

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, October 3, 2017		
Meeting Time	6:00 PM		
Venue	Haskin Shellfish Research Laboratory	City	Bivalve, NJ
Attendees	General Public		

Council	State/Fed Representatives	Haskin Research Lab
Warren Hollinger, Cumberland Co.	Russ Babb, DFW Shellfisheries	David Bushek, Director
Steven Fleetwood, Cumberland Co.	Craig Tomlin, DFW Shellfisheries*	Kathy Alcox, Field Researcher
Cumberland Co. - Vacant	Andrew Hassall, DFW Shellfisheries	
Richard Malinowski, Salem Co.	Gary Wolf, USFDA	
Cape May / Salem Co. - Vacant	Bob Shuster, Marine Water Monitoring	

* *Not present*

Compliance with the Sunshine Law

Notice of this meeting was posted August 10, 2017 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.

Meeting minutes for consideration:

June 6, 2017

Minutes are for consideration to the Council, and will be put forth for approval at the next meeting.

Revenue collected for July totaled \$39,842.00 and is summarized as follows:

License Type	Total	License Type	Total
Commercial Crab Pot	\$500 .00	Recreational Shellfish	\$90.00
Nets	\$587.00	Dredge Boat Renewal	\$20.00
Application Fees	\$70.00	Lease Fees	\$27.00
Oyster Tags	\$38,238.00	Menhaden	\$310.00

Revenue collected for August totaled \$39,429.50 and is summarized as follows:

License Type	Total	License Type	Total
Commercial Crab Pot	\$ 1,000.00	Commercial Shellfish	\$50.00
Nets	\$794.00	Recreational Shellfish	\$100.00
Application Fees	\$94.00	Juvenile Shellfish	\$4.00
Oyster Tags	\$36,678.00	Menhaden	\$362.00
AC Crab Dredge	\$200.00	Lease Fees	\$35.00
DB Crab Dredge	\$100.00	Misc/Maps	\$12.50

Revenue collected for September totaled \$18,454.00 and is summarized as follows:

License Type	Total	License Type	Total
Commercial Crab Pot	\$400.00	Commercial Shellfish	\$100.00
Nets	\$1386.00	Dredge Boat Renewal	\$500.00
Application Fees	\$64.00	Lease Fees	\$11.00
Oyster Tags	\$15,732.00	Menhaden	\$104.00
Misc/Maps	\$157.00		

Oyster Resource Development Account (082):

October 3, 2017		
Unexpended	\$772,892.86	Budget authority less expenditures (<i>total spendable dollars currently in account</i>)

Lease Ground Transactions:

Warren Hollinger, Lewis Shultz and James Allen III transfer to W Hollinger

LOT #	SEC.	ACRE	RATE	FEE
1	A	44		\$5.00
2	A	40		\$1.00
2	B	10		\$1.00
Total		94		\$7.00

Warren Hollinger, Lewis Shultz and James Allen III transfer to Lewis Shultz & James Allen III

LOT #	SEC.	ACRE	RATE	FEE
228	A	57		\$5.00

Warren Hollinger, Lewis Shultz and James Allen III transfer to Elder Point Oyster Co., LLC

LOT #	SEC.	ACRE	RATE	FEE
210	C	16		\$5.00
279	D	10		\$1.00
324	D	49		\$1.00
34	E	12		\$1.00
277	E	24		\$1.00
Total		111		\$9.00

Warren Hollinger transfer to Elder Point Oyster Co., LLC

LOT #	SEC.	ACRE	RATE	FEE
16	C	21		\$5.00
44	C	19		\$1.00
150	C	9		\$1.00
176	C	8		\$1.00
190	C	24		\$1.00
193	C	22		\$1.00
293	C	8		\$1.00

LOT #	SEC.	ACRE	RATE	FEE
302	C	24		\$1.00
532	C	25		\$1.00
358	D	13		\$1.00
439	D	19		\$1.00
542	D	16		\$1.00
343	E	29		\$1.00
Total		237		\$17.00

