

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

Virtual Meeting, Web and Conference Call  
Tuesday, July 28, 2020  
5:00 PM

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

State/Fed Reps: Russ Babb, Bureau of Shellfisheries  
                      Craig Tomlin, Bureau of Shellfisheries  
                      Andrew Hassall, Bureau of Shellfisheries  
                      Conor Davis, Bureau of Shellfisheries

Haskin Lab:     David Bushek, Director

General Public

*Compliance with the Sunshine Law*

Notice of this meeting was posted July 22, 2020 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.

1. General
  - 1.1. Introduction of New Council Member – Scott Sheppard
  - 1.2. Approval of May 12, 2020 minutes
  - 1.3. Oyster Resource Development Account
2. Old Business
  - 2.1. Direct Market Update
  - 2.2. License Consolidation Committee
  - 2.3. Vibrio Plan/Season Update
  - 2.4. 2020 Intermediate Transplant Program
  - 2.5. Shell Plant Program Update
  - 2.6. Red Knot Stakeholder Committee update
  - 2.7. Aquaculture Development Plan
  - 2.8. Nantuxent Channel Dredging Project Update
  - 2.9. CARES Act – Fishery Disaster Relief Update
  - 2.10. Maurice River Cove – Dredging and Basket Flats
3. New Business
  - 3.1. Sea Grant – Oyster Exchange Program
  - 3.2. Hope Creek Port – Offshore Wind

The NJ Shellfisheries Council, Delaware Bay Section meeting adjourned at \_\_\_\_\_ PM.

ACTION:  R SCREEN:  APPR USERID:  EPNTESA 07/27/20 03:32:16 PM

\*\*\* APPROPRIATION INQUIRY \*\*\*

KEY IS BUDGET FISC YEAR, FUND, AGENCY, ORGANIZATION, APPR UNIT

BUDGET FY:  20 FUND:  100 AGENCY:  042 ORGANIZATION:  4885 APPR UNIT:  082

APPR TYPE:  04 MY IND: N STATUS: A APPR END DATE: 07 31 20 BUD AUTH OPT: A

APPR USE:  AL APPR SOURCE:  472 PROGRAM:  145030 IPB OBJ:  G/P REQ'D:

BANK ACCT:  APPR NAME:  OYSTERCU -

LAP / CF LIM :  0.00 CF TO FUTURE BFY:  0.00

APPROP: ORIG: 0.00 CUR: 0.00 SUPPL APPR: 0.00

REAPPROP: 504,313.25 REVERT: 0.00

RECEIPTS: ORIG EST: 200,000.00 CUR EST: 200,000.00 ACT: 191,386.00

ADDL APPR: 191,386.00 CAP:  0.00

TRAN IN: 0.00 TRANS OUT: 0.00 BUD AUTH RESV: 185,787.57

BD AUTH: 509,911.68 ALLOT: 385,961.66 EXP BUD: 0.00

CURRENT AMOUNTS

BEGIN DAY AMOUNTS

PRE-ENCUMBERED AMT: 0.00 0.00

ENCUMBERED AMT: 121,299.97 121,299.97

EXPENDED AMT: 230,548.11 230,548.11

PRIOR YR EXP AMT: 0.00

UNCOMMITTED:  158,063.60 / 31.00 % UNEXPENDED: 279,363.57 / 54.79 %

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

GoToMeeting Conference Call  
Tuesday, May 12, 2020  
4:00 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:

Joe Cimino, Marine Fisheries Administration  
Bureau of Shellfisheries:  
Russ Babb Kira Dacanay  
Craig Tomlin Megan Kelly  
Andrew Hassall Jeff Normant  
Conor Davis Jenny Tomko  
Bob Schuster, Bureau of Marine Water Monitoring  
Paul Wesighan, Bureau of Marine Water Monitoring  
Amanda Wenczel, NJ Dept. of Agriculture

Haskin Lab:

David Bushek, Director  
Jason Morson, Laboratory Researcher  
Jennifer Gius, Laboratory Researcher  
Iris Burt, Laboratory Researcher  
Lisa Calvo, Aquaculture Development

General Public

*Compliance with the Sunshine Law*

Notice of this meeting was posted May 5, 2020 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. Babb welcomed everyone to the meeting, and performed roll call. He read the above compliance and reviewed how the virtual meeting management and etiquette would be conducted since the web based conference call was new for the Council meetings.

**1. Oyster Resource Development Account (082):** *(as of 05/06/20)*

Unexpended	\$ 440,427.68	Budget authority less expenditures <i>(total spendable dollars currently in account)</i>
Reserved	\$ <b>185,787.57</b>	Reserved by Budget Authority due to COVID-19
Pre-encumbered	\$ 119,000.00	Pre-encumbered for 2020 Intermediate Transplant Program

Mr. Babb reviewed the Oyster Resource Development Account information. He informed the Council that the reserved amount was due to the Budget Authority reserving 50% of all State dedicated accounts due to COVID-19. He told the Council that the Bureau made Treasury aware the account was made up from landing fees and licensing fees so they could take that into consideration and possibly look at the account differently compared to other general dedicated accounts. Based on past experience, he felt that at this time it should not be at risk to be used for things that arise from COVID-19. However, he would report back if that outlook changed. Mr. Tomlin further explained that the unexpended balance of \$440,427.68 minus the reserved \$185,787.57 should have actually been around \$209,000. He

informed that the numbers did not include the \$100,000 from the mitigation account for the 2019 shell plants, nor the \$100,000 from the unused 2019 purchase orders. He reported that the total unexpended should have been closer to \$594,000 with everything accounted. He also explained that there was \$119,000 set aside for the 2020 Intermediate Transplant Program ITP, and that no money had been spent since the program had not yet occurred due to COVID-19 circumstances. Mr. Tomlin said the ITP could be discussed later in the meeting when it is addressed after the Direct Market update.

