

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2025R10(1)**

**Generally Accepted Agriculture Management Practice Finding
NJ Right to Farm Act, N.J.S.A. 4:1C-1, et seq.**

SADC ID #2027

October 24, 2024

Subject Property:

██████████
**Block 33, Lot 67
Tuckerton Borough, Ocean County
0.70 Acres
("Property 1")**

██████████
**Block 326.225, Lot 60
Little Egg Harbor Township, Ocean County
8.6 Acres
("Property 2")**

**Great Bay, the Mullica River, and Little Egg Harbor Bay
Seventy-One Leased Shellfish Lots
228 Acres
("Property 3")**

WHEREAS, ██████████ (Parsons) is a shellfish aquaculture business of which
██████████ is the sole member; and

WHEREAS, ██████████, of which ██████████ is the sole member, owns Property
1; and

WHEREAS, Property 1 is zoned "Marine Commercial/Waterfront Cluster District"; and

WHEREAS, the following activities occur on Property 1:

- (1) The storage and processing of ██████████ harvested clams and oysters for wholesale marketing to local restaurants and large-scale vendors;
- (2) The depositing, storing, and air curing of empty oyster and clam shells from the food waste of Atlantic City and other area restaurants, the air curing helping to ensure complete removal of contaminants prior to the following purposes:
 - a. The transporting of empty oyster shells to ██████████ Little Egg Harbor shellfish nursery, where the shells receive disease-resistant oyster larvae for subsequent deposit in waters leased by ██████████ from the NJ Department of Environmental Protection (NJDEP), Bureau of Shellfisheries to grow out for ultimate harvesting and eventual consumption.
 - b. The transporting of empty oyster shells to the Little Egg Harbor nursery, where the shells receive disease-resistant oyster larvae for subsequent deposit in

leased waters for the purpose of facilitating general oyster population, the natural formation of oyster reefs, and the improvement of water quality in Barnegat Bay.

- (3) A retail store operated by "[REDACTED] Seafood" where clams, oysters, and other seafood products are sold.

WHEREAS, the [REDACTED] shellfish commercial farm operation maintains all required federal and state licenses and permits to engage in shellfish aquaculture, including a current Aquatic Farmer License issued by the New Jersey Department of Agriculture; a commercial shellfish license and nursery/hatchery permit issued by NJDEP; a New Jersey Department of Health license for shellfish shipping and handling on Property 1; and an Army Corps of Engineers permit to grow oysters and clams in U.S. navigable waters; and

WHEREAS, on May 11, 2023, Maritime Marina, Inc. and Tuckerton Marine Service Center (Complainants), businesses operating on each side of Property 1, filed a Right to Farm Act (RTFA) complaint with the Ocean County Agriculture Development Board (OCADB) alleging that [REDACTED] practice of storing and air curing the clam and oyster shells created a nuisance resulting in damage to their boats; loss of business; lost time related to property cleanup; offensive smells and unsanitary conditions; and

WHEREAS, Maritime Marina also claimed [REDACTED] trespassed on its property when shells were delivered to Property 1; and

WHEREAS, the OCADB held a hearing and determined, in a June 14, 2023, resolution (attached as Exhibit A), the following:

- (1) [REDACTED] Mariculture qualified as a "shellfish commercial farm" because,
 - a. It engaged in shellfish aquaculture,
 - b. Produced shellfish worth at least \$40,000 or more annually,
 - c. Was in operation as of March 13, 2023, the effective date of the law providing RTFA eligibility protecting certain aquaculture activities, and
 - d. Was operating on property zoned for commercial or industrial use;
- (2) The recycling and storage of shells on Property 1 was an aquaculture activity permitted by the RTFA; and
- (3) Since the SADC had not adopted an agricultural management practice (AMP) for the recycling and storage of shells, the complaint would be forwarded to the SADC; and

WHEREAS, under the RTFA, when a CADB receives a complaint against a commercial farm and the SADC has not recommended an AMP concerning the activities addressed by the complaint, the CADB shall forward the complaint to the SADC for a determination of whether the disputed agricultural operation constitutes a generally accepted agricultural operation or practice (N.J.S.A. 4:1C-10.1c.); and

WHEREAS, N.J.S.A. 4:1C-10.1c. further provides that upon receipt of the complaint, the SADC shall hold a public hearing and issue its decision, in writing, to the CADB; and

WHEREAS, at its September 26, 2024 meeting, the SADC held a hearing on whether the practice of depositing, storing, and air curing empty oyster and clam shells from the food waste of restaurant for the purpose of controlling disease for the purposes of future shellfish production and depositing of shells in leased waters for the reasons stated above is a generally accepted agriculture management practice; and

WHEREAS, at the hearing, SADC staff provided background on the matter and advised, based

on the record before the OCADB, that the following RTFA eligibility requirements were met:

- (1) [REDACTED] operated a shellfish aquaculture management unit as defined in N.J.S.A. 4:1C-3,
- (2) [REDACTED] qualified as a shellfish commercial farm as defined in N.J.S.A. 4:1C-3, including operation as a single enterprise as a result of Mr. [REDACTED] being the sole member of [REDACTED] Mariculture and [REDACTED] Seafood,
- (3) [REDACTED] shellfish commercial farm satisfied the locational and operational requirements in N.J.S.A. 4:1C-3.2b.,
- (4) The complained-of activities were included in the list of authorized shellfish aquaculture activities set forth in N.J.S.A. 4:1C-3.2b. as follows:
 - a. production and processing of the shellfish output of the shellfish commercial farm pursuant to N.J.S.A. 4:1C-3.2b.(1) and (2),
 - b. controlling diseases of shellfish pursuant to N.J.S.A. 4:1C-3.2b.(4),
 - c. recycling of shells on land included in the shellfish aquaculture management unit as set forth in N.J.S.A. 4:1C-3.2b.(6); and

WHEREAS, the Complainants did not dispute that the [REDACTED] operation met RTFA eligibility requirements; and

WHEREAS, SADC staff presented the following images during their presentation:

- (1) An aerial view of Property 1,
- (2) A survey of Property 1,
- (3) A photo of the shell pile located on Property 1 taken on June 20, 2024,

The above images are attached to this resolution as Exhibit B; and

WHEREAS, the Complainants were represented by Robert Rue, Esq.; and

WHEREAS, [REDACTED] was represented by Lauren Dooley, Esq. of Novins York Jacobus & Dooley; and

WHEREAS, Mr. Rue stated that his clients were not challenging the issue of whether the [REDACTED] operation was a shellfish commercial farm; rather, the concern was with [REDACTED] air curing of recycled shells on a 60-foot-wide property surrounded by two commercial operations open to the public; and

WHEREAS, Mr. Rue called [REDACTED], owner of [REDACTED], who provided sworn testimony under oath; and

WHEREAS, [REDACTED] testified regarding the nuisances experienced with [REDACTED] shell curing activities; and

WHEREAS, Mr. Rue, on behalf of the Complainants, submitted the following documents during the hearing:

- (1) A photo of the shell pile located on Property 1,
- (2) NJDEP's Marine Resources Administration's Annual Report on its Shell Recycling Program for the 2022 Collection Year,
- (3) A copy of [REDACTED] survey,

The Complainants' submissions are attached hereto as Exhibit C; and

WHEREAS, Ms. Dooley called [REDACTED] who provided sworn testimony under oath; and

WHEREAS, Mr. [REDACTED] testified regarding his aquaculture operation, shell recycling activities, reef restoration efforts, and the grants he received from various entities for his shell recycling activities; and

WHEREAS, Ms. Dooley called [REDACTED], the President of New Jersey Shellfisheries Association, who provided sworn testimony under oath; and

WHEREAS, Mr. [REDACTED] testified that air curing shells is a standard process essential to the propagation of shellfish, and that the period of time during which the shells are air cured is also essential, not the size of the pile or the air flow through it; and

WHEREAS, Ms. Dooley called Nicole Ciccaglione, District Conservationist for the USDA Natural Resources Conservation Service (NRCS) who provided sworn testimony under oath; and

WHEREAS, Ms. Ciccaglione testified that NRCS has a conservation practice for restoration of rare or declining natural shellfish communities and calls for air curing of at least six months; and

WHEREAS, Ms. Ciccaglione stated that the NRCS practice does not contemplate air flow; and

WHEREAS, Ms. Dooley, on behalf of [REDACTED], submitted the following documents during the hearing:

- (1) Photos of three different recycled shell piles at three different locations,
- (2) A list of attendees at a Legislative tour of the [REDACTED] operation at Property 1,

[REDACTED] submissions are attached hereto as Exhibit D; and

WHEREAS, during the hearing, public comments were received, virtually, from Robert B. Rheault, Ph.D., Executive Director of the East Coast Shellfish Growers Association, and [REDACTED] (the comments are attached hereto as Exhibit E); and

WHEREAS, in the interest of time, Ms. Dooley chose to not have the comments read into the record, but have them attached to the SADC's meeting minutes instead; and

WHEREAS, since the above-mentioned comments were not read into the record, the SADC did not rely on them in its final determination in this matter, and are attached to this resolution only for the purpose of providing complete documentation to the OCADB; and

WHEREAS, during the course of its deliberations, SADC members questioned whether the size of the shell pile and size of Property 1 were appropriate; however, the committee ultimately determined that those aspects were matters to be considered by the OCADB, as the SADC was tasked with the narrow issue of determining whether the practice of air curing recycled shells is a generally accepted agricultural management practice.

