

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

Meeting was held at the Rutgers Cooperative Extension of Ocean County, Toms River
(1623 Whitesville Rd, Toms River, NJ 08755)

Attendance was in-person or online via Microsoft Teams

March 17, 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:

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
Michael Auriemma, 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 February 2025 \$ 362.00
Shellfisheries Law Enforcement Fund \$ 232.00
2. Presentation of the February 10, 2025 minutes for approval.

In order to allow Council members more time to review the minutes, the approval of the February 10, 2025 draft minutes were deferred to the next Council meeting agenda on a motion made by Mr. Gaine and seconded by Mr. Felder.

3. Notice of Leases Vacated – by Lessee

LESSEE	LOT	SEC	ACRES/FT	LOCATION	MAP
George Mathis, Jr.	2206	B	1.71	Dry Bay	24.2
George Mathis, Jr.	2223	B	1.90	Dry Bay	24.2
George Mathis, Jr.	2289	B	0.29	Dry Bay	24.2
George Mathis, Jr.	2304	B	2.61	Dry Bay	24.2

The Council was notified that four (4) leases in Dry Bay were vacated by the Lessee. The vacated leases are eligible to be applied for, but it was noted that the lots may have been vacated due to lack of production.

4. Application for Decision

APPLICANT	LOT	SEC	ACRES/FT	LOCATION	MAP	Species	Proposed Activity
Jennifer Resciniti*	2330	B	2.21	Dry Bay	24.2	Hard Clam	Traditional/On-Bottom Planting

**Was in attendance at the February 10, 2025 meeting*

Ms. Resciniti's application was approved on a motion made by Mr. Johnson and seconded by Mr. Felder. Ms. Resciniti was notified that that she had 30-days from the date of this meeting to sign the lease agreement and pay any additional fees at the Nacote Creek office and would be receiving a letter outlining this process.

5. Applications for Transfer

LESSEE	APPLICANT	LOT	SEC	ACRES/FT	LOCATION	MAP	Species	Proposed Activity
Robert Lee	John Daffin	2511	B	1.59	Scull Bay	27	Hard Clam	Traditional On-Bottom
Robert Lee	John Daffin	2523	B	2.03	Scull Bay	27	Hard Clam	Traditional On-Bottom
Robert Lee	John Daffin	2539	B	2.04	Scull Bay	27	Hard Clam	Traditional On-Bottom
Robert Lee	John Daffin	2545	B	2.08	Scull Bay	27	Hard Clam	Traditional On-Bottom

Mr. Daffin's applications for transfer were approved on a motion made by Mr. Gaine and seconded by Mr. Felder. Mr. Daffin was notified of the requirement to sign his new lease agreement and pay his fees at the Nacote Creek office.

6. Old Business

Regulatory Committee

The Regulatory Committee met during the last week of February and was near the end of their discussions on shellfish regulatory changes and concepts which included: shellfish licenses, shellfish size limits, importation of seed, lease management, research and educational leases, hard clam management and Atlantic Coast shellfish management.

The Committee would meet again to discuss additional topics that were brought up during previous discussions which included lease utilization and allocation. The Bureau planned to have a final summary report presented to the Council by April or May.

Hard Clam Management Committee

Mr. Auriemma stated that a meeting was to be scheduled for the Spring, day and time to be determined.

Leasing Committee

The Leasing Committee met on March 5, 2025, and the Council was provided with a summary of the meeting and recommendations for discussion. Mr. Gaine noted that the meeting was well attended, commended the hard work of the Committee and highlighted that they had a productive conversation in regard to addressing the establishment of temporary relief leases to assist growers impacted by the shellfish growing waters suspension at Barnegat Light and Ludlam Bay. The Committee also addressed a request for a new lease in the Great Egg Harbor Bay area. For a more detailed summary of the Leasing Committee's discussion see attached meeting summary (attachment 1).

Great Egg Harbor Bay Lease Proposal:

Mr. Gaine summarized the Committee's discussion regarding Mr. Schlembach's request for Council's assistance and the proposal to add a single new lease adjacent to his existing leases in Great Egg Harbor Bay that were not useable for shellfish aquaculture. The Committee had debated the matter as the request was contrary to the current Leasing Policy, which would only allow a new block of leases upon a Leasing Committee recommendation and Council approval. The Council discussed the topic on a motion made by Mr. Gaine and seconded by Mr. Felder.

Committee Recommendation: The Committee made a recommendation to allow Mr. Schlembach to apply for the proposed single lease in Great Egg Harbor Bay adjacent to his existing leases that were unusable.

Mr. Gaine put emphasis on the proposed single lease being a new lease. The Council approved the Committee recommendation to allow an application for a new lease in Great Egg Harbor Bay adjacent to Mr. Schlembach's existing leases on a motion made by Mr. Gaine and seconded by Mr. Felder.

