

# NEW JERSEY SHELLFISHERIES COUNCIL



Delaware Bay  
Section

## *Meeting Minutes*

<b>Meeting Name</b>	Monthly Meeting of NJ Shellfisheries Council - Delaware Bay Section		
<b>Meeting Date</b>	Tuesday, July 11, 2017		
<b>Meeting Time</b>	6:00 PM		
<b>Venue</b>	Haskin Shellfish Research Laboratory	<b>City</b>	Bivalve, NJ
<b>Attendees</b>	General Public		

Council	State/Fed Representatives	Haskin Research Lab
Warren Hollinger, Cumberland Co.	Russ Babb, DFW Shellfisheries	David Bushek, Director
Steven Fleetwood, Cumberland Co.		Kathy Alcox, Field Researcher
Cumberland Co. - Vacant		
Richard Malinowski, Salem Co.		
Cape May / Salem Co. - Vacant		

### *Compliance with the Sunshine Law*

Notice of this meeting was posted June 26, 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.

*A technical issue arose during the digital recording of this meeting. As a result, the majority of this meeting was inaudible. The meeting minutes are based on staff notes from the meeting.*

**Revenue collected for June totaled \$40,974.00 and is summarized as follows:**

License Type	Total	License Type	Total
Commercial Crab Pot	\$800.00	Commercial Shellfish	\$300.00
Nets	\$348.00	Recreational Shellfish	\$100.00
Application Fees	\$74.00	Juvenile	\$4.00
Oyster Tags	\$39,246.00	Otter Trawl	\$102.00

### **Oyster Resource Development Account (082):**

July 11, 2017		
Unexpended	\$878,261.00	Budget authority less expenditures ( <i>total spendable dollars currently in account</i> )

## Lease Ground Transactions:

*Applications for Council's Consideration:* None

*Applications for Council's Decision:*

Atlantic Cape Fisheries		
Section	Lot	Acres
D	502	98
D	532	66

## Old Business

### 1. Lease Ground Transactions

Mr. Gaine and Mr. Hollinger asked for a status update on ADZ leases and the time that it is taking for lease extensions (offshore) to get approved. Mr. Babb stated that as of right now the delay seems to be legal-centric. The leases are sent to the Division of Law and then the Bureau responds as needed to their legal questions. One of the issues that we have observed is that there is a lot of turnover in the DOL and this results in new DAGs being assigned and essentially the reviews seems to begin again from the beginning. Craig Tomlin has continued to work with the assigned DAGs and Mr. Babb stated that he believed that the pending leases would still take some time but would eventually be approved. Council asked if a letter should be drafted and sent to the DOL and the Commissioner's Office to see if this problem could be addressed or corrected. Further discussion ensued. This issue could be updated and discussed at a future meeting to decide if a letter was needed.

### 2. Direct Market Harvest/Area Management

Mr. Babb provided a direct market update to the Council. Bureau staff continued to monitor the Delaware Bay direct market fishery. The 2017 direct market fishery had an approximate 124,160-bushel quota. As of July, the fishery had landed roughly 67,000 bushels which is roughly 60% of the quota, leaving approximately 40,000 bushels remaining for harvest. The Shell Rock region was approaching its allowed quota and harvest was being monitored by staff to determine when to close the region. Harvest rates were well over 100 bushels per boat per day with many boats off the water and packed by mid-morning. The fishery has been operating under the 2017 *Vibrio parahaemolyticus* Control Plan since June 1. The current time restrictions in effect since June 15 allow harvest to start at sunrise and require product to be in refrigeration within six hours. On July 14, these restrictions will be increased by one hour, requiring product to be in refrigeration within seven hours to refrigeration as of July 15 through August 31, 2017. Further discussion ensued.

### 3. Shell Planting Update

Bureau staff conducted the shell planting project over the first two weeks of July. The planted shell helps restore the shell resource harvested from the industry which provides habitat for new

oysters and many fish and invertebrate species. Staff oversaw the loading and planting of 140,000 bushels of crushed ocean quahog and surf clam shell dispersed across three sites within the Delaware Bay oyster beds (Shell Rock, Bennies Sands, and Cohansey). There was a total of seven barge loads with 20,000 bushels of shell each that were planted on seven separate days. Mr. Fleetwood stated that he thought that the Bureau needed to work with the plant earlier in the season to lock up more of the shell. Most of the shell was being sent to the Chesapeake. Mr. Fleetwood stated that we should work to correct this, where possible. He stated that some states in the south conduct plantings in the off season. He added that this really didn't make sense when your resources were limited. Mr. Gaine asked if the shell was going into living shorelines. Mr. Babb stated that if that was happening the amount of shell being directed to that was nominal. Mr. Babb stated that we always shoot for roughly 150,000 bushels each year but that number can be altered relative to the intermediate transplant program.