NOW, THEREFORE, BE IT RESOLVED:

1. The WHEREAS paragraphs above are incorporated herein by reference.
2. The SADC finds the following RTFA eligibility requirements:

a. [REDACTED] operated a shellfish aquaculture management unit as defined in N.J.S.A. 4:1C-3,

b. [REDACTED] qualified as a shellfish commercial farm as defined in N.J.S.A. 4:1C-3, including operation as a single enterprise as a result of Mr. [REDACTED]s being the sole member of [REDACTED] and [REDACTED] Seafood,

c. [REDACTED] shellfish commercial farm satisfied the locational and operational requirements in N.J.S.A. 4:1C-3.2b.,

d. The complained-of activities were included in the list of authorized shellfish aquaculture activities set forth in N.J.S.A. 4:1C-3.2b. as follows:

(1) production and processing of the shellfish output of the shellfish commercial farm pursuant to N.J.S.A. 4:1C-3.2b.(1) and (2),

(2) controlling diseases of shellfish pursuant to N.J.S.A. 4:1C-3.2b.(4),

(3) recycling of shells on land included in the shellfish aquaculture management unit as set forth in N.J.S.A. 4:1C-3.2b.(6).

3. The SADC finds that the practice of air curing recycled shells is a generally accepted agriculture management practice.

4. The Right to Farm complaint filed in this matter will be returned to the OCADB pursuant to N.J.A.C. 2:76-2.7(i)1 for its review of the details of this particular operation under dispute including, but not limited to, the operation's impact on neighboring properties, and balancing the parties' conflicting interests.

5. In accordance with N.J.S.A. 4:1C-10.1c. and N.J.A.C. 2:76-2.7(j), the OCADB shall hold a public hearing on the complaint and issue its findings and recommendations.

6. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

10/24/2024
Date


Charles Roohr, Deputy Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Scott Ellis	YES
Roger Kumpel	YES
Rich Norz	YES
Charles Rosen	YES
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Suarez)	YES
Lauren Procida (rep. DEP Commissioner LaTourette)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
Brian Schilling (rep. Executive Dean Lawson)	RECUSED
Edward D. Wengryn, Chairperson	RECUSED

EXHIBIT A

**A RESOLUTION
OF THE OCEAN COUNTY AGRICULTURE DEVELOPMENT BOARD
ELIGIBILITY DETERMINATION OF A COMMERCIAL FARM
FOR ██████████ MARICULTURE.**

WHEREAS, pursuant to the Right to Farm Act, N.J.S.A. 4:1C-1, et. seq. (the "Act") and the State Agriculture Development Committee ("SADC") regulations, N.J.A.C. 2:76 et. seq., any person aggrieved by the operation of a commercial farm within the County of Ocean shall first file a complaint in writing to the Ocean County Agriculture Development Board ("Board") prior to filing an action in court; and

WHEREAS, on May 11, 2023, the Board received a formal complaint against Dale ██████████ the owner and operator of ██████████ Mariculture (hereinafter "██████████ Mariculture") located at ██████████ the Borough of Tuckerton, Great Bay Marina located at ██████████ in the Township of Little Egg Harbor, and shellfish lease areas in the Great Bay, Mullica River, and Little Egg Harbor Bay; and

WHEREAS, pursuant to N.J.A.C. 2:76-2.7(c), the Board shall determine (1) whether the commercial farm meets the eligibility criteria pursuant to the Act, and (2) whether the dispute involves agricultural activities that are included in one or more of the permitted activities set forth in the Act and addressed by an agricultural management practice regulation adopted by the SADC; and

WHEREAS, the formal complaint described concerns arising from the recycling and storage of clamshells on the ██████████ Mariculture property located on the Tuckerton portion of the shellfish aquaculture management unit. The complaints were as follows:

1. Damage to boats and property due to seagulls dropping shells
2. Loss of business
3. Loss of time due to cleaning up the mess caused by the storage of clam shells
4. Horrible smell and unsanitary conditions; and

WHEREAS, pursuant to the Act, N.J.S.A. 4:1C-3 et. seq. and the SADC regulations, N.J.A.C. 2:76-2.1, the Board must determine whether the shellfish commercial farm satisfies at least one of the following conditions:

- (1) It is located in an area of which, as of December 31, 1997, or thereafter, agriculture is a permitted use under Municipal zoning ordinances and is consistent with the municipal master plan; or
- (2) The shellfish commercial farm was in operation as of the effective date of P.L.2023, c.20 (C.4:1C-3.2 et al.), March 13, 2023, and is located in an area zoned for commercial or industrial use; or

(3) Is located in the coastal area, as designated pursuant to section 4 of P.L. 1973, c. 185 (C.13:19-4), and is zoned for commercial or industrial use; or

(4) Is located on land under tidal waters that the shellfish commercial farm has the authority to use pursuant to a riparian grant or lease granted pursuant to R.S. 12:3-2 et seq. or a lease granted pursuant to R.S.50:1-23 et seq., and that operates in conformance with agricultural management practices recommended by the committee and adopted pursuant to the provisions of the "Administrative Procedure Act"; and

WHEREAS, on May 12, 2023, the Board staff reached out to [REDACTED] Mariculture to notify him of the neighbor's complaint against his business and provided a Commercial Farm Certification form; and

WHEREAS, on May 18, 2023, [REDACTED] Mariculture returned the Commercial Farm Certification form filled out along with his 2022 tax returns and 2023 Shellfish Lease Extension from the NJDEP Shellfish Bureau; and

WHEREAS, on May 19, 2023 [REDACTED] Mariculture provided two Quickbook Reports from 2021 and 2022 highlighting "clams which were farmed on my shellfish leases and sold through my fish market"; and

WHEREAS, in accordance with N.J.A.C. 2:76-2.7(c), the Board conducted a site visit to view the subject property. The site visit was held on May 23, 2023 and attended by one (1) Board Member, Board Staff, Board Counsel, and Counsel for the owners of the property; and

WHEREAS, N.J.S.A. 4:1C-3 defines a "shellfish aquaculture management unit" as an area, contiguous or noncontiguous, together with buildings, structures, and facilities, on which shellfish aquaculture is occurring, and which is operated as a single enterprise; and

WHEREAS, N.J.S.A. 4:1C-3 defines a "shellfish commercial farm" as a shellfish aquaculture management unit that engages in shellfish aquaculture and produces shellfish worth \$40,000 or more annually; and

WHEREAS, the Commercial Farm Certification identifies the shellfish aquaculture management unit as follows:

Municipality	Block	Lot	Acres	Product/Operation	Start Date
Tuckerton	33	67	.70	Shell Recycling Clam & Oyster Farm	1909
Little Egg Harbor	326,225	60	8.6	Shellfish nursery	2013

and 71 lease areas within the Great Bay, Mullica River, and the Little Egg Harbor Bay totaling approximately 228.73 acres; and

WHEREAS, the portion of the Shellfish Commercial Farm located in Tuckerton is zoned B-4 "Marine Commercial/Waterfront Cluster District"; and

WHEREAS, the portion of the Shellfish Commercial Farm located in Little Egg Harbor is zoned WFD "Waterfront Development Zone"; and

WHEREAS, the Commercial Farm Certification described the operation or practice of the Commercial Farm as follows:

Shell is cured at [REDACTED], then transported to Little Egg Harbor Shellfish Nursery to receive disease resistant oyster larva, Shell & Oysters are then transported to commercial farm leases to grow out to food product. Oysters and clams, wholesale and retail.

WHEREAS, upon the satisfaction of the eligibility criteria pursuant to N.J.S.A. 4:1 C-3.2 the Board must then determine whether the dispute involves agricultural activity (ies) that is or are included in one or more of the permitted activities set forth in N.J.S.A. 4:1C-3.2.

WHEREAS, N.J.S.A. 4:1C-3.2 permits the following activities:

- (1) produce shellfish as described in the Standard Industrial Classification for shellfish farming or, after the operative date of the regulations adopted pursuant to section 5 of P.L.2003, c.157 (C.4:1C-9.1), as described in the corresponding classification under the North American Industry Classification System;
- (2) process and package the shellfish output of the shellfish commercial farm;
- (3) provide for the operation of a shellfish farm market, including the construction of a building and parking area in conformance with municipal standards;
- (4) control pests, predators, and diseases of shellfish;
- (5) conduct on-site disposal of organic waste on land included in the shellfish aquaculture management unit, excluding land currently flowed by tidal waters;
- (6) recycle shells on land included in the shellfish aquaculture management unit;
- (7) conduct agriculture-related educational and farm-based recreational activities, provided that the activities are related to marketing the shellfish output of the shellfish commercial farm; and
- (8) engage in any other agricultural activity as determined by the committee and adopted by rule or regulation pursuant to the provisions of the "Administrative Procedure Act," P.L. 1968, c.410 (C.52:14B-1 et seq.).

