

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

Haskin Shellfish Research Laboratory
Bivalve, NJ
Tuesday, September 3, 2019
6:00 PM

Council: 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: Craig Tomlin, Bureau of Shellfisheries
 Andrew Hassall, Bureau of Shellfisheries
 Conor Davis, Bureau of Shellfisheries
 Bob Schuster, Bureau of Marine Water Monitoring
 Paul Wesighan, Bureau of Marine Water Monitoring
 Gary Wolf, USDA

Haskin Lab: David Bushek, Director
 Jen Gius, Lab Researcher
 Jason Morson, Field Researcher
 Lisa Calvo, Aquaculture Program Coordinator

General Public

Compliance with the Sunshine Law

Notice of this meeting was posted August 9, 2019 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.

Mr. Tomlin welcomed everyone to the meeting, did roll call, and read the above compliance. He notified the Council that the meeting was being recorded.

1. Councilman Hollinger reviewed the revenue collected from March through August 2019, and the balance of the Oyster Resource Development Account.

Revenue collected for March totaled \$36,272.50 and is summarized as follows:

License Type	Total	License Type	Total
Commercial Crab Pot	\$2,800.00	Commercial Shellfish	\$250.00
Nets	\$2,223.00	Recreational Shellfish	\$110.00
Application Fees	\$198.00	Dealer/Shucker/Planter	\$100.00
Menhaden	\$364.00	Assign Fees	\$19.00
AC & DB Dredge	\$500.00	Lease Fees	\$6,114.50
Dredge Boat Renewal	\$894.00	Oyster & Tonging Tags	\$22,700.00

Revenue collected for April totaled \$38,837.00 and is summarized as follows:

License Type	Total	License Type	Total
Commercial Crab Pot	\$3,100.00	Commercial Shellfish	\$300.00
Nets	\$3,956.00	Recreational Shellfish	\$110.00
Application Fees	\$262.00	Oyster Tags	\$29,240.00
Menhaden	\$826.00	Dredge Boat Renewal	\$408.00
AC & DB Dredge	\$500.00	Fishing Fees	\$33.00

Revenue collected for May totaled \$ 34,643.00 and is summarized as follows:

License Type	Total	License Type	Total
Commercial Crab Pot	\$1,200.00	Commercial Shellfish	\$100.00
Nets	\$1,462.00	Recreational Shellfish	\$40.00
Application Fees	\$98.00	Map Sales	\$367.00
Menhaden	\$156.00	Oyster Tags	\$31,220.00

Revenue collected for June totaled \$62,883.00 and is summarized as follows:

License Type	Total	License Type	Total
Commercial Crab Pot	\$600.00	Commercial Shellfish	\$250.00
Nets	\$1,618.00	Recreational Shellfish	\$110.00
Application Fees	\$92.00	Lease Fees	\$18,000.00
Menhaden	\$206.00	Oyster Tags	\$41,320.00
AC & DB Dredge	\$500.00	Boat Ramp	\$15.00
Otter Trawl	\$102.00	Map Sales	\$70.00

Revenue collected for July totaled \$ 37,041.00 and is summarized as follows:

License Type	Total	License Type	Total
Commercial Crab Pot	\$1,200.00	Commercial Shellfish	\$200.00
Nets	\$1,385.00	Dredge Boat Renewal	\$102.00
Application Fees	\$104.00	AC & DB Dredge	\$100.00
Menhaden	\$310.00	Oyster Tags	\$29,640.00
Assign Fee	\$4,000.00		

Revenue collected for August totaled \$36,589.50 and is summarized as follows:

License Type	Total	License Type	Total
Commercial Crab Pot	\$800.00	Commercial Shellfish	\$50.00
Nets	\$346.00	Recreational Shellfish	\$50.00
Application Fees	\$52.00	Juvenile Shellfish	\$2.00
Menhaden	\$52.00	Assign Fees	\$2,100.00
Dredge (Non-Commercial)	\$15.00	Lease Fees	\$1,592.50
Dredge Boat Renewal	\$362.00	Oyster & Tonging Tags	\$31,168.00

Oyster Resource Development Account (082): (as of 08/29/19)

