

DELAWARE BAY SECTION OF THE NEW JERSEY SHELLFISHERIES COUNCIL MEETING

MINUTES

Virtual Meeting, Web and Conference Call via GoToMeeting

Tuesday, May 4, 2021

4:00 PM

ROLL CALL: Chairman: Warren Hollinger (Cumberland County)
Vice Chairman: Steven Fleetwood (Cumberland County)
Councilman: Richard Malinowski (Salem County)
Councilman: Scott Sheppard (Cumberland County)
Councilman: Vacant (Cape May/Salem County)

DEP Representatives: Russ Babb, Bureau of Shellfisheries
Jeff Normant, Bureau of Shellfisheries
Craig Tomlin, Bureau of Shellfisheries
Colleen Brust, Bureau of Shellfisheries
Andrew Hassall, Bureau of Shellfisheries
Conor Davis, Bureau of Shellfisheries
Megan Kelly, Bureau of Shellfisheries
Alison Sloan, Bureau of Law Enforcement – Marine Unit

State Representatives: Amanda Wenczel, Department of Agriculture

Haskin Lab: David Bushek, Director
Jason Morson, Marine Fisheries Scientist
Lisa Calvo, Aquaculture Marine Scientist
Jennifer Gius, Laboratory Researcher

In compliance with the Open Public Meetings Act (N.J.S.A. 13:1B-30 et. seq), a notice of this meeting was posted April 29, 2021 with the Secretary of State's Office, State House, Trenton, NJ and this meeting will be recorded.

Using presentation slides to guide the meeting, Mr. Tomlin opened the meeting and reviewed the above compliance. He then reviewed the virtual meeting etiquette and instructions and conducted roll call for the Council.

1. Approval of Minutes: March 2, 2021

Councilman Hollinger motioned to approve the March 2, 2021 minutes. Councilman Malinowski seconded the motion. All were in favor and the motion passed.

2. Delaware Bay Office revenue collected for:

March 2021: \$39,266.00 and is summarized as follows:

Oyster Tags	\$24,684.00	DB & AC Crab Dredge	\$300.00
Assign Fees	\$4,600.00	Lease Fees	\$179.00
Dredge Boat Renewal	\$3,098.00	Application Fees	\$114.00
Nets	\$2,921.00	Otter Trawl	\$102.00
Commercial Crab Pot	\$2,200.00	Dealer License	\$100.00

Tonging Tags	\$500.00	Area 1,2&3	\$84.00
Menhaden	\$334.00	Commercial Shellfish	\$50.00

April 2021: \$45,273.00 and is summarized as follows:

Oyster Tags	\$40,892.00	Menhaden	\$104.00
Nets	\$1,405.00	DB & AC Crab Dredge	\$100.00
Commercial Crab Pot	\$1,100.00	Application Fees	\$70.00
Assign Fees	\$1,000.00	Commercial Shellfish	\$50.00
Tonging Tags	\$300.00	Recreational Shellfish	\$20.00
Dredge Boat Renewal	\$252.00	Juvenile Recreational Shellfish	\$2.00

Councilman Hollinger reviewed the revenues collected which were also displayed.

3. Oyster Resource Development Account (*as of 4/29/2021*)
 - Expended: \$ 59,449.89
 - Unexpended: \$674,325.74
 - Encumbered: \$119,999.97
 - Uncommitted: \$554,325.77
 - FY-19 Pre-encumbered (Nantuxent): \$ 10,121.70

Councilman Hollinger reviewed the account information which was also displayed. Mr. Tomlin noted there should be about \$40,000 less in the encumbered amount which was to go back into the uncommitted amount. He also reported that some progress was made on the \$100,000 that had yet to be transferred from the mitigation account to the Oyster Resource Development account from a prior year's shell plant project.

4. Old Business
 - 4.1. Tonging Industry and Direct Market Harvest Update

Mr. Tomlin reported that about 700 tags were sold with just under 400 bushels of oysters harvested for the 2020-2021 oyster tonging season. Most of the harvest came from the Nantuxent tonging area.

Mr. Tomlin reported that the Direct Market Harvest opened April 5, 2021 with just over 20,000 bushels harvested to date. He noted that most of the harvest was from the high mortality beds, particularly Nantuxent, and that about 4,000 were harvested from Shell Rock. Mr. Tomlin reminded everyone of the scenario the Council passed in March which was to close the high mortality beds when that region's harvest reached 36,375 bushels, and to reopen the high mortality beds once the medium mortality beds' regional quota was harvested. *Further discussion ensued.* Dr. Jaqueline McBride-Jones asked if she could obtain where the harvest beds were located. Mr. Davis said he would send her the information after the meeting.