WHEREAS, upon the satisfaction of the eligibility criteria pursuant to N.J.S.A. 4:1 C-3.2 and determination that the activities complained of are protected under N.J.S.A. 4:1C-3.2, the Board must determine whether the SADC has recommended an agricultural management practice concerning activities addressed by a complaint or a Site-Specific Agricultural Management Practice (SSAMP) has been adopted; and

WHEREAS, pursuant to N.J.S.A. 4:1C-10.1 if an SSAMP does not exist and the SADC has not recommended an agricultural management practice concerning activities addressed by a complaint, the Board shall forward the complaint to the SADC for a determination of whether the disputed agricultural operation constitutes a generally accepted agricultural operation or practice.

WHEREAS, the following exhibits were reviewed by the Board:

1. Formal Complaint against [REDACTED] Mariculture submitted by [REDACTED] Inc. and also signed off on by neighboring [REDACTED]
2. CADB Commercial Farm Certification Form
3. Schedule F, 2022 Tax Return
4. 2021 and 2021 Quickbook Reports showing income
5. NJDEP Division of Fish and Wildlife Bureau of Shellfisheries 2023 Shellfish Lease Extension Agreement
6. Survey of property
7. Photos

NOW THEREFORE BE IT RESOLVED, the Board makes the following findings of fact concerning the eligibility of [REDACTED] Mariculture under the Right to Farm Act:

1. [REDACTED] Mariculture is a shellfish commercial farm that engages in shellfish aquaculture and produce shellfish worth \$40,000 or more annually.
2. [REDACTED] Mariculture was in operation as of the effective date of P.L.2023, c.20 (C.4:1C-3.2 et al.), March 13, 2023, and is located in an area zoned for commercial or industrial use.
3. [REDACTED] Mariculture qualifies as a shellfish commercial farm, pursuant to P.L.2023, c.20 (C.4:1C-3.2 et al.) and is entitled to the protections set forth in section 4 of P.L.2023, c.20 (C.4:1C-10a)
4. The Complaint filed with the Board arise out of the storage and recycling of clams on the shellfish aquaculture management unit located in Tuckerton, Ocean County.
5. The recycling and storage of shells on the Tuckerton property is an activity that is protected by N.J.S.A. 4:1C-3.2.
6. The SADC has not issued an Agricultural Management Practice related to the recycling and storage of shells for aquaculture.

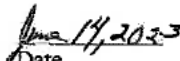
7. [REDACTED] Mariculture does not have a Site-Specific Agricultural Management Plan for the recycling and storage of shells for aquaculture.

BE IT FURTHER RESOLVED that the Board hereby forwards this matter to the attention of the State Agriculture Development Committee for a determination of whether the disputed agricultural operation constitutes a generally accepted agricultural operation or practice.

BE IT FURTHER RESOLVED that copies of this Resolution shall be provided to:

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. Borough of Tuckerton
5. Township of Little Egg Harbor
6. State Agriculture Development Committee


Doug Hallock, OCADB Chairman


Date June 14, 2023

	Yes	No	Abstain	Absent
Mr. Hallock	✓			
Mr. Hunter	✓			
Ms. Sucharski	✓			
Mr. Lynch	✓			
Mr. Vogel	✓			
Mr. Riccardi	✓			

I hereby certify the above to be a true copy of a Resolution adopted by the Ocean County Agricultural Development Board at a meeting held on June 14, 2023.

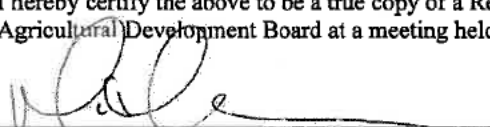
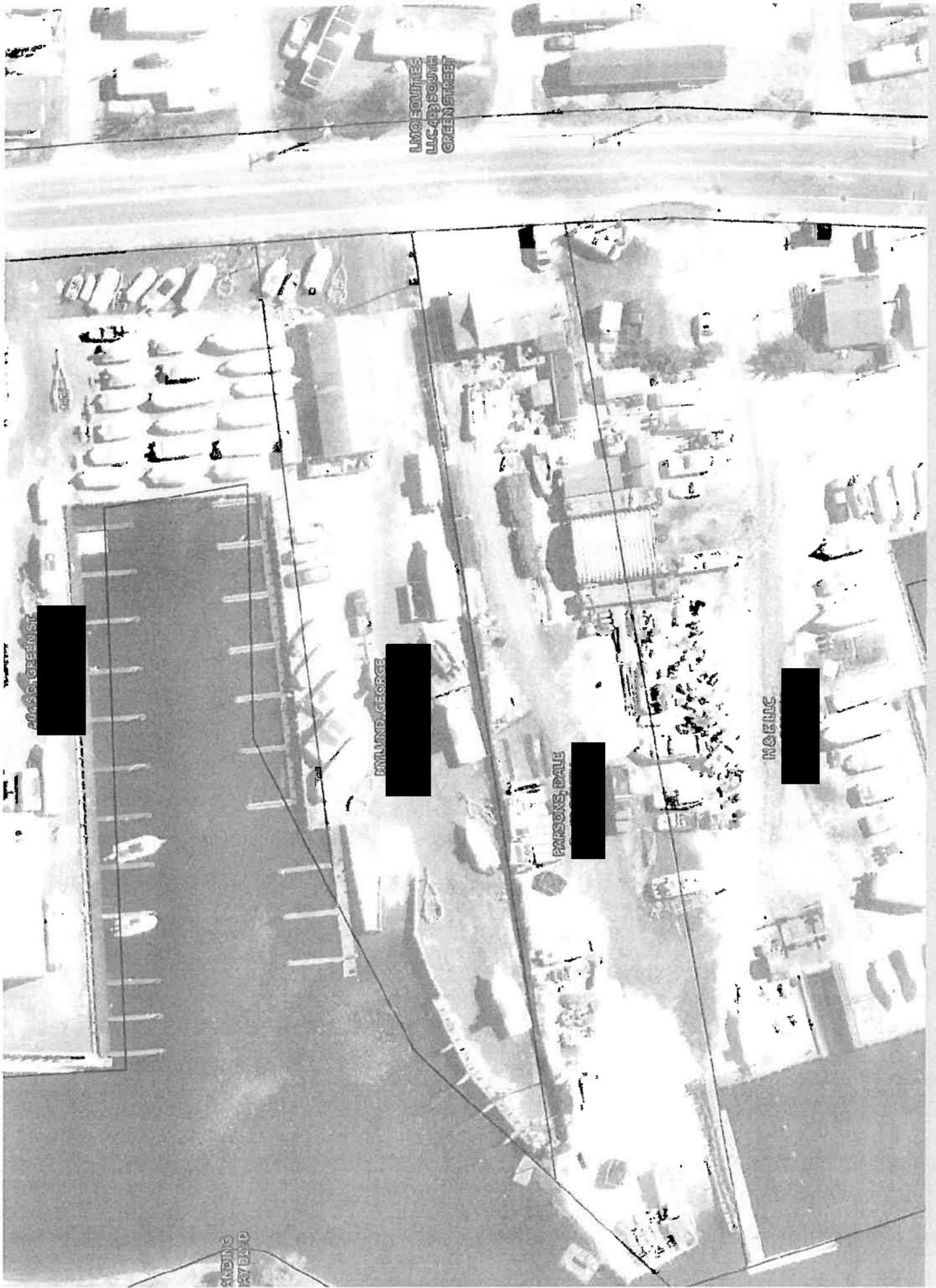
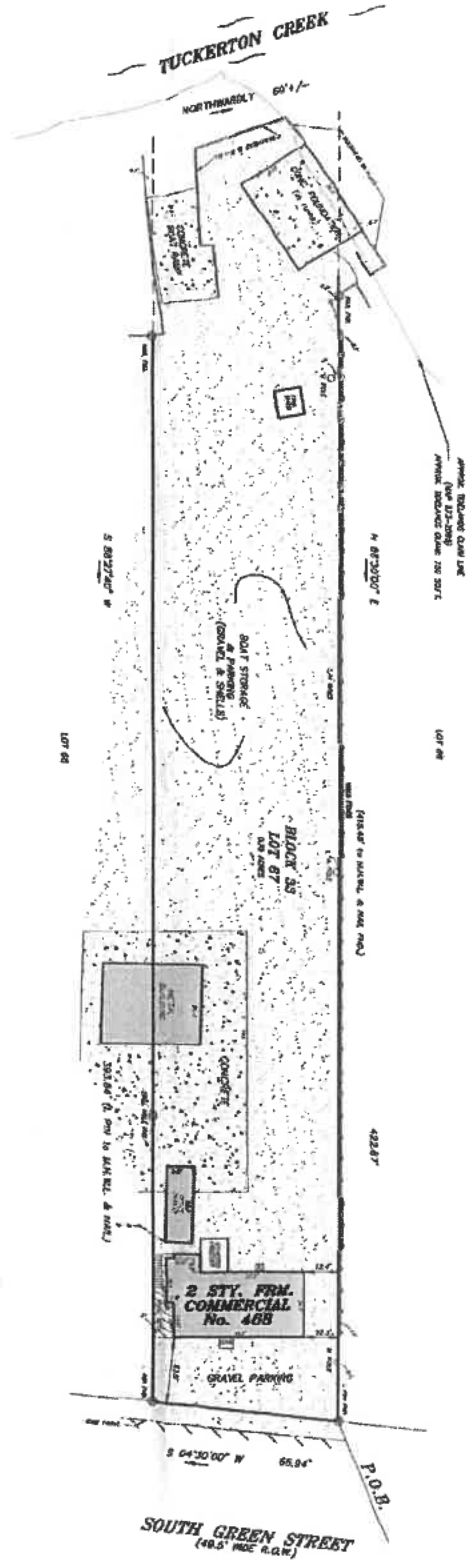

MATTHEW B. THOMPSON, Esq.
Attorney at Law, State of New Jersey

EXHIBIT B





BEING KNOWN AS LOT 87 & BLOCK 35 AS SHOWN ON THE CEMETERY MAP
APPROXIMATELY MADE BY THE BOARD OF TUCKERTON, TUCKER COUNTY, NEW JERSEY
BEING COMMONLY KNOWN AS 448 SOUTH GREEN STREET

THIS MAP WAS PREPARED BY THE SURVEYOR OF TUCKER COUNTY, NEW JERSEY, AND IS A TRUE AND CORRECT COPY OF THE ORIGINAL MAP AS FILED IN THE OFFICE OF THE SURVEYOR OF TUCKER COUNTY, NEW JERSEY, ON MAY 1, 1968.

