

**MINUTES OF THE MEETING OF THE ATLANTIC COAST SECTION OF THE
NEW JERSEY SHELLFISHERIES COUNCIL**

Meeting was held at the Nacote Creek Research Station (360 N New York Road, Port Republic, NJ)
Attendance was in-person or online via Microsoft Teams
Monday, June 17, 2024

Present were: Chairman: Walter L. Johnson III (Ocean County)
Vice-Chairman: George Mathis Jr. (Burlington County)
Councilman: Paul T. Felder (Cape May County)
Councilman: Vacant (Monmouth County)
Councilman: Vacant (Atlantic County)

DEP Representatives: Joseph Cimino, Marine Resources Administration
Russell Babb, Bureau of Marine Habitat & Shellfisheries*
Jeff Normant, Bureau of Marine Habitat & Shellfisheries
Megan Swain, Bureau of Marine Habitat & Shellfisheries
Scott Stueber, Bureau of Marine Habitat & Shellfisheries
Richard DiVaccaro, Bureau of Marine Habitat & Shellfisheries
** Denotes Virtual Attendance*

Ms. Swain read the State’s compliance with the Open Public Meetings Act and notice was filed with the Secretary of State Office and sent to the Atlantic City Press and NJ Advanced Media news outlets. She announced that the meeting would be recorded.

1. Total Revenue for May 2024 \$ 1,134.05
Shellfisheries Law Enforcement Fund \$ 394.00
2. Presentation of the May 20, 2024, minutes for approval.

The May 20, 2024 minutes of the meeting were approved on a motion by Mr. Mathis and seconded by Mr. Johnson. Mr. Felder abstained because he was not present at the May meeting.

3. Applications for Consideration

LESSEE	LOT	SECTION	ACRES/FT	LOCATION	MAP	Species	Proposed Activity
Stephen J. Fleetwood Jr.	119	B	2.05	GB – Graveling Point	1	Oysters	On Bottom Planting
Stephen Fleetwood	125	B	2.08	GB – Graveling Point	1	Oysters	On Bottom Planting
Edward W. Gaine	123	B	2.04	GB – Graveling Point	1	Oysters	On Bottom Planting

All applicants listed above for consideration were in attendance at this meeting and fulfilled the regulatory requirement to attend at least one of the two Council meetings their application was being discussed by Council.

4. Applications for Decision

LESSEE	LOT	SECTION	ACRES/FT	LOCATION	MAP	Species	Proposed Activity
Patrick Henderson*	621	B	2.00	LEHB_Thompson Creek	6	Oysters	Floating Cages/Bags
Donald F. Burke*	2811	B	2.00	Steelmans Bay (Scullville)	27.1	Hard Clams	On bottom/Predator Screens
Patricia F. Burke*	2812	B	2.00	Steelmans Bay (Scullville)	27.1	Hard Clams	On bottom/Predator Screens
Donald F. Burke Jr.*	2813	B	2.00	Steelmans Bay (Scullville)	27.1	Hard Clams	On bottom/Predator Screens
Michael DeLuca*	404.1	B	2.00	GB – Big Creek	10	Oysters	Floating Cages/Bottom Cages
Sky Glenn*	1113	A	2.54	Great Sound	5	Hard Clam	On-bottom/Predator Screens

*Attended the May 20, 2024 meeting

All applicants had attended the May 20, 2024 meeting and had fulfilled the regulatory requirement to attend one of two Council meetings their application was being discussed by Council. The above-referenced applications for decision were approved on a motion by Mr. Mathis and seconded by Mr. Felder. Applicants would receive a letter and had 30 days to come to the office to sign their lease agreement and pay any applicable fees.

5. Applications for Transfer

LESSEE	APPLICANT	LOT	SECTION	ACRES/FT	LOCATION	MAP	Species	Proposed Activity
John Maxwell	Walter Johnson III	2265	B	2.15	Dry Bay	24.2	Hard Clam	On Bottom/Predator Screens

The above-referenced application for transfer was approved on a motion made by Mr. Felder and seconded by Mr. Mathis. Mr. Johnson abstained. The applicant would receive a letter and shall be required to sign their lease agreement and pay the applicable fees in person.