Barnegat Bay Temporary Lease Proposal:

Mr. Johnson expressed concerns regarding comments on the Gunning River lease proposal made at the March Marine Fisheries Council Meeting and noted there may have been a misunderstanding or mischaracterization regarding Council authority. Mr. Johnson noted that the Council had a right to discuss a proposal that was presented to the Council and can make a recommendation if there was intimate knowledge from Council members. Mr. Gaine said that the way the topic was handled by the Shellfisheries Council was for the benefit of the requester to allow the Committee to discuss and provide recommendations to the Council.

Committee Recommendation: The originally proposed lease area in Gunning River was not considered by the Committee due to user group and resource conflicts. Three other sites were also considered and discussed, but again were not recommended due to conflict, mainly navigation. The Leasing Committee eventually discussed and agreed with a fourth alternative site located between Waretown and Sunset Road in Lacey Township to accept applications for three temporary leases with the following conditions:

- Applicable for leaseholders impacted by suspension only
- Requirement for leaseholders to have a UAO issued by DEP (and continue to adhere to conditions)
- Temporary lease – expires after 6 months if the suspension of the Barnegat Light leases were lifted. Temporary leases to revert to public bottom.
- Follow all existing application process for a new lease.
- Terms of the relief lease would not only be for purging shellfish transferred off the suspended lease under the UAO, but also for subsequent growing of seed to continue operation.

The Leasing Committee recommendation regarding the Waretown lease area was open for discussion on a motion made by Mr. Gaine and seconded by Mr. Felder.

After discussion, the Council provided additional conditions to the Leasing Committee recommendations. The Council recommended only allowing for the transfer of product off of the suspended leases and not allow the subsequent growing of seed on a motion made by Mr. Gaine and seconded by Mr. Mathis. The Council clarified that the proposed temporary lease area did not set a precedent and was being reviewed on a case-by-case basis on a motion by Mr. Gaine and seconded by Mr. Felder. The Council also recommended the requirement for strict pollution control monitoring in the area of the temporary leases on a motion by Mr. Gaine and seconded by Mr. Felder. The Council accepted the recommendations from the Leasing Committee with amendments by the Council to accept applications for three temporary leases located between Waretown and Sunset Road in Lacey Township on a motion by Mr. Mathis and seconded by Mr. Gaine.

Mr. Burke stated that he did not agree with the new conditions proposed by the Council. Mr. Johnson and Mr. Gaine stated that this was a rare case and the Council's amendments were an effort to help support the success of the proposal. Mr. Burke expressed further concerns about what he had lost with the suspension.

Mr. Avery asked if a monitoring site could be included in the area. Mr. Parsons added that every floating farm has a monitoring station near it. Ms. Gentile replied that the Bureau of Marine Water Monitoring used the Systematic Random Sampling (SRS) approach. The Council noted that a lot of monitoring stations currently existed in the area where the temporary leases would be located.

Ludlam Bay Temporary Lease Proposal:

Committee recommendation: The addition of four temporary relief leases in the southwest area of the existing block of leases in Ludlam Bay with the following conditions:

- Applicable for leaseholders impacted by suspension only
- Requirement for leaseholders to have a UAO issued by DEP (and continue to adhere to conditions)
- Temporary lease – expires after 6 months if the suspension of the Barnegat Light leases were lifted. Temporary leases to revert to public bottom.
- Follow all existing application process for a new lease
- Terms of the relief lease would not only be for purging shellfish transferred off the suspended lease under the UAO, but also for subsequent growing of seed to continue operation.

Discussion ensued regarding a lease impacted by the suspension, which was held by a hard clam grower, but did not currently have any product planted. Mr. Johnson stated that since the claim for hardship was being expressed for one gear type (floating oyster culture) the Council should consider the hard clam grower as well. Mr. Gaine agreed but emphasized that they were focused on growers concerned with selling their existing product impacted by the suspension.

The Council revised the Lease Committee's recommendation to only allow for the transfer of product off the suspended lease and not allow the subsequent growing of seed. The Council clarified that the proposed temporary lease area did not set a precedent and was being reviewed on a case-by-case basis. The Council also recommended the requirement for strict pollution control monitoring in the area of temporary leases. The Council accepted the recommendations from the Leasing Committee with amendments to accept applications for temporary leases located in Ludlam Bay on a motion by Mr. Gaine and seconded by Mr. Felder.

Mr. Avery asked about the limitations of the lease block in Ludlam Bay and if it could accommodate expansion with the temporary leases. Mr. Normant clarified they were currently not accepting new leases in this area due to the water quality issue. In addition, there was an issue of proximity to the intercoastal waterway if they were to move to areas West of the existing leases. Mr. Gaine added that the temporary leases would return to public bottom. Ms. Gentile said that the numbers in the bay were looking good throughout the winter, and that the

The Bureau of Maien Water Monitoring (BMWM) would continue to sample through Spring and Summer. BMWM would revisit it in one calendar year to go to the Food and Drug Administration (FDA) and present that there was no variability in the data throughout the seasons and try to move forward with lifting the suspension.

