

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

Meeting was held at the Batsto Village Visitor Center (31 Batsto Road, Hammonton NJ 08037)
Attendance was in-person and online via Microsoft TEAMS

Monday, March 18, 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: 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
 Nina Colagiovanni, Bureau of Marine Habitat & Shellfisheries*
 Lauren Strazzeri, Bureau of Marine Habitat & Shellfisheries*
 Sarah Gentile, Bureau of Marine Water Monitoring*
** 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 February 2024 \$ 2,847.12
 Shellfisheries Law Enforcement Fund \$ 603.00
2. Presentation of the February 12, 2024, minutes for approval.

The February 12, 2024 minutes of the meeting were approved on a motion by Mr. Mathis and seconded by Mr. Felder.

3. Applications for Transfer

LESSEE	APPLICANT	LOT	SECTION	ACRES/FT	LOCATION	MAP	SPECIES	ACTIVITY
Robert Mayer	William Mayer IV	101	A	2.00	GEH Bay	2	Hard Clam	On-Bottom Planting

Ms. Swain stated that two columns (species and activity) have been added per the recommendation of the Council at the February meeting. The transfer application was approved on a motion made by Mr. Mathis and seconded by Mr. Felder. Ms. Swain stated that the approved transfer applicant would receive a letter and be required to sign their lease agreement and pay the applicable fees in person.

4. Old Business

Offshore Wind Updates

Ms. Brust from the NJ Marine Resources Administration provided an update on Offshore Wind. Ms. Brust stated that New Jersey was updating its Offshore Wind Strategic Plan, which included a Cable Constraints Desktop Study, Mitigation Opportunities Analysis, Relative Impacts Analysis, and an Assessment of the Research and Monitoring Initiative. Ms. Brust provided a brief review on how the State acquired Offshore Wind projects, which included a power purchase agreement, requirements for awardees, and funding for research and monitoring. NJ's Ocean Wind 1 and 2 projects were cancelled; however, Atlantic Shores 1 is currently in the State and Federal permitting process, and a third Solicitation for 3,742 MW was awarded to Attentive Energy and Invenergy/Landing Light Wind. At this time, only Atlantic Shores 1 had a power purchase agreement. Ms. Brust discussed methods of installation and cable laying for Atlantic Shores 1. Ms. Brust lastly discussed several surveys included in the Research and Monitoring Initiative, which includes conducting a surf clam survey using the "Novel Surf Clam Dredge" and Carbonate Chemistry survey.

Mr. Avery asked for clarification on the maximum capacity targets and awards. Ms. Brust responded that there was a range for each solicitation, with an overall goal of 11,000 MW. Mr. Avery also asked about the height of the turbines, to which Ms. Brust replied that the expected height was 1,000-feet.

Mr. Avery asked about de-icing the turbine blades in the winter. Ms. Brust replied that she could not answer any technical questions.

Legislative Update

Ms. Swain discussed a proposed bill, A-4056 Calabrese (D-36): *Changes DEP authority to allow taking of aquacultured shellfish on Sunday.*

The Bill was introduced on March 11, 2024, and was referred to the Assembly Commerce, Economic Development & Agriculture Committee. Both Mr. Mathis and Mr. Johnson expressed some concerns about the Bill and the lack of consultation with the Council.

Discussion ensued about a recent news article which described multiple legislative changes to aquaculture policy. Mr. Babb added that there was suspicion about Artificial Intelligence (AI) being involved in the article which seemed to list items from the Aquaculture Development Plan. He added that the Bureau would keep the Council up to date on A-4056.

Structural Aquaculture Committee

Mr. Mathis provided a summary of the Structural Aquaculture Committee. The full summary of the Structural Aquaculture Committee meeting will be attached to the minutes.

The Committee met on February 20th and topics discussed included potential conflicts associated with a change in the use of leases that were traditionally used for clam culture and then repurposed for structural oyster culture. The major issues included *Vibrio* and perceived conflicts associated with floating gear. Committee members recommended that the Council revisit the lease policy to re-evaluate each bay to determine where structural aquaculture expansion could be focused. The Committee agreed to review the lease policy document and provide comments to the Council and Lease Policy Committee on recommendations to the policy that reflect the structural

aquaculture industry's perspective. The Committee discussed the two main issues related to the effects of birds on structural aquaculture gear, potential closures, and negative public perception. Other topics included permit compliance and the optics for the industry when a grower operates without the proper permits. In addition, the inconsistencies with permit conditions for various state and federal agencies were discussed. These inconsistencies made it confusing for growers to navigate the permit conditions and requirements necessary for their operation, i.e. gear tagging. Committee members also expressed the challenges regarding contacting the United States Coast Guard.

