

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

Haskin Shellfish Research Laboratory
Bivalve, NJ
Tuesday, October 2, 2018
6:00 PM

Council: 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: Craig Tomlin, Bureau of Shellfisheries
 Robert Schuster, Bureau of Marine Water Monitoring
 Alison Shepherd, Bureau of Law Enforcement

Haskin Lab: David Bushek, Director
 Jennifer Gius, Laboratory Technician
 Jason Morson, Laboratory Researcher

General Public

Compliance with the Sunshine Law

Mr. Tomlin announced that the notice of this meeting was posted August 29, 2018 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 August totaled \$51,635.50.00 and is summarized as follows:

License Type	Total	License Type	Total
Commercial Crab Pot	\$800.00	Commercial Shellfish	\$200.00
Nets	\$408.00	Rec Shellfish	\$50.00
Application Fees	\$52.00	Juvenile Shellfish	\$2.00
Oyster Tags	\$49,930.00	Lease Transfer Fee	\$193.50

Revenue collected for September totaled \$14,014.50 and is summarized as follows:

License Type	Total	License Type	Total
Commercial Crab Pot	\$600.00	Commercial Shellfish/dup	\$50.00/\$2
Nets	\$755.00	Lease Fees	\$1416.00
Application Fees	\$46.00	Menhaden	\$154.00
Oyster Tags	\$10,960.00	Hunting Privilege	\$31.50

Oyster Resource Development Account (082):

Unexpended	\$ 612,605.42	Budget authority less expenditures (<i>total spendable dollars currently in account</i>)
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Lease Ground Transactions:

Maggie Beachamp to Bivalve Packing Company 8/15/18 (transfer fee: \$6, Bivalve fee: \$20.50)

LOT #	SEC.	ACRE	RATE	FEE
297	C	33		\$5.00
124	D	<u>8</u>		<u>\$1.00</u>
TOTAL		41		\$6.00

Councilman Hollinger motioned to approve the transfer from Maggie Beachamp to Bivalve Packing Co. Councilman Malinowski seconded the motion. Councilman Fleetwood abstained from voting. The transfer was approved.

Don Carter to Keith Laudeman 8/21/18 (transfer fee: \$11, K Laudeman fee: \$182.5)

LOT #	SEC.	ACRE	RATE	FEE
107	A	72		\$5.00
213	A	24		\$1.00
250	B	95		\$1.00
543	C	70		\$1.00
429	D	56		\$1.00
514	D	36		\$1.00
79	E	<u>12</u>		<u>\$1.00</u>
TOTAL		365		\$11.00

Councilman Hollinger motioned to approve the transfer from Don Carter to Keith Laudeman. Councilman Fleetwood seconded the motion and all were in favor. The transfer was approved.

Jenny King to Elder Point 9/12/18, See Jenny Kings 2018 Shellfish Lease Extension Agreement (attached) (transfer fee: \$100, Elder Point fee: \$1,289.50)

LOT #	SEC.	ACRE	RATE	FEE
ALL 96		2579		\$101.00

The Council reviewed the list of 96 leases provided to them by the Bureau. **Councilman Fleetwood made a motion to approve the transfer from Jenny King to Elder Point. Councilman Malinowski seconded the motion. Councilman Hollinger abstained from voting. The transfer was approved.**

Old Business

Direct Market Update

Mr. Tomlin reported that the total harvest was approximately 100,000 bushels. He broke down the harvest by reporting that Shell Rock closed earlier in the summer when its harvest reached approximately 31,000 bushels, the Medium Mortality Market beds had around 20,000 of its approximately 35,000 bushel quota harvested, and the High Mortality Market beds had around 50,000 of its approximately 54,000 bushels quota harvested. He informed that the current catch per unit effort was 126 bushels per boat per day. Mr. Tomlin moved the conversation to new business and informed the Council of the seed bed closure update.

Vibrio Update

Mr. Shuster opened by informing that there were *Vibrio vulnificus* (Vv) cases that were most likely from New Jersey. He said that this puts NJ into the “club” of having two cases of Vv in ten years. He said that it would not change a lot in regards to the Vibrio control plans, but his Bureau would have to create a risk evaluation on Vv. He added this would not change the time and temperature controls of the Vibrio control plan, but that there may be ramifications with the health department and cooling controls with dealers which was being looked into at that time. He advised that the people contracting the illnesses in these investigations should not be eating raw shellfish since they typically have underlying issues with their health, but that is not usually factored in by the Interstate Shellfish Sanitation Conference when investigating illnesses attributed to Vibrio.

