



**3. Revenue collected for November totaled \$16,796.02 and is summarized as follows:**

License Type	Total	License Type	Total
Commercial Crab Pot	\$800.00	Commercial Shellfish	\$750.00
Nets	\$1,243.00	Rec Shellfish	\$30.00
Application Fees	\$68.00	Lease Fees	\$5,321.02
AC & DB Dredge	\$1,300.00	Assigned Fees	\$2,500.00
Dredge Boat Renewal	\$838.00	Survey Fees	\$390.00
Tonging Tags	\$3,200.00	Dealer/Planter	\$200.00
Menhaden	\$156.00		

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

Unexpended	\$ 668,177.46	Budget authority less expenditures ( <i>total spendable dollars currently in account</i> )
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**5. Lease Ground Transactions:**

*Lease Transfers:*

Elder Point Oyster LLC to Long Reach Marina

Section	Lot #	Acres	Acreage Fee	Transfer Fee	Total Fees
C	82	14	\$7.00	\$5.00	
C	83	14	\$7.00	\$1.00	
C	106	23	\$11.50	\$1.00	
C	112	14	\$7.00	\$1.00	
B	24	45	\$22.50	\$1.00	
B	26	33	\$16.50	\$1.00	
	<b>Total</b>	<b>138</b>	<b>\$71.50</b>	<b>\$10.00</b>	<b>\$81.50</b>

**Councilman Malinowski motioned to approve the transfer. Councilman Fleetwood seconded the motion. Councilman Hollinger abstained from voting.**

Long Reach Marina to Elder Point Oyster LLC

Section	Lot #	Acres	Acreage Fee	Transfer Fee	Total Fees
D	177	44	\$22.00	\$5.00	
D	308	39	\$19.50	\$1.00	
D	477	25	\$12.50	\$1.00	
D	559	30	\$15.00	\$1.00	
	<b>Total</b>	<b>138</b>	<b>\$69.00</b>	<b>\$8.00</b>	<b>\$77.00</b>

**Councilman Malinowski motioned to approve the transfer. Councilman Fleetwood seconded the motion. Councilman Hollinger abstained from voting.**

Charles & Sam Martin to Elder Point Oyster LLC

Section	Lot #	Acres	Acreage Fee	Transfer Fee	Total Fees
E	8	194	\$97.00	\$5.00	
E	23	197	\$98.50	\$1.00	
	<b>Total</b>	<b>391</b>	<b>\$195.50</b>	<b>\$6.00</b>	<b>\$201.50</b>

**Councilman Malinowski motioned to approve the transfer. Councilman Fleetwood seconded the motion. Councilman Hollinger abstained from voting.**

Bruce Gardner to Bruce Gardner Oysters LLC

Section	Lot #	Acres	Acreage Fee	Transfer Fee	Total Fees
A	97	150	\$75.00	\$5.00	
A	102	50	\$25.00	\$1.00	
A	141	56	\$28.00	\$1.00	
B	8	32	\$16.00	\$1.00	
B	12	157	\$78.50	\$1.00	
B	115	22	\$11.00	\$1.00	
B	117	28	\$14.00	\$1.00	
C	114	10	\$5.00	\$1.00	
C	127	14	\$7.00	\$1.00	
C	148	59	\$29.50	\$1.00	
C	174	16	\$8.00	\$1.00	
C	183	68	\$34.00	\$1.00	
C	188	14	\$7.00	\$1.00	
C	261	24	\$12.00	\$1.00	
C	319	16	\$8.00	\$1.00	
C	471	15	\$7.50	\$1.00	
C	549	11	\$5.50	\$1.00	
	<b>Total</b>	<b>742</b>	<b>\$371.00</b>	<b>\$21.00</b>	<b>\$392.00</b>

**Councilman Hollinger motioned to approve the transfer. Councilman Malinowski seconded the motion. All were in favor.**

*Applications for Council's Consideration:*

Applicant	Section	Lot #	Acreage	Application Fee
Jersey Select Oysters LLC	ADZ 2	1A	10	\$250.00

The Council reviewed the lease information. Mr. Tomlin informed the Council that Mr. Dave Adams had paid the application fee, passed the vetting process by the Bureau of Law Enforcement, and the Bureau of Shellfisheries had the application if the Council wished to review it. He added that the lease can be voted on for approval at the next meeting and noted that Mr. Adams was present which fulfills the requirement to attend either Council meeting when the lease application would be up for consideration or approval.