**2. Old Business**

2.1. Presentation of March 3, 2020 DBSC minutes

2.2. Presentation of March 9, 2020 Consolidation Committee minutes

Mr. Babb informed those in attendance that both the Council and Committee minutes were sent to the Council in advance. He deferred to the Council to decide whether they wanted to vote on the minutes if they felt they had enough time for review. **Councilman Fleetwood motioned to approve the March 3<sup>rd</sup> Council minutes and March 9<sup>th</sup> Committee minutes. Councilman Malinowski seconded the motion. All were in favor and the motion passed.**

Mr. Tomlin provided a summary of the Consolidation Committee meeting held March 9<sup>th</sup>. He stated that the Direct Market Program went from one, to three, to six licenses per vessel under the consolidation rules. The Committee met to discuss the six licenses per vessel rules and how it affected the industry, as well as other licensing rules such as tonnages, fee structure, and what rules should be kept the same. Mr. Tomlin explained that the Council created the Committee to make rules easier for individuals to move their licenses where they were needed. He said there was no consensus from the March meeting, but the Committee agreed they should move forward with updating policy for the future and planned a second meeting for April 1, 2020.

Mr. Babb asked if anyone had comments about the Committee meeting. Councilman Hollinger asked if all the Committee meetings could be held online like the Council meeting. Mr. Babb said that was definitely a possibility and that the Bureau wanted to see how the two Council meetings went first. He said they planned to proceed the same way with all the committees if the online Council meetings went well and if the Council wanted to do so. Councilman Hollinger said the Consolidation Committee meeting should be held first since that would be the easiest.

2.3. Vessel Transactions

Mr. Babb informed the Council that the details for vessel transactions were not available when the meeting agenda was posted and asked Mr. Tomlin to explain the transactions to the Council. They were as follows:

A-1 Top of the Line Oysters consolidated license #48 onto the Dina III (DHV #47).

Mr. Tomlin also reported that more people wanted to do license transactions but were not able to since DEP offices were closed due to COVID-19. By the next Council meeting, Mr. Tomlin said they would have quite a few more license transactions as long as the DEP offices opened. Councilman Fleetwood opined that the inability to perform vessel transactions would pose a problem for some people soon and asked if there was another way for things to be done in the near future. He said the industry could not get some things done without being able to make changes with their vessels. Mr. Babb said the biggest issue was the inability to obtain the required Motor Vehicle Commission documents for the transactions and would discuss the issues with Mr. Tomlin and other staff to see what could be done relative to the rules.

2.4. Tongers Industry Update

Mr. Tomlin reported no significant harvest since the COVID-19 closures that affected many seafood markets worldwide, but that on a positive note the Bureau still planned on conducting shell plants in 2020 for the Tongers beds. He also stated that the Bureau applied for a grant to conduct shell planting on most of the harvestable tongers areas, and that the Bureau planned to conduct surveys on tongers areas when staff could be in close proximity and field work could resume. Mr. Tomlin said a Tongers Committee meeting was planned for right after the

season ended but did not happen due to COVID-19. He said the Committee may be able to wait for later in the year if there was nothing too pressing to address. Councilman Hollinger said that would be fine.

#### 2.5. Direct Market Industry Update

Mr. Tomlin reported that so far in 2020, there were 7,600 bushels (bu.) of oysters harvested from five beds, of which 50% had been transplanted to leased grounds. Mr. Tomlin gave a comparison of the previous three years stating that an average of about 15,000 bu. were harvested in April alone with only 1% of that harvest being transplanted to private leased grounds. He summarized saying there was reduced harvest so far in the 2020 season, half of which was going to leased grounds instead of to market which also meant sales were down. Mr. Babb asked if the Council had any comments or perspective on the issue. Councilman Fleetwood said the season started out with nothing, but then it was gradually getting better. He also reported that the West coast and other places in the country were starting to pick up a little more over time, and that he was optimistic to think things would return to how they were but could not see that happening any time soon. Councilman Hollinger mentioned the aquaculture industry was picking up a little as the industry was, but he did not think the industry would be able to reach the numbers they had planned or had last year.

#### 2.6. 2020 Intermediate Transplant Program Update

Mr. Tomlin said the ITP was scheduled for the middle of April, but the Bureau had not been able to conduct it due to social distancing orders. He further reported that with the current harvest rates it may have been difficult for some companies to harvest their complete quotas in 2020. He said the industry had about \$100,000 committed to this project, and the money could have been used in other places such as the shell plant project if the industry and Council did not want to do the ITP.

Councilman Hollinger asked if they would have issues purchasing shell during the COVID-19 crisis. Mr. Tomlin said the Bureau had a contract to purchase shell from Riverside Shell, who may have had enough shell for one barge. Riverside Shell informed Mr. Tomlin that the main supplier of shell went through bankruptcy, and as soon as they recovered the COVID crisis hit. That reduced the number of trips which reduced the amount of shell byproduct. Mr. Tomlin continued saying that Riverside Shell was ramping up production but did not know if they would be able to hit the Bureau's shell planting goals. Mr. Tomlin also informed that Riverside had a contract with the State of Delaware, who pulled out of their shell plant efforts so far, and that NJ would receive any shell Delaware would have received. He added that he did not know how much shell that was and had been speaking with Riverside Shell about once a week to keep up to date on the shell availability.