Mr. Shuster reported that there were a lot of tags from NJ that were connected to *Vibrio parahaemolyticus* cases, but fortunately they were multiple source cases. He mentioned that they had seen more NJ tags than other years when comparing past cases to this year, and even when looking at multiple source cases or cases when NJ was just a suspected source and not confirmed. He continued that NJ tags showed up 35 times, which included various harvest dates. He said typically in the past we would see eight, and the number of dredge boat tags was consistent with past years so it’s not an issue on the dredge boat front. He said the majority of the tags were attributed to aquaculture from both the Atlantic and Delaware Bay. Mr. Shuster said there will be outreach efforts to promote safe handling practices for the aquaculture industry when harvesting, cooling, and shipping their product. *Further discussion ensued.*

Councilman Hollinger asked Mr. Shuster if both Vv cases were from the same bed. Mr. Shuster said he does not believe they were from the same bed. He added that their studies show that the Vv levels in the water were no different than previous years, even in 2010 when the last Vv case occurred. Councilman Fleetwood inquired that he thought the last confirmed Vv case was in the early 2000s. Mr. Shuster explained that there was a 2010 case, but a former employee working on the case did not dispute it in the formal manner through the Illness Review Committee and was attributed to NJ. *Further discussion ensued.* Councilman Malinowski asked what the date of the case. Mr. Shuster said there were three dates from the same place connected with the illness, which were July 12th, 16th, and 19th. Ned Gaine asked that even with the number of cases, if Vp was characteristic of the “V-shape” trend where levels are high in June, low in July, and high in August. Mr. Shuster responded that it wasn’t the case, but most of the cases are historically occur in late June through early July when water temperatures aren’t necessarily the warmest. He continued discussing one of his Bureau’s studies off of a dredge boat researching *Bacteriovorax* which is a predatory bacteria that preys on Vibrio species. The Bureau was working with Dr. Gary Richards from Delaware and were researching how the bacteria responds with Vibrio throughout the season. He summarized that preliminarily, Vibrio levels rise during the beginning of the season and when the *Bacteriovorax* comes in it reduces the Vibrio levels throughout the rest of the season. He further explains that this may be why Vibrio illnesses are seen earlier in the year and not in August. He said the question they are now posing is what was triggering the Vibrio levels to rise early in the season. *Further discussion ensued.*

Red Knot/Stake Holder update

Councilman Hollinger announced that on October 15th and 16th there would be a closed meeting in Tuckerton, NJ at the Jacques Cousteau National Estuarine Research Reserve building. He informed that Dr. Daphne Munroe and Dr. Joe Smith would be presenting, and Dr. Bushek added that those two along with Patty Woodruff of the Haskin Lab and Dr. Kristen Anstead from the ASMFC would be talking about horseshoe crab populations; Dr. Larry Niles, Dr. Joanna Burger, and Dr. Brooke Maslo would discuss the red knot populations; Norbert Psuty and Steve Hafner would have a presentation on shoreline movement; and an Aquaculture Working Group representative would talk about the status of the Aquaculture Development Zones (ADZ). *Further discussion ensued.* Mr. Gaine asked what the status update of the ADZ entailed. Mr. Tomlin briefly explained that up to the DEP Commissioner level, they have obtained new approvals for the ADZ, permits, and an official permission of the plan to move forward. He continued that the Bureau was still waiting on one more legal document and would then be moving forward soon with the expansion of the ADZ. He added that the plans for the available shed lots on the campground, how they're laid out, and who's eligible to get a shed would be presented at the meeting. Mr. Gaine portrayed his concern that the plans for the sheds would be first presented at a private meeting, but Mr. Tomlin said he wants to discuss the plans at a public Aquaculture Advisory Committee meeting on October 12th. *Further discussion ensued.*

Dermo Update

Dr. Bushek reported that samples were collected most recently on September 17th and 20th, and water temperatures were following the typical seasonal patterns and were a little warm. Salinity was a bit depressed from all the freshwater input that had been happening. A handout had been provided which depicted a graph showing a 100-year median of river flow from Trenton, and this year was well above the 100-year median. He explained that this large input of water, especially since July, pushed Dermo down bay due to depressed salinity levels. The Dermo levels were generally low across the seed beds which stopped around New Beds. The Dermo levels were higher down bay from New Beds since the fresh water stopped effecting Dermo past that point. Dr. Bushek pointed out the Dermo levels from Cape Shore shown on the handout and noted that the data was obtained from a wild Delaware Bay stock cross bred from one age cohort from, which differs from the mixed cohorts of oysters from the seed beds. He asked to keep that in mind when comparing the Cape Shore data with that of the seed beds. He informed there was an uptick in mortality at the Cape Shore, but a downturn in Dermo levels which may be a result of the more heavily affected oysters dying. Mortality on the oyster beds was low from the fresh water input keeping Dermo levels down, however, the Very Low Mortality beds had a high number of new box counts. The highest number of new boxes were on New Beds and Hope Creek, which was most likely due to Dermo and high fresh water input, respectively. He commented that the mortality rate did not reach the levels of 2011. A public attendee asked what the salinity in that region was, and Dr. Bushek replied that it was around 4 parts per thousand and had been as low as 1.5 ppt. *Further discussion ensued.*

