

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

Haskin Shellfish Research Laboratory  
Bivalve, NJ  
Tuesday, March 6, 2018  
6:00 PM

Council Attendees:           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. Attendees:   Russ Babb, Bureau of Shellfisheries  
  Craig Tomlin, Bureau of Shellfisheries  
  Andrew Hassall, Bureau of Shellfisheries  
  Conor Davis, Bureau of Shellfisheries  
  Paul Wesighan, Bureau of Marine Water Monitoring

Haskin Lab Attendees:       David Bushek, Director  
  Kathy Alcox, Field Researcher

General Public

*Compliance with the Sunshine Law*

Notice of this meeting was posted January 17, 2018 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 following minutes are for Council’s approval:**                       January 9, 2018

**Councilman Malinowski motioned to approve all minutes. Councilman Hollinger seconded. All were in favor.**

**Revenue collected for January 2018 totaled \$10,007.50 and is summarized as follows:**

| License Type        | Total      | License Type           | Total      |
|---------------------|------------|------------------------|------------|
| Commercial Crab Pot | \$500.00   | Commercial Shellfish   | \$800.00   |
| Nets                | \$2,279.00 | Recreational Shellfish | \$10.00    |
| Application Fees    | \$128.00   | Otter Trawl            | \$102.00   |
| Tonging Tags        | \$100.00   | DB & AC Dredge         | \$1,500.00 |
| Area 1, 2, & 3      | \$84.00    | Menhaden               | \$384.00   |
| Survey Fees         | \$4,000.00 | Lease Fees             | \$120.50   |

**Revenue collected for February 2018 totaled \$4,037.00 and is summarized as follows:**

| License Type        | Total      | License Type           | Total    |
|---------------------|------------|------------------------|----------|
| Commercial Crab Pot | \$500.00   | Commercial Shellfish   | \$250.00 |
| Nets                | \$1,777.00 | Recreational Shellfish | \$120.00 |
| Application Fees    | \$128.00   | AC & DB Crab Dredge    | \$800.00 |
| Tonging Tags        | \$100.00   | Menhaden               | \$362.00 |

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

|            |              |  |
|------------|--------------|--|
| Unexpended | \$727,163.06 | Budget authority less expenditures ( <i>total spendable dollars currently in account</i> ) |
|------------|--------------|--|

**Lease Ground Transactions:**

*Applications for Council's Consideration:*

Bivalve Packing applied for the following grounds not renewed by previous lessee

| LOT #        | SEC. | ACRE       | RATE   | FEE            |
|--------------|------|------------|--------|----------------|
| 312          | C    | 18         | \$0.50 | \$9.00         |
| 319          | D    | 40         | \$0.50 | \$20.00        |
| 81           | E    | 12         | \$0.50 | \$6.00         |
| 224          | E    | 12         | \$0.50 | \$6.00         |
| 284          | E    | 12         | \$0.50 | \$6.00         |
| 285          | E    | 12         | \$0.50 | \$6.00         |
| <b>TOTAL</b> |      | <b>106</b> |        | <b>\$53.00</b> |

**Councilman Malinowski motioned to approve the lease transfers. Councilman Hollinger seconded the motion. Councilman Fleetwood abstained from voting. All transfers were approved.**

*Applications for Council's Decision:*

None

**Old Business**

1. Red Knot/Aquaculture Update

Councilman Hollinger reported Dr. Daphne Munroe, Assistant Professor, Haskin Shellfish Research Laboratory, Rutgers University conducted a presentation entitled: *Interactions among horseshoe crabs and intertidal oyster farms in the Delaware Estuary* on Wednesday, February 28, 2018. The focus of the talk was on her previous research and studies that she was to conduct in the spring. Dr. Bushek added

that only five members of the stakeholders committee attended the lecture, and that they were working with Dr. Munroe to pick a date where she can present her findings to the entire committee. The follow up meeting would most likely take place on April 3, 2018, and Joe Smith of the Conserve Wildlife Foundation would also discuss his work with horseshoe crabs. Councilman Hollinger then asked if U.S. Fish and Wildlife Service (USF&W)/USF&W Working Group had approved the plan to access the Aquaculture Development Zone (ADZ) located adjacent to red knot feeding grounds by boat. Mr. Babb informed him that the revised Coastal Management Zone (CMZ) rules were finished and would be released to the public within days. Councilman Malinowski requested to receive the written results of Dr. Munroe's work to compare the population trends of the past few years of horseshoe crabs to red knots. Dr. Bushek did inform him that an article was recently published in a local newspaper, which suggested that the population had declined last year. However, Dr. Bushek did note that the long-term trend for the population continually fluctuated, yet the last decade's average was flat. That is, there had been no overall increase or decrease in the population. Both Councilmen Hollinger and Malinowski mentioned that last spring was particularly cold and that the horseshoe crabs spawned later than usual in the season.

