

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

Virtual Meeting
Monday, May 16, 2022

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

DEP Representatives: Russell Babb, Bureau of Shellfisheries
 Jeffrey Normant, Bureau of Shellfisheries
 Kira Dacanay, Bureau of Shellfisheries
 Colleen Brust, Marine Resources Administration
 Jenny Tomko, Bureau of Shellfisheries
 Megan Kelly, Bureau of Shellfisheries
 Scott Stueber, Bureau of Shellfisheries
 Robert Schuster, Bureau of Marine Water Monitoring

Mr. Normant read the State’s compliance with the Open Public Meetings Act and notice was filed with the Secretary of State Office. He announced that the meeting would be recorded.

1. Total Revenue for March 2022 \$ 1,118.32
 Shellfisheries Law Enforcement Fund \$ 366.00

 Total Revenue for April 2022 \$ 263.56
 Shellfisheries Law Enforcement Fund \$ 170.00

2. Presentation of March 21, 2022 minutes for approval.

The March 21, 2022 minutes of the meeting were approved on a motion by Mr. Johnson and seconded by Mr. Mathis.

3. Applications for Consideration

LESSEE	LOT #	SECTION	ACRES/FT	LOCATION	MAP #
Ebb N Flow Seafood – Thomas Ertle	656	B	2.00	LEH – Jeremy Point	6

Mr. Ertle was present and fulfilled his obligation to attend one of two meetings. Pursuant to N.J.A.C. 7:25-24.6, lease applicants shall attend at least one of the two meetings at which the Council reviews their applications. If the applicant fails to attend at least one of the meetings, the lease application would be denied, and the area applied for shall revert to public bottom.

4. Applications for Decision

LESSEE	LOT #	SECTION	ACRES/FT	LOCATION	MAP #
John Capasso, Jr.*	1006	A	2.17	Great Sound	5
Robert Lee*	1115	A	2.11	Great Sound	5

*Was in attendance at the March 21, 2022 meeting

Messrs. Capasso and Lee attended the March 21, 2022 meeting. Applications for decision were approved on a motion by Mr. Johnson and seconded by Mr. Felder.

5. Stockton Research Lease Proposal – Manahawkin Bay

Dr. Christine Thompson of Stockton University provided a presentation outlining the University’s request for an additional research lease in Manahawkin Bay. Dr. Thompson provided an overview of the site selection process and provided a location for Council’s consideration within the Mill Creek area, adjacent to Thorofare Island.

Discussion ensued. Council advised Dr. Thompson that the selected site would have to be modified to exclude areas mapped as SAV habitat.

Mr. Mathis raised concerns about the proposed site being in close proximity to conditionally approved waters and the potential for the area's water quality being impacted by a downgraded in the future. Mr. Normant clarified that the research lease would not be permanent, and that should the water quality be downgraded in the future the oysters would be moved to Stockton’s other research lease in Little Egg Harbor Bay.

The proposed research lease was approved on a motion made by Mr. Johnson and seconded by Mr. Mathis.

6. Applications for Transfer

LESSEE	APPLICANT	LOT #	SECTION	ACRES/FT	LOCATION	MAP #
Steven Mastro Sr.	Bill Avery’s Quality Bay Clams LLC	2065	B	1.25	Absecon Bay	22
Steven Mastro Sr.	Bill Avery’s Quality Bay Clams LLC	2065.1	B	1.08	Absecon Bay	22
Ronald K. Stott	Briana P. Merriel	87	B	1.54	Graveling Point	1
John Scott Rutherford	Kyle Geltzeiler & Marc Lorenz	1402	B	2.00	Middle Island	6.1
Christian Palmisano	Christopher Carroll	804	B	2.00	Rose Cove	7

The above applications for transfer were approved on a motion by Mr. Johnson and seconded by Mr. Mathis. Mr. Normant stated that the Bureau of Shellfisheries would contact the applicants to set up an appointment to sign their lease agreements and pay the lease fees.

7. Old Business:

Offshore Wind

Ms. Brust provided the Council with an update on Offshore Wind development in New Jersey.

Ms. Brust informed the Council that Ocean Wind was the furthest along of the current offshore wind projects and expected to release a draft Environmental Impact Statement in June.

Atlantic Shores offshore wind project expected to release a draft Environmental Impact Statement in November.

There was a new leasing area deemed the Central Atlantic Call Area. The large call area will be further reduced as additional information was collected. These areas were open to comment from intergovernmental agencies, stakeholders, and the public through June 28th.

BOEM and NOAA drafted a fisheries mitigation guidance document that was anticipated to include project siting, design, navigation and access, safety measures, and financial compensation.

Ms. Brust provided a brief update on the current priorities for the New Jersey Research and Monitoring Initiative (RMI).

The New Jersey Marine Fisheries Council offshore wind committee met on May 4th and requested a meeting with researchers.

Lease Policy Committee Update

Ms. Kelly informed the Council that there were no updates on the Lease policy committee. No additional discussion ensued.

Aquaculture Advisory Council Update

Ms. Wenczel informed the Council that the Aquaculture Advisory Council (AAC) met at the end of April and that an in-person meeting was scheduled for July at the Atlantic Cape Soil Conservation District office in Mays Landing. No additional discussion ensued.

Legislative Update

Ms. Kelly shared the legislative update that was presented to the Marine Fisheries Council. In addition, she highlighted the following bills that were shellfish industry focused.

