

MINUTES OF THE MEETING  
OF THE  
ATLANTIC COAST SECTION OF THE NEW JERSEY SHELLFISHERIES  
COUNCIL

Nacote Creek Law Enforcement  
Port Republic, NJ  
November 13, 2018

Present Were: Chairman:	John J. Maxwell	(Atlantic County)
Vice Chairman:	Walter L. Johnson III	(Ocean County)
Councilman:	Walter Hughes	(Monmouth County)
Councilman:	Vacant	(Cape May County)
Councilman:	Vacant	(Burlington County)

DEP Representatives: Jeffrey Normant, Bureau of Shellfisheries  
Kira Dacanay, Bureau of Shellfisheries  
Jenny Tomko, Bureau of Shellfisheries  
Lloyd Lomelino, Bureau of Shellfisheries  
Brett Nicklow, Marine Enforcement  
Robert Schuster, Bureau of Marine Water Monitoring

Mr. Normant read the State's compliance with the Sunshine Law and announced that the meeting would be recorded. Notice was filed with the Secretary of State Office and newspapers designated by the Department.

1.	Total Revenue for September 2018:	\$847.77
	Shellfisheries Law Enforcement Fund	\$162.00
	Total Revenue for October 2018:	\$2,904.69
	Shellfisheries Law Enforcement Fund	\$457.00

2. Presentation of September 17, 2018 minutes for approval.

The September 17, 2018 minutes were presented for consideration and approved on a motion by Mr. Johnson and a second by Mr. Hughes.

3. Applications for Transfer

LESSEE	APPLICANT	LOT #	SECTION	ACRES	LOCATION	MAP #
William Mayer	Richard Derrickson	2031.1	B	0.57	Obes Thorofare	3
Richard Derrickson	William Mayer	2019	B	2.00	Widgeon Bay	3.2
John Godwin	W. Scott Card Jr	9	D	2.00	Swan Point	1
Christopher Scales	Dale S. Parsons	552	B	13.51	L.E.H.B.	12
Christopher	Dale S. Parsons	626	B	.79	L.E.H.B.	12

Scales						
Christopher Scales	Dale S. Parsons	627	B	.81	L.E.H.B.	12
Christopher Scales	Dale S. Parsons	628	B	.90	L.E.H.B.	12
Christopher Scales	Dale S. Parsons	637	B	.52	L.E.H.B.	12
Christopher Scales	Dale S. Parsons	651	B	2.31	L.E.H.B.	12
Thomas Burke	Sloop Point Oyster, LLC	894	B	0.69	Rose/Parker Cove	7
Thomas Burke	Sloop Point Oyster, LLC	3	D	2.00	Swan Point	1
Thomas Burke	Sloop Point Oyster, LLC	16	D	2.00	Swan Point	1
Thomas Burke	Sloop Point Oyster, LLC	22	D	2.00	Swan Point	1
Donald F. Burke, Sr.	Sloop Point Oyster, LLC	14	D	2.00	Swan Point	1
Donald F. Burke, Sr	Sloop Point Oyster, LLC	23	D	1.60	Swan Point	1
Donald F. Burke, Sr	Sloop Point Oyster, LLC	107	C	0.64	Barnegat Light	2
Patricia Burke	Sloop Point Oyster, LLC	24	D	2.00	Swan Point	1
Donald Burke, Jr.	Sloop Point Oyster, LLC	26	D	2.00	Swan Point	1
Stephen Burke	Sloop Point Oyster, LLC	27	D	2.00	Swan Point	1
Stanley Markowski & Dawn Markowski	Stanley J. Markowski III & Darrin E. R. Markowski	1419	B	2.00	Middle Island	6.1
Stephen Suralik	George Garbaravage	1418	B	1.00	Middle Island	6.1

All applications for transfer were approved on a motion by Mr. Johnson and seconded by Mr. Hughes.

