

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

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

Council	State/Fed Representatives	Haskin Research Lab
Warren Hollinger, Cumberland Co.	Russ Babb, DFW Shellfisheries	David Bushek, Director
Steven Fleetwood, Cumberland Co.	Craig Tomlin, DFW Shellfisheries	Kathy Alcox, Field Researcher
Cumberland Co. - Vacant	Andrew Hassall, DFW Shellfisheries	
Richard Malinowski, Salem Co.	Bob Schuster, BMWM	
Cape May / Salem Co. - Vacant	Paul Wesighan, BMWM	
	Gary Wolf, USFDA	

Compliance with the Sunshine Law

Notice of this meeting was posted May 24, 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.

Meeting minutes considered for approval (Approved)

March 2017

Councilman Hollinger motioned to approve the minutes. Councilman Fleetwood seconded the motion and all were in favor.

Revenue collected for March totaled \$31,320.00 and is summarized as follows:

License Type	Total	License Type	Total
Commercial Crab Pot	\$1,700.00	Commercial Shellfish	\$100.00
Nets	\$1,978.00	AC & DB Dredge	\$700.00
Application Fees	\$198.00	Lease Fees	\$82.00
Menhaden	\$568.00	Dealer License	\$100.00
Dredge Boat	\$560.00	Recreational Shellfish	\$40.00

Oyster Tags	\$24,950.00	Juvenile	\$6.00
Tonging Tags	\$300.00	Miscellaneous	\$38.00

Revenue collected for April totaled \$36,807.00 and is summarized as follows:

License Type	Total	License Type	Total
Commercial Crab Pot	\$3,100.00	Oyster Tags	\$27,780.00
Nets	\$4,065.00	Recreational Shellfish	\$20.00
Application Fees	\$252.00	AC & DB Dredge	\$1,000.00
Menhaden	\$466.00	Dredge Boat Renewal	\$124.00

Revenue collected for May totaled \$76,286.00 and is summarized as follows:

License Type	Total	License Type	Total
Commercial Crab Pot	\$2,600.00	Commercial Shellfish	\$400.00
Nets	\$3,142.00	Recreational Shellfish	\$160.00
Application Fees	\$194.00	Survey Fees	\$120.00
Menhaden	\$414.00	Dredge Boat	\$10.00
Oyster Tags	\$69,246.00		

Oyster Resource Development Account (082):

June 6, 2017 March 3, 2017		
Unexpended	\$810,468.38	Budget authority less expenditures (<i>total spendable dollars currently in account</i>)

Mr. Babb noted that the numbers were from March 3, 2017 because the computer system to get the finalized account balance was down. He said the updated number would reflect the Intermediate Transplant fees taken out and tag sales deposited.

For Council's Information:

Lease Ground Transactions:

Applications for Council's Consideration:

Atlantic Capes Fisheries, Inc.:

Section	Lot	Acreage	Fee
D	502	98	\$49.00
D	532	66	\$33.00

Applications for Council's Decision:

Bivalve Packing Co.

LOT #	SEC.	ACRE	FEE
333	D	200	\$100.00

Norm Bloom & Daughter

LOT #	SEC.	ACRE	FEE
305	D	62	\$31.00

Councilman Hollinger motioned to approve the lease grounds. Councilman Malinowski seconded the motion and all were in favor.

Old Business

1. Direct Market Harvest and Area Management Update

Mr. Tomlin said that as of June 6, 2017, a total of 41,982 bushels (bu.) of 48,944 bu. were harvested from the High Mortality Market (HMM) beds. He informed that this leaves just under 7,000 bu. remaining, and that at the current harvest rate of about 5,000 bu. per week the HMM beds would close probably Wednesday or Thursday the following week. Mr. Tomlin mentioned the CPUE is around 120 bu. per day per boat. There was some harvest from Shell Rock, and nothing from the Medium Mortality Market beds. Mr. Tomlin reminded everyone that Vp Season is currently in effect.

2. Intermediate Transplant Update

Mr. Tomlin reported that three boats completed the intermediate transplant in just over two weeks. Two of the boats hit the EPA spending thresholds. He said the transplant goal was met for the Medium Mortality Transplant region to the HMM beds, but the transplant from the Very Low Mortality beds did not occur. He informed that each license would receive an additional 462 bushels to their quota from the increase from the High Mortality beds and because the intermediate transplant took place.

