

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

Haskin Shellfish Research Laboratory
6959 Miller Ave, Bivalve, NJ 08349
MS Teams Conference Call

Tuesday, December 5, 2023
6:00 PM

Present were: Chairman: Warren Hollinger (Cumberland County)
Vice Chairman: Steven Fleetwood (Cumberland County)
Councilman: Scott Sheppard (Cumberland County)

Absent was: Councilman: Richard Malinowski (Salem County)

Vacant Seats: Cape May/Salem County

State/Fed Reps: Craig Tomlin, Bureau of Marine Habitat and Shellfisheries
Alissa Wilson, Bureau of Marine Habitat and Shellfisheries

Haskin Lab: David Bushek, Director

General Public

In compliance with the Open Public Meetings Act (N.J.S.A. 13:1B-30 et. seq), a notice of this meeting was posted November 21st 2023, with the Secretary of State's Office, State House, Trenton, NJ and sent to the NJ Advanced Media news outlets. This meeting will be recorded.

Mr. Tomlin welcomed everyone to the meeting while stating the meeting was held under the *Open Public Meetings Act* (N.J.S.A 13:1B-30 et seq.) as mentioned above. Mr. Tomlin then performed a role call for Council members as-well as stating representatives from Haskin Shellfish Research Lab and NJDEP that were present.

1. Review of July and September 2023 Council Minutes

Chairman Hollinger was presented the meeting minutes from July and September 2023. He stated that he would like to wait until the January 2024 meeting to vote on the minutes from both meetings so that all Council members were present to vote on the minutes.

2. Delaware Bay Office Revenue Collected

Chairman Hollinger presented the revenue from the NJ Bureau of Marine Habitat & Shellfisheries' Delaware Bay Office for the months of September, October, and November 2023. The total revenue was as follows: September totaled \$18,848.00, October totaled \$11,722.50, and November totaled \$29,179.00. The tables below were all presented to show the breakdown for each month to include the associated fees including tags, license, equipment, etc.

Revenue collected for September totaled \$18,848.00 and is summarized as follows:

License Type	Total	License Type	Total
Commercial Crab Pot	\$400.00	Menhaden	\$52.00
Nets	\$1,476.00	DB Crab Dredge	\$100.00
Application Fees	\$28.00	Rec. Shellfish N/R	\$20.00
Oyster Tags	\$16,772.00		

Revenue collected for October totaled \$11,722.50 and is summarized as follows:

License Type	Total	License Type	Total
Commercial Crab Pot	\$900.00	Menhaden	\$206.00
Nets	\$1,524.00	Commercial SF	\$350.00
Application Fees	\$64.00	Assign Fees	\$905.00
Oyster Tags	\$4,792.00	Lease Fees	\$2,181.50
Crab Dredge	\$600.00	Tonging Tags	\$200.00

Revenue collected for November totaled \$29,179.00 and is summarized as follows:

License Type	Total	License Type	Total
Commercial Crab Pot	\$1,700.00	Menhaden	\$310.00
Nets	\$2,407.00	Commercial SF	\$750.00
Application Fees	\$102.00	Recreational SF	\$20.00
Crab Dredge	\$2,800.00	Assign Fees	\$13,000.00
Dealer/Shucker	\$400.00	Lease Fees	\$7,290.00
Tonging Tags	\$400.00		

3. Oyster Resource Development Account

Expended: \$156,669.24
Unexpended/Uncommitted: \$339,092.78

Chairman Hollinger reviewed the Oyster Resource Development Account standings as of December 4th, 2023. The expended amount was \$156,669.24 while the unexpended and uncommitted amounted to \$339,092.78. There was a light conversation between Chairman Hollinger and Vice Chairman Fleetwood about planting shell for the upcoming 2024 season and if some of the uncommitted amount could be used for shell planting in tonging areas. Mr. Tomlin replied that he could investigate how much would need to be committed for shell plants on direct market beds.

4. Lease Ground Transactions

4.1 Transfer from Joseph Wagner to Joseph T. Wagner, Jr.

Section	Lot	Acres	Application Fee
A	156	200	\$5.00

Mr. Tomlin presented a lease transfer from Joseph Wagner to Joseph T. Wagner Jr. for Section A Lot 156 to the Council. Chairman Hollinger noted that while Councilman Malinowski was not present for this meeting the transfer will be voted on by the remaining Council. **Chairman Hollinger, Vice Chairman Fleetwood and Councilman Sheppard all voted in favor of the lease transfer and the proposal for lease transfer was passed.**

5. Old Business

5.1 Lease Renewal Update

Mr. Tomlin gave an update on the Aquaculture Development Zone lease renewals for the 2024 season. He stated that there was a good portion of leaseholders that started or already submitted their lease renewals with the state and applications for permits through the US Army Corps of Engineers (USACE), but there was still some who had not contacted the Delaware Bay Office to start the process. Mr. Tomlin said that Alissa Wilson and he were available to provide assistance from the Bureau for leaseholders that had any questions or concerns about the lease renewal or permitting process either by appointment at the office, email, or phone.

