

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 or online via Microsoft TEAMS

Monday, January 13, 2025

ROLL CALL: Chairman: Walter L. Johnson III (Ocean County)
 Vice-Chairman: George Mathis Jr.* (Burlington County)
 Councilman: Paul T. Felder* (Cape May County)
 Councilman: Edward W. Gaine (Atlantic County)
 Councilman: Vacant (Monmouth County)

**Denotes virtual attendance*

DEP Representatives: Joseph Cimino, Marine Resources Administration*
 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
 Sarah Gentile, Bureau of Marine Water Monitoring*

**Denotes virtual attendance*

Mr. Gaine was introduced as the appointed Atlantic County representative for the Council. A Monmouth County representative was awaiting confirmation.

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.

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| 1. Total Revenue for November 2024 | \$ 12,382.03 |
| Shellfisheries Law Enforcement Fund | \$ 3,674.00 |
| | |
| Total Revenue for December 2024 | \$ 19,730.21 |
| Shellfisheries Law Enforcement Fund | \$ 6,232.00 |
| | |
| 2. Annual Election of Chair and Vice-Chair | |

Mr. Johnson was nominated Chair on a motion by Mr. Mathis and seconded by Mr. Gaine. Mr. Mathis was nominated as Vice-Chair on a motion by Mr. Johnson and seconded by Mr. Gaine. The motions were approved unanimously.

3. Presentation of November 18, 2024 minutes for approval.

The November 18, 2024 meeting minutes were unanimously approved on a motion by Mr. Felder and seconded by Mr. Mathis.

4. Leases Vacated – Non-Payment

LESSEE	LOT	SEC	ACRES/FT	LOCATION	MAP
Jeffrey Dilks*	227	A	2.00 ac	Ludlam Bay	1
Howard Mason	1048	A	2.02 ac	Great Sound	5
Howard Mason	50	B	1.68 ac	Great Bay - Graveling Point	1
Briana P. Merriel	87	B	1.54 ac	Great Bay - Graveling Point	1
William E. Flockhart	2322	B	1.78 ac	Dry Bay	24.2
William E. Flockhart	2323	B	1.70 ac	Dry Bay	24.2
William E. Flockhart	2330	B	2.21 ac	Dry Bay	24.2
Charles Price	1417	B	2.00 ac	LEHB – Middle Island Channel	6.1

*Located in Suspended Area (2024)

Messrs. Dilks and Flockhart were not in attendance. Messrs. Mason and Price, and Ms. Merriel were present at the meeting and addressed the Council on their inability to renew their lease by the deadline due to extenuating circumstances. As per N.J.A.C. 7:25-24.8 if illness or extenuating circumstances prevent a lessee from renewing by the December 31 deadline, the Council may extend the payment deadline by one month at the January meeting.

Mr. Normant reminded the Council and attendees that the renewal period opened in October and encouraged lessees to renew earlier in the year to limit last-minute complications and to reduce the burden on Bureau front office staff.

Messrs. Mason and Price, and Ms. Merriel were granted a 30-day extension of the renewal deadline on a motion by Mr. Gaine and a second by Mr. Mathis. The remaining leases listed above were vacated and reverted to public bottom.

Any vacant leases eligible to be re-leased would be available to apply 10-days after the January Council meeting, to allow for a thorough administrative review of the vacated leases. Vacated leases were available for application on **Monday, January 27th**.

5. Relay Lease Vacated – By Lessee

LESSEE	LOT	SEC	ACRES/FT	LOCATION	MAP
Thomas N. Pacula	2400.21	B	1.50 ac	Great Bay	26

6. Notice of Change in Corporate Membership

Corporate Entity	Previous Registered Agent	New Registered Agent	LOT	SEC	ACRES/FT	LOCATION	MAP
Blood Point Oyster, LLC*	Adam Sprague	Robert Babiak	398	B	2.17 ac	Great Bay – Big Creek	10
Blood Point Oyster, LLC*	Adam Sprague	Robert Babiak	399	B	1.89 ac	Great Bay – Big Creek	10
Blood Point Oyster, LLC*	Adam Sprague	Robert Babiak	400.1	B	2.25 ac	Great Bay – Big Creek	10
Blood Point Oyster, LLC*	Adam Sprague	Robert Babiak	401.1	B	2.12 ac	Great Bay – Big Creek	10

*Additional Members of Corporate Entity include Thomas Ertle

The Council was informed of the change in membership of the above corporation.