Mr. Babb said he would like guidance from the Council on how the ITP should be approached in the current state of things. Councilman Fleetwood discussed his opinion on the ITP and said he thought they should not do the ITP and leave the oysters in reserve for a transplant next spring. Councilman Hollinger said he agreed, and if they could get the shell from Delaware then they should do so. Councilman Fleetwood said they did not know if people would have bought all their quotas so that would decrease the potential funds in the cultch account. He asked if the industry had enough money in reserve to accomplish the shell planting that was planned for 2020. Mr. Tomlin said if everyone did not purchase their quotas in 2020 then there would be enough money, but the available funds would start dwindling after purchasing shell. Councilman Fleetwood asked how much shell were planned to be purchased. Mr. Tomlin said the plan was to purchase \$171,000 worth of shell to plant over two grids, which would be covered if everyone had bought their quota.

Tim Reeves asked that if the industry could not currently transplant, would they transplant later in the season like in September. Mr. Tomlin said it was truly a Council decision whether or not the project would proceed. He said the only problems he saw with doing the project in September was that the quota bump would not occur until September when a lot of the harvesters were already done for the season. He said that if the Bureau was allowed to work in close proximity in September, then they would be able to conduct the project. Councilman Hollinger commented that he was concerned that the extra quota would not be harvested. Mr. Reeves asked that if the extra transplant quota was not harvested, could the industry apply that quota to the next year. Dr. Morson said that the 2021 quota would be based from the numbers that come from the survey, and that it could help the quota next year but with no guarantee. Mr. Tomlin added that it could help, but it would also mean oysters would be transplanted into a higher mortality region so it could go either way. Councilman Hollinger asked if one of the limitations was that the State would not allow employees onto the harvest vessels for the Transplant, to which Mr. Tomlin replies yes.

Mr. Babb said he would like short term instruction from the Council, with one option to suspend the project for the time being and revisit the subject later this year. Councilman Hollinger said they can revisit the topic at the next meeting which would likely be July. After some discussion, **Councilman Fleetwood made a motion to suspend the 2020 Intermediate Transplant Program until further notice. Mr. Babb conducted a roll call vote which resulted in: Councilman Fleetwood, yes; Councilman Hollinger, yes; Councilman Malinowski, yes. The motion carried.**

#### 2.7. Red Knot Stake Holder Committee Update

Councilman Hollinger said there had not been a Committee meeting since last October, and that everything was reported at the February Council meeting. He reminded that two of the three motions for the Conservation Measures put forward by the Committee were accepted and were in play. He reported that there were horseshoe crabs present, no red knots present so far, and that the beaches were closed. Councilman Hollinger said that at the next Committee meeting he would like to bring up that there was a process for when the red knots leave early and the growers could go back to work, but there was not a process for when the birds arrived late and allow the growers to work until their arrival. Mr. Babb said he could bring this up at the next meeting to see if the Committee could be a little nimbler on the front end of the timing restriction.

Mr. Tomlin provided an update on the Aquaculture Development Zone (ADZ). He reported that Mr. Davis had done a lot of work at the ADZ. He said that 80 cubic yards of shell had been deployed at the Dennis Creek Wildlife Management Area (WMA) to create a public parking lot and overflow parking for the growers. Mr. Tomlin asked the lease holders to follow their license agreement and park in areas designated for growers to keep the public parking open for the consumers. He also reported that staff had created the shed lots for current ADZ users as well as future growers. He asked that those who had not signed their new lease agreements to make an appointment with the Bureau as soon as possible. He explained that the shed lots were created to organize gear and asked to please refrain from using any other parts of the WMA to store gear. He also explained that the Bureau worked with federal, state, and local officials to create and maintain travel plans for ATVs and associated equipment and hoped everyone could follow these plans, especially since leases were subject to revocation if violations occur. Mr. Babb said there had been a report of a vehicle that had driven onto the beach, which was unacceptable especially given all the eyes on the industry. He said a letter would be sent to all growers in the area to make them aware that there are rules of the road in a WMA aside from the municipal rules already in place. Councilman Hollinger asked if the concrete apron was completed at the entrance to the Dennis creek WMA. Mr. Davis replied that it was.

After discussing the Nantuxent Dredging Project (item 2.8), Mr. Babb opened up the floor for any public questions or comments. Mr. Gaine commented that he thought there were unintended consequences from the Conservation Measures which required gear to be put on the ADZ leases by a certain date. He said that meant businesses had to ensure all gear was on their lease whether or not it was needed, and thought it would be a better decision to allow gear to be brought out as needed instead of having an excess of equipment on site because lease holders were not allowed to bring gear out after the deadline. Mr. Gaine said he thought that if the people saw the ADZ with a lot of unused equipment that it did not look good. Councilman Hollinger said he would put that as an agenda item for the stakeholder committee as something that needed to be changed.

#### 2.8. Nantuxent Channel Dredging Project Update

Mr. Hassall reported that the amendment to the contract with Stockton was received that day, and was submitted to the Contracts and Grants Management Unit. The amendment would allow the end of Stockton's working period for the project to be extended from March 2020 to September 2020, and also allow minor budget restructuring that would not affect the total project cost. He said that Stockton drafted a Sediment Sampling and Analysis Plan (SSAP) which was submitted to the Office of Dredging and Sediment Technology for approval. Once approved, Stockton would know how many cores they would need to sample, and once sampled would be tested by a third-party lab. He said it was likely that four cores would be taken, and there was a possibility of chemical testing to be required on one discrete sample and one composite sample made up of three of the four samples. He added that a second conference call was scheduled for June 3, 2020 with the different groups involved in the sampling stage and the dredging stage of the project.

