

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

Haskin Shellfish Research Laboratory
MS Teams Conference Call
Bivalve, NJ
Tuesday, March 5, 2024
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: Joe Cimino, Marine Resources Administration
Russ Babb, Bureau of Marine Habitat and Shellfisheries
Jeff Normant, Bureau of Marine Habitat and Shellfisheries
Craig Tomlin, Bureau of Marine Habitat and Shellfisheries
Andrew Hassall, Bureau of Marine Habitat Shellfisheries
Michael Lindner, Bureau of Marine Habitat and Shellfisheries
Karen Bates, Bureau of Marine Habitat and Shellfisheries
Robert Schuster, Bureau of Marine Water Monitoring
Amanda Wenczel, Department of Agriculture

Haskin Lab: David Bushek, Director
Jennifer Gius, Laboratory Researcher IV
Iris Burt, Laboratory Technician

General Public

1. September 2023, December 2023 & January 2024 Council minutes were presented for Council's consideration and tabled until the next Council meeting due to all Council members not receiving them in the mail for review.
2. Delaware Bay Office Revenue Collected in January and February 2024

2.1 Revenue collected for January totaled \$12,861.00 and is summarized as follows:

License Type	Total	License Type	Total
Nets	\$3,607.00	Otter Trawl	\$204.00
Assigned Fees	\$3,000.00	Possession in Excess	\$200.00
AC & DB Dredge	\$1,400.00	Survey Fees	\$120.00
Lease Fees	\$1,298.00	Application Fees	\$108.00
Commercial Crab Pot	\$1,200.00	Dealer/Shucker	\$100.00
Commercial SF	\$650.00	Dredge Boat Renewal	\$92.00
Menhaden	\$488.00	Area 2 & 3	\$84.00
Tonging Tags	\$300.00	Recreational SF	\$10.00

2.2. Revenue collected for February totaled \$5,318.00 and is summarized as follows:

License Type	Total	License Type	Total
Nets	\$2,588.00	Tonging Tags	\$300.00
Commercial Crab Pot	\$800.00	Application Fees	\$78.00
Menhaden	\$772.00	Commercial SF	\$50.00
AC & DB Dredge	\$700.00	Recreational SF	\$30.00

3. Oyster Resource Development Account (082): *(as of 2/15/2024)*

Expended	\$156,669.24	
Unexpended	\$342,038.84	

4. Vessel Transactions

4.1 Substitution of vessel Crab Daddy (28 GRT), oyster dredge boat license #22 for vessel HIN# PVT20 89TMO (5GRT) on January 24, 2024.

Councilman Hollinger motioned to accept the substitution, Councilman Sheppard seconded the motion. All were in favor, and the motion passed.

4.2 Transfer of vessel HIN# PVT20 89TMO (5GRT) with oyster dredge boat license #22 to Bivalve Packing Company on January 24, 2024.

Councilman Hollinger made the motion accept the transfer. Councilman Sheppard seconded. All were in favor, and the motion passed.

5. Old Business

5.1 2024 Lease Extensions

Mr. Tomlin reported that four individuals met the extended deadline by coming into the Delaware Bay Office, filling out the required paperwork and paying the fees.

Councilman Hollinger motioned to accept the leases. Councilman Hollinger seconded the motion. All were in favor, and the motion passed.

5.2 Lease Ground Transaction

Mr. Tomlin continued that one lease holder decided not to renew their lease. After the ten-day waiting period, that lease ground was applied for. No action was needed to be taken at this time for the application, however, at the next meeting the Council will need to make a decision.

5.2.1 Leased Grounds for Consideration

Applicant	Section	Lot	Acres
Bivalve Packing Co.	A	19	97

5.3 Red Knot Stakeholder Committee Update

Councilman Hollinger reported that on January 23rd, a notification was received from NOAA that the Friends of Animals petitioned to list the Atlantic Horseshoe Crab as threatened or endangered to the Endangered Species Act on December 1, 2023. The petition also requested critical habitat designation for the species and land borders. Mr. Tomlin stated that this issue is also under new business and asked if Mr. Babb would like to say anything.

Mr. Babb noted that the National Marine Fisheries Service received a petition to list the Horseshoe Crab as threatened or endangered. They have 90 days to review the data that was presented in the petition and any other information readily available to them to weigh the merits of the petition itself relative to Section 4, the Endangered Species Act. Marine Resources in New Jersey will be notified and that the chair of the Atlantic States Marine Fisheries Commission was on the call and asked if he would like to expand on the MRA's perspective relative to the stock status or the reality of this moving forward.

