

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

Meeting was held at the Stafford Township Firehouse (133 Stafford Ave., Manahawkin, NJ 08050)
Attendance was in-person and online via Microsoft TEAMS

Monday, September 16, 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: Jeffrey Normant, Bureau of Marine Habitat & Shellfisheries
Megan Swain, Bureau of Marine Habitat & Shellfisheries
Richard DiVaccaro, Bureau of Marine Habitat & Shellfisheries*
Sarah Gentile, Bureau of Marine Water Monitoring*
**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. The meeting was recorded.

1. Total Revenue for September 2024: \$ 1,021.36
Shellfisheries Law Enforcement Fund: \$ 110.00
2. Presentation of the August 19, 2024 minutes for approval.

The minutes of the August 19, 2024 meeting were approved on a motion by Mr. Mathis and seconded by Mr. Felder.

3. Applications for Consideration

LESSEE	LOT	SEC	ACRES/FT	LOCATION	MAP	Species	Proposed Activity
Robert Lee	2516	B	2.24	Scull Bay	27	Hard Clam	Traditional On-Bottom Planting
Joseph McGee	2519	B	2.01	Scull Bay	27	Hard Clam	Traditional On-Bottom Planting
Shannon Harrison	2521	B	2.18	Scull Bay	27	Hard Clam	Traditional On-Bottom Planting
Thomas Glenn	2536	B	2.38	Scull Bay	27	Hard Clam	Traditional On-Bottom Planting
Nicola McGee	2538	B	2.14	Scull Bay	27	Hard Clam	Traditional On-Bottom Planting
Buttercup Farms Shellfish (Craig Stoneking)	2549	B	2.19	Scull Bay	27	Oyster	Floating Cages/Bags
Chuck Gehman	238	A	2.00	Ludlam Bay	1	Oyster	Floating Cages/Bags
Michael Whiteside	239	A	2.00	Ludlam Bay	1	Oyster	Floating Cages/Bags

Mr. Glenn and Mr. Stoneking (Buttercup Farms Shellfish) were present at the meeting. Mr. Normant stated that those present fulfilled their requirement to attend one of the two meetings, 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. Messrs. Lee, McGee and Gehman and Mers. Harrison and McGee were not present at the meeting and must attend the next meeting. 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.

4. Applications for Decision

LESSEE	LOT	SEC	ACRES/FT	LOCATION	MAP	Species	Proposed Activity
Brian McNamee*	76	B	2.10	Graveling Point	1	Oyster	Bottom Cages
Jarod Caporino*	120	B	1.09	Graveling Point	1	Oyster	Floating Cages/Bags, Bottom Cages
Francine Colaneri*	73	B	1.93	Graveling Point	1	Oyster	Floating Cages/Bags, Bottom Cages
Chester Cardinali*	70.1	B	1.65	Graveling Point	1	Oyster	Floating Cages/Bags, Bottom Cages
Robert Babiak*	62	B	1.24	Graveling Point	1	Oyster, Hard Clam, Bay Scallop	Bottom Cages
Craig Thompson*	70	B	1.64	Graveling Point	1	Oyster, Hard Clam, Bay Scallop	Bottom Cages
Robert Quaranta*	48	B	1.13	Graveling Point	1	Oyster, Hard Clam, Bay Scallop	Bottom Cages

*Were in attendance at the August 19, 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.

Chairman Johnson inquired as to why there have been an increase in lease applications in the area. Mr. Normant stated that some larger leases had become vacant and subsequently broken up to provide additional opportunities for new applicants.

5. Applications for Transfer

LESSEE	APPLICANT	LOT	SEC	ACRES/F T	LOCATION	MAP	Species	Proposed Activity
John Schriever	Jordan Lopinto	2271	B	2.11	Dry Bay	24.2	Hard Clam	Traditional On-Bottom Planting
John Schriever	Jordan Lopinto	2271.1	B	0.94	Dry Bay	24.2	Hard Clam	Traditional On-Bottom Planting
Kyle Geltzeile & Marc Lorenz	Parsons Mariculture, LLC	1402	B	2.00	Middle Island	6.1	Oyster, Hard Clam	Bottom Cages, Traditional On-Bottom Planting
Doug Rohmeyer	Sloop Point Oyster, LLC	8	D	2.00	Swan Point	1	Oyster, Hard Clam,	Traditional On-Bottom Planting,