7. Applications for Decision

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

*Were in attendance at the November 18, 2024 meeting

The above applications were all in attendance at the November 2024 meeting and were approved on a motion by Mr. Gaine and seconded by Mr. Mathis. The applicants will receive a letter stating they had 30-days to sign their lease agreement and pay their lease fees.

8. Applications for Transfer

LESSEE	APPLICANT	LOT	SEC	ACRES/FT	LOCATION	MAP	Species	Proposed Activity
James Jenks & Luke Jenks	Luke Jenks*	1	D	5.00 ac	Metedeconk River	N/A	N/A	None
James Jenks & Luke Jenks	Luke Jenks*	25	D	1.00 ac	Manasquan River	N/A	N/A	None
James Jenks & Luke Jenks	Luke Jenks*	15	E	0.95 ac	Shark River	1	N/A	None
Great Bay Oyster, LLC Brett Nicklow	Capt. Nate LLC Brett Nicklow*	26	B	2.77 ac	Great Bay – Graveling Point	1	Oyster/Hard Clam	Traditional On-Bottom Planting
Great Bay Oyster, LLC Brett Nicklow	Capt. Nate LLC Brett Nicklow*	27	B	4.35 ac	Great Bay – Graveling Point	1	Oyster/Hard Clam	Traditional On-Bottom Planting
Great Bay Oyster, LLC Brett Nicklow	Capt. Nate LLC Brett Nicklow*	34	B	1.92 ac	Great Bay – Graveling Point	1	Oyster/Hard Clam	Traditional On-Bottom Planting
Great Bay Oyster, LLC Brett Nicklow	Capt. Nate LLC Brett Nicklow*	42	B	2.00 ac	Great Bay – Graveling Point	1	Oyster/Hard Clam	Traditional On-Bottom Planting
Great Bay Oyster, LLC Brett Nicklow	Capt. Nate LLC Brett Nicklow*	42.1	B	1.65 ac	Great Bay – Graveling Point	1	Oyster/Hard Clam	Traditional On-Bottom Planting
Great Bay Oyster, LLC Brett Nicklow	Capt. Nate LLC Brett Nicklow*	45	B	1.41 ac	Great Bay – Graveling Point	1	Oyster/Hard Clam	Traditional On-Bottom Planting
Great Bay Oyster, LLC Brett Nicklow	Capt. Nate LLC Brett Nicklow*	47	B	1.25 ac	Great Bay – Graveling Point	1	Oyster/Hard Clam	Traditional On-Bottom Planting
Great Bay Oyster, LLC Brett Nicklow	Capt. Nate LLC Brett Nicklow*	78	B	1.24 ac	Great Bay – Graveling Point	1	Oyster/Hard Clam	Traditional On-Bottom Planting
Great Bay Oyster, LLC Brett Nicklow	Capt. Nate LLC Brett Nicklow*	79	B	1.60 ac	Great Bay – Graveling Point	1	Oyster/Hard Clam	Traditional On-Bottom Planting
Great Bay Oyster, LLC Brett Nicklow	Capt. Nate LLC Brett Nicklow*	92	B	1.63 ac	Great Bay – Graveling Point	1	Oyster/Hard Clam	Traditional On-Bottom Planting
Great Bay Oyster, LLC Brett Nicklow	Capt. Nate LLC Brett Nicklow*	93	B	0.65 ac	Great Bay – Graveling Point	1	Oyster/Hard Clam	Traditional On-Bottom Planting
Great Bay Oyster, LLC Brett Nicklow	Capt. Nate LLC Brett Nicklow*	94	B	1.88 ac	Great Bay – Graveling Point	1	Oyster/Hard Clam	Traditional On-Bottom Planting
Great Bay Oyster, LLC Brett Nicklow	Capt. Nate LLC Brett Nicklow*	95	B	11.58 ac	Great Bay – Graveling Point	1	Oyster/Hard Clam	Traditional On-Bottom Planting
Great Bay Oyster, LLC Brett Nicklow	Capt. Nate LLC Brett Nicklow*	97	B	3.72 ac	Great Bay – Graveling Point	1	Oyster/Hard Clam	Traditional On-Bottom Planting
Great Bay Oyster, LLC Brett Nicklow	Capt. Nate LLC Brett Nicklow*	98	B	6.62 ac	Great Bay – Graveling Point	1	Oyster/Hard Clam	Traditional On-Bottom Planting

NJ Shellfisheries Council – Atlantic Coast Section
January 13, 2025
Meeting Minutes

