

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 08349
Tuesday, September 10, 2024
6:00 PM

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

Vacant Seats: Councilman: (Cape May/Salem County)

State/Fed Reps: Russell Babb, Bureau of Marine Habitat and Shellfisheries
Alissa Wilson, Bureau of Marine Habitat and Shellfisheries
Andrew Hassall, Bureau of Marine Habitat and Shellfisheries
Megan Swain, Bureau of Marine Habitat and Shellfisheries*
Karen Bates, Bureau of Marine Habitat and Shellfisheries*
Michael Lindner, Bureau of Marine Habitat and Shellfisheries*

Haskin Lab: David Bushek, Director
Jenn Gius, Laboratory Researcher*
Iris Burt, Laboratory Technician*
**Virtual Attendance*

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 September 5, 2024, 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. Babb 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. Babb then performed a roll call for Council members as well as stating representatives from Haskin Shellfish Research Lab and NJDEP that were present.

1. Review of minutes: March 2024 and May 2024 (tabled), July 2024 – B. Hollinger
Chairman Hollinger addressed his fellow Council members stating the Council minutes were sent out electronically and asked if everyone had time to review them prior to the meeting. All Council members had time to review, and no changes were recommended. **Vice Chairman Fleetwood motioned to approve all the previous meeting minutes; Councilman Sheppard seconded the motion. All Council members were in favor the motion passed.**
2. Delaware Bay Office Revenue Collected – B. Hollinger
Chairman Hollinger presented the revenue collected by the Delaware Bay Shellfisheries Office for the months of July and August 2024, which was summarized as follows:

2.1. Revenue collected for July 2024: \$19,796.00

License Type	Total	License Type	Total
Oyster Tags	\$16,406.00	DB Dredge	\$100.00
Assigned Fees	\$2,000.00	Commercial SF	\$100.00
Nets	\$558.00	Special Use Permit	\$50.00
Commercial Crab Pot	\$300.00	Recreational SF-Non Res.	\$40.00
Menhaden	\$206.00	Application Fees	\$36.00

2.2. Revenue collected for August 2024: \$11,416.00

License Type	Total	License Type	Total
Oyster Tags	\$10,414.00	Lease Fee	\$100.00
Commercial Crab Pot	\$500.00	Dredge Boat License	\$46.00
Nets	\$156.00	Application Fees	\$36.00
Menhaden	\$154.00	Rec. Shellfish	\$10.00

Chairman Hollinger and Councilman Sheppard questioned expenses that fall under “Assigned Fees and Special Use Permits.” It was clarified by Mr. Hassall and Ms. Bates that the Assigned Fees and Special Use Permit fees were transactions through the Bureau of Land Management (BLM). [Post meeting addition: it was further clarified that the Assigned Fees were from Bureau vessel charters, and only the Special Use Permit fees were transactions through the BLM related to the Aquaculture Development Zones.] Chairman Hollinger then reviewed the Oyster Resource Development Account information and vessel transactions under items 3 and 4.

3. Oyster Resource Development Account (*as of 9/2/2024*)- B. Hollinger

Encumbered:	\$0.00
Expended:	\$0.00
Uncommitted:	\$193,848.39

4. Vessel Transactions- B. Hollinger

- 4.1. Substitution: License #55 vessel substitution of Ring Gold Bros (28 GRT) for Jill Louise (23 GRT)
- 4.2. Reconsolidation: Oyster Dredge Boat Licenses #6, 10, 13, 36, 48, 55, 62, and 85 from Kitty Hawk (#10) to Jill Louise (#55) with the addition of License #22.

5. Old Business

5.1. Red Knot Stakeholder Committee Update - B. Hollinger

Chairman Hollinger told the Council that there had not been any updates from the Committee. Mr. Babb added that the Department started meeting with the US Fish and Wildlife Service and the Army Corp of Engineers about how the next iteration of Red Knot-Aquaculture *Programmatic Biological Opinion* was to be handled (which was set to expire in 2026).

5.2. 2024 Direct Market Update – A. Hassall

Mr. Hassall gave the 2024 Direct Market Harvest update stating the High Mortality Region closed July 8, 2024 with a total of 32,703 bushels harvest with 53.4% of the total region harvest coming from the Bennies bed. Mr. Hassall also informed the Council and public that the Medium

Mortality and Shell Rock regions remained open to harvest with approximately 6,400 bushels left to harvest on Shell Rock and 2,300 bushels remaining on the Medium Mortality beds.

Bed	Region	Boat Days	Harvest	CPUE	% of Region	% of Total
Cohansey	MMM	18	1543	85.7	12.70%	3.00%
Ship John	MMM	113	10650	94.2	87.30%	21.00%
Shell Rock	SR	73	5761	78.9	100.00%	11.30%
Bennies Sand	HM	41	8391	204.7	25.60%	16.50%
Bennies	HM	107	17531	163.8	53.40%	34.50%
Nantuxent	HM	53	6901	130.2	21.00%	13.60%
Region Total	MMM	131	12193	93.1		24.00%
Region Total	SR	73	5761	78.9		11.30%
Region Total	HMM	201	3283	163.3		64.60%
Total		405	5077	125.4		

5.3. 2024 Shell Plant Update – A. Hassall

Mr. Hassall gave the Council members an update on the shell plant program that concluded on July 17, 2024. Harvest beds including Bennies and Shell Rock received about 90,000 bushels of shell. Mr. Hassall noted that the monitoring of the shell plant sites will start Monday, September 23 and will run through the end of the year and continue for the next two years.

