

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

Virtual Meeting
Monday, November 21, 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: Joseph Cimino, Marine Resources Administration
 Russell Babb, Bureau of Shellfisheries
 Jeff Normant, Bureau of Shellfisheries
 Kira Dacanay, Bureau of Shellfisheries
 Jenny Tomko, 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 September 2022 \$ 417.40
 Shellfisheries Law Enforcement Fund \$ 60.00
2. Total Revenue for October 2022 \$ 3,266.30
 Shellfisheries Law Enforcement Fund \$ 1,070.00
3. Presentation of September 19, 2022 minutes for approval.

The November 21, 2022 minutes of the meeting were approved on a motion by Mr. Mathis and seconded by Mr. Felder. Mr. Johnson abstained because he was not able to review the minutes before the meeting.

4. Applications for Consideration

LESSEE	LOT #	SECTION	ACRES/FT	LOCATION	MAP #
Matthew Genna	2033	B	2.00	Widgeon Bay	3
William Mayer IV	2034	B	2.00	Widgeon Bay	3

Mr. Mayer was present and fulfilled his obligation to attend one of two meetings. Mr. Genna was not in attendance. 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.

5. Applications for Transfer

LESSEE	APPLICANT	LOT #	SECTION	ACRES/FT	LOCATION	MAP #
Claire Zimmerman	Paul Felder	1001	A	2.14	Great Sound	5
Claire Zimmerman	Paul Felder	1007	A	2.16	Great Sound	5
Thomas C. Lucas	Luke Williams	400	A	2.00	Jenkins Sound	3
Terrie A. Lucas	Luke Williams	401	A	2.00	Jenkins Sound	3
Thomas Williams	Luke Williams	403	A	2.00	Jenkins Sound	3
Steve Baugh	Dale S Parsons	1405	B	2.00	Middle Island	6.1
George Garbaravage	Dale S Parsons	1418	B	1.00	Middle Island	6.1
Margaret Sprague	Blood Point Oyster (Adam Sprague)	399	B	1.89	GB – Big Creek	10
Robert Wilson	Brian Kowalski	89	B	4.29	GB – Graveling Point	1
Robert Wilson	Brian Kowalski	90	B	1.25	GB – Graveling Point	1
Robert Wilson	Brian Kowalski	319	B	2.30	GB – Cape Horn	10
Robert Wilson	Brian Kowalski	320	B	2.17	GB – Cape Horn	10
Robert Wilson	Brian Kowalski	321	B	2.20	GB – Cape Horn	10
Robert Wilson	Brian Kowalski	323	B	2.15	GB – Cape Horn	10
Robert Wilson	Brian Kowalski	351	B	3.89	GB – Cape Horn	10
Robert Wilson	Brian Kowalski	354	B	5.16	GB – Cape Horn	10
Robert Wilson	Brian Kowalski	357	B	9.35	GB – Cape Horn	10
Robert Wilson	Brian Kowalski	357.1	B	11.08	GB – Cape Horn	10
Robert Wilson	Brian Kowalski	358	B	1.09	GB – Cape Horn	10
Robert Wilson	Brian Kowalski	405	B	2.01	GB – Cape Horn	10
Robert Wilson	Brian Kowalski	2435	B	575.0'	Motts Creek	26

Atlantic Coast Section of the NJ Shellfisheries Council
 November 21, 2022
 Meeting Minutes

Robert Wilson	Brian Kowalski	2421	B	200.0'	Motts Creek	26
James Hagelgans	Bill Avery's Quality Clams LLC (William Avery)	2071	B	1.04	Absecon Bay	22
James Allen III	Just Diggin It LLC James Allen III	2237	B	2.16	Dry Bay	24.2
James Allen III	Just Diggin It LLC James Allen III	2285	B	1.51	Dry Bay	24.2
James Allen III	Just Diggin It LLC James Allen III	2299	B	2.97	Dry Bay	24.2
James Allen III	Just Diggin It LLC James Allen III	2311	B	2.48	Dry Bay	24.2
James Allen III	Just Diggin It LLC James Allen III	2326	B	1.36	Dry Bay	24.2
Joseph Wagner	John Daffin	1043	A	2.21	Great Sound	5
Denise Wagner	John Daffin	1042	A	2.07	Great Sound	5
Patricia Lauer	Matthew Gregg	142	C	6.36	Waretown -Barnegat Bay	6
Mackenzie Kurten	Sloop Point Oysters LLC (Thomas Burke)	21	D	2.00	Swan Point	1
James Jenks	Sloop Point Oysters LLC (Thomas Burke)	2	D	2.00	Upper Barnegat Bay_ Gunning Ditch	2

