

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

Meeting was held at the New Jersey Agricultural Experiment Station Auditorium (1623 Whitesville Road Toms River, NJ 08755)  
Attendance was in-person or online via Microsoft TEAMS

**Monday, March 13, 2023**

Present were: Vice Chairman: George Mathis Jr. (Burlington County)  
Councilman: Paul T. Felder (Cape May County)  
Councilman: Vacant (Monmouth County)  
Councilman: Vacant (Atlantic County)

Absent was: Chairman: Walter L. Johnson III (Ocean County)

DEP Representatives: Russell Babb, Bureau of Marine Habitat & Shellfisheries  
Jeff Normant, Bureau of Marine Habitat & Shellfisheries  
Kira Dacanay, Bureau of Marine Habitat & Shellfisheries  
Jenny Tomko, Bureau of Marine Habitat & Shellfisheries  
Megan Kelly, 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  
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 December 2022	\$ 14,456.06
Shellfisheries Law Enforcement Fund	\$ 4,750.00
 Total Revenue for January 2023	 \$ 4,846.94
Shellfisheries Law Enforcement Fund	\$ 1,867.00
 Total Revenue for February 2023	 \$ 788.52
Shellfisheries Law Enforcement Fund	\$ 430.00

2. Presentation of January 9, 2023 minutes for approval.

The January 9, 2023 minutes of the meeting were approved on a motion by Mr. Felder and seconded by Mr. Mathis.

3. Lease Split – Lot 1416 Sec B, 2.0 acres to Lot 1416 and 1416.1

Mr. Normant explained that the leaseholder, Mr. Joannides, requested the Bureau to split his 2.0 acre lease, 1416 Section B, Middle Island, Little Egg Harbor Bay, into two leases. The two leases would be lease 1416 and 1416.1 in Section B, Middle Island Little Egg Harbor Bay, 1.00 acre each. Lot 1416.1 would then be transferred.

4. Applications for Transfer

LESSEE	APPLICANT	LOT #	SECTION	ACRES/FT	LOCATION	MAP #
Jordan LoPinto	Kenneth Hanson	618	B	2.00	Jeremy/ Gaunt Point	6
Brent Buzby	Dale S. Parsons	71	B	1.93	Graveling Point	1
Jaclynne Rush	Dale S. Parsons	72	B	1.93	Graveling Point	1
Jeffrey Pannella	Dale S. Parsons	74	B	1.99	Graveling Point	1
Wendy Stewart	Dale S. Parsons	75	B	2.11	Graveling Point	1
James Hoffman	Dale S. Parsons	82.2	B	2.30	Graveling Point	1
Michael Joannides	Dale S. Parsons	1416.1	B	1.00	Middle Island	1

The transfer applications were approved on a motion by Mr. Felder and seconded by Mr. Mathis. Mr. Normant stated that the approved transfer applicants would need to come into the office to sign their lease agreements and pay fees.

5. Old Business:

Lease Policy Committee Update

Ms. Swain explained that the draft Lease Policy Committee report draft was mostly complete, and the Bureau was finishing final edits. A draft copy of the report would be provided to the Council and all Committee members that attended the meetings for review and a follow-up meeting with the Committee for discussion would be scheduled.

Atlantic Coast Section of the NJ Shellfisheries Council  
 March 13, 2023  
 Meeting Minutes  
 Legislative Update

Mr. Babb provided an update the following bills:

Bill #/Sponsors	Name of Bill/Bill Description	Status
State Legislation		
A4243; S2908; S428/Smith (D17), Oroho (R24); Singer (R30), Cruz-Perez (D5); Thomson (R30)	Establishes certain shellfish aquaculture activities as eligible for Right to Farm Protections.	6/13/2022 Introduced and referred to Assembly Agriculture and Food Security. 6/23/2022 Introduced and referred to Senate Economic Growth Committee. 2/2/2023 Passed in Senate and sent to Governor 39-0. Signed by Governor March 13, 2023.
A3847/Calabrese (D36); Freiman (D16); Spearman (D5)	Exempts shellfish aquaculturists with commercial shellfish aquaculture license from law prohibiting taking of shellfish on Sunday; requires submission of annual shellfish harvest report.	5/9/2022 Introduced and referred to Assembly Agriculture and Food Security. 1/19/2023— Reported out to Assembly Agriculture and Food Security Committee.
A4028/Swift (R2) S556	Eliminates shellfish license fee for veterans and active-duty service members.	5/16/2022 Introduced and referred to Assembly Agriculture and Food Security. 01/11/22—Introduced, ref to Sen Environment & Energy
A5197/Conaway (D7)	Directs DEP to identify oyster reefs in need of restoration and allow certain entities to establish no-harvest restoration sites.	2/16/2023 - Introduced (unsure of what committee)
S520/Cruz-Perez (D5)	Exempts commercial shellfish producers from prohibition on taking shellfish on Sunday	01/11/22—Introduced, ref to Sen Environment & Energy. 5/26/2022 Pass in Senate 34-1, Received in Assembly and referred to Assembly Agriculture and Food Security Committee. 1/19/2023 - Reported out of Assembly Agriculture and Food Security Committee with committee amendments.
A733/S793	Requires assessment of bay scallop resource and	1/11/2022 Introduced And Referred To Assembly Agriculture Committee; 1/18/2022

