

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

Meeting was held at the Ocean City Free Public Library (1735 Simpson Ave, Ocean City NJ)
Attendance was in-person or online via Microsoft TEAMS

Monday, May 20, 2024

Present were: Chairman: Walter L. Johnson III (Ocean County)
Vice-Chairman: George Mathis Jr. (Burlington County)
Councilman: Vacant (Monmouth County)
Councilman: Vacant (Atlantic County)

Absent was: Councilman: Paul T. Felder (Cape May County)

DEP Representatives: Joseph Cimino, Marine Resources Administration*
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
Michael Auriemma, Bureau of Marine Habitat and Shellfisheries
** Denotes Virtual Attendance*

Ms. Swain 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. She announced that the meeting would be recorded.

1. Total Revenue for March 2024 \$ 418.00
Shellfisheries Law Enforcement Fund \$ 406.00

Total Revenue for April 2024 \$ 454.00
Shellfisheries Law Enforcement Fund \$ 158.00

2. Presentation of the March 18, 2024, minutes for approval.

The March 18, 2024, minutes of the meeting were approved on a motion by Mr. Mathis and seconded by Mr. Johnson.

3. Lease Vacated – Shellfish Growing Water Classification Downgrade

LESSEE	LOT #	SECTION	ACRES/FT	LOCATION	MAP #
Charles DeVaul	211	A	2.09	Ludlum Bay	1

Mr. Normant explained that lease 211, Section A in Ludlum Bay had been vacated due to a shellfish growing water classification downgrade on May 5, 2022 to the designation of "Suspended", which would change to the status of "Restricted" once the Shellfish Growing Waters Classification rule amendments at N.J.A.C. 7:12-2.1 were adopted. As per N.J.A.C 7:25-24.13, the lease would become vacant two years from the date of the downgrade since the lease lot was originally issued after September 19, 1989. The Bureau reached out to Mr. DeVaul by letter, email and in person to explain the situation and work with him on finding an alternate location before the two-year

period expired. Mr. DeVaul had failed to reach out to the Bureau to find an alternative solution within the two-year period.

Mr. Johnson questioned why Mr. DeVaul would pay to renew the lease if it was going to be vacated. Mr. Normant responded that he had discussed the situation with Mr. DeVaul when he came in to renew in December and did not know why he failed to follow up with the Bureau. Mr. Normant mentioned that another grower in the area was also affected by the downgrade and worked with the Bureau to move their lease.

4. Applications for Consideration

LESSEE	LOT #	SECTION	ACRES/FT	LOCATION	MAP #	Species	Proposed Activity
Patrick Henderson	621	B	2.00	LEHB_Thompson Creek	6	Oysters	Floating Cages/Bags
Donald F. Burke	2811	B	2.00	Steelmans Bay (Scullyville)	27.1	Hard Clams	On bottom/Predator Screens
Patricia F. Burke	2812	B	2.00	Steelmans Bay (Scullyville)	27.1	Hard Clams	On bottom/Predator Screens
Donald F. Burke Jr.	2813	B	2.00	Steelmans Bay (Scullyville)	27.1	Hard Clams	On bottom/Predator Screens
Michael DeLuca	404.1	B	2.00	Great Bay – Big Creek	10	Oysters	Floating Cages/Bottom Cages
Sky Glenn	1113	A	2.54	Great Sound	5	Hard Clam	On-bottom/Predator Screens

All applicants listed in the above for consideration were in attendance at the meeting and fulfilled their regulatory requirement to attend one of two Council meetings.

5. Applications for Transfer

LESSEE	APPLICANT	LOT #	SECTION	ACRES/FT	LOCATION	MAP	Species	Proposed Activity
Lisa Gehman	Chuck Gehman	236	A	1.73	Ludlum Bay	1	Oyster	Floating Cages/Bags
Brandon Meili & Christopher Meili	Brandon Meili	2754	B	2.00	Great Bay – Great Thoro	25	Hard Clam	On-bottom/Predator Screens

The above-referenced applications for transfer were approved on a motion made by Mr. Mathis and seconded by Mr. Johnson. The applicants would receive a letter and shall be required to sign their lease agreement and pay the applicable fees in person.

6. Old Business

Structural Aquaculture Committee

Mr. Mathis provided a summary of the Structural Aquaculture Committee's last meeting on March 28, 2024. The full summary of the Structural Aquaculture Committee meeting was provided to committee members and Council (see Attachment 1).

Ms. Sarah Gentile with the Bureau of Marine Water Monitoring (BMWM) organized a Shellfish Aquaculture Grower's Forum to discuss bird deterrent strategies prior to the upcoming season, which was open to the public. The Structural Aquaculture Committee convened briefly after the public bird deterrent portion of the meeting ended.