5.2 Red Knot Stakeholder Committee Update

Chairman Hollinger gave the Red Knot Stakeholder Committee update stating the Committee had not met in a few years but that there was an email sent out to the members to get the committee meeting again for the future.

5.3 2023 Direct Market Harvest Program Update

Mr. Tomlin gave an update on the Direct Market Harvest Program presenting the table below for total harvest during the Direct Market season that ended on November 24th. He stated that while every license showed some level of harvest, representatives from the Department were working through the data. He further reported that while the numbers presented were not final, they were a good representation of harvest over the season.

2023 Bed, Regional and Total Harvest Summary (12/4/2023)				
Bed Name	Region	Boat Days	Total Bushels	CPUE
Cohansey	MMM	101	12922	128
Ship John	MMM	123	17827	145
Shell Rock	SR	145	24934	172
Bennies Sand	HMM	3	334	167
Bennies	HMM	231	37540	163
Nantuxent	HMM	5	456	91
Hog Shoal	HMM	3	556	185
New Beds	HMM	4	580	145
Total MMM			30749	137
Total SR			24934	172
Total HMM			39466	161
Total			95149	155

Mr. Tomlin also explained to the Council and audience that during the 2023 harvest season, the Department collected harvest reports from dealers and boat captains in the form of Weekly, Dealer, and Call-in Reports. Mr. Tomlin thanked the industry this year for their success in reporting compared to years. He claimed that 3% of Dealer Reports had errors, 5% of Call-in Reports, and 7% of Weekly Reports.

5.4 Oyster Tonging Fishery Update

Mr. Tomlin gave an update on the Oyster Tonging Fishery that opened on November 1, 2023. Mr. Tomlin stated that 300 oyster tags had been sold to four different tonging harvesters who had so far harvested approximately 100 bushels. He added that the reporting of the Tonging harvest was to be done in a similar manner as reporting was done for the Direct Market by having Weekly and Dealer reports collected from the industry.

6. New Business

6.1 Stock Assessment Workshop Appointees

Chairman Hollinger mentioned that with the upcoming Shellfish Stock Assessment Workshop to be held at Haskin Shellfish Research Laboratory in early February of 2024, that two representatives, one each from the industry and Council, must be appointed to the Stock Assessment Review Committee (SARC). Vice Chairman Fleetwood stated he will attend as the Council representative. There was no disagreement from the Council members. As far as the industry representative, there was some discussion throughout the crowd about a representative. Ultimately, Chairman Hollinger requested that Steve Fleetwood, Jr. hold the industry seat on the SARC. Mr. Fleetwood said that if appointed, he would represent the industry on the SARC. **Chairman Hollinger motioned for Steve Fleetwood to be appointed as the Council representative on the SARC and for Steve Fleetwood, Jr. to be appointed as the industry representative. Councilman Sheppard seconded the motion. All were in favor and the motion passed.**

6.2 Monthly Dermo Monitoring

Representatives from Haskin Shellfish Research Laboratory, specifically Director Dave Bushek, Laboratory Researcher Jen Gius, and Laboratory Technician Iris Burt updated the Council and attendees on data collected during monitoring of oyster beds for 2023. Ms. Gius stated that during the last few years at the beginning of fall (October/November) there had been a recurring increase in mortality rates for the High Mortality Beds (Bennies, New Beds, Bennies Sand, Nantuxent, etc.) and beds this year followed that same trend. Ms. Burt added to that by stating that Dermo (*Perkinsus marinus*) was found on every bed region for the 2023 year with varying concentrations stratified from the southern beds having higher presence and the northern beds having lower presence, which was also consistent with year-to-year trends. Ms. Gius inquired to the oyster harvesters in attendance if they had noticed an abnormally high amount of mortality on the High Mortality Beds into late November.

6.3 Vibrio Transparency

Vice Chairman Fleetwood began a new section with discussing the hardships of misinformation in the media related to oyster consumption. He referenced that over the summer, his sister oyster harvesting operation based out of Connecticut was shut down for 2-3 months as a rise in *Vibrio* (*Vibrio*