Shell Plant Update

The Council asked if there had been any set seen in the Bay. Dr. Bushek then gave an update on the Shell Plant sites done in 2018. He informed that all planted sites had set on them, which were typically smaller in size going further up the bay. There was not much set found on Ship John, but that may have been because the spat was still tiny and hard to detect. He continued stating that Hog Shoal had the biggest set which was up to three-quarters of an inch, and Shell Rock and Ship John had sets up to three-eighths of an inch. Mr. Tomlin said it almost looked like two sets were possibly seen on each plant site because there were obvious size differences of spat within the same site. Councilman Fleetwood asked if there was a good

set on Bennies Sand bed. Jen Gius from the Haskin Lab said, and Mr. Tomlin agreed, that they saw some set, but not a significant amount.

New Business

Seed Bed Closure Update

Mr. Tomlin informed that a letter had been drafted to prepare for the closure of the High Mortality Market beds since the region's quota was being approached. He added that the Bureau is waiting to send the letter out as long as they can because the harvest on those beds had slowed considerably over the previous few weeks. Councilman Hollinger then moved the conversation back to old business with the Vibrio update.

Second Tongers Committee Meeting Update

Councilman Hollinger said the Committee had their second meeting in which they discussed what they planned to do for the upcoming season. One item on the agenda was that they were waiting to hear from Mr. Shuster to see if the area off the Cohansey River was going to open for tonging via water quality. Mr. Shuster said he heard back on several items from the USFDA which included a request for additional data which had since been supplied to them. The USFDA was supposed to be getting back to the Bureau of Marine Water Monitoring (BMWM), so the status of that area would be in flux for some time.

Councilman Hollinger said if the area did not open, the Committee was discussing a possible transplant from the waters off the Cohansey River to the waters near Back Creek. The Committee was also talking about doing a transplant from the restricted waters to the conditionally approved waters in the Maurice River Cove, which he confirmed with Mr. Tomlin that they had already started. Councilman Hollinger also informed on a partnership among the Tongers Committee, the Council, Project PORTS, and The Bayshore Center. The Bayshore Center was going to take the tonging areas on as a project to try and enhance the beds. He added that one of the board members put \$8,000 up as a donation, the tonging industry had \$40,000 in the bank to be used, and that Councilman Hollinger and Howard Mason were both donating shell to make shell bags through Project PORTS and its associated schools. The shell bags would be placed on the Cape Shore to obtain a set, and afterwards would be relocated to the tongers beds. The tongers had been given permission plant shell, as a volunteer through the NJ Bureau of Shellfisheries. Mr. Tomlin added that in order to participate, they would need to fill out a volunteer form at the Delaware Bay Office. The Bureau would then have to approve what is being planted, and where, in order to work under the Bureau's permit. Councilman Hollinger mentioned that most tongers attending the meetings had been tonging by Back Creek. He continued saying that Atlantic Capes Fisheries (ACF) had offered crushed conch shell to the tongers, who were going to shell planting. He added that ACF could get the shell to them easily for anyone wanting to plant shell.

Councilman Hollinger mentioned there was another Tongers Committee meeting the following evening, but it most likely will be cancelled since there is only one agenda item. He said the only thing to be discussed was that the transplant to the tongers bed in the Maurice Rive Cove had started.

Tongers Transplant

Mr. Tomlin reported that the all capable oyster dredge boat owners were sent a letter by the Bureau asking if they were interested in participating in the transplant. There were some responses, and the contract went to the lowest bidder. He said a transplant was underway from the restricted waters to the conditionally approved waters within the Maurice River Cove. Mr. Tomlin explained that because of how the timeline fell in setting up the project, the transplant occurred later than the Bureau wanted. This will result in the

tonging beds in the Maurice River Cove to be closed for the first five days of the tonging season. He noted that only that area was closed, and that the Back Creek area would open at the start of the season. Councilman Hollinger asked who won the bid for the transplant, to which Mr. Tomlin responded Keith Laudeman. A public attendee asked how many bushels were planned to be moved. Mr. Tomlin answered that the Bureau's goal was to move a minimum of 3,000 bushels. *Further discussion ensued.*

Bayshore Center Annual Dinner

Councilman Hollinger announced that the Bayshore Center was going to recognize the NJ Shellfisheries Council and Rutgers University for their work in the bay at their annual dinner. He informed the dinner would be on November 2, 2018 from 6 – 10 PM, and that the fundraiser would be to raise money to rehabilitate the tongers beds. The tickets were \$100 and there would be food and drinks at the Eastlyn Golf Course.

