

<b>NEW JERSEY SHELLFISHERIES COUNCIL</b>		Delaware Bay Section
<i>Meeting Minutes</i>		

<b>Meeting Name</b>	Monthly Meeting of NJ Shellfisheries Council - Delaware Bay Section		
<b>Meeting Date</b>	Tuesday, March 1, 2016		
<b>Meeting Time</b>	6:00 PM		
<b>Venue</b>	Haskin Shellfish Research Laboratory	<b>City</b>	Bivalve, NJ
<b>Attendees</b>	General Public		

<b>Council</b>	<b>State/Fed Representatives</b>	<b>Haskin Research Lab</b>
Scott Bailey, Cumberland Co.	Russ Babb, DFW Shellfisheries	David Bushek, Director
Steven Fleetwood, Cumberland Co.	Craig Tomlin, DFW Shellfisheries	Kathy Alcox, Field Researcher
Warren Hollinger, Cumberland Co.	Andrew Hassall, DFW Shellfisheries	
Richard Malinowski, Salem Co.	Bob Shuster, DFW BMWM	
Cape May / Salem Co. – Vacant	Paul Wesighan, DFW BMWM	

*Compliance with the Sunshine Law*

Notice of this meeting was posted February 2, 2016 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.

**The January 5, 2016 meeting minutes were presented for approval.**

Councilman Hollinger made a motion to approve. Councilman Malinowski seconded the motion.

**Revenue collected for January totaled \$7,768.00 and is summarized as follows:**

<b>License Type</b>	<b>Total</b>	<b>License Type</b>	<b>Total</b>
Commercial Crab Pot	\$500.00	Commercial Shellfish	\$600.00
Nets	\$1,530.00	Recreational Shellfish	\$50.00
Application Fees	\$96.00	(2) Dealer	\$200.00
AC Crab Dredge	\$700.00	Lease Fees	\$5.00
DB Crab Dredge	\$900.00	Tonging	\$1,900.00
Menhaden	\$557.00	Dredge Boat Renewal	\$530.00
Otter Trawl	\$102.00	Area 1,2&3	\$84.00
Map Sales	\$14.00		

**Revenue collected for February totaled \$5,084.00 and is summarized as follows:**

License Type	Total	License Type	Total
Commercial Crab Pot	\$600.00	Commercial Shellfish	\$200.00
Nets	\$1,748.00	Recreational Shellfish	\$80.00
Application Fees	\$142.00	Menhaden	\$514.00
AC Crab Dredge	\$400.00	Tonging	\$900.00
DB Crab Dredge	\$500.00		

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

<i>March 1, 2016</i>		
<b>Unexpended</b>	\$668,008.19	Budget authority less expenditures ( <i>total spendable dollars currently in account</i> )

**For Council’s Information:**

**Correspondence from Council:**

Mr. Babb said that three letters had been sent out from the Council since the last meeting. The first was a staffing letter sent to Governor Christie, a series of State administrators and legislators. He summarized the letter’s content. He stated that it read that the Bureau of Shellfisheries’ Delaware Bay Office was short-staffed and that while the Council was appreciative and supportive of the shellfish aquaculture in Delaware Bay, they were concerned that it was diverting an already short-staffed unit away from the direct market portion of the industry.

The second and third letters were both regarding the Bureau of Marine Water Monitoring rule proposal (N.J.A.C. 7:12). The second letter, dated January 11, 2016, stated that the Council did not support anything in the rule proposal that exceeded the standard guidelines established by the Interstate Shellfish Sanitation Conference’s Model Ordinance. The third letter, dated January 14, 2016, gave specific comments on the rule and requested clarification for some sections of the rule. Further discussion ensued.

**Lease Ground Transactions:**

*Transfers*

Marvin Moore Sr. transferred Section D, Lot 404, 23 Acres to Howard Mason, Jan. 11, 2016.

*Applications for Council’s Consideration:* None

*Applications for Council’s Decision:* None

**Oyster Dredge Boat Transactions:** None

**Old Business**

### *Red Knot / Aquaculture Update*

Mr. Babb stated that the Programmatic Biological Assessment had been submitted on February 10, 2016. The PBA was focused on structural aquaculture and its potential effects on red knots in the lower Delaware Bay. He stated that the Bureau was working cooperatively with US Fish and Wildlife Service (USFWS) on the Programmatic Biological Opinion that will be issued by the USFWS. Mr. Babb announced that, ideally, everything needs to be finalized by April 15, which includes modifying permits with the US Army Corps of Engineers and Land Use, and obtaining Tier 2 permits to cover those in the ADZ and on private leases within the Southern Segment of the PBO. He informed those in attendance that the Bureau was also working on access issues within the Southern Segment. Mr. Babb wanted to note that the Bureau had been very much immersed and kept busy with the red knot topic since June 2015. Further discussion ensued regarding staffing at the Delaware Bay Office.

### *Consolidation Rule Inquiry*

Mr. Riggin asked the Bureau and the Council if the consolidation rule could be changed so the license can be issued to a person rather than a harvest vessel. Mr. Babb gave a brief history of the consolidation rule and said that the rule is now in Governor Christie's office awaiting his signature and approval. It will then be out for public comments, but Mr. Babb said he would try to have it available to the Council before it goes public. Mr. Babb stated that it will be very difficult to pull this rule back at this stage but that the public comment period will allow for stakeholders to express their concerns. A lengthy discussion ensued.

## **New Business**

### *2016 Oyster Stock Assessment Workshop (SAW) Results*

Mr. Bushek provided a summary presentation to the Council on the 2016 SAW. He informed the Council that the *F/V Peter R. Paynter* was now calibrated to back up the *F/V Howard Sockwell* for the Random Sampling Program conducted by Rutgers University should the *Sockwell* encounter scheduling or mechanical problems.