## 6. Old Business

### Direct Market Update

Mr. Tomlin informed the Council that at the end of the season the call-in reports totaled over 117,000 bushels with an average catch per unit effort (CPUE) of 128 bushels per day. He added that some areas had a higher CPUE such as Shell Rock at over 145 bushels per day. He reported that approximately two quotas were not harvested which meant approximately 97 percent of the quota was caught.

### September Meeting with Deputy Commissioner Debbie Mans

After discussing the fourth agenda item under new business, Councilman Hollinger asked if there had been any updates from the meeting he had in September with Debbie Mans and Councilman John Maxwell of the Atlantic Coast Section. He highlighted a few topics that were discussed such as the need for the dredging of the Nantuxent Channel, marking the tongers line in the Maurice River Cove, and not shutting down the tonging fishery. Mr. Babb said the only activity he had seen regarding that meeting was that someone with the Advisor in the Commissioner's office reached out to Ms. Mans' office about identifying some monies to help pay for the application fees to dredge the Nantuxent Channel. He said the MFA was in support of the project but were verifying that the use of the funds from the account are appropriate for this project. Mr. Babb said he can inquire the following day about the other topics discussed during the meeting.

## 7. New Business

### Red Knot Update

Councilman Hollinger informed that the annual meeting of the Agency Work Group (AWG) and Stakeholder Committee (SC) was held on November 15 in Tuckerton in which five items were discussed. Of those five items, two topics had recommended changes to conservation measures (CMs) of the Programmatic Biological Opinion (PBO) for red knots and horseshoe crabs. Councilman Hollinger highlighted the two changes. The first recommended change by the SC was to modify the seasonal restrictions on driving and access to be consistent with the current beach closure schedule in the early part of the red knot stop over season. The recommended change would modify the start date of the seasonal restrictions from May 1 to May 7 to coincide with the public closure, with the caveat that should the shorebirds arrive before May 7, the restrictions would be enforced with the birds' arrival. This also extended to if the birds left early, the beaches would open once that was determined. Mr. Tomlin added that the AWG agreed with the change and were working on drafting the new table and language of the CMs. *Further discussion ensued.*

Councilman Hollinger highlighted the second topic that had a recommended change which was for CM 15 (c) which covers the distance of activity from the water's edge for intertidal aquaculture. Previously, those accessing their leases via boat were restricted to three hours before and after the low tide to operate on their lease as long as they remained at least 500 ft. from the water's edge. The change would allow those accessing their lease via boat to operate at all parts of the tidal cycle as long as they remained at least 500 ft. from the water's edge. *Further discussion ensued.*

### Tonging Transplant

Mr. Tomlin reiterated from last meeting that approximately 3,700 bushels were transplanted to the tongers area in Maurice River Cove in early October, and that the season opened on November 12. He added that since November 12, the Delaware Bay Office sold over 2,000 tags which almost recouped the money for the transplant. Furthermore, during that time period there was just over 1,000 bushels harvested

which equates to approximately \$50,000 ex-vessel value made by the industry so far in the season. Councilman Hollinger mentioned he had been asked numerous times if the oysters were planted on one site, and he believed it was three sites. He asked Mr. Hassall what the correct answer was. Mr. Hassall replied that there was only one site that was planted, but it was not in one lump because the transplant vessel was large in size and made wide turns around the chosen area while planting. Councilman Hollinger asked Mr. Hassall if he knew what the percentage of cultch was from the transplant, to which Mr. Hassall replied that he didn't know the exact cultch percentage, but the oyster count was 66 percent.

#### Harold Haskin Fisherman's Forum Announcement (*Non-agenda item*)

Councilman Hollinger announced that there was going to be a Harold Haskin Fisherman's Forum on December 13, 2018 at 3:00 PM at the Cape May County Rutgers Cooperative Extension. The forum was to be about Quantifying regulatory compliance costs for the shellfish industry by Dr. Jonathan Van Senten, Research Scientist, Aquaculture Economics and Marketing, Virginia Tech. A flyer was provided which included the forum information along with an abstract.

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

Councilman Hollinger asked what the status was of the MFA obtaining the \$1.2 million granted by the State to hire more staff. Mr. Babb responded by saying that Joe Cimino, Marine Fisheries Administrator had been in touch with upper management in Trenton who asked if the Council could hold off sending letters in support of hiring new MFA staff. He continued saying that it appeared things were moving with having fiscal and HR approval, and having been told to proceed with posting the job titles.

