

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, January 9, 2024
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
Andrew Hassall, Bureau of Marine Habitat and Shellfisheries

Haskin Lab: Jenn Gius, Laboratory Researcher
Mike Acquafredda, Aquaculture Specialist
Iris Burt, Laboratory Technician

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 December 28th, 2023 with the Secretary of State's Office, State House, Trenton, NJ and sent to the NJ Advanced Media news outlets and stated that 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. Annual Election of Council Chairman and Vice Chairman

Vice Chairman Fleetwood motioned for Warren (Barney) Hollinger to remain Chairman of the Council. Councilman Sheppard seconded the motion and the motion passed for Chairman Hollinger to remain as Chairman for the 2024 year. Chairman Hollinger addressed the Council stating that with the election of the Chairman, a Vice Chairman must also be elected for the Council. **Councilman Sheppard motioned for Steve Fleetwood to be Vice chairman of the Council for 2024, Chairman Hollinger seconded the motion and the motion passed.**

2. Review of July 2023 Council Minutes

Mr. Tomlin mentioned to the Council that given the weather circumstances that led to a virtual only meeting, the handouts of the minutes from September and December 2023 could not be given to the Council to review until the following day. Chairman Hollinger stated that the Council must motion to approve or deny council the minutes from the July 2023 Council meeting. **Vice Chairman Fleetwood made a motion to the Council to accept the meeting minutes from July 2023, Councilman Sheppard seconded the motion. All were in favor and the motion passed.**

3. Delaware Bay Office Revenue Collected

Chairman Hollinger reviewed the Delaware Bay Shellfisheries Office revenue for December 2023 stating the total revenue collected was \$39,122.50 and is broken down as shown in the table below.

Revenue Collected for December 2023 Totaled \$39,122.50 and is summarized as follows:

License Type	Total	License Type	Total
Lease Fees	\$10,782.50	Dredge Boat Renewal	\$1,204.00
Assigned Fees	\$9,938.00	Menhaden	\$826.00
Nets	\$6,886.00	Tonging Tags	\$400.00
AC & DB Dredge	\$3,500.00	Application Fees	\$246.00
Commercial Crab Pot	\$3,400.00	Dealer/ Shucker	\$200.00
Commercial SF	\$1,700.00	Recreational SF	\$30.00

4. Oyster Resource Development Account

The account information shown below was displayed on the meeting presentation and then reviewed by Chairman Hollinger.

Expended: \$ 156,669.24
Unexpended/Uncommitted: \$ 340,086.57

5. Lease Ground Transactions

5.1. Transfer from Maclean Properties LLC to Bivalve Packing Company Inc.

Section	Lot	Acreage	Application Fee
B	78	29	\$5.00
	102	18	\$1.00
	128	21	\$1.00
	135	25	\$1.00
	144	24	\$1.00
	163	43	\$1.00
	164	12	\$1.00
	237	161	\$1.00
	280	38	\$1.00
C	118	34	\$1.00

	122	17	\$1.00
	123	54	\$1.00
	125	33	\$1.00
	129	47	\$1.00
	206	15	\$1.00
	322	10	\$1.00
	393	43	\$1.00
	423	41	\$1.00
	465	44	\$1.00
	467	19	\$1.00
	482	9	\$1.00
	561	19	\$1.00
	586	42	\$1.00
	603	14	\$1.00
D	150	25	\$1.00
	183	17	\$1.00
	288	19	\$1.00
	292	58	\$1.00
	307	22	\$1.00
	386	18	\$1.00
	433	26	\$1.00
	491	35	\$1.00
E	90	12	\$1.00
	206	12	\$1.00
Totals	34	1,056	\$38.00

Chairman Hollinger presented a lease ground transfer from MacLean Properties LLC to Bivalve Packing Company Inc. for 34 lots among Sections B, C, D, and E totaling 1,056 acres. **Councilman Sheppard motioned to approve the lease transfer. Chairman Hollinger seconded the motion. Vice Chairman Fleetwood abstained from voting. The motion passed.**

6. Old Business

6.1. 2024 Lease Renewals

Mr. Tomlin stated that for individuals or companies that had not renewed their 2023 leases for 2024 would need to request a 30-day extension from the Council for the specified lessee and during that time, the lessee would be required to complete the renewal packet and pay the associated fees. At the Shellfisheries Office in Millville. He also noted that if no lease extension was granted for the leases then the grounds would become vacant bottom and will be available to lease as of 8:30 AM on January 17th, 2024. Chairman Hollinger said the Council will hear a motion to approve the 2024 lease extensions for individuals that had already completed the necessary steps for renewal. **Scott Sheppard motioned to approve the renewed leases, Vice Chairman Fleetwood seconded the motion and Chairman Hollinger also voted in favor of the motion as a result the motion was passed.**