A member of the Committee discussed his success with bird deterrents, and discussion ensued on how to provide information on success's/failures to other growers. Ms. Swain added that the Bureau of Marine Water Monitoring was looking to hold a meeting to allow growers to share their experience with bird deterrents. One grower had success last year and another grower received a grant to explore multiple types of bird deterrents and was willing to present it to a growers forum. Ms. Gentile also stated that the Bureau of Marine Water Monitoring was hoping to join in on a Structural Aquaculture Committee meeting and to bring the growers together to talk about bird deterrents.

Mr. Mathis asked if this discussion could be held at their next meeting. Ms. Swain replied that she and Ms. Gentile had discussed holding the growers forum and the Committee meeting on the same day. Mr. Johnson shared his appreciation to all members of the Structural Aquaculture Committee. The next Structural Aquaculture Committee meeting was scheduled for March 28th.

Mr. Gaine asked for clarifications on what were the inconsistencies in the permit conditions. Ms. Swain replied that the focus was on gear tagging, Mr. Normant replied that when the new shellfish leasing regulations are established, the gear tagging should be consistent with the US Army Corp of Engineers NWP-48 permit. Ms. Swain explained that each permit should be reviewed thoroughly to understand all applicable conditions.

In response to the bird deterrent discussion, Mr. Jenks expressed concerns about birds located on aquaculture gear and explained in the past, federal bird depuration permits have been issued shoot birds in order to reduce bird related issues and that maybe these federal permits could be obtained as a solution.

Regulatory Committee

Mr. Normant stated that the Regulatory Committee was looking to schedule a meeting in mid-April. Ms. Swain suggested that the initial meeting would be fully in person with no virtual option. Conversation ensued about the opportunity for hybrid meetings for the first meeting and in the future.

Mr. Avery asked if materials could be sent out prior to the Regulatory Committee meeting. Mr. Normant replied that the Bureau would send a letter as well as a copy of the existing regulations.

Mr. Felder asked where the next meeting would be held. Ms. Swain stated that she was trying to set up the meeting at the Jacques Cousteau Coastal Education Center located in Tuckerton, New Jersey.

Mr. Parsons asked if the Regulatory Committee could review the proposed regulatory changes prior to the meeting. Mr. Normant replied that they could not, but that the Bureau would be presenting a PowerPoint with a summary of the proposed changes. Ms. Swain added that they were unable to go line by line for the regulation changes as advised by NJDEP attorneys, however, they could have a conservation to discuss the proposed changes at the meeting. Mr. Parsons expressed concern regarding adequate time to review regulations in order to provide comments. Mr. Babb replied that the Bureau would be sending out a packet of all existing regulations, an agenda

of what subchapters would be addressed, and that they would provide participants with the opportunity to react and respond to the proposed changes any time after the meeting.

Old Business

Mr. Mathis stated that Mr. William Wills expressed interest in participating in the Regulatory Committee and asked Mr. Felder if he would accept his application. Mr. Felder made a motion to accept Mr. Wills' application for the Regulatory Committee and Mr. Mathis seconded that motion. Mr. Wills said he would deliver his committee application to the office.

Mr. Normant inquired if the Council was satisfied with the number of participants on the Regulatory Committee. With the addition of Mr. Wills there was a total of 16 advisors on the Committee. Mr. Felder stated that Mr. Wills would be the final addition to the Committee.

Public Comment

Mr. Parsons stated that he had heard that the Sunday Harvest Bill had been changed due to recommendations by the industry during the testimony for the Bill. Mr. Johnson stated that at the last Marine Fisheries Council Meeting, there was interest in Sunday harvest from the recreational sector. Mr. Parsons asked the Council if they could request that the language for Sunday harvest be specific for farmed shellfish. He pointed out that the new rule proposed still lists the Monmouth County waters as open to harvest on Sunday due to the depuration plant harvest. He was concerned that the recreational shellfishermen may want Sunday harvest for the whole coast and that the Bill should be more specific to just address farmed shellfish in order to clarify. Mr. Johnson replied that the Council would not comment on the Bill because the legislature continues to not consult with the Council.

5. New Business

Financial Disclosure Reminder for Council Members

Mr. Normant reminded the Council to complete the annual Financial Disclosure and that they should receive an email soon to verify their contact information.

Public Comment

Mr. Jenks expressed concerns about a prior dredging project located in the Metedeconk River and the potential pollution because of the project.

Ms. Gentile added that the data that led to the "Suspension" of the shellfish growing waters in the area dated back to 2019 and 2020. Ms. Gentile stated that fecal coliform does not correlate to dredge material. She stated that she would take a deeper look into the data and then try to have that conversation.

Mr. Gaine asked Ms. Gentile if there were any updates on when the Bureau of Marine Water Monitoring's regulations would be in effect. Ms. Gentile replied that she did not have an update, however, she provided information that the Bureau's *Vibrio* plan was almost finalized.

Mr. Avery asked Ms. Gentile if the Bureau had heard about a spill located near a project in Atlantic City. He stated that orange water had come into his hatchery and was concerned. Ms. Gentile stated that she had not heard about it, but that she would investigate it.