The transfer applications from Ms. Zimmerman to Mr. Felder were approved on a motion by Mr. Johnson and seconded by Mr. Mathis. Mr. Felder abstained due to his involvement in the transfer.

Mr. Normant noted that the transfer of Lot 2, Section D in upper Barnegat Bay – Gunning Ditch was within the heavily used navigation channel. Mr. Normant expressed concern and advised that it was unknown if the applicant would be able to obtain permits for structure on that lease. Mr. Normant recommended that future transfers that presented similar issues be discussed at the next Leasing Committee meeting. Mr. Normant noted that there were relic leases that no longer served a purpose and needed to be addressed.

Mr. Maxwell acknowledged Mr. Normant's concern but stated that the Council's purview was not to determine if the applicant could obtain a permit and accepted a motion to approve all of the remaining transfers. All of the remaining transfers were approved on a motion by Mr. Johnson and seconded by Mr. Mathis.

Mr. Normant requested an agenda item for a future Lease Policy Committee meeting to address these types of leasing issues addressed. Mr. Maxwell concurred.

Mr. Normant stated that the transfer applicants that were approved would be required to come into the office to sign their lease agreements and could also submit their renewal paperwork at that time.

6. Old Business:

Lease Policy Committee Update

Mr. Normant informed the Council that the Bureau intended to complete the draft committee report for the Council. A draft copy of the report would hopefully be provided to the Committee members for review by the end of the year and a follow-up meeting with the Committee for discussion would be scheduled.

Hard Clam Management Plan

Ms. Dacanay provided a brief update on the Hard Clam Management Plan. Ms. Dacanay informed the Council that work on the plan has resumed and that quarterly meetings would begin within the next few months. Ms. Dacanay noted that the approved changes to the plan per requests made at the March Council meeting would be provided in written form. Changes included clarifying Mr. Mathis' role as a Council representative and adding a sector for the relay program. Ms. Dacanay explained that there was still interest in filling vacancies for other sectors.

Legislative Update

Mr. Babb explained that the legislative report that was shared with the Marine Fisheries Council was sent to all Shellfisheries Council members. Mr. Babb presented the two most pertinent pieces of legislation that were related to shellfish aquaculture which included Sunday Harvest and Right to Farm. Mr. Babb informed the Council that there were modifications to the language on the Sunday Harvest Bill, however, Mr. Babb was not provided with the updated language, and was not sure of the status of the Bill. Mr. Babb added that the Delaware Bay section of the Shellfisheries Council created a committee to explore the concept of Sunday harvesting for oysters.

Mr. Babb highlighted that Bill A4243 and companion senate Bill S2908 contained language that was similar to the SADC NJDA Grower draft that was circulating.

Mr. Parsons noted that there were changes made to the Bills prior to the last hearing and that there was confusion regarding them. Mr. Maxwell requested that this topic be placed on the agenda for the January Council meeting. Mr. Normant concurred and stated that there would be a legislative update at the January meeting.

Mr. Parson's asked Mr. Maxwell about the historical presence of legislators at Shellfisheries Council meetings. Mr. Maxwell informed Mr. Parsons that in the 1980's it was not uncommon to have a legislator present but that it was less common in more recent years. Discussion ensued.

Mr. Lennox referenced Mr. Babb's comment on the Delaware Bay Section of the Shellfisheries Council in regard to Sunday harvest and asked what the Atlantic Coast section's position on this topic was and if a committee would also be formed for the Atlantic Coast Section. Mr. Maxwell responded that he would be willing to discuss it in January and requested input from other Council members.