Great Bay Oyster, LLC Brett Nicklow	Capt. Nate LLC Brett Nicklow*	99	B	18.27 ac	Great Bay – Graveling Point	1	Oyster/Hard Clam	Traditional On-Bottom Planting
Great Bay Oyster, LLC Brett Nicklow	Capt. Nate LLC Brett Nicklow*	130	B	2.28 ac	Great Bay – Graveling Point	1	Oyster/Hard Clam	Traditional On-Bottom Planting
Great Bay Oyster, LLC Brett Nicklow	Capt. Nate LLC Brett Nicklow*	150	B	204.55 ft	Mullica River	1A	Oyster/Hard Clam	Traditional On-Bottom Planting
Great Bay Oyster, LLC Brett Nicklow	Capt. Nate LLC Brett Nicklow*	151	B	293.72 ft	Mullica River	1A	Oyster/Hard Clam	Traditional On-Bottom Planting
Great Bay Oyster, LLC Brett Nicklow	Capt. Nate LLC Brett Nicklow*	152	B	723.90 ft	Mullica River	1A	Oyster/Hard Clam	Traditional On-Bottom Planting
Great Bay Oyster, LLC Brett Nicklow	Capt. Nate LLC Brett Nicklow*	153	B	480.60 ft	Mullica River	1A	Oyster/Hard Clam	Traditional On-Bottom Planting
Great Bay Oyster, LLC Brett Nicklow	Capt. Nate LLC Brett Nicklow*	154	B	225.60 ft	Mullica River	1A	Oyster/Hard Clam	Traditional On-Bottom Planting
Great Bay Oyster, LLC Brett Nicklow	Capt. Nate LLC Brett Nicklow*	178	B	300.00 ft	Mullica River	1A	Oyster/Hard Clam	Traditional On-Bottom Planting
Great Bay Oyster, LLC Brett Nicklow	Capt. Nate LLC Brett Nicklow*	184	B	386.20 ft	Mullica River	1A	Oyster/Hard Clam	Traditional On-Bottom Planting
Great Bay Oyster, LLC Brett Nicklow	Capt. Nate LLC Brett Nicklow*	186	B	305.50 ft	Mullica River	1A	Oyster/Hard Clam	Traditional On-Bottom Planting
Great Bay Oyster, LLC Brett Nicklow	Capt. Nate LLC Brett Nicklow*	190	B	196.50 ft	Mullica River	1A	Oyster/Hard Clam	Traditional On-Bottom Planting
Great Bay Oyster, LLC Brett Nicklow	Capt. Nate LLC Brett Nicklow*	220	B	566.4 ft	Mullica River	1A	Oyster/Hard Clam	Traditional On-Bottom Planting
Great Bay Oyster, LLC Brett Nicklow	Capt. Nate LLC Brett Nicklow*	230	B	792.00 ft	Mullica River	1A	Oyster/Hard Clam	Traditional On-Bottom Planting
Great Bay Oyster, LLC Brett Nicklow	Capt. Nate LLC Brett Nicklow*	235	B	942.00 ft	Mullica River	1A	Oyster/Hard Clam	Traditional On-Bottom Planting
Great Bay Oyster, LLC Brett Nicklow	Capt. Nate LLC Brett Nicklow*	246	B	6.64 ac	Mullica River	1A	Oyster/Hard Clam	Traditional On-Bottom Planting
Great Bay Oyster, LLC Brett Nicklow	Capt. Nate LLC Brett Nicklow*	248	B	3.71 ac	Mullica River	1A	Oyster/Hard Clam	Traditional On-Bottom Planting
Great Bay Oyster, LLC Brett Nicklow	Capt. Nate LLC Brett Nicklow*	266	B	445.00 ft	Mullica River	1A	Oyster/Hard Clam	Traditional On-Bottom Planting
Great Bay Oyster, LLC Brett Nicklow	Capt. Nate LLC Brett Nicklow*	316	B	5.44 ac	Great Bay – Cape Horn	10	Oyster/Hard Clam	Traditional On-Bottom Planting
Great Bay Oyster, LLC Brett Nicklow	Capt. Nate LLC Brett Nicklow*	317	B	2.48 ac	Great Bay – Cape Horn	10	Oyster/Hard Clam	Traditional On-Bottom Planting
Great Bay Oyster, LLC Brett Nicklow	Capt. Nate LLC Brett Nicklow*	324	B	2.09 ac	Great Bay – Cape Horn	10	Oyster/Hard Clam	Traditional On-Bottom Planting
Great Bay Oyster, LLC Brett Nicklow	Capt. Nate LLC Brett Nicklow*	337	B	3.45 ac	Great Bay – Cape Horn	10	Oyster/Hard Clam	Traditional On-Bottom Planting
Great Bay Oyster, LLC Brett Nicklow	Capt. Nate LLC Brett Nicklow*	338	B	3.43 ac	Great Bay – Cape Horn	10	Oyster/Hard Clam	Traditional On-Bottom Planting
Great Bay Oyster, LLC Brett Nicklow	Capt. Nate LLC Brett Nicklow*	339	B	4.54 ac	Great Bay – Cape Horn	10	Oyster/Hard Clam	Traditional On-Bottom Planting
Great Bay Oyster, LLC Brett Nicklow	Capt. Nate LLC Brett Nicklow*	392	B	7.64 ac	Great Bay – Cape Horn	10	Oyster/Hard Clam	Traditional On-Bottom Planting
Great Bay Oyster, LLC Brett Nicklow	Capt. Nate LLC Brett Nicklow*	393	B	6.32 ac	Great Bay – Cape Horn	10	Oyster/Hard Clam	Traditional On-Bottom Planting
Great Bay Oyster, LLC Brett Nicklow	Capt. Nate LLC Brett Nicklow*	395	B	5.39 ac	Great Bay – Cape Horn	10	Oyster/Hard Clam	Traditional On-Bottom Planting
Great Bay Oyster, LLC Brett Nicklow	Capt. Nate LLC Brett Nicklow*	403	B	5.46 ac	Great Bay – Cape Horn	10	Oyster/Hard Clam	Traditional On-Bottom Planting
Great Bay Oyster, LLC Brett Nicklow	Capt. Nate LLC Brett Nicklow*	2450	B	10.23 ac	Great Bay – Landing Creek	24	Oyster/Hard Clam	Traditional On-Bottom Planting

