

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)  
Attendance was in-person and online via Microsoft TEAMS

Monday, January 8, 2024

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  
Megan Swain, 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\*  
Alissa Wilson, Bureau of Marine Habitat & Shellfisheries\*  
Les Frie, Bureau of Marine Habitat & Shellfisheries\*  
Lauren Strazzeri, Bureau of Marine Habitat & Shellfisheries\*  
Liia Carpenter, Bureau of Marine Habitat & Shellfisheries\*  
Natalie Dragos, 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 and notice was filed with the Secretary of State Office. He announced that the meeting would be recorded.

- |                                     |                  |
|-------------------------------------|------------------|
| 1. Total Revenue for November 2023  | \$ 11,312.11     |
| Shellfisheries Law Enforcement Fund | \$ 3,406.00      |
| <br>Total Revenue for December 2023 | <br>\$ 18,523.37 |
| Shellfisheries Law Enforcement Fund | \$ 5,800.00      |

2. Annual Election of Chair and Vice-Chair

Mr. Johnson was appointed Chair on a motion by Mr. Mathis and a second by Mr. Felder. Mr. Mathis was appointed Vice-Chair on a motion by Mr. Johnson and seconded by Mr. Felder.

3. Presentation of November 13, 2023 minutes for approval.

The November 13, 2023 minutes of the meeting were approved on a motion by Mr. Felder and seconded by Mr. Mathis.

#### 4. Leases Vacated by Lessee

LESSEE	LOT #	SECTION	ACRES/FT	LOCATION	MAP #
Judy Doughty*	2055	B	2.94	Reeds Bay	
Clint Hunter	1113	A	2.54	Great Sound	5

\*Former Lease shall remain public bottom as per the Council Policy

#### 5. Leases Vacated by Lessee - Relay

LESSEE	LOT #	SECTION	ACRES/FT	LOCATION	MAP #
Kirk Conover	2400.24	B	1.5	Great Bay	24.1
Stephen J. Gorman	2400.25	B	1.5	Great Bay	24.1
Robert H. Fenton	2400.29	B	1.5	Great Bay	24.1
William Mayer	2400.66	B	1.5	Great Bay	24.1
Christopher Scales	2400.73	B	1.5	Great Bay	24.1
Robert Mayer	2400.74	B	1.5	Great Bay	24.1

#### 6. Leases Vacated – Non-Payment

LESSEE	LOT #	SECTION	ACRES/FT	LOCATION	MAP #
John Chapman	2504	B	2.02	Scull Bay	27
John Chapman	2519	B	2.01	Scull Bay	27
John Chapman	2521	B	2.18	Scull Bay	27
John Chapman	2538	B	2.14	Scull Bay	27
John Chapman*	2552	B	2.10	Scull Bay	27
Jeffrey A. Grim	2501	B	1.82	Scull Bay	27
Jeffrey A. Grim	2516	B	2.24	Scull Bay	27
Jeffrey A. Grim	2536	B	2.38	Scull Bay	27
Jeffrey A. Grim	2549	B	2.19	Scull Bay	27
Jeffrey A. Grim*	2563	B	0.89	Scull Bay	27
Bruce A. Day*	561	B	4.15	Gaunt Point LEH	12
Philip Naylor & Edward Smith	2745	B	2.00	GB Great Thorofare	25

\*Former leases shall remain public bottom

Ms. Swain informed the Council that Messrs. Chapman, Grim, Day, Naylor and Smith failed to pay their lease fees for 2024 and sign the new lease agreement and renewal by the December 31<sup>st</sup> deadline. Pursuant to N.J.A.C 7:25-24.8, all lessees were required to renew their leases and pay lease fees for the following calendar year by December 31<sup>st</sup>. However, if illness or extenuating circumstances prevent a lessee from renewing by the December 31<sup>st</sup> deadline, the Council may extend the payment deadline by one month at the January meeting (as per N.J.A.C. 7:25-24.8). If a lessee does not renew the lease by the payment deadline and receive an extension of the payment

deadline from the Council, the leases shall be terminated at the January Council meeting and revert to the public bottom.