	authorizes DEP to establish a bay scallop fishery.	Introduced in the Senate, Referred to Senate Environment and Energy Committee
SR67	Urges Atlantic States Marine Fisheries Commission to continue prohibiting harvest of female horseshoe crabs.	3/7/2022 Introduced; 3/24/2022 Resolution passed in Senate by voice vote and filed with the Secretary of State.
S2281	Requires State agency to identify at least two existing rules for repeal for every one new rule adopted.	03/14/22—Introduced, ref to Sen State Govt, Wagering, Tourism & Hist Preservation.
A4483/Karabinchak (D18); McKeon (D27); Guardian (R2)	Requires study of ocean energy potential; directs BPU to establish wave and tidal energy generation goals and take other action to establish NJ as nationwide leader in ocean energy	9/22/2022 Reported and Referred to Assembly Telecommunications and Utilities Committee; no Senate version

Discussion ensued on A5197/Conaway (D7) which directed DEP to identify oyster reefs in need of restoration and allow certain entities to establish no-harvest restoration sites. Mr. Babb stated that the Delaware Bay Section of the Shellfisheries Council had discussed this topic at their last meeting and was sending a letter questioning the origins of the Bill and where it was going relative to the Council's authority. Mr. Babb added that the Bureau was currently working on regulations similar to the established Delaware Bay regulations which would give the Department in consultation with the Council the ability to close areas for shellfish management purposes. Concerns were raised regarding the establishment of an oyster reef in degraded and non-approved water quality areas, including enforcement concerns and amount of patrol needed. Mr. Schuster added that the Bureau of Marine Water Monitoring was looking to adopt rule language to allow potential restoration sites in areas where waters were less than Approved and still meet requirements without additional burdens on Marine Law Enforcement.

Mr. Gaine provided public comment and raised concern regarding the Bill and establishing oyster sanctuaries. In addition, he noted that the Bill language should include reference to the role of the Council, DEP, and regulations.

Mr. Parsons provided public comment on concerns regarding the lineage of oyster to be used for disease resistance and there was no mention of accountability or follow-up assessment after restoration project was complete to determine success. Mr. Parsons stated the Bill is too general with no information on what the restoration project would include. Mr. Parsons opined that the Bill may expand the types of qualified entities other than non-profit organizations to conduct a restoration project in non-approved waters.

Mr. Avery provided public comment, adding that the establishment of oyster restoration sites should include ensuring any oysters being planted would be from a healthy stock and were disease free, had the ability to spawn, and were far away from existing shellfish aquaculture lease grounds.

Discussion ensued regarding the Bill language, and potential deficiencies which included explanation of qualified entities, how was restoration and existing bed being defined, and how that was assessed.

A motion was made by Mr. Felder and seconded by Mr. Mathis to write a letter to Assemblyman Conaway regarding Bill A5197/Conaway (D7) regarding oyster reef restoration sites, including clarification of the Council's role in consultation with the Department to develop oyster restoration sites, pending regulations, address shellfish management and water quality concerns, and request a meeting with the Assemblyman to discuss further.

#### 2023 Committee Membership - Administrative Guidelines

Bureau staff had met individually with some of the Council members to take comments on the draft Council administrative guidelines. Mr. Babb noted that the administrative guidelines document formally put in writing how the Council operated and improved public transparency. The document included historical notations, Council nominations and appointment procedures, term of appointments, code of conduct, notice of meetings, scheduling meetings, minutes and agenda, special meetings, conflict of interest and Council committees which included committee status and application process.

Mr. Babb added that Mr. Johnson asked the Bureau to investigate increased access to the executive session considering the Council size. The Bureau had asked the NJ Fish & Wildlife attorney regarding this question and the Bureau and the attorney's view an executive session was intended for when confidentiality was paramount to discuss legal or personnel matters. In addition, Mr. Johnson had raised concerns regarding how Council would review recommendations from committees. Rather than taking action on a seconded motion from the committee, Mr. Johnson preferred to review a recommendation from the committee without a standing motion. Mr. Johnson also raised some concerns regarding draft language that included whether or not a member needed to be a licensed and active member of the industry. Mr. Babb clarified that the intent was regarding academia seats on a committee but would be discussed further if the Council had concerns.

The Council agreed to revisit the document and take into consideration Mr. Johnson's comments prior to the next meeting.