Unexpended	\$300,182.36	Budget authority less expenditures (<i>total spendable dollars currently in account</i>)
Pre-Encumbered (2018-2019 Fiscal Yr)	\$ 24,693.79 (Nantuxent Channel Survey)	Total outstanding requisitions processed against the appropriation (<i>Amount previously set-aside for preparation of term contracts – since cancelled</i>)

2. Oyster Boat Transactions:

Robert Robbins: Substitution - HH Robbins (Official #228343, 53 GRT) License #26 now Addie B Robbins (Official #107626, 30 GRT) License #26

Scott Sheppard: Substitution - Robert Bould (Official #201778, 30 GRT) License #53 now Bonsecour II (Official #512355, GRT 26) License #53

Hillard Bloom transferred the following oyster dredge boat licenses and vessels to T C Reeves & Son Seafood LLC: CJ Peterson (Official #20491, GRT 38) License #60, Linda W (Official #267783, GRT 15) License #29, Dauntless (Official #253063, GRT 39) License #76, and Greenport (Official #250337, GRT 50) License #61.

Reeves Bros Shellrock LLC transferred the following oyster dredge boat licenses and vessels to T C Reeves & Son Seafood LLC: Martha Meerwald (Official #206119, GRT 33) License #17, and Bunker (Official #536261, GRT 6) License #90

3. Lease Ground Transactions:

3.1 Lease Ground Transfers:

Councilman Hollinger reviewed the lease ground transactions shown below.

A transfer of ground lease from Dias Creek Oyster LLC to John Shoemaker (\$5 transfer + \$48.50 lease fee)

Section	Lot Number	Acres	Fee
A	19	98	\$5.00

A transfer of ground leases from Jeff Moore to Harrison Moore (\$9 transfer + \$47.50 lease fee)

Section	Lot Number	Acres	Fee
C	197	13	\$5.00
C	306	21	\$1.00
C	475	16	\$1.00
D	464	30	\$1.00
D	555	15	\$1.00
Total		95	\$9.00

A transfer of ground lease from Gail Tweed to Robert Malinowski (\$5 transfer + \$18.50 lease fee)

Section	Lot Number	Acres	Fee
A	27	37	\$5.00

A transfer of ALL ground leases, 2983 acres from Long Reach Marina Inc to Harbor House Seafood LLC (50%) and T.C. Reeves & Son Seafood LLC (50%) (\$101 transfer + \$1491.50 lease fee)

Mr. Tomlin informed the Council that he had a list of all the leases of the above transfer if the Council was interested in reviewing them.

A transfer of ground lease from Walter Canzonier (c/o Fran Drew, Power of Attorney) to Sweet Amalia Oyster Farm LLC (c/o Lisa Calvo) (\$5 transfer + \$11.50)

Section	Lot Number	Acres	Fee
A	28	23	\$5.00

Councilman Fleetwood motioned to approve all the lease transfers. Councilman Hollinger seconded the motion. All lease transfers were approved.

3.2 *Applications for Council's Consideration/Decision:*

It should be noted that due to extenuating circumstances these leases are up for both consideration and decision. The applicants were moved to these leases from other lease grounds prior to the 2019 shore bird season.

Application for new ADZ 4 lease ground was made by Sweet Amalia Oyster Farm, LLC (c/o Lisa Calvo)

Section	Lot Number	Acres	Fee
ADZ	13	6	No fee for 2019

Application for new ADZ 4 lease ground was made by Dias Creek Oyster LLC (c/o Richard Cash)

Section	Lot Number	Acres	Fee
ADZ	14	6	No fee for 2019

Councilman Hollinger proposed that since there had not been a meeting since March, the Council should waive the policy that applications should be brought forth twice at the Council meetings for both consideration and decision and vote on approving them at that time. Mr. Tomlin replied that they would not be able to approve one of the leases since Mr. Cash was not in attendance. **Councilman Hollinger motioned to approve the ADZ lease 13. Councilman Malinowski seconded the motion. Lease 13 was approved.**