							Surf Clam, Bay Scallop	Floating Cages/Bags, Bottom Cages
Casey Pesce	Sloop Point Oyster, LLC	10	D	2.00	Swan Point	1	Oyster, Hard Clam, Surf Clam, Bay Scallop	Traditional On- Bottom Planting, Floating Cages/Bags, Bottom Cages
Matthew Gregg	Sloop Point Oyster, LLC	11	D	2.00	Swan Point	1	Oyster, Hard Clam, Surf Clam, Bay Scallop	Traditional On- Bottom Planting, Floating Cages/Bags, Bottom Cages
Matthew Gregg	Sloop Point Oyster, LLC	12	D	2.00	Swan Point	1	Oyster, Hard Clam, Surf Clam, Bay Scallop	Traditional On- Bottom Planting, Floating Cages/Bags, Bottom Cages
Matthew Gregg	Sloop Point Oyster, LLC	13	D	2.00	Swan Point	1	Oyster, Hard Clam, Surf Clam, Bay Scallop	Traditional On- Bottom Planting, Floating Cages/Bags, Bottom Cages

The above transfers were approved on a motion by Mr. Mathis and seconded by Mr. Felder. All applicants would receive a letter instructing them to come to the office to sign their lease agreement.

6. Old Business

Regulatory Committee Update

Ms. Swain stated that the next Regulatory Committee meeting had been scheduled for September 26th to start to go over the leasing regulations. Meeting preparation materials would be sent out to Committee members prior to the meeting. Chairman Johnson asked when a report would be completed by the Regulatory Committee. Ms. Swain said that a report was expected to be complete by early 2025.

NJ REAL

The NJ REAL rule proposal was open for a public comment period until November 3rd. A final public hearing was held on September 19th. Ms. Swain stated that comments could be provided electronically, handwritten on paper, or by public testimony at a hearing.

The Council expressed some concerns with the rule proposal regarding its impact to the shellfish industry. Mr. Normant emphasized the importance of the shellfish industry as well as the Council reviewing the proposal and providing comment. Chairman Johnson added that public comment and comments provided by Mr. Gaine during a previous meeting should be included in a letter as they aligned with Council's concerns. The Council asked Mr. Gaine to compile comments and draft a letter for the Council to submit for the comment period. Mr. Gaine replied that it would be completed prior to the next Council meeting.

Mr. Gaine was appointed as liaison to the Council to compile technical comments for a letter regarding the NJ REAL rule proposal on a motion made by Mr. Mathis and seconded by Mr. Felder. In addition, the Council approved a motion for the Bureau to review and mail the letter to the appropriate office on a motion made by Mr. Mathis and seconded by Mr. Felder.

Public Comment

Mr. Parsons asked if the Bureau had any involvement in the ReClam the Bay implementation of live oysters on wave breaks in Great Bay, Graveling Point, and voiced his concerns regarding the project. Mr. Normant noted that the Bureau was not aware of the project specifics, and it had likely been approved through a living shoreline or shoreline protection permit. Chairman Johnson added that he believed the Council and the Bureau commented on it while it was in the permitting process.

Mr. Gaine commented that with the NJ REAL rule changes, this type of project would become a permit-by-registration. He voiced concern with the placement of live shell in shell bags relating to living shoreline and nature-based solution projects and had concerns that it was not held to the same standards as shellfish aquaculture. The Bureau and the Council agreed with those concerns and strongly encouraged the importance of commenting on NJ REAL. Discussion ensued about concerns for restoration projects related to shellfish, the potential risk of illnesses, and increased patrolling. Mr. Parsons and Mr. Gaine added that the projects should be located in areas not heavily used by the public and had concerns regarding the recreational harvest of shellfish in waters less than “Approved”.

Ms. Gentile stated that the most current water classification charts were on the Bureau of Marine Water Monitoring’s website. Mr. Mathis offered the idea for outreach and educational opportunities. Discussion ensued on how to effectively educate the recreational sector regarding safe shellfish harvest and handling. Mr. Normant stated that he would speak with Ms. Tomko, who does public outreach for the MRA about sending a notice out to the public on where to find updated information regarding water classifications for the harvesting of shellfish. Mr. Gaine offered the idea of asking recreational shellfishermen to take the same training that the commercial shellfishermen must complete. Ms. Gentile suggested that an email with a link to the water classification charts be sent when a recreational shellfish license was purchased. Ms. Strazzeri noted that submitting an email address was an optional entry when purchasing a license. Ms. Strazzeri added that when a license was printed that there was language included at the bottom indicating reference to the classification charts on the Bureau of Marine Water Monitoring webpage.

7. New Business

Surf Clam Quota 2024-2025

Mr. Normant announced that the surf clam quota was set 1,824 total bushels for the 2024-2025 season.