Scott Bailey (Roberta Rae Bailey George/Executor) transfer to Scott Sheppard

LOT #	SEC.	ACRE	RATE	FEE
121	C	54		\$5.00
154	C	15		\$1.00
196	C	56		\$1.00
Total		125		\$7.00

Scott Bailey (Roberta Rae Bailey George/Executor) transfer to Elder Point Oyster Co., LLC

LOT #	SEC.	ACRE	RATE	FEE
407	C	77		\$5.00
403	D	13		\$1.00
436	D	33		\$1.00
444	D	38		\$1.00
509	D	38		\$1.00
510	D	42		\$1.00
529	D	62		\$1.00
531	D	8		\$1.00
574	D	27		\$1.00
96	E	57		\$1.00
208	E	12		\$1.00
209	E	12		\$1.00
282	E	27		\$1.00
TOTAL		446		\$17.00

Councilman Fleetwood motioned to approve all lease transfers. Councilman Malinowski seconded the motion and all were in favor.

Applications for Council's Consideration:

William Tirri applied for the following lease grounds:

LOT #	SEC.	ACRE	FEE
32	B	100	\$50
10	C	100	\$50

William Tirri was not present for the consideration and must be present for the meeting when the application is put forth for decision.

Applications for Council's Decision: (None)

Boat Transfers:

- Scott Bailey (Roberta Rae George/Executor) transferred the oyster dredge vessel Donna Lyn (Official # 105359 11 GRT) and license #52 to Joseph Haase
- Joseph Haase transferred the oyster dredge vessel Donna Lyn (Official # 105359 11 GRT) and license #52 to Robert Robbins
- Scott Bailey (Roberta Rae George/Executor) substituted the oyster dredge vessel Almah D. Robins (Official # 222890 70 GRT) with the Dredge Monster (Official # 229413 59 GRT) license #48
- Scott Bailey (Roberta Rae George/Executor) substituted the oyster dredge vessel Running Late (Reg# NJ510260 5 GRT) with a 21 ft fiberglass vessel (Reg# NJ8674FK 5 GRT) license #62
- Scott Bailey (Roberta Rae George/Executor) transferred the oyster dredge vessel Britt Ann Marcher (Official #208411 67 GRT) and license #13 to Keith Laudeman/Britt Ann Marcher, Inc.
- Scott Bailey (Roberta Rae George/Executor) transferred the oyster dredge vessel NJ8674FK (5 GRT) and license #62 to Keith Laudeman/Britt Ann Marcher, Inc.
- Scott Bailey (Roberta Rae George/Executor) transferred the oyster dredge vessel John G McVey (official #237419 28 GRT) and licensee transfers license #6 to Keith Laudeman/Britt Ann Marcher, Inc.
- Scott Bailey (Roberta Rae George/Executor) transferred the oyster dredge vessel Dredge Monster (Official # 229413 59 GRT) and license #48 to Keith Laudeman/Britt Ann Marcher, Inc.

Old Business

1. Dermo Update

Mr. Bushek said the Dermo levels are looking good. He pointed out two factors that are contributing to the lower Dermo levels. The first factor was the waterflow coming out of Trenton, NJ, which he showed on a graph in a handout. He said the levels for the year were consistently higher than the 104-year discharge average which means more fresh water going into the system. This brings lower salinity which depressed Dermo, but also pushes Dermo down out. The other factor Mr. Bushek pointed out was the low temperature profile overall for the year, which also helped keep Dermo levels down. The low salinities and cooler water temperatures both helped keep Dermo levels down. He said this bodes well for survival. He said the last time Dermo levels were this low was in 2004 which was very good, but there was a lot of heat and drought in 2005 which quickly increased Dermo levels. Mr. Bushek also mentioned that in Iris Burt's report that was handed out, she mentioned that there was a good spat set that should go into the winter without having picked up any disease.