Mr. Mathis anticipated at least one more meeting (June) to go over additional topics such as hard clam culture activities adjacent to oyster culture activities due to potential problems with gear and *Vibrio*; also, a discussion on the repurposing leases from their initial purpose of traditional shellfish aquaculture activities to structural aquaculture activities. It was agreed that some of these topics could be presented to the Lease Policy Committee and the Structural Aquaculture Committee could start with recommendations to that Committee. It was noted that this Committee would be on-going and would meet as needed to address issues with the structural aquaculture industry.

Regulatory Committee

The Regulatory Committee has met twice since the last Council meeting, April 18th and May 15th. The April meeting discussed regulatory concepts that included shellfish licenses, size limits, and importation. The May meeting regulatory concepts included shellfish management areas (established in consultation with the Council), oyster management (Graveling Beds and Great Egg Harbor Bay), and Raritan and Sandy Hook bays hard clam harvest in the event the waters ever upgraded in the future. Mr. Normant added that there were some good discussions, constructive input, and in person participation at these meetings. The Bureau suggested trying to hold at least one more meeting in early June to discuss research and education leases and the hard clam relay program. Since many Committee members have said that they are busy with their operations for the summer, this meeting would have to be held virtually. The Committee would eventually reconvene in person to discuss leasing regulations in September and provide a summary to the Council by October or November. It was noted that the Delaware Bay section of the Shellfisheries Council was also creating a Regulatory Committee to discuss potential regulatory concepts as well.

Shell Recycling Program Expansion Plans

Mr. Stueber explained that the shell recycling program pursued a grant opportunity and was awarded \$1,271,506 by NOAA's Coastal Zone Management Program for a three-year project set to begin in August 2024. The plan was to expand the program to include Atlantic and Cape May Counties (not just Atlantic City), planting a total 25,000 bushels in the Mullica River and Graveling beds annually (for the next three years), and providing an education program in Atlantic City schools. In addition, this project was going to result in increased routine and more frequent monitoring of oysters in the Mullica River and Great Bay system. There were strategic plans to plant shell in these systems for the duration of the grant award.

During public comment, it was asked if the shell was available to the public, but Mr. Stueber explained that the shell was not available for purchase. Mr. Gaine had questions about how the industry could help promote the

program. Mr. Stueber noted that he was the point of contact if anyone had interest, and there was a survey for restaurants that was to be distributed to appropriate venues for the program. In addition, there was a website, brochures, stickers, and other promotional materials available. There was a video done with the chefs from the participating restaurants giving testimonials and promoting their involvement in the program and the opportunity to impact their environment. Mr. Gaine suggested promoting these types of videos in the summer to help promote the shellfish aquaculture industry as well. A comment was made by Mr. Gaine that it was important to keep records of the finances and how much this type of work would cost to continue the program with future funding, especially if it needed to be explained to a legislator or other groups that could be a source of funding. Having this data readily available would be valuable. It was noted that detailed record keeping was already integrated into the project as part of grant criteria in preparation for the project. The type of shell for the project was discussed. Mr. Stueber explained that it was recycled shell from restaurants but also supplemented with purchased shell or shell from other sources. In addition, the shell would cure for a minimum of six months and regularly rotated.

The areas of proposed planting were discussed, Mr. Johnson was interested especially in the area West of the Parkway and the Blood Point ditches (where flow had increased due to the widening of the ditch by erosion). This led to discussion on the potential to open areas for harvest. This project could lead to opportunities to transplant, but there would be certain areas that were not going to be open for harvest.

Public Comment

There was discussion on the status of the surf clam industry which was limited due to lack of resources based on surveys. Dr. Michael Acquafredda with Rutgers added that there was interest in surf clam stock enhancements in federal waters which could benefit state waters. Mr. Normant explained that he was in support of enhancement projects but cautioned on the low probability of success. He stated that the last several years of New Jersey surf clam survey did not find any adult surf clams as they were not surviving based on various factors such as temperature and predation. With the disappearance of surf clams from New Jersey inshore waters, federal funding (IFA) that supported the surf clam survey was re-allocated to hard clam surveys in Raritan and Sandy Hook bays due the requirements of the grant managed resources in waters of shared jurisdiction.

Discussion then moved to hard clam stocks in Barnegat Bay, and it was noted that the last survey in Barnegat Bay was in 2013. Mr. Jonson had questioned why other water bodies weren't being assessed as discussed years ago. Discussion ensued regarding grant funding for survey work in Barnegat Bay. Mr. Johnson mentioned Exelon money that was supposed to be used for surveys, in which Mr. Normant explained that Exelon money was very specific in how it was to be for oyster and hard clam restoration and enhancement and was not available to be used for survey work.

7. New Business

Hydrographic Survey – Rose Cove

Mr. DiVaccaro stated he completed the final hydrographic surveys in Rose Cove, Little Egg Harbor Bay. He mentioned that during the survey that aquaculture gear was observed on the Edwin B. Forsythe Wildlife Refuge land which was previously an issue with the same grower. The Bureau was in contact with the grower and the refuge to try and alleviate the situation. The grower had stated he was going to be moving his gear back to his lease bounds.