4. Applications for Consideration

LESSEE	LOT #	SECTION	ACRES	LOCATION	MAP#
Chet Tozer	1006	A	1.98	Great Sound	5
Thomas Glenn	1101	A	1.92	Great Sound	5
John Daffin	1102	A	2.17	Great Sound	5
Patty Foglia	1103	A	2.27	Great Sound	5
Margaret Sprague	399	B	1.89	GB/Big Creek	10
Joseph McGee	2515	B	1.96	Scull Bay	27

Mr. Normant provided the Council with copies of the above lease applications. Messrs. C. Tozer, T. Glenn, J. Daffin, and J. McGee and Ms. P. Foglia, and M. Sprague were present. Pursuant to N.J.A.C. 7.25-24.6, lease applicants shall attend at least one of the two meetings at which the Council reviews their applications. If the applicant fails to attend at least one of the meetings at which the lease application was discussed, the application shall be cancelled.

5. Applications for Decision

LESSEE	LOT #	SECTION	ACRES	LOCATION	MAP#
Paul Felder	1000	A	2.07	Great Sound	5
Claire Zimmerman	1001	A	2.14	Great Sound	5
Gary Williams	1003	A	2.01	Great Sound	5
Robert Williams	1004	A	1.73	Great Sound	5
Luke Williams	1005	A	2.00	Great Sound	5
Elyssa Glenn	1099	A	2.06	Great Sound	5

Messrs. P. Felder, G. Williams, R. Williams, L. Williams, and Ms. C. Zimmerman and E. Glenn were present at the September meeting. All applications for decision were approved on a motion by Mr. Hughes and a second by Mr. Johnson. Mr. Normant informed the applicants they have 30 days to sign their lease agreements and pay the lease fees.

6. Old Business:

ESA Update

Mrs. Tomko discussed that an annual Adaptive Management (AM) Meeting was a binding provision of the U.S. Fish and Wildlife 2016 Programmatic Biological Opinion (PBO) regarding the effects of structural aquaculture on the federally listed (threatened) red knot (*Calidris canutus rufa*) along a portion of the Delaware Bay shoreline. The AM requirement was spelled out in Conservation Measure (CM) #6, under which the Federal and State agencies tasked with PBO implementation (now known as the Agency Work Group (AWG)) were committed to “meet at least annually for the life of the PBO (ten year period) to review any new scientific and commercial data. At their discretion, these agencies may include other stakeholders or experts in these meetings and/or in preparation for these meetings. The AWG chose to create a Stakeholder Committee (SC). The SC organized a two-day meeting in which scientists presented on current research regarding red knots and/or horseshoe crabs.

The specifics of the CMs may be adjusted if the AWG (with Service concurrence) determine, based on new data or new reviews of existing data, that modified or alternative management practices can: (a) reduce adverse effects to red knots; (b) benefit the aquaculture industry without increasing adverse effects to red knots; or (c) both.

Marine Fisheries Administration FY19 Supplemental Appropriation

Mr. Maxwell inquired about the status of the FY19 supplemental appropriation for the Marine Fisheries Administration (MFA). Mr. Normant informed him that the Bill authorizing the special appropriation was passed overwhelming in both the Assembly and

Senate and was signed by the Governor. MFA Staff submitted a package regarding the allocation of the funds for hiring new staff but had not receive a response on moving ahead. Mr. Maxwell asked what would happen to the funding if there was no response by the end of the year. Mr. Normant stated that they would most likely not be able to hire new staff due to time and would have to undergo the same process again requesting a supplemental appropriation for FY20. A motion was made by Mr. Johnson to submit a follow up letter from both sections of the Council to the Governor's Office regarding the status of hiring new staff for the Bureau of Shellfisheries through the supplemental appropriation. Mr. Hughes seconded the motion. The motion was unanimously approved by Council.

## BOEM Update

Ms. Dacanay informed the Council that all four offshore wind projects (one in state waters, three in federal water) continue to progress. DEP staff have held bi-weekly meetings between program representatives and the wind energy lessees to discuss MFA issues throughout the leasing process. DEP had not received any Construction and Operation Plans, but anticipate increased activity as the leasing process moves forward.

## Shellfisheries Council meeting with NJDEP Deputy Commissioner

On September 26, both chairs of the NJ Shellfisheries Council had a meeting with the NJDEP Deputy Commissioner Debbie Mans and NJDEP senior staff to discuss the Council's role in the management of New Jersey's shellfish resources as well as their vision to help promote and grow shellfish aquaculture. Mr. Maxwell added that it was a productive meeting and was beneficial to both parties.