Mr. (Matt) Williams asked if the Council's actions were setting precedent. Mr. Gaine said that this had been the response to an emergency-like situation, and not setting a path for what they were bound to do in the future. Mr. Williams expressed concerns related to the clam farmers. Mr. Johnson added that Mr. (Luke) Williams was not included in the UAO and thus could not be evaluated for hardship for this situation. Mr. Gaine added that they were currently providing assistance for the people with the product impacted by the suspension. Mr. Normant clarified that the growers asking for assistance due to suspension, did not have a place to go, rather than those with the ability to move their gear to another reasonable existing lease area. The growers without a reasonable place to go were included in the hardship.

Ms. Swain added that the plan was for the Committee to be in recess until the Regulatory Committee had completed their discussions. Mr. Johnson added that once the Leasing Committee reconvened, they will go over a Committee charge.

7. Public Comment

Mr. Avery asked if there was a way to fast-track the proposals. Mr. Babb added that this was a unique situation and a novel approach to an issue that was relatively new. He shared similar concerns about precedent setting to those expressed at the Committee meeting and appreciated the Council going on the record to state that it was not. He added that there would be a larger review because of the uniqueness within the Department to determine the Department's decision. Mr. Gaine asked when the applicants would be able to complete an application. The Bureau replied that they would not want to start an application until they received a decision from the Commissioner.

Mr. Parsons asked if the Council had a definition of hardship. Mr. Johnson replied that it was the Council's prerogative but in this case, it was a result of the suspension. Mr. Gaine added that he was not aware of anything in Title 50 or the regulations that defined hardship. Mr. Gaine reiterated that it was a case-by-case scenario and if something were presented to the Council they would be discussed with the Committee for recommendations to the Council. Mr. Parsons emphasized that it was an important point to understand where a hardship starts and ends. Mr. Gaine responded that the growers should be aware that they could always come to the Council to express what they feel may be a hardship.

Mr. Grace asked how long it would be until the growers were able to utilize the temporary leases. Mr. Gaine replied that they first needed the applications for consideration for the temporary lease and that additional permitting requirements were on the applicant, which could take some time. He added that if there was another location that the grower could get to without needing to apply for a new permit for a temporary lease, that that was another option.

Mr. Acquafredda shared that Rutgers University and New Jersey Sea Grant would be hosting the Apprenticeship for Aquaculture Program in the Summer and are expecting twelve to fifteen students to join the Program. He shared that if growers were interested in taking apprentices for the Summer, that they must attend the virtual meeting on March 19, 2025, at 6:00 p.m. He added that the Rutgers Aquaculture Symposium and Growers workshop occurred on January 31st, 2025, and was well attended. Major issues discussed included hatchery capacity, birds and aquaculture gear, water quality, socioeconomics (with a focus on marketing), and shellfish breeding. Mr. Acquafredda concluded that he was working on a white paper to report on the findings from the

workshop, and that Rutgers University planned to utilize those recommendations for the scope of future research. The Council asked Mr. Acquafredda to present his summary report to the Council when it was completed.

Mr. Parsons stated that he was present in Trenton to testify to the Environment and Energy Committee on Bill S216 to appropriate \$100k to the Department of Agriculture for the marketing of farm-raised shellfish in New Jersey. He added that for the first time in the history of the shellfish industry would include definition of size. Mr. Gaine added that he was present and emphasized that the biggest point was not only the allowance for cultured product to be included in the program, but to also provided money to support marketing and compete with other states.

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

8. Date time and place of next meeting:

DATE: April 21, 2025

TIME: 6:00 PM

LOCATION: Nacote Creek Research Station, Port Republic

Public Attendees (In-Person)	Public Attendees (Virtual)	Other DEP Attendees (Virtual)
Chris Carroll Matt Gregg Bill Avery Mike Acquafredda Doug Zemeckis Dale Parsons Jordan Lopinto Dan Grace	Tommy Burke Matt Williams Luke Williams Jennifer Resciniti Shaughn Juckett Matthew Matusky Todd Kostka Amanda Wenczel-Arians Paul and Lin Waterman Tommy Burke Billy Mayer Steve Fleetwood James Dopkin Chuck Gehman Bill Mayer Unidentified phone numbers (4)	Brian Scott Nina Colagiovanni Michael Auriemma Michael Lindner Lisa DiElmo Liia Carpenter Natalie Dragos Alissa Wilson Jenny Tomko Lauren Strazzeri

Atlantic Coast Section of the New Jersey Shellfisheries Council
Leasing Committee
Meeting Summary
March 5, 2025

Meeting was held in-person at the Nacote Creek Research Station with a virtual option through Microsoft Teams

Present (in-person): Walter Johnson* (Co-Chair), Edward Gaine* (Co-Chair) Dale S. Parsons, William Avery, Luke Williams, Matthew Matusky, Michael Whiteside, Chuck Gehman, Matthew Gregg (Non-Member), Scott Lennox (Non-Member)

*Shellfisheries Council Member

Present (virtual): Thomas Burke, Donald Otto, William Mayer IV, Amanda Wenczel Arians, Martin Schlembach (non-Member) and Keith Zammit (Non-Member)

Absent: William Wills

DEP Representatives: Russell Babb, Jeffrey Normant, Scott Stueber, Megan Swain (virtual)

Goals of Atlantic Coast Section of NJ Shellfisheries Council Leasing Committee (presented in priority order)

- First, discuss and focus on lease-related issues that have developed over the past year +
- Afterwards, Leasing Committee to recess until Regulatory Committee concludes
- Meet to develop a longer-term plan for the Leasing Committee (schedule/charge, etc.)