NJ REAL

The NJDEP was updating Land Resource Protection rules to support “Resilient Environments and Landscapes” (NJ REAL), which was previously under NJ PACT rule changes. It was just announced that a draft copy of the rule proposal was available online and the formal rule proposal was anticipated to be published in the N.J. Register in July. Once published, there would be a 90-day public comment period which included three public hearings.

Mr. Normant explained that staff was reviewing the document to identify relevant areas for marine habitat and shellfish. Mr. Auriemma briefly pointed out relevant sections that he had identified and would provide more context once he finished reviewing. Ms. Swain added that there were four webinar sessions scheduled and available online. Mr. Johnson requested a copy of any available summaries of the webinars. Link: <https://dep.nj.gov/njreal/>

Public Comment

Mr. Gaine noted that there was proposed legislation that could impact the industry which required the Department of Labor to put forward additional requirements on employers regarding employee labor when temperatures reach above 80 degrees. There was concern that the Bill was written without thought for shellfish growers working on water.

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

8. Date time and place of next meeting:

DATE: June 17, 2024
TIME: 6:00 PM
LOCATION: Hybrid In-Person and Virtual
Batsto Village Visitor Center

Public Attendees (In-Person)

Edward (Ned) Gaine
Bill Avery
Mike Acquafredda
Doug Zemeckis

Public Attendees (Virtual)

Patrick Henderson
Alison Stout
Patricia Burke
Tommy Burke
Donald F. Burke Jr.
Donald F. Burke
Jordan LoPinto
Billy Mayer
Sky Glenn
Donald Otto
Michael Deluca

Other DEP Attendees (Virtual)

Jenny Tomko
Natalie Dragos
Alissa Wilson
Liia Carpenter
Lisa DiElmo
Michael Moore
Les Frie
Nina Colagiovanni
Lauren Strazzeri

(Attachment 1)

Atlantic Coast Section of the New Jersey Shellfisheries Council
Structural Aquaculture Committee
Meeting Summary

March 28, 2024

Meeting was held virtually via Microsoft TEAMS

Committee Members Present: George Mathis (Chair)*, Dale S. Parsons, Jordan LoPinto, Matthew Matusky, Chuck Gehman, Thomas Burke, Matthew Gregg

*Shellfisheries Council Member

Committee Members Absent: Matthew Hender

Public Attendees: Barney Hollinger, Scott Hender, Todd Kostka, Amanda Wenczel, Keith Zammit, Donald Otto, Tom Ertle, Scott Lennox, Jarod Caporino, James DeMarsh, Michael Aquafredda, Doug Rohmeyer, Donald F. Burke, Ross (aka "Bud") Gilfillan

DEP Representatives: Megan Swain, Richard DiVaccaro, Sarah Gentile, Alissa Wilson, Jeff Normant, Russ Babb

Ms. Sarah Gentile with the Bureau of Marine Water Monitoring (BMWM) organized a Shellfish Aquaculture Grower's Forum to discuss bird deterrent strategies prior to the upcoming season, which was open to the public. This was an opportunity for growers to come together to discuss lessons learned, successes, failures, and other experiences with different bird deterrent strategies. The National Shellfish Sanitation Program's (NSSP) Model Ordinance mandated that the state's authority deem birds as a pollution source which required deterrents and/or mitigation. It was noted that there may be an increase in enforcement presence. Two growers presented their experiences with bird deterrents for discussion.

Mr. Jordan LoPinto explained his use of spikes derived from old cages as a cost-effective solution, and added he had success in deterring birds from landing on his aquaculture gear.

Mr. Matthew Gregg provided an overview of a recent Sustainable Agriculture Research and Education & USDA funded project to test the effectiveness, cost, and durability of three bird deterrent products which included: sonic bird repellents, spikes, and hawk kites. Mr. Gregg noted that the sonic bird repellents and the hawk kites were least effective, and spikes were most effective in deterring birds from aquaculture gear during their project.

Discussion ensued and other growers shared experiences in other types of devices/mechanisms. Most growers had little success with the use of zip ties (especially with larger birds), and a grower had some success with the use of nails on a board.

There was some discussion on the NSSP and how the Model Ordinance was implemented. Ms. Gentile reminded growers that the state authority is required to follow the Model Ordinance which is a process regulated through the FDA.

The Structural Aquaculture Committee convened briefly following the conclusion of the grower's forum. It was highlighted that resources and informational meetings like the grower's forum were necessary for more growers to have better access to this information; especially with potential consequences from Marine Enforcement if bird deterrents are not being utilized.

Next meeting of the Structural Aquaculture Committee was to be determined.