

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

Haskin Shellfish Research Laboratory
Bivalve, NJ
Tuesday, November 12, 2019
6:00 PM

Present were:

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
 Russ Babb, Bureau of Shellfisheries
 Andrew Hassall, Bureau of Shellfisheries
 Megan Kelly, Bureau of Shellfisheries
 Bob Schuster, Bureau of Marine Water Monitoring

Haskin Lab: Jen Gius, Lab Researcher

General Public

Compliance with the Sunshine Law

Notice of this meeting was posted September 31, 2019 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.

Mr. Tomlin welcomed everyone to the meeting. He performed roll call and introduced Megan Kelly as a new employee of the Bureau. He then read the Compliance.

1. The following minutes will be mailed to the Council for approval at the next meeting:
 March 5, 2019 and September 3, 2019

Councilman Hollinger read the above statement and reviewed the revenue and account information below.

2. **Revenue collected for September totaled \$18,462.00 and is summarized as follows:**

License Type	Total	License Type	Total
Commercial Crab Pot	\$300.00	Dredge Boat Renewal	\$202.00
Nets	\$1,042.00	Oyster & Tonging Tags	\$14,820.00
Application Fees	\$46.00	Assign Fees	\$2,000.00
Menhaden	\$52.00		

Revenue collected for October totaled \$27,436.00 and is summarized as follows:

License Type	Total	License Type	Total
Commercial Crab Pot	\$500.00	Crab Dredge	\$600.00
Nets	\$1,317.00	Oyster & Tonging Tags	\$18,348.00
Application Fees	\$48.00	Assign Fees	\$2,800.00
Menhaden	\$156.00	Lease Fees	\$3,547.00
Dredge Boat Renewal	\$10.00	Commercial Shellfish	\$100.00
		Recreational Shellfish	\$10.00

Oyster Resource Development Account (082):

(as of November 7, 2019)

Unexpended	\$ 349,252.38	Budget authority less expenditures <i>(total spendable dollars currently in account)</i>
Pre-Encumbered 2018-2019 Fiscal Year June 24, 2019	\$ 24,693.79 (Nantuxent Channel Survey)	Total outstanding requisitions processed against the appropriation <i>(Amount previously set-aside for preparation of term contracts – since cancelled)</i>

3. Oyster Boat Transactions:

Todd/Timothy Reeves: Transfer - Amanda Lauren, License #15 from Ship John Oysters LLC to Harbor House Seafood LLC – 9/18/19
Todd/Timothy Reeves: Transfer - Miss Lill, License #73 and Louise Ockers, License #89 from Reeves Brothers Shell Rock LLC to Harbor House Seafood LLC - 9/18/19
Todd/Timothy Reeves: Substitution - Brandy Lee Bateman (Official #210957, 17 GRT) License #15 now Amanda Lauren (Official #1063102, 10 GRT) License #15 - 9/18/19
Harbor House Seafood LLC - Designate Eva Blanche #56, Consolidate: Jody Lynn #97, Miss Lill #73, Amanda Lauren #15, Louise Ockers #89. Fees: \$202 – 9/18/19
Todd/Timothy Reeves: Transfer - John C Peterson, License #18 from Hillard Bloom Packing Co Inc to Harbor House Seafood LLC - 11/4/19
Todd/Timothy Reeves: Transfer - Eban A Thacher, License #24 from Hillard Bloom Packing Co Inc to Harbor House Seafood LLC - 11/4/19
Todd/Timothy Reeves: Transfer - Suzanne, License #63 from Hillard Bloom Packing Co Inc to Harbor House Seafood LLC - 11/4/19
Todd/Timothy Reeves: Transfer – Bivalve, License #44 from Hillard Bloom Packing Co Inc to Harbor House Seafood LLC - 11/4/19
Harbor House Seafood LLC – Designate John C Peterson #18, Consolidate Eban A Thacher #24, Suzanne #63, Bivalve #44. Fees: \$300 - 11/4/19

Bivalve Packing Company, Inc: Substitute Donnie L (Registration #NJ4702FL, 5 GRT) License #10 now Kitty Hawk (Registration #NJ7820HN, 5 GRT) License #10 - 10/02/2019

Bivalve Packing Company, Inc: Designate Kelly's Pride #33, Consolidate #12, Consolidate Catherine Wedmore #43, Consolidate Lil Growler #1 - 10/02/2019

Bivalve Packing Company, Inc: Kristen Laura #21 unconsolidated off Howard Sockwell #23 - 10/28/2019

Bivalve Packing Company, Inc: Designate Howard Sockwell #23, Consolidate SW Sheppard #20, Consolidate #101, Consolidate #69, Consolidate #99 - 10/28/2019

Bivalve Packing Company, Inc: Designate Kitty Hawk #10, Consolidate Kristen Laura #21 - 10/28/2019

Councilman Hollinger reviewed the 14 transactions.