#### Dermo Update (*Non-agenda item*)

Dr. Bushek distributed a handout and reported that the last samples were collected November 19 and 20. The average water temperatures fell below 50 degrees F, which were below the long-term sampling average for November meaning the water cooled off quicker than normal. The 2018 sampling season was a very wet season. Due to the amount of precipitation, the Dermo levels remained low. He reported that all the measured prevalence were below 70%, and the seasonal average prevalence was 49% which was below the long-term mean of 75%. He said the Dermo prevalence on the Cape Shore, which is not comparable to the seed beds, had fallen as well. Dr. Bushek stated that the box counts were below average throughout the seed beds, except for the Very Low Mortality Region. This was due to the amount of rainfall and freshwater input that effected that region in the upper reaches of the Bay. He referred to the graphs provided in the handout which were discharge rates from a USGS station in the Delaware River in Trenton for both 2011 and 2018. He said the 2018 season was comparable to the 2011 season in which rainfall was very high and well above the 104-year average. That resulted in mortality levels reaching 45-50% in Hope Creek. However, the mortality levels were compensated by the depressed Dermo levels down bay with increased survival and higher recruitment rates on the harvest beds, as well as MSX levels and oyster drills being pushed down bay by the depressed salinities. He explained the VLM region had not been relied on for the ITP in recent years, so he wouldn't expect it to have a large impact on the fishery's quota recommendations with the good conditions of the harvest beds. Councilman Hollinger said this should be discussed at the Stock Assessment Workshop for the setting of the 2019 quota. *Further discussion ensued.*

#### Cohansey Cove Tonging Beds (*Non-agenda item*)

Councilman Hollinger asked Mr. Tomlin if there was any news about opening the tonging area in Cohansey Cove. Mr. Tomlin said he talked to the Bureau of Marine Water Monitoring (BMWM), who said it was not on rule making schedule at that time. The BMWM were continuing to investigate the water quality for that area, and if it was due to be upgraded it would be on the next docket whenever that was

going to occur. Councilman Hollinger said if the area was not going to open that the industry would want to do a transplant from the Cove to the tonging beds by Back Creek. Mr. Tomlin said that could be a topic at the next Tongers Committee Meeting. Mr. Babb made a point that a survey should be done of the tonging beds before doing regular transplants to ensure that there is enough resource for both transplanting and harvesting. *Further discussion ensued.*

#### 2019 Shell Plant (*Non-agenda item*)

Mr. Tomlin informed the Council that he had started setting up the purchase of shell for the 2019 season. He asked the Council if they were planning planting shell in 2019, and said he had the ability to buy shell at the contracted price. He added that he would buy half of it then to ensure there would be some available for the project. **Councilman Hollinger made a motion to start the purchasing process to buy shell for the 2019 season. Councilman Fleetwood seconded the motion. All were in favor.**

#### ADZ Update

Mr. Tomlin gave a presentation to update the Council and stakeholders of the plans for the expansion of the Aquaculture Development Zone 4 which is covered under the PBO. The presentation showed plans for increasing the footprint of the ADZ 4 area totaling 32 leases by adding 20 more leases to the current 12. The leases would be leased four to five per year until the ADZ is fully leased. The plan included moving the leases slightly offshore from their current locations to 300 ft. from mean high water line, and ensured access for the aquaculture industry via the newly acquired State land that was absorbed into the Dennis Creek WMA. The newly acquired land also had a riparian grant which aided in the expansion of the ADZ. He also explained that the 1.5 acre inshore and offshore ADZ 4 leases would combine to become 3 acre leases. Those with a 1.5 acre inshore lease would be allowed to obtain the 1.5 acre offshore portion of the lease via a lease extension, if they so desired, with an application fee of \$1,000 and a \$100 per acre lease fee. Applicants applying for a new ADZ 4 lease would apply for an entire 3 acre lease and would have an application fee of \$2,000 and a \$100 per acre lease fee. The renewal fees would remain at \$100 per entity along with the lease fee of \$100 per acre.

Another feature secured by the State was permits for designating plots on the WMA for storage sheds. The shed lots would only be available to ADZ lease holders, and would not be subject to transferring or subletting. The sheds were available per lease, and if a lessee did not want a shed then the shed would not be granted use to anyone else. Mr. Tomlin made the point that WMAs were there for the use of wildlife and the enjoyment of the public, and that the State wanted to use as small of a footprint as possible that suited the industry's needs since aquaculture is a commercial industry. Mr. Tomlin informed that aquaculture was an approved activity for the WMA, so lessees were not limited to work within daylight hours. *Further discussion ensued.*

- 8. 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 7:32 PM.

The tentative date, time and place of the next Council meeting will be:

Date: January 8, 2019  
Time: 6:00 PM  
Place: Haskin Shellfish Research Laboratory  
6959 Miller Ave, Port Norris, NJ 08349