Topics of Discussion for this meeting

This meeting focused on outstanding leasing issues and requests only. Once these requests are discussed with recommendations to the Council, the Leasing Committee will focus on developing a charge and schedule. Staff stated that following discussions with Council that this Committee would recess until all work of the Regulatory Committee was completed. A future meeting schedule would be developed with the Council.

Priority list:

Priority	Secondary	Next steps at future meeting(s)
Great Egg Harbor Bay lease proposal	Widgeon Bay lease expansion proposal	Develop long term charge, action plan and schedule.
Barnegat Bay – gunning River relief lease proposal	Great Sound - Floating Gear/Oysters	
Ludlam Bay relief lease options		

1. Great Egg Harbor Bay Lease Proposal

Background: Martin Schlembach, a leaseholder who holds three leases (Lots 99.1, 106 and 107, Section A) at the Drag Island area of Great Egg Harbor Bay is a structural shellfish aquaculturist who utilizes float and bottom gear to grow oysters under the name of Great Egg Oyster Company. Mr. Schlembach acquired the three leases on January 13, 2020 through a transfer from the previous leaseholder (Sydney Martin). The leases were acquired by Mr. Martin

in the early 1990s and were to be used for hard clam aquaculture, due to the shallow waters in which the leases were sited (see Figure 1).

The Bureau provided Mr. Schlembach with corner coordinates to assist in staking the lease corners. Lots 106 and 107 were somewhat disputed by the leaseholder due to some of the corners being located on the upland marsh. Mr. Schlembach had deployed floating gear outside the official boundaries of lots 106 and 107, which technically was over staking. Lot 99.1 was not fully utilized due to its exposure to fetch. The Bureau had required that a hydrographic survey be conducted. It was found that the corners the Bureau had provided for him were accurate but that the stakes on lots 106 and 107 were indeed on upland. Additionally, some portions of the leases



Figure 1. Chart of Drag Island Area of Great Egg Harbor Bay Showing Existing Leases and Potential New Lease

were in very shallow water that became exposed at lower tide periods, making them unusable for any type of floating and bottom gear. Lot 99.1 was eventually permitted, but gear was still deployed outside of lots 106 and 107 since the water was protected and deeper, which causes legal issues within the context of the Coastal Zone Management rules and the Atlantic Coast leasing rules. Mr. Schlembach had previously made a request to the Council for a new lease perpendicular to the southern edge of Lots 106 and 107 (and offered to vacate lots 106 and 107). The request was discussed by Council and held until a new Leasing Committee was filled. The Committee would need to review this proposal because it would create a “new lease” contrary to the current Leasing Policy.

Discussion: The Committee debated the matter as the request was contrary to the current Leasing Policy, which would only allow a new block of leases upon a Leasing Committee recommendation and Council approval. This current request was for the creation of one lease for the applicant. There was discussion in regard to the allowance of multiple leases in the area to other interested growers. However, there were concerns raised about the general location in and around Drag Island regarding navigational considerations. Staff also raised the concern about conflicts in the areas around the GS Parkway Bridge area that was utilized wild clam harvesters and by recreational fishermen. The proposed lease was somewhat tucked away in the cove, so there should not be much conflict, where creating multiple leases probably would create conflict with other stakeholders. Mr. Schlembach’s primary concern was that he was not able to have access to deeper water and that this constrained his operation and business, so he was asking for an exception to the Lease Policy restriction. There were also discussions centered on whether this would set a precedent since it could be viewed as simply moving an existing lease that was not conducive to his operational. If that were the case, the concern was that other leaseholders would simply start requesting the same if their leases were not optimal. It was clarified by those in attendance that the lease proposal would be a new lease application subject to all the new lease application requirements of the regulations and that this would be for this request only and not a new policy for all lease areas. Comments were made that if the leaseholder is stating that the inshore leases are not useable, then perhaps it made sense to vacate them. However, the vacation of the two unusable leases at this time was considered secondary and technically not tied to the request (and could be revisited at a later date).

Committee Recommendation: The Committee made a general recommendation to the Council to allow Mr. Schlembach to apply for the proposed single lease in Great Egg Harbor Bay. All Committee recommendations are obviously contingent upon approval from the Council and subsequent authorization by the Department.