Mr. Cimino stated that the last time the National Marine Fisheries Service decided to go further than the petition stage was with River Herring when a working group was put together but ultimately it was decided not to list River Herring. Something similar could happen with the Horseshoe Crab where after the 90 day period, NMFS would ask other entities such as US Fish and Wildlife Service, USGS, ASMFC and others to discuss the stock. He noted that ASMFC divides the population into multiple stocks and that the petition doesn't focus on the Delaware Bay stock, it is to list the entire Atlantic Coast. NMFS could turn around and say that the petition isn't warranted but Mr. Cimino did note that since the original petition, several other groups filed together for a second petition.

Councilman Hollinger asked if he is correct that the population is stable and increasing.

Mr. Cimino stated that there is a definite uptick in the Delaware Bay population. There are two different trawl surveys that show populations are increasing, estimating about 65 million crabs in the Delaware Bay population.

Councilman Fleetwood asked if Horseshoe Crabs get listed, is there potential for it to be a problem for the Delaware Bay oyster fishery if they catch them in their dredge which inherently happens especially in the early spring?

Mr. Cimino replied that if it is listed as threatened or endangered, it's going to be problematic for everyone.

Councilman Fleetwood asked if there is anything that the Council should do?

Councilman Sheppard noted that the petition requests critical habitat.

Mr. Cimino explained that critical habitat designations are more difficult to deal with at times and others times are broader in their definitions, like with Atlantic Sturgeon, where basically every river was listed. It hasn't stopped a majority of the activities from still occurring. He went on to say that the biggest threats to the horseshoe crab population are bycatch mortality in fisheries not targeting them as well as other dredging activities, and loss of beaches all up and down the Atlantic Coast.

Councilman Fleetwood stated that the Horseshoe Crabs are the biggest threats to the beaches because when they go up into the creeks along the Delaware Bay in the spring, they erode the banks.

Mr. Tomlin pointed out that right now, they are not requesting any information and he doesn't believe that anything sent to NMFS will have any bearing at this point in time.

Mr. Cimino agreed with Mr. Tomlin and said to wait and see if NMFS decides to look into this further after the 90 day response window. If they do decide to look into it further, the Council is welcome to send a letter.

Councilman Hollinger asked if it gets to that point, would they have to comment?

Councilman Fleetwood asked that they would have other opportunities to comment once the 90 day period passed?

Mr. Cimino agreed with both council members.

Mr. Bushek stated that the offshore fisheries are also concerned about the petition and are wondering how it will impact them. He also noted that counties are also concerned. Cape May County is interested in how this would impact things from a management standpoint since beaches are important for habitat, it would affect how they manage the beaches.

Mr. Babb noted that there are many things that can happen. NMFS could get to the end of their 90 day review and prioritize research for genetic differences, like with sturgeon and their distinct population segments.

5.4 Oyster Dredge Boat License Consolidation

Mr. Tomlin reminded everyone that it is year two of the oyster dredge boat consolidation and to please call ahead if there are changes to the Administrative Consent Order(ACO). He also stated that individuals needed to come in as early as possible to update the ACO because they need to be approved by the Trenton office before they are official.

5.5 Sunday Harvest

Mr. Tomlin reminded everyone that there is a new regulation in Title 50 that allows for structural aquaculture to harvest on Sundays which requires reporting harvest by lease that is due at the end of the year. Mr. Tomlin encouraged everybody to keep records and informed everyone that the Bureau of Marine Habitat and Shellfisheries as well as Marine Water Monitoring are working on a singular reporting form.

Councilman Hollinger asked if that would be ready by October.

Mr. Tomlin replied that it would probably be before that.

Councilman Fleetwood asked if they just needed to report on Sunday's harvest.

Mr. Tomlin clarified it was for all harvest, for anyone who holds a CSAP permit.

5.6 Oyster Tonging Industry Update

Mr. Tomlin noted that the season opened on November 1st, 800 tags have been sold, there are 8 harvesters and 440 bushels harvested so far.

Councilman Malinowski asked where most of the harvesting has occurred.

Mr. Tomlin replied mainly in Back Creek.

There was a discussion about shellplant and transplant after which the Council assured the group planting would occur this year.

6. New Business

6.1 Atlantic Horseshoe Crab (*Limulus polyphemus*) Listing Petition

Council moved on to the next topic since this was already addressed.