A3847/S520	Exempts shellfish aquaculturists with commercial shellfish aquaculture permit from the law prohibiting the taking of shellfish on Sunday; requires submission of annual shellfish harvest report.
SR67	Urges the Atlantic States Marine Fisheries Commission to continue prohibiting the harvest of female horseshoe crabs.
S428/A3039	Extends Right to Farm Act protections to certain aquaculture activities
A733/S793	Requires assessment of bay scallop resources and authorizes DEP to establish a bay scallop fishery.

Mr. Mathis requested clarification on the standing of the Bills. Mr. Normant clarified nothing had been voted on at this time by the Senate and the Assembly. S520 passed through the Environmental Committee.

Mr. Normant informed the Council that the Delaware Bay Section of the NJ Shellfisheries Council passed a motion to send a letter to the sponsors of the Sunday harvest Bill, to express concerns that the Council was not consulted before the legislation was proposed and that the the Council has statutory authority to advise and set policy on on the shellfish resources, industry and aquaculture.

Mr. Maxwell asked the Council if they wanted to draft a similar letter that supported the letter developed by the Delaware Bay Section of the Shellfisheries Council. A motion was made by Mr. Johnson and seconded by Mr. Mathis that the Atlantic Coast Section send the same type of letter and recommendations produced by the Delaware Bay section of the Council. Mr. Normant clarified that the letter would be an independent letter from the Atlantic Coast Section..

Hard Clam Management Plan

Mr. Babb provided a brief update on the Hard Clam Management Plan. Mr. Babb explained that while progress had been made on the plan, due to staffing issues and other Bureau responsibilities, the Hard Clam Management Plan had been put on hold temporarily. No additional discussion ensued.

Slow Hard Clam Growth Study

Ms. Dacanay informed the Council that a grant proposal was submitted by NOAA (Northeast Fisheries Science Center-Milford Lab) to further investigate slow hard clam growth. No additional discussion ensued.

Shellfish Water Classification Downgrade

Mr. Schuster provided an update to the Council regarding water classification downgrades. Mr. Schuster explained how the Bureau of Marine Water Monitoring performs routine evaluations of data and follows protocols of shellfish program requirements evaluating a minimum of the most recent three to five years of data.

Extensive discussion ensued on specific areas impacted by the downgrade, the cause of the downgrades, the process for upgrades, and the impact of downgrades on leaseholders.

Rutgers Sea Grant Project: GIS-Based Tool for Shellfish Aquaculture

Mr. Babb outlined the intent of the tool produced by Rutgers to help inform the siting of shellfish leases and stated that the tool would not provide regulatory decisions. Dr. David Bushek of the Rutgers University Haskin Shellfish Research Laboratory presented additional details on the tool development and Ms. Stuart demonstrated the features and use of the tool.

8. New Business:

2022 *Vibrio* Plan

Mr. Schuster informed the Council that the 2022 *Vibrio* Control Plan has been released and that there were no changes from the previous year other than updated statistics on illnesses from the previous year.

Additionally, Mr. Schuster explained that husbandry bulk tagging would be put into regulation with anticipated upcoming rule changes.

Public Comment

Mr. Gregg asked if the Council would hold a special meeting on the Sunday harvest Bill. Mr. Johnson stated that the Bill was out of committee and would now go to the Assembly. Mr. Mathis agreed and stated that a meeting was not necessary after the Bill was out of committee.

Dr. Bushek informed the Council that Mr. Gregg was not present when the legislative updates were discussed. Mr. Maxwell requested that Mr. Normant describe what had been discussed.

Mr. Normant explained the Council's decision to write a letter to the Bill's sponsors was to express that the given the Shellfisheries Council's statutory authority per N.J.S.A. Title 50 the bill should have been vetted through the Council before a Bill was introduced. Mr. Gregg stated he sent a letter to the Council on January 10th that addressed three proposed Bills. Mr. Gregg said he never received a response from the Council and asked for clarification on how legislative needs should be addressed to the Council. Mr. Maxwell stated that generally a petition would go to the Council and the Council would make a determination on whether it supported the petition. Mr. Maxwell stated that both sections of the Council felt left out of the process when the Bills were being introduced.

Dr. Lisa Calvo commented that she supported the Sunday harvest bill and that the bill would benefit many farmers. Dr. Calvo also asked that the Council support the bill. Three additional public attendees noted they were in support of the bill in the chat feature.

Mr. Schlembach requested consideration that Section A, Lease lots 106 and 107 be evaluated to move them South to the original location. Mr. Normant clarified that the lease corners were in the correct location and that the previous leaseholder had overstaked the lease. However, an expansion could be discussed through the Council's Lease Policy Committee process at the next meeting.

Mr. Normant discussed that there had been a structural change within the Department and that the New Jersey Division of Fish and Wildlife was now referred to as New Jersey DEP Fish and Wildlife. The change resulted in the Director of Fish and Wildlife being appointed as an Assistant Commissioner. Additionally, the Marine Fisheries Administration also changed its name to the Marine Resources Administration.

Mr. Maxwell asked if the next Council meeting would be virtual or in-person. Mr. Babb stated that he hoped for a hybrid meeting that allowed people to attend in person or virtually. Mr. Babb expressed the difficulties faced in attaining an appropriate venue. Bureau staff agreed to follow-up with the Council on a plan for a hybrid in-person and virtual meeting for the July meeting.

The meeting adjourned on a motion made by Mr. Johnson and seconded by Mr. Mathis.

9. Date time and place of next meeting:

DATE: June 20, 2022
TIME: 6:00 PM
LOCATION: Virtual or Hybrid TBD