Councilman Hollinger added that during the call, it was mentioned that if the samples were greater than 90% sand then they would not require further testing. He added that it was said the best time to dredge would be in the fall, not the winter, and that some boats may still be working depending on the timing. Councilman Hollinger

asked if a letter was needed stating why the dredging was needed, and that the Bureau would help the Council draft the letter. Mr. Tomlin said the group was asking for all the criteria of all the fishery's criteria, and that the Bureau would draft a letter and work with Councilman Hollinger to finalize the letter. Councilman Hollinger said that the dredged sand would go to Nantuxent Beach if usable, that the project would use hydraulic dredging and possibly mechanical dredging in the creek, and that the dredging would go to nine feet below mean low water. He thought it was a good and productive meeting and that it was said the project would be cheap and easy so they were discussing dredging Fortescue at the same time. Councilman Fleetwood said the Council may want to talk to Mike Hayduk to see if the dredging could occur at the same time to hopefully lower mobilization costs.

#### 2.9. Mitigation Funds Discussion

Dale Parsons referred to a topic from the last meeting's minutes regarding money from a mitigation account used for a shelling program in Delaware Bay. He asked how those funds were allocated and for what scope of work they could be used. Mr. Babb said that the funds were from dollars paid into an account administered by the Division of Land Use Regulation (DLUR) to mitigate the construction of docks that make harvestable shellfish areas inaccessible. Mr. Normant added that when a dock is constructed then the waters are considered prohibited thereby making those areas closed under the shellfish classification rules [[N.J.A.C. § 7:12-2.1](#)]. The funds were to be used to enhance public harvest opportunities elsewhere. Mr. Babb said he would provide a link to Mr. Parsons for the DLUR website that explained the spending plan and understanding of how the monies were used for the Shellfish Mitigation Account. He explained that the funds were relatively flexible within scope, but during the COVID crisis would not be readily available. Mr. Parsons said that he was interested in the fund for down the road when Stockton University and himself should be able to restore an acre at a time. After further discussion, Mr. Normant said he could discuss the subject in detail at a later date and that Mr. Parsons could review the scope of the funds from the provided website. *Further discussion ensued.*

#### 2.10. Shell Planting Contract Discussion

Mr. Parsons asked if the shelling contract that was up for renewal. Mr. Tomlin said that it was up for renewal, but due to current events was extended through 2020. He said it was in the works to be renewed again with an Atlantic Coast portion included in the contract. He said Mr. Parsons could ask to be contacted when the contract comes out, and he would be contacted to place a bid on the contract. Mr. Parsons asked for clarification that the contract did not include planting spat on shell. Mr. Tomlin said that he was correct, and the contract was strictly for shelling.

#### 2.11. Aquaculture Development Plan Comments

Mr. Gaine said that at the last Council meeting, the Council planned to discuss the Aquaculture Development Plan (ADP) at their next meeting and wanted to know if that was the appropriate time. The Council agreed that it should be discussed. Mr. Gaine said that he submitted his comments to most of the Shellfisheries Council and wanted to make a few comments on which the Council should opine. One item he brought to the Council was that the ADP asked the Council to do certain things but did so without asking for the Council's opinion. He strongly urged the Council to opine on those things they were asked to do.

Mr. Gaine then commented on issues he had with the ADP which included:

- That the leadership statement was incorrect that the aquaculture industry had inadequate *leadership* and thought it should say inadequate *representation*;
- Whether or not the Council and industry wanted "one house" to control all permits, business information and plans, etc. which meant one Open Public Records Act request could reveal all industry member information;
- That the ADP lacked marketing, which the industry unanimously wanted and needed, and focused too much on regulation;
- That the ADP was written with a pre-coronavirus mentality and that the entire system had changed;
- He thought the ADP was meant to lead the industry and guide legislators regarding industry matters and should have been kept to what the industry demands were, such as marketing, and should be less detailed on certain aspects such as research.

Councilman Hollinger said he was on a conference call the previous Friday with the Aquaculture Advisory Council during which most of what Mr. Gaine talked about was discussed, especially marketing. He said they

would have to contact the Senators to work on getting more of the budget into marketing for the industry, of which he agreed there needed to be more. He thought the given the way marketing for certain commodities is managed and funded relative to what was described in the ADP, that it was not going to happen. *Further discussion ensued.*

Councilman Fleetwood said they did have a good conference call the other day. He relayed that Secretary Fisher of the Dept. of Agriculture. Mr. Fleetwood agreed that research was well covered with the different entities, who were doing a good job of finding funding and conducting research, and that the ADP should be shorter and separate from the research aspect. He added that marketing was the most important thing because there was not a lot of recognition for Delaware Bay oysters. He thought the ADP was a good platform on which to promote their product and said he thought they had the best product in the country and people needed to be made aware of it. With respect to marketing, the Councilman said that a lot of smaller growers relied on local markets which needed to be utilized in the beginning to buy local, and then later on the marketing could be geared to the national market. He exemplified that when a lot of people think seafood that they think of other areas like Chesapeake seafood.