2. Direct Market Harvest/Area Management & Closure Updates

Mr. Hassall reported that to date, the total harvest was 107,305 bushels (bu.) of oysters. This was broken down into 47,817 bu. harvested from the high mortality beds earlier in the year; 36,522 bu. harvested from Shell Rock which closed August 14, 2017 via a letter that was sent out, and 22,641 bu. harvested from the Medium Mortality Market beds to date. He noted the average catch per unit effort throughout the whole season was 125 bu. per boat per day. Mr. Hassall also commented that almost all the tags had been purchased for the year, only one license had not purchased any tags, and Vp season closed August 31, 2017.

3. Shell Planting Update

There was 150,000 bu. of shell that was distributed over three beds which were Bennies Sands, Shell Rock, and Cohansey. Mr. Hassall said that Mr. Tomlin reported a good set on all of the new shell plant sites this year. Councilman Hollinger asked if there was any good set seen on places like Nantuxent. Mr. Hassall said he wasn't sure since he was not out on the previous month's sampling. Mr. Bushek said that spat had been seen on all the shell plant sites that have been sampled. It was reported that the 2017 sites were about 11mm (~0.43 in.) on Cohansey and 18-20mm (~ 0.70-0.79 in.) on Bennies Sand and Shell Rock.

4. Aquaculture Update

Councilman Hollinger said there was a two-day red knot symposium on September 27-28, 2017. He thought it was a good, informational meeting in which progress was made, and changes would be made for the following year. Mr. Bushek said that it is the stakeholder committee that recommends changes in the system that the agency working group (AWG) set up for the AWG to consider. He thinks one proposal that was put forth would be put through pretty easily. This proposal would change the access time to allow those who would like to use boats to have access three hours before and after the low tide. This proposal was the one everyone thought they could agree on. He further said the stakeholder committee would probably see more proposals go through, but wasn't sure how they would be received. Councilman Hollinger said that through discussion, it was a possibility that the rack heights could be lowered. Mr. Bushek said that it was likely that proposal would go through, and that Daphne Monroe had a publication to support that proposal. Mr. Bushek said that it would be useful to try to change access time limitations from having access time from two to three hours around the low tide, and change it to no access from two hours around high tide. That would give the growers four hours around low tide, and prevent them from being around during the high periods of the tide when the birds are the most concentrated. Councilman Hollinger said that those would be three concepts to discuss over the conference call that was scheduled for October 10. He said that on November 1 there would be an AWG meeting with the stakeholder committee. Mr. Babb said that on November 15 the AWG would be meeting in Tuckerton, NJ. Mr. Bushek added that the sense of the conservation groups at the end of the meeting was that a blanketing of the intertidal zone of oyster racks was probably not possible nor intended by the growers. He also said the growers began to

understand that the conservation groups were not trying to shut down aquaculture completely, but wanted it to be compatible. Councilman Hollinger said the conservation groups didn't want structural aquaculture to go north within the action area, but were ok with it going south. Mr. Bushek agreed they're not interested in things going north. He clarified that for this group there are people that have leases in the northern portion of the action area. For these leases, the conservation group's intent was not allowing structural aquaculture on leases that border Pierce's Point to Reeds Beach within 500 feet of the low tide mark.