2. Barnegat Bay - Gunning River Lease Proposal

Background: Matthew Gregg and Scott Lennox, leaseholders who hold twelve leases (Lots 101, 102, 103, 104, 105, 106, 108, 109, 110, 111, 112, 113, 106 and 107, Section C) at the Barnegat Light (High Bar Harbor area) in Barnegat Bay are structural shellfish aquaculturists who utilizes float and bottom gear to grow oysters under the name of the Barnegat Oyster Collective. Two other growers, Chris Carroll and Steve Frost also utilize Gregg and Lennox leases under a “*Permission to Work Authorization*” granted by the two lessees. The one other lease in this location is held by Sloop Point Oysters, LLC, Thomas Burke (Lot 107, Section C). The 13 leases at Barnegat Light were originally approved by the Council on January 11, 2016 and held by 13 distinct individuals¹.

The leases used by Mr. Gregg and Mr. Lennox were permitted to conduct structural shellfish aquaculture (originally bottom cages and then changed to floating gear). On October 4, 2024, all shellfish harvest at this growing area was “Suspended” due to fecal coliform levels not meeting the standards for “Approved” shellfish waters (Figure 2). A



Figure 2. Chart of Barnegat Light Leases and Newly Suspended Area

Unilateral Administrative Order (UAO) was issued to certain growers on October 31, 2024 to manage and enforce the safe handling, storing and moving shellfish from those leases impacted by the Suspension. Thereafter, Mr. Gregg and Mr. Lennox had jointly proposed four new “relief” leases (eight acres) on the western side of Barnegat Bay in an area known as Gunning River. Three alternate sites were later submitted for Committee review. While both Mr. Gregg and Mr. Lennox had other leases in Approved waters at Rose

Cove, Little Egg Harbor Bay, they stated that the travel distance was too long to move the numerous large cages at Barnegat Light. The Gunning River proposal would be significantly closer, and they would be able to move their gear and continue their established business operation without as much disruption and cost. During the lead up to the Committee meeting, the original Gunning River lease proposal garnered a significant amount of opposition from other stakeholders, primarily duck hunters (see Appendix A).

Discussion: The first point of discussion was the original proposal for a new regular lease area (eight acres in size). A relatively short discussion ensued regarding the original proposal, which centered on the location, the user group concerns raised, as well as the implications/legality of creating and issuing new leases to specific individuals (outside of the exiting regulatory process). The **Gunning River** lease location (Figure 3) proposal was briefly discussed and was quickly dismissed due to conflicts with stakeholders, specifically duck hunters that utilize this area. After this discussion, a suggestion was made to possibly consider temporary as a mechanism to provide relief to the growers

¹ Original lots held by Sara Mugavero lot 101, Bethany Quirk lot 102, Dean Lennox lot 103, Scott Lennox lot 104, Matthew Gregg lot 105, Gary Niall lot 106, Donald Burke Sr. lot 107, James Kesling lot 108, Mike Dolan lot 109, Mary Gregg lot 110, John Gregg lot 111, James Seervai lot 112 and Elizabeth Lennox lot 113. Lots 101, 103, 108, 113 were transferred to Mr. Lennox on November 27, 2017; Lot 106 was transferred to Mr. Lennox on March 20, 2017; Lots 102, 109, 110, 111, 112 were transferred to Mr. Gregg on November 27, 2017 and Lot 107 was transferred to Sloop Point Oyster, LLC Thomas Burke on November 13, 2018.

associated with the suspension. The point was immediately raised that any discussion of relief options for Barnegat Bay would need to be considered for Ludlum as well. The discussion then turned to Mr. Gregg's and Mr. Lennox's three alternate sites (Figures 4 and 5). A lengthy discussion ensued regarding natural resources (e.g., SAV, shellfish, etc.) and boat traffic levels at the sites as well as who would be eligible for a "relief lease" should the Committee make a recommendation to the Council. Following this discussion, the committee ultimately recommended that if these "relief leases" were to proceed, then they would only be allowed for the actual leaseholders of the Barnegat Light leases that were impacted and not the two growers working under a "Permission to Work Authorization". The second main point of discussion was whether the "relief" leases could become permanent at some point in the future, as both also mentioned an interest in considering these proposed temporary "relief" leases permanent at some point in the future. The committee was mixed on this point and staff suggested that they would likely not be able to support that given the rules. Following discussion, the Committee found consensus that any leases would have to be temporary and would need to be tied to the suspension. Points were made that the Committee and Council could consider permanent leases at some point in the future, but the area would have to be reset with an open public process. Mr. Burke, who is also a Committee member, stated that his operations at High Bar Harbor had also been impacted by the suspension and he requested that he be included in any proposal to provide relief for his operations.