Messrs. Chapman, Grim, and Day were not present at the meeting. Mr. Naylor was present and addressed the Council and stated that he was able to complete his portion of the renewal, but the co-lessee Mr. Smith was unable to renew due to illness. Mr. Naylor was acting as Mr. Smith's agent to request an extension. A motion was made by Mr. Mathis and seconded by Mr. Felder to grant a one-month extension for Messrs. Naylor and Smith to complete the renewal.

Mr. Normant added that any vacant lots listed on the agenda that could be re-leased would be available for application on Tuesday, January 16<sup>th</sup>, in order to do a thorough administrative review of the vacated leases.

#### 7. Applications for Consideration

LESSEE	LOT #	SECTION	ACRES/FT	LOCATION	MAP #
Sloop Point Oyster, LLC (Thomas Burke)	2274	B	2.27	Dry Bay	24.2
Mackenzie Kurten	2290.1	B	1.37	Dry Bay	24.2

Sloop Point Oyster, LLC (Thomas Burke) and Ms. Kurten were present at the meeting and fulfilled their obligation to attend one of two meetings.

#### 8. Applications for Decision

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

\*Was in attendance at the November 13, 2023 Council Meeting

Mr. and Ms. Torre were present at the November 13, 2023 meeting and fulfilled their obligation to attend one of two meetings. 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.

The above applications for decision were approved on a motion made by Mr. Mathis and seconded by Mr. Felder. Applicants would receive a letter informing them that they have 30 days to sign the lease agreement and pay lease fees.

#### 9. Applications for Transfer

LESSEE	APPLICANT	LOT #	SECTION	ACRES/FT	LOCATION	MAP #
Stephen Gorman	Blue Republic Shellfish, LLC (Constantine Andreae)	2755	B	2.00	GB-Great Thorofare	25
William Barnish & John Walls	William Barnish	2101	B	4.69	Sand Thorofare	2

Donna Whiteside	Michael Whiteside	1110	A	1.94	Great Sound	5
Robert Whiteside	Michael Whiteside	1111	A	2.10	Great Sound	5

The above transfer applications were approved on a motion by Mr. Mathis and seconded by Mr. Felder. Mr. Normant stated that the approved transfer applicants would be required to come into the office to sign their lease agreements and pay applicable fees. No hydrographic survey fees were required.

#### 10. Old Business:

##### 2024 Council Meeting Schedule

DATE	LOCATION
8-Jan	Galloway
12-Feb	Stafford Twp. Firehouse
18-Mar	Batsto
15-Apr	Batsto
20-May	Ocean City
17-Jun	Batsto
15-Jul	Stafford Twp. Firehouse
19-Aug	Batsto
16-Sep	Stafford Twp. Firehouse
21-Oct	Ocean City
18-Nov	Batsto

Mr. Babb noted that in order to keep meetings to the third Monday of the month, different venues needed to be considered since the Galloway Township Library was unavailable. Mr. Johnson agreed that the meeting locations were appropriate and requested that the Bureau send a copy of the schedule to Council members.

#### Legislative Report

Ms. Swain advised the Council that the Marine Fisheries Council's Legislative Report was sent to all Council members and was last updated December 12, 2023. There were no new updates on shellfisheries or aquaculture related legislation in the report.

#### Regulatory Committee

Mr. Babb explained that in response to a conversation with some Council members following the November meeting, a letter and email were sent from the Bureau to all shellfish aquaculture leaseholders on January 4, 2024 in anticipation of the formation of a new Regulatory Committee over the next couple of months. The letter expressed the Council's interest in seeking qualified candidates to serve as advisors. The formation of the committee was in anticipation of the Bureau's intent to review and revise all shellfish regulatory code in 2024. Mr. Babb noted that they had received four applications. Discussion ensued on meeting structure, committee size, the application process and ensuring that representation was adequate and balanced for the industry's various sectors.

