

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

MS Teams Conference Call  
Bivalve, NJ  
Tuesday, January 4, 2022  
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: Russ Babb, Bureau of Shellfisheries  
Jeff Normant, Bureau of Shellfisheries  
Craig Tomlin, Bureau of Shellfisheries  
Andrew Hassall, Bureau of Shellfisheries  
Conor Davis, Bureau of Shellfisheries  
Megan Kelly, Bureau of Shellfisheries  
Robert Schuster, Bureau of Marine Water Monitoring

Haskin Lab: David Bushek, Director

General Public

*Compliance with the Sunshine Law*

Notice of this meeting was posted December 15, 2021 with the Secretary of State's Office, State House, Trenton, NJ and the Bridgeton Evening News, and Daily Journal pursuant to L. 1975 c. 231.

Mr. Tomlin welcomed everyone to the meeting, performed roll call, then read the above compliance.

1. Annual Election of Council Chairman and Vice Chairman

**Councilman Fleetwood nominated Councilman Hollinger for Chairman. Councilman Sheppard seconded the nomination. A vote was taken with Councilman Hollinger abstaining; all were in favor and the motion passed. Councilman Hollinger nominated Councilman Fleetwood for Vice Chairman. Councilman Sheppard seconded the motion. A vote was taken with Councilman Fleetwood abstaining; all were in favor and the motion passed.**

2. Approval of Meeting Minutes

Council minutes from September and November 2021 were submitted to the Council for approval. All Council members had reviewed the minutes for approval. Councilman Hollinger asked for a motion to be made to approve the minutes. **Councilman Malinowski motioned for the minutes to be approved. The motion was seconded by Councilman Fleetwood. All were in favor and the motion passed.**

3. Revenue Collected:

**Revenue collected for November totaled \$27,838.00 and is summarized as follows:**

License Type	Total	License Type	Total
Lease Fees	\$13,780.00	Tonging Tags	\$1,200.00
Assigned Fees	\$3,750.00	Commercial Shellfish	\$750.00
Nets	\$2,702.00	Menhaden	\$516.00
Commercial Crab Pot	\$1,900.00	Application Fees	\$130.00
DB Crab Dredge	\$1,700.00	Planter License	\$100.00
AC Crab Dredge	\$1,400.00	Recreational Shellfish	\$10.00

**Revenue collected for December totaled \$40,169.74 and is summarized as follows:**

License Type	Total	License Type	Total
Commercial Crab Pot	\$4,500.00	DB Crab Dredge	\$1,900.00
Nets	\$8,003.00	AC Crab Dredge	\$2,000.00
Application Fees	\$284.00	Commercial Shellfish	\$1,100.00
Menhaden	\$980.00	Dredge Boat Renewal	\$36.00
Dealer/Shucker/Planter	\$500.00	Assigned Fees	\$12,511.00
Tonging Tags	\$1,100.00	Lease Fees	\$7,255.74

**Oyster Resource Development Account (082):**

*(as of 01/07/20)*

Expended	<b>\$ 163,728.31</b>	Budget authority less expenditures ( <i>total spendable dollars currently in account</i> )
Unexpended	<b>\$610,145.27</b>	

4. Lease Ground Transactions:  
4.1 Lease Ground Transfers:

Transfer from Thomas K. Taylor to Marie Taylor

Leaseholder	Applicant	Section	Lot	Acres	Acreage Fee	Application Fee
Thomas K. Taylor	Marie Taylor	C	336	22	\$11.00	\$5.00
Thomas K. Taylor	Marie Taylor	D	264	17	\$8.50	\$1.00
		Total		39	\$19.50	\$6.00

Mr. Tomlin reviewed the lease transfer details to the Council. **Councilman Fleetwood motioned to approve the lease transfer. Councilman Malinowski seconded the motion. The motion passed.**

4.2 Application for Review

Applicant	Section	Lot	Acreage	Acreage Fee	Application Fee
Ned Gaine	B	282	172	\$86.00	\$250.00

5. Oyster Lease Ground Renewals/Non-Renewals:

5.1 Approval of 2022 lease extensions

Mr. Davis informed the Council that the Bureau received all but two leaseholders' renewal paperwork. Of the two that had yet to be received, they had been contacted by staff. The leaseholders stated they had submitted their paperwork via U.S. mail prior to the December 31<sup>st</sup> deadline. Staff will check the postmark to confirm the submission took place prior to the deadline.

**Councilman Fleetwood made a motion to approve all confirmed submissions of 2022 lease extensions. Councilman Sheppard seconded the motion. All were in favor and the motion passed.**

The Council will approve the remaining renewals at the next Council meeting once staff has confirmed they were submitted prior to the deadline.

