

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

Meeting was held at the Galloway Twp Library (306 E Jimmie Leeds Road, Galloway Twp
NJ 08205

Monday, November 13, 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 (Atlantic County)
Councilman: Vacant (Monmouth County)

DEP Representatives: Joseph Cimino, Marine Resources Administration*
Russell Babb, Bureau of Marine Habitat & Shellfisheries
Jeffrey Normant, 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*
Sarah Gentile, Bureau of Marine Water Monitoring*

** Denotes Virtual Attendance*

Mr. Normant read the State's compliance with the Open Public Meetings Act. A notice of the meeting was filed with the Secretary of State's Office, State House, Trenton, NJ, and sent to the Atlantic City Press and NJ Advanced Media news outlets. Mr. Normant announced that the meeting would be recorded.

1. Total Revenue for October 2023 \$4,389.32
Shellfisheries Law Enforcement Fund \$1,087.00
2. Presentation of the October 16, 2023 minutes for approval

Mr. Normant presented the October 16, 2023 minutes for approval. Mr. Johnson noted that the minutes misidentified which council member made a motion and that it needed to be corrected. Mr. Mathis made a motion to conditionally approve the minutes with those revisions. Mr. Felder abstained from the vote on the minutes as he was not present at the October 16th meeting. The minutes were approved by Council.

3. Applications for Consideration

| LESSEE | LOT # | SECTION | ACRES/FT | LOCATION | MAP # |
|--------------|-------|---------|----------|----------------|-------|
| Robert Torre | 409.1 | B | 2.00 | Big Creek - GB | 10 |
| Susan Torre | 410 | B | 2.00 | Big Creek - GB | 10 |

Mr. Normant presented the above applications for consideration and informed the Council that a biological report was not necessary for these applicants because the lots were in an area that by regulation was reserved for those who have not previously held a lease. Mr. and Ms. Torre were present

at the meeting fulfilling their requirement to attend at least one of two meetings at which the Council reviews their applications, pursuant to N.J.A.C 7:25-24.6.

4. Applications for Decision

| LESSEE | LOT # | SECTION | ACRES/FT | LOCATION | MAP # |
|--------------|-------|---------|----------|-------------|-------|
| Thomas Glenn | 1114 | A | 2.11 | Great Sound | 5 |

Mr. Normant presented the above application for decision. Mr. Glenn was present at the last meeting, fulfilling his requirement to attend at least one of two meetings at which the Council reviews their applications, pursuant to N.J.A.C 7:25-24.6.

A motion was made by Mr. Mathis and seconded by Mr. Felder to approve Mr. Glenn's lease application. Mr. Normant stated that a letter would be sent to Mr. Glenn and that he had 30 days to sign his lease agreement and pay his fees. It was noted that Mr. Glenn could do his renewal at the same time.

5. Old Business

2024 Lease Renewals- Reminder

Mr. Normant reminded the Council and attendees that the 2024 lease renewal period was open and that the new lease agreement was available to be signed. Mr. Normant encouraged appointments to streamline the process.

Mr. Mathis asked if it was possible to obtain the forms that needed to be filled out prior to coming into the office. Mr. Normant responded that all the forms were available online on the Commercial Shellfish Aquaculture website. Mr. Mathis asked if there was a waitlist to receive an appointment; Mr. Normant stated that there was no waitlist and that a lessee could come in when the office was open for walk-ins.

Mr. Normant stated that as of the meeting, 35 lease agreements and renewals had been completed out of 175 lessees. Mr. Mathis asked if licenses were available at the office. Mr. Normant responded that the license application was available in which licenses would be mailed, but licenses were also available online.

2024 Council Meeting Schedule

Mr. Babb presented the potential meeting location options for the 2024 calendar year. The Council requested at a previous meeting that meetings be returned to the third Monday of the month. The Galloway library was largely unavailable for those dates, so other options were considered. Mr. Babb stated that nothing was definite but expressed the Bureau's preference was to have one primary location and allow for three other locations for meetings throughout the year. Having a primary location would provide consistency for setting up IT equipment and continuing to provide the virtual option for the meeting.

The following options were presented:

Main Location

- Mays Landing- Atlantic County Library
- Jacques Cousteau Natural Estuarine Research Reserve (JCNERR) in Tuckerton
- Batsto

Regional Options

- Toms River- Rutger's Cooperative Extension
- Stafford Township Firehouse
- Cape May Court House- Rutger's Cooperative Extension
- Ocean City Library
- Wildwood Library
- Lower Township Library

Mr. Babb noted that the Mays Landing Library was reserved to ensure a location was secured but that it was not the definitive primary location. Mr. Normant noted that the third Monday of January and February were holidays and that those meetings could be held at the Galloway Library on the second Monday of the month.

Mr. Avery stated that Edwin B. Forsythe National Wildlife Refuge had a meeting space that would work well for the Council meetings. Mr. Normant questioned if the space could be used after hours and stated that the Bureau would inquire.

Mr. Johnson requested that the Bureau compile a tentative schedule of meeting dates and locations for 2024 and provide it to the Council. Mr. Babb and Mr. Normant concurred.

Enforcement Relay Funding

Mr. Johnson asked Mr. Normant if he had found any additional information about the funding that was available for the hard clam relay monitoring by enforcement, which was discussed at the October meeting. Mr. Normant explained that he reached out to the former Administrator of the Marine Fisheries Administration (MFA) and found that the funding was part of the general state appropriation that was allocated to the MFA, and a portion of the money was allocated and used to pay for enforcement for the relay at the time. Mr. Normant further explained that the funding was not from a dedicated account. Mr. Johnson stated that he recalled a meeting in which it was decided that law enforcement would continue to receive money for the relay and that if a relay was instituted again, that money was there for enforcement. It was his understanding that by suspending the relay, the funding would not be negated. He opined that this was why they continued to suspend the relay. Mr. Babb clarified that a portion of the appropriation was likely set aside to offset the cost of monitoring but that it was not a separate appropriation or dedicated line-item of funding for relay. Mr. Johnson stated that was where the money was allocated at the time it went to enforcement as it was supposed to.