4. Lease Ground Transactions:

4.1 Applications for Council's Decision:

It should be noted that due to extenuating circumstances this lease was up for both consideration and decision during the September 3rd meeting. The applicant was moved to this lease from another lease ground prior to the 2019 shore bird season.

Application for new ADZ 4 lease ground was made by Dias Creek Oyster LLC (c/o Richard Cash)

Section	Lot Number	Acres	Fee
ADZ	14	6	No fee for 2019

Mr. Tomlin briefly explained the disclaimer above. **Councilman Malinowski motioned to approve the lease. Councilman Fleetwood seconded the motion. All were in favor.**

5. Old Business

5.1 Red Knot/Aquaculture Update

Councilman Hollinger announced that the red knot committee was to hold a meeting with the Agency Working Group on Thursday, 11/14 to discuss four recommendations for changes to the Conservation Measures of the Programmatic Biological Opinion. The recommendations included reducing the rack height, extend hours of work from 2 to 3 hours before and after high tide, increase the space between racks to 1-2 feet, and to continue work in the northern area by Dias Creek which did not get a consensus and may not be approved.

Bill Riggan asked what the rack height had to do with red knots. Councilman Hollinger responded that some people had concerns that rack height affected how horseshoe crabs could get to the beach. Mr. Riggan commented that first they wanted to raise the rack height, and now they want to lower them. Councilman Hollinger explained how the original rack height was decided upon. He further explained that since then there had been studies about how rack height affected the horseshoe crabs, and they were trying to have it lowered to 8 inches high and maintained at 6 inches. Mr. Tomlin added comments as to how the rack heights were achieved. *Further discussion ensued.*

5.2 Dermo Update

Ms. Gius said that everything was doing what we would expect for this time of year, with dermo levels dropping. Councilman Malinowski asked if there was more or less dermo in the Bay that last year. Ms. Gius said there was still Dermo being reported up bay, but at lower levels than last year.

Councilman Hollinger asked how the Radom Sampling survey was going. Ms. Gius reported that they were able to get one day in with about a quarter of the survey completed, and they were hoping to get back out for a few more days over the next few weeks to complete the survey. She said they changed how the samples were processed, which made the processing faster so they should be done before Christmas. Councilman Hollinger told Ms. Gius he heard there was a good set on Bennies. Ms. Gius confirmed that there was. Councilman Malinowski asked if that was where shell was planted this year. Mr. Tomlin said that one of the sites was on Bennies Sand, not Bennies, but that a site on Bennies from a previous year was still catching shell. He commented that if a shell plant site wasn't successful the year it was planted, it was observed many times that they could catch a set at least a few years after they were planted.

5.3 Stockton Contract for Nantuxent Creek Survey Update

Mr. Hassall reported that the contract was signed by Assistant Commissioner Bukowski that day, 11/12/19, and that Stockton would be able to start surveying once they received their copy of the contract. Councilman Fleetwood exclaimed that he thought they would be done surveying by now, to which many agreed. Bureau staff explained how the process was held up at certain points, and that hopefully any future contracts would be able to be processed more quickly. *Further discussion ensued.*

6. New Business

6.1 Aquaculture Development Zone 4 (ADZ) Leases

Councilman Hollinger asked what the status of the ADZ lease was. Mr. Tomlin said there was a new ADZ lease agreement, and that those were available for renewal along with the rest of the regular shellfish leases. He said he would like everyone that was renewing an ADZ lease to review the new 2020 lease agreements, along with a new shed lease agreement if the ADZ lease holders wanted a shed lease. Mr. Tomlin explained that the shed leases should be ready for use by the following week of 11/18/19, so it would be better if those renewing ADZ leases came in to review everything at once and obtain a shed lease.

6.2 Direct Market Harvest Program Update

Mr. Tomlin said the total harvest as of 11/12/19 was about 106,000 bushels (bu.) with a catch per unit effort (CPUE) of 114 bushels per boat per day. He continued saying that about 5,000 bu. were left of the quota. He reminded everyone that the Medium Mortality Market beds (MMM) remained open for harvest, and that the season closed November 22. Mr. Tomlin said Mr. Hassall provided some notes to compare from the 2018 season, which showed that the CPUE was down from 2018, which was 130 bu. per boat per day. Councilman Fleetwood asked if that was broken down by region, and Mr. Tomlin said it was not and that the MMM was around 102 bu/day. *Further discussion ensued.*

6.3 Oyster Tonging

Mr. Tomlin said the tonging tags were available, and that the tonging season opened on November 1, 2019. Councilman Hollinger asked if anyone was working the Tongers beds, to which Mr. Tomlin replied that there was not.