Following the lease grounds transactions, Councilman Hollinger asked what the non-commercial dredge sale was from the August revenue. Mr. Tomlin clarified that it was the sale with the \$15 fee. He then explained that there is a non-commercial crab dredge that can be purchased for use in the Atlantic Coast side which allows you to the use of a smaller dredge to harvest up to one bushel of crabs per day. Malinowski asked if there was a dredge season, and if that person just bought the license for this year. Mr. Tomlin said they bought it in August and could only use it during the dredge season. Councilman Malinowski then asked why it was listed in the Council's business. Mr. Tomlin replied that it was listed because it was sold at the Delaware Bay Office, but that the revenue did not go into any of the Shellfisheries our Council's accounts. *Further discussion ensued.*

4. Old Business

4.1 Red Knot/Aquaculture Update

Councilman Hollinger said that the Stake Holder Committee had a meeting back in June, and were asked to put together a list of changes to the conservation measures (CMs). They submitted four changes including rack heights, time allowed for working and harvest, spacing between racks, and leaving untended gear in the northern segment during stopover season. He said the information was sent to everyone that was on the Agency Working Group. Councilman Hollinger announced that there would be a meeting the following Tuesday, September 10, at 8AM in Tuckerton [at the JCNERR] about the science that was done over the summer. He commented that only one person on the Committee had responded to attending the meeting at the time. The public would be allowed to attend the meeting to hear the presentations followed by a short timeframe for questions, and then by noon the public would have to leave. The Committee would be stay behind with the presenters and moderator to discuss the science. Another meeting was to be held in October 13 to go over the changes to the CMs that were requested. In November the DEP and all other parties including the US Fish & Wildlife will make their determination on what changes they will allow.

4.2 Nantuxent Creek Dredging update

After the Shell Plant update under New Business, Councilman Hollinger moved the discussion back to Old Business to discuss the Nantuxent Creek dredging. He informed that the plan the project so far was that Stockton would do a survey of the channel that will be dredged. There was a meeting with NJDOT, and they would perform the dredging, and have the money to do so. In addition, Blue Acres had the money to put dredge spoils on Bay Point. He said the only thing left was to come up with is the \$25,000 to fund the surveying. Mr. Tomlin asked when the last meeting was because NJDEP have a contract with Rutgers and another entity to survey a few other locations being considered for dredge spoil placement. Councilman Hollinger said he was told by Dave Fanz that Bay Pt. was already in the process, and had money allocated towards it. Nantuxent Pt. did not have any money allocated towards it, so it was likely that Bay Pt. would receive the spoils. Blue Acres would probably revisit the project to work on Nantuxent Pt. at a later date.

Mr. Tomlin reminded from earlier that the money was already pre-encumbered for surveying the channel, and that Mr. Hassall was waiting on signatures on the contract with Stockton so the contract could be finalized. Councilman Hollinger noted that it would not just be the channel from the cove into the creek that would be dredged, but would continue up the creek a ways where there are more bars obstructing navigation. Councilman Malinowski asked what the timeline of this project would be, and Mr. Tomlin said that it was estimated that the best-case scenario to start dredging would be the winter of 2020 – 2021. He also said that the people involved to approve the project are all on board, so it may be a quicker process when it comes time for them to approve the dredging permits. Councilman Hollinger said he was informed the contract was stuck on someone's desk in Trenton which is why the contract got held up, and then was returned to Mr. Hassall who sent it over to Stockton for review. Mr. Hassall informed that Stockton had

signed the contract, and we were awaiting signatures from our end to proceed with the contract. Mr. Tomlin added that the permitting process may be easier because it may be considered maintenance dredging. This was possible because they found evidence from aerial photographs from the 1930s that showed the large fishing vessels utilizing the creek, which meant the creek should have been maintained.

5. New Business

5.1 Direct Market Harvest Program Update

Mr. Tomlin informed the Council that the High Mortality beds were closed on 8/15 when they reached their goal of just under 46,000 bushels and had a catch-per-unit effort (CPUE) of about 101 bushels per boat per day. In addition, he informed that Shell Rock closed on 8/22, which slightly exceeded the quota of just over 28,000 bushels.

Mr. Tomlin updated the Council on the remaining quota. He said the Medium Mortality market beds had 5,554 bushels harvested to date, which left about 29,000 bushels for harvest on those beds with a current CPUE of 92 bushels per boat per day.