Chairman Hollinger asked which of the lessees that had not renewed were present at that time. Mrs. Wilson stated that all lease holders that were looking to renew were present for the meeting. She then noted that the only lease holder that was not looking to renew their lease was John

Shoemaker. Mr. Tomlin went around the meeting asking those interested in an extension to confirm with the Council that they were still interested in renewing. Eleanor Van Note, Charles Cummings, Troy Truex for L.T. Clam Supply, and David Adams for Jersey Select Oysters all confirmed they were looking for an extension to renew. (Leases outlined below) The Council granted extensions to the lessees that had not renewed, and Chairman Hollinger urged those to get to the Delaware Bay Shellfisheries Office to renew as soon as possible so the Council can motion to approve or deny them at the next meeting in March.

6.1.1 John Shoemaker

Section	Lot	Acreage
A	19	97

6.1.2 Eleanor Van Note

Section	Lot	Acreage
B	234	31
D	144	31

6.1.3 L.T. Clam Supply

Section	Lot	Acreage
B	1	35
	147	27
C	105	48
	128	17
	145	57
	147	68
	200	21
	209	158
	262	32
	277	83
	408	22
D	143	21
	148	15
	153	16
	167	115
	325	27
	327	25
	452	18
	474	36
	476	19
	488	25
E	2	14
	3	127
E	26	12
	33	12

	35	12
	36	37
	60	99
	70	12
	203	12
	204	12

6.1.4 Charles Cummings

Section	Lot	Acreage
ADZ 4	4	3

6.1.5 Jersey Select Oysters

Section	Lot	Acreage
ADZ 2	1	10

6.2. Red Knot Stakeholder Committee Update

Chairman Hollinger explained that he had no update from the Red Knot stakeholder committee and had not heard from the US Army Corp of Engineers or US Fish and Wildlife in some time.

6.3. 2023 Direct Market Harvest Program

Mr. Hassall gave the final update for 2023's Direct Market Harvest Program with the table below. He highlighted that 95,661 bushels were harvested during the 2023 season and specifically for the high mortality region (41.7 % of total harvest being 41,850 bushels) 95.4% of the regional harvest came from one bed, Bennies. Mr. Hassall presented data for the remaining two bed regions with 25,468 bushels harvested from Shell Rock and 28,343 bushels harvested from Medium Mortality beds. The final piece of data that Mr. Hassall presented was the CPUE (catch per unit effort) stating that on average for the 3 bed regions the fishery harvested at a rate of 151.4 bushels per boat per day.

2023 Bed, Regional, and Total Harvest Summary				
Bed Name	Region	Boat Days	Total Bushels	CPUE
Cohansey	MMM	94	11,964	127.3
Ship John	MMM	121	16,379	135.4
Shell Rock	SR	160	25,468	159.2
Bennies Sand	HMM	3	507	169.0
Bennies	HMM	244	39,919	163.6
Hog Shoal	HMM	3	556	185.3
Nantuxent	HMM	5	528	105.6
New Beds	HMM	2	340	170.0
Total MMM		215	28,343	131.8
Total SR		160	25,468	159.2
Total HMM		257	41,850	162.8
TOTAL		632	95,661	151.4

Chairman Hollinger inquired to the State representatives to provide an update on the mortality event noticed in late October on Bennies that was mentioned at the last Council meeting. Mr. Tomlin introduced Iris Burt from Haskin Shellfish Research Laboratory for her insight relative to the monthly Dermo monitoring program. Ms. Burt stated that there was a decrease in new boxes on Bennies in November from the number in October but at the same time there was an uptick in new boxes on the neighboring bed, New Beds. Ms. Burt stated that she was unsure as to the cause of the increased new boxes on New Beds at that time. Mr. Tomlin then asked if this mortality that was witnessed in October seemed as significant as it did earlier in the year; Ms. Burt agreed that it was not as significant.

Chairman Hollinger also asked for an idea of spat set on the Direct Market Harvest regions on planted shell or otherwise. Ms. Burt told the Council that there was spat caught on all shell plant sites this year. This prompted Mr. Hassall to give an update on the spat set observed in the Maurice River Coves (MRC) Tonging Area 2023 shell plant site where the Department had sampled late in the year. Mr. Hassall stated that 3 tows were taken to collect subsamples of each tow to make a composite sample. The sample showed approximately 400 spat per bushel on planted shell. He also explained that given the shell plant of approximately 12,000 bushels earlier in the year there could potentially be upwards of 4 million spat caught in the Tonging Area. The Council said they were pleased to hear and any future updates in upcoming times from MRC would be greatly appreciated. Chairman Hollinger questioned Mr. Hassall if there was any noticeable damage to the area from channel dredging that was currently taking place, but Mr. Hassall could not provide much insight due to the sampling area being located too far away from the channel that was undergoing dredging.

