

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

Meeting was held at the Atlantic County Library - Galloway Twp Branch (306 E Jimmie Leeds Road, Galloway Twp NJ 08205)  
Attendance was in-person or online via Microsoft TEAMS

**Monday, May 8, 2023**

Present were: Chairman: Walter L. Johnson III (Ocean County)  
 Vice Chairman: George Mathis Jr. (Burlington County)  
 Councilman: Paul T. Felder (Cape May County)  
 Councilman: Vacant (Monmouth County)  
 Councilman: Vacant (Atlantic 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 Swain, Bureau of Marine Habitat & Shellfisheries  
 Scott Stueber, Bureau of Marine Habitat & Shellfisheries  
 Richard DiVaccaro, 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 and sent to the Atlantic City Press and NJ Advanced Media outlets. He announced that the meeting would be recorded.

1. Total Revenue for March 2022 \$ 530.00  
 Shellfisheries Law Enforcement Fund \$ 182.00
2. Presentation of April 10, 2023 minutes for approval.

The April 10, 2023 minutes of the meeting were approved on a motion by Mr. Mathis and a second by Mr. Felder.

3. Applications for Consideration

LESSEE	LOT #	SECTION	ACRES/FT	LOCATION	MAP #
Jordan LoPinto	802	B	2.00	Rose Cove	7
Robert Lee	2731	B	1.55	Shelter Island	28

Messrs. LoPinto and Lee were present at the meeting and fulfilled their obligation to attend one of two Council meetings.

4. Old Business:

Legislative Update

Mr. Babb provided the Council with a legislative report that was created for the Marine Fisheries Council presented legislative updates that were pertinent to shellfisheries.

Committee Membership Application Form

Mr. Normant stated that the Bureau had created a Shellfish Council committee membership application that is similar to the version that the Marine Fisheries Council uses for their committees. For the Council's Structural Aquaculture Committee, the Bureau intends to send an email to all shellfish leaseholders who hold a 2023 Commercial Shellfish Aquaculture Permit and have indicated they use structure for their shellfish aquaculture operation.

Lease Policy Committee Update

Ms. Swain explained that she sent an email on April 28<sup>th</sup> to all members of the Lease Policy Committee who attended the meetings with the draft Lease Policy Committee Summary Report. Ms. Swain asked the Committee members if they had any comments, or questions before it was finalized. Mr. Johnson expressed his disappointment in the outcome of the Committee and believed the Committee was stalled by discussions on lease utilization. Mr. Babb added that the Bureau had high expectations of industry participation to be more involved in actively trying to come up with solutions on issues plaguing the industry for decades. Mr. Johnson added that the next time a Lease Policy Committee is convened it should be required to set specific goals and expectations for the outcome of the discussions. Mr. Babb and Mr. Normant added that it was important to add a variety of different industry sectors moving forward; and added that at one point the Bureau had to provide questions for the Committee to answer because it was difficult to get and discussions from members.

Mr. Johnson explained that the current Lease Policy Committee would be disbanded when the Committee Summary Report is finalized. The Council agreed that a new Lease Policy Committee would need to be structured differently to get a better outcome. Mr. Normant added that the application review process per the Council's administrative guidelines would be beneficial. The Council agreed to wait until the June meeting to finalize the report and allow the Committee time to send comments to the Bureau.

Mr. Johnson noted that he supported the concept of having a joint Lease Policy and Regulatory Committee meeting and it was something to consider for more participation on these issues. Mr. Babb added that reconstituting the Committee, per the guidelines should facilitate adequate representation and participation of the industry.

Structural Aquaculture Committee

Mr. Normant reiterated that the Bureau would send a copy of the Committee Member Application to individuals who noted the use of structure on their 2023 Commercial Aquaculture Permit if they were interested in becoming a member of the Committee. The Bureau will provide an update to the Council by the June meeting on the number of applications received.

### Hard Clam Management Plan

Ms. Dacanay provided an update on the status of the Hard Clam Management Committee which was created prior to the Committee application process. There were still several vacant seats for the industry sector, and it was decided to hold off trying to fill those vacancies until the application process was completed. Now that it was available, Ms. Dacanay reached out to current interested members to make sure they were still available. The goal was to have them complete the application form review, as well as try to increase membership. In addition, Ms. Dacanay announced that she accepted a new position with the Federal government and would be leaving the Bureau, so she would no longer be participating in the future development of the plan. Mr. Babb noted that given the changes, the Bureau suggested not having the members fill out applications until the Committee is closer to being ready to meet with a new Bureau point of contact.

#### 5. New Business:

##### Financial Disclosure Reminder

Mr. Normant reminded the Council that members must submit financial disclosure and ethics requirements by May 15<sup>th</sup>. Mr. Normant added that he would keep the Council apprised of any issues on submissions. Mr. Johnson requested the Bureau reach out to the State Ethics Office to suggest notifications in February each year, rather than two weeks before the deadline. Mr. Babb noted that the Bureau would relay the message, but they do not have much say in when the requests were sent.

##### Hydrographic Survey

Mr. Normant stated there will be changes with hydrographic surveys, and that Mr. DiVaccaro was taking the lead. The Bureau had noticed issues in staking and has been working with the growers and enforcement to correct these staking issues. Many leases had hydrographic surveys that were completed years ago, which have resulted in the incorrect placement of stakes over time. As a result, the Bureau will start requiring hydrographic surveys on lease transfers. Mr. Normant noted that a survey for a transfer would be considered on a case-by-case basis depending on when the last survey was completed.

Mr. Mathis stated that he supported surveys on transfers. Mr. Mathis also requested not to use the block and buoys in Dry Bay to limit impacts to gear and product in the area. Mr. Normant explained that the Bureau had started providing the leaseholder with coordinates to assist in staking to alleviate over staking issues. Mr. Normant added that if a lease was found to be staked, the Bureau and enforcement has been working with the leaseholder to rectify the situation. Mr. Johnson was appreciative in requiring a hydrographic survey across the board, unless an area was well established, or there was a recent survey. Mr. Johnson suggested a 5-year period if there was a survey completed. Mr. Normant said the Bureau would take that into consideration.

Mr. Gregg provided public comment that he agreed with Mr. Mathis's suggestion of not using blocks and buoys to mark corners as winds and tide could move them. Mr. Normant stated that the Bureau could meet with the leaseholder during the survey, if possible.

Mr. Gaine asked if a transfer application would be held up until the hydrographic survey was paid, and who was responsible for the fee. Mr. Normant stated that it would be up to the lessee to pay the fee, but the fee would have to be paid within 30 days of Council approval of the transfer.

Public Comment

Mr. Gregg asked for an update on the status of the 2023 Vibrio plan. Mr. Schuster replied that there were no changes to the plan, and it was posted for 2023.

Mr. Avery advised that he noticed construction of concrete drainage pipes on Jimmie Leeds Road in Galloway and expressed concerns that it would lead to the bay. Mr. Schuster said that he had not heard about the project, but that he could look into it.

Mr. Schuster stated that there was a sewage main spill in Rumson, Monmouth County going into the Shrewsbury River. The Bureau did not require closure due to minimized discharge and repair work was done quickly. Mr. Schuster noted the office was monitoring the area, which included the depuration harvest areas.

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

6. Date time and place of next meeting:

DATE: June 12, 2023  
TIME: 6:00 PM  
LOCATION: Hybrid In-Person and Virtual  
Cape May County Rutgers Cooperative Extension