Figure 3 Gunning River – Barnegat Bay Lease Proposal (Red lines indicated AIS boat tracks)

Alternate Site 1 was located on and along the edge of a large sand bar at the edge of Oyster Creek Channel near Sedge Island. **Alternate Site 2** was located on a sand bar at the confluence of both Oyster Creek Channel and Double Creek Channel. Both sites showed high vessel traffic levels and high recreational activities on or near the sites (per staff and AIS data). **Alternate Site 3** was located to the north of Sloop Island in Barnegat Bay. This area had nearby



Figure 5 Alternate Sites 1 and 2 Barnegat Bay - Oyster Creek and Double Creek Channels

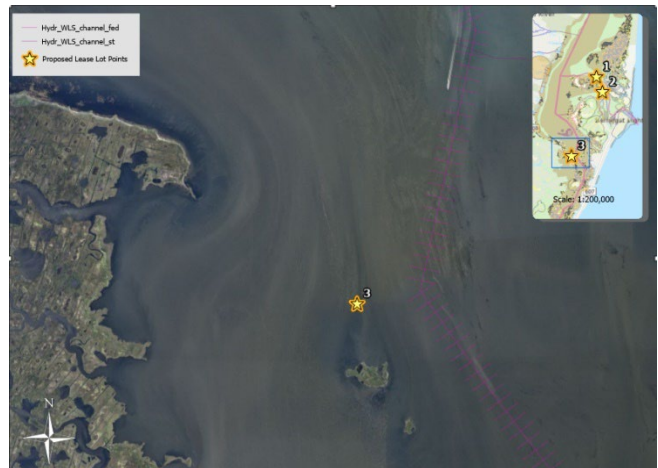


Figure 4. Alternate Site 3 Barnegat Bay - Sloop Sedge

Submerged Aquatic Vegetation (SAV) nearby and had heavy vessel traffic on both sides. All three sites were discussed in detail, but ultimately the Committee decided they were not the appropriate place for structural floating shellfish aquaculture. The Committee decided to entertain other possible locations near the Waretown area. The inshore waters had water classifications of Restricted and Conditionally Approved, which would not work for Mr. Gregg's and Mr. Lennox's operations, especially considering the deployment of float gear coupled with high vessel traffic coming in and out of numerous lagoons. The Bureau had done some preliminary work for an alternate site in the Waretown areas and found a small area to the north that might work. This was referred to as **Alternate Site 4**. This site was located inshore,

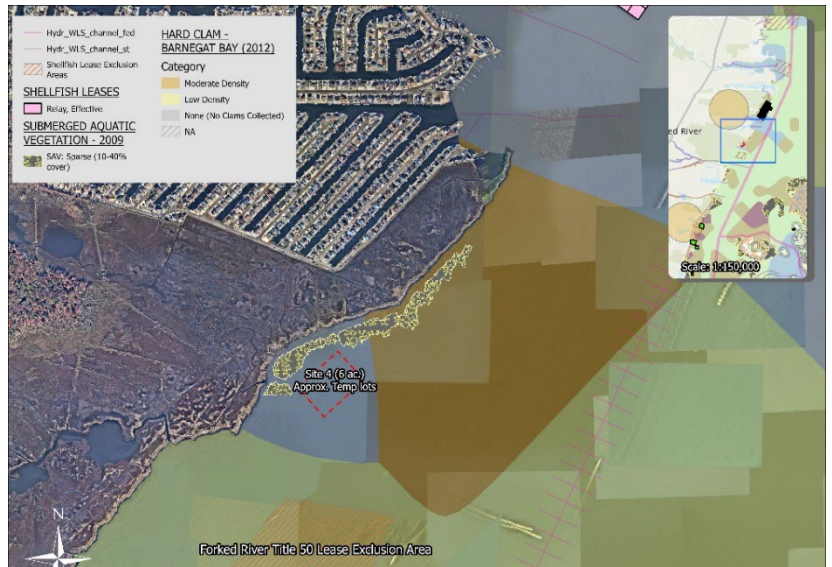


Figure 6 Alternate Site 4 Barnegat Bay “Relief Leases Proposal” North of Waretown

between Waretown and Sunset Road in Lacey Township off Sunset Beach (Figure 6). Relatively speaking, this area seemed to have the least number of conflicts compared to the other proposed sites, but there were still some concerns raised regarding potential complaints of waterfront residents to the north in Lacey Township that is made up of high-priced homes. Staff note that there had been complaints by these homeowners in the past when the Laurel Harbor relay leases were still operational and used (even engaging their legislative representatives). Following the meeting, staff reviewed the navigational data for this proposed site (See Figure 7).

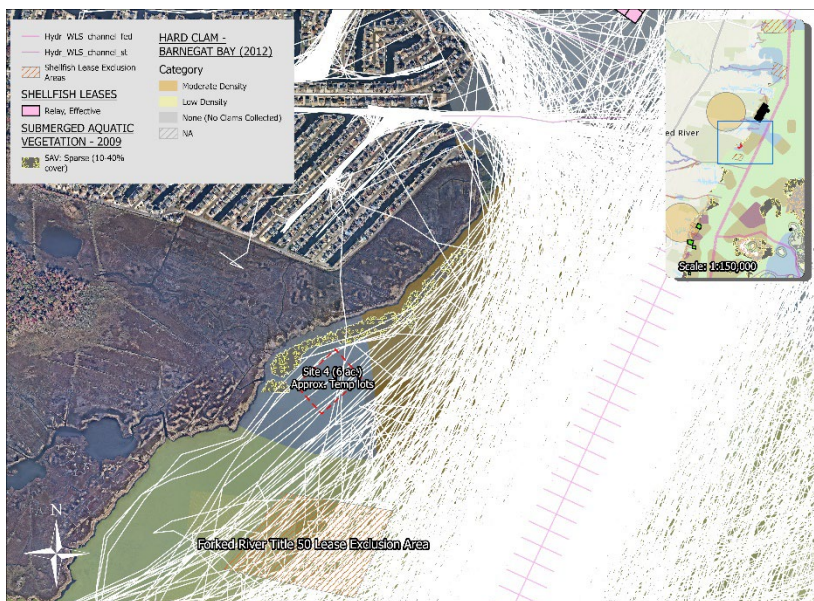


Figure 7. AIS Navigational Data for Barnegat Bay “Relief Leases Proposal” North of Waretown