5.2 Shell Plant

Mr. Tomlin updated the Council on the 2019 shell planting efforts. He said the Bureau conducted four shell plant sites this year since we had the time, money, and some extra surf clam shell available which seems to be doing pretty well. There was about 160,000 bushels of shell planted this year. Mr. Tomlin explained that the sites haven't had a full survey this year, but that we would be checking those sites in depth in mid-September. He added that we saw some set on some previous years' shell plants that did not have set in previous years, which was good news.

Mr. Tomlin reported that along those same lines, the Bureau conducted a direct plant to the Tonger's area of the Maurice River Cove (MRC) over the summer with 4,500 bushels of shell. In addition, a replant would be conducted the following week [of September 9]. Mr. Tomlin explained that 1,600 shell bags were made and donated by project PORTS: Promoting Oyster Restoration Through Schools to the Bureau for use on the Tongers beds. The Bureau planted the bags down bay where they caught a set. The Bureau will then move the bags next week to unload them onto the MRC Tongers area.

After discussing the Shell Plant efforts, Councilman Hollinger moved the conversation back to Old Business to discuss the Nantuxent Creek Dredging project.

5.3 Vibrio Control Plan Update

Mr. Schuster updated the Council on the status of Vibrio season within NJ, including both *Vibrio parahaemolyticus* (Vp) and *V. vulnificus* (Vv). He said the 2019 season had been very good, with about half of the cases of Vp compared to those that occurred in 2018 during the same time period. NJ had not seen any cases of Vv in 2019, but did see some sporadic cases of Vp. These sporadic Vp cases happen every year during the same time period during late June to early July. We have again one single source case with clams, two years in a row. BMW will look into this with DOH because it came from the same source during the same time of year. *Further discussion ensued.*

Mr. Schuster reported that the CDC was unsatisfied with how the FDA was nationally handling Vibrios, and thought the FDA should be doing more. One of the current rules was that if there were two cases of Vibrio within 30 days from an area then there would be a closure. A new proposal wanted to change the rule so if there were two cases within 60 days there would be a closure. After some discussion, the general consensus was that the new proposal seemed to move backwards instead of making the rules better. Councilman Fleetwood pointed out that many of the people that were getting ill in these cases probably should not have been eating raw shellfish in the first place. He suggested that more education to the public would be a good course of action to reduce illnesses. Mr. Schuster agreed with that idea and said that would be CDC's role. Councilman Malinowski asked if NJ would expect any changes in the Vibrio Plan next season. Mr. Shuster said that NJ's Plan was good, and he didn't see any changes coming. *Further discussion ensued.*

5.4 Water Classification Changes

Mr. Wesighan explained to the Council that there were seven stations the BMWM sampled for water quality within Cohansey Cove. He said that the last three years of data falls under the approved classification, and those waters were classified as restricted. A map was provided to the Council, and Mr. Wesighan explained that a large portion of the Cove could be upgraded to Approved classification if they chose to do so. He pointed out that there were areas on the border of the Cove that would not meet the Approved classification and could not be upgraded. The Council said they would like that area upgraded, and Mr. Wesighan said he would start working on the upgrade. *Further discussion ensued.*

Mr. Wesighan reminded the Council of the dye study conducted in Stowe Creek. He then explained that the study found the highest concentrations of dye near shore in the upper end of Delaware Bay, and it was agreed to create a Restricted buffer out three quarters of a mile from the shoreline from Artificial Island down to Cohansey Cove. This would involve a downgrade of a section of coastline with Approved, Suspended, and Conditionally Approved (Nov) waters to Restricted to continue the buffer to the Cove. He further stated that waters past three quarter of a mile and offshore would be upgraded from Restricted to Approved classification, which totaled just over 9,000 acres. *Further discussion ensued.*

Councilman Hollinger asked if oysters could be transplanted from Cohansey Cove tengers bed to the Maurice River Cove so the industry could utilize the resource. Mr. Tomlin replied that he would like to discuss the different options. He also expressed concerns about moving oysters from the area before it was surveyed to see what resources were there, and before the area could open for harvest in a year or two. *Further discussion ensued.*