Chairman Hollinger asked how the Council can secure a minimum of six barges for next year going forward to increase the amount of shell planted. Mr. Hassall explained the plan was to work over the winter with the shell supplier to have shell set aside and have it paid for as it is received. Mr. Babb then elaborated that if both parties were willing to strike a deal where shell gets set aside and paid in advance rather than working with whatever amount of shell is left from the seller prior to planting, that would be ideal. He added that the state just needed to make sure a procurement process was developed to allow for incremental payments prior to “receiving” the product.

In relation to the shell plant update, Dr. Bushek posed a question to the Council about the continuance of the dockside monitoring program. The Council agreed that they would like Rutgers to continue the dockside program along with water temperature data from 2014 to present to be shown for reference. Vice Chairman Fleetwood added that he had a lengthy conversation with Mrs. McGurk (from HSRL) about oyster spawning tendencies in the bay. The conversation encompassed when oysters were preparing to spawn versus when the spawning process concluded, and if there were markers for each scenario. Dr. Bushek added that there were various indicators to investigate, but the lab was working on getting a clearer statement to the industry.

5.4. Dermo Update – D. Bushek

Dr. Bushek told the Council that Dermo presence in the oyster population in the bay was presenting normally for the time of year based off the time series; even with a slightly higher water temperature observed throughout the bay. Dr. Bushek also mentioned that one of the master’s students at the lab had been looking at how the dermo weighted prevalence was impacted with varying salinity ranges and temperature changes in coming years, and he hoped that report would be finalized prior to the next stock assessment in February 2025.

Dr. Bushek informed the Council that the shell plant sites observed during Rutgers' monthly monitoring efforts were performing well with the oysters that attached in 2022 (sites on Nantuxent and Shell Rock) being just over an inch and a half, the 2023 sites (Bennies, Shell Rock, and Ship John) being just under an inch, and the 2024 sites (Bennies and Shell Rock) showing low mortality aside from Bennies where there seemed to be predation from oyster drills (*Urosalpinx cinerea*).

The last part of the update from Dr. Bushek encompassed Dermo prevalence on the oysters grown at the Cape Shore. He explained that Rutgers has been conducting a study between selectively bred and "wild" individuals to test dermo infection rates with selectively bred oyster. The wild oyster showed higher infection and weighted prevalence than the selectively bred oyster.

5.5. Regulatory Committee Update – B. Hollinger

Chairman Hollinger told the Council that the Regulatory Committee met for the first time on August 29, 2024, and had a productive meeting. The next meeting was to be held around the first week in October. Mr. Babb added that the meeting summary and all subchapters needed for the Committee were to be delivered to Committee members prior to their next meeting.

5.6. Vessel Tracking Device Update – A. Wilson

Mrs. Wilson informed the Council that discussions with Samsara regarding the vessel tracking units had been moving very quickly initially but hit a significant snag due to specific language in the contract about permissible data use. She added that the issue needed to be addressed before the State of New Jersey could agree to the contract. Chairman Hollinger asked about a potential timeline for deploying/installing the units on the vessels. Mrs. Wilson stated that the goal was to have a few units running on a couple vessels prior to the end of the 2024 harvest season to identify potential issues prior to the start of the 2025 harvest season. Mr. Babb added that the Department of Transportation currently used a similar unit to track freight shipments and while the language is already in place with another vendor, getting this vendor on board for this program had been difficult due to the language compliance for both entities.

Chairman Hollinger asked DEP representatives if the data collected was just positional or if it can be overlaid on a map of the bay region. Mrs. Wilson stated the data can be overlaid on a map to get a more detailed position for end of the year harvest data processing.

5.7. Resurvey Update: Bennies Oyster Reef – J. Gius

Chairman Hollinger introduced Ms. Gius for an update on the 2024 Bennies bed resurvey. Ms. Gius presented data collected during the previous survey that was conducted in 2014 and the most recent survey that took place earlier in 2024. Ms. Gius stated the findings that the overall bed density has dropped from the highest being less than 60 to less than 15 oysters per square meter and the bed density has shifted toward the southern end of the bed region. Ms. Gius hypothesized that the one possibility for the lower density numbers exhibited in the 2024 survey were due to the timing of the survey, and that since the bed had not been worked since the summer of 2023 it was still tightly packed. She continued that the bed may show different results during the fall survey having been broken up due to dredge activity.

Vice Chairman Fleetwood raised concern about a 10-year gap in data between the survey years as it did not show interannual changes on the bed region. Dr. Bushek explained that the data presented cannot show interannual changes and this survey is more a tool to be used to better determine how to survey the bed over the next 10-year period (i.e., sample and grid

allocation). Chairman Hollinger and Vice Chairman Fleetwood both agreed they would like to see data including total catch per unit effort, total catch percentages compared to other beds, and shell plants and transplants over the 10-year timeline to get a better understanding as to why the density in the bed region may have dropped.