*May require hydrographic survey

Mr. Normant noted that some of the above leases may require a hydrographic survey as some leases do not have a record of a survey or they have not been surveyed in a significant amount of time. The Bureau would contact and work with the leaseholders if a survey was necessary.

Mr. Gaine expressed concern that the transfers between Messrs. Luke and James Jenks to Mr. Luke Jenks did not provide a proposed species or activity on the proposed activity form as part of the application process for Council review. These fields on the application were developed to support the Council in making informed lease transaction decisions. Mr. Felder concurred with Mr. Gaine's concerns. The Council recommended that Mr. James Jenks provide an updated proposed activity form to include his intentions for the use of the leases in the future. A decision on the pending applications will be reconsidered at the February meeting.

The transfers between Great Bay Oyster, LLC Brett Nicklow to Capt. Nate LLC Brett Nicklow were approved on a motion made by Mr. Gaine and seconded by Mr. Felder. The transfer applicants that were approved would be required to come to the office to sign their lease agreements and pay their lease fees. Some of the leases may need a Hydrographic survey.

9. Old Business

Regulatory Committee

The next regulatory meeting date was not finalized but was planned for the end of January. Ms. Swain stated that the meetings had been productive, and that the Committee had made significant progress. Mr. Gaine added that the Committee had participation from the entire group.

Leasing Committee

The date of the first Leasing Committee meeting was to be determined with a potential date in early February. Mr. Johnson stated that Mr. Gaine will serve as Co-Chair of the Committee. The meeting was to be held in-person, and the Bureau would send a list of topics to the committee prior to the meeting. Mr. Felder requested that Mr. Williams be added to the Leasing Committee who submitted an application after the deadline. Mr. Williams' application for the Leasing Committee was approved on a motion by Mr. Gaine and seconded by Mr. Felder.

Hard Clam Management Committee

The Hard Clam Management Committee had its first meeting in December. Mr. Normant added that Rutgers University would assist with the development of the management plan. Mr. Mathis added that representatives from the wild harvest sector, and the recreational sector were still needed. It was determined that Mr. Felder would assist as a Co-Chair with Mr. Mathis.

10. New Business

Suspension of the 2025 Hard Clam Relay Program

The suspension of the 2025 Hard Clam Relay Program was approved on a motion made by Mr. Gaine and seconded by Mr. Mathis.

Notice of Rule Proposal: NJ Fish & Wildlife Rules N.J.A.C. 7:25-4A – Endangered and Nongame Species

Ms. Swain provided an overview of a new rule proposal (NJ Fish & Wildlife Rules N.J.A.C. 7:25-4A – Endangered and Nongame Species). The proposal outlined the procedure for the Department to restrict access to tidal waters and adjacent shorelines to protect species on the New Jersey Endangered Species List. The proposal defined criteria that would permit such restrictions, as well as the procedure and public notice requirements prior to enactment. The proposal was available online and the public comment period on was open until February 13th.