#### Shellfish Lease Compliance

Mr. Normant explained that the Department, as well as the Council, sent letters to shellfish aquaculture leaseholders urging all leaseholders to ensure they were in compliance with the appropriate required state permits for aquaculture activities which included the Commercial Shellfish Aquaculture Permit issued by the Bureau of Marine Water Monitoring and permits from the Division of Land Resource Protection for structural aquaculture. Mr. Normant stated that the Bureau conducted field inspections in the Fall of 2022 in some of the Northern leasing sections to confirm where gear was located, which included staff from the Division of Land Resource Protection and the Bureau of Coastal and Land Use Enforcement. As a result, warning letters were sent to leaseholders if the lessee appeared to not be in compliance with state regulations. Mr. Normant added the Bureau would be conducting additional field inspections on the Southern portion of the state. Mr. Babb added that the inspections included Swan Point, Rose Cove and Thompson Creek. The letters included contact information to work through the permitting process and the general reasons for warnings were gear located outside of lease area, unauthorized gear, and lease boundaries not marked appropriately.

#### Vibrio Update

Mr. Schuster stated that the 2023 Vibrio Plan was drafted and would be made available soon. There were no changes to the harvest hours or time to temperature. Mr. Schuster provided an update on the number of cases in 2022 which included a total of nine (9) *vibrio parahaemolyticus* cases in which NJ product was implicated and seven (7) cases included NJ product only. Out of the seven (7) cases, five (5) cases were from Delaware Bay dredge boat harvest areas and three (3) of those cases were within a 30-day period of the same location. An evaluation of risk based on monthly harvest numbers was conducted under the shellfish program guidelines. Mr. Schuster emphasized the importance of reporting harvest for situations like this to determine what the risk was per serving. The review did not result in a closure based on the guidelines. Mr. Schuster also highlighted the importance of paying attention to shippers and carriers, especially out of state. The three (3) cases in Delaware Bay that was under review were shipped to the mid-West, which indicated a transportation issue. The two (2) additional NJ cases on the Atlantic Coast were linked to Scull Bay and Ludlam Bay.

#### Slow Clam Growth

Mr. Zachary Gordon, regional aquaculture liaison with the Connecticut Sea Grant program with NOAA Fisheries, presented on the status of a research project investigating the poor growth and mortality of hard clams in Little Egg Harbor Bay. Mr. Gordon explained that Mr. Parsons presented the issue with the Milford Lab regarding 5-7 years of slow or poor clam growth and mortality, with estimated loss of 350,000 clams in the bay in 2021. Observations included slow growth seen in ~1-2 inch clams, no impact to oysters or scallops, poor growth and mortality occurred across three (3) genetic lines, and no observed pathological concerns. In addition, data was collected from the nearby Stockton University Environmental Monitoring Station. Mr. Gordon presented data from May 2012-July 2022 that included median daily temperature which showed no significant change in the temperature, and Chlorophyll-a concentration which showed at about 2016, there was a decline in Chlorophyll-a concentration which required additional research.

Some hypotheses to be considered included:

- Could Little Egg Harbor Bay be reaching a carrying capacity?
- Possible decrease in food available to clams since 2016.
- Flow characteristics changing due to beach replenishment.
- Environmental conditions changing in a way that no longer supports productive clam aquaculture.

In 2022, the Milford Lab reviewed monthly condition index for short term growth, age analysis for long term growth and environmental measurements based on samples received by Mr. Parsons. Mr. Gordon presented data from the Barrel Island Station from May – November 2022 which included daily maximum Chlorophyll-a concentration. The average was below the ideal threshold for clam growth with some spikes above the threshold, and data showed a significant increase above the threshold in the fall which correlated with a growth event observed on Mr. Parson's farm. Both temperature and dissolved oxygen stayed above the optimal threshold during this period. Research will continue to measure growth in 2023 in Little Egg Harbor Bay and a site in Great Sound to compare differences based on location.

#### Structural Aquaculture Committee

The Bureau agreed to work on a charge statement to present to the Council at the April meeting.

6. New Business:

2022 Atlantic City Shell Recycling Program Update

Mr. Stueber provided a brief overview of the main accomplishments of the 2022 Atlantic City Shell Recycling program and plans for the program in 2023. Council members were given a full report prior to the meeting. Current participants included the Golden Nugget Casino, Dock's Oyster House, Hard Rock Casino, Knife and Fork, and Borgata Casino. Additional partners added to the program included the Atlantic County Utilities Authority, Casino Reinvestment Development Authority, CTR Trash and Recycling, and the Atlantic Coastal Fish Habitat Partnership. In 2022, 3,362 bushels were collected which was a 39.5% increase in collected volume from 2021. In June and July 2022, the Bureau planted a total of 5,000 bushels over a 2-acre parcel (2,410 bushels of recycled shell and 2,590 bushels of surf clam shell). The plans for 2023 include partnership with additional partners, public drop-off location, increase program awareness and outreach, and plant over 6,000 total bushels of shell in the Mullica River reefs in Summer 2023. Mr. Stueber added that the report would be available on the Fish & Wildlife website.

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

7. Date time and place of next meeting:

DATE: April 10, 2023  
TIME: 6:00 PM  
LOCATION: Hybrid In-Person and Virtual  
Galloway Twp. Library