Mr. Johnson brought up the plan for the relay moving forward and said it would be discussed more in 2024. Mr. Normant said that the Bureau was looking at changes to the shellfish regulations and that

relay could be a part of that. Mr. Normant said that any changes to the regulations would be discussed with the Council. Mr. Johnson concurred that the conversation was necessary. Mr. Normant continued that the relay regulations were written for a moderately sustained relay. Further discussion ensued about the history of the relay, the process, and the plans moving forward.

Public Comment

Mr. Avery commented that he saw that there was money available for the Delaware Bay for shelling and asked if any of that funding was available and if there was any shelling planned for the seedbeds in the Mullica River. Mr. Normant responded that the account that Mr. Avery was referring to was paid for by the industry in Delaware Bay via a \$2.00 per bushel fee. He continued that on the Atlantic coast, the Mullica River was being shelled through the Bureau's Shell Recycling Program using Bureau monies.

Mr. Stueber concurred with Mr. Normant and added that in addition to recycled shell, any other shell the Bureau was able to purchase was also used. Mr. Stueber stated that just over 6,000 bushels were planted on the Mullica River seedbeds in 2023. Mr. Avery said that he saw that Mr. Fleetwood had brought a lot of shell into the Mullica and asked if it was for his leases or for the natural beds. Mr. Normant stated that it was for his lease grounds but added that Mr. Fleetwood's maintenance of his leases and the Bureau planting on the natural seedbeds were mutually beneficial.

Mr. Avery asked how much area the State could plant. Mr. Babb responded that the Bureau was trying to expand shell planting in the Mullica and include the Graveling Beds. Discussion ensued on the Graveling Beds and the status of oysters and shell on them. Mr. Babb stated that the Bureau wanted to stabilize those beds to ensure they aren't lost as the shell on them degrades over time. Mr. Normant concurred that maintaining the shell on those beds was important to sustain them and allow for potential harvest opportunities on those beds in the future.

Discussion ensued on the impact of the widening of the Blood Point Ditch on the natural seed beds. Mr. Normant said that the Bureau had previously investigated ways to get the ditch filled and that Mr. Stueber had recently had conversations with the New Jersey Department of Transportation about it, but that it would be a very expensive project given the volume and the engineering techniques necessary. The Council expressed support for a project to close the Blood Point Ditches.

Mr. Johnson asked if there was any consideration of shell planting west of the Garden State Parkway Bridge in the future. Mr. Stueber responded that the Bureau was investigating that as an option for planting and was in the process of using remote sensing technology along with ground truthing to further map the extent of the beds in the river. Mr. Stueber explained that this would help the Bureau obtain an accurate assessment of the habitat west of the bridge and allow for the shell to be planted in the most suitable locations. Mr. Babb noted that the Bureau was focusing on stabilizing the existing two main beds and that shell availability was the biggest limiting factor. Mr. Babb continued that Mr. Stueber and Bureau staff were pursuing grant opportunities to expand shell planting opportunities in this system.

Mr. Gaine commented that he appreciated the conversation regarding shelling efforts in the Mullica River and said any investment into this system would benefit multiple user groups and members of the industry.

Mr. Johnson asked that the Bureau share the annual Mullica River spat count data once available and

any other appropriate updates on the Mullica. Mr. Babb said that Mr. Stueber would give a presentation to the Council in 2024 on the project. Further discussion ensued on pockets of oysters being present throughout the coastal bays.

6. New Business

Shoreline Access Rule Proposal for Endangered Species

Mr. Johnson asked about the proposed shore access rule that would restrict access to tidal areas and adjacent shorelines to protect endangered wildlife. Mr. Babb stated that he was not at the meeting for the rule proposal, but that he had spoken with the Endangered and Non-Game Species Program chief about it, specifically related to Delaware Bay. Mr. Babb explained that, at least for Red Knots specifically, he believed that the rule was simply making what was already policy into regulation, which gave it more authority from an enforcement perspective. Mr. Gaine commented that he did attend the shore access meeting and said that maps would be produced to identify areas that would be restricted or closed. Mr. Avery stated that he felt the rule was a violation of the Public Trust Doctrine.

Public comment

Mr. Avery commented that the East Coast Shellfish Growers Association posted on their website a revised and updated manual on best practices for the East Coast shellfish aquaculture industry.

Mr. Acquafredda announced that the Haskin Shellfish Laboratory had started its Growers Forum, which was a seminar series for shellfish farmers. The first seminar was Wednesday, November 29th at the Jacques Cousteau Natural Estuarine Research Reserve (JCNERR) that discussed oyster filtration rates.

The meeting was adjourned on a motion by Mr. Mathis and seconded by Mr. Felder.

7. Date, time, and place of next meeting

Date: Monday, January 8th, 2024

Time: 6:00 PM

Location: Atlantic County Library- Galloway Township Branch with virtual option
306 E Jimmie Leeds Road, Galloway Twp NJ 08205

Attendees

Bill Avery
Dr. Michael Acquafredda

Virtual Attendees

Michael Moore
Bob Torre
Sue Torre
Matthew Matusky
Chris Carrol
Bill Mayer
Matt Gregg