#### 4. *Dermo* Monitoring Update

A brief Dermo report was provided by the HSRL. Dermo infections across the beds remained very light and well below long term averages. Total mortality levels for June were equivalent to the long-term levels. No Dermo was detected at the Cape Shore Lab or within the Maurice River Cove, but MSX was detected in the MRC. Mr. Gaine asked that the CSL and the MRC be added to the report.

#### 5. Ethics Compliance for Board Members

Mr. Babb reminded the council members to comply with the timing restrictions related to Ethics review. He stated that it was necessary for the members to complete the appropriate forms and to copy the Bureau with receipts or copies of paperwork.

#### 6. Red Knot / Aquaculture Update

Mr. Hollinger provided those in attendance with an update of the Red Knot/Aquaculture Stakeholder Committee's (SC) latest meeting. He stated that the SC was creating bylaws to describe how the SC will be able to vote on issues. Conservation measures and uncertainty was discussed and that the last nearly three-hour meeting did not accomplish much. Next meeting is scheduled for July 20, 2017. Mr. Gaine had serious concerns regarding the list of hypotheses put forward by the agency working group. Mr. Gaine also stated that the SC's science advisory group needed to be dropped if you couldn't find consensus on issues. He also questioned whether juvenile horseshoe crabs could really impact the entire population of horseshoe crabs. He stated that creek mouth shoal needed to be defined further and he opined that if the SC was unable to function, then the group should be dissolved. Barney stated that he was doing his best to keep the group focused. Further discussion ensued.

### New Business

#### 1. Shellfisheries Council Policy Decision - New Lease Fees

Mr. Babb summarized the lease fee review that both sections of the Council have been reviewing over the past year. He stated that, like the Atlantic Coast Section, the Delaware Bay Section's

leasing committee made a recommendation to implement a \$250 lease application fee and a \$100 lessee renewal fee under the authority of N.J.S.A. 50:1-5 and 50:1-27, pending the Commissioner's approval. This recommendation was now before the Council at tonight's meeting for a vote. Mr. Fleetwood stated that the draft policy summary as written needed to have the Delaware Bay value of \$0.50 added. As written, it could be interpreted to mean that the Delaware Bay Section was implementing a \$2.00 per acres lease fee. Mr. Babb said that this was an oversight and would correct that language. It was also clarified that up to 200 acres could be multiple grounds not to exceed 200 acres. Mr. Babb agreed with this clarification. He added that MFA and DEP staff recommended that the Commissioner sign the Council's policy decision immediately. Governor's office policy staff seemed to understand the issue and the urgency. The Council policy recommendation was forwarded to the Attorney general's office to review the legality of this issue. This could become an issue over the next couple of weeks, particularly on the Atlantic Coast side, if it was not signed as that Council will not budge on this issue and will keep a moratorium on new lease applications in place until the new fees are implemented. Mr. Babb stated that he and staff would be meeting with staff from Governor Christie's office on July 20<sup>th</sup> to discuss the Shellfisheries Council policy recommendations. **Mr. Hollinger motioned that the Council accept the Lease Committee's recommendation to implement a \$250 lease application fee and a \$100 lessee renewal fee under the authority of N.J.S.A. 50:1-5 and 50:1-27. Mr. Fleetwood seconded the motion.** All members voted in favor of said motion.

## 2. Chapter 13 Rules

Mr. Hollinger stated that the Department of Health's Chapter 13 rules were up for readoption in October. He stated that preliminary stakeholder meetings suggested that they might drop the requirement to hold oysters overnight. Mr. Hollinger attended the recent meeting in Tuckerton. Eh questioned why they would relax this provision if it seemed to be working and protecting public health. He stated that work should be done to validate that oysters can be taken down to under 50 degrees for at least 10 hours. He stated that another meeting was slated for August and that clam depuration rules will be discussed at that time. Further discussion ensued.

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

Adjourn	@	8:00 PM
The next meeting of the Council will be tentatively held on: August 1, 2017		