## 7. New Business:

### 2018 Vibrio Update

Mr. Bob Schuster from the Bureau of Marine Water Monitoring (BMWM) provided an update on the 2018 Vibrio Control Plan. He informed the council there were 43 confirmed cases involving New Jersey shellfish tags (approx. 20 from Atlantic coast). Three confirmed cases occurred from single sources from New Jersey tags, one of which involved hard clams. There were two cases of *Vibrio vulnificus*. Although there were many cases, it wasn't defined as an outbreak under the Model Ordinance because most of the occurrences traced back to multiple sources, and the single source cases came from different growing areas within different harvest time frames. Most of the cases occurred from late June through July. He added that the NJ Department of Health (NJDOH) were concerned by the increased number of cases from NJ Atlantic coast tags and opined that the increase in cases could potentially have to do with rapid growth that occurred over the past year in the aquaculture industry.

Mr. Hughes inquired if the high number of cases was related to above average temperatures over the summer. Mr. Schuster stated that based on the historical data collected by BMWM there was nothing significantly different regarding environmental conditions. He added that some of the cases they investigated followed similar patterns with regards to dealers and transport. Mr. Maxwell asked when the latest confirmed case occurred. Mr. Schuster informed him there was a case on August 3<sup>rd</sup>.

Mr. Bill Avery inquired about how opening the European Union to raw seafood trade could impact Vibrio cases. Mr. Schuster stated that the issue was on the ISSC's radar, but he did not have a definitive answer.

Mr. Dale Parsons inquired if the NJDOH had investigated whether mishandling in shipping and transportation process lead to the increase in confirmed Vibrio cases. Mr. Schuster stated that the BMW and NJDOH had explored the issue of handling of product during the transport after it had been sold to a dealer, but was difficult to pinpoint the cause. Mr. Parsons then asked how the BMW viewed using an ice slurry to cool product. Mr. Schuster stated that using an ice slurry was listed as a best management practice, but its use does not allow you to work beyond the specified harvest hours of the Vibrio Plan. Officer Nicklow clarified that although it was viewed as a BMP, using an ice slurry to cool product doesn't prolong the time allowed before product reaches refrigeration.

Mr. Maxwell voiced his concern with the potential of wild oyster harvest as the stocks continue to grow. Mr. Normant stated that issue may have to be addressed in the future under a regulation change. Mr. Maxwell opined that it would be beneficial for the DEP to investigate a regulatory change preemptively to avoid any unforeseen issues pertaining to Vibrio related illnesses from wild oysters sold to market. Mr. Normant suggested that the issue could be discussed by the Leasing Committee through the Regulatory Subcommittee.

Mr. Parsons asked if the NJDOH and BMW had plans to change the Vibrio Plan to specifically address aquaculture, and if the FDA was looking to any regulatory changes based on the increase in the number of cases this past year. Mr. Schuster informed him that changes to the Vibrio Plan would relate to the number of cases and that preferred cooling practices remain as BMPs and not regulations. Additionally, the FDA was not looking to alter the Vibrio Plan based on this past season.

Mr. Avery asked if there was a correlation between rainfall and salinity levels to the number of Vibrio cases. Mr. Schuster informed him that after reviewing the data there were no statistical correlation between the two factors.

Mr. Schuster informed the Council that the BMW planned to work with shellfish growers on the Atlantic coast to identify background levels of Vibrio in shellfish tissue. Mr. Parsons expressed an interest in working with the BMW to help collect the data. Mr. Johnson requested that representatives from the NJDOH provide an update to the Council in the spring.

#### New Leases – Middle Island Channel

Mr. Parsons presented the Council with a proposal for three new leases in Middle Island Channel area of Little Egg Harbor Bay. Mr. Normant stated that his proposal would be discussed at the next Leasing Committee Meeting. Mr. Johnson suggested the meeting be held sometime before March. Mr. Normant stated that Bureau staff would start looking into specific dates.

#### December Council Meeting

Mr. Maxwell reminded the audience that there will be no Shellfisheries Council Meeting in December. The next meeting will be held on January 14, 2019.

Having no further new business, the meeting was adjourned on motion by Mr. Johnson and seconded by Mr. Hughes.

8. Date, time and place of next meeting:

DATE:	January 14, 2019
TIME:	7 PM
LOCATION:	Law Enforcement Office 360 New York Rd. Rte. 9 Port Republic, NJ 08241