Councilman Hollinger said that on September 29, Ned Gaines and himself were at a meeting hosted by Mr. Schuster on shellfish restoration activities in prohibited waters. Mr. Schuster said that the meeting was occurring to discuss how the restoration groups could change rules to accommodate restoration efforts. They discussed the restrictions on the restoration efforts, and what changes to the rules those involved were trying to make and if and how they can be done. He said the main goal of the rule process was to address the nonconformance issues and not really go through the restoration activities. The restoration activities portion was basically written the way the bay keepers currently operate up in the harbor because that was really the main player. He said they had always told the restoration groups during that process that they were going to hold some stakeholder meetings to look at opportunities that could potentially remove some restrictions. Mr. Schuster said they discussed patrolling issues enforcement would face and were looking for opportunities to make zones in areas that would be easier for enforcement to patrol. These zones would preferably be in areas that are close in proximity to each other, and have existing qualities such as the location and cameras. He also mentioned that they want to look at areas where the habitat is suitable for shellfish because a lot of places were just selected without this consideration. They also explained the difference of having native species closer to those locations to keep genetic diversity in the area. Mr. Schuster thought the meeting was open to discussion and went well. Councilman Hollinger said that during the meeting he pointed out two things to the entities involved. First that the restoration efforts must go through the Shellfisheries Council first, and second that the sites must be protected from having anyone take shellfish from these areas which could easily hurt the industry if someone got sick from oysters from prohibited waters. Further discussion ensued. One point brought forth by Ned Gaine was that they are trying to change rules to accommodate restoration efforts, but didn't understand that changing rules effects the industries. Another point mentioned was that the restoration efforts would occur in closed waters if the rules were changed. If the oysters improve the water quality and the area is reclassified to open waters, they become part of the public resource since they are not on a lease. Mr. Gaine also noted that the restoration groups were planning to use aquaculture stock seed for their efforts. This would be taking seed the aquaculture industry needs to function, and when you want to restore a population you should be using the native stock anyway. Further discussion ensued.

New Business

1. Coastal Zone Management (CZM) Rule Proposal

Mr. Babb said that in 2012, the Bureau of Shellfisheries (BOS) had worked with the Div. of Land Use Regulation (DLUR) to attempt to develop a three-tiered permitting structure which included the permit by rule (PBR), general permits, and individual permits which have always existed. They had written a rule they were comfortable with that they thought streamlined permitting for shellfish aquaculture and significantly reduced the costs of permitting. Prior to this rule, any activity you did required individual permits which would cost about 3,000-5,000 dollars depending on the project's scale. The PBRs are essentially free if criteria are met. The general permits are about 500-600 dollars.

Mr. Babb continued to say that the rule was developed, and was waiting in queue in Trenton, and they didn't know when it would get adopted. When the Department pushed forward the post-Hurricane Sandy emergency rules, a phone call was received saying the shellfish aquaculture rules were going into that package. For the past few years, the Department had been dealing with the red knot issue that went through this process, and were told at the beginning of the process that when the PBRs and general permits went through for general aquaculture they were supposed to have specific threatened and endangered (T&E)

species language in them. The BOS and the Div. of Endangered and Nongame Species (ENSP) thought there was a general oversight umbrella language that covered this T&E issue, but the lawyers in Trenton did not agree. The Department went through the red knot process, established the Programmatic Biological Opinion, and were told they had to add language into the PBR and general permits. Mr. Babb said they received an email in July 2017 saying the CZM rules were under amendment. In those rules are some amendments to the aquaculture sections. The BOS and ENSP didn't catch those amendments, and did not have anyone attend the two public hearings which were in Manahawkin and at Stockton. He said the rules are up for adoption about a week or so after the meeting. The comment period ended in mid-September, and word will get out about the changes to the aquaculture rules. Mr. Babb said he apologizes on behalf of the BOS and ENSP. He continued saying there was not a lot of communication admittedly within the Department on these changes, and they could have forecasted what the response would've been by the industry.

Mr. Babb explained that a PBR is only a PBR if the Department can look at those activities and determine that if they are done in a way that they won't have an adverse effect on T&E species or their habitats. If the Department requires something of you to make changes on your lease, it is no longer a PBR but a general permit. He said there was a practical issue by adding the T&E language to the PBR to begin with and that there are many issues the Department was dealing with. He said there were a lot of meetings with the DLUR, and they understand this is a problem and it had been elevated to the Commissioner's level. The Council sent a joint letter concerning this issue, and the Commissioner's level is aware of it. Mr. Babb said the rule's comment period had ended, but had been told that comments were still being taken via a phone number he would provide where you can ask to be added to a list for a quasi-stakeholder meeting. He said the Department knows there's a problem, but he doesn't know what the solution is. He cautioned that if changes were made on the adoption they would have to be minor, otherwise it would be better to pull the sections that would require major changes. If they suddenly pulled all of the T&E measures, there would be significant pushback on the conservation group side. Councilman Hollinger said as of now this could be devastating to the aquaculture and the dredging fisheries. Further discussion ensued.

