

Aquaculture Advisory Council
September 5, 2014
Meeting Minutes

Members Present: Secretary Douglas Fisher, Mr. Dave Chanda (Commissioner Bob Martin), Dr. Dave Bushek, Mr. Gef Flimlin, Mr. Ned Gaine, Mr. Steve Carnahan, Mr. George Saridakis, Mr. Maury Sheets (Mr. Robert Munson), Ms. Cali Alexander (Commissioner Mary O’Dowd), Ms. Monique Purcell.

Members Absent: Dr. Robert Goodman, Lt. Governor Kim Guadagno, Mr. John Maxwell, Mr. Paul Waterman.

Public in Attendance: Mr. Gustavo Calvo, Ms. Betsy Haskin, Ms. Lisa Calvo, Mr. Richard Cash, Ms. Stephanie Cash, Mr. Bill Riggan, Mr. Barney Hollinger, Mr. Brian Harman, Mr. Russ Babb, Mr. Jeff Normant, Mr. Gary Wolf, Mr. Tony Ni, Mr. Matt Gregg, Ms. Jenny Tomko, Mr. Bruce Friedman, Capt. Dominick Fresco.

Secretary Fisher called the meeting to order. Ms. Purcell performed a roll call. There was a quorum present.

Secretary Fisher asked for a motion to approve the minutes from the last meeting (April 11, 2014). The motion was made by Mr. Flimlin, seconded and approved.

Ms. Purcell introduced the first agenda item – the BMP Manual for East Coast Shellfish Aquaculture. She noted that Mr. Flimlin mentioned this document at the last meeting and that he sent it out to all Council members for review. Ms. Purcell referenced this document in relation to the current Aquaculture AMP that was updated last spring and turned the discussion over to Mr. Flimlin.

Mr. Flimlin briefly discussed the history of the BMP Manual and how it was funded and developed. He explained that an individual farm management plan template was also created that supplements the Manual, which can be utilized by growers and shared with their customers. Two trifold brochures were also created to be used for point-of-purchase marketing. Mr. Flimlin also noted the efforts of the state of Maryland and their Governor’s focus on growing and improving the shellfish aquaculture industry as an economic engine and tradition in the state. Maryland’s Departments of Agriculture and Environment accepted the BMP Manual as a guidance document for the industry. He agreed with this approach and sees the Manual as guidance for doing things right in the industry. Ms. Purcell outlined some of the content of the existing Aquaculture AMP that was adopted by the State Agriculture Development Committee and how the two documents should be reviewed by a subcommittee of the Council. The subcommittee would then determine the future use of both documents to create the best possible tools for the industry. Mr. Flimlin emphasized again that the BMP Manual is production oriented document, not a guide for how to get through the regulatory process. Several members noted that they saw the BMP Manual as a “statement of good faith” while they see the current AMP as a guidance document on how you get started in aquaculture. A subcommittee was created with the following members – Gef Flimlin, Ned Gaine, Dave Bushek, Cali Alexander, Lisa Calvo, Bill Avery and Steve Carnahan.

Ms. Purcell introduced the next agenda item – Oyster Grower Concerns. She explained that Mr. Gustavo Calvo outlined the major concerns of the growers at the April 2014 AAC meeting. In response Russ Babb and the Shellfish Aquaculture Working Group (SAWG) has been preparing written answers to those concerns – a significant step forward. The response document was sent to Lisa Calvo who was the conduit to the growers, by the DEP yesterday. The document will now be more widely distributed for feedback. That feedback will be routed back to members of the SAWG. Mr. Babb described the response document as a living document that will change and evolve over time. Jenny Tomko added that there is also a contact list of all members of the working group included in the response document. Mr. Babb clarified again that the responses in the document reflect the current positions of the agencies on the SAWG, so they are “interim” answers as we move forward toward developing regulations specific to aquaculture.

Stephanie Cash thanked those involved for developing the responses and asked a question regarding the use of the term “harvest” in the various regulations. Dr. Bushek followed up noting that the Shellfish Aquaculture Workshop scheduled for October 8, 2014, would be the venue where issues such as that would be discussed. He went on to explain some examples of the different terminology contained in regulations and how it may or may not apply to a specific situation. Ms. Alexander described how the SAWG wrestled with terminology and its application, which is why it is important to understand that the response document reflects “this point in time”. A discussion about “husbandry” as it relates to current aquaculture practices versus wild harvest ensued. Mr. Bruce Friedman elaborated on some specific examples of existing rule language and how it can potentially impede grower practices. He noted that the industry’s concerns have been heard and that it is now up to the DEP to address the concerns.

Secretary Fisher and members of the public added to the discussion. Mr. Gaine noted that as the industry evolves and changes additional questions will surface and that it will be important to involve growers in these discussions. Ms. Alexander emphasized that the work group really understands the need for streamlining the permitting process and growing the industry in New Jersey. Ms. Betsy Haskin suggested that it would be helpful if the work group was more open and transparent to the growers. Mr. Barney Hollinger expressed his frustration regarding the long process of trying to establish and grow the aquaculture industry in New Jersey. Additional comments were made about the work group process and how to improve it from here forward. Russ Babb shared the specifics about the Aquaculture Workshop that is scheduled for October 8, 2014. He also mentioned that both Shellfish Councils are re-establishing their leasing subcommittees. Mr. Hollinger suggested some type of “consent decree” regarding Title 50 and licensing issues is needed while the new regulations are being developed since the regulatory process takes several years. That way, growers could carry out their activities in a legal manner. A discussion about the legislative process ensued. Mr. Dave Chanda commended the efforts of the working group and noted that several Assistant Commissioners at the DEP are aware and engaged in the effort. Mr. Gary Wolf shared the experience of the state of Maryland and their struggles in establishing an aquaculture industry and noted that the SAWG’s efforts are a great start. Ms. Lisa Calvo asked some clarifying questions about the leasing subcommittees of the Shellfish Councils that were answered by Mr. Babb. Mr. Gaine added that the aquaculture industry needs to be represented on the Shellfish Councils, as well as traditional harvesters. A conversation about the specifics of each Council’s make up ensued. Mr. Babb added that the AAC’s leasing committee was valuable since cross-over issues from both Councils could be