Steve Fleetwood, Jr. expressed his concerns about the dredging of the Nantuxent Creek channel in relation to the oyster resource. He asked if there were any oysters in the creek, and if there was any possibility of being able to move those oysters out of the creek before any dredging occurred. He said he

thought it would be a waste of a resource if any oysters were dredged up and put on land with the dredge spoils. Mr. Tomlin said that the Bureau was in the same mind set. He said he had a discussion with Mr. Babb about surveying the creek to find out what resources were there, and potentially transplant them. Mr. Tomlin noted that the creek was a Tongers area by statute, so if a transplant could occur then it should go to another Tongers area. *Further discussion ensued.*

Councilman Hollinger asked if the Maurice River Cove had been studied to see what resources were there before they dredge that channel. Mr. Tomlin said there had been surveys in the past from which the Bureau has good numbers, but was not certain of how much was in the path of the proposed dredging. He said depending on the number of oysters and dredging route, a transplant should occur there as well. Mr. Tomlin asked how far out the project was planned to occur. Councilman Hollinger said the dredging was expected to occur in 2021. *Further discussion ensued.*

6.4 Leasing Committee

Mr. Tomlin reminded that at the last meeting they had discussed reconvening the Leasing Committee. He informed that the last Committee meeting to occur was in 2015 and that the Committee members were Brian Harmen, Councilman Hollinger, Ned Gaine, Bobby Robbins, and Councilman Fleetwood. Mr. Tomlin said the Committee needs to be reconvened because there are some issues that needed addressing. He told the Council that they could either keep the Committee members as they were or change them. Councilman Hollinger said the committee should stay the same to get things moving, and that if anyone was interested then they could revisit the members. Mr. Babb commented that both the Atlantic coast (AC) and Delaware Bay (DB) sections these Committees at the same time, but that the AC was more active because they had a lot more conflict and siting issues that were more time sensitive. He said they had also created a leasing policy for the AC that outlines each lease area and permitted uses, and that anyone applying for a lease was brought to the leasing committee that would act as the judge and juror for every step of the process. He said it was discussed for the DB section to create their own policy, and now that there was more going on that it was a good time to make one. *Further discussion ensued.*

One pertinent issue that Councilman Hollinger brought up that was the navigational white sector from East Point Lighthouse. He said he lost 37 leases that he cannot use for structural aquaculture. He also thanked Conor Davis for helping him with this issue because parts of three leases were able to be used that straddled the line of the white sector. Mr. Tomlin said that the US Coast Guard (USCG) did not want any structure, buoys, or marker on the leases, but that something may be able to be worked out if the Council came up with some type of policy for leases within the white sector. Mr. Tomlin also noted that the USCG did not, at the time, have any issues with using shell on the leases within the white sector. *Further discussion ensued.*

6.5 Stock Assessment Review Committee (SARC)

Councilman Hollinger said that he was scheduled to rotate off the SARC, and that Councilman Fleetwood was to rotate onto the SARC. **Councilman Malinowski motioned to nominate Councilman Fleetwood to the SARC. Councilman Hollinger seconded the motion. All were in favor.** Mr. Tomlin confirmed that it would be Councilman Fleetwood and Scott Sheppard holding the industry seats on the SARC. *Further discussion ensued.*

6.6 Lease Renewal Reminder

Mr. Tomlin reminded everyone to please renew their leases early to avoid a rush at the end of the year.

6.7 Vibrio Control Plan Update

Mr. Schuster reported there were no cases of *Vibrio vulnificus* in 2019. He said that there was product that had NJ tags in 12 cases of *Vibrio parahaemolyticus* (Vp), but that only seven were confirmed with bacterial cultures. He also reported that there was one case of Vp for the second year in a row from the same location on the Atlantic coast. Mr. Schuster informed that the only adjustment to the Vibrio plan would be regarding the overlay transport, but that there was no reason to change anything else such as harvest times.

Councilman Hollinger said that Virginia Wheatley was planning to do a study on the serving sized of oysters in restaurants. The serving size was 13 oysters, which Councilman Hollinger thought was inaccurate and too high of a number. After a lengthy discussion, it was agreed that a study could be done, and that a plan would have to be made on how it would be conducted.

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

7. The NJ Shellfisheries Council, Delaware Bay Section meeting adjourned at 6:56 PM.
The tentative date, time and place of the next Council meeting will be:

Date: January 7, 2020
Time: 6:00 PM
Place: Haskin Shellfish Research Laboratory
6959 Miller Ave,
Port Norris, NJ 08349