

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

Virtual Meeting
October 19, 2020

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

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

Mr. Normant read the State's compliance with the Sunshine Law and announced that the meeting would be recorded. Notice was filed with the Secretary of State Office and newspapers designated by the Department.

1. Total Revenue for September 2020 \$ 963.53
Shellfisheries Law Enforcement Fund \$ 310.00

2. Presentation of August 17, 2020 and September 21, 2020 minutes for approval.

The August 17, 2020 minutes were approved on a motion by Mr. Johnson and seconded by Mr. Felder. The September 21, 2020 minutes were approved on a motion by Mr. Johnson and seconded by Mr. Felder.

Mr. Johnson requested that only one person speak at a time to help make the minutes more accurate. Mr. Maxwell agreed and added that people who spoke needed to identify themselves. Mr. Normant explained that there was a chat box feature, which would be monitored by staff, if someone wanted to add a question.

3. Applications for Consideration

LESSEE	LOT #	SECTION	ACRES/FT	LOCATION	MAP #
Amber Glenn	2513	B	1.57	Scull Bay	27
Robert G. Lee	2523	B	2.01	Scull Bay	27
Joseph McGee	2525	B	1.96	Scull Bay	27
Nicola D. McGee	2527	B	1.97	Scull Bay	27
Elyssa Glenn	2542	B	1.81	Scull Bay	27

Ms. A. Glenn, Mr. McGee, Ms. McGee, and Ms. E. Glenn were present, and Mr. Lee was not present. Mr. Normant explained that all those listed for consideration received phone calls about this meeting, and staff would reach out to Mr. Lee to remind him of the next meeting.

Mr. Normant stated that 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 #
Ryan Schramm	655	B	2.00	Jeremy Gaunt Point-LEHB	6
Dale S. Parsons	39.1	B	2.72	GB-Graveling Point	1
Ronald Stott	87	B	1.54	GB-Graveling Point	1
William Wasilewski	88	B	1.54	GB-Graveling Point	1
Great Bay Oyster (Thomas McAnney)	130	B	2.28	GB-Graveling Point	1

Messrs. Schramm, Parsons, Stott, Wasilewski, and McAnney were present at the September 21, 2020 meeting. All applicants for decision were approved on a motion by Mr. Johnson and a second by Mr. Felder. Mr. Normant informed the applicants they would receive a letter and explained they have 30 days to sign their lease agreements and pay lease fees. Mr. Normant informed applicants to reach out to Megan Kelly of the Bureau of Shellfisheries to schedule an appointment to come to the Nacote Creek office to sign their lease agreements and lease extension paperwork.

4. Old Business:

Offshore Wind Update

Ms. Brust provided an update on offshore wind.

The Board of Public Utilities (BPU) was reviewing potential benefits of an offshore wind grid compared to radial lines. Advantages would be fewer cables in the water, but timing was not conducive for the project. Likely Ocean Wind would put in cables before a contract for a grid. This was up for consideration.

Ms. Brust also explained NJ PACT. New Jersey would consider regulatory reform that was specific to enabling the government, businesses and residents to respond to climate change threats. This included renewable energy such as offshore wind, however rules have not been identified specific to marine fisheries or shellfisheries that were likely to be changed. A public meeting was held on September 17, 2020 which was a general meeting called NJ PACT Program – Revising Rules. In addition, there was a meeting held on September 23, 2020 that was specifically for offshore wind.

Ms. Brust added that the administration was mindful of the Offshore Wind Environmental Resources Working Group. The administration was working on how to best engage with that group and make the best use of its member’s time, and to focus on issues that members were most interested in. Ms. Brust explained that a survey to working group members would be sent within the next few weeks to ask members what they wanted to focus on and to share how they could improve communication.

At the end of September, there was a meeting of the Responsible Offshore Alliance's (ROSA) Executive Committee and Mr. Cimino was New Jersey's representative. Guidance for upcoming research review was discussed and a research review board was planned. ROSA provided template style guidance for fisheries monitoring which was expected soon. This described what regulators should be looking at and what was expected from developers on how they would evaluate fish and fisheries prior to construction.

On September 30, 2020 there was a pre-construction operation plan meeting for the Atlantic Shores project. They planned to add additional search and rescue operations to the lease and there were discussions of potentially extending that outside of their lease. Ms. Brust explained they would be submitting their application to the federal government in March 2021.