vetted there and suggested that this Committee be re-established. He suggested the continuation of the previous “open” format of those meetings. A discussion about the importance of having people serve on committees and the process of getting appointments on the Councils followed.

Steve Carnahan arrived at this time.

The Secretary moved to the next agenda item which was an update on the Rutgers Broodstock issue. Dr. Dave Bushek provided a brief overview about the meetings that have taken place since April. He stated the oyster triploid “lines” have been recreated over the summer, so hopefully Rutgers will be back in production in a few years with these high demand oysters. He also noted the progress made with the DEP regarding the over-wintering situation that needs to be resolved by early December.

Mr. Bruce Friedman discussed the Interstate Shellfish Sanitation Conference (ISSC) proposal that amended the language of the National Shellfish Sanitation Program Model Ordinance in reference to the outbreak of shellfish related illness. A copy of the proposal was provided to the Council and the public. Mr. Friedman noted that anyone can submit changes to the language of the Model Ordinance at the annual conference through a task force process. He outlined the concerns that he brought forward with the FDA and the substitute changes that were adopted. He said that New Jersey has not had any outbreaks, but has had some sporadic shellfish related illnesses, which led to closures of area waters. The new proposal differentiates between an outbreak and illness and provides for different tiers of illness. It also looks at harvest data to determine the level of risk associated with illness. The trigger is 1:100,000 in an area. So for example, one illness would not trigger a response from the DEP. Ms. Alexander expanded upon the risk calculations and how they were determined. The DEP and FDA will most likely be looking at the Delaware Bay as a single area, while considering the average harvest over the last 5 years. Mr. Wolf explained that New Jersey has been well ahead of most other states in terms of researching vibrio and other disease data to help assess risk. The number of oysters per serving was also discussed. Typically, FDA looks at a serving as 12 oysters. On the east coast, oysters are typically eaten as a 6 piece appetizer portion, 90% of which are raw. These factors would change the risk calculation. Questions regarding illness and closures ensued. There is not a requirement for a vibrio plan for clam growers at this time, since the majority of clams are not eaten raw. Mr. Friedman continued by summarizing the major changes in the proposal. He noted that there were two illnesses in 2014 that were not linked together and did not require any closures. There was also a tremendous amount of water sampling done by the DEP and they will be releasing the results of that effort and present it to the Council. He went on to mention other improved data gathering and sampling procedures that have been implemented in the Bureau of Water Monitoring. Mr. Friedman then answered questions about the illnesses that occurred in New Jersey and other parts of the country in 2014. Cali Alexander elaborated on some of the cases and the reducing health status of the consuming public and noted that more education is needed. She stated that fifty percent of Americans are on two types of medication.

The Secretary moved on to old business. Ms. Purcell updated the Council on the status of replacing the Aquacultural Development Specialist in the Department of Agriculture. The Department is awaiting the list of eligible candidates from the Civil Service Commission. Once the list is received, interviews will be scheduled. Mr. Flimlin asked whether the Aquatic Farmer

License (AFL) issue will be discussed as part of the SAWG process. Ms. Purcell clarified that it in fact has already been under some discussion and that the group needs to determine how the AFL will be utilized in the permitting process. Dr. Bushek noted the motion made at the last meeting requesting that a letter be sent from the AAC supporting the SAWG's efforts. A motion was made stating that the letter is not necessary and the matter is considered to be resolved. All members voted in favor.

Under new business Mr. Flimlin noted the three year effort that resulted in the "Northeastern U.S. Aquaculture Management Guide". The Guide is available on line as there will be a limited number available in hard copy. The effort involved 12 states with many contributors from New Jersey. The publication was dedicated to Walt Canzonier. Mr. Flimlin read the dedication out loud to publicly recognize Mr. Canzonier's contributions to the aquaculture industry.

Mr. Flimlin noted that the Northeast Aquaculture Conference & Expo will be held January 14-16, 2015 in Portland, ME.

Dr. Bushek mentioned that a proposal was developed to help coordinate how seed is certified when transferred among states. Currently, every state has their own set of regulations on how that is done, which is cumbersome and based on political boundaries. He is working toward a regional policy which would make more sense. The effort originated in 2002, but then stalled. NOAA has expressed their support, so Dr. Bushek is hopeful that the effort will be successful this time.

During public comment Mr. Calvo questioned the AFL discussion. Ms. Purcell clarified the Council discussion on the subject. Mr. Babb mentioned the possibility of tweaking the AFL application information and having it serve as the "Operational Plan" that is required through the Model Ordinance, which will be discussed at future SAWG meetings.

Tentative meeting dates were discussed in light of having to reschedule the July meeting. It was agreed that the next meeting would be in January 2015. Ms. Purcell said that she would send out tentative dates to the Council.

Secretary Fisher adjourned the meeting.