after the



last meeting, we received additional funding to host a Stakeholder Group meeting and we recommend and think the panel present will recommend that the Stakeholder meetings merge in some fashion. *One thing to add is that one of the experts on the panel is an expert on structured decision-making. That was extremely informative and provided a good background relative to what this document [Vision Document] is talking about.* (L. Calvo) He is one of the co-authors of the handout [see AAC handouts], David Smith, and Greg Breese was helpful in reviewing items but unable to attend due to scheduling conflicts. Also, one more point, I wanted to note appreciation that of the AWG agencies, only NJDA sent someone to the event, sending Roberta Lang. (D. Bushek)

One of the things I took from that discussion, from David Smith, is that when you start the process that all stakeholders feel included in the process and that you start with a neutral facilitator. (B. Haskin) Those key items are going to be discussed and flushed out at the December meeting to ensure all these items are considered. It has been a very time consuming process to include everything and even just to get to this three-page document has been a struggle. After that December meeting there will be more clarity on the process moving forward and how everyone will fit into the framework. (M. Purcell)

If the meeting is set for December, is all this going to be set for the next management season, so before April? (N. Gaine) The goal is by April 1<sup>st</sup> to have everything in place for the season. (A. Wenczel)

Motion to conduct voting for representative to the Stakeholder Committee via email- Ned Gain; Second- Steve Carnahan; all in favor and motion passed.

Referring back to the comments on the HSRL workshop [see D. Bushek comments on funding from County], keep in mind that right now the AWG adaptive management Stakeholder Committee meeting and the County funded initiative are two distinct processes that are similar but not the same. Hopefully, they can be merged to provide a stronger result for all involved. (A. Wenczel) Regarding the funding, it comes from the National Sea Grant Office to support aquaculture, so it comes from that perspective. It does not mean it cannot support bringing in shorebird experts, but it does need to reach the objectives of the funding source. (D. Bushek)

#### **New NJDEP, BMWM Aquaculture Permits- Amanda Wenczel/Tracy Fay (BMWM)**

The two new NJDEP Bureau of Marine Water Monitoring permits that folks should have been well aware of- the Commercial Shellfish Aquaculture Permit and the Hatchery & Nursery Permit- became effective when the rules were published in the NJ Register on September 19<sup>th</sup>. Everyone was required to apply for required permits using two applications, one through the BMWM and one through the Office of Aquaculture Coordination in NJDA, with the deadline of October 19<sup>th</sup>. The process was fairly successful in large part due to two technical assistance meetings hosted at the Leeds Point Office. The meetings were scheduled after the insistence of two individuals including Councilmember John Maxwell as well as Jeff Pritchard, and they were effective at showing applicants that the paperwork was much easier than first glance. BMWM and NJDA are in the process of coordinating review and permit issuance.

*I recommend that the Council make a motion to request from DEP that the permits carry over from this year through 2017 since we just applied in October. (N. Gaine)* We have inquired with our legal, but have yet to hear back regarding this exact question. What would happen in this instance is that the permit issuance would wait until 2017, so no 2016 permit. We are aware of the redundancy that could occur with this timing. (T. Fay) *I recommend we support that option. (N. Gaine)* We have received a lot of applications and are thankful for the partnership we had with this new permit between our office and Ag. (T. Fay)

*If individuals have not supplied an application before the October deadline can they still provide an application without penalty? That was a short turn-around time, 30 days. (L. Calvo)* I cannot speak to DEP penalties, but I will work with anyone to ensure they supply a complete operational plan at any point, so they should definitely contact me. (A. Wenczel) We are accepting all aquaculture applications without penalty so please have people submit them if you hear they have not already. (T. Fay)

The biggest complaint I heard was that many folks don't have a computer and they didn't even know this was coming or necessary that they're out of compliance without even knowing it. (B. Avery) We are so used to working through BSF and everything being through our shellfish lease renewal, that with this through the BMWM, we just were not used to it. (N. Gaine)

*For research applications, Bob Schuster said there is a grace period while permits are being submitted or reviewed, is that the same here? (D. Bushek)* Research permits are different in that the one you already have for 2016 is no longer in regulation, so that is not the same as aquaculture. (T. Fay)