- 4.2. Lease Ground Transactions
 - 4.2.1. Lease Ground Renewals

Harry Barraclough III was contacted by the Bureau and renewed the following leases:

Section	Lot	Acreage	Acreage Fee	Renewal Fee
C	65	33	\$16.50	
C	324	54	\$27.00	
C	436	23	\$11.50	
C	441	32	\$16.00	
Total		142	\$71.00	\$100.00

Mr. Davis reported that the Bureau was able to contact Mr. Barraclough III and that he renewed his four leases as shown above. After their renewal, Mr. Barraclough III transferred the four leases to Bivalve Packing Co. Mr. Tomlin said a motion was needed to approve the renewal. **Councilman Sheppard motioned to approve the lease renewal. Councilman Malinowski seconded the motion. All were in favor and the motion passed.**

4.2.2. Lease Ground Transfers

Transfer from Harry Barraclough III to Bivalve Packing Co.

Section	Lot	Acreage	Application Fee
C	65	33	\$5.00
C	324	54	\$1.00
C	436	23	\$1.00
C	441	32	\$1.00
Total		142	\$8.00

Councilman Malinowski motioned to approve the lease transfer. Councilman Sheppard seconded the motion. All were in favor and the motion passed.

4.2.3. Applications for Decision

Applicant	Section	Lot	Acreage	Acreage Fee	Application Fee
Ned Gaine	A	277	200	\$100	\$250
Olga Gaine	B	281	200	\$100	\$250

Mr. Tomlin noted that both lease holders were present at the last meeting, and that Mr. Gaine was present at this meeting as well. **Councilman Sheppard motioned to approve the lease applications. Councilman Fleetwood seconded the motion. All were in favor and the motion passed.**

4.3. Red Knot Stakeholder Committee Update

Councilman Hollinger said that there were not any updates since the last meeting except the amendment of Conservation Measure 13 of the Programmatic Biological Opinion which was to allow installation of new gear as long as special trips were not made. He then asked Mr. Tomlin if any red knots had been seen. Mr. Tomlin said he had not heard of any that were observed,

and Councilman Hollinger reported the same. Mr. Tomlin noted that the timing restrictions were to be in effect the following week starting on May 7, 2021.

4.4. Nantuxent Channel Dredging Project Update

Mr. Hassall reported that the Land Use permit was issued in April, and that the Bureau was still waiting for the US Army Corps of Engineers permit to be authorized but that it was almost finalized. He then reported that once both permits were authorized, they were to be transferred to the NJDOT Office of Maritime Resources since they would be conducting the dredging and would also need the permits in the future for maintenance dredging. NJDOT planned to put the project out to bid in May 2021 to have bids returned and approved before June 30, 2021. The dredging was to be conducted in the fall after the September 15th timing restriction window ended. Mr. Tomlin clarified that Mr. Hassall had put a lot of time into obtaining the permits, and that the only reason they were being transferred was because NJDOT were the ones actually conducting the dredging for the current project, and would need the permits in the future to conduct the maintenance dredging once it was established as a state channel. *Further discussion ensued.*

4.5. Leasing Committee Update

Mr. Gaine reported that committee met on March 23, 2021. The Committee reviewed a new lease agreement for traditional leases to suggest changes before the end of the year. The Bureau gave regulatory updates that may affect leasing, and the Committee and Bureau would work together on the regulations in a future meeting. Most of the meeting was reviewing the 2009 leasing policy. The group reviewed the majority of the policy and made some recommendations to update the policy. The Committee would continue to work on that over future meetings.

Mr. Gaine then offered his resignation as the Committee Chairman and expressed his concerns and reasoning. **Through some discussion with the Bureau and Council, Councilman Sheppard motioned to have Mr. Gaine step down from the Committee Chairman seat. Councilman Fleetwood seconded the motion. All were in favor and the motion passed.** The Council agreed to have the Committee with no Chairperson until one can be selected at a future date. *Further discussion ensued.*

4.6. Consolidation Committee Update

Councilman Hollinger reported that the Committee met on April 27, 2021. The Committee was looking for new members that held six or less licenses because the Council felt there were too many members on the Committee that held a majority of the licenses. The Council would like to send a letter to update the license holders on the Committee's progress. The Committee had come up with the following recommendations:

- Licenses will be tied to a person
- Consolidation of up to ten quotas per vessel
- Quota transfers should happen at the beginning of the season
- Quotas can be transferred to any designated harvest vessel as long as they do not harvest more than ten quotas
- Licenses will keep tonnages for historical purposes

- The new license fee will be \$150 per license

Councilman Malinowski asked why quotas could not be transferred mid-season. Councilman Hollinger replied that it would be allowed with a transfer fee or for emergency purposes. Mr. Tomlin said the letter should come from the Council to all current license holders and any license holders from the past ten years.