Mr. Babb asked that since the ADP was discussed during the last meeting and the current meeting, if the Council was in a position to submit comments as a body. Councilman Fleetwood asked Ms. Wenczel if there were benefits to submitting comments in a certain manner. Ms. Wenczel replied that comments were received through any venue such as over the phone, through email, and through the AAC and that she would leave that decision to the Council on how they would like to submit their comments. She explained that all comments were under consideration, but not all of them made it into the draft of the ADP. Some comments she felt needed to be discussed before being incorporated into the ADP because they would drastically change the current draft. Other comments she felt were not able to be incorporated into the document due to their nature. Councilman Hollinger asked if she could take the new comments and incorporate them into the ADP for the Council to review and discuss at their next meeting. Ms. Wenczel said she could do that, and Councilman Fleetwood agreed and wanted Ms. Wenczel to do what was best for her to make it work since she had already put in a lot of time and effort.

Ms. Calvo made comments to make sure everyone understood that there was a committee that wrote the ADP, and that it was intended to be a draft or starting document intended to be reviewed. She asked Ms. Wenczel to identify the committee members: Ms. Wenczel, Lisa Calvo, Mike DeLuca, Barney Hollinger, Russ Babb, Jenny Tomko, Sarah Gentile, Matt Gregg, Bill Avery, and Lowell Muetter. While listing the members, she commented that the co-chairs were Ms. Calvo and Mr. DeLuca. She explained that Councilman Hollinger represented the Council and aquaculture industry, but that Councilman Hollinger wanted to focus his role as being from the Council. She commented that the rest of the members were involved at different times during the drafting process, and that there were a few growers that were invited to share their perspectives.

### **3. New Business**

#### **3.1. 2020 Vibrio Control Plan**

Mr. Schuster said the Vibrio Control Plan (VCP) was available since February 18, 2020. He reported no changes from the 2019 plan since *Vibrio vulnificus* (*Vv*) was incorporated into the VCP. He noted that NJ was “in the *Vv* club” for the next 10 years as per the requirements after a case was found. Mr. Schuster noted that the Bureau of Marine Water Monitoring would keep track of any time a tag was attributed to a multi- or single source case. He said the VCP still made sense to be implemented during its designated time of year because about 95% of cases showed up during that time frame. He noted that not one single tag from anything harvested in August had been in any Vibrio cases, which made sense based on their monitoring and illness report data. Councilman Hollinger lauded Mr. Schuster and his Bureau that they did a good job getting the VCP out earlier because that was what everyone was requesting.

#### **3.2. Fisheries Disaster Relief**

Mr. Babb asked Ms. Wenczel to discuss what programs the Dept. of Agriculture had brought forth. Ms. Wenczel said most of the attendees should have received the information via email, and that they could reach out to her if they had questions. She informed that there were programs available at the federal and state level; and highlighted two from the US Small Business Administration (SBA). The first program she highlighted was the Paycheck Protection Program (PPP) [<https://www.sba.gov/funding-programs/loans/coronavirus-relief-options/paycheck-protection-program>]. She said there was still funding available in the second round if people wanted to sign up. The funds were a loan used to keep employees on a business’ payroll for an eight-week window. She noted that if 75% or more was for payroll purposes then the loan could be turned into a grant that



would not have to be repaid. The second program highlighted was the Economic Injury Disaster Loan Emergency Advance through the SBA [<https://www.sba.gov/funding-programs/loans/coronavirus-relief-options/economic-injury-disaster-loan-emergency-advance>]. Ms. Wenczel said it was a loan for up to \$10,000 that would not have to be repaid and would be received between signing up for a loan and receiving that loan. She said the funding ran out for the first round, but that Congress had since reallocated funding to supply the programs. She also mentioned that there were other programs and the federal level for small businesses if anyone had questions for her applicable to their business. Ms. Calvo commented that there was another program called the Employee Retention Credit Program. She explained that if there was 50% loss revenue within the first quarter, the business could get a credit in taxes taken out from their employees' pay. She also said that it could work in parallel way to PPP, but businesses could apply for both. [<https://www.irs.gov/coronavirus/employee-retention-credit#:~:text=More%20In%20News&text=The%20Employee%20Retention%20Credit%20is.and%20before%20January%201%2C%202021.>]

Mr. Babb shared his screen to project the CAREs ACT information on the Atlantic States Marine Fisheries Commission's (ASMFC) website [<http://www.asmfc.org/home/cares-act-resources>]. He explained that the Disaster Relief Fund was announced on May 7, 2020 by the US Secretary of Commerce and that \$300 million for fisheries assistance would be made available to the states. Mr. Cimino explained that the ASMFC website showed the summary of allocations for the Atlantic Coast fisheries. He said that NJ was the 9<sup>th</sup> highest across 31 states, territories, and tribes, and was the 4<sup>th</sup> highest across the Atlantic coast states and NJ would be receiving \$11.3 million.

Mr. Cimino said there would be a call the following day to find out more information. He said so far, he understood that NOAA reported that the states would have as much flexibility as possible, so there were likely not many guidelines forthcoming. He mentioned that one of the biggest things required by the states were spending plans that had to be approved before money could be dispersed, so NJ must make sure the plan was solid enough. Mr. Cimino also highlighted that the funding could be used in combination with the programs Ms. Wenczel mentioned, however the proposals would be reviewed to ensure there was not any double dipping. He explained that if a business was receiving the PPP, then the 35% loss they would show would be from other parts of the business. He said the 35% revenue loss was written into the act, which was 2020 revenue compared to the previous five years of revenue. He said that the State would be working on the spend plan and an application process, which would ask whether people were applying as an individual, LLC, or some other entity. He said he was not sure when funding would be released by the ASMFC, but they were working full speed on the spending plan and application process and would communicate with the councils throughout the process. Mr. Cimino mentioned one detail, which was that states could put forward items in the proposal that were COVID related but not a direct payout. He referred to the earlier discussion of promoting seafood as something that could be put into the proposal. He also asked for everyone to keep in mind that there were several sectors that were receiving funds such as processors and for hire fleets like charter boats and head boats. He said if there was something done just for shellfish or commercial fishing as a whole, then there would have to be a reciprocal program for the for recreational side.

