

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

Meeting was held at the Nacote Creek Research Station (360 N New York Road, Port Republic, NJ)
Attendance was in-person and online via Microsoft Teams

Monday, August 19, 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 (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
Megan Swain, Bureau of Marine Habitat & Shellfisheries
Scott Stueber, Bureau of Marine Habitat & Shellfisheries
Richard DiVaccaro, Bureau of Marine Habitat & Shellfisheries
* *Denotes Virtual Attendance*

Ms. Swain read the State's compliance with the Open Public Meetings Act and that 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. Ms. Swain announced that the meeting would be recorded.

1. Total Revenue for June 2024 \$ 16,256.46
Shellfisheries Law Enforcement Fund \$ 613.00

Total Revenue for July 2024 \$ 1,021.39
Shellfisheries Law Enforcement Fund \$ 110.00

2. Presentation of the June 17, 2024 minutes for approval.

The minutes of the June 17, 2024 meeting were approved on a motion by Mr. Mathis and seconded by Mr. Felder.

3. Applications for Consideration

LESSEE	LOT #	SECTION	ACRES/FT	LOCATION	MAP #	Species	Proposed Activity
Brian McNamee	76	B	2.10	Great Bay – Graveling Point	1	Oyster	Bottom Cages
Jarod Caporino	120	B	1.09	Great Bay – Graveling Point	1	Oyster	Floating Cages/Bags, Bottom Cages
Francine Colaneri	73	B	1.93	Great Bay – Graveling Point	1	Oyster	Floating Cages/Bags, Bottom Cages
Chester Cardinali	70.1	B	1.65	Great Bay – Graveling Point	1	Oyster	Floating Cages/Bags, Bottom Cages
Robert Babiak	62	B	1.24	Great Bay – Graveling Point	1	Oyster, Hard Clam, Bay Scallop	Bottom Cages

Craig Thompson	70	B	1.64	Great Bay – Graveling Point	1	Oyster, Hard Clam, Bay Scallop	Bottom Cages
Robert Quaranta	48	B	1.13	Great Bay – Graveling Point	1	Oyster, Hard Clam, Bay Scallop	Bottom Cages

Mr. McNamee, Mr. Caporino, Ms. Colaneri, Mr. Cardinali, Mr. Babiak, Mr. Thompson, and Mr. Quaranta were present at the meeting. Mr. Normant stated that those present fulfilled their requirement to attend one of two meetings at which the Council reviews their applications, pursuant to N.J.A.C 7:25-24.6, and that the leasing decision will be rendered by the Council at the next meeting.

4. Applications for Decision

LESSEE	LOT #	SECTION	ACRES/FT	LOCATION	MAP #	SPECIES	PROPOSED ACTIVITY
Stephen J. Fleetwood Jr.*	119	B	2.05	Great Bay – Graveling Point	1	Oysters	On Bottom Planting
Stephen Fleetwood*	125	B	2.08	Great Bay – Graveling Point	1	Oysters	On Bottom Planting
Edward W. Gaine*	123	B	2.04	Great Bay – Graveling Point	1	Oysters	On Bottom Planting

*Were in attendance at the June 17, 2024 meeting

The above applications for decision were approved on a motion made by Mr. Mathis and seconded by Mr. Felder. Mr. Normant stated that the applicants would receive a letter stating they had 30-days to sign their lease agreement and pay fees.

5. Applications for Transfer

LESSEE	APPLICANT	LOT #	SECTION	ACRES/FT	LOCATION	MAP	SPECIES	PROPOSED ACTIVITY
Christopher Sack	Patricia Link*	91	A	2.01	Great Egg Harbor Bay	4	Hard Clam	Traditional/ On-Bottom Planting
Christopher Sack	Patricia Link*	96	A	9.81	Great Egg Harbor Bay	4	Hard Clam	Traditional/ On-Bottom Planting
Christopher Sack	Patricia Link*	77	A	2.20	Great Egg Harbor Bay	4	Hard Clam	Traditional/ On-Bottom Planting
Christopher Sack	Patricia Link*	98	A	1.72	Great Egg Harbor Bay	4	Hard Clam	Traditional/ On-Bottom Planting
Christopher Sack	Patricia Link*	209	A	7.67	Ludlam Bay	1	Hard Clam	Traditional/ On-Bottom Planting
Christopher Sack	Patricia Link*	210	A	10.12	Ludam Bay	1	Hard Clam	Traditional/ On-Bottom Planting

