

MINUTES OF THE MEETING
OF THE
DELAWARE BAY SECTION OF THE NEW JERSEY SHELLFISHERIES COUNCIL

Haskin Shellfish Research Laboratory
Bivalve, NJ
Tuesday, January 9, 2018
6:00 PM

Council Attendees: Chairman: Warren Hollinger (Cumberland County)
 Vice Chairman: Steven Fleetwood (Cumberland County)
 Councilman: Richard Malinowski (Salem County)
 Councilman: Vacant (Cumberland County)
 Councilman: Vacant (Cape May/Salem County)

State/Fed Reps. Attendees: Russ Babb, Bureau of Shellfisheries
 Craig Tomlin, Bureau of Shellfisheries
 Andrew Hassall, Bureau of Shellfisheries
 Conor Davis, Bureau of Shellfisheries
 Bob Shuster, Bureau of Marine Water Monitoring

Haskin Lab Attendees: David Bushek, Director
 Kathy Alcox, Field Researcher

General Public

Compliance with the Sunshine Law

Notice of this meeting was posted December 1, 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.

The following minutes are for Council's approval: June 6, 2017

The following minutes are for Council's consideration: July 11, 2017
 October 3, 2017

Councilman Malinowski motioned to approve all minutes. Councilman Hollinger seconded. All were in favor.

Revenue collected for October 2017 totaled \$7,313.02 and is summarized as follows:

License Type	Total	License Type	Total
Commercial Crab Pot	\$600.00	Recreational Shellfish	\$50.00
Nets	\$491.00	Dredge Boat Renewal	\$100.00
Application Fees	\$30.00	Lease Fees	\$1,988.02
Oyster Tags	\$4,054.00		

Revenue collected for November 2017 totaled \$17,815.50 and is summarized as follows:

License Type	Total	License Type	Total
Commercial Crab Pot	\$1,400.00	Commercial Shellfish	\$750.00
Nets	\$775.00	Recreational Shellfish	\$30.00
Application Fees	\$76.00	Dredge Boat Renewal	\$1,156.02
Oyster Restitution	\$950.00	Lease Fees	\$10,274.50
AC & DB Crab Dredge	\$1,100.00	Tonging Tags	\$1,100.00
Dealer	\$100.00	Menhaden	\$104.00

Revenue collected for December 2017 totaled \$40,054.30 and is summarized as follows:

License Type	Total	License Type	Total
Commercial Crab Pot	\$4,400.00	Commercial Shellfish	\$1,200.00
Nets	\$9,664.00	Rec Shellfish Res/Non Res	\$30.00/\$40
Application Fees	\$448.00	Dredge Boat Renewal	\$1,224.00
Oyster Restitution	\$950.00	Lease Fees	\$13,268.30
AC & DB Crab Dredge	\$6,400.00	Tonging Tags	\$800.00
Dealer	\$700.00	Menhaden	\$930.00

Oyster Resource Development Account (082):

Unexpended	\$ 781,721	Budget authority less expenditures (<i>total spendable dollars currently in account</i>)
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Lease Ground Transactions:

Transfers:

William Friswell to Barney Hollinger/Elder Point Oyster, LLC

LOT #	SEC.	ACRE	RATE	FEE
60	D	23		\$5.00
461	D	14		\$1.00
TOTAL		37		\$6.00

Atlantic Cape Fisheries Inc to Cape May Salt Oyster Co., LLC

LOT #	SEC.	ACRE	RATE	FEE
21	A	98		\$5.00
22	A	45		\$1.00
24	A	96		\$1.00
TOTAL		239		\$7.00

Alexander Ogden to Eleanor VanNote

LOT #	SEC.	ACRE	RATE	FEE
234	B	31		\$5.00
144	D	31		\$1.00
TOTAL		62		\$6.00

Councilman Fleetwood motioned to approve the lease transfers. Councilman Malinowski seconded the motion. Councilman Hollinger abstained from voting. All transfers were approved.