A motion was made by Mr. Mathis and seconded by Mr. Felder to establish a Regulatory Committee to be staffed at a later meeting once the Council has received all applications for review. The deadline to receive applications and send them to Council for review was determined to be February 5, 2024.

#### Structural Aquaculture Committee

Mr. Babb explained that the Structural Aquaculture Committee was established in July 2023 with seven industry members. The Council nominated Mr. Mathis as Council representative and Chair of the Structural Aquaculture Committee. The Bureau was tasked to work with Mr. Mathis and the Committee members to schedule a meeting in February. Bureau staff would be available to help facilitate meeting locations and the Bureau stated that we could look to provide a virtual option, if helpful. The Bureau would also provide a short summary to the committee chair in order to update the Council. It was recommended that the initial meeting focused on priorities and Committee charge.

#### Leasing Committee

Mr. Babb suggested that after the Regulatory Committee was established, the Council might consider at the February or March meeting sending another recruitment letter in order to form a Leasing Committee at some point. This was suggested so that if any lease-related arose that needed to be discussed, it would save a couple of months trying to establish a committee. Mr. Johnson stated that there was too much going on right now with the formation of the Regulatory Committee but stated that a Leasing Committee could be considered beginning at the April meeting.

#### Public Comment

Mr. Parsons advised the Council that there was a marketing Bill that expired through the legislative process and that there were plans to put it through for consideration again.

Mr. Parsons requested that the Bureau document and measure interest from the public for lease ground (new and existing). It was noted that Mr. Parsons requested this information at a previous meeting, but due to staffing changes and low requests for lease areas, logging that information had stopped. However, the Bureau agreed to try to maintain a general tally when a member of the public inquired about obtaining a new lease or had general lease inquiries. Mr. Parsons stated that there was no real way to determine how many people were turned away when inquiring about a new lease. Mr. Normant stated that the Bureau routinely worked with the public to help direct them to a suitable lease area and that the public was not “turned away.” Mr. Normant also clarified that the Bureau was accepting applications for a number of lease areas pursuant to the Shellfish Leasing Policy; however, he stated that the Bureau was not creating “new” lease blocks at this time. Mr. Johnson stated that the Shellfish Leasing Policy had already outlined a process for requests on lease expansion and new lease block consideration, and the Leasing Committee, once re-established, would be able to handle that proactively. Discussion ensued regarding the Shellfish Leasing Policy, Council authority, and how it related to possible changes to the shellfish leasing regulations. Mr. Normant added that there was an opportunity with the shellfish regulation changes to reference the Shellfish Leasing Policy document, making Council policy more enforceable and enhancing the public process. For example, the Council could create policy on the type of aquaculture that was permitted in a given bay, like Dry Bay, perhaps stating that structural aquaculture may not be appropriate in relation to significant clam culture (because of potential to damage screens, etc.). In this example, the new rules would be written in a way to enhance the Council’s authority in the management of lease areas and would make detailed management changes more enforceable. Mr. Johnson did not believe that the Shellfish Lease Policy

needed to be revamped as it had already gone through a public process. Mr. Babb added that the state statute enabled regulations and since the statute gave the Council very broad authority the Bureau was simply looking to build the regulations to reinforce the Policy document and process (e.g., define what the policy is, outline the public process navigated prior to implementation in the regulations through a Notice of Administrative Change). He stated that it was not the Bureau's intention to change the Policy document, rather create a stronger policy authority should it be challenged. By creating this process, the Lease Policy and its conditions could be viewed as more enforceable with citations in the administrative code. A very lengthy discussion ensued regarding scenarios if someone was not following lease policy and what the current implications were and what level of enforcement exists at the moment for the present Policy. While the Bureau strongly suggested that this be considered, Mr. Babb repeated a number of times that if the Council did not agree with this particular example and approach, then the Bureau would not pursue it. The Council agreed this topic could be discussed by the Regulatory Committee.

#### 11. New Business:

##### Suspension of 2024 Hard Clam Relay Program

The suspension of the 2024 Hard Clam Relay Program was approved on a motion made by Mr. Mathis and seconded by Mr. Felder.

