

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

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

Monday, November 18, 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
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 October 2024: \$ 4,781.58
Shellfisheries Law Enforcement Fund: \$ 1,388.00
2. Presentation of the October 21, 2024 minutes for approval.

The minutes of the October 21, 2024 meeting were approved on a motion by Mr. Mathis and seconded by Mr. Johnson. Mr. Felder abstained because he was unable to hear some of the meeting due to technical difficulties while attending virtually.

3. Applications for Consideration

LESSEE	LOT	SEC	ACRES	LOCATION	MAP	Species	Proposed Activity
Max Davidson	129	B	2.00	Great Bay – Graveling Point	1	Oyster	Floating Cages/Bags
Matthew Genna	657	B	2.00	Little Egg Harbor Bay – Jeremy/Gaunt Point	12	Oyster	Floating Cages/Bags
Jersey Pearl Oyster Farm LLC - Donald Otto	2516	B	2.24	Scull Bay	27	Oyster	Bottom Cages, Longline/Hanging Bags

Messrs. Davidson, Genna, and Otto (Jersey Pearl Oyster Farm LLC) were present at the meeting. Those present fulfilled their requirement to attend one of the two meetings, pursuant to N.J.A.C. 7:25-24.6, and the leasing decision will be rendered by the Council at the next meeting.

4. Old Business

Regulatory Committee Update

Ms. Swain stated that the next Regulatory Committee meeting had been scheduled for November 20th to continue the discussion of leasing regulations. Meeting preparation materials would be sent out to Committee members prior to the meeting.

Leasing Committee Applications

Ms. Swain provided the Council copies of all Leasing Committee applications, and a list of existing committee memberships associated with each applicant. It was noted that the Council guidelines state that someone should not be on more than two committees. Mr. Johnson expressed some concerns that if someone was on too many committees then they could get burnt out and could lead to lack of participation over time. There was a total of ten applicants and only two applicants are currently members of two committees. Mr. Normant suggested setting a deadline of December 1st to see if the office received any more applications. Mr. Johnson suggested to set the Committee at this meeting since there was already ten applicants and noted there was a good representation of various sectors of the industry.

The formation of the Leasing Committee to include ten members listed below was approved on a motion by Mr. Mathis and seconded by Mr. Felder.

Leasing Committee Members: Thomas Burke, William Mayer IV, William Wills, Donald Otto, Michael Whiteside, Dale Parsons, Matthew Matusky, William Avery, Edward Gaine, Chuck Gehman.

There was discussion regarding the outcome of the previous Lease Policy Committee and Mr. Johnson expressed some concerns regarding the agenda and topics discussed which he believed led to a bottleneck in the Committee. Mr. Babb and Mr. Normant added that the agendas for the previous Lease Committee were focused but the discussions were not. Mr. Normant opined that the primary focus for this Committee should be to review the existing leasing policy. This included providing a bay-by-bay assessment on shellfish culture, species, and gear type. Mr. Johnson requested the Leasing Committee be provided specific benchmarks to meet. Mr. Babb suggested that at the next meeting a charge can be discussed and if the Council sanctions a charge with the Bureau's input, then they can create more specific benchmarks. It was also noted that the Committee was now available to discuss leasing inquiries as they come up. Mr. Johnson stated that since Mr. Felder and Mr. Mathis were already serving as Committee chairs, Mr. Johnson stated he would chair the Leasing Committee until another Council member was available. Mr. Normant clarified that if there was another Council appointment, then that person may be designated as chair of the Committee.

Hard Clam Management Plan Committee

The Hard Clam Management Plan Committee had some scheduling conflicts but was planning to meet sometime in November or December. The Committee was missing sector representation from recreational harvest, depuration, and commercial wild harvest. Mr. Gaine suggested including a posting within the NJ Shellfish Association's newsletter to try to fill the vacancies. Mr. Avery noted he would be interested and was advised to apply if he wanted to be involved. Mr. Normant suggested that Mr. Mathis call Randall's Seafood if he had any contacts to fill those vacancies.

NJ REAL

The NJ REAL rule proposal was closed for public comment. A letter from the Council with comments was submitted and a copy of the letter was attached to the October Council meeting minutes. It was noted that the Department was collating the comments for response which would take some time.

Notice of Suspension of Shellfish Harvest (High Bar Harbor, Ludlam Bay)

A Unilateral Administrative Order (UAO) was issued on October 31st in response to the suspension of shellfish harvest that impacted leaseholders in High Bar Harbor and Ludlam Bay. Members of the Council received a copy of the UAO. The UAO outlined that the growers had 30-days remove their shellfish from the pollution source by either removing floating gear off the lease or sinking the gear. Growers are required to submit a written request for an extension after 30-days, which required approval from the Bureau of Marine Water Monitoring (BMWM). In addition, there was a notification process with the Bureau of Marine Law Enforcement when product was to be removed from the lease and relayed to Approved waters in order to purge for 30 days, regardless of water temperature, prior to safely harvesting for consumption.

Mr. Otto stated that he has sunk his gear and requested clarification on the 30-day timeline within the UAO. Mr. Gehman, who was also impacted by the suspension, added that he had about 90% of his gear sunk and would have the remaining gear sunk/removed by the following week.

