

NEW JERSEY SHELLFISHERIES COUNCIL		Delaware Bay Section
<i>Meeting Minutes</i>		

Meeting Name	Monthly Meeting of NJ Shellfisheries Council - Delaware Bay Section		
Meeting Date	Tuesday, November 1, 2016		
Meeting Time	6:00 PM		
Venue	Haskin Shellfish Research Laboratory	City	Bivalve, NJ
Attendees	General Public		

Council	State/Fed Representatives	Haskin Research Lab
Cumberland Co. - Vacant	Russ Babb, DFW Shellfisheries	Kathy Alcox, Field Researcher
Steven Fleetwood, Cumberland Co.	Craig Tomlin, DFW Shellfisheries	
Warren Hollinger, Cumberland Co.	Robert Schuster, NJ BMWM	
Richard Malinowski, Salem Co.	Paul Wesighan, NJ BMWM	
Cape May / Salem Co. – Vacant	Gary Wolf, USFDA	

Compliance with the Sunshine Law

Notice of this meeting was posted October 12, 2016 with the Secretary of State's Office, State House, Trenton, NJ and the Bridgeton Evening News, and Daily Journal pursuant to L. 1975 c. 231.

Revenue collected for September totaled \$7,825.50.00 and is summarized as follows:

License Type	Total	License Type	Total
Commercial Crab Pot	\$500.00	Commercial Shellfish	\$50.00
Nets	\$801.00	DB Dredge	\$100.00
Application Fees	\$54.00	Lease Fees	\$54.50
Menhaden	\$52.00	Oyster Tags	\$6,214.00

Oyster Resource Development Account (082):

Oct 31, 2016		
Unexpended	\$712,752.38	Budget authority less expenditures (<i>total spendable dollars currently in account</i>)

For Council's Information:

Old Business

Direct Market Harvest & Area Management Update

Mr. Tomlin reported that there were 96,000 bushels harvested to date. The catch per unit effort still remained high at about 115 bushels per day. He further informed there were 100,014 of the 101,280 available tags sold so far, and only one boat didn't buy tags this year. Mr. Tomlin stated that this would most likely result in all of the quota being caught before the end of the season, except the one license that did not buy tags.

Delaware Bay Artificial Reef

Councilman Hollinger said he received calls the weekend prior to the meeting informing him that the Delaware Bay artificial reef was put on the Marine Fisheries Council's (MFC) meeting agenda for 11/3/16 to vote on proceeding with the reef deployment. He wanted the Delaware Bay Section to go on record that they were against the reef's location since the beginning, and that they will be sending a letter to Commissioner Martin opposing the reef. He also stated that the Council was still willing to work with whomever would work with the Council for an alternative solution. Councilman Hollinger noted that the proposed area was a productive one, especially for the crab dredging industry, and that the crab dredgers were never consulted about the reef's location. Mr. Babb suggested waiting to send the letter after the Thursday MFC meeting. Councilman Hollinger reiterated his concern that he wanted the Commissioner to know that the Council was opposed, and were completely ignored in the decision making process.

Mr. Babb brought up a different topic on artificial reefs. He informed the Council and public attendees that about the Special Management Zone (SMZ) status for the 13 NJ artificial reef systems. During November 2015, the DEP petitioned to the Mid-Atlantic Fishery Management Council (MAFMC) to designate the 13 areas as SMZs under Amendment 9 for the summer flounder, black sea bass, and scup fisheries management plan. The concern was that recreational angler money and taxes on sporting goods were used to make these reefs. This issue was put before the MAFMC SMZ monitoring team three weeks ago. They evaluated the request, and recommended that the MAFMC designate the areas for use only by the recreational fishermen. He explained that the evaluation showed very little impact ex-vessel to the commercial revenue. Mr. Babb informed that public comments would be taken from then through November 25, and could be sent to the MAFMC located in Delaware. He also notified the Council about three hearings that would be held. The first hearing was November 15, 2016 in Brooklyn, the second November 16 in Toms River, and the third November 17 in Cape May. He provided that more information could be sent upon request regarding the status and information about the hearings. Further discussion ensued.