5.5 Leasing Committee

Mr. Tomlin said he would like to reinstate the leasing committee to start coming up with a leasing policy in regard to lease utilization, and specifically use of leases in navigation channels and sectors. He would like the Council to think about when they would like to reinstate the Committee because there were some issues that needed to be addressed and that there may have been more coming up. Councilman Hollinger said he agreed and explained that there was a white sector that extended from East Point Lighthouse toward the main channel of Delaware Bay in which the Coast Guard (USCG) wanted no structure. This area had many shellfish leases that had aquaculture activities underway. He said that the Army Core of Engineers would not approve any applications that included structure of any kind. The Councilman said he was going to ask for exemptions for leases that fall on the border of the white sector. Mr. Tomlin added that the USCG wanted no structures including buoys and corner markers, so he sent video of large vessels drifting right over them to show they don't impede navigation. Mr. Tomlin conveyed that this was one of the main reasons

he thought it would be good to reconvene the Leasing Committee so they could put forth policies with requirements that may allow for practices to continue or be approved. Ned Gaines commented that he didn't think a policy could regulate what lease holders could do on their leases, but it could only recommend best management practices. He said that a rule would need to be made or changed for that to be enforceable. Mr. Tomlin said he agreed that would be the outcome, but that creating a policy through the Committee was a necessary step to eventually get to that point. Councilman Hollinger asked if something should be sent out to reconvene the Leasing Committee. Mr. Tomlin said that something should be sent out and that it should be done soon. *Further discussion ensued.*

5.6 Dermo Update

Dr. Bushek said the Lab would start posting the oyster monitoring reports on their website [<https://hsrl.rutgers.edu/OysterMonitoring/index.htm>], and that they would be found there if no meeting was held during a given month. The Lab started including the Cape Shore Dermo levels in the report, but had to figure out the best way to include them because the Cape Shore had cultured oysters instead of wild oysters, and the site behaved differently than the seed beds. He pointed out that the Dermo levels appeared high on the report compared to the seed beds, but they Lab would like to compare those levels to areas within the same salinity and geographical region. Dr. Bushek also noted that the mortality looked close to average, but was actually below average. That was due to the high number of boxes that remained in Arnold and Hope Creek from fresh water mortality. These boxes were remaining intact and making the mortality appear higher than it was. *Further discussion ensued.*

5.7 Oyster Science Steering Committee

Councilman Hollinger asked if the poll for when to hold the next OSSC meeting was taken down. Mr. Morson said it was taken down, and the next meeting would be held October 2, 2019.

5.8 Dredging Maurice River

Councilman Hollinger reported that the American Littoral Society (ALS) had a grant for \$250,000 to design a breakwater project for Basket Flats and NW Reach in the Maurice River Cove, and for a spoils disposal site by Matt's Landing. He said more meetings were to occur to go over the work they need to do to come up with a plan. They had an application in with National Fish & Wildlife Foundation (NFWF) for a grant for \$3 million. If it was awarded, the State said they would match the grant. The ALS would have a total of \$6 million to build breakwaters. If everything proceeded, the Maurice River channel would be dredged and the spoils would go to Matt's Landing. He said ALS would know if the NFWF awarded the grant by the end of November. Mr. Tomlin reiterated for clarity that the \$250,000 grant was only to design and plan the project. He added that ALS had initial designs, which drew quite a few concerns from all the parties at the meeting that need to be addressed before the project could proceed. The group agreed with the general idea, but there needed to be tweaks so the project may not be exactly what was proposed at the meeting. This would be worked out at the future meetings. Councilman Hollinger said that NFWF prioritized 8 regions nation-wide that needed restoration, and that Delaware Bay was number 3 in the rankings with erosion problems and was getting more attention. Dr. Bushek noted that another interest in this area was the ship yards on the Maurice River that could be a staging area for the off-shore wind farms in the future. *Further discussion ensued.*

6. The date for the next council meeting was discussed, and it was agreed to be held November 12, 2019. **Councilman Malinowski made a motion to adjourn the meeting. Councilman Hollinger seconded the motion.**

The NJ Shellfisheries Council, Delaware Bay Section meeting adjourned at **7:24 PM**.

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

Date: November 12, 2019
Time: 6:00 PM
Place: Haskin Shellfish Research Laboratory
6959 Miller Ave,
Port Norris, NJ 08349