Christopher Sack	Patricia Link*	99	A	.80	Corson Sound	1.1	Hard Clam	Traditional/ On-Bottom Planting
Christopher Sack	Patricia Link*	212	A	8.38	Corson Sound	1.1	Hard Clam	Traditional/ On-Bottom Planting
Robert Lee	John Daffin	1115	A	2.11	Great Sound	5	Hard Clam	Traditional/ On-Bottom Planting
Robert Fricke	Michael Joannides Jr.	39	B	2.00	Great Bay-Graveling Point	1	Hard Clam	Wild Clam Harvest Rakes/Tongs
Robert Fricke	Michael Joannides Jr.*	394	B	3.05	Great Bay – Cape Horn	10	Hard Clam	Wild Clam Harvest Rakes/Tongs
Robert Fricke	Michael Joannides Jr.*	411	B	2.40	Great Bay - Cape Horn	10	Hard Clam	Wild Clam Harvest Rakes/Tongs
Blue Republic Shellfish (Constantin Andrae)	Brandon Meili	2336	B	2.00	Dry Bay	24.2	Hard Clam	Traditional/ On-Bottom Planting
Michael Joannides Jr.	Parsons Mariculture, LLC	1416	B	1.00	LEHB - Middle Island	6.1	Oyster, Hard Clam	Traditional/On-Bottom Planting, Bottom Cages

*Hydrographic survey required

Mr. Normant commented that the proposed lease transfers from Mr. Sack to Ms. Link (lease lots noted above) and from Mr. Fricke to Mr. Joannides, Jr. (lot 394 and 411 in Cape Horn) required a hydrographic survey due to either no recorded survey or outdated survey information for those leases.

It was noted that the transfer applicant, Mr. Joannides Jr., stated in his proposed activity description form that he intended to conduct wild clam harvest using rakes and tongs on leases 394 and 411 in Cape Horn. Mr. Normant explained that leases were to be used for the planting and cultivation of shellfish for commercial purposes and not for exclusivity of a public resource, per Title 50 and historical court decisions in New Jersey. New leases are not allowed in the area known as Cape Horn due to productive shellfish habitat (as per the leasing regulations at N.J.A.C. 7:25-24) and the existing leases were used for on-bottom oyster culture at one time. Chairman Johnson commented that these leases were established leases that have not been used for a long time and as a best management practice would need to clean the bottom before harvest. Chairman Johnson questioned whether the applicant would conduct the activity proposed in the application for transfer once he was on site working.

The above listed transfers were approved on a motion by Mr. Mathis and seconded by Mr. Felder. All applicants would receive a letter to come to the office to sign their lease agreement and any leases requiring a hydrographic survey would have 30-days to pay the hydrographic survey fee. Failure to pay the hydrographic survey fee within 30-days of Council approval of the transfer would result in the lease becoming vacated. Chairman Johnson asked how long it would be before hydrographic surveys would be conducted. Mr. Normant responded that the Bureau would discuss survey timelines with the applicant based on their needs.

6. Change in Corporate Membership

CORPORATE ENTITY	PREVIOUS REGISTERED AGENT	NEW REGISTERED AGENT	LOT #	SECTION	ACRES	LOCATION
Sea Haven, LLC	Ross Gilfillan*	Robert Snyder	619	B	2.00	Thompson Creek

*Additional members of the Sea Haven, LLC include Jason Devlin and Dale Garfinkel

Mr. Normant noted that Council would be updated of any changes in membership by a corporation that held a lease. Chairman Johnson asked if this would result in changes to the corporate entity's permit. Mr. Normant responded that if a permit or lease was listed under the corporation there shouldn't be any changes just the corporation's business entity report. It was noted that change in corporate membership may be treated like a transfer but that it would also be discussed at the Council's Regulatory Committee.

7. Old Business

Regulatory Committee Update

Ms. Swain announced that the next Regulatory Committee meeting to discuss leasing regulations was likely to be September 25th or 26th and was working with the Committee to finalize a meeting date. The Committee had requested to recess during this summer. Mr. Normant estimated the Committee would need a minimum three meetings to discuss the leasing regulations.