6.4. Oyster Tonging Fishery Update

Mr. Tomlin gave an update on the Oyster Tonging fishery stating the season opened on November 1st, 2023, and 550 tags have been sold to harvesters. He also elaborated that while 266 bushels have been harvested from the 550 tags that were sold, there did not seem to be many harvesters harvesting, but that he anticipated an uptick in the coming weeks.

In relation to the tonging area, Vice Chairman Fleetwood wanted to add that based on the dredging report of the Maurice River Channel, the dredging deviated from the original plan slightly and extended out past buoy markers 8 and 9. The Vice Chairman along with the Chairman stated they both would like to see the channel re-marked as soon as possible for the barges, tugboats, and oyster fleet to have a better understanding of the traversable area. The Chairman also added that during a conversation with Monica Chasten from USACE, she said the Barnegat Bay Dredging Company ran into shell that was pumped out of the channel along with a sandbar that both were deposited onto the bank by Matt's Landing, and that the US Coast Guard had already been contacted to move buoy markers to the newly established channel.

6.5. Council Correspondence Update: Vibrio Media Concerns

Mr. Tomlin led this section of the meeting, mentioning that there are concerns from the Council and the industry about *Vibrio* portrayal in the media last year and the correlation to the oyster business from prior meetings. Mr. Tomlin stated that the Council had asked the Department to start talking internally with state departments and try to get ahead of the problem if it was to arise in the coming years. Mr. Tomlin mentioned that the group was formed, and a meeting had happened earlier that day (January 9th) with a plan to have another interagency meeting before bringing in the Council. He explained that the Council's concerns were brought to this meeting and as a result there needed to be a multi-year and multi-prong approach including: putting media into New Jersey Fish and

Wildlife's (NJFW) Marine Digest, working with the NJFW social media and website group, posting on Dept. of Health and BMWM's website if possible, releasing statements with press offices to help distribute information to the public and news outlets, drafting responses from the Council in case there were to be any negative press, and working with the local Dept. of Health and local doctors. Vice Chairman Fleetwood asked Mr. Tomlin what groups participated in the meeting and Mr. Tomlin listed representatives from the Department of Health, the Department of Agriculture, the Food and Drug Administration, BMHS, and Sarah Gentile with the BMWM. The Council members thanked state representatives for getting the conversation started and trying to get out ahead of the issue and be prepared before it presents itself again.

6.6. Maurice River Dredging

The Council addressed the Maurice River channel dredging during the Oyster Tonging Fishery Update.

6.7. 26th Stock Assessment Workshop 2024 and Council Rep. for Review Committee

The Council discussed the previous appointments to the 2024 Stock Assessment Workshop. The Council reconsidered the appointments made at the last meeting and agreed that Councilman Sheppard would be the Council representative position and confirmed the industry representative would be Steve Fleetwood, Jr. Chairman Hollinger raised a concern for future Stock Assessments where there had always been little involvement from the Industry due to a lack of willing participants resulting in the same representatives year to year. Councilman Sheppard expressed a concern that if an industry member had any issues, they would like to have presented at the Stock Assessment or the Council, that his door is open.

7. New Business

7.1. Sunday Harvest Bills

Chairman Hollinger arose a concern from the Bureau of Marine Water Monitoring's Commercial Shellfish Aquaculture Permit (CSAP) application for reporting requirements [under N.J.S.A. Title 50:1-31.1]. Chairman Hollinger expressed his concern for the number of reports now needed to satisfy the requirements put in place by the BMWM and the BMHS. This includes daily call-ins if a dredge vessel is working/harvesting Direct Market Beds or Lease grounds, Weekly reports for each vessel that harvest from Direct Market Beds, Dealer reports from each shucking facility, and Annual Reports for any aquaculture lease harvest for each lease. Chairman Hollinger and Vice Chairman Fleetwood are both concerned as with the addition of this bill [A3847/S520] the reporting requirements are excessive and redundant along with the bill not stating what state office or bureau is supposed to receive and file the annual harvest report. The Vice Chairman also expressed concern about what is technically defined as aquaculture work and thus must be reported within this bill. Mrs. Gentile defined what aquaculture was as per the State and Federal definition of:

"a water dependent form of agriculture involving the propagation, rearing, and subsequent harvesting of aquatic organisms in controlled or selected environments, and the subsequent processing, packaging, and marketing. This may include, but is not limited to, activities to intervene in the rearing process to increase production such as stocking, feeding, transplanting, and providing for protection from predators."