A motion was made by Mr. Mathis and seconded by Mr. Felder to approve the surf clam quota for the 2024-2025 season.

Mr. Normant noted that the Bureau would be revising the surf clam regulations which will be discussed with industry members. Mr. Normant also stated that a surf clam inventory had not been completed since 2019; however, the Bureau was planning to conduct a survey in the near future .

2025 Lease Renewal Period

The 2025 lease renewal shall commence on October 15th. A reminder letter will be sent to all leaseholders regarding what documents and payments were required to be completed and submitted. For leaseholders conducting structural aquaculture, proof of insurance was required. Mr. Normant reminded the Council that any transfer applications received after the October 21st Council meeting would be accepted but would be held until the January meeting for approval. As a reminder, this was policy implemented last

year to reduce confusion with lease renewal paperwork. The Bureau stated that leaseholders would be notified of the transfer deadline in the lease renewal letter.

Chairman Johnson encouraged members to attend future meetings in person whenever possible. Mr. Normant agreed and added that public participation was important and strongly encouraged.

Public Comment

Mr. Gaine suggested the Council write a letter urging the Chairman of the Judiciary Committee to consider the candidates for the two vacant seats on the Council, which are Mr. Gaine (Atlantic County) and Mr. Kirk (Monmouth County). Mr. Normant added that it has been in Committee since April 8th.

Mr. Schlembach asked the Council to review his two existing leases in Great Egg Harbor Bay (Lots 106 & 107) and proposed to have them repositioned or restructured as they were currently unusable due to being exposed at low tide and too shallow for his aquaculture operation. Mr. Normant added that Mr. Schlembach had placed his gear outside the boundary of the leases, which is considered over staking. Mr. Schlembach proposed a new lease adjacent to lots 106 and 107, which was in deeper water and continue his operation. Mr. Normant had discussed the issue with Mr. Schlembach who had since removed all the unauthorized aquaculture gear to lot 99.1 in Great Egg Harbor Bay and was currently in compliance. Mr. Schlembach explained there was a limitation on his ability to expand his business since he was unable to use the two lease lots. He was also continuing to pay lease fees for the two lots.

Mr. Normant stated from Leasing Policy that, *“Any potential expansion of leases in Great Egg Harbor Bay should only be considered through the development of a block of leases. New lease block expansion shall require a Committee recommendation and Council action from the Bureau of Shellfisheries to investigate.”*

Mr. Normant stated that in this case, a block of leases was not requested, however, Mr. Schlembach proposed to eliminate the two existing shallow leases (Lot 106 and 107) as they were unusable and apply for one new two-acre lease as a replacement perpendicular to lot 106 and 107. Chairman Johnson stated that if a new lease was to be established that Mr. Schlembach should be the only one to apply for it since this was a special circumstance. Chairman Johnson raised concerns with Mr. Schlembach vacating four acres and only being allowed to apply for two acres.

After discussions, it was recommended that the topic go to the Lease Policy Committee for further discussion. Ms. Swain informed the Council that there was not a standing Leasing Committee and would need to be formed per the Council Guidelines. Chairman Johnson added that this case was a hardship and expressed understanding for the current situation, but there were concerns from some Councilmen and the public that this could set a precedent. Chairman Johnson explained that anyone could address the Council for issues with leases since it was a public meeting.

Discussion ensued regarding the two leases as potential intertidal ground, with some interest from the public. Mr. Normant stated that the two lots would not be re-leased once they were vacant as they were unusable, and the Bureau would be in opposition of a transfer application.

It was recommended that a decision be made at the next Council meeting to provide the Council time to review the situation .

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

8. Date time and place of next meeting:

DATE: Monday, October 21, 2024.

TIME: 6:00 PM

LOCATION: Hybrid in-person/virtual

Ocean City Library (1735 Simpson Ave, Ocean City NJ)

Public Attendees (In-Person)	Public Attendees (Virtual)	Other DEP Attendees (Virtual)
Edward Gaine	Nick Rossi	Jenny Tomko
Dale Parsons	Martin Schlembach	Alissa Wilson
Craig Stoneking	Amanda Wenczel	Nina Colagiovanni
Ariadna Ochoa Altamirano	Tommy Burke	Natalie Dragos
Kevin Kirk	Emily Dougan	Michael Auriemma
Jordan Lopinto	Todd Kostka	Liia Carpenter
	Jimmy Johnson	Lisa DiElmo
	Nicholas Smith	Lauren Strazzeri
	Donald Burke	