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

6. Date time and place of next meeting:

DATE: April 15, 2024
TIME: 6:00 PM
LOCATION: Hybrid In-Person and Virtual
Batsto Village Visitor Center

Public Attendees (In-Person)

Steve Fleetwood
William (Bill) Wills
Edward (Ned) Gaine

Public Attendees (Virtual)

Matthew Matusky
Bill Avery
Tricia B.
Amanda Wenczel
Chris Carroll
Tommy Burke
James Jenks
Jordan Lopinto
Sky Glenn
Billy Mayer

Other DEP Attendees (Virtual)

Colleen Brust
Jenny Tomko
Craig Tomlin
Natalie Dragos
Alissa Wilson
Celia Dahl
Lia Carpenter

Atlantic Coast Section of the New Jersey Shellfisheries Council
Structural Aquaculture Committee
Meeting Summary

February 20, 2024

Meeting was held in-person at the Jacques Cousteau Coastal Education Center, Tuckerton NJ

Present: George Mathis (Chair)*, Dale S. Parsons, Jordan LoPinto, Matthew Hender, Matthew Matusky, Chuck Gehman, Thomas Burke
*Shellfisheries Council Member

Absent: Matthew Gregg

DEP Representatives: Megan Swain, Richard DiVaccaro

Committee Charge Statement from Council:

The Atlantic Coast Section of the New Jersey Shellfisheries Council’s Structural Aquaculture Committee will consist of licensed industry representatives from the structural shellfish aquaculture sector. This committee will be available, as needed, to consider key issues related to conducting structural shellfish aquaculture as it relates to policy, regulation, best management practices (BMPs), and lease management. Committee meetings will be initiated by the Council and Committee activities will work to formulate recommendations for Council and Department consideration.

Summary:

Introductions: The Committee meeting started with member introductions; members described what areas their farming operations were located. Mr. Mathis explained that it was important for the structural aquaculture industry to come together to discuss so that the Council can better support the industry. This Committee provided an opportunity to be proactive and get in front of the issues pertaining to structural aquaculture. Mr. Parsons noted that there were some new innovations in gear and infrastructure that could help protect gear from wind and tide energy from the Milford seminar.

Repurposing Leases: Committee members discussed potential conflicts associated with a change in the use of leases that were traditionally used for clam culture and then converted for structural oyster culture. Some major issues discussed included *Vibrio* and perceived conflicts associated with floating gear (birds). Mr. Parsons suggested the Committee request background data on *Vibrio* from the Bureau of Marine Water Monitoring. This data could help to provide a baseline level and highlight where there are cases of *Vibrio*. In addition, Committee members agreed that the Council should revisit the lease policy to reevaluate and weigh conflicts in each bay to determine where structural aquaculture areas could be focused. Mr. Parsons suggested the Council could reevaluate annually and voiced his concerns about putting any of the aquaculture sectors in a position where it couldn’t change. Ms. Swain noted that the policy was a living document and could change per Council decision. The Committee agreed to review the lease policy document and provide comments to the Council (and Lease Policy Committee) on recommendations to the policy that reflect the structural aquaculture industry’s perspective.

Bird Deterrents: The Committee discussed the two main issues related to the effects of birds on structural aquaculture gear; potential closures due to water quality and negative public perception. Committee members discussed some methods of bird deterrents which have been successful. Members also noted that the industry

wanted to be able to change deterrent methods as needed. Committee members agreed that the industry needed resources on what types of bird deterrents were successful so that all structural growers had access to this information. Members discussed the creation of a fact sheet, or guidance document, on the bird deterrent and potential water quality issues. Mr. Mathis agreed to reach out to extension agents regarding the development of more information for the industry.

Other issues presented by the Committee: The Committee discussed permit compliance and the optics for the industry if a farm operated without the proper permits. In addition, the Committee discussed inconsistency with permit conditions from the various state and federal agencies. These inconsistencies made it very confusing for farmers to navigate the permit requirements necessary for their farming operation. Specifically, the Committee discussed gear tagging. Committee members expressed the challenges regarding contacting the United States Coast Guard. One Committee member voiced his success in contacting the Coast Guard and said that he would share his contact with the Committee. Ms. Swain noted she would follow up and potentially have an updated contact listed on the Commercial Shellfish Aquaculture website. In addition, the Committee discussed the state permit review process. A Committee member noted that a grower should be able to discuss a permit application with the Bureau of Marine Habitat and Shellfisheries (Bureau) prior to applying to the Division of Land Resource Protection (DLRP), since the Bureau is ultimately contacted for review of the project during the application process. It was noted that the industry wanted to be able to try innovative methods of aquaculture. Ms. Swain noted that a grower may contact the Bureau prior to submitting an application, and a grower had the opportunity to set up a pre-application meeting with DLRP and the Bureau to discuss a proposed project.

The next meeting of the Structural Aquaculture Committee would be in March, and all Committee members agreed that a hybrid or virtual option was appropriate to ensure member participation.