Applications for Council's Consideration:

Applications for Council's Decision:

William Tirri applied for the following lease grounds:

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

Will Tirri was in attendance, which fulfilled the requirement for him to attend one of the two meetings for consideration or decision. **Councilman Hollinger motioned to approve the lease grounds. Councilman Malinowski seconded the motion. All were in favor.**

Old Business

1. Leased Ground Renewals & Non-Renewals (Beachaump, Pierson, Groccia)

Mr. Tomlin informed the Council that there were three non-renewals for leased grounds in 2017, which were listed on the agenda. He said there was somebody present to renew their leases. Ms. Beachaump and her daughter Ms. Chin attended the meeting to renew Ms. Beachaump's leases. On behalf of Ms. Beachaump, Ms. Chin explained to the Council the hardships that occurred in the previous year and asked for the leases to be renewed. Councilman Malinowski asked what grounds were being discussed. Mr. Tomlin answered that she had two grounds, one in Section D and one in Section C that totaled 41 acres. **Councilman Hollinger made a motion to allow the renewal of Ms. Beachaump's leases. Councilman Fleetwood seconded the motion. All were in favor.** Mr. Tomlin checked to make sure nobody else was present to request for their leases to be renewed, to which nobody responded. He informed that Everett Pierson had one lot in Section D that totaled 40 acres, and Barbara Groccia had four grounds in Section E and one ground in Section C that totaled 66 acres. The Council said these leases were forfeited since there were no representatives present to make a case to renew the leases. Scott Sheppard asked what the ground numbers were. Mr. Tomlin said the Pierson ground was D319, and Ms. Groccia's grounds were C312, E81, E224, E284, and E285.

1. Tongers Committee

Mr. Tomlin informed that some people requested to reconvene the Tongers Committee to consider doing some things for next year and in the future. Mike Schools and Jonathan Wade had expressed interest in reconvening the committee, and were supposed to be present. Mr. Tomlin provided to the Council a list of names from the old Committees and attendees, and summarized that in 2008 there was a committee which reconvened in 2015. Mr. Tomlin repeated that the Committee would like to start planning things for 2019. Mr. Schools entered the meeting during the discussion in time for the arrangements by the Council.

Councilman Hollinger and Councilman Fleetwood both suggested that the previous Committee should be disbanded. **Councilman Fleetwood motioned to disband the existing Tongers Committee and for the Chairman to appoint a new Tongers Committee. Councilman Hollinger seconded the motion. All were in favor.**

New Business

1. Election of Council Chairman and Vice Chairman

After brief discussion, **Councilman Fleetwood motioned for Councilman Hollinger to be Chairman of the Council for 2018. Councilman Malinowski seconded the motion. Councilman Malinowski motioned for Councilman Fleetwood to be Vice Chairman of the Council for 2018. Councilman Hollinger seconded the motion. All were in favor.**

2. Stock Assessment Review Committee(SARC) Rotation: Scott Sheppard for Industry Seat

Councilman Hollinger noted that Scott Sheppard wanted to be on the SARC starting in 2018. **Councilman Hollinger motioned to appoint Mr. Sheppard to the SARC for the industry member seat. Councilman Fleetwood seconded the motion. All were in favor.** Councilman Hollinger said he would be sitting in for the Council seat. Mr. Tomlin said that the SAW would be February 6 and 7. Ms. Alcox said it is a Tuesday and Wednesday, and would officially start at 9:00 AM. Mr. Bushek asked for people to be there by 8:30 AM so the meeting could start at 9:00 AM. Councilman Hollinger asked Mr. Bushek if Mr. Sheppard would need any further information, or if the SARC needed any information from him. Mr. Bushek said they would arrange to contact each other.

3. 2018 Council Meeting Schedule

Councilman Hollinger said the Council planned to have meetings every other month starting in 2018 since there was not a lot of business to hold a meeting every month. Councilman Hollinger asked if the meeting would be at the end of the month or the first of March. Mr. Tomlin said the earliest they can have a meeting in March which would be the first Tuesday of the month. Councilman Hollinger said the next meeting would be March 6, 2018. He explained the March meeting was important to hold because the SAW occurs in February, and usually 2-3 weeks was needed for the Haskin Lab to put the SAW information together and have it sent out which was necessary for the Council to set the quota for the year. That in turn gave time for the Bureau to order tags after the March meeting. Mr. Babb said all the control methods for the year would be done in March, and then every odd numbered month would have a meeting to avoid cancellations. That would make the agendas more robust and the meetings more productive.