*Regarding the permit itself, in the industry we have advisory bodies to review other permitting activities. If it is within the BSF, there is the Shellfish Council, if it's aquaculture, there is this Council. In your case, there is no entity to review your permits. Specifically, in the renewal, I don't understand why the BMWM needs to know the quantity of shellfish harvested. (N. Gaine)* That is a requirement in the NSSP- National Shellfish Sanitation Program- that we ask that of applicants. I would have to check, but I believe that is within the Aquaculture section. (T. Fay) *I think this is included for when they work on Vibrio regulations and how they classify an outbreak. They base it on the proportion or number of meals served relative to the number of oysters coming out of NJ. (L. Calvo)* It seems a broad brush for figuring that out. (N. Gaine)

Some of the wording leads to current activities being illegal or allow for interpretation. (B. Avery) This gets at my comments from last meeting in needing our own aquaculture rules, where there is overlap and loopholes of overlapping regulations. (N. Gaine)

*We as a Council should have and I am requesting a listing or whitepaper of deadlines in the new regulations. Where are we with the journal? Is it expected by the end of this year? (N. Gaine)* There is a courtesy copy of the rules online at NJDEP Rules and Regulations website for anyone to access and retain a copy. (T. Fay) *Thank you, that is a good start, but what about the folks that did not even know about the permit, they won't look to the website. (N. Gaine)* We were cognizant of the potential to miss people and working with the BSF and list of lessees and all

aquaculturists to reach as many people as we could. (T. Fay) NJDA will provide an outline of requirements and deadlines, including the journal requirement. (M. Purcell)

*There are only five hatcheries in the state, so I don't see why they needed to add this permit, just to keep with the NSSP. It's a lot of paperwork for those of us in the hatcheries. (B. Avery)*

I offer agencies the opportunity to share information at a Shellfish Growers Forum. It is a forum scheduled around a growers timeframe and is primarily aimed at Delaware Bay growers with outreach to our Atlantic partners. We also revitalized the NJ Aquaculture Association. Please keep in mind that these are two good outlets to reach growers, including those that may be working on leases and not receiving some of the materials being sent out. Compliance would be enriched if folks were informed via methods such as these. (L. Calvo)

### **NJDA Rule Readoption without Amendments- Amanda Wenczel/Monique Purcell**

Notice of readoption without amendment for AFL rules was sent to OAL (Office of Administrative Law) on October 26<sup>th</sup> resulting in a seamless continuation of AFL in the near term. This will allow time for revision and review.

The rule will be brought to the Council when ready to make amendments. (M. Purcell) Is there a public comment period. (N. Gaine) No, it is through a notice posted in the register, but we can do amendments to those rules at any point. (M. Purcell)

### **New Business**

Along the lines of aquaculture being an economic driver, I would like to open the discussion of getting aquaculture on the State Board of Agriculture. I don't know how aquaculture is being counted relative to other crops. (N. Gaine) There are four set seats to represent the top four commodities in the State, but it is an eight member board leaving opportunity for someone in aquaculture to be represented. The process is in the Ag Convention. Before the Convention is a North-South delegate selection process. (M. Purcell)

I would love to know how many aquaculturists fill out the NASS (National Agricultural Statistic Survey) surveys. If we're not being counted in the survey, we're not getting representation. They used to be present at our meetings, but we should re-engage that office. (N. Gaine) I want to let everyone know that NASS in general has shrunk considerably over the past few years. They were in most states, but have recently condensed offices and activities. We have an office in our building, but now only have three people in that office. We can work with Bruce Eklund, the director, to attend future meetings. (M. Purcell) We should move in the direction of attending the Ag Convention and getting representation on our County boards. We need to start with getting the commodity represented. (S. Carnahan)

Next meeting is set for January. Looking forward, if the subsequent meeting is expected for April, can we move that one forward to March to allow for discussion of red knot items. (N. Gaine) Yes, a March instead of April meeting. (A. Wenczel)

Motion to adjourn- unanimous in favor; meeting adjourned.