Mr. Johnson expressed concern with the proposal, highlighting that there was not a notification process for leaseholders. Mr. Normant added that the closure of areas as described was already established practice, but that this would codify it in the rules and provide better enforcement. Council concurred with Mr. Johnson's concerns. Mr. Gaine added that the proposal did not address the shellfish industry in the Economic Impact Statement of the rule proposal.

Additional concerns were discussed by the Council focusing on the criteria for expansion of critical habitat, proper notification to leaseholders, commercial and recreational fishermen, and the closure of public trust waters.

The Council agreed to draft and submit comments outlining their concerns on the proposal during the public comment period on a motion made by Mr. Gaine and seconded by Mr. Mathis. Additionally, it was requested that the Endangered and Non-Game species Program (ENSP) provide annual updates to the Council on changes to critical habitat designations and closures. A separate letter to ENSP requesting annual updates and inclusion in the critical habitat designation process was approved on a motion made by Mr. Gaine and seconded by Mr. Felder.

2023 Census of Aquaculture

Mr. Gaine provided an overview of the findings of the Department of Agriculture's 2023 Census of Aquaculture and highlighted the importance of accurate reporting. The report evaluated the shellfish industry in economic terms and provided a comparison to other States. Mr. Gaine continued that New Jersey's industry was significantly under reported and encouraged industry members to participate in future census surveys. Coordination between State required reporting and the census surveys was discussed as a possibility to enhance census representation for the industry.

Mr. Grace stated that the reported numbers may have been accurate, citing that the time necessary and difficulty obtaining permits could have been a hindrance to sales and expansion for growers. Mr. Avery added that when comparing census numbers between New Jersey and other states, total leased acreage should be considered. It was also noted that based on the census, New Jersey was being outcompeted by other states which highlighted the need for marketing of New Jersey shellfish.

Council Vacancies

Mr. Johnson noted that Mr. Kevin Kirk had not yet been appointed to the Council as Monmouth County representative and requested that another letter be sent to the NJ Senate Judiciary Committee, the Senate Majority and Minority Leaders, and the Senate President thanking them for Mr. Gaine's appointment and requesting the appointment of Mr. Kirk for Monmouth County.

The letter was approved on a motion by Mr. Gaine and seconded by Mr. Felder.

2025 Council Meetings

Ms. Swain presented proposed Council meeting locations for 2025. The Council determined the locations would be evaluated at the February meeting.

Public Comment

Ms. Resciniti asked the Council about lease expansion in Widgeon Bay, Brigantine. Ms. Resciniti requested Widgeon Bay due to its location to where she lives and the desire for her fourteen-year-old son to learn and work the lease. Mr. Normant stated that Widgeon Bay was a topic set for discussion by the Leasing Committee but noted the Bureau was hesitant of expansion in Widgeon Bay due to the limited size of the waterbody and known conflicts with other user groups. He added most of the Brigantine area was closed for leasing by regulation and Council policy, and encouraged Ms. Resciniti to coordinate with existing leaseholders in the area who may be willing to transfer. It was determined the topic would be brought for discussion to the Leasing Committee which was set to meet in February.

Mr. Grace questioned why there were no leases available in Townsend Sound. Mr. Normant responded that the area was used by wild clammers and crabbers, and that there hadn't been any interest from leaseholders historically.

Mr. Mayer Jr. commented that he held leases in Widgeon Bay and would be willing to work with Ms. Resciniti's son to provide an opportunity for him to gain experience in shellfish aquaculture.

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

11. Date time and place of next meeting:

DATE: February 10, 2025
TIME: 6:00 PM
LOCATION: Nacote Creek Research Station with Hybrid Option

Public Attendees (In-Person)	Public Attendees (Virtual)	Other DEP Attendees (Virtual)
Charles Price	Brianna Merriel	Michael Lindner
Daniel Grace	Dan Torre	Alissa Wilson
Steve Fleetwood	Matthew Genna	Natalie Dragos
Jennifer Resciniti	Matthew Gregg	Jenny Tomko
Howard Mason	Bill Avery	Lauren Strazzeri
Jordan Lopinto	Amanda Wenczel	Nina Colagiovanni
Luke Williams		Craig Tomlin
		Doug Rizio
		Liia Carpenter