JOHN M. LIS
SURVEYOR OF TUCKER COUNTY, NEW JERSEY

PAID UP SURVEY
SURVEYOR OF TUCKER COUNTY, NEW JERSEY
BLOCK 35
LOT 87
LAND LINES SURVEYING
703 HILL CREEK ROAD, UNIT 1-1
TUCKERTON, NJ 08061
TEL. (609) 473-4733 FAX (609) 473-4734

BY SAUL E. HANSON
SAUL E. HANSON (Surveyor)
REGISTERED DISTRICT COMMISSIONER
FIRST AUSTRIAN TRAIL INSURANCE COMPANY
LITTON, N. J. 08048

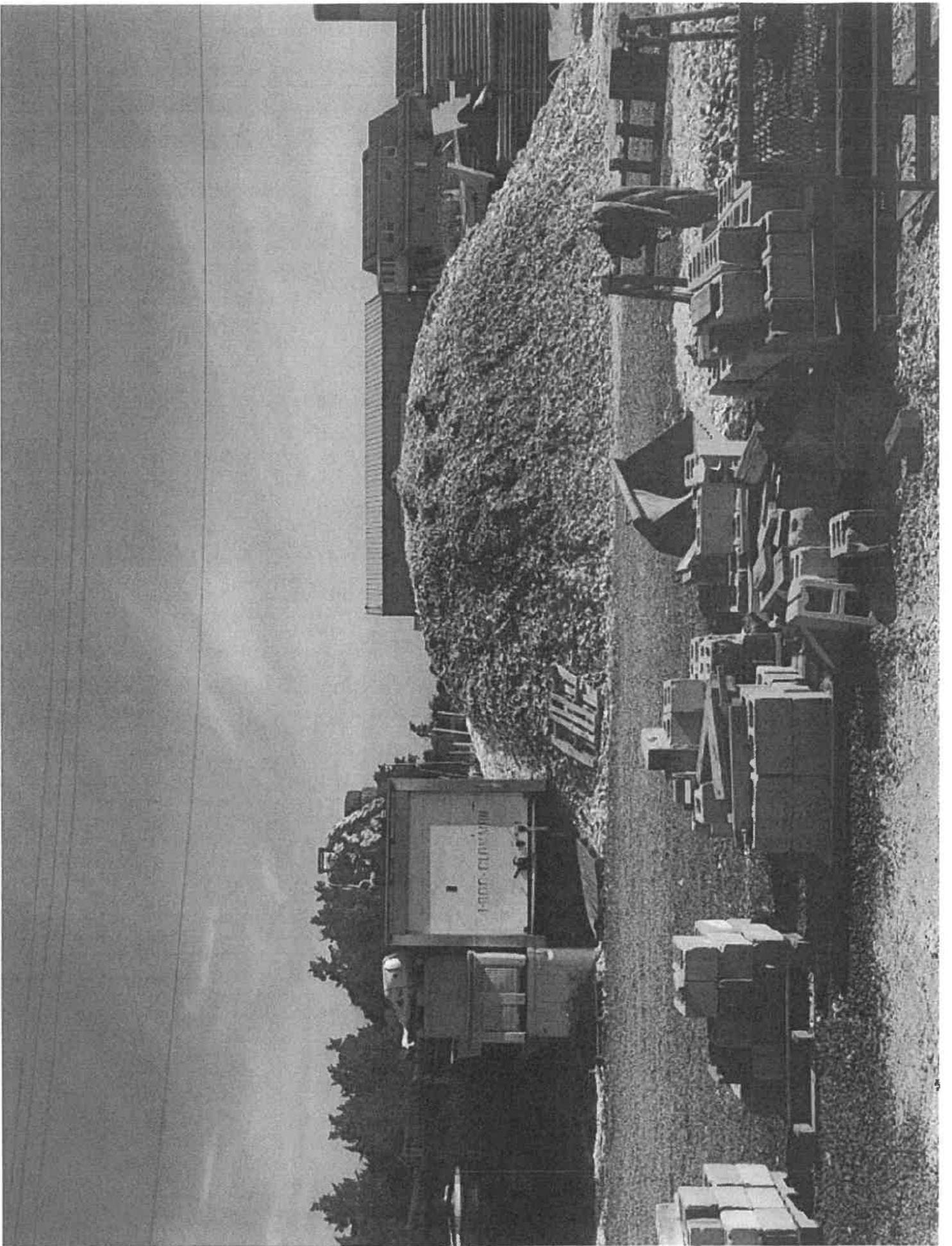
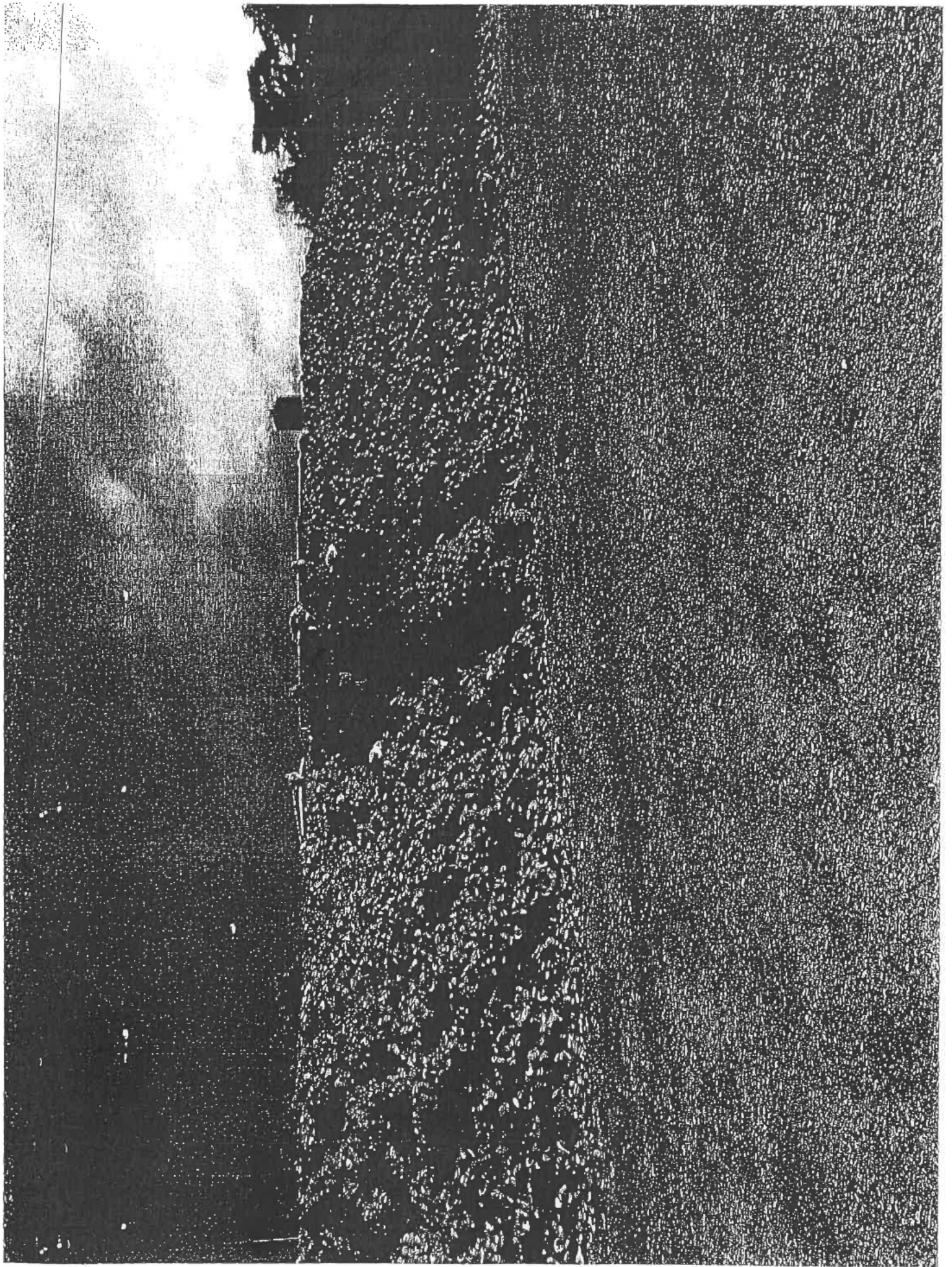