## 2. Tonger's Committee

Councilman Hollinger reported that a letter had been sent by the Bureau of Shellfisheries staff regarding the formation a Tonger's Committee. Mr. Tomlin added that the letter was sent to all individuals that actively engaged in tonging for oysters in the past two years and can currently hold a commercial shellfish license. Moreover, the letter invites them to join the committee and provide input on issues concerned with tonging. Mr. Tomlin then stated the topic would be held over until the next meeting due to the minimal response from the public at the time. Councilmen Fleetwood asked how many people fit the criteria to receive the letter. Mr. Tomlin informed him that only five out of twenty-six had responded to the letter.

## 3. Oyster Rule Update

Mr. Babb informed the Council that there was a handout included in the meetings packet regarding the Oyster Rule update. The handout showed that the re-adoption without change proposal was accepted and was going into the New Jersey Register on April 2, 2018. Councilman Malinowski asked Mr. Babb to confirm to him that the re-adoption included all regulations concerning the oyster industry within the Delaware Bay estuary. Mr. Babb confirmed that the re-adoption did cover the direct market program, traditional bay season, general management, etc.

## New Business

### 1. Beach Replenishment Pilot Program (*Non-agenda Item*)

Councilman Hollinger began the discussion of new business items by reporting that Ben Stillman had contacted him with information pertaining to the U.S. Army Corps of Engineers (USACE) new pilot project pursuant to Section 1122 of the Water Resources Development Act of 2016, Beneficial Use of Dredged Material. Councilman Hollinger went on to explain that the USACE was looking for letters of support for beach replenishment projects to be submitted by March 12, 2018. Councilman Hollinger stated that the only proposed project that he knew of that would fit the USACE's criteria was a project sponsored by Larry Niles. Larry Niles' project called for use of dredged materials in the Basket Flats area of the Delaware Bay estuary. Councilman Hollinger added that Mr. Niles would be submitting the entire proposal for restoration efforts along Basket Flats to the USACE, but needed letters of support for his project to be submitted. Dr. Bushek informed the Council that he was aware of both the information sent by Mr. Stillman and Mr. Niles' proposal. Dr. Bushek also identified Richard Weigel of Drexel University and Steve Hafner of Stockton University as the individuals who designed the project for Mr. Niles. Mr. Tomlin asked

Councilman Hollinger if he had reviewed Mr. Niles' proposal in full. Councilman Hollinger said he had, and that he would send a copy of the proposal to Mr. Tomlin. Mr. Tomlin stated that he would review Mr. Niles' proposal and if there were no concerns regarding the oyster industry that needed to be addressed in the proposal, then he would draft a letter of support in the Council's name. *Further discussion ensued.*

## 2. 2018 Oyster Stock Assessment Workshop Update

Councilman Hollinger opened the floor up to Ms. Alcox and she reviewed and explained the quota setting process, as well as the trends of oyster recruitment, oyster abundance, and oyster-disease prevalence throughout the seed beds in Delaware Bay. While using a handout to explain the trends, Ms. Alcox made the following key points: the number of market-size ( $>2.5''$ ) oysters had decreased slightly in the Medium Mortality Market (MMM) beds and on Shell Rock (SR) bed from 2016 to 2017, while the number of market-size oysters had increased slightly in the High Mortality (HM) beds from 2016 to 2017; the number of small oysters ( $\leq 2.5''$ ) had increased throughout the MMM, SR, and HM beds from 2016 to 2017; Spat set had decreased throughout the MMM, SR, and HM beds from 2016 to 2017; the number of market-size oysters, small oysters, and spat had increased at various degrees throughout the Very Low Mortality (VLM), Low Mortality (LM), and Medium Mortality Transplant (MMT) beds. Ms. Alcox went on to present the numbers concerning the amount of oyster-disease and mortality across all beds. She then had Dr. Bushek comment further on the situation. Key points presented by Dr. Bushek were: the existence of oyster-disease remained constant throughout all beds from 2016 to 2017; mortality rates had decreased at various degrees throughout all beds from 2016 to 2017. Dr. Bushek explained the seasonal spike in oyster-disease did not occur until October in 2017, which is historically late. Therefore, oyster-disease had not contributed to the mortality rates for 2017. Lastly, the mortality rates throughout the beds were largely contributed by other factors such as sedimentation and predation.

## 3. Direct Market Harvest Program Update

The Council started the discussion of the Direct Market Harvest Program by reviewing and setting dates for actions to take place regarding the program. Mr. Tomlin informed the Council of the following information: sign-up for the program is from March 12 – 22; sign-up to participate in transplant operations is from March 12 – 22; bushel and cage tags will be available March 26; beds will be opened for the program from April 2 to November 16. The Council decided to schedule intermediate transplant from April 16 – 27. The Council decided to keep the transplant fee at \$2.75.