Oyster Science Steering Committee

Councilman Hollinger mentioned that the next Oyster Science Steering Committee meeting would be held on October 18, 2018 at 4:00 PM

Meeting with Deputy Commissioner Debbie Mans

Councilman Hollinger shared that he attended a meeting with Deputy Commissioner Debbie Mans, John Maxwell of the Atlantic Coast Section of the Shellfisheries Council, Russ Babb, and Joe Cimino on September 26, 2018.

He highlighted that at the last Council meeting, the Bureau of Law Enforcement attended. They said there was a case that was in court, and if Enforcement lost the case they would try to close the Maurice River Cove to tonging. Councilman Hollinger asked for them to not close that area if those events unfolded. As an alternative, he said he offered for Enforcement to dock in the Maurice River for free to enable Enforcement more of a presence in the area to deter tonging in the restricted waters. He said the industry doesn't see Enforcement patrolling the waters, but only sees them in their trucks from time to time.

Mr. Tomlin respectfully explained that Enforcement does patrol the area. He added that just because you don't see something, that doesn't mean it's not there. Councilman Malinowski asked if Enforcement won the case, to which Officer Alison Shepherd informed that it was postponed until November. She weighed in by reiterating Captain Snellbaker's point from the last meeting that when they spend too much time watching the tongers, it's a drain on their resources and that they're doing the best they can with the nine officers patrolling the area. Officer Shepherd explained that she spends a significant amount of her work week patrolling that area during tonging season. She added that to catch someone over the line from a boat, Enforcement would need to run up on the vessel in the dark, blacked out, and possibly in the fog which would endanger both the tongers and the officers. She reiterated Capt. Snellbaker's point that if the methodology that Enforcement was using was much safer for the tongers and the officers, then Enforcement was stuck between a rock and a hard place. *Further discussion ensued.*

The second topic discussed with the Deputy Commissioner was the dredging of Nantuxent Creek Channel. Councilman Hollinger informed that the Dept. of Transportation said they had the money to dredge the channel. They also reported that the channel was 90% sand, which meant that no testing had to be done. Councilman Hollinger said the Council may have been able to be the permittee for the dredging project, and that he talked to the Div. of Land Use to get the permits. He discussed with Debbie Mans trying to get the permit fee waived, which was \$3,000 plus \$1,000 per acre. The US Army Corps of Engineers was doing a feasibility study on Gandy's Beach and are looking at a place where they may need the sand.

Councilman Hollinger said the two project were trying to become connected to find a place for the dredged sand. He said he was talking with the Nature Conservancy who owned part of the land to see if they would take the dredged material. They were not against the project, but wouldn't make a commitment at this time to take the sand only because they did not have a person currently in charge of their restoration efforts. If the permitting fees were not waived, Councilman Hollinger was inquiring with Assistant Commissioner Ray Bukowski if money could be taken from the industry account. Mr. Tomlin said the Division of Fish and Wildlife said that money could not be used, but the inquiry was higher up the chain.

Ned Gaines asked if permitting of the ADZs came up at the meeting. Councilman Hollinger replied that they were told the Department was trying to streamline the permitting process. Councilman Hollinger updated Ms. Mans on the stakeholder committee which included recommending changes in some Conservation Measures (CMs) of the Programmatic Biological Opinion for red knots. *Further discussion ensued.* During their meeting with Ms. Mans, Councilman Maxwell expressed concerns about potential red knot issues with aquaculture activities on the Atlantic Coast. The Committee considered looking into the AC side instead of a new, separate Committee forming.

Councilman Hollinger said another topic covered at the meeting was the fact that the NJ Shellfisheries Council, as well as all the State councils, have Council members that had held positions for around 20 years but had only been appointed once. A comment was made that former Governor Christine Todd Whitman was the last governor to appoint a Council member of the Delaware Bay Section. Their concerns were that the Council appointees should be reappointed by the Governor, and that no new appointments or reappointments had been made since Gov. Whitman was in office.

Scheduling the Next Meeting

After discussion, the Council agreed that December 11, 2018 would be the next Council meeting.

Lease Renewals

After setting a date for the meeting, Mr. Gaines asked when leases could start being renewed. Mr. Tomlin said renewals usually started October 15 but asked to wait until October 22 to allow time for things to be set up. The Council agreed.

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

The next scheduled meeting of the Council will be tentatively held on **December 11, 2018 at 6:00 PM.**

The NJ Shellfisheries Council, Delaware Bay Section meeting adjourned at **6:56 PM.**