EXHIBIT C



Marine Resources Administration Shell Recycling Program

2022 Collection Year



Annual Report

Scott Stueber

Fisheries Biologist

New Jersey Department of Environmental Protection

New Jersey DEP Fish and Wildlife

Marine Resources Administration- Bureau of Marine Habitat & Shellfisheries



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Acknowledgments

The Shell Recycling Program would not be possible without the hardworking, dedicated staff of the Marine Resources Administration's Bureau of Marine Habitat & Shellfisheries, restaurant partners, program partners, and supporters. Great appreciation is expressed to Les Frie, Ricky DiVaccaro, Michael Lindner, and Michelle White for performing weekly shell collection, data collection/ entry, preparation of materials, and the operation and maintenance of equipment. Special thanks are offered to Jenny Tomko in program outreach planning and execution. Appreciation is extended to the Bureau of Marine Fisheries staff for assisting with shell collection operations. Sincere appreciation is extended to supervisory staff, Kira Dacanay, Jeff Normant, and Russ Babb, for guidance and direction on shell recycling activities. Thanks are extended to all restaurant partners, Hard Rock Hotel & Casino, Dock's Oyster House, Knife & Fork Inn, Steve & Cookies by the Bay, and Golden Nugget Casino. Finally, thanks to all program partners and supporters, including the Jetty/ Jetty Rock Foundation, Stockton University, Rutgers Cooperative Extension, the Atlantic Coast Fish Habitat Partnership, Atlantic County Utilities Authority, and the Casino Reinvestment Development Authority.

Executive Summary

This report documents recycled shell collection in 2022 by the Marine Resources Administration's Shell Recycling Program in Atlantic City, New Jersey. Included are the economic and potential ecological benefits, logistical tasks, partners, outreach, and challenges associated with the collection of shell. Additionally, this document summarizes program operations, origins and history, the partners' roles, and the recycled shell's intended use. In 2022, a total of 3,362 bushels (92.45 tons) were collected from five restaurant partners. A separate report providing a complete analysis of the MRA's shellfish enhancement activities, in which recycled shell is a critical component, will be produced and available in the coming months. Full shell planting activities are not described in this report.

Introduction

Eastern oysters (*Crassostrea virginica*) are a keystone species, meaning they are an integral part of a healthy ecosystem. As reef-building organisms, oysters provide structural habitat for many of New Jersey's commercially and recreationally important species, such as striped bass, blue crab, and summer flounder. The three-dimensional structure the reefs create offers protection from predators and forms a nursery ground for juvenile finfish. Additionally, adult oysters can filter significant volumes of water, helping to improve water quality by cycling excess nutrients.

Oysters are critical socially and economically in the United States, recognized as one of the most popular seafood dishes served at seafood restaurants. Traditionally, when oysters and other bivalve shellfish (such as hard clams, *Mercenaria mercenaria*) are consumed at a local restaurant, the leftover shell is put in the trash for disposal in a landfill. Shell recycling programs aim to beneficially reuse what otherwise would be a waste product by collecting the shell and using it for oyster enhancement efforts. The cured shell provides the hard substrate required for oyster populations to grow and succeed. In addition to the ecological benefits, shell recycling produces significant cost savings for local restaurants (see Table 5) by reducing the total weight of trash produced. Recycling shell also allows local restaurants to display their commitment to environmental stewardship, providing a good advertising platform to engage consumers.

In February of 2019, NJDEP Marine Resources Administration (MRA), the Jetty Rock Foundation (JRF), Rutgers Cooperative Extension (RCE), and Stockton University (SU) collaborated on the development of a conceptual shell recycling program in Atlantic City, New Jersey. The program was developed after the Hard Rock Hotel and Casino in Atlantic City (HRC) learned of an existing program in Long Beach Township, New Jersey, and expressed interest in recycling shell. The Jetty Rock Foundation and Long Beach Township built a successful model through their Oyster Recycling Program, demonstrating how municipalities can make shell recycling efforts successful, and it sparked the interest and development of this program in Atlantic City. Many other shell recycling programs exist throughout the United States.

As anticipated, the benefits of shell recycling have become appealing to additional casinos and area restaurants. As the partnership moved forward, many logistical challenges became apparent. Transportation, storage, and curing locations for the shell are among the most challenging,

especially with the prospect of adding more casinos/restaurants. Shell was being collected by RCE using an F-250 pickup truck and stored at the SU marine field station, which was quickly running out of available storage space. Trucks were manually loaded at the casino and unloaded at SU marine field station. The process was incredibly time-consuming and labor-intensive. Additional partners were sought to help with these challenges but without success. Consequently, in October 2019, after careful consideration and discussions with partners, the MRA agreed to take on a larger coordination role in this project to help continue its growth and success. Having assumed the lead role in the program, MRA dedicated staff, equipment, and resources. The program has expanded significantly since 2019 and now serves Hard Rock Hotel & Casino, Dock's Oyster House, the Knife & Fork Inn, and Golden Nugget Hotel & Casino. The program continues in efforts to expand to additional venues in the Atlantic City region.

Program Implementation

Partnerships, Roles, and Support

Project Partners & Supporters

NJDEP Marine Resources Administration:

MRA is responsible for protecting and managing New Jersey's marine habitat, resources, and industry. Improving the overall conditions of shellfish habitat and increasing shellfish populations through various enhancement and restoration programs is a focus of the MRA. These programs provide a net benefit to the ecology of New Jersey's estuarine waters and afford harvest opportunities for commercial and recreational shellfishermen. The MRA is the coordinating agency for this program and will collect, store, and plant the recycled shell primarily to enhance the Mullica River oyster reefs, one of the last self-sustaining oyster populations on the Atlantic coast of New Jersey.

Jetty/ Jetty Rock Foundation:

Jetty/Jetty Rock Foundation is an outdoor coastal lifestyle apparel brand and certified corporation that runs charitable initiatives through its 501(C)3 nonprofit. Jetty is the content/media creation partner of the Shell Recycling Program. Jetty designed the Shell Recycling Program logo and all promotional materials. Jetty will continue producing media, signage, apparel, and content for the program moving forward.

Rutgers Cooperative Extension:

RCE provides science-based educational programs and brings knowledge of the state university to local communities. Extension efforts include educational programming and applied research in fisheries, aquaculture, and coastal resource management, part of which is the Barnegat Bay Shellfish Restoration Program that focuses on estuarine ecology, environmental stewardship, and shellfish biology, restoration, and aquaculture. RCE assists the shell recycling program where necessary by providing resources in Ocean and Atlantic Counties, including personnel, relevant educational programming for the public and volunteers, and support for other logistics involved (i.e., vehicles, shell transport, and planting)

Stockton University Marine Field Station:

The SU marine field station houses research vessels, sampling equipment, and staff to conduct research-driven programs. Faculty at the SU conduct oyster restoration and monitoring projects throughout New Jersey's coastal bays and seek external funding and partnerships to support those projects. The University is well situated, geographically and strategically, to serve the program through student engagement, research, and monitoring.

Atlantic Coast Fish Habitat Partnership:

The Atlantic Coast Fish Habitat Partnership (ACFHP) endorsed the Shell Recycling Program in 2019. ACFHP's focus is "*enhancing, preserving, and protecting Atlantic diadromous, estuarine, and coastal fish habitats.*" The Shell Recycling Program aligns with ACFHP's mission-centric work by enhancing coastal fish habitat with the collected shell being beneficially reused to provide much-needed hard substrate to local oyster reefs.

Catrachos Trash & Recycling:

In 2021, Catrachos Trash and Recycling (CTR) assisted the program's expansion by providing several 64-gallon recycling containers for shell collection (see Figure 13). The containers facilitated a more efficient shell collection process and allowed additional venues to join the program. CTR continues to display support for the program, and the supplied containers are still used regularly.

Casino Reinvestment Development Authority:

The Casino Reinvestment Development Authority (CRDA) facilitates economic and community development in Atlantic City. The Shell Recycling Program aligns with the CRDA's mission by achieving cost savings for local restaurants, keeping waste out of landfills, and engaging with the public. CRDA funded the purchase of additional shell recycling containers (see Figure 12), expected to arrive in early 2023.

Atlantic County Utilities Authority:

The Atlantic County Utilities Authority (ACUA) continually seeks ways to provide responsible waste management services through the protection of waters and lands. Shell recycling fits within the overall mission of the ACUA in using a waste product to benefit local ecosystems. ACUA has displayed public support for the program and assisted in fostering a relationship with CRDA. Additionally, ACUA hosts an annual Earth Day festival that provides an excellent platform for the program's public engagement.

Restaurant Partners¹:

Table 1

Active Restaurant Partners

Start Date	Venue
February 2019	Hard Rock Hotel & Casino
January 2020	Dock's Oyster House
August 2020	The Knife & Fork Inn
October 2021	Steve & Cookies by the Bay
September 2022	Golden Nugget Hotel & Casino

Areas for Future Partnership

Collection Assistance:

At this time, MRA can only dedicate staff members to collect shell on a weekly basis. This limits the ability to include additional casino or restaurant participants. Many prospective restaurants are deterred from joining the program when requests for more frequent collection due to odor or storage constraints cannot be met. Vehicle/staff support for supplementary shell collections during the week would provide the opportunity for more venues to join the program.