Councilman Hollinger then turned the Council's attention to the Stock Assessment Review Committee's (SARC) recommendations for the market regions, which were as follows: the MMM region was recommended at the maximum exploitation rate of 0.037 to harvest 35,107 bushels (bu.); Shell Rock was recommended the maximum rate of 0.0488 to harvest 31,507 bu.; and the High Mortality region was recommended the rate of 0.055 to harvest 20,878 bu., prior to transplant operations. The recommendations for the transplant regions were as follows: the VLM region was recommended at an exploitation rate of 0.0232 to transplant 7,336 bu. with the potential quota increase of 1,791 bu. post-transplant; the LM region was recommended at an exploitation rate of 0.0201 to transplant 20,472 bu. with the potential quota increase of 9,458 bu. post-transplant; and the MMT region was recommended the maximum exploitation rate of 0.0246 to transplant 48,721 bu. with the potential quota increase of 17,759 bu. post-transplant.

**Councilman Hollinger motioned to set the exploitation rates for the MMM, SR, and HM regions at the pre-transplant levels in accordance with the SARC's recommendation. Further discussion of how the SARC came to their recommendation ensued. Councilman Fleetwood seconded the motion. All were in favor.** Having set the Direct Market quota, the initial industry allocation would be 87,492 bu., which allowed each currently licensed boat to harvest 1095 bu.

4. Intermediate Transplant Program

Councilman Hollinger reviewed the exploitation rates, potential number of bushels that would be moved, and potential increase in quota if the Council were to select the SARC's recommendation for the Intermediate Transplant Program (ITP). Mr. Tomlin noted the potential for water quality issues in the MMT region and the certainty of water quality issues in the LM region. Mr. Tomlin then suggested to follow practices for the ITP that were practice in the previous years, which were to: initially close the SR region; transplant from the MMT region to the HM region; and transplant from the LM region [to the SR or MMM region] so that the HM region does not have to be closed. Mr. Tomlin stated that the first part of the transplant, from the MMT region, would certainly go to the HM region. If a second phase of the ITP occurred, the oysters from the LM region would go to either the SR region or MMM region.

***Note that all proceeding intermediate transplant bushel amounts are approximate/estimated values. Councilman Hollinger motioned to close the VLM region, to transplant 20,472, bu. from the LM region with an exploitation rate of 0.0201 with a potential quota increase of 9,458 bu., and to transplant 48,721 bu. from the MMT region with an exploitation rate of 0.0246 with a potential quota increase of 17,759 bu. Councilman Fleetwood seconded the motion. All were in favor.***

After the motion was passed, Mr. Tomlin asked for clarification regarding the initial closure of the SR region. After some discussion by the Council and industry individuals in attendance, it was decided not to close the SR region unless it had to be closed due to ITP activities initiated in areas with water quality issues.

5. 2018 Vibrio plan update (*Non-agenda Item*)

Mr. Wesighan reported the Vibrio plan for 2018 remained unchanged. He also reminded anyone engaged in aquaculture activities were required to go the Bureau of Marine Water Monitoring's office and receive their permit. An audience member asked for clarification as to whether open mesh bags were required or recommended when harvesting per the Vibrio Management Plan. Mr. Tomlin stated he will get confirmation on what the rule states.

6. Hiring of additional Marine Fisheries Administration (MFA) staff (*Non-agenda Item*)

Mr. Babb updated the Council about the MFA's efforts to hire new staff. Mr. Babb reminded the Council that the MFA was granted 1.2 million dollars by the State to hire additional staff in July of 2017, which was the first increase in funding for staffing for more than three decades. Mr. Babb accredited Senator Van Drew for the additional funds. Unfortunately, none of the money had been used to hire new staff yet. A hiring plan using said money was approved in December of 2017, by Governor Christie. However, a hiring freeze was put into effect to allow for the Governor Murphy to transition into his new position. Mr. Babb noted that the State only had one obligatory fisheries management plan for striped bass in the 1980's. The State now has 30 fisheries management plans covering 36 different species.

Mr. Babb asked the Council for their support in hiring new staff. The Council agreed to send letters to the appropriate state officials reiterating the need for additional staffing and cooperation with the MFA to use the money that had been appropriated for such activities.

7. Ms. Alcox Retirement (*Non-agenda Item*)

Mr. Tomlin informed the Council that Ms. Alcox was retiring from Rutgers University and that this would most likely be the last Council meeting that she would attend in an official capacity. The Council recognized and showed their appreciation for all her work in support of the industry.

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

The NJ Shellfisheries Council, Delaware Bay Section meeting adjourned at 7:16 PM.

The next scheduled meeting of the Council will be tentatively held on **May 1, 2018 at the Haskin Shellfish Research Laboratory at 6:00PM.**