

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, May 7, 2024
6:00 PM

Present were: Chairman: Warren Hollinger (Cumberland County)
Vice Chairman: Steven Fleetwood (Cumberland County)
Councilman: Scott Sheppard (Cumberland County)
Councilman: Vacant (Cape May/Salem County)

State/Fed Reps: Russ Babb, Bureau of Marine Habitat & Shellfisheries
Craig Tomlin, Bureau of Marine Habitat & Shellfisheries
Andrew Hassall, Bureau of Marine Habitat & Shellfisheries
Alissa Wilson, Bureau of Marine Habitat & Shellfisheries
Megan Swain, Bureau of Marine Habitat & Shellfisheries
Karen Bates, Bureau of Marine Habitat & Shellfisheries
Amanda Wenzel, Department of Agriculture
Representatives from Senator Michael L. Testa Jr. Office

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

General Public

Absent: Councilman: Richard Malinowski (Salem County)

1. **Councilman Fleetwood motioned to approve the minutes for September 2023, December 2023, and January 2024. Chairman Hollinger seconded the motion. All were in favor and the motion passed.**
2. **Delaware Bay Office Revenue Collected in March and April 2024**

2.1 Revenue collected for March totaled \$30,812.00 and is summarized as follows:

License Type	Total	License Type	Total
Oyster Tags	\$18,658.00	Dealer	\$200.00
Nets	\$3,677.00	Application Fees	\$172.00
Commercial Crab Pot	\$3,300.00	Tonging Tags	\$100.00
Dredge Boat Renewal	\$2,356.00	Commercial SF	\$50.00
Assigned Fees	\$900.00	Recreational Dredge	\$15.00
AC & DB Crab Dredge	\$700.00	Recreational SF	\$10.00

Menhaden	\$672.00	Duplicate License Fee	\$2.00
----------	----------	-----------------------	--------

2.2 Revenue collected for April totaled \$31,272.00 and is summarized as follows:

License Type	Total	License Type	Total
Oyster Tags	\$24,550.00	Application Fees	\$120.00
Commercial Crab Pot	\$2,600.00	Tonging Tags	\$100.00
Nets	\$2,516.00	Commercial SF	\$50.00
AC & DB Crab Dredge	\$900.00	Recreational SF	\$20.00
Menhaden	\$414.00	Duplicate License Fee	\$2.00

3. **Oyster Resource Development Account :**

(as of 5/06/2024)

Encumbered	\$195,000.000
Expended	\$241,651.76
Unexpended	\$111,870.32

4. **Vessel Transactions**

4.1 Reconsolidation: Oyster Dredge Boat License #47 was unconsolidated for the Kitty Hawk (license #10) and consolidated onto the Divina Holden (license # 95)

Councilman Sheppard made a motion to accept. Councilman Fleetwood seconded the motion. All were in favor and the motion passed.

5. **Lease Ground Transactions**

5.1 Leased Grounds for Consideration

Applicant	Section	Lot	Acres
Creek Side Salts, LLC	ADZ - 2	3A	10

This was the first consideration, and the applicant was in attendance. Mr. Tomlin explained to the applicants that they did not need to attend the next meeting unless they wanted to. Once approved, they would need to come into the Delaware Bay office to complete necessary paperwork.

5.2 Leased Grounds for Decision

Applicant	Section	Lot	Acres
Bivalve Packing Co.	A	19	97

Councilman Sheppard made a motion to accept. Chairman Hollinger seconded the motion. All were in favor and the motion passed

6. Old Business

6.1 Red Knot Stakeholder Committee Update

Councilman Hollinger announced that today, May 7th, started the Red Knot PBO rules going into effect. Mr. Gaine asked if anything with the programmatic review had been started yet as this is the last year under the previous PBO before it expires? Mr. Tomlin replied that PBO is issued through the Army Corps of Engineers and US Fish And Wildlife Service, and the Bureau will start to have the conversation with them.

6.2 Direct Market Update

Mr. Tomlin reported that approximately 16,000 bushels have been harvested so far this year with the majority of that coming from the high mortality beds with a small portion coming from both Shell Rock and Ship John.