Several staff members attended the Responsible Offshore Development Authority's scientific meeting. The scientific community was invited along with developers, and there was a lot of representation from commercial and recreational fishing industries. Some of the topics that were discussed were modifications to the habitat, safety at sea, and understanding socioeconomics of fisheries and offshore wind. Ms. Brust explained there was one more day to join that meeting, it was open to the public, on October 30, 2020. The agenda was to focus on cumulative effects and better understanding using fisheries dependent and independent data.

Leasing Committee Update

Ms. Kelly stated she reached out to Mr. Doug Zemeckis with the Cooperative Extension of Ocean County to become an ex officio member of the Leasing Committee. He agreed to this request and would be added to any correspondence moving forward.

Since the last council meeting, Council members were asked to confirm if they wanted to continue with membership for upcoming meetings. Ms. Kelly explained she had received correspondence from the majority of the members and those who responded wished to continue. Four members did not respond and would be receiving follow-up phone calls and emails.

Mr. Normant suggested that once Mr. George Mathis Jr. was appointed to the Shellfisheries Council that two committees be formed: a leasing committee and a regulatory committee. This would alleviate quorum issues so that the committee meetings would not be public, the intent of the committee meetings was to discuss issues and present recommendations to the Council, which is a public meeting. Mr. Maxwell explained that Mr. Mathis has not been confirmed as a member yet and that this restructuring would not be feasible until that happened. Mr. Johnson added that in the past, the committee was split up as Policy and Regulatory subcommittees, Mr. Maxwell chaired the Regulatory Subcommittee and Mr. Johnson chaired the Policy Subcommittee. Mr. Normant was proposing to form two separate committees and would alleviate quorum issues if the Council members hold two seats on each committee. Mr. Johnson explained that at this time there was no choice until a new member had been appointed.

Hydrographic Survey Rose Cove

Mr. Normant informed the Council that Bureau staff completed the hydrographic survey in Rose Cove in Little Egg harbor Bay, which was a new lease block. Lease holders were notified that they should re-stake their leases after the surveys were completed.

Sea Grant Oyster Restoration

Mr. Stueber provided a brief summary of the Sea Grant Oyster Restoration Program. The New Jersey Sea Grant Program was approved to conduct a COVID-19 oyster exchange program from growers for oversized, non-marketable oysters at a fixed price and replant them on approved sites along the Atlantic Coast and Delaware Bay.

Mr. Stueber informed the Council that oysters were planted at pre-determined sites, two sites on the Atlantic Coast and one in the Delaware Bay. All plantings took place between September 24, 2020 through September 30, 2020 in order to have oysters planted prior to October 1, 2020. All the planting efforts were successful and based on sub-sampling and working with Rutgers, most of the product was in good condition and on average was above the 3-inch mark set by the program. In addition, very few “boxes” were present during sampling.

2021 Lease Renewals Reminder

Mr. Normant stated that the 2021 lease renewal deadline was December 31, 2020. All leaseholders were sent lease renewal paperwork via mail due to COVID-19 restrictions inhibited in person renewals. All applicants that were up for decision at the October 2020 meeting did not receive an application via mail because it was included with the pending lease application. Mr. Normant stressed to submit applications as early as possible so staff could process them in a timely manner.

CARES Act Update

Mr. Cimino informed the Council that a press release was sent out regarding the funding that was sent from the National Marine Fisheries Service to the Atlantic States Marine Fisheries Commission for distributed by the NJ Marine Fisheries Administration. Applications were now available online, and if applicants had questions, there was a FAQ page on the Division website. Mr. Cimino explained that it seemed that the application process was going well for those applying, as the application had explanations throughout the process.

5. New Business:

Surf Clam Quota 2020-2021 Season

Mr. Normant explained that there was a surf clam quota recommended by the NJ surf clam industry representatives and as per regulations, it was set at a minimal allocation due to the poor status of the surf clam stocks. The surf clam industry agreed to a total quota of 1,824 bushels which equates to 32 bushels per license. This number was based on a previous survey because a survey could not be completed this year due to COVID-19 restrictions. The 2020-2021 surf clam quota was approved on a motion by Mr. Johnson and seconded by Mr. Felder.