Aquaculture - Red Knot Management Update

Mr. Babb informed that there had been some events since the last update. Rutgers University (RU) held a workshop the day of the Council meeting including horseshoe crab and aquaculture experts to review parts of the Programmatic Biological Opinion approach from the NJ DEP with US Fish and Wildlife Service (USFWS). The Aquaculture Working Group which is made up of the Bureau of Shellfisheries (BSF), USFWS, Dept. of Agriculture, Bureau of Endangered and Nongame Species, and the Army Corps of Engineers had issues with the timing of the RU workshop, and concern over trying to get the same horseshoe crab experts into these meetings. RU also had funding from grants and Cape May County which gave them an expedited schedule ahead of the other groups. Councilman Hollinger said that many people did not attend since it was too early for them to meet, partly because the information from the studies was not in. Essentially, Mr. Babb informed that the BSF would like the next round of meetings to be coupled with the working group in the adaptive management process, and that they are looking to make a structured decision making process. This process would act like the shore bird and horseshoe crab model of which they both have a technical group that work separately under a modeling process. Mr. Babb said the groups under that model would include the existing agency workgroups and adjunct groups, as well as the BSF wanting to create a stakeholder committee consisted of balanced groups such as conservation groups, aquaculture advocates and industry members. Another body under this model would be a science advisory group tasked by recognized experts on horseshoe crabs, red knots, and the effects and benefits of structural aquaculture. The stakeholder committee

would be responsible to nominate the members that make up the science advisory group, which would take the agencies out of the equation by design. Further discussion ensued.

Leased Grounds Renewal & ADZ Update

Mr. Tomlin informed everyone that the leased grounds were available to renew. The BSF were to do the annual inspections on the ADZ's in the near future. Edward Gainé asked if the required inspections were expiring soon. Mr. Tomlin said that inspections are required every year since structural aquaculture was in an experimental stage. Mr. Babb chimed in that the original plan was to have a pilot of five years for inspections, but there was discussion that with the many issues surrounding structural aquaculture it may be extended for an additional five years. Mr. Gainé further inquired if these leases were to eventually convert to traditional leases. Mr. Babb responded that it was not explicitly stated in the contract, but the goal was to have the ADZ leases convert back to traditional leases. Further discussion ensued.

New Business

Consolidation Rule Adoption

Mr. Babb provided two handouts to the Council. The first was a copy of the consolidation rule adoptions that appeared in the registry on October 3, 2016 to show that the rule had been adopted. The second was a copy of the comments and responses to those comments on the consolidation rule. He further mentioned that the process was at a stable place since it was removed from the administrative consent order (ACO) process, but the Bureau would like to streamline the process to make it easier for both the Bureau and the industry. Mr. Tomlin informed he would be creating an alternative to the ACO process in accordance with the rule adoption to have it ready for January when people come into the office for renewals. Further discussion ensued.

Vibrio vulnificus (Vv) case

Mr. Schuster reported that there was a Vv case from California. The case was first traced back to Virginia as the source of the oysters involved in the case, then was traced back to NJ instead. The case was reported on October 7, 2016. Since then there had been efforts to track down the actual source because there were many inconsistencies with source documentation from dealers, shippers, and restaurants through tags and invoices. He said he would be disputing the case with the Interstate Seafood Sanitation Conference (ISSC) case review committee that the source was not from NJ. This was especially important since there was a case in 2010 that was attributed to NJ waters. He believed that the 2010 case was also not sourced from NJ, but it was never brought to the ISSC to be reviewed under the previous staff. Mr. Schuster explained that both cases were within a ten-year period, and the recent case was during September which would affect the *Vibrio* plan for NJ since it runs from July through August. A lengthy discussion ensued.

Shellfish Classification Changes to Shellfish Waters in the Delaware Bay

Mr. Wesighan reported that the Bureau of Marine Water Monitoring held their annual meeting to look at the Delaware Bay classifications. He handed out a packet that displayed the classification changes and project highlights for 2016. Mr. Wesighan first reviewed Station 4112E, Delaware Bay west and southwest of Arnold Point, which exceeded *Approved* classification requirements. This resulted in 574.62 acres to be downgraded to *Conditionally Approved (November – April) (CA)*. Councilman Fleetwood asked if they knew what the source of contamination was, and Mr. Schuster input that their Bureau looks at sources for all contaminations during their annual report at every year's end. Mr. Wesighan added that in 2017 they were to do a Sanitary Survey Report, done every 12 years, in which they review everything from East Point to Artificial Island including septic systems, taking water samples, and making inspections at waste water treatment plants. Mr. Babb asked if they communicate with Delaware about why the waters opposite of NJ's *CA* waters are listed as *Approved*. Mr. Schuster responded by saying there had been communication, and the reasoning was that the Delaware side had more flushing resulting in lower amounts of contaminants that remain in the Bay. He further explained that NJ had a lot of creeks along the