Dr. Bushek added that while the survey had been streamlined over the years to get more sites sampled and less time taken to complete the survey, it was possible in the future that the survey can be on a schedule of every five years instead of every 10. This would decrease the gap in relevant data and give more insight into each of the bed regions. Ms. Gius added that perhaps the focus of the survey should be bed regions that receive enhancement effort and fishing pressure to highlight the resource that the industry has at their disposal.

Chairman Hollinger questioned the possibility of a Council member or oyster fisherman observing on the vessel during the survey to see if fishing practices differ from scientific practices. Dr. Bushek stated that those interested would have to go through the vessel captain and owner.

The final item presented by Ms. Gius was a theoretical change in the market regions that Councilman Sheppard had inquired at the previous Council meeting on July 9, which was effectively what the 2024 quota would look like if the Bennies Sand bed was added to the Shell Rock region. Ms. Gius explained that the total quota would drop by about 2,000 bushels due to the Bennies Sand bed being small comparatively to other bed regions and it would not add the necessary abundance bump needed as the High Mortality region's exploitation rate was 9.8% compared to Shell Rock's 4.8%. Councilman Sheppard questioned what time frame the exploitation rates come from; Dr. Bushek stated the exploitation rates for each bed region are set from the 2007-2015 timeline.

5.8. NJREAL Update – R. Babb

Mr. Babb gave an update on the NJ REAL Rule Proposal that was published on August 5, 2024. He stated the first public hearing occurred on September 5th at Ocean County College with the next two meetings occurring virtually on the 12th and 19th of September. Chairman Hollinger highlighted concerns with the rule proposal being set for the Atlantic coastal communities with little regard other coastal communities like the Maurice River. He also mentioned a meeting at Township Hall about flooding problems within the community, which was scheduled for Thursday, September 12th from 4-7pm where concerns from the community can be heard.

5.9. Maurice River Cove Tongers Area Update – R. Malinowski

Councilman Malinowski asked Mr. Hassall if there was an update on the tonging area in the Maurice River Cove - like how the spat set that was caught the previous year looked, and overall, how the area was performing. Mr. Hassall stated that after the small-scale shell plant that was performed in July of 2023, the state checked the planting site over the winter and found an estimated 400 spat per bushel was in the area. Mrs. Wilson added that 2 weeks ago the state had been given an estimated 110,000 Cape Shore spat that was deployed on the tonging area and a part of the sample is being used to study growth in the area. Chairman Hollinger asked if the industry could conduct similar work and if so, would they require a permit. Mr. Babb stated that if industry members would like to conduct a similar activity, they should contact the Delaware Bay Shellfish Office, and they would provide guidance.

6. Public Comment

6.1. Shell Resource Availability

The Council expressed they would like to see an audit performed that would capture the costs for shell planting and transplant work. In this case, the Council suggested a scenario where a 120,000-bushel shell plant and a 40,000-bushel transplant would occur in a given year. The Council members voiced concern if there would be enough funds accrued to support the enhancement efforts if future quotas were like that of the 2024 season. Vice Chairman Fleetwood questioned if they would need to find additional funding to support the fishery or if increasing the bushel tax would suffice. Mr. Babb stated that a cost review audit was straight forward and feasible; however, he added that ensuring that adequate shell resource was secured was the main priority and concern. The state is trying to partner with other state entities to secure the shell needed for enhancement activities. Councilman Sheppard asked if looking into grants was an option to supplement the funds needed for the enhancement work. Mr. Babb explained that while it was an option, based on most "restoration grants," that would likely result in some form of harvest restriction being placed on enhancement areas whether that be rotating closures or the implementation of nursery or management zones (in order to fulfill grant requirements).

6.2 Lease Renewal Reminder

Mr. Babb added that the annual lease renewal period will open on October 15th.

6.3 East Point Lighthouse Lease Renewal

Councilman Sheppard addressed his fellow Council members on whether the Council would draft a letter in support of the East Point Lighthouse. All Council members agreed that the lighthouse is culturally and historically significant to the area and decide to draft a letter to the DEP and historical society in support of reopening the lighthouse.

7. Meeting Schedule

DATE: TBD
TIME: 6:00 PM
LOCATION: Haskin Shellfish Research Laboratory and online via MS Teams

The Council members were given the proposed date of the next Council meeting on November 12, 2024. All Council members agreed the date was later than anticipated and wanted to look at other dates. One proposed date was Wednesday, November 6th. The Council decided to be in touch with the Bureau to plan the next meeting.

8. Adjournment

Councilman Sheppard motioned to adjourn the meeting. Councilman Malinowski seconded the motion, and all Council members voted in favor. The meeting was adjourned at 7:15pm.

Meeting Attendees:

Michael Moore, Bureau of Marine Water Monitoring
Leah Scott, RU HSRL
Todd McConnell, Public