

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

MS Teams Conference Call
Bivalve, NJ
Tuesday, May 3, 2022
6:00 PM

Present were: 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)

State/Fed Reps: Russ Babb, Bureau of Shellfisheries
Jeff Normant, Bureau of Shellfisheries
Craig Tomlin, Bureau of Shellfisheries
Andrew Hassall, Bureau of Shellfisheries
Conor Davis, Bureau of Shellfisheries
Megan Kelly, Bureau of Shellfisheries
Robert Schuster, Bureau of Marine Water Monitoring

Haskin Lab: David Bushek, Director
Lucas Marxen, GIS development

General Public

Compliance with the Sunshine Law

Notice of this meeting was posted April 23, 2022, 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, performed roll call, then read the above compliance.

1. Revenue collected for March totaled \$37,604.00 and is summarized as follows:

License Type	Total	License Type	Total
Commercial Crab Pot	\$1,600.00	DB Crab Dredge	\$700.00
Nets	\$2,064.00	Menhaden	\$104.00
Application Fees	\$110.00	Dealer License	\$100.00
Commercial SF	\$150.00	Oyster Tags	\$31,400.00
Recreational SF	\$30.00	Dredge Boat Renewal	\$860.00
Lease Fees	\$86.00	Tonging Tags	\$400.00

Revenue collected for April totaled \$34,742.00 and is summarized as follows:

License Type	Total	License Type	Total
Commercial Crab Pot	\$1,900.00	DB Crab Dredge	\$300.00
Nets	\$2,018.00	Menhaden	\$208.00

Application Fees	\$106.00	Tonging Tags	\$500.00
Commercial SF	\$52.00	Oyster Tags	\$29,400.00
Recreational SF	\$20.00	Dredge Boat Renewal	\$38.00
AC Crab Dredge	\$200.00		

Oyster Resource Development Account (082):

(as of 05/02/2022)

Expended	\$ 219,096.12	Budget authority less expenditures (<i>total spendable dollars currently in account</i>)
Unexpended	\$538,033.35	2022 Transplant encumbered and two barge loads of shell expended

2. Oyster Vessel Transactions:

2.1 Oyster Vessel Substitution:

A1 Top of the Line Oyster Company substituted the Oyster Dredge Vessel Dina (lin#95) with the Oyster Dredge Vessel Divina Holden.

3. Old Business

3.1 Red Knot/Aquaculture Update

Councilman Hollinger informed the Council that no changes to the U.S. Fish and Wildlife Service's Programmatic Biological Opinion for Red knot (*Calidris cantus rufa*) have been made.

3.2 Oyster Tonging Industry Update

Mr. Tomlin reported that the total number of tags sold was 2,200. At the time of the meeting 1449 bushels were harvested, mostly from Nantuxent Cove.

Councilman Hollinger asked about the available funding in the tonger's account and transplanting S.O.A.R. oysters in the Maurice River Cove. Mr. Tomlin responded that the S.O.A.R. oysters were in their second year and be available soon. Also, a small survey would need to be done, confirm the available funding in the tonging account, and gather bids to have oysters moved to conduct a transplant.

Councilman Hollinger made a motion to begin taking steps to transplant oysters in the Maurice River Cove. Councilman Sheppard second the motion. All were in favor and the motion passed.

3.3 Direct Market Update

Mr. Tomlin gave the Direct Market Update stating that 20,477 bushels have been harvested under the program. 19,871 bushels have been harvested from the High Mortality Region, most of which came from Bennies and Nantuxent seed beds. The starting quota for the High Mortality Region was more than 32,000 bushels.

3.4 Shell Plant Contract Update

Mr. Tomlin began by informing the Council that the bid period closed with no bidders. Treasury agreed to send out the contract again for rebid in August. Mr. Tomlin reminded the Council that the current contract was extended through August, there for shell would be purchased and planted in July 2022.

3.5 Vibrio Control Plan Update

Mr. Schuster began the update with announcing the 2022 Vibrio Control Plan has been posted on the Bureau of Marine Water Monitoring's website. Furthermore, there has been no changes from the 2021 control plan to the 2022 control plan.

Mr. Schuster also informed the Council that the Bureau of Marine Water Monitoring is working on rule changes. Things to expect from the rule change are: Both upgrades and downgrades in water quality along the Atlantic Coast and throughout the Delaware Bay are expected. Also, the name of the Vibrio parahaemolyticus Control Plan needs to be changed to Vibrio Control Plan due to cases of Vibrio vulnificus in the State. Updates will be made to reference the new National Shellfish Sanitation Program model ordinance. Language in N.J.A.C. 7:12-9.2, which refers to a deadline date, will be removed. A requirement for monthly harvest reporting is being considered. Both the Bureau of Shellfisheries and Bureau of Marine Water Monitoring feel it is best to get the monthly harvest numbers from dealer reports submitted to the Department of Health. Additionally, language will be added to include subtidal aquaculture in the same regulation as tide-dependent harvest. Lastly, Bureau of Marine Water Monitoring is working with the Bureau of Law Enforcement to update the husbandry and maintenance section to allow for bulk tagging for aquaculture harvest.