The presentation summarized the 2015 season by way of oyster abundance in the overall population and market size population, spat recruitment, Dermo disease levels, and fishing mortality throughout Delaware Bay. Mr. Bushek explained that the Stock Assessment Review Committee has allowed the SAW process to have smaller incremental steps between the formerly used percentiles rank system, allowing for smaller changes in the exploitation rates to be selected for the harvest levels. A lengthy discussion ensued and led into setting the Direct Market Program for 2016.

### *2016 Direct Market Program*

Following a lengthy discussion, the 2016 Direct Market dates were set as follows:

Direct Market and Intermediate Transplant Program (ITP) sign up periods were both March 14 to March 24, 2016; tag sales will start on March 28, 2016; the Direct Market Program will open on April 4, 2016; Intermediate Transplant Program will begin on April 25, 2016; the Direct Market Program will close on November 18, 2016. Shell Rock will open on the first day of the season as defined in the 2016 Vibrio Control Plan, or 30 days after the ITP is completed, whichever comes first.

***Note that all proceeding intermediate transplant bushel amounts are approximate/estimated values. Councilman Fleetwood motioned that 14,446 bushels (bu.) to be transplanted from the low mortality beds to the medium mortality beds for a potential quota increase of 6,722 bu. for the medium mortality beds; for no***

**transplant bushels to be taken from the very low mortality region; and for 3,901 bu. to be transplanted from the medium mortality transplant beds to Shell Rock for a potential quota increase of 1,758 bu. on Shell Rock. Councilman Hollinger seconded the motion. Councilman Bailey initiated a roll call, resulting as follows: Councilman Bailey (Yes), Councilman Fleetwood (Yes), Councilman Malinowski (Yes), Councilman Hollinger (Yes).**

**Councilman Hollinger proposed the following: for the high mortality beds quota to have a 0.0824 exploitation rate to harvest 34,771 bu.; for the Shell Rock quota to have a 0.0370 exploitation rate to harvest 18,532 bu., with potential to increase to a 0.0488 exploitation rate to harvest 31,164 bu. after a completed intermediate transplant; and for the medium mortality beds quota to have a 0.0303 exploitation rate with 26,739 bu., with potential to increase to a 0.0364 exploitation rate to harvest 33,844 bu. after a completed intermediate transplant. Councilman Bailey seconded the motion, and all were in favor.**

The Direct Market quota was also set, starting at an initial industry allocation of 80,042 bushels, with a potential to be increased to 99,779 bushels if the ITP was completed in accordance with the SAW's estimates. **Councilman Fleetwood made a motion to accept the numbers for the transplant region quota. Councilman Hollinger seconded and all were in favor. Councilman Hollinger motioned to accept the numbers for the Direct Market region quota. Councilman Bailey seconded and all were in favor.** Mr. Tomlin said a letter will be sent out the Friday after the meeting regarding the total quota and quota per license.

#### *2016 Shell Planting Program*

Councilman Bailey inquired about the status of the 2016 Shell Planting Program. In response, Mr. Babb informed the Council that the Bureau of Shellfisheries would not be able to assist with Bureau dedicated funds this year as they have the past two years due to budgetary constraints. He also added that there was enough money from the cultch account to purchase shell for two grids, having an approximate cost of \$100,000 per grid. After discussing expenditures and if a third site was possible, Councilman Bailey made a motion to plant shell on three grids and Councilman Hollinger seconded.

#### *2016 Intermediate Transplant Program Reminder*

Mr. Babb informed those in attendance that anyone who will be interested in participating in the ITP should sign up at the Delaware Bay Office and also register their business online at <http://www.njstart.gov>, a new online system for vendor registration. He also said that the ITP Program begins April 25, 2016.

#### *Bureau of Marine Water Monitoring (BMWM) – Tongers Line Update, Vp Season and New Rule Update*

Mr. Shuster provided an update regarding the sampling efforts made to determine whether or not the Tongers Line could be moved. He stated that the sampling had been underway for some time and that to date, there were six or seven data points collected of the 15 required (upon which to justify a move of the line). The sampling efforts will have to take place for two more years before a decision could be made. Further discussion ensued.

Mr. Shuster gave an update on the N.J.A.C. 7:12 rule proposal. He stated that the rule received 989 total comments, both positive and negative. Many of the comments were similar, and they were able to lump them together. Mr. Shuster informed the Council that the BMWM was working on responses with the attorneys and expected to have those completed by mid-March. He further added that the Bureau was going through the classification process for upgrades and downgrades of water classifications to would try to remove it from this rule to make it separate and more efficient.

Mr. Shuster also announced that he had assumed Bruce Friedman's former position as Chief of the BMWM adding that Bruce Friedman was now the Director of the Division of Water Monitoring and Standards.

Mr. Shuster stated that the 2016 Vp Season will start on June 1, 2016. Councilman Fleetwood asked if the Vp Plan for this year was generally the same as last year's plan. Mr. Shuster confirmed that it was generally the same. Mr. Shuster added that there were changes in the risk calculation for an outbreak. Further discussion ensued.

*Chesapeake Oyster Management Meeting*

Mr. Bushek reported that he and Ms. Alcox had attended a meeting of resource managers of the Chesapeake Bay for Maryland and Virginia management. They were asked to attend to provide input on the Delaware Bay oyster management program. Further discussion ensued.

<b>Adjourn</b>	<b>@ 7:50 PM</b>
The next meeting of the Council will be tentatively held on: May 3, 2016	