

# NEW JERSEY SHELLFISHERIES COUNCIL

## — DELAWARE BAY SECTION —

**Warren Hollinger**  
Chairman  
*Cumberland County*

**Richard Malinowski**  
*Salem County*

**Stephen Fleetwood**  
Vice Chairman  
*Cumberland County*

**Scott Sheppard**  
*Cumberland County*

February 10, 2025

Dear Stephanie J. Press, Esq.  
ATTN: DEP Docket No.13-24-11  
NJ Department of Environmental Protection  
Office of Legal Affairs  
Mail Code 401-04L; PO Box 402  
401 East State Street, 7th Floor  
Trenton, NJ 08625-0402

The Delaware Bay Section of the New Jersey Shellfisheries Council(Council) represents a wide variety of commercial fisherman that work on and around the Delaware Bay. The Council has a longstanding practice of using its open public meeting as a forum for regulators and the regulated to converse on issues that may impact the individuals that make their living on the water. The Council continually works with DEP protect fish and wildlife around the State.

We believe that the DEP Shoreline Protection Proposal missed the mark in a few ways. We feel that if this rule was stakeholdered, including a presentation to our Council prior to final rule writing, we may have been able to help address some of these issues. The Council has the following recommendations that may improve the proposed rule.

The current rule proposal gives DEP the authority to close nearshore waters extending out to a maximum of 300 meters seaward of mean low water. The seaward side of these boundaries are not marked. This means that if a fisherman was not explicitly warned about the closure, they could be in violation with no knowledge of it. We suggest a more robust notification for the marine user community, this system that may include more signage, email notification, as well as postings at appropriate regional offices. This will be vital in the areas of the lower Delaware Bay where the tidal flats already extend for over 1000 ft into the bay.

The rule proposal's nearshore closure, has the potential to close over 100,000 acres of water to both recreational and commercial fisherman. The Council understands

**NJ SHELLFISHERIES COUNCIL – DELAWARE BAY SECTION**  
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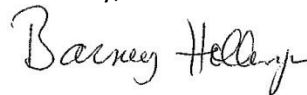
that this restriction was meant for the tidal flats on the lower Delaware Bay. We hope that you recognize that without proper guardrails the proposal could close almost all near shore waters to all recreational and commercial uses. We suggest that the language used in this rule be slightly more restrictive in the powers to close tidal waters.

The current rule proposal language seems to lack clear and concise protocol for the closure of specific areas. While we understand that this is to allow flexibility in the future, it is our concern that this could close areas that would have no impact on threatened and endangered species. This is of particular concern on areas of the Delaware Bay, where aquaculture activities hundreds of yards away from shore birds have been falsely labeled as a take. We ask that the process to deem an area close, be laid out for all the public to view.

The last point we would like to make is that this proposed rule may have a negative financial impact on commercial fisherman, aquaculturists and charter captains. In close proximity to the shoreline, there are many important commercial activities that take place throughout the year. The Council asks that you consider the economic impacts these closures may have and take every effort to reduce or compensate for the impact.

The Council extends an open invitation for the ESNP group to attend any of our public meetings to discuss this as well as any other topics that may impact the Delaware Bay. Thank you for your time and for your ongoing efforts to protect the State's endangered and threatened species.

Sincerely,

A handwritten signature in black ink, appearing to read "Barney Hollinger".

Warren Hollinger, Chairman  
Delaware Bay Section of the  
NJ Shellfisheries Council

cc: *Members*, Delaware Bay Section of NJ Shellfisheries Council  
David Golden, Assistant Commissioner, NJ DEP Fish & Wildlife  
Patrick Donnelly, Acting Chair, Marine Fisheries Council  
Walter L. Johnson, Chair, Atlantic Coast Section of the NJ Shellfisheries Council  
Richard Lathrop, Chair, Endangered and Nongame Species Advisory Committee  
Kathy Clark, Chief, Endangered and Nongame Species  
Joseph Cimino, Administrator, Marine Resources Administration  
Russ Babb, Chief, Bureau of Marine Habitat & Shellfisheries  
Amanda Wenczel Arians, NJ Department of Agriculture