Mr. Bob Rheault with the East Coast Shellfish Growers Association asked if there was confirmation that growers in these areas installed bird deterrents and therefore no birds present eliminated the issue. Ms. Gentile stated that The Bureau of Marine Law Enforcement would have to confirm the use of bird deterrents as they are patrolling the area and enforcing the suspension. In addition, the water quality was already impacted and was suspended because it was no longer meeting its Approved classification. The birds being removed now does not change the suspension until the water quality data improves. Mr. Rheault also asked if there was the ability to open the areas impacted on a Conditionally Approved basis. Ms. Gentile responded that the BMWM has discussed the potential for Conditionally Approved water classification but would require extensive review with FDA to meet specific requirements.

2025 Lease Renewal Period

The 2025 lease renewal period was open with a deadline of December 31st. Mr. Normant added for perspective that out of around 190 leaseholders on the Atlantic Coast, 140 leaseholders still needed to renew their lease. The Bureau urged leaseholders to complete their renewal applications sooner rather than waiting until the end of the year. In addition, it was encouraged to call and make an appointment with the office. Mr. Gaine noted that it would be easier on the industry if there was less paperwork involved.

Public Input

Mr. Johnson stated that the Council was very lenient on the public speaking at Council meetings and urged people to attend the public meetings if they have any concerns to provide public input to the Council directly. He felt this was the Council's role to have these discussions with the public rather than discussions taking place outside the meetings.

5. New Business

2025 Council Meeting Schedule

Date
January 13
February 10
March 17
April 21
May 19
June 16
July 21
August 18
September 15
October 20
November 17

Discussion ensued regarding meeting locations for 2025. With the potential for two new Council members, it was suggested to continue to have some meetings at various parts of the state for those who have to drive far to attend the meeting. Even though there would continue to be a virtual component of the meetings, the public was urged to attend meetings in person. The Bureau agreed to look into available venues to host meetings in addition to the Nacote Creek office and come up with a schedule with the Council.

Public Comment

Mr. Felder stated that he was approached by clam growers in Great Sound with concerns because of the recent suspensions in Ludlam Bay and High Bar Harbor and were strongly against the use of floating cages for oyster culture in Great Sound. This topic would be included in the Leasing Committee's discussions regarding updates to leasing policy especially as they go through the policy bay-by-bay. Mr. Parker agreed and raised additional concerns of the potential to close areas in Great Sound and shutting down business if someone gets sick from oysters and noted there had not been any issues in the past. There was a discussion regarding clam grower's concerns on oyster impacts to water quality (because of birds) and potential Vibrio outbreaks which could also result in a potential growing area closure. Ultimately, people who are heavily invested in on bottom clam culture have a heightened concern over the use of floating gear which may impact their business.

Mr. Gaine asked procedurally if the Leasing Committee was able to update the policy as they go and prioritize certain areas like Great Sound rather than waiting to submit one final policy document which would take much longer. Mr. Johnson said that the Committee would react to the concern that was brought forward and make a recommendation if there was urgency, but also review and update the policy as a whole. Mr. Parsons raised concerns limiting a leaseholder in an area if they are conducting appropriate farmer practice. Dr. Acquafredda urged the Leasing Committee to review gear type and farmer practice over species.

Dr. Acquafredda announced that the Rutgers Aquaculture Research Symposium and Growers Workshop was scheduled for Friday, January 31st at the Cape Tech High School to present recent Rutgers research

over the last two years in addition to work with growers and identify research needs and priorities for the next two years. The Bureau agreed to include a flyer at the front office as well as send an email to existing leaseholders.

Mr. Normant urged growers to make sure they have all their proper permit authorizations, corner markers and navigation buoys deployed because there was a recent incident where a boater ran over gear. No one was injured in the event, but it showed the importance of appropriate siting for floating aquaculture. Mr. Babb noted that this incident was a reminder that if a grower had a permit to deploy floating Aquaculture, that there was a condition in that permit that outlines the need for U.S. Coast Guard requirements for informational markers.

Mr. Avery stated that there was a public comment period open until December 1st for NOAA's changes Marine Mammal Protection Act and there was also an informational webinar November 19th at 3pm.

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

6. Date time and place of next meeting:

DATE: Monday, January 13, 2025

TIME: 6:00 PM

LOCATION: Hybrid in-person/virtual

Nacote Creek Research Station, Port Republic NJ

Public Attendees (In-Person)	Public Attendees (Virtual)	Other DEP Attendees (Virtual)
Bill Avery	Chuck Gehman	Michael Lindner
Jordan LoPinto	Matt Genna	Lisa DiElmo
Ned Gaine	Bob Rheault	Alissa Wilson
Steve Fleetwood	Chris Carroll	Natalie Dragos
Mike Acquafredda	Matthew Matusky	Jenny Tomko
Don Otto	Tommy Burke	Lauren Strazzeri
Eric Parker	Dale Parsons	Nina Colagiovanni
	Max Davidson	Victor Poretti
		Michael Auriemma