4. Direct Market Harvest Update

Mr. Tomlin said all the licenses harvested 124,144 bu. which was almost all the available quota. He continued saying the average catch per unit effort was 126 bu per boat per day, and that the 2017 season held the highest percent catch of any quota. Mr. Bushek asked what the quota was for the previous season, to which Mr. Tomlin responded that it was around 110,000 bu. Further discussion ensued.

5. Dermo Update

Mr. Bushek said 2017 was a good year for the oyster population when it came to Dermo. He reported there was a delayed onset in the beginning of the year. Dermo levels spiked up during the fall, and started dropping into the winter. He said there was ice on Delaware Bay and that the Ship John lighthouse temperature reading was below freezing which were both good indicators to lower Dermo levels. Mr. Bushek also reported that

all oyster beds sampled during Dermo monitoring had a good spat set, which was also seen during the Random Sampling Survey.

6. Red Knot Update

Councilman Hollinger said the stakeholder committee for the Programmatic Biological Opinion met in October of 2017. He reported on one item that the committee had approved to change, which was the hours for harvest. The hours lease holders could harvest were changed to three hours before low tide through three hours after low tide. Mr. Bushek said it wasn't certain if it would get approved. Councilman Hollinger said it was approved by the committee, and Mr. Babb added that it still needed to be approved by the US Fish and Wildlife Service. Mr. Babb also said he had not seen any obstacles so far that would prevent it from being approved. Councilman Hollinger continued saying there was another committee meeting in which they brought up the rules regarding rack height off the bottom. He stated there was a lot of debate over the topic, but said one good thing that came out of the meeting was a second year of a Rutgers study by Daphne Munroe which would provide more information on rack height and whether horseshoe crabs get caught under the racks at their current height. He reported another topic discussed which was that the existing racks do not have to be changed to the new rack height of 14 inches until October of 2021. Mr. Tomlin added that that rule had come about because it was four years after the October 2017 meeting. Further discussion ensued. Mrs. Calvo asked if the stake holder committee had made any progress on lessening restriction on her lease. Councilman Hollinger stated that the committee had a discussion about hear lease but the group did not arrive at a consensus.

7. Re-adoption of 7:25A Oyster Rules

Mr. Tomlin informed the Council that they had the re-adoption notice in their folders. He summarized that the current oyster rules were to sunset in April of 2018, so that notice was the 7-year re-adoption of the rules without change. Councilman Hollinger asked if there was anything in the rules that needed to be tweaked. Mr. Tomlin said it could not be tweaked now, but referred to Mr. Babb for comment. Mr. Babb said that the rules had to be re-adopted without change because of the timing of the re-adoption. He explained that if there was something the Council felt strongly about tweaking something, the proposed changes may have been able to go into the aquaculture rules in 2018. He said they may have been able to make the case that because there were going to be some tweaks to the aquaculture subchapter that year, there could have been some other changes upon adoption to minor items within the oyster rules. He clarified that the changes could not have included anything significant, as those changes would have to have been a stand-alone rule change which could have proven difficult to move through. Further discussion ensued.

8. Nantuxent Channel Dredging (*Non-agenda Item*)

Councilman Hollinger reported that Councilman Fleetwood and himself met with Dave Fanz of NJDEP the previous Wednesday regarding the dredging of Nantuxent Channel. Mr. Fanz thought there was a good chance the dredging project would have moved forward. Councilman Hollinger said the only thing that would hold up the project was finding the money to fund it. He said they would have had to at least find the money for sediment testing to see if there was anything harmful in the sediment to be dredged, and what type of sediment was there. He had talked with The Nature Conservancy, and said if the sediment type was right it could have been used as fill to enhance Gandy's Point. Mr. Fanz said he would get back to the Council to let them know what the dollar amount of the project would be. Councilman Hollinger said they had one price from the NJ Department of Transportation since they oversaw all dredging projects, which was around \$100,000 to test for chemicals in the sediments.