2. Shellfish Lease Fee Restructuring – Lease Renewal Reminder 10/15/2017

Mr. Babb addressed to the Council that in their packets was the approval of the fees recommended by the Shellfisheries Councils through the two leasing committees signed by the Commissioner. He said everything was in place and made official. The new application fee of \$250.00, and the annual lease renewal fee per entity of \$100.00. Mr. Babb said that there were about 25 trucks outside the office because they had opened Rose Cove on the Atlantic coast for leasing. He said there is also a copy of the letter from Councilman Hollinger and Councilman Maxwell from the Atlantic Coast Section to all the lease holders. Mr. Babb said that the concern is not with the active leases, but with the leases that are never used. He also reminded that October 15, 2017 leases are available, and to please avoid the December rush to renew leases. Further discussion ensued.

3. Recreational Clamming

Councilman Hollinger brought forth a letter he received from the City of Somers Point to the public about a resolution from the City to open recreational clamming on Sundays. There would be an exemption for areas in Monmouth County. Further discussion ensued.

4. Vibrio Update – Bob Shuster / Gary Wolf

Mr. Wolf said that it was another good season with no outbreaks in NJ, and NJ continues to hold a good record for their Vibrio season. He said there were some isolated cases, but no outbreaks. Nothing occurred on same day harvest from a single harvest area. There was one certified dealer that had a problem with their cooler, and may have resulted in three cases but cannot be certain. Further discussion ensued.

Mr. Schuster attended the Vibrio management committee meeting in Baltimore a few weeks prior. He said a lot of topics were covered, and it was good to see what the other states had to go through with their Vibrio issues which lead to some good discussions they had on the side. He said NJ's data show that our elevated Vibrio levels are earlier in the year in the late June – July timeline. He also noted that typically Virginia sees Vibrio about a month before NJ, and there seems to be a south to north progression. One issue Mr. Schuster mentioned was that if seed was imported from another state during the season when they have a high amount of Vibrio and NJ does not, would Vibrio be introduced into the NJ's population during that time of year as well as new and different strains of Vibrio. Further discussion ensued.

5. Interstate Shellfish Sanitation Conference (ISSC) Meeting – Gary Wolf

Mr. Wolf opened by congratulating the industry in NJ because there will probably be the most attendees from the NJ industry at the ISSC this year, including the ocean quahog industry members which hadn't been to the ISSC for a couple decades. He reminded those attending to go to the orientation on the Friday of the conference, and to read the proposals sent out to familiarize with them before the conference so comments can be made. Mr. Wolf explained the review and voting process and schedule for the conference. Further discussion ensued.

6. Cashless System – Nacote Creek and Delaware Bay Office

Mr. Babb informed everyone that the Nacote Creek and Delaware Bay Offices would be going cashless in January 2018, which means the offices would only accept credit and debit cards, checks, and money orders. He said emails would be sent out, and the Division website would have it posted as well. Further discussion ensued.

7. Oyster Serving Size and Risk Assessment

Councilman Fleetwood asked Mr. Wolf and Mr. Schuster if every state would be able to speak to the FDA what they think their serving size of oysters would be, and does it affect the risk assessment? How should we come up with the serving size for NJ? Mr. Schuster explained the nuances of the serving size in the risk assessment, and said a surveying restaurants would be the best option. Further discussion ensued

8. Stock Assessment Review Committee (SARC) seats

Councilman Hollinger asked if anyone knew who would be taking the Council seat for the upcoming SARC. Mr. Babb said the Bureau has records, and can find out. Ms. Alcox also said the previous year's Committee document had an appendix with the information as well.

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

Adjourn	@ 7:40 PM
The next meeting of the Council will be tentatively held on: November 14, 2017	