The definition gave no clear line, but Mrs. Gentile then explained that any work on any lease ground can and will be defined as aquaculture in relation to the annual harvesting report. Ned Gaine added to this conversation that Amanda Wenczel had relayed the exact language that is now used in the bill with the Council and audience members which read:

“A person who holds a commercial shellfish aquaculture permit shall submit an annual harvest report, in writing, on or before December 31 of each year, to the Department of Environmental Protection. Each report shall disclose, for the annual reporting period, the amount of shellfish harvested by the permittee, from each State-leased aquaculture lease.”

Mr. Gaine explained originally the bill had stated that wild harvest was included in the reporting requirement, but this was redacted in final version. The issue remained of to whom the reports were to be filed with. Mr. Tomlin addressed the concerns from the Council members by stating that the Department will work internally and seek answers for the next Council meeting. He went on to explain that this would include would which department is responsible for the reports and, in the effort, try to minimize reporting requirements, they would investigate if the reporting requirements at N.J.S.A. Title 50:1-31.1 (3) could be met using already existing requirements.

7.2. Enhanced Spatfall Data

Mr. Gaine first thanked the Council members and Department representatives for their attentiveness for the work done thus far with *Vibrio* response as it pertained to media relations. Mr. Gaine then continued to inquire about a letter to be drafted by the Council in support of funding for the state department or the Rutgers University to expand on spat data including timing of spawning events, magnitude of spat sets, and when exactly was the spat settling on shell. Chairman Hollinger explained that both the state and university already do collect data for spat abundance for the natural seed beds all the way from Egg Island to Hope Creek. The Vice Chairman added that he had spoken to Mr. Gaine quite frequently about the presence of spat in the bay and both agree that from the industry standpoint the timing of spat fall events, especially with shell availability being on the decline in recent years. Vice Chairman Fleetwood had explained that industry members have try planting shell around predicted times of oyster spawns, he noted that if shell is planted too early it will silt over and if planted too late you miss the set. Ms. Gius expanded upon this topic with the seed bed monitoring plan for next year. She stated that alongside monthly dermo and shell plant/transplant monitoring taking place that Rutgers planned to also look at gonad status as an indicator when spawns were likely to occur. Mr. Gaine thanked Ms. Gius for the insight into the monitoring program for the upcoming year and stated that any information related to recruitment whether it be maturity of the oyster, any climate influence, discharge rates, and where it was happening was good for everyone in the industry, and wanted to see the Council and the industry support wherever they can.

7.3. Aquaculture Opportunities and Programs

Mike Acquafredda, Aquaculture Specialist with the Haskin Shellfish Research Laboratory extended opportunities for Council members and industry representatives in attendance at the meeting. Mr. Acquafredda told the Council that Doug Zemeckis with Rutgers Cooperative Extension has been in contact with Darrell Hinder from USDA Risk Management Agency about a pilot program for crop insurance for oyster growers in New Jersey. Mr. Hinder wanted to extend this program to oyster aquaculturists but due to the lack of production data wanted to speak with the Council either at a meeting or coordinate a separate webinar to get the program in motion. Chairman Hollinger explained that in the coming months with the Stock Assessment and the March Council meeting being tied up

with direct market harvest quotas that it would likely be in Mr. Acquafredda's best effort to contact the Atlantic Coast Shellfish Council and the Aquaculture Advisory Council to set up a webinar so that everyone can be included in the conversation.

Mr. Acquafredda next added that Rutgers and New Jersey Sea Grant acquired funding for an aquaculture apprenticeship program that was going to be rolling out in early spring of this year and there will be an informational meeting for growers about the program in February.

Mr. Acquafredda lastly mentioned that he was going to be serving on the Northeast Regional Aquaculture Center (NRAC) Technical Advisory Committee that was meeting the following week to discuss setting priorities for the NRAC, which included funding research opportunities related to aquaculture. Mr. Acquafredda extended this to the Council to inquire about any thoughts or insights they may want to share at this meeting. The Council did not have any comments at the time of the meeting, but Mr. Acquafredda said any Council or industry member can reach out to him at any time.

8. Meeting Schedule

8.1. 2024 Delaware Bay Section Meeting Schedule

Mr. Tomlin presented the following dates and times to the council as tentative dates that may be changed if needed. The Council members acknowledged the dates and times and will move as needed.

January 9th
March 5th
May 7th
July 2nd
September 3rd
November 12th

8.2. Date, Time, and Location of Next Meeting

Date: March 5, 2024
Time: 6:00 PM
Location: Haskin Shellfish Research Laboratory and MS Teams Hybrid Meeting

9. Adjournment

Vice Chairman Fleetwood motioned to conclude the meeting. Councilman Sheppard seconded the motion. All Council members were in favor of the motion and the meeting was adjourned at 6:59 PM.