6. Old Business

6.1. Red Knot/Aquaculture Update

Councilman Hollinger informed the Council that there had not been a Stakeholder Committee for almost a year. Therefore, no changes or updates were available.

6.2. Leasing Committee Update

Mr. Babb began the update by stating that the last Committee meeting was held in mid-November of 2021. At that meeting the Committee's charge was reviewed and what the purpose of the meets is, which is to cover a large array of leasing issues and encapsulate them into a final report for the Council.

Also, at the November 2021 meeting, staff presented suggestions for the Delaware Leasing Policy. Committee members commented on the suggested edits to the 2010 Delaware Leasing Policy. Staff is reviewing the Committee's recommendations and will send out an updated policy draft that reflect those recommendations for further consideration.

Staff also updated the Delaware Bay Leasing Committee on what has recently been discussed by the Atlantic Coast Leasing Committee, which was heavily focused on lease utilization and permit compliance. Staff has drafted and sent a letter to all leaseholders reminding them of the importance of permit compliance.

Mr. Babb also felt that it was noteworthy to mention that both the Atlantic Coast and Delaware Bay Leasing Committees were briefed on the creation of a new office within the DEP, which is the office of Community Investment & Economic Revitalization. This office is still new and developing its mission statement, yet it has expressed an interest in

aiding in developing economic opportunities for the aquaculture industry and expanding shell planting projects.

Lastly, the need for a license for obtaining and renewing leases was discussed, and if so which license(s) would best suit that need.

The next Delaware Bay Leasing Committee meeting was scheduled for January 18<sup>th</sup> 2022.

Following the update from Mr. Babb, Councilman Fleetwood asked, “how much will the Office of Community Investment & Economic Revitalization will work with the Councils to achieve the Office’s goals?” Mr. Babb could not speak to the full extent the Office would be engaging with the Councils but was sure that they would be speaking with members of the industry. Councilman Fleetwood asked if a letter from the Council to the Office would be worthwhile. Mr. Tomlin felt that a letter to the Office introducing the Council and their willingness to work with them would be a good idea. Councilman Hollinger added that he would like the letter to include a thank you for visiting the area and touring his facility in late 2021.

**Councilman Hollinger made a motion to draft a letter to the Office of Community Investment & Economic Revitalization thanking them for their interest in the Delaware Bay community and that the Council is available to help where needed. Councilman Sheppard seconded the motion. All were in favor and the motion passed.**

#### 6.3. Direct Market Fishery Update

Mr. Hassall updated the Council on the 2021 Direct Market Program. Harvest started on April 5<sup>th</sup> and concluded on November 19<sup>th</sup>. All 80 Licenses participated. Approximately 116,030 bushels were harvested under the project. Of that, 46,626 came off the High Mortality region, 42,033 came off the Shell Rock region, and 27,371 came off the Medium Mortality region.

#### 6.4. Oyster Tonging Industry Update

Mr. Tomlin reported to the Council that 10 tongers have purchased tags. The total number of tags sold was 1,150 for \$2,300. At the time of the meeting just under 650 bushels were harvested mostly from Nantuxent Cove. Very little has been done in the Maurice River Cove.

#### 6.5. Dermo Update

Dr. Bushek conveyed to the Council that the full 2021 Dermo report would be released in late January, but it was looking like the season was relatively average despite the warmer temperatures. This was partly due to the increased flow of freshwater coming from up-bay in September.

#### 6.6. Vibrio Update

Mr. Schuster stated that according to the Health Department, there were two cases of *Vibrio vulnificus* in 2021. One case was from a single source from New Jersey and the other case came from multiple sources with multiple states involved. Also, there were ten reported cases of *Vibrio parahaemolyticus* affecting New Jersey residence. Six of those ten cases had New Jersey product involved. The other four involved all out of state product. Of the six involving New Jersey

product, two were single source coming from the Shellrock seed bed in the month of June. Of the other four cases where New Jersey product was implicated, extensive shipping had occurred from a common carrier. Therefore, it is suspected that the cases were due to transport and handling after harvest. Mr. Schuster went on to say that from the monitoring that occurred in 2020 and 2021, there is a short period in late June into early July where you might see higher levels from the water and tissue through. After that the levels are very low. Mr. Schuster also stated that he did a risk evaluation for the month of June. According to his calculations, the risk is about 1 case per 100,000 servings, which is half of what the model ordinance allows for.

