

**NEW JERSEY SHELLFISHERIES COUNCIL  
— ATLANTIC COAST SECTION —  
P.O. BOX 418  
PORT REPUBLIC, NJ 08241**

**WALTER L. JOHNSON III, CHAIRMAN  
GEORGE W. MATHIS JR., VICE CHAIRMAN  
PAUL T. FELDER, COUNCILMAN  
EDWARD W. GAINES, COUNCILMAN**

January 31, 2025

Stephanie J. Press, Esq.  
Attention: DEP Docket No. 13-24-11  
NJ Department of Environmental Protection  
Office of Legal Affairs  
Mail Code 401-04L  
PO Box 402  
401 East State Street, 7<sup>th</sup> Floor  
Trenton, NJ 08625

Dear Ms. Press,


Please consider the comments below from the Atlantic Coast Section of the New Jersey Shellfisheries Council (Council) regarding the Fish and Wildlife Access Restriction to Tidal Waters for Endangered Species Protection rule proposal.

- The Council recommends notifying aquaculture lease holders of all closures. Leaseholders should also be notified well in advance of any site map or future critical wildlife habitat map changes.
- The Council recommends notifying commercial and recreational shellfishermen wading in or near these areas should also be included. As 300 m closures from the shoreline would clearly not be visible from approaches from the waterside. The Council suggests the use of buoys as identifying signage.
- The rules need to be explicit on the process to expand critical habitat areas or include additional species like avian, terrestrial, and/or aquatic species. Public affected by expansion or the addition of species should have the ability to provide comments.

In anticipation that critical habitat will be updated from time to time, it would be appreciated to keep the Council updated on at least an annual basis and when new critical habitat is identified, and restrictions are proposed. The Council would like to be part of the process and feels that its input would be helpful in raising awareness and informing commercial shellfishermen of potential tidal water closures and restrictions. The Council suggest the formation of a working group to address current and proposed restrictions could also be considered by Fish and Wildlife.

In closing, the Council would appreciate the opportunity to be part of the process to provide insight and help in the process of determining critical habitat and management measures that may be applied.

Sincerely,



Walter L. Johnson III, Chairman

cc: *Members*, Atlantic Coast Section of NJ Shellfisheries Council  
David Golden, Assistant Commissioner, NJ DEP Fish & Wildlife  
Patrick Donnelly, Acting Chair, Marine Fisheries Council  
Barney Hollinger, Chair, Delaware Bay Section of the NJ Shellfisheries Council  
Richard Lathrop, Chair, Endangered and Nongame Species Advisory Committee  
Kathy Clark, Chief, Endangered and Nongame Species  
Joseph Cimino, Administrator, Marine Resources Administration  
Russ Babb, Chief, Bureau of Marine Habitat & Shellfisheries  
Amanda Wenczel Arians, NJ Department of Agriculture  
*Members*, Aquaculture Advisory Council