3.6 Intermediate Transplant Program Update

Mr. Tomlin gave the transplant update, stating as of May third the program had ran for six days. The transplant from the very low mortality beds to the low mortality beds had been completed. It was noted that this transplant had high cultch counts and lower than expected oyster numbers. The transplant from the low mortality beds to Shell Rock had been completed. The transplant from the medium mortality transplant beds to the high mortality beds was in progress.

3.7 Legislation Update

Mr. Babb updated the Council on the legislation (S-4085) allowing Sunday harvest of shellfish by commercial shellfish producers, which is currently prohibited by regulation. The original intent of the bill was to allow harvest from leases on Sunday. Yet, the bill is currently written to allow wild harvest on Sundays in addition to aquaculture harvest because of the way "commercial shellfish producer" is defined in the bill. Furthermore, there is an effort by lobbyist to include recreational harvest as well. The bill's sponsor is looking to hold a meeting with representatives for the recreational sector, aquaculture industry, and the Department of Environmental Protection. Further updates to come.

Councilman Fleetwood made a motion for a letter to be drafted and sent to the bill's sponsor asking that their input on the matter be considered. Councilman Sheppard seconded the motion. All were in favor and the motion passed.

4 New Business

4.1 Rutgers Spatial Planning Tool Presentation

Mr. Babb introduced the topic by explaining that Rutgers received funding from Sea Grant to develop a Geographic Information System (GIS) spatial planning and mapping tool for shellfish aquaculture. The tool would allow users to visualize the same data that the Bureau of Shellfisheries uses to make decisions on siting new lease areas. It was noted that the tool is not a regulatory tool. Nor, is it backed by any statutes, and therefore it is nonbinding. Furthermore, the tool does not supersede the Council's authority to develop or deny the development of new leases and leasing areas.

Following Mr. Babb's introduction, Dr. Bushek shared a PowerPoint presentation, which gave a detailed summary of why the tool was developed and its primary features. Dr. Bushek began by noting that the tool was developed by a team of Rutgers personnel, DEP staff, and representatives of the Pew Charitable Trust. Dr. Bushek went on to explain that the tool would be public facing to aid user groups such as the Council and members of the industry, non-profit groups interested in enhancement and restoration, and State representatives. Dr. Bushek went on to explain that the project's genesis was from user conflicts such as endangered species and water quality. Furthermore, the tool's key objectives are to identify suitable areas for future shellfish aquaculture; identify potential coastal use conflicts; and collect relevant data layers to support an interactive tool. Some of the relevant data layers are hydrological characteristics, man-made obstructions, climate and environmental data, current shellfish leased grounds, social information regarding other coastal resource uses, and more. Dr. Bushek also remarked that the tool was developed by a technical advisory group and a Project workgroup. The Technical advisory group was comprised of members of the research community, such as physical oceanographers, biologist, and GIS experts, whose goal was to identify relevant scientific data and advise on analytical methods and large data set management. The project workgroup was a stakeholder group that aided in identifying relevant data sets. Members of the project workgroup were selected not to represent certain entities but to advise on different perspectives and aid in identifying user conflicts.

Following the presentation, Lucas Marxen demonstrated the tool by going through the process of bringing layers in to build a map.

4.2 Closing statements

Prior to adjournment, Councilman Sheppard inquired if the Nantuxent Creek channel was scheduled for maintenance dredging. Councilman Fleetwood answered that the Department of Transportation ensured him that the channel would be placed on the maintenance dredging schedule. Councilman Fleetwood continued also said that the Bayshore Council would be writing a letter to Aids and Navigation asking them to place entrance buoys beyond the sandbars that were dredged recently to maintain the Nantuxent channel.

Councilman Fleetwood made a motion to have a letter drafted reiterating the concerns and request of the Bayshore Council's letter. Councilman Sheppard seconded the motion. All were in favor and the motion passed.

5 Date, time, and place of next meeting: - Council

DATE: Tuesday, July 5, 2022

TIME: 6:00 PM

LOCATION: T.B.D.

Councilman Hollinger reviewed the date and time of the next meeting and noted the location was to be determined.

Councilman Sheppard motioned to adjourn the meeting. Councilman Malinowski seconded the motion. All were in favor and the motion passed.

The meeting was adjourned at 7:31 P.M