6.2 Review 26th Stock Assessment Workshop 2024 Findings

Jenn Gius summarized the highlights and results from the stock assessment held in early February, reviewing oyster abundance, spat abundance, box count mortality as well as dermo levels. In general bay wide, there was an increase in total abundance and mortality rates were low. Even though there was a drop in market abundance there was a bump in submarket abundance due to big spat sets in 2016, 2017 and 2022. The transplant regions or Very Low Mortality beds, Hope Creek down to Middle, are all doing well. There were increases in total abundance, natural mortality is low, there are increases in sub market abundance and Dermo is basically undetectable on all of the upper region beds. The Low Mortality beds total abundance is above the target value and although there was a decrease in spat abundance, they are hopeful that in the next couple of years that translates into a bump in market abundance. It's important to keep in mind that the upper beds grow more slowly than oysters down bay, so it might take time to see a strong increase in market abundance. Medium Mortality bed natural mortality is low, total and submarket abundance is up with a slight decrease in spat. The Direct Market beds were more mixed with Ship John and Cohansey having a slight drop in total abundance although it is still above the threshold value, a bump in submarket abundance, and the market abundance below the target but above the threshold. Natural mortality and dermo levels remained relatively unchanged. Shell Rock is a bed and a region which makes it unique. There was an increase in total abundance which moves it closer to its target as well as submarket abundance, market abundance dropped but is still above its target value, natural mortality decreased but dermo levels increased. The High Mortality beds, which includes 11 beds, causes some concern. There was a drop in total abundance which has been below its threshold value for the past few years, natural mortality is increasing and there are no new recruits coming in. The losses that are seen are due mostly to mortality as opposed to fishing pressure. The SARC – Stock Assessment Review Committee – makes quota recommendations based on all the data. For all the transplant regions, the recommendations were that we could go to the maximum exploitation rates to help support the direct market regions. For all the direct market regions, the recommendations are to start at the median exploitation rate and if each of those regions received some kind of transplant, it would go up to the maximum exploitation rate. Specific language for the high mortality region was included in the report, realizing that going up to the maximum might mean potential restricted harvesting rates next year.

There was a discussion about the stock assessment and transplant after which Mr. Tomlin clarified that it would be the standard scenario where harvest will start out at the median rate until transplant occurs then there will be a bump in the quota.

Councilman Hollinger made a motion to go to the maximum with all transplants, Councilman Fleetwood seconded. All were in favor, and the motion passed.

6.3 Setting of the 2024 Direct Market Harvest Program Quota and Season Dates

The direct market program sign-up period will be open from March 11, 2024 through March 22, 2024. Tags will be available March 25th in batches of 200, the Direct Market Program opens on April 1st and will close on November 22nd with the Intermediate Transplant to begin between April 22nd and 29th.

6.4 Setting of the 2024 Intermediate Transplant Parameters

There was discussion regarding where transplant would occur, it was decided that transplant would start in the higher mortality regions then move up the bay. Mr. Tomlin explained that the procurement process has changed and is now a longer process, he expressed this because it may cause a delay in the start of the transplanting.

Councilman Hollinger asked to discuss how the oyster fleet could take some of the pressure off the areas where they have been harvesting the most from. He asked if there was any way to spread the harvest more evenly across all the beds. He stated that this effect could be seen on the High Mortality Beds only one or two seed beds are worked within a given season. Mr. Hollinger noted that this is different from the other beds because they don't get shut down like Shell Rock, Ship John or Cohansey.

Councilman Fleetwood made a motion to take the allowable quota for Ship John and Cohansey and divide it up amongst the 80 licenses to go whenever they want. Councilman Sheppard seconded. All were in favor, and the motion passed.

Councilman Fleetwood made a second motion that the stock assessment look into establishing another line below Bennies where everybody would go for a portion of their quota. This was not seconded and instead became a recommendation.

Councilman Fleetwood asked for an update on vessel tracking for the shellfish industry. Mr. Tomlin explained that the Bureau has been looking into purchasing one or two different models for this year and trying them on the vessels to ensure the technology works and meets the needs of the fishery and the Bureau. He explained that one of the units is solar powered which would sit right on top of the vessel and works via cell phone and satellite signal. He noted that this technology is not intended to be used for enforcement purposes but if they ask by NJDEP Enforcement they would provide them with data. Mr. Tomlin stated that the vessel tracking is designed to be a relatively inexpensive management tool.

Councilman Fleetwood made a motion for the Bureau to continue to pursue vessel tacking options and implement a trial in 2024 with full implementation in 2025. Councilman Sheppard seconded. All were in favor, and the motion passed.

7. Date, time, and place of next meeting:

DATE: Tuesday, May 7, 2024

TIME: 6:00 PM

LOCATION: Hybrid (Haskin Shellfish Lab)

Councilman Hollinger reviewed the date and time of the next meeting and noted the location was to be hybrid, in person at Haskin Lab and online via MS Teams.

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

The meeting was adjourned at 7:44 P.M