6. Old Business

NJREAL

Proposed updates to Land Resource Protection rules were described to support “Resilient Environments and Landscapes” (NJ REAL) and was previously categorized by NJ PACT rule changes. It was announced that a draft copy of the rule proposal was available online and the formal rule proposal was anticipated to be published in the N.J. Register in July. Once published, there would be a 90-day public comment period which included three public hearings.

Recordings of the four webinar sessions were also available online using the following link:
<https://dep.nj.gov/njreal/>

Bureau staff were reviewing the document to identify relevant changes that may impact marine habitat and/or shellfish. Proposed changes to the rules were discussed, which included: changing “permits-by-rule” to “permits-by-registration” that required user registration and submittal of compliance information to the Department via its online portal to provide better tracking of regulated activities. Some of the changes included limiting the maximum size of bottom cages under permit-by-registration (10 sq ft) and discouraged nature-based shoreline protection projects on shellfish leases. Any proposed changes to a lease’s configuration in order to accommodate a nature-based shoreline protection project would be in consultation with the Council. In addition, the rule proposal specified that shellfish and oyster reef habitat disturbance was “discouraged” but included allowances to disturb oyster reefs for submerged cables if it met specific rule conditions and proper mitigation standards. The proposed rule changes also added additional subsections in the shellfish habitat mitigation requirements.

Concerns were raised by Mr. Gaine about submitting duplicative information that was already provided on the lease utilization form to the Bureau of Marine Habitat and Shellfisheries and adding a burden to the traditional shellfish growers using predator screens and on bottom cages. There was a question regarding the submittal process of a permit-by-registration, if it expired or needed to be renewed. Mr. Cimino encouraged the Council and the public to provide these types of comments during the public comment period. The Bureau would notify the Council when the public comment period was open.

Discussion ensued regarding predator screens and how it was also being considered by the US Army Corps of Engineers (USACE) given the change in leadership at the Philadelphia District. Mr. Babb explained that the USACE was now considering predator screens a permit requiring activity. Mr. Auriemma added that all permits-by-rules were being changed to permits-by-registration, so the proposed change was not shellfish industry specific. There was a public comment regarding enforcement of the permit-by registration and any penalties associated with it.

7. New Business

Hydrographic Survey – Ludlam Bay

Mr. DiVaccaro completed the final hydrographic surveys in June for Ludlam Bay. Some minor adjustments needed to be made, but most of the leases were staked correctly. Mr. Normant added that accuracy had improved since the Bureau began providing corner coordinates to the lessees prior to staking.

Public Comment

Mr. William Avery asked for clarification on what was considered the boundary for Dry Bay for the exclusion of crab pots. Mr. Normant explained this was a NJ Marine Fisheries Council policy decades ago but would consider the boundary from the outside leases that were described in leasing regulations. Mr. Avery had concerns about crab pots being close to his lot and wind sometimes blew pots onto his lease.

A motion to adjourn the meeting was made by Mr. Mathis and seconded by Mr. Felder.

8. Date time and place of next meeting:

DATE: July 15, 2024
TIME: 6:00 PM
LOCATION: Hybrid In-Person and Virtual
Stafford Township Firehouse

Public Attendees (In-Person)

Edward Gainé
William Avery

Public Attendees (Virtual)

Amanda Wenczel
Matthew Matusky
Patrick Henderson
Thomas Burke
Stephen Fleetwood Sr.
Stephen Fleetwood Jr.
Chris Carroll

Other DEP Attendees (Virtual)

Jenny Tomko
Lisa DiElmo
Lauren Strazzeri
Alissa Wilson
Natalie Dragos
Michael Moore
Liia Carpenter
Nina Colagiovanni
Michael Auriemma