Committee Recommendation(s): After some debate, the Committee recommended that Alternate Site 4 was the best option of the “relief” options. The Committee stated that if the Council were to approve the temporary leases, they could be applied for by Mr. Gregg, Mr. Lennox and Mr. Burke (one each). If the proposal was approved by the Council, in order to be eligible, the Barnegat Light leaseholders would have to have a UAO issued by DEP and continue to adhere to all of the conditions of the Order. If eligible, they would have to follow the application process for a new lease as per the Leasing Regulations. The Committee also recommended that the terms of the relief leases would not only be for purging shellfish transferred off the suspended lease under the UAO, but also for the subsequent

growing of seed in order to continue their operation. The term of the leases would be temporary and expire six months after the suspension of the Barnegat Light leases was lifted shall return to public bottom. Staff noted that this arrangement would need to be revisited if it was learned that the classification does not move to Approved status and is reclassified to another status (e.g., Conditionally Approved, Restricted). All new terms and conditions of these leases would be written into the existing lease agreement. The Committee recommendation will be sent to the Council for consideration. The Council may approve the Committee recommendation or make changes to the

recommendations. The recommendations of the Committee and decision by the Council will be contingent upon the final decision of the Department.

3. Ludlum Bay Lease Proposal

Background: Jersey Pearl Oyster, Don Otto (Lot 235, Section A), Lucky Mother Shuckers, Daniel Grace (Lot 232 Section A), Chuck Gehman (Lots 228, 229, 236, 237, 328, Section A), Morgan Delaney (Lot 233, Section A) and Amanda Ferguson (Lot 231, Section A) are leaseholders in Ludlum Bay (Sea Isle City) using structural shellfish systems (bottom cages and floating gear) to grow oysters. There are 21 leases within this block of leases, held by 13 distinct leaseholders. These leases were subsequently approved by Council at different points in time over several decades. Nine current leases are located within the 2024 Suspended areas (7 fully and 2 partially).

The leases used by Mr. Otto, Mr. Grace, Mr. Gehman, Mr. Delaney and Ms. Ferguson were permitted to conduct structural shellfish aquaculture (bottom cages and floating gear). On October 4, 2024, all shellfish harvest within a portion of this lease block was “Suspended” due to fecal coliform levels not meeting the standards for “Approved” shellfish waters.

On October 31, 2024, a Unilateral Administrative Order (UAO) was issued to growers that were impacted within the Suspended area in order to manage and enforce the safe handling, storing and moving shellfish from those leases impacted by the Suspension (Figure 8). All five active growers above reported being impacted by this Suspension. Several other growers in the Suspended area were not actively using their leases and have not contacted the Department for an UAO. When the Suspension was implemented, all the growers within the impacted area attended the October 21, 2024 Council meeting to discuss options for relief. Mr. Delaney and Ms. Ferguson, who are partners, hold leases that are adjacent to each other, but only the lease held by Mr. Delaney (Lot 233) had gear deployed on it. It should be noted that just to the southeast of the recent Ludlum Bay lease suspension, there was another area Suspension that was implemented on May 5, 2022. That area will be downgraded to “Restricted” once the Bureau of Marine Water Monitoring rule amendments are adopted.