Mr. Johnson asked for clarification from Mr. Normant, on the authority of the Delaware Bay Council to set a season for oyster harvest on Sundays. Mr. Normant responded that the Commissioner in consultation with the Council could adopt regulations for the harvest of oysters on Sundays and that the state statute (N.J.S.A 50:2-11) applied to both coasts. Discussion ensued.

Mr. Babb opined that regarding the Sunday Harvest Bill, a minor change to Title 50 replacing oysters with shellfish would be necessary to give the Council authority to set a season for other shellfish species like hard clam. Mr.

Babb added that he was unsure what the Department would do with the Delaware Bay's committee recommendation. Mr. Maxwell stated that it would have to include a recreational component.

Mr. Johnson requested that the Council review the Sunday Harvest Bill, in preparation for the January meeting for discussion. The Council concurred.

Planting Out-of-State Shellfish

Mr. Normant updated the Council that per the Council's request at the September Council meeting, the Bureau posted on the New Jersey Fish & Wildlife website, as well as the shellfisheries email listserv, a reminder that permission was needed to import and plant shellfish from outside New Jersey waters.

2023 Committee Membership- Administrative Guidelines

Mr. Babb informed the Council that the Council Administrative Guidelines were developed between 2015 and 2017 but were never formally adopted. The guidelines were re-sent to both sections of the Shellfisheries Council for review. The guidelines were adapted from the last iteration to better represent how both Shellfisheries Councils adopt and manage committees. Mr. Babb noted that the Delaware Bay section of the Shellfisheries Council reviewed the guidelines at their last meeting, and he expected them to act on them in January. Mr. Babb expressed that the guidelines aligned with how the Councils have operated historically and requested that Council review the document and consider adoption in January.

Mr. Maxwell outlined some of the issues faced by the Marine Fisheries and Shellfisheries Councils in the past that he would like to have addressed in the guidelines, and that the goal was to create a balanced and fair process for a shared resource.

Mr. Babb requested that this be on the January agenda and that the hope was to move quickly on it. Mr. Babb expressed that the Bureau would be open to feedback from the Councils.

Tentative Meeting Plan for 2023 Council Meetings

Mr. Babb provided an update on the plan for the 2023 Council meetings and explained that the Department required that in-person public meetings have a hybrid option. Mr. Babb informed the Council that the Bureau has tested new equipment and invested in conference systems, that would allow for a platform for people to attend online.

Discussion ensued on the scheduling of the meetings. Mr. Maxwell expressed concern that the January 9th meeting would be too early to address leases that weren't renewed and without adequate notice prior to the meeting.

Mr. Normant presented the option of having a combined meeting at the end of January to replace the early January and the February meeting. Mr. Normant expressed that notifications have not been an issue and that notification letters and emails are sent to all the leaseholders that did not renew.

Messers Johnson and Mathis suggested that the meetings remain as scheduled.

Mr. Johnson expressed concerns over mail notifications and wanted to ensure that leaseholders are notified timely, accounting for delays in the postal service.

Mr. Normant responded that the Bureau has followed up with leaseholders that were notified via email and wanted everybody to have the opportunity to renew but that it was also the personal responsibility of the leaseholder to renew the lease. Mr. Babb reiterated Mr. Normant's comments.

2023 Lease Renewal

Mr. Normant reminded the Council and attendees that all leaseholders were mailed a lease renewal package prior to October 15th. The package contained all the information needed to renew a lease. Mr. Normant stated that the Bureau was still waiting for a number of lessees to renew and mentioned that the Bureau had a small front-office staff to process renewals. The deadline is December 31st; however, December 30th was a Friday before New Year's Eve, and if leaseholders needed to come into the office, December 30th was the last day to do so. Lease renewal packages submitted by mail have to be postmarked by December 31st or earlier.

7. New Business:

No new business was discussed

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

8. Date time and place of next meeting:

DATE: January 9, 2023
TIME: 6:00 PM
LOCATION: Hybrid In-Person and Virtual
Atlantic County Library, Galloway Township
306 E Jimmie Leeds Rd, Galloway, NJ 08205