6.3 Intermediate Transplant Program Update

Mr. Tomlin reported that the weather has been great and over 36,000 bushels of oysters have been moved so far which is approximately 20 million oysters moved with about 4 million more to go to meet the final transplant goal. A discussion ensued about the size and quality of the oysters being moved and where the transplant took place. The conversation continued with questions about when the additional quota would go into effect and if any portion of the quota would need to be used at Ship John/Cohansey. The last comment that was about the potential for in-season changes if a resurvey showed an anomaly. The Bureau stated that there would not be an in season change due to a resurvey. Discussion continued about poor spat sets, shell planting and the difficulty getting shell.

6.4 Dermo Update

Mr. Bushek reported that Dermo sampling just started and that this year the Haskin Lab was going to start sampling for MSX again.

6.5 2023 – 2024 Oyster Tonging Season Summary

Mr. Tomlin reported that the Tonger fishery closed in April and there were minor discrepancies between the weekly harvest and dealer reports. Councilman Hollinger asked about shell planting plans for the tongers areas. Mr. Tomlin stated shell planting for the tongers is in the plans as long as there is enough shell.

6.6 Reminder: Financial Disclosure Statements due May 15, 2024

Chairman Hollinger reminded the Council that their financial disclosure statements are due May 15th.

7. New Business

7.1 Atlantic Coast Shellfisheries Council Regulatory Committee

Mr. Babb updated the Delaware Bay Council on the Atlantic Coast Council's Regulatory

Committee. He noted that Atlantic Coast Regulatory Committee hopes to have a final summary of its recommendations and thoughts to their Council by mid-September. The Atlantic Coast Regulatory Committee meetings are an informal input process to get the industry's thoughts and opinions on potential new rule proposal. He explained that the rule proposal is a general reorganization of the shellfish and shellfish aquaculture rules as well as updates. He noted that the Shellfish rules will be codified in NJAC 7:25a. Mr. Babb that the Bureau is looking to create a subchapter for leasing of Delaware Bay lands for shellfish aquaculture by putting in the code the practices the Council has been operating under for years. He stated that there will be a new subchapter for the aquaculture development zones in Delaware Bay by which will need to be flushed out with the Council. He noted that ideally, Delaware Bay would sync up with the Atlantic Coast as there wouldn't be a need for as many meetings. Mr. Babb stated that once feedback from both Councils has been received, the Bureau will go through our own internal DEP process, working with the Legal Affairs Office then the Office of Administrative Law Review and at some point the proposed rule will go to the Governor's Office. He continued that this would mean around mid-2025, public comment period would begin. He continued with the potential timeline by stating that once the public comment period ended, agency responses would be formulated with a possible rule adoption around the end of 2025. Mr. Babb recommended that the Delaware Bay Council create a Regulatory Committee similar to the Atlantic Coast Council.

7.2 Delaware Bay Shellfisheries Council Regulatory Committee Discussion

Councilman Hollinger asked if there were going to be any changes to the new lease agreement. Mr. Babb explained that there are no expected changes to the lease agreement, but the rule changes would impact Dredge Boat Consolidation.

Council Hollinger requested clarification on whether they were being asked to form a Regulatory Committee or add members to the Consolidation Committee. Mr. Babb said that was up to the Council. Mr. Babb, stated that the Consolidation Committee was well represented and if it were easier they could just add some members to round the committee out. Mr. Tomlin added that there would need to be representation from the structural aquaculture sector if Council decided to expand on the Consolidation Committee.

Mr. Tomlin expanded by saying that the committee would need to meet at least three times. He noted that the first meeting would be for the introduction, the second for the layout and rules, and the third for comments.

Council made the decision to send out formal letters to the industry, then the council would review interest prior to forming the Regulatory Committee.

8. Meeting Schedule – Council

Date, time, and place of next meeting:

DATE: July 2, 2024

TIME: 6:00 PM

LOCATION: Haskin Shellfish Research Laboratory and MS Teams

8.1 Public Comment

Mr. Gaines thanked Senator Testa for asking questions to the Secretary of Agriculture about aquaculture and marketing funding.

Councilman Fleetwood thanked Senator Testa's representative for attending the Council meeting.

Mr. Babb updated the Council that the Bureau applied for funding to expand the shell recycling program that is based out of Atlantic City. He noted that within Bipartisan Infrastructure Bill through NOAA funding the Bureau was awarded a \$1.2+ million dollar grant to significantly expand shell recycling for the Atlantic Coast. He continued by stating that over 75,000 bushels of shell will be planted in the Mullica system over the next few years.

9. Adjournment – Council

Councilman Sheppard made a motion to adjourn. Councilman Fleetwood seconded. The meeting ended at 7:32pm.