9. Coastal Zone Management rules (*Non-agenda Item*)

Councilman Hollinger announced he was attending a meeting in Trenton on January 11, 2018 about the new Coastal Zone Management (CZM) rules to go over the aquaculture portion. He said the way the rules were written was going to negatively affect the industry and could cost entities a lot of money. Further discussion ensued. Councilman Hollinger said the industry was not part of the original rule making process, and somehow was left out. He claimed that all the other stakeholders were involved, such as environmental groups and agencies, but the industry wasn't. He informed that the NJ Shellfisheries Council and the Aquaculture Advisory Council wrote letters to have a say in the rule making process, which resulted in that portion of the rule to be pulled out of the queue and reviewed with industry input. Councilman Hollinger said they would hopefully get some of the rules changed and make it better for the industry.

10. NJ State Wildlife Action Plan (*Non-agenda Item*)

Councilman Hollinger said he started reading the NJ State Wildlife Action Plan (SWAP), and noted there was a date approaching for comments. He brought to everyone's attention that he interpreted the document to say that the Tuckahoe River fed into the Delaware Bay, which was incorrect. Mr. Babb said the Bureau had a staff member on the SWAP Committee during the early part of the process, but the committee spent so much time on threatened and endangered (T&E) species that the staff member was pulled off the committee to utilize their time elsewhere. Councilman Hollinger commented that the SWAP was almost like the CZM rule in that it was based on T&E species on at least part of the rule. Mr. Tomlin explained that the CZM rule would directly affect the industry because it brought the T&E species into something the industry had to adhere to, whereas the SWAP was more of a funding instrument. Mr. Babb elaborated that the CZM rule was more regulatory and could have impacted the industry with licenses, permits, or fees for example, and the SWAP was how funding was apportioned to the states for mostly terrestrial issues, but for some marine issues as well. Further discussion ensued.

11. US Army Corps of Engineers: Delaware Bay Channel Dredge and Fill Proposal (*Non-agenda Item*)

Mr. Tomlin informed that the Bureau was asked to give comments on an Army Corps of Engineers project. The project proposed to dredge the main channel and use the dredged materials as fill for Fortescue beach. They were also proposing to dredge during the months the industry harvests off of the seed bed, and to run a pipeline from the Fortescue beach to the channel that was to be partially submerged and partially floating. He informed that the Bureau was going to comment on the proposal and would send more details to the Council when they found out more information. Councilman Malinowski asked what months they were planning to dredge. Mr. Davis said they were planning to dredge mostly in the winter months, but had a backup plan to dredge in the summer months. Further discussion ensued. Mr. Tomlin said the Bureau would put something together for the Council to review the proposed project. Further discussion ensued.

12. 2018 Vibrio plan update (*Non-agenda Item*)

The Council asked Mr. Shuster if he had anything to discuss since he was in attendance. Mr. Shuster reported that he was working on updating the Vibrio plan for 2018. He said he was gathering information on any illnesses that did occur during 2017, and that there were illnesses which were mostly multiple source cases. He said that NJ did have tags implicated in some cases, but they were sporadic instances across multiple source cases and nothing was a single source case attributed to NJ. Councilman Fleetwood asked if the 2018 Vibrio plan was going to be status quo to how the plan had been the previous few years, to which Mr. Shuster replied that it looked like it would be. He commented that he thought New Jersey was fortunate to have the plan they did have because it allowed more time for harvest compared to other states, with much success. Further discussion ensued.

13. Sean Thom

Mr. Thom attended the meeting to introduce himself since he was running for US House of Representatives in Congressional District 2 to fill Frank LoBiondo's seat who was planning to retire. He gave some background on his upbringing in the area and his ten-year teaching background to explain that he knows there was a loss in demand in the sport fishing industry in the region. He further explained that it was valuable to him to attend the meeting because he wanted to learn what research, projects, and issues were happening in the region, and that he thought there needed to be more investment in the region and the opportunity to create more jobs and preserve the environment. He thanked everyone for allowing him time to speak.

Councilman Fleetwood motioned to adjourn the meeting. Councilman Malinowski seconded the motion. All were in favor.

The NJ Shellfisheries Council, Delaware Bay Section meeting adjourned at 6:47 PM.

The next scheduled meeting of the Council will be tentatively held on **March 6, 2018 at the Haskin Shellfish Research Laboratory at 6:00PM.**