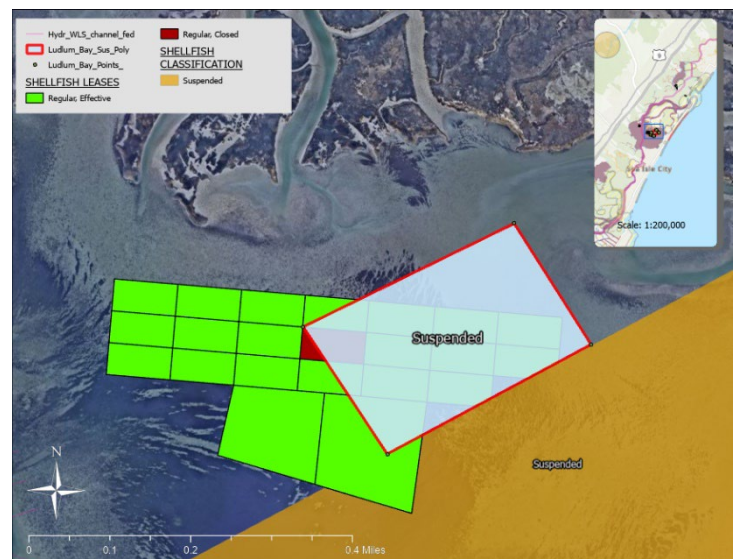


Figure 8. Ludlum Bay Leases and Area Suspended for Shellfish Harvest

Discussion: The Committee discussed the matter of trying to provide temporary relief leases for those growers that need to move their product to Approved waters, similar to the Barnegat Bay relief lease proposal. Mr. Gehman had several leases in the block of leases that were outside the Suspended area and was able to move his product in accordance with the UAO and was in no need of a relief lease. Mr. Otto and Mr. Grace have an agreement with Mr. Whiteside, who acquired a new lease recently outside of the Suspended area. This allowed them to comply with the UAO and place their gear into Approved waters. Mr. Delaney and Ms. Ferguson were reportedly trying to sell their business just prior to the Suspension and while they have not expressed interest in relief leases, they should be offered the opportunity for a relief lease should a process be approved. The Committee proposed a total of four temporary relief leases (two acres each) for the four growers with product and gear on their leases that were impacted by the Suspension. The Western side of Ludlum was discussed for temporary relief leases, but there were minor concerns raised over personal watercraft usage (i.e., jet skis) and very shallow water. The area between the west side of the Ludlum lease block was too close to the ICW channel for additional lots. It was proposed that the best option for relief leases was within the open area on the southwest side of the lease block, where four relief

leases could be added. A lengthy debate ensued regarding a number of leases in the Approved open water portions of area that are not being used by the leaseholders. Mr. Williams recently acquired a lease within the Ludlam Bay lease block that had been partially impacted by the Suspension. He argued that he should be included in a relief lease proposal as he could potentially have utilized that lease for planting hard clams, which was his intent in the future. This topic was debated for some time before it was decided that the attempts to provide relief leases were to be directed as relief for growers that had existing operations impacted by the Suspension and needed an option to move their product and gear to a lease in Approved waters (as per their UAO). The four temporary relief leases (approximately 8 acres) were proposed in the southwest open area adjacent to the existing block of Ludlam Bay leases (Figure 9).

Committee Recommendation(s): The Committee recommended that staff explore the addition of four temporary relief leases in the southwest open area adjacent to the existing block of Ludlam Bay leases. If the Council were to approve the temporary leases, they could be applied for by Mr. Otto, Mr. Grace and Mr. Delaney and Ms. Ferguson (one each). If the proposal was approved by the Council, in order to be eligible, the four Ludlam Bay leaseholders

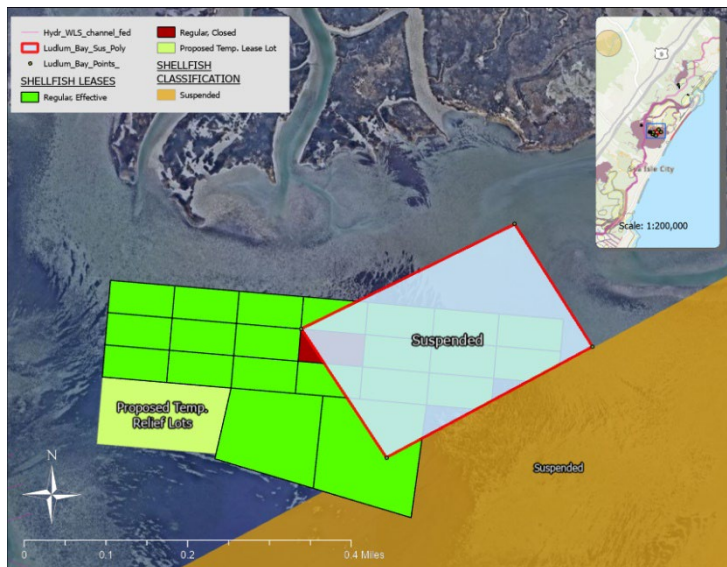


Figure 9. Ludlam Bay “Relief Leases Proposal” West of Sea Isle City

would have to have a UAO issued by DEP and continue to adhere to all of the conditions of the Order. If eligible, they would have to follow the application process for a new lease as per the Leasing Regulations. The Committee also recommended that the relief leases would be used for relaying shellfish transferred from the suspended leases under the UAO but could also be used for the subsequent growing of seed in order to continue their operation. The term of the leases would be temporary and expire six months after the suspension of the Ludlam Bay leases were lifted and returned to public bottom. Staff note that this arrangement would need to be revisited if it was learned that the classification does not move to Approved status and is reclassified to another status (e.g., Conditionally Approved, Restricted). All new terms and conditions of these leases would be

written into the existing lease agreement. The Committee recommendation will be sent to the Council for consideration. The Council may approve the Committee recommendation or make changes to the recommendations. The recommendations of the Committee and decision by the Council will be contingent upon the final decision of the Department.

Next Meeting: The Leasing Committee will focus on developing a charge and schedule later and will be recessed until all pending work of the Regulatory Committee is completed. A future meeting schedule will be developed jointly by the Bureau and Council (most likely to occur in the fall).