Public Drop-Off Locations:

The top question received by MRA staff is where the public can drop off shells from personal shellfish consumption. Currently, the program does not offer a public drop-off location. MRA staff has contacted local trash and recycling centers and county parks and recreation departments to find a suitable public drop-off location, but they have yet to be identified. This is an area for a future partnership that would help increase public engagement and environmental stewardship education.

Shell Collection

Shell is picked up weekly by MRA staff on an agreed-upon schedule with the restaurant partners. In 2022, staff continued use of its dump trailer (see Figures 13-16) equipped with a hydraulic lift arm to maximize efficiency. The dump trailer allows for the collection of up to 175 bushels of shell (nearly five tons) in one trip. The capacity of the dump trailer has allowed for continued expansion. In September 2022, the Golden Nugget Hotel & Casino became a restaurant partner.

¹ Steve & Cookies by the Bay was a restaurant partner through July 2022. Due to odor and collection frequency, Steve & Cookies opted to no longer participate in the program.

All restaurant partners keep shell separate from their regular trash stream and place them in the designated Shell Recycling Program containers. Each venue uses 64-gallon recycling containers (see Figures 12-13). To accurately assess the amount of shell collected from each venue, the total volume of the container was determined relative to the US standard bushel. Staff estimated that the maximum number of bushels per container is 6.90 bu/container (e.g., a 64-gallon container has a volume of 8.56 cu ft, and a standard US Bushel has a volume of 1.24 cu ft, $8.56/1.24 = 6.90$ bu./container)

During pickups, staff recorded pertinent data (see Figure 5), which included a percentage estimate of the fullness of each container. This percentage and the maximum bushels per container were used to estimate the number of bushels collected. All shell was transported back to Nacote Creek Research Station, where it was left to cure for a minimum of six months.

In 2022, a total of 3,362 bushels of shell were collected, an estimated 92.45 tons. This marks a 39.5% increase in collected shell from 2021 (see Table 3 and Figures 2-4).

Curing Site & Maintenance

Prior to shell being returned to a marine environment for oyster reef enhancement, it must cure by being subjected to the elements to rid it of any potential pathogens or bacteria that may be left on the shell. This primarily refers to Dermo disease (*Perkinsus marinus*), which is not harmful to humans but can be detrimental to native oyster populations. The curing process reduces the risk to the native shellfish population when adding the shell back into the marine environment. According to Bushek et al. (2004), a minimum curing of one month is needed to dramatically reduce the risk of spreading *P. marinus*. Out of an abundance of caution, most shell recycling programs use a six-month curing period prior to planting shell back in the marine environment.

In following this protocol, MRA staff spreads the collected shell as thin as possible and tends to it regularly using a front-end loading tractor. Spreading the shell out and rotating piles allows for maximum exposure to the elements, speeding up the curing process. Regularly tending the shell ensures that all shells are safe to be planted after six months. Additionally, this process ensures that any unintended trash present in the collected shell is removed and will not enter the marine environment.

One of the many challenges in recycling shell is finding an adequate storage location to place the shell while curing. Due to the strong unpleasant odor and the amount of space needed, it can be challenging to identify appropriate locations, especially within New Jersey's heavily developed coastal communities. In 2020, the MRA developed two storage sites at the Nacote Creek Research Station in Port Republic, a long-term storage and short-term staging area (see Figure 1). Shell is stored in the long-term storage area (see Figures 16-17) until it is cured and then is loaded back into the dump trailer to be transported down to the short-term staging area by the waterfront (see Figure 18). Placement here allows for the easy loading of the shell onto a barge for shell planting. The Nacote Creek Research Station is uniquely situated, only a short boat ride away from the Mullica River oyster reefs, allowing for an efficient shell planting process.



Figure 1. Shell Curing Locations

2022 Shell Planting²

The Summer of 2022 marked the second annual shell plant on the Mullica River oyster reefs with recycled shell. The Mullica River is the initial focus for enhancement using collected shell as it houses one of the last self-sustaining oyster reefs on the Atlantic coast of New Jersey. These reefs are an excellent platform to enhance and expand due to this oyster populations' resiliency. A full report on the MRA's shellfish enhancement efforts is under development and will provide additional detail on the planting process, equipment, methods, and results.

The MRA rented a 40-foot-long by 24-foot-wide barge from a local contractor that was delivered to the Nacote Creek Research Station. Shell was loaded from the staging area onto the barge using a 3032e John Deer tractor. The tractor loaded shell onto a 30-foot-long portable electric conveyor that was staged overhanging the bulkhead with the end centered over the barge (see Figure 19). The barge and conveyor were shifted periodically throughout the loading process to ensure the barge was loaded evenly for proper weight distribution. Once loaded, the barge was towed to the planting site by the MRA's 42-foot research vessel, RV Zephyrus. Shell was then planted using a series of high-pressure water hoses, including a new water cannon (see Figure 21), to blow shell off the barge and onto a 2-acre parcel within the Mullica River oyster reefs. Shell planting commenced over several weeks throughout June and July to align with the oyster spawn. Planting during this time allows for the greatest likelihood of successful recruitment.

The Shell Recycling Program, while it expanded considerably in 2022, did not collect enough shell to meet the MRA's enhancement goals. As a result, the recycled shell was supplemented with additional shell sources for the 2022 shell plant. In total, 5,000 bushels (125 tons) of shell was planted: 2,410 bushels (66 tons) of recycled oyster and clam shell and 2,590 bushels (58 tons) of surf clam shell. The recycled shell planted in 2022 was collected in 2021 in accordance with shell curing protocols. Shell collected in 2022 will be planted in the Summer of 2023. The planted shell will allow this resilient oyster population to expand and succeed. The MRA intends to plant shell on these reefs annually to provide the substrate needed for continued success.

Outreach

2022 brought continued progress in branding the Shell Recycling Program, community engagement, and content creation. One of the priorities set for 2022 was to attend public events to raise awareness of shell recycling and engage with the community. The program attended four events (see Table 2 and Figures 6-9).

² Recycled shell planted in 2022 was collected in 2021. Shell collected in 2022 will be planted in 2023 in accordance with shell curing protocols.

Table 2

Events attended in 2022

Date	Event
4/23/2022	A.C. Community Day Cleanup and Party in the Park
4/24/2022	Atlantic County Utilities Authority Earth Day Festival
6/7/2022	Mr. B's Backyard Nature Fest
12/6/2022	Presentation for Toms River Regional Schools

To assist in outreach efforts, MRA staff worked with Jetty to create a pop-up tent, a collapsible banner, and a brochure for the Shell Recycling Program (see Figures 6-11). The brochure and banner outlined the shell recycling process and displayed all partners and supporters.

MRA staff developed a QR code with New Jersey Fish & Wildlife's Bureau of Information and Education to allow easy public access to the Shell Recycling Program webpage. The QR code will be included in all promotional materials and is now displayed on the back of the dump trailer.

Challenges and Lessons Learned

While 2022 demonstrated a significant increase in the program shell collection, branding, and general program awareness, the program still faced many challenges and lessons learned throughout the year.

Trash in Collected Shell

One of the continuing challenges associated with shell collection is receiving shell that contains trash. This includes excess food waste, plastic utensils, cans, bottles, straws, etc. Ensuring that these items do not find their way back into the marine environment is a top priority for the MRA. To minimize this issue, MRA has discussed the importance of this matter with restaurant partners and has instituted a protocol for tending to shell (see Curing and Maintenance) during the curing process in which any remaining trash is removed. Additionally, MRA staff uses a vessel and crew dedicated to collecting remaining trash that makes its way into the marine environment during the planting (see Figure 24).

Odor Produced by Shell Collection at Restaurants

Another continuing challenge associated with shell collection is the odor produced by the accumulated shell at the venue and insects being attracted to the area. This continues to be an issue for venues that have outdoor seating during the warmer months. MRA staff continues to work with restaurant partners to find cost-effective solutions to alleviate this issue.

Collection Frequency

Due to the above issue regarding odor, many venues request more frequent shell collection than the standard once-per-week currently in place. Due to staff and equipment limitations, MRA is currently unable to collect shell more than once per week. This results in some restaurants not participating in the program. Collection frequency and the odor produced by the shell directly led to Steve & Cookies by the Bay's departure from the program in July of 2022.

The Shell Recycling Program does not have dedicated full-time staff. The full-time staff working on this program contribute considerable time to shell collection (see Table 4.), amongst other non-shell recycling duties. Adding additional part-time dedicated staff will assist with program operations.

Equipment

The program dump trailer has been an exceptional upgrade to the performance of the Shell Recycling Program that has permitted expansion, more efficient collections, and decreased manual labor. Despite these benefits, there is concern that as the program expands, dependence on the trailer increases, and should the trailer have mechanical or other issues, serving the increased capacity would prove to be challenging.