Councilman Hollinger asked Mr. Schuster to update the council on the progress of the rule change to allow aqua culturist to harvest on Sundays. Mr. Schuster responded that a letter had been sent to Trenton asking for a launch memo to be approved for the rule change. Once approval has been given, an attorney will be assigned to it and the process will move forward. This is a priority for the Bureau of Marine Water Monitoring (BMWM), and BMWM is in continual communication with the Director's office about the issue.

Mr. Gaine asked Mr. Schuster how to request for sampling in an area that hasn't previously been sampled. Mr. Schuster instructed Mr. Gaine to call his office and that they could discuss the location and accessibility of the location.

#### 6.7. Oyster Industry Science Steering Committee Update

Mr. Tomlin began by reminding the Council that there had been interest from a member of the public to be on the Oyster Industry Science Steering Committee (OISSC). Furthermore, at the last Council meeting it was stated that the OISSC is a planning group for the Stock Assessment Workshop. While the OISSC meetings not a closed, it was decided that it is best to have input about the makeup of the group during the Stock Assessment Workshop, because the OISSC is an advisory body for the Stock Assessment Workshop.

Councilman Hollinger added that the OISSC is funded for wild caught harvest and that the group exclusively works on wild caught harvest. Lastly, the monies that come from the State go directly to that OIACS.

Mr. Gaine responded that he did not feel that Stock Assessment Workshop was set up as an open forum and difficult to interact with the Stock Assessment Review Committee. Also, participation from industry members has been low and that receiving industry input should be welcomed.

Dr. Bushek replied that comments at the Stock Assessment Workshop are welcomed. He did acknowledge that due to Covid, commenting had become more difficult. Dr. Bushek went on to clarify recommendations for science advice are not given at the OISSC. The OISSC looks at funding and scheduling to implement those recommendations. Lastly, the Council and the oyster industry are represented on the OISSC by two industry members.

### 7. New Business

#### 7.1 Direct Market Program – Upcoming Stock Assessment Workshop, February 8 & 9, 2022, via Zoom

Dr. Bushek informed the Council that the upcoming Stock Assessment Workshop will be held on February 8 & 9, 2022, via Zoom. Dave Eggleston from the University of North Carolina would be replacing Matt Hare of Cornell University on the Stock Assessment Review Committee.

## 7.2 Crab Pot and Crab Dredge License update

Councilman Hollinger stated that everyone that holds either a crab pot license and/or a crab dredge license should have received a letter from the Marine Fisheries Council regarding recent changes to blue claw crab regulations. One change that has gone into effect is that transfer of license between non-family members is now allowed. Some caveats to this rule change are there will be a limited number of transfers per year are allowed for active licenses and inactive licenses. The determining factor of active verses inactive is whether harvest had occurred under the license number.

## 7.3 Legislation updates

Councilman Hollinger recounted that there are two pieces of legislation that are being considered. One is for Sunday harvest of shellfish. To the best of Councilman Hollinger's knowledge, the bill was voted out of committee and is now moving out of the Senate and now going through the Assembly.

The second piece of legislation that Councilman Hollinger reported on was the Right to Farm bill. It too was voted out of committee and is moving to the Assembly.

Mr. Babb confirmed that the Right to Farm bill was reported out of committee and the second reading was on December ninth. The bill regarding Sunday harvest was also reported out of committee and the second reading was also on December ninth. Mr. Babb went on to report that there is a third bill up for consideration that would establish \$100,000.00 appropriations for the Department of Agriculture to advertise and promote State aquaculture products through the Jersey Fresh program also passed on December ninth. Lastly, it was Mr. Babb's understanding that there were three more voting days left before the session ends.

Councilman Hollinger added that comments were made on the Sunday harvest bill. One of which was \$100,000.00 should be appropriated annually for enforcement. Unfortunately, the recommendation was not added to the bill.

## 7.4 Shell purchase for the upcoming 2022 shellplanting project.

Councilman Fleetwood asked for an update on the purchasing of shell for 2022. Mr. Tomlin answered that the contract should be extended. Once extended, shell can be purchased and stockpiled. Mr. Fleetwood asked how many barge loads can be expected to be purchased. Mr. Tomlin responded five barge loads are expected and that the shell provider could not guarantee more. Councilman Sheppard asked about the possibility of a price increase in the cost of Shell. Mr. Tomlin confirmed that the shell providers are allowed to increase the price per the contract extension and to expect a slight price increase.

**Councilman Sheppard motioned to adjourn the meeting. Councilman Malinowski seconded the motion. All were in favor.**

8. The NJ Shellfisheries Council, Delaware Bay Section meeting adjourned at 7:16 PM.  
The tentative date, time and place of the next Council meeting will be:

Date: March 1, 2022  
Time: 6:00 PM  
Place: Via M.S. Teams

