

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

Meeting was held at the Stafford Twp Fire Hall (133 Stafford Ave, Manahawkin, NJ 08050)
Attendance was in-person and online via Microsoft TEAMS

Monday, February 12, 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
Lauren Strazzeri, 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 and sent to the Atlantic City Press and NJ Advanced Media news outlets. He announced that the meeting would be recorded.

1. Total Revenue for January 2024 \$ 2,766.46
Shellfisheries Law Enforcement Fund \$ 602.00
2. Presentation of the January 8, 2024 minutes for approval.

The January 8, 2024 minutes of the meeting were approved on a motion by Mr. Mathis and seconded by Mr. Felder.

3. Applications for Decision

| 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 |

*Was in attendance at the January 8, 2024 Council Meeting

Mr. Burke (Sloop Point Oyster, LLC) and Ms. Kurten were present at the January 8, 2024 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.

4. Applications for Transfer

| LESSEE | APPLICANT | LOT # | SECTION | ACRES/FT | LOCATION | MAP # |
|--|----------------------|-------|---------|----------|----------------------|-------|
| William Flockhart & William E. Flockhart | William E. Flockhart | 2330 | B | 2.00 | Dry Bay | 24.2 |
| William Flockhart & William E. Flockhart | William E. Flockhart | 2323 | B | 1.70 | Dry Bay | 24.2 |
| William Flockhart & William E. Flockhart | William E. Flockhart | 2322 | B | 1.78 | Dry Bay | 24.2 |
| Paul Seyler | Raymond Seyler | 2727 | B | 1.44 | Shelter Island | 28 |
| Paul Seyler | Raymond Seyler | 2530 | B | 1.98 | Scull Bay | 27 |
| Susan Foose | Luke Williams | 234 | A | 2.00 | Ludlam Bay | 1 |
| Philip Naylor & Edward Smith | Philip Naylor | 2745 | B | 2.00 | GB – Great Thorofare | 24 |
| John Capasso | Michael Whiteside | 1006 | A | 2.17 | Great Sound | 5 |
| D. Christina Hartnett | Michael Whiteside | 1109 | A | 1.99 | 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 sign their lease agreements and pay the applicable fees in-person.

5. Old Business:

Leasing Summary

Mr. Normant presented a brief overview of the 2023 lease renewals. A total of 170 out of 175 lessees renewed their shellfish leases for 2024, and the five lessees who did not renew resulted in 13 leases becoming vacant. A total of 5 out of the 13 vacant leases were applied for by new applicants and four vacant leases remained public bottom. All lessees using gear under a General Permit 30 (GP-30) submitted the required GP-30 notification form to the Bureau. Following the 2024 lease renewal period the Atlantic Coast had 940 shellfish leases, which amounted to 2,416.56 acres and 25,966.74 linear feet of leases. Mr. Johnson, Mr. Normant, and Mr. Babb credited the industry for the transition to the new lease agreement and compliance with permits.

Mr. Normant announced that there was a change in the front office staff and point of contact for lease transactions. He recognized the retirement of Ms. Barbara Calabrese and thanked her for many years of service and introduced Ms. Natalie Dragos as a new addition to the Bureau's front office staff.

Structural Aquaculture Committee

Ms. Swain notified the Council that the Structural Aquaculture Committee was holding its first meeting on February 20th, at the JCNERR Coastal Education Center in Tuckerton. Mr. Mathis inquired if all the members of the

Committee responded they were attending. Ms. Swain confirmed all but one member was able to attend. Ms. Swain presented the charge statement of the Structural Aquaculture Committee to the council, and it stated the following:

The Atlantic Coast Section of New Jersey Shellfisheries Council's Structural Aquaculture Committee will consist of licensed industry representatives from the structural shellfish aquaculture sector. This committee will be available, as needed, to consider key issues related to conducting structural shellfish aquaculture as it relates to policy, regulations, best management practices (BMPs), and lease management. Committee meetings will be initiated by the Council and Committee activities will work to formulate recommendations for the Council and Department consideration.

Mr. Mathis stated he was satisfied with the charge statement and Mr. Johnson concurred that it was sufficient to get the committee started.

Regulatory Committee

Ms. Swain informed the Council that the department received thirteen (13) applications for the Regulatory Committee, in addition to one (1) application received after the February 5th application deadline. Ms. Swain suggested that the Regulatory Committee meetings be held in-person and could include hybrid options if requested by the Council.

Mr. Felder was named chair of the Committee. The Council agreed to include all applicants, including the late submission. Mr. Normant and Mr. Felder will discuss a possible meeting date in March and whether the meeting would be in-person or hybrid.

Ms. Swain listed the members: Bill Avery, William Elmer, Dale Parsons, Donald Otto, John Maxwell, Jordan LoPinto, Keith Craffey, Kevin Kirk, Luke Williams, Ned Gaine, Tommy Burke, Eric Parker, Billy Mayer IV, and Gary Cottrell.

The fourteen (14) applicants for the Regulatory Committee were approved on a motion by Mr. Mathis and seconded by Mr. Felder. Mr. Johnson inquired as to what subjects the Regulatory Committee intended to discuss. Mr. Babb mentioned that the Committee would be examining various sub-chapters in the current rules and that these subchapters would be moved from various sections of Fish and Wildlife rules at NJAC 7:7-25 and reorganized into its own chapter (proposed NJAC 7:7-25A, Shellfish Rules). Further discussion ensued about the reorganization of the rules into one chapter and the goals of the Committee to discuss and provide feedback on the sub-chapters to the Bureau. If there were concerns, the committee charge could bring it back to the Council to keep them appraised.