3. Shell Planting Update

Mr. Tomlin reported that Riverside Shell will have just enough shell for four barges (two sites) to plant. He said he had been in communication with them and the contractor to plan the project, and he is trying to push off the planting to a later date since the water temperatures are still low, and to try to get six barges total to plant three sites if possible.

4. Dermo Monitoring Update

Mr. Bushek passed out the dermo report. He summarized that Rutgers had detected dermo from only one oyster from Shell Rock which could be due to the low water temperatures and rainfall during the spring. He noted that doesn't mean dermo is not there, but that it is not detectable so it should be expected to see levels rise. He reported that mortality levels were a little higher than the long term mean, and levels were high on Cohansey and Shell Rock which they believe is due to last year's high dermo levels. He said other than those cases, dermo levels looked alright throughout the rest of the Bay, and that the shell plant and transplant sites looked like they were doing well. Barney Hollinger mentioned that Scott Sheppard told him there were a lot of boxes on Shell Rock, and commented that this was reflected in the data provided. Mr. Bushek agreed and said anything above 20% mortality is high for Shell Rock. Mr. Bushek informed that the Cape Shore site was added to the dermo monitoring, but was not shown on the report. He told everyone that there was no dermo found during the May sampling of the wild set they could find which was very sparse. He said the future samples would come from the wild control stock the lab uses. Further discussion ensued.

5. Ethics Compliance for Board Members

Mr. Babb, as the liason for this board for the DEP, was assuring that the Council was compliant with their ethics requirements as Councilmen. He informed this includes acknowledgment that they received uniform ethics code and plain language guide, have taken ethics training which should be done every three years, and should be taking ethics briefings in the intervening years. Mr. Babb said the Council could take their training at the next meeting, could do it online, or could come into the office to complete it. The Council asked if Mr. Babb could send the website link out, and Mr. Babb said he could do that the next day.

6. Red Knot / Aquaculture Update

Councilman Hollinger informed everyone that the stakeholder committee has met twice. The first meeting was an introduction to the ADM training which he said went fairly well. He said there was then a conference call that did not go well, so a second meeting was set up in which a tour of the farms for those who hadn't seen them was conducted following by the actual meeting at the Cape May Audubon Center. The main goal of the second meeting was to select those who would be placed on the science advisory group. He said there was another meeting set for June 27, 2017 in the Cape May County building in which they would discuss open ended topics from the second meeting.

Mr. Bushek said that Rutgers University had funding from the National Sea Grant office to have a science symposium directed towards the aquaculture growers to understand the ESA, what the PBO is, and to understand the science that is supposed to inform the conservation measures (CM's). He said the symposium should have happened already, but it is supposed to be inclusive of the stakeholders, Agency Working Group (AWG), and conservation groups even though it is directed towards the growers. The group could not be assembled over the previous winter until the AWG formed the stakeholder committee. Now that the stakeholder committee is together and on board with the symposium. He informed that the symposium should occur in September and would have experts present to discuss and explain the science behind the decision

making. Further discussion ensued. Councilman Hollinger said the science advisory group (SAG) would be set up by then and would be invited to the symposium as well. He also informed the AWG would be having their next meeting the second to last week in October. Mr. Bushek pointed out that the idea of the symposium is to have it before the October AWG meeting far enough in advance so a report can go to the AWG so they can determine whether anything came out of it that changes their viewpoints on the CM's for the following spring. Further discussion ensued.

Councilman Hollinger inquired that if the stakeholder committee wanted to investigate rack height for example, how does that happen so the CM's can be modified by the next spring? How does the stakeholder committee ask that a study be done? Mr. Bushek explained that there were studies being done independently, which is how the studies are currently being conducted. He said there are researchers interested in looking at these questions and are applying for grants available to study the questions. He said whether that process involves the stakeholder committee or the AWG is a different question. If that happens, the AWG requires any researchers that want the AWG approval on a proposal then the AWG wants the stakeholders committee to approve it first. Mr. Bushek said the stakeholder committee is charged with identifying where there are gaps in knowledge. Those gaps will be presented to the AWG, and if researchers want, they can go through the AWG or stakeholder group, or can research those topics on their own. Further discussion ensued.