##### 2023 Mullica Seed Bed Condition Monitoring

Mr. Stueber stated that the 2023 Mullica River seed bed sampling was completed on December 20, 2023. Mr. Stueber explained that this was a qualitative survey of bed conditions and noted that a quantitative evaluation was being developed that would likely be employed for the 2024 survey. Mr. Stueber provided data (see table below) comparing bed conditions from 2022 to 2023 and noted that there was not a big difference in overall bed condition and mortality. It was identified that there was a reduction on spat per bushel counts (33%) at the French Point bed in 2023. Samples were sent to Rutgers for disease screening and the results would be presented to the Council once available.

	<b>December 2023</b>		<b>December 2022</b>	
	<i>French Point</i>	<i>Moss Point</i>	<i>French Point</i>	<i>Moss Point</i>
<b>Bed Condition (% oyster)</b>	73%	53%	78%	58%
<b>Recent Mortality (%)</b>	0%	0%	0%	1%
<b>Total Mortality (%)</b>	19%	32%	15%	24%
<b>Spat per 37 qt bu.</b>	530	38	789	40
<b>Mean Length (mm)</b>	71	73	65	70

Mr. Stueber added that samples from the 2023 Moss Point bed shell plant site showed 562 spat per bushel, which was very encouraging. Mr. Johnson asked if the stocks were big enough to transplant and questioned whether transplanting from the Moss Point bed was an option. Mr. Stueber stated that the Bureau did not feel comfortable with transplanting at this time and stated that the recent shell planting results were encouraging and should be cause for confidence. He said that the Bureau intended to create a more quantitative assessment of the beds and continue to build the shell planting to help sustain and build the beds before going back to transplanting. Discussion ensued regarding the management of the Moss Point, French Point, and Graveling beds.

## Public Comment

Dr. Michael Acquafredda, with Rutgers University, addressed the Council on behalf of Dr. Zemeckis regarding a pilot shellfish crop insurance program with the USDA Risk Management Agency. The program protects oyster producers from losses due to storms, excessive heat or freeze during a low tide event, and low salinity due to excessive rainfall. USDA had an interest in expanding the program to New Jersey, but there was a need for better data on total sales volume from the state. It was possible for USDA to utilize data from neighboring states as well as talking to growers regarding sales numbers. Dr. Acquafredda asked if the Council would be interested in having a representative from USDA present at a Council meeting. Mr. Johnson suggested holding a separate presentation or webinar working with the Department of Agriculture to reach more participants, in addition to presenting at a Council meeting.

Dr. Acquafredda added that Rutgers and New Jersey Sea Grant received funding for the Apprenticeship in Shellfish Aquaculture Program (ASAP), which included the recruitment of high school juniors and seniors to help work on shellfish farms. Existing farmers would serve as mentors to students and noted that Rutgers was looking for clam growers since some oyster growers were already signed up. It was noted that Rutgers was considering liability concerns, as well as what specific skills were required to teach prior to the students working on a farm. Rutgers would host a meeting in February to go into more detail of the program and answer any questions or concerns, as well as take input from growers.

Mr. Bill Avery stated that anyone interested should visit the East Coast Growers Association website, which had resources that included best management practices and encouraged growers to become members of the association.

Ms. Strazzeri stated that vacated leases being applied for on or after January 16<sup>th</sup> would be available on a first come, first served basis.

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

### 12. Date time and place of next meeting:

DATE: Monday, February 12, 2024  
TIME: 6:00 PM  
LOCATION: Hybrid In-Person and Virtual  
Stafford Twp. Firehouse

#### Attendees

Jordan Lopinto  
Dr. Michael Acquafredda  
Dale Parsons  
Bill Avery

#### Virtual Attendees

Michael Moore      Thomas Burke  
Sky Glenn          Mackenzie Kurten  
Lisa Calvo          Steve Frost  
Billy Mayer          Phil Naylor  
Ned Gaine          Celia Dahl  
Steve Fleetwood  
Matt Genna  
Amanda Wenczel  
Matthew Matusky  
Chris Carroll  
Patrick Henderson