SOAR – Supporting Oyster Aquaculture and Restoration

Mr. Zach Greenberg with the PEW Charitable Trust informed the Council about the SOAR initiative created by PEW Charitable Trust, the Nature Conservancy, and other groups. Mr. Greenberg explained that this initiative was similar to the Sea Grant oyster restoration program with Rutgers. It was noted that the first year of this project would focus on purchasing of surplus oysters to be repurposed and replanted on restoration and/or research leases. The second part of the program in early 2021 would include a grant program to help growers diversify market opportunities. This initiative was in response to COVID-19 and the market decrease to provide

funding to growers and the aquaculture industry at this time to recover some of the surplus oyster product that might be over sized and unmarketable.

Pew Charitable Trust (PEW) and the Nature Conservancy (TNC) partnered with the East Coast Growers Association. Executive Director of the East Coast Growers Association Mr. Bob Rowe explained that siting areas for restoration was a challenge and was working with PEW and TNC to help determine appropriate sites. Mr. Rowe informed the Council that he had hoped to receive more money from NOAA and USDA EQUIP programs but managed to track funding from a private donor. Mr. Rowe was assigned the task of determining a price per oyster. The process included identifying the average wholesale pre-COVID-19 price and reduce it by 20% because it was assumed the product was not in perfect condition. The average wholesale price was determined to be about 60 cents per oyster, 20% was subtracted from the pre-COVID-19 price which determined that the price per oyster for this program will be 48 cents.

Mr. Greenberg would send out notices to all NJ growers to gauge interest in participation and to determine how much growers had to include in the program to make sure funding was fair to all participants. If there was money left over there would be opportunity to complete another round of buying oversized oysters for restoration. Mr. Rowe noted he did not foresee this issue being resolved quickly so he would continue to look for additional funds to complete more of this type of work next year.

Mr. Maxwell asked if the oysters in the program would be harvested or used only for restoration and enhancement. Mr. Greenberg confirmed that it would be used for restoration and enhancement and added that biosecurity was a top priority. Mr. Babb added that Mr. Greenberg proposed about thirteen sites and the Bureau vetted these areas to determine about three or four potential sites. Mr. Babb noted that a lot of these considerations would depend on what the interest was from the industry.

Mr. Maxwell asked about the timeframe of the project. Mr. Greenberg explained they are working to complete the first part of the project by the end of the calendar year. Mr. Greenberg would be working with each interested grower to determine their location, how much product, and determine with help from the Bureau to determine where the product would be planted.

Mr. Johnson asked if Fitney Bit would be considered. Mr. Normant confirmed that it would be considered with a focus on areas that would already be off limits for harvesting.

Mr. Gaine asked for clarification that this project was for restoration and enhancement and not for stabilizing prices. Mr. Rowe stated that this project was similar to price support programs with the USDA. To avoid price fixing, Mr. Rowe used state reporting numbers to determine the average wholesale price for the state and described the project as a win-win for the industry as well as the environment. It was designed to put money in the hands of the growers and to improve the environment as a multi-faceted program.

Public Comment on Old Business

Mr. Gaine addressed new leases and how new applications were not being accepted due to COVID-19 restrictions and office closures. Mr. Gaine stated that if the DMV can open offices to process registration and licenses than the Bureau should be able to open the office for new lease applications. Mr. Normant explained that all DEP offices are closed to the public and staff attendance is limited. Until DEP offices open to the public the Bureau was not going to process new lease applications.

Mr. Maxwell noted that this topic was notable and that it needed to be addressed. Mr. Maxwell asked the Bureau to work on a protocol and suggested making appointment, to come into the office for new lease applications as things head into 2021. Mr. Babb agreed and noted that there have been discussions internally on how to address this issue which would most likely be by appointment. Mr. Gaine suggested presenting a plan forward with a goal timeframe if the COVID-19 restrictions continue in 2021.

Mr. Normant suggested revisiting this topic at the January 2021 council meeting. Mr. Maxwell agreed to address this topic at the January meeting and at least come up with a plan forward for a grower to come in and speak with Bureau of Shellfisheries staff members about new lease applications.

Mr. Normant added that Bureau staff Ms. Kelly and Mr. Lomelino were becoming familiar with the lease renewal process and would be involved in the conversation in January.

Hearing no other new business, the meeting was adjourned on a motion by Mr. Johnson and seconded by Mr. Felder.

6. Date, time and place of next meeting:

DATE:	November 16, 2020
TIME:	6 pm
LOCATION	Virtual- GoToMeeting