Councilman Fleetwood asked who made the allocations and would be dispersing the funds because he was under the impression that NJ was the 5<sup>th</sup> highest in the nation as far as seafood landings. He also asked if that was this something the Council should look into further. Mr. Cimino said the allocations were made by the National Marine Fisheries Service (NMFS) and that the money went directly to the Department of Commerce. He explained that NMFS did not base the allocations on anything to do with impacts of COVID related items, but simply based them off previous years' revenue from commercial and recreational fishing to the extent practicable. This is why, for example, that Florida was way ahead of NJ even though NJ ranked considerably higher as a commercial fishery state. Dr. Bushek said it also considered seafood processing and aquaculture as well. Mr. Cimino said it was worth having an update on the CAREs Act at the next Council meeting. The states had until September 2021 to have all funds allocated. He said they would keep their radars on for any new information and would start getting a website up and an email address established. Mr. Cimino said when staff was familiar with the rules then they will solicit specific ideas, but he wanted to wait until they were provided a breakdown of sectors that were used to make NJ allocations. Councilman Fleetwood thought the Council might inquire with legislators regarding how the numbers came out to ensure NJ was receiving our fair share. Mr. Cimino highlighted that the State of Alaska had received \$50 million in relief and that early reports were that they may not have been as greatly impacted by COVID-19. He said that hopefully if there was another wave of relief then there would be more information and thought put into the formulation for making the allocations.

*For the full State by State allocation list, visit: <https://www.fisheries.noaa.gov/feature-story/commerce-secretary-announces-allocation-300-million-cares-act-funding> .*

**3.3. Sea Grant COVID Supplemental Funds**

Ms. Calvo said the Sea Grant offices would be receiving supplemental funds for COVID rapid response relief. The funds may be around \$100,000, but that was still not certain. She said that 75% of that fund should apply toward relief for aquaculture related sectors, for which NJ was putting forward a proposal and would like to hear input from the industry. She said that it was a small amount of money that NJ Sea Grant would like to invest wisely. Some ideas she listed included purchasing oysters for restoration, purchasing seed, and marketing. She asked for input on ideas from the industry either then or through email.

Councilman Fleetwood said that in regard to what Mr. Cimino and Ms. Calvo discussed, when it came time for proposals the Councils could submit ideas for the proposals. One idea he said he brought up at the AAC was that there was going to be a lot of product without a market, and that some of the money could be used to buy those oysters to plant in approved waters which would benefit the industry overall. However, he opined that if some of the money was used to purchase inventory from people that could not sell, they may begin dropping the price of their product in order to sell which would hurt the market. Councilman Hollinger said they should think about how much money to spend on triploid oysters vs diploid oysters because he thought they would get a better return on investment by purchasing diploid oysters which could reproduce. Councilman Fleetwood agreed that should be discussed. *Further discussion ensued.*

3.4. Council State Ethics – Councilman Hollinger informed the other Council members that the Council’s State ethics requirements were due July 31, 2020.

**4. Adjournment**

**Councilman Fleetwood motioned to adjourn the meeting. Councilman Malinowski seconded the motion. All were in favor and the meeting was adjourned at 5:45 PM.**

Mr. Babb said they would discuss with the Council as to when the next meeting would be held.

Direct Market Program Update - Delaware Bay Shellfisheries Council

July 28, 2020

• **High Mortality Region**

- Quota Reached – 33,903 Bushels – Avg CPUE = 111.3
  - Last day of harvest was July 27. Officially closed on July 28.
    - Nantuxent – 25,299 Bu. – ~75 % of quota - Avg CPUE = ~117
      - 6,975 Bu. planted on leased grounds - ~27.5 % of the harvest from Nantuxent
    - Bennies Sand – 5,737 Bu. – ~17 % of quota - Avg CPUE = ~122
      - 417 Bu. planted on leased grounds - ~7 % of the harvest from Bennies Sand
    - Hog Shoal – 2,336 Bu. – ~7 % of quota - Avg CPUE = ~111
      - 0 Bu. planted on leased grounds
    - Bennies – 60 Bu. – < 1% % of quota - Avg CPUE = ~ 60
      - 0 Bu. planted on leased grounds

• **Shell Rock Region**

- Starting Quota 46,984
  - Harvested 9,045 - ~19% of quota - Avg CPUE = ~161.5
    - 1,311 Bu. planted on lease grounds - ~14.5 % of the harvest from Shell Rock
  - Remaining quota is 37939 Bu. - ~ 81% of quota

• **Medium Mortality Region**

- No Harvest to date
  - 16,216 Bu. available for harvest.