NJ REAL

Ms. Swain provided an update on the proposed NJ REAL regulatory package, which included Division of Land Resource Protection rule changes. The NJ REAL rule proposal was published in the NJ Register on August 5, 2024, with a 90-day public comment period and three scheduled public hearings, as follows:

1. In-person at Ocean Couty College, Thursday, September 5 at 6:00 PM
2. Virtual, Thursday, September 12 at 2:00 PM
3. Virtual, Thursday, September 19 at 10:00 AM

Chairman Johnson voiced concern over NJ REAL language using "the DEP" rather than "the Bureau" with regards to potential lease area modification. He expressed concerns that another branch of the DEP would try to modify lease boundaries. Mr. Normant explained that was due to shoreline protection projects and the Bureau would be in consultation with the Council if the boundaries of a lease needed modification, "the Bureau" was a part of DEP which was defined in the rules. Mr. Babb noted that regulations list DEP so that there was no confusion if there was a name change within the Department. Mr. Ned Gaine provided comments on the nature-based solutions (NBS) related to the proposed rules. Mr. Gaine's concerns included lack of procedures for curing of shell and no discouragement of using foreign shellfish in shell bags of Nature Based Solution (NBS) projects; lack of requirements for maintenance, insurance, or repercussions for failure of NBS projects; and overlap of NBS projects or materials with future submerged areas that could become waters suitable for new leases. Mr. Gaine gave praise for the inclusion of rules requiring payment to the shellfish habitat mitigation fund for certain activities. Chairman Johnson shared the same concerns and offered for Council to include Mr. Gaine's comments with the Council's comments on NJ REAL. Chairman Johnson asked if the Bureau would be providing comments. Mr. Babb replied that the Bureau would not be submitting formal comments, as it was involved with drafting the proposed rules. Chairman Johnson expressed concern that the Bureau's feedback was not carried through to the current proposed rules. Mr. Babb offered the Bureau's assistance to the Council with submitting the Council's formal comments. The Council was to provide comments to address the concerns within the NJ REAL package, particularly related to NBS on a motion made by Mr. Mathis and seconded by Mr. Felder.

8. New Business

Mr. Stueber stated that the Bureau had started monthly monitoring of the Bureau's shell plant site within the Mullica River, noting that preliminary results of both counts on spat bags and on bottom were high and would continue to monitor to track the trends over the next few months. Chairman Johnson commented that there could be die-off in the next few weeks or months, and there have been several years of poor survival. Mr. Gaine asked if there was an explanation for recent high spat counts. Mr. Stueber responded that we did not have an explanation at this time but will continue with monitoring the site through the winter months. Mr. Johnson asked if any shell was planted West of the Parkway. Mr. Stueber responded that there were no plantings there in 2024, but that it was anticipated to add planting activities upriver west of the Parkway next year. Mr. Stueber added that the Bureau had spat bags deployed West of the Parkway this year and did note larval presence upriver.

Public Comment

Mr. Jim Jenks raised concerns about observed clamming activity occurring in the Manasquan River. He expressed concern about enforcement action and the potential health threats. Mr. Jenks expressed concern over sewage discharges from Monmouth County Sewerage Authority in the bay. Mr. Jenks also raised concerns for marsh degradation caused by swans grazing and recommended a swan hunting season. Chairman Johnson noted that the Manasquan has not been open for relay since 2003 and that clams may be dense in that area. Mr. Normant stated that he would contact enforcement on the Manasquan River/clamming issue.

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

9. Date time and place of next meeting:

DATE: September 16, 2024
TIME: 6:00 PM
LOCATION: Hybrid in-person/virtual
Stafford Township Firehouse

Public Attendees (In-Person)	Public Attendees (Virtual)	Other DEP Attendees (Virtual)
Edward Gaine	Bill Mayer Jr.	Jenny Tomko
	Jim Jenks	Alissa Wilson
	Craig Thompson	Nina Colagiovanni
	Chris Carroll	Natalie Dragos
	Robert Babiak	Michael Auriemma
	Brian McNamee	Liia Carpenter
	Jarod Caporino	
	Matthew Matusky	
	Amanda Wenczel	
	Chester Cardinali	
	Francine Colaneri	
	Robert Quaranta	