Bay's shoreline that funneled contaminants into the Bay, especially during rainfall events. Mr. Gaine noted that all of the creeks are either classified as *CA* or *Restricted*, and asked how the creeks that aren't shown on the map are classified. Mr. Wesighan answered they were listed as *Prohibited*.

The next station Mr. Wesighan reported was the new sampling station 3847J in Shellfish Growing Area DB1 that was requested by the tonging fishery and the Council. The request was to study the potential for a portion of the *Restricted* area to be upgraded and utilized by the fishery. There were six more samples, or one more year of sampling, to be done before an analysis of the stations could be performed. He informed that station 3847E, south of 3847J, would need to be upgraded before 3847J could be upgraded. Based on the preliminary raw data, Mr. Wesighan informed that both stations could not be upgraded from *Restricted* to *CA* because they did not meet the classification requirements which were highlighted in the packet. Councilman Fleetwood asked if there was any relationship between the high levels and the amount of rainfall, and Councilman Hollinger between the high levels and abnormally high tides. Mr. Wesighan responded that they do review that data for both instances. Mr. Gaine asked why none of the sampling was done in the summer months. Mr. Schuster explained that the area in question was being studied to go from *Restricted* to *CA*, which was only approved for the winter months. He also pointed out that the existing station 3847E showed high concentrations during the summer months, which was why the area was classified as *CA* only during the winter months. Mr. Wesighan reported high numbers in their data during mid to late April, and that he would like to investigate why that was happening. A few people replied that it could be the migratory birds that use the area during that time period.

Mr. Wesighan continued reporting that three stations along the Cape Shore area exceeded the conditions needed for an *Approved* classification. Station 3880 was already classified as *CA*, station 3895F was already *Approved*, and station 3889B was already classified as *Prohibited*. He informed there would be sampling stations around sites 3880 and 3895F to further investigate, and tests were to be done to identify if the source is human or wildlife based. If the source was anthropogenic, those areas would be recommended for downgrades. Mr. Wesighan informed of an upgrade of 545.92 acres of Delaware Bay outside the Cape May Canal. The Bureau would be recommending an upgrade from *Prohibited* to *Approved* for this area since it meets *Approved* classification year round. Further discussion ensued.

The last topic Mr. Wesighan discussed was the proposed wastewater treatment plant in Fortescue, NJ. Mr. Schuster explained that there were many issues along the bay shore communities with septic tanks, and there had been a search for a solution. He mentioned there was a long term plan for the entire bay shore region, but the Mayor wanted to have a definite solution in the meantime. The Mayor brought in engineers to create plans for a small package plant in Fortescue. The original proposed outflow pipe was to be in the bay, but after dilution calculations, Fortescue Creek was the better location to create a buffer zone where shellfishing would be prohibited. Further discussion ensued.

Dermo report

Mr. Babb gave the report on behalf of Kathy Alcox because she had to leave the meeting early. Dermo prevalence continued to increase to above average in the Bay, and was 100 percent on some upper beds. The number of new boxes was above average for New Beds, Bennies, and Shell Rock. All of the data was over the long term October numbers. Mr. Gaine and Councilman Fleetwood asked if there would be any dermo sampling along Cape Shore, and Mr. Babb agreed there should be sampling done. Mr. Tomlin offered to collect samples periodically from Cape Shore since there are two projects that are in that area every month. Through discussion, **Councilman Fleetwood motioned to ask RU to work with the Bureau to collect extra samples at Cape Shore, Councilman Hollinger seconded. All were in favor.**

Councilman Hollinger motioned to adjourn the meeting. Councilman Fleetwood seconded the motion.

Adjourn	@ 7:45 PM
The next meeting of the Council will be tentatively held on: December 6, 2016	