4.7. Offshore Wind Energy Update

Mrs. Brust reported that the Bureau of Ocean Energy Management (BOEM) was the federal agency that manages and issues federal permitting for offshore wind. BOEM published an Ocean Wind Notice of Intent to prepare an environmental impact statement (EIS). She explained that would be a long permitting process and that the draft EIS would not be published for about a year and there was to be cooperation from federal agencies and opportunities for public comment. BOEM also began to finalize the wind energy areas in the New York Bight. Two maps were presented on a slide. Ms. Brust pointed out the original NY Bight call areas from 2018, and the lease areas that were finalized by both federal and state agencies. She said it would take about a year to finalize the lease areas which would go to lease at the end of 2021 to early 2022. There was to be an opportunity for public comment at the same time. Any project permitting would happen after the leasing and public comment. Ms. Brust informed of the new NJDEP Offshore Wind Webpage (<https://www.nj.gov/dep/offshorewind/>) where anyone can sign up for email notifications for new developments and make public comments. Ms. Brust also reported that the spring Environmental Resources Working Group meeting was held April 29, 2021. The meeting had updates presented like the ones Ms. Brust had shared, a presentation by Ørsted who owned Ocean Wind outlining their proposed construction plans, and a public comment session.

Councilman Hollinger added that there was to be 98 wind turbines 15 miles off of the Atlantic City coast which were to be 1nm by 8nm wide at a depth of 164 feet. He then asked if Ocean Wind would be paying the \$10,000 per MW requirement. Ms. Brust replied that the \$10K/MW requirement for research and monitoring was new in the second bid solicitation and was not a requirement when Ocean Wind was awarded their offshore wind renewable energy certificates (OREC). The ORECs expected to be awarded in June 2021 would have the requirement, and payment installations were expected after the awards.

4.8. 2021 Intermediate Transplant Program Update

Mr. Tomlin reported that about 29 percent of the goal was moved from the medium mortality transplant region to the high mortality beds. *Further discussion ensued.*

4.9. Aquaculture Development Plan Update

Ms. Wenczel reported that the latest installment of the Plan was the April 2021 version released about two weeks ago and was available for anyone to review. The Plan was under Aquaculture Advisory Council to develop a plan on how to proceed. Comments on the ADP were due to Ms. Wenczel by May 14, 2021.

4.10. Financial Disclosure Statements

Mr. Tomlin reminded the Council that the Statements were due May 15, 2021. The Council should have been contacted to complete the paperwork but offered consultation if anyone needed assistance. *Further discussion ensued.*

5. New Business

5.1. Aquaculture Advisory Council Discussion – Council Membership

Councilman Hollinger said that at the last AAC meeting it was discussed if the NJ Shellfisheries Council (SFC) should hold a seat on the AAC. He said he had a letter from March 26, 2021 from the NJ Marine Fisheries Council (MFC) to the Dept. of Agriculture's Secretary Fisher urging him to amend the voting status of the MFC representative to the AAC to a full voting member. He explained that the Shellfisheries Council had Council members from both the Delaware Bay and Atlantic Coast Sections present at the AAC meetings, but they were not there to represent the Council. Some people at the AAC meeting expressed there should be a change to the AAC makeup to include voting seats for the MFC and SFC which would require a legislative change. Councilman Hollinger asked if the Council wanted a seat on the AAC with voting rights and opened the floor for suggestions from the Council. **After a lengthy discussion among the Council, Bureau, Ms. Wenczel, and the public, Councilman Fleetwood motioned to table the discussion to the next Council meeting after the Chairmen of both Sections can have a discussion. Councilman Hollinger seconded the motion. All were in favor and the motion passed.** Ms. Wenczel solicited suggestions as to how the Dept. of Agriculture can better facilitate dialogues between the Councils to ensure all Councils were updated on the other Councils' activities. *Further discussion ensued.*

Councilman Hollinger opened the floor to the public, to which nobody responded.

6. Date, time and place of next meeting:

DATE: Tuesday, July 6, 2021
TIME: 4:00 P.M.
LOCATION: Virtual

Councilman Hollinger reviewed the next date for the meeting and there was a discussion of the meeting time. **Councilman Fleetwood motioned to have the next meeting on July 6, 2021 at 4:00 P.M. Councilman Sheppard seconded the motion. All were in favor and the motion passed.**

7. Adjournment

Councilman Fleetwood motioned to adjourn the meeting. Councilman Malinowski seconded the motion. All were in favor and the motion passed. The meeting adjourned at 5:11 P.M.