<b>Total Boat Days</b>	<b>344</b>
Total MMM	0
Total SR	59
Total HMM	285

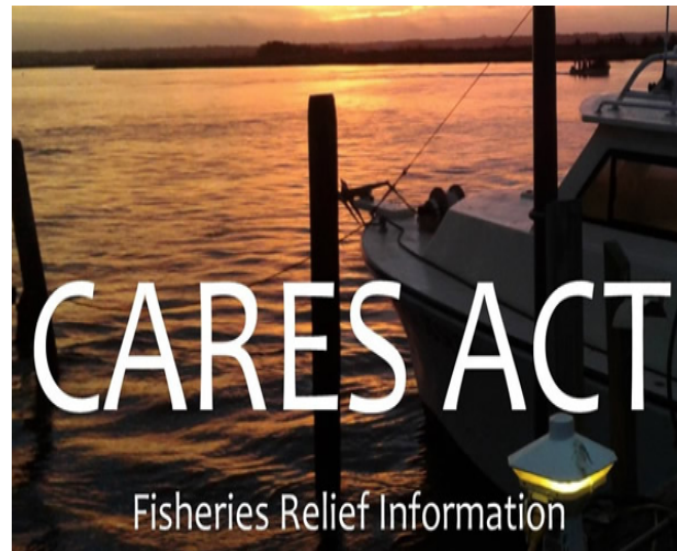
- The harvest is about 60% of average for the last three years.
- Boat days are about 59% of the average for the last three years.
- CPUE is slightly above average, this is probably due to an increase in transplants.

- **A summary comparison of 2019 vs. 2020:**
  - At the end of July 2019 at approximately 42,000 Bu. had been harvested from the High Mortality Region.
    - This is results in approximately a 20% decrease for the year 2020.
      - Note: The High Mortality Region was closed on 15 August 2019 when 46,741 Bu. had been harvested. Therefore, the region remained open 2.5 weeks longer in 2019 than 2020
  - At the end of July 2019 at approximately 23,000 Bu. had been harvested from the Shell Rock Region
    - This is results in approximately a 60% decrease for the year 2020.
  - At the end of July 2019 at approximately 610 Bu. had been harvested from the Medium Mortality Region
    - No comparison can be made at this time due to the lack of harvest in the area thus far.
  - Overall, by the end of July 2019, 65,630 Bu. had been harvested under the Direct Market Program. Whereas, a total of 42,948 Bu. has been harvested under the Direct Market Program. This results in approximately 35% decrease in harvest for the year 2020.

## **Nantuxent Channel Dredging Update - Delaware Bay Shellfisheries Council**

July 28, 2020

- The contract extension to increase Stockton's working period from March to September 2020 and to restructure the project budget with no change in total cost was executed by AC Bukowski's office. BSF waiting to hear if it is fully executed and ready to send to Stockton.
- Stockton sampled the four core samples required by the SSAP on June 29, 2020, and grain size analysis has been received from the 3<sup>rd</sup> party lab.
  - Core 1 in the creek was mostly sand and gravel. Sand was less than 90% sand, but ODST said with gravel included it was 96.5% sand and would not require further testing. The lab already performed the testing before it could be canceled and will only be charging 50% of the analysis fees.
  - Cores 2, 3, and 4 on a shoal within the cove appeared to have significantly less sand than anticipated. The sand was less than 90% for all three core samples and the samples were required to be composited, retested for Tier 1 testing, and Tier 2 chemical testing.
  - The lab testing is still being performed for the composite of Cores 2, 3, and 4.
  - The Bureau is expecting a report for all of the Core 1 tests, and the Tier 1 tests for the individual Cores 2, 3, and 4 before they were composited into one sample.
  - Since the cores from the shoal did not have more than 90% sand, there is a chance they may not be suitable for beach replenishment. In anticipation of that possibility, a conference call with the Bureau, Stockton, NJDOT, and Dave Fanz is scheduled for tomorrow, July 29<sup>th</sup> at 10 AM to discuss these findings and discuss the possible need for an alternative to beach replenishment.
- Once the lab tests are completed, the sampling results along with the dredging plan will be used to apply for dredging permits, which will likely be a 5-year permit with an application for 5-year extension to ensure it is permitted for the possibility of future maintenance dredging by DOT.
- If all goes as planned, the dredging may occur in the fall via hydraulic dredging by DOT, and possible mechanical dredging if the sediment requires that method.
- The channel will be dredged to remove 19,330 cubic yards of sediment to make the channel 9 feet below mean low water to allow the oyster dredge boats to navigate.
- The dredge materials are planned to be used for beach replenishment on Nantuxent Beach in coordination with NJDOT and the Blue Acres Program. If the sediment is determined to not be suitable for beach replenishment, they will be used elsewhere once a new plan is determined and finalized.



### Introduction

On May 7, 2020, the Secretary of Commerce announced the allocation of \$300 million in fisheries assistance funding provided by [Sec. 12005 of the Coronavirus Aid, Relief, and Economic Security Act](#), also called the CARES Act, to states, Tribes, and territories with coastal and marine fishery participants who have been negatively affected by COVID-19.

This site will provide interested parties with the information that is currently available, particularly for New Jersey residents. This site will be updated continually as more information becomes available. Please check back regularly.

As a next step, the [National Oceanographic and Atmospheric Administration](#) (NOAA) will use [these allocations](#) to make awards to its partners-the interstate marine fisheries commissions, Puerto Rico, and the U.S. Virgin Islands-to disburse funds to address direct or indirect fishery-related losses as well as subsistence, cultural, or ceremonial impacts related to COVID-19. New Jersey will receive \$11,247,242, the fourth highest amount on the Atlantic coast.