The MRA, since 2021, has rented barges for shell planting events. As discussed in the shell planting section, the MRA conducts shell planting in June and July to coincide with the oyster spawn. The timing of this is essential as it offers the greatest likelihood of success in recruitment on the newly planted shell. In 2022, shell planting was forced to commence two weeks earlier than planned because the barge contractor had another urgent job during our scheduled use. While shell planting was still successful, the schedule change made accomplishing the task challenging. To avoid this issue in the future, MRA will research the purchase of a barge for future use. Purchasing a barge would also create opportunities for planting more frequently throughout the year.

Updates and Improvements

Based on lessons learned in 2021, the Shell Recycling Program significantly improved program operations in 2022 with noteworthy updates and improvements.

One of the challenges continually faced by the program is ensuring the longevity of the equipment used. As addressed in the 2021 Shell Recycling Program annual report, the dump trailer is a critical component to the viability and success of the program. In addition to the regular washing of the trailer, and the previously installed stainless steel plating, MRA staff added the application of a corrosion inhibitor after each shell collection. This solution dissolves salt and leaves a coating that protects against future corrosion. The solution is applied to the entire dump trailer and lift arm to ensure the longevity of this equipment.

Collection frequency, odor, and attraction of insects were among the top challenges identified in 2021. While MRA still cannot increase collection frequency, the program attempted to find solutions to foul odor and insects. In 2022, working with Steve & Cookies by The Bay, plastic caps (similar to shower caps) were added to cover the closed containers. This, and using trash liners within the shell recycling containers, alleviated some odor/insect concerns. However,

despite these efforts, odor and insects remain a challenge and ultimately led to Steve & Cookies by the Bay's departure from the program in July of 2022.

To reduce the time full-time staff spends on shell collection, the MRA successfully hired an hourly employee in 2022. This employee assisted with shell collection, equipment operation, maintenance, data entry, and the annual shell planting on the Mullica River oyster reefs. Adding this employee helped reduce full-time staff's time spent on shell collection, which was a goal for 2022.

As discussed in the outreach section, program awareness and outreach were priorities identified for 2022. To meet this need, the MRA attended multiple events (see Table 2) and worked with Jetty to create a program brochure, banner, and pop-up tent (see Figures 6-11).

MRA staff compiled a record of all restaurants serving shellfish in the greater Atlantic City area. This database categorizes restaurants by the number of bivalve shellfish served and proximity to existing restaurant partner locations. This will help target additional restaurant partners and maximize efficiency in shell collection.

MRA coordinated with the Casino Reinvestment Development Authority (CRDA) and the Atlantic County Utilities Authority (ACUA) to obtain additional shell recycling containers for the program (see Figure 12). CRDA funded the purchase of smaller (32-gallon) containers that will help reduce the strain on the lift arm. The containers will display the New Jersey Fish & Wildlife and CRDA logos. To reduce the amount of trash placed in them, the containers will be lime green to differentiate them from other trash receptacles. The new containers are expected to be delivered in early 2023 and immediately used at existing venues and any new restaurant partners. This development directly addressed two challenges identified in the 2021 Shell Recycling Program annual report (strain on the lift arm and excess trash).

MRA purchased a John Deere 5100e utility tractor in 2022 and expects delivery in early 2023. The addition of this tractor will result in increased efficiency. A larger bucket volume, load capacity, and height clearance significantly reduce staff time tending to shell piles, transportation between storage locations, and loading the barge.

MRA purchased a water cannon (typically used on fire trucks) for shell planting (see Figure 21). The water cannon provided greater control and stability when planting shell. This addition allowed for a more efficient shell planting process and increased the safety of shell planting for staff.

Plans for 2023

MRA staff intends to continue to serve existing restaurant partners weekly in 2023. In addition to regular shell collection, the main priorities for 2023 include the following:

- Integrate new 32-gallon shell recycling containers into the regular collection route.
- Work with program partner Jetty to create new and update existing outreach materials for the program.
- Increase social media presence to increase program awareness.
- Work with New Jersey Fish and Wildlife's Bureau of Information and Education staff to update the shell recycling video that was produced in 2021. Create new video and photo content to be used for social media posts.

- Work with restaurant partners to assist with developing methods to display involvement and commitment to shell recycling.
- Attend more public events and give presentations to better promote the program and generate awareness of shell recycling and the public's role in environmental stewardship.
- Continue researching and working with restaurant partners to evaluate and develop innovative solutions to odor and insect problems.
- Work to develop a public drop-off location for shell to be discarded.
- Obtain a secondary dump trailer that can be used as a backup for shell collection and transporting shell around the Nacote Creek Research Station.
- Add a minimum of two additional restaurant partners to increase shell volume.
- Hire an additional hourly employee dedicated to shell collection and equipment maintenance.
- Plant collected shell from 2022 and supplemental surf clam shell on the Mullica River oyster reefs.

Appendix

Shell Collection Numbers

Table 3

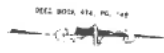
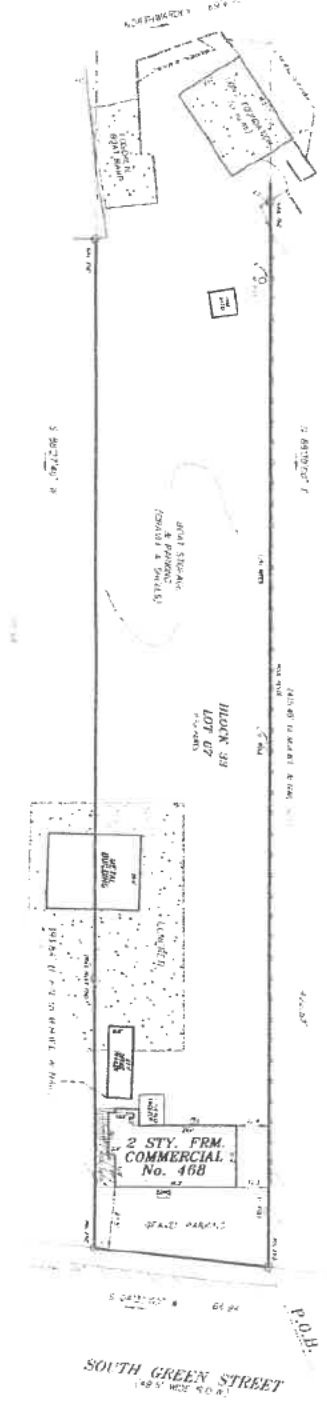
Collection Statistics by Year³

<u>Year</u>	<u>Total Number of Trips</u>	<u>Average Run Time (h: mm)</u>	<u>Average Number of Bushels Per Trip</u>	<u>Total Bushels Collected</u>	<u>Total Tons Collected</u>
2020	36	1:22	18.9	672.7	18.5
2021	51	2:02	47.3	2410.3	66.3
2022	51	2:38	65.9	3,361.6	92.5

³ Shell collection numbers were significantly lower than anticipated in 2020 as a direct result of COVID-19. Collection was suspended for three months, and many restaurants did not reopen until 2021.



TUCKERTON CREEK



SOUTH GREEN STREET

THIS SURVEY WAS MADE BY THE S. L. HARRIS & SONS, INC., OF THE CITY OF NEW YORK, FOR THE PURPOSE OF DIVIDING THE LAND SHOWN INTO LOTS AND ALLOCATING THE SAME TO THE SEVERAL PARTIES CLAIMING THE SAME.

THESE LOTS ARE SHOWN AS BEING THE SAME AS THOSE SHOWN ON THE MAP OF THE CITY OF NEW YORK, IN THE YEAR 1890, AND AS BEING THE SAME AS THOSE SHOWN ON THE MAP OF THE CITY OF NEW YORK, IN THE YEAR 1900.

PLAN OF SURVEY
LAND LINE SURVEYING
S. L. HARRIS & SONS, INC.
NEW YORK, N. Y.