parahaemolyticus) transmission cases caused a temporary halt in harvest while the Food and Drug Administration (FDA) were investigating the cause. The Vice Chairman stated that while *Vibrio* cases may come from oysters, the increase in *Vibrio* cases was misleading and was largely derived from oysters being shipped from out of state that were not properly handled, higher risk individuals consuming oysters, and people entering condemned waters. The result was lost income for the harvesting fleet and aquaculture operations while there was no fault on their part. The reason the Vice Chairman mentioned this concern under this forum was the possibility of similar circumstance happening in New Jersey, especially with a media article in late June spreading misinformation about *Vibrio* cases. He asked members of the Council, along with state representatives from the Bureau of Marine Habitat & Shellfisheries (BMHS) and Bureau of Marine Water Monitoring (BMWM) who were in attendance, how the Council can get ahead of the this issue to be ready for next year if the issue were to arise. Sarah Gentile with the BMWM stated that the best place to seek advice when it comes to media relations would be the Department of Health for information and infographics, and the Department of Agriculture as they produce mass amounts of media that get delivered directly to the public. Mr. Tomlin with the BMHS stated that Virginia Wheatley with the Department of Health had attended meetings in the past and would be a good starting contact point along with press representatives from BMWM, Department of Agriculture, Department of Health, and BMHS. Chairman Hollinger asked for Mr. Tomlin, along with other state representatives, to start a conversation with their respective state representatives to see if they would like to attend an upcoming Council meeting to develop a plan moving forward.

6.4 Lease and Permit Concerns

One of the leaseholders in attendance, Edward Gaine, expressed some concerns to the Council and DEP representatives about the new lease agreement and permitting process. His first concern was the overall volume of the process with the new lease agreement being put in place by the state for 2023 onward and having to file nationwide permit 48 (NWP48) with the USACE. Mr. Gaine stated that the permitting documents needed were excessive and repetitive for what the permits covered. He also explained that the NWP 48 required maps were large scale and did not explicitly show the lease area. Chairman Hollinger added to this discussion that while he agreed the maps for NWP 48 were extensive, they were what the USACE was requiring and that without State representatives, specifically Alissa Wilson with BMHS, providing the maps and helping with the permitting process it would be difficult and expensive.

Mr. Gaine brought up another concern about the NWP 48, specifically regarding shell planting on leases. His concern was when planting shell on a lease ground that the bottom topography of the area was being changed. From his understanding under NWP 48 a leaseholder was not allowed to change the bottom topography and would require another permit from the USACE to do so. The highlight of his concern was that shell plants happen on a good portion of the lease grounds and if a special permit was required for the activity, then it would have to be required for several leases thus creating more paperwork for each lease holder. Mr. Tomlin explained that he was unsure whether a specific permit was required solely for changing the bottom topography and while the state does have a special permit for shell planting, he would investigate if lease holders also need a similar permit.

Mr. Gaine inquired with Mr. Tomlin about the time frame for the renewal process. He explained that the time frame he had heard was 1-2 months from USACE, but as he had submitted his application roughly a month ago he has yet to hear back. Mr. Tomlin explained that he heard of a similar time frame from USACE. Mr. Gaine also questioned Mr. Tomlin if the State needs to adjust the higher application

fee for ADZ leases, since the state no longer does all of the permitting work. Mr. Tomlin said he can investigate it for the future but for this year's renewal process the fee will still apply.

6.5 ADZ Area 4 Comments

Matt Williams, a leaseholder on ADZ said he addressed some concerns he had about the accessibility to Cape Shore from Route 47. Mr. Williams stated that for some time the road that leads from the lease area to Route 47 had been eroding severely in some areas making it difficult to traverse to the staging area near the shed lots. He asked Haskin Shellfish Research Laboratory Director Dave Bushek when a delivery of crushed shell was supposed to be delivered to the Cape Shore area as they had discussed repairs for the road prior to this meeting. Mr. Bushek responded by mentioning the delivery date of the shell had to be postponed by the supplier, but he will contact the supplier and see when a delivery date can be finalized. Mr. Williams thanked Mr. Bushek for checking on the shell.

Mr. Williams then addressed the Council by mentioning that there were problem areas of the road that consistently erode quicker than others, and proposed using another material like gravel or rock to stabilize those areas and that he would volunteer his time to fix the road if needed. Dr. Bushek as he recalled in the past when people have tried to work on the road, they were unable to do the work as it was State-owned land on which the State had granted an easement for Rutgers employees and leaseholders to travel the road to the Cape Shore. Mr. Tomlin added to the conversation that he will get in contact with representatives from the Bureau of Land Management in response to this issue, but it will take some time as the Bureau encompasses all the state's 300,000 acres of Wildlife Management Areas (WMAs) and had been stretched thin overseeing it. Mr. Tomlin also stated that in the past, gravel or rock as road material was not usable in WMAs, but that he would check with a Department representative to see if the material is usable in the areas with higher erosion rates.

6. Meeting Schedule

Councilman Hollinger reviewed the information for the next meeting date below which was also displayed on the meeting presentation.

DATE: January 9, 2024
TIME: 6:00 PM
LOCATION: Haskin Shellfish Research Laboratory and online via MS Teams

7. Adjournment

Councilman Fleetwood motioned to adjourn the meeting. Councilman Sheppard seconded the motion. All were in favor and the meeting was adjourned at 7:22 PM.