Mr. Babb provided the Council with the latest version of Title 50 to reflect the most recent changes as a result of the Sunday Harvest Bill. Mr. Babb clarified that the Sunday Harvest Bill made changes to 50:2-11, and the annual harvest reporting requirement was added to section 50:1-31.1.

Public Comment

Mr. Gaine stated concerns about Committee effectiveness if members do not attend and Mr. Johnson agreed. Mr. Babb and Mr. Normant affirmed that previous topics would not be revisited to keep the Committee productive and moving forward.

Mr. Bill Avery expressed concerns regarding the newly acquired leases in Dry Bay and added that the new growers should be advised not to grow oysters in Dry Bay. Mr. Normant stated that the Council received a proposed lease

description form with each new lease or lease transfer application that described the intended use of each lease by the applicant. The purpose of the proposed lease description form was to disclose the purposed activity to aid the Council to make an informed decision on lease transfers and new lease applications. Oyster culture was not permitted in Dry Bay per Council policy and the Council discussed why some areas were not conducive for oyster culture due to conflicts with clam growers which included gear conflicts. As a result, the Bureau agreed to add proposed species and activity (per the application) to the agenda to improve public transparency.

Mr. Normant stated that the Council should revisit the Aquaculture Leasing Policy and list the type of aquaculture activity (bay by bay) that is suitable for each area. Aquaculture has changed so much in recent years that it would be beneficial to have established areas that are designated suitable for oyster and clam aquaculture. Mr. Mathis inquired if Great Sound was designated as one of these areas, as there has been some discussion amongst clam growers that structural oyster aquaculture gear deployment has been seen in that area. Mr. Normant clarified that Great Sound has not been designated specifically for clam aquaculture. Mr. Mathis stated that this topic should be discussed and placed on the agenda for the Council meeting in March. Mr. Felder stated that he would have feedback for the Council after discussing it with local growers in Great Sound. Further discussion ensued addressing the concerns of *Vibrio* outbreaks, conflicts with structural gear and on bottom screens, and water classification downgrades. Mr. Johnson agreed that these issues and topics should be discussed on the agenda during the next Council meeting.

Other Old Business

Mr. Stueber provided an update to the Council on the histopathology report of the Mullica River oyster samples that were collected in December. There was a low prevalence of MSX on both Moss and French Point beds. Total prevalence for *Dermo* was high (70%) from both sites. Mr. Johnson requested a copy of the report.

6. New Business:

Petition to List Atlantic Horseshoe Crab

Mr. Babb informed the Council that NOAA received a petition from Friends of Animals asking to relist the Atlantic Horseshoe Crab to the endangered species list as “threatened, or endangered”. The petition was lodged in late December, and NOAA has 90 days to do a cursory review and determine if an action is warranted. The Department has no position on whether the petition should go forward, or not. The data from ASMFC suggests that the Southeast stock was in good condition whereas the New York and Delaware Bay stock were neutral, and the New England stock was considered poor. The Bureau will keep the Council up to date on this issue following the 90-day period, and if NOAA finds evidence of positive findings, then they would open a public comment period.

Delaware Bay Stock Assessment

On the first of February, the Delaware Bay Stock Assessment Review Committee met for a two-day meeting to discuss the oyster quota reduction for this current year. The quota was set at 61,0000, which was down approximately 35% from 96,000 the previous year. Mr. Johnson asked for further clarification from Mr. Babb as to what could have potentially caused such a drastic decline in quota. Mr. Babb noted that the Stock Assessment Review Committee did not directly attribute the decrease to disease, but it is theorized that disease was the primary catalyst for the decline.

Army Corps of Engineers NWP-48

Mr. Normant stated that the Department was looking into questions regarding the US Army Corps of Engineers NWP -8, which permits shellfish aquaculture activities. Ms. Swain informed the Council that the Department was looking into finding a contact with the US Army Corps to answer these questions.

Offshore Wind

Mr. Mathis questioned if the offshore wind notification letter that was provided to the Council was new information and noted that the cable routes displayed were different from previous iterations. The Council requested to have a representative from the Marine Resources Administration provide an update at a future meeting as needed.

Public Comment

Mr. Gaine added that the decline in stock assessment quota could be attributed to a slow recruitment of oysters and heavy mortality. Discussion ensued regarding the ups and downs of the stock assessment quota and other potential contributing factors.

Mr. Gaine stated he was pleased that the Bureau was finding a contact from the US Army Corps to meet with the Bureau and the Council and help answer the difficult permitting requirement questions that the aquaculture industry had with the NWP-48 process.

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

7. Date time and place of next meeting:

DATE: Monday, March 18, 2024
TIME: 6:00 PM
LOCATION: Hybrid In-Person and Virtual
Batsto Village Visitor Center

Public Attendees (In-Person)

Ned Gaine
Bill Avery

Public Attendees (Virtual)

Thomas Burke
Matthew Matusky
Jordan LoPinto
Chris Carroll
Mackenzie Kurten

Other DEP Attendees (Virtual)

Jenny Tomko
Les Frie
Liia Carpenter
Michael Lindner
Natalie Dragos
Alissa Wilson
Michael Moore
Lisa DiElmo