### Current Status

No funds have yet been made available to the [Atlantic States Marine Fisheries Commission](#) (ASMFC) or states. NJDEP staff are working diligently to develop a spending plan and application process that must be approved by NOAA. Once our plan is approved, NOAA will begin to release funds to the State. The State will then work to disseminate relief funding to eligible and awarded applicants. **Subscribe to the [Marine Fisheries CARES Act Information E-mail list](#) to receive notice of updated information.**

**NOTE:** This section will be frequently updated with the latest status reports.

### Frequently Asked Questions

### Primary MFA Contact

For questions or concerns, please e-mail [njfisheriesaid@dep.nj.gov](mailto:njfisheriesaid@dep.nj.gov) or call us at 609-748-2020.

Sources: [www.asmfc.org/home/cares-act-resources](http://www.asmfc.org/home/cares-act-resources)

Dear New Jersey Oyster Farmers,

New Jersey Sea Grant in partnership with the Haskin Shellfish Research Laboratory, Rutgers University recently received funding from the NOAA Sea Grant COVID-19 Rapid Response Program for a project that will provide an immediate alternative market, habitat restoration, for the sale of “overgrown” farm-raised oysters. The project scope will include purchase and planting of the oysters at designated restoration sites, a limited evaluation of the enhanced habitats, the development of a Shellfish Exchange to connect shellfish aquaculturists with communities conducting shellfish restoration, and the development of materials to educate consumers about shellfish aquaculture and New Jersey's farm-raised shellfish.

Approximately 76,000 oysters will be purchased for the restoration effort from oyster farmers using grant funds. Oysters will be purchased at a price of about \$0.65 per oyster. The number of oysters purchased from any farm will be dependent on the number of farms that have interest and qualify to participate. All participating farms will have the opportunity to provide the same share of the total purchased.

In order to qualify for participation farmers must have:

1. Valid Commercial Aquaculture Permits from the Bureau of Marine Water Monitoring for oyster farming activities for the years 2019 and 2020 (permits must be dated prior to March 1, 2020).
2. A valid 2020 Commercial Shellfish License
3. Proof of hatchery seed purchase in 2019 (hatchery operators may provide alternate demonstration of oyster farming activities).
4. A valid New Jersey Business Registration for their aquaculture business dated prior to March 1, 2020.

We invite all qualified oyster farmers to participate. If you are interested, please send a letter/email indicating interest to Lisa Calvo ([lcalvo@hsrl.rutgers.edu](mailto:lcalvo@hsrl.rutgers.edu)) by August 15, 2020. Please include your contact information and business name.

Applications will be provided in mid-August to those who have expressed interest. We anticipate oyster purchase and planting will begin in mid-September.

Additional information on the development of the Shellfish Exchange will be forthcoming. We hope to engage a broad representation of New Jersey's shellfish growers and restoration practitioners in the process.

Thank you for your consideration.

Lisa Calvo, Daphne Munroe, Mike DeLuca  
Rutgers University

Pete Rowe, NJ Sea Grant

Project Partners

Russ Babb, NJDEP Shellfisheries Bureau

Christine Thompson and Steve Evert, Stockton University

Stan Hales and Jim Vasslides, Barnegat Bay Partnership

Danielle Kreeger and Kurt Cheng, Partnership for the Delaware Estuary

Zachary Greenberg, The PEW Charitable Trust

Marc Zitter and Matt Gregg, NJ Aquaculture Association



Offshore Wind Update  
July 28, 2020  
Delaware Bay Shellfisheries Council Meeting

- On June 16 Governor Murphy announced the New Jersey Wind Port project near Hope Creek/Lower Alloways Creek in the Delaware Bay. Information is available here: <https://nj.gov/windport/about/index.shtml>.
- Draft solicitation guidance for the 2020 Offshore Wind Renewable Energy Credits is available for comment [here](#).
  - A press release is [available here](#).
  - There will be a public hearing on the solicitation on Aug. 5 from 1:00 p.m. to 4:00 p.m. The Public Notice for this meeting is [available here](#). If you are interested in participating in this meeting please register here: <https://attendee.gotowebinar.com/register/6630528313771649549>
  - NJBPU will accept written comments through Aug. 19.
  - **Please direct all questions to [Osw.Stakeholder@bpu.nj.gov](mailto:Osw.Stakeholder@bpu.nj.gov).**
- The Draft New Jersey Offshore Wind Strategic Plan is available for public comment, [https://www.nj.gov/bpu/pdf/Draft\\_NJ\\_OWSP\\_7-13-20\\_highres.pdf](https://www.nj.gov/bpu/pdf/Draft_NJ_OWSP_7-13-20_highres.pdf).
  - The public notice is here: [https://www.nj.gov/bpu/pdf/publicnotice/OSWSP%20Stakeholder%20Meeting%20Notice\\_FINAL\\_7.15.20.pdf](https://www.nj.gov/bpu/pdf/publicnotice/OSWSP%20Stakeholder%20Meeting%20Notice_FINAL_7.15.20.pdf)
  - There will be a GoToWebinar Stakeholder Meeting on August 3, from 1 to 4 pm. Register here: <https://attendee.gotowebinar.com/register/8995147915621801998>
  - Written comments can be submitted to the BPU to [Osw.Stakeholder@bpu.nj.gov](mailto:Osw.Stakeholder@bpu.nj.gov) with a copy to [Board.Secretary@bpu.nj.gov](mailto:Board.Secretary@bpu.nj.gov) in PDF or Word format. Please include a subject line of “OSWSP Comments.” All comments must be received on or before 5:00 p.m. EDT on August 17, 2020, which is extended from the original comment deadline of July 27. Please note that these comments may be considered “public documents” for purposes of the State’s Open Public Records Act. Stakeholders may identify information that they wish to keep confidential by submitting them in accordance with the confidentiality procedures set forth in N.J.A.C. 14:1-12.3.