Mr. Gaine asked if there were any hypotheses presented by the AWG. Mr. Bushek said they have seen conceptual, broad questions from the AWG that were not hypotheses. That was all the AWG was willing to release at the time because they hadn't vetted these questions amongst themselves. Further discussion ensued. Mr. Gaine further inquired if the questions were set up to be testable. Mr. Bushek said they were not given testable hypotheses, but were just given areas of inquiry. Further discussion ensued. Mr. Gaine pointed out that the process is adaptive management, and that the process is working off of the calendar and not environmental cues such as the lunar cycle. It was discussed that the stakeholder committee can bring that to the AWG's attention so that the process can be requested to adapt to environmental conditions.

7. Shellfish Leasing Regulations Update

Mr. Babb recalled to the Council that there are two standing committees for shellfish leasing regulatory and policy. The Atlantic Coast Section (ACS) also has these two committees. He informed that over roughly the past 2 years, they have been developing a draft regulation to shellfish leasing regulations of which the Delaware Bay Section is largely absent of any real substantive regulations besides marking the leases before they are worked. They had a relatively good draft proposal in place, and were assured in 2017 that they were in the rulemaking cue. However, they were advised by the Administration that will not be happening for unknown reasons, and there will not be any shellfish leasing regulations going in place. He said they have a good draft and a very good consensus by the ACS committees on the proposed draft. Because the rule is not going in place, the ACS is taking the position at the next leasing committee meeting to propose to use the statutory authority of *N.J.A.C. Title 50:1-27. Fixing term, rental and acreage*, which states, "The council, with the approval of the commissioner, shall fix the term for which leases may be granted, the rental to be paid, the maximum size of any single ground to be leased, and the total acreage which may be leased to any person or persons". Mr. Babb informed that what the ACS wants to do is take the regulation package that everyone was agreeing to, take the fee

structure proposal changes out, and put them into a motion to be sent to the NJDEP Commissioner Martin to move forward with the lease fee structure changes. He said they had not briefed the Commissioner on this yet, but the ACS is moving full steam ahead over there. Mr. Babb said the ACS would be having a committee meeting on June 13, 2017, and then having a Council meeting on the June 19, 2017. They would be passing the motion on the 19th, and then would be sending a memo to the Commissioner to change the fee structure. He says the ACS has taken the position that no new lease blocks will be created on the Atlantic Coast until the State addresses the lease fee structure. Mr. Babb informed that he provided a handout for the Council in their packet. Councilman Hollinger said they will get the leasing committee back together over the next week or two. Further discussion ensued.

8. Council-SARC Appointment Procedures Document

Mr. Babb recalled to the council that the appointment procedures were discussed at the March meeting. We gave them a draft of the procedures that spells out and refines what has been in place in the past. He asked that the draft gets an official motion to become procedures. Further discussion ensued. Mr. Babb said there was no rush in approving the procedures so they have time to look them over. Councilman Hollinger said they would table it until the next meeting.

New Business

1. *Vibrio* Plan 2017 Update

Mr. Schuster said about a month ago information was distributed that there were no changes in the data from what they saw last year. He informed that he was able to attend the NESSA conference this year up in Maine and it's amazing what's going on in Connecticut, Massachusetts, and New York as far as their time and temperature controls and how they can be extremely strict compared to what NJ has. Some of their plans for instance are one hour required for their product to be in refrigeration. Even though some of these states are stricter, they have a higher number of *Vibrio* cases each year. A lot of the cases are attributed to one area of MA, so they think the strain of *Vibrio* present there is very virulent even at low levels. Most times *Vibrio* effects people with compromised immune systems, but there have been healthy people in their 20's being effected. He said they are studying the strain, and are monitoring for it in NJ waters. Further discussion ensued.

2. Tongers Committee

Councilman Malinowski asked if there would be a Tongers Committee meeting in the near future. Mr. Tomlin responded that the tongers were going to bring it up at the March meeting, but the one tonger that showed up left before the meeting. He said there was one tonger left, so there could not effectively be a meeting. Further discussion ensued. Mr. Babb said the future of the Tonging industry would have to be discussed by the Division, and afterwards would be brought to the Council with what they think should be done going forward.

Councilman Malinowski made a motion to adjourn the meeting. Councilman Hollinger seconded the motion.

Adjourn	@ 7:06 PM
The next meeting of the Council will be tentatively held on: July 11, 2017	