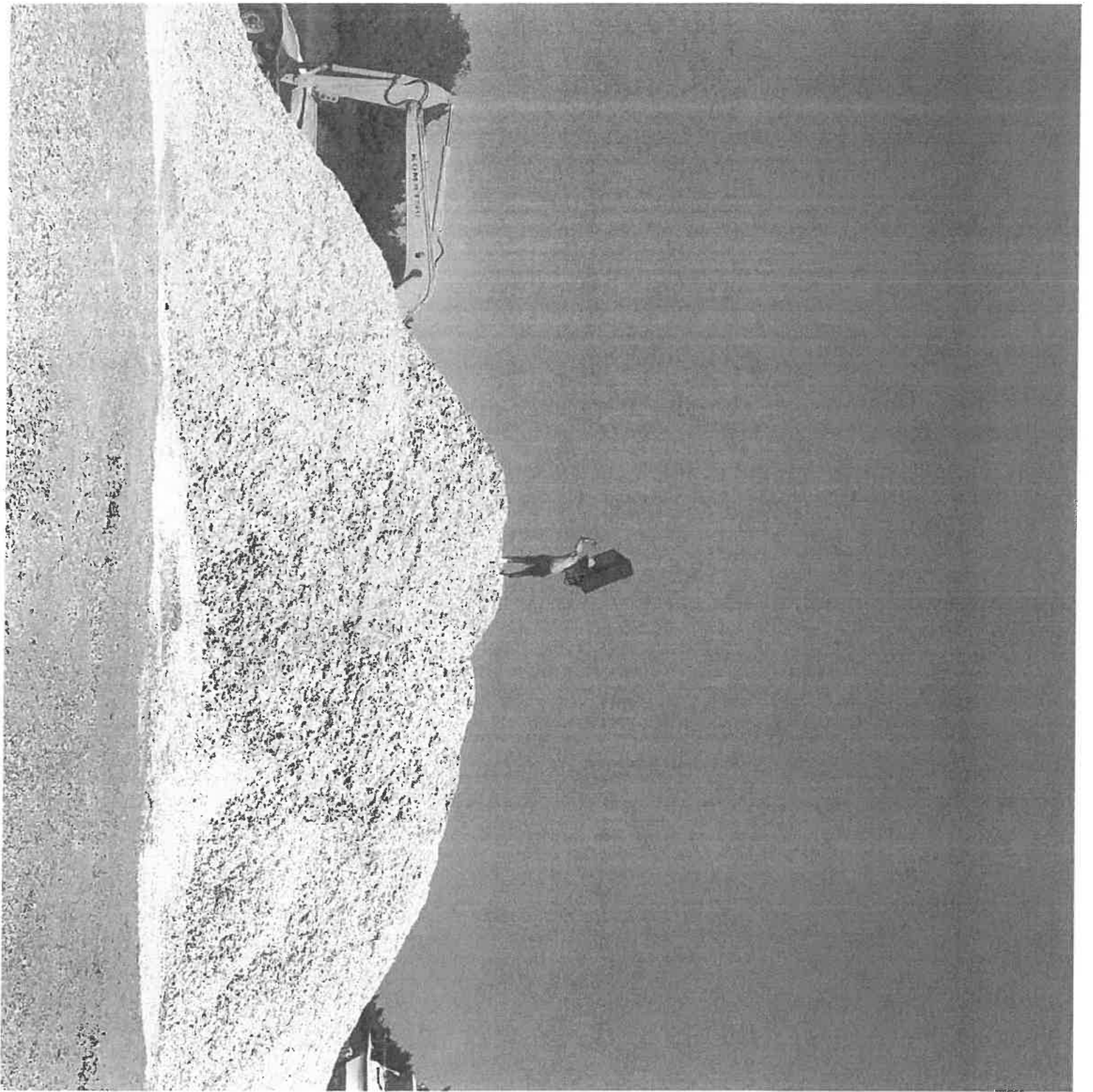
EXHIBIT D

Lauren Dooley

From: [REDACTED]
Sent: Wednesday, September 25, 2024 1:41 PM
To: Lauren Dooley
Subject: Re: Parsons Mariculture

Legislative tour list, pls be sure the board receives this list

Secretary of Agriculture Ed Wengryn
Commissioner of Health Dr. Kaitlan Baston
Assistant Secretary Joe Atchison
Steve Lee, IV – State Board of Agriculture
Joel Viereck – State Board of Agriculture
Senator Nilsa Cruz-Perez – Chair Senate Economic Growth Committee
Assemblyman Bill Spearman – Chair Assembly Commerce, Economic Development & Agriculture
Assemblywoman Andrea Katz – Assembly Commerce, Economic Development & Agriculture and Environment, Natural Resources, and Solid Waste
Assemblywoman Carmen Theresa Morales - Assembly Commerce, Economic Development & Agriculture
Assemblywoman Luanne Peterpaul - Assembly Commerce, Economic Development & Agriculture
Jen Spiegel – Gov's Office
Lance Taylor – Gov's Office
Claire Gaston – Legislative Aide to Asw Peterpaul
Max Vilchis – Intern (Doing study on Aquaculture - Peterpaul)
Elizabeth Theodore – Asm Maj Environment
Ashley Jaramillo – Assembly Rep Office
Brett Philip – Assembly Rep Office
Max Blum - COS - Asw Alixon Collazos-Gill
Ameerah McCoy – COS to Asw Morales
Reece Jones – Legislative Aide to Asm Spearman
Erika Nava – Senate Economic Growth
Nohemi Sonia – COS Sen Cruz-Perez
Nick Dannenfelser-Legislative Director – Asw Katz
Patrick Lee-Director of Constituent Services – Asw Katz
Anthony Arbeeny – General Manager – The Nassau Club
Tameko Webster – Chief of Staff NJDA
Frank Minch – Director – Division of Agriculture & Natural Resources
Dr. Amanda Wenzel – Aquaculture Specialist NJDA
Alyssa Pitt – Governor's Fellow NJDA
Jeff Wolfe – Public Information Officer NJDA
Rob Vivian – Legislative Liaison NJDA
Ashley Kerr – NJ Farm Bureau
Al Murray – NJ Farm Bureau
Christine Raabe – Ocean County Soil Conservation District
Kristin Adams - OCSCD

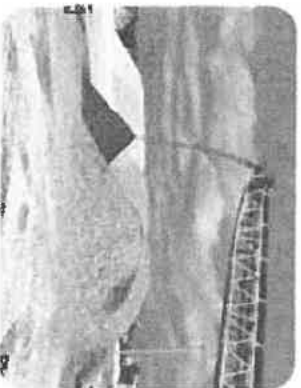


10:00

4G LTE



Friday, 9/22/2023



stacking shell at our shell
storage facility 6989
Miller Avenue Port Norris nj

Awesome

How many business a year you
turn?

96 thousand 2024

Thank you

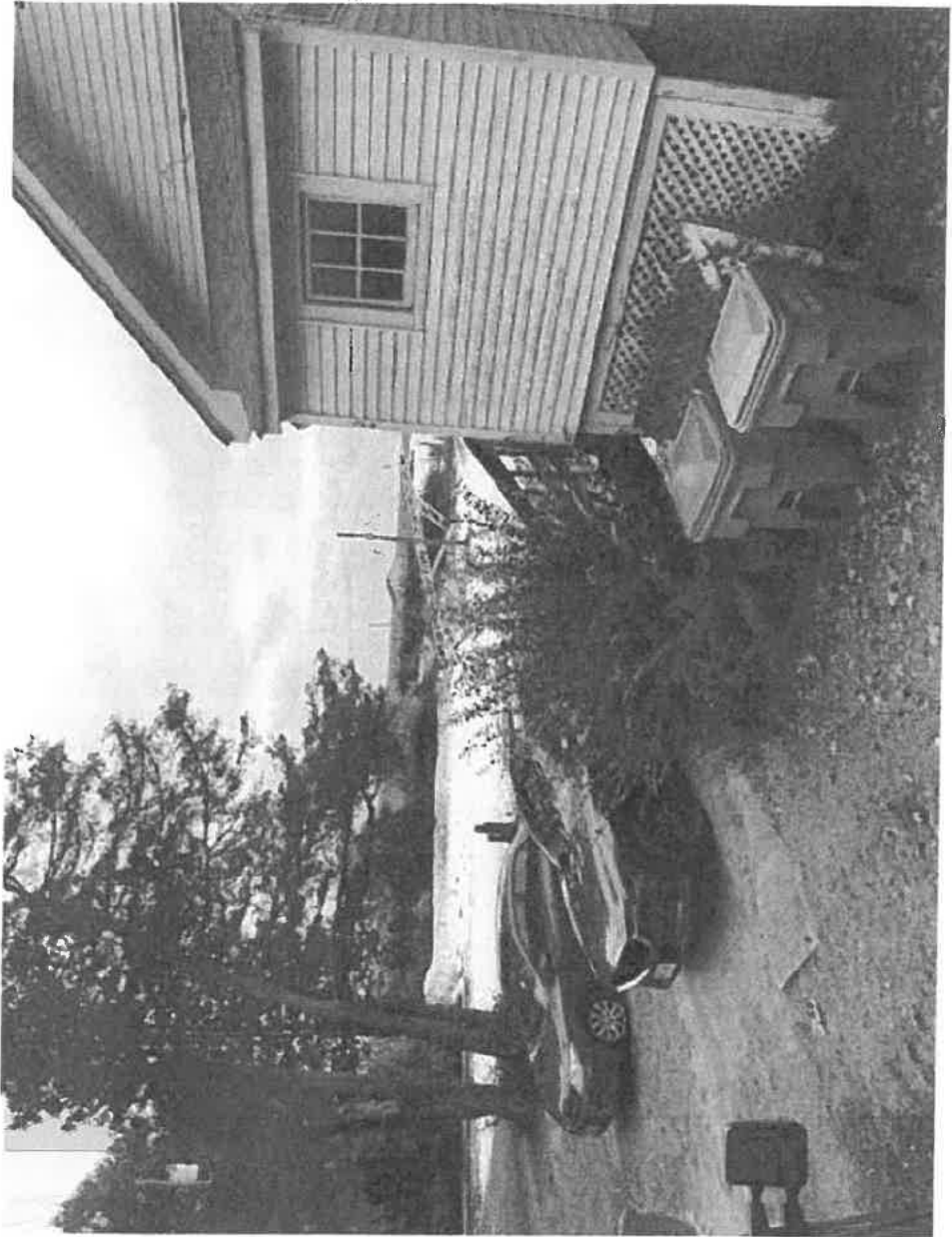


EXHIBIT E

The ECSGA represents the 2,300 shellfish farmers from Maine to Texas that collectively harvest \$170M in sustainably produced shellfish. The USDA's Environmental Quality Incentive Program (EQIP) supports oyster reef restoration in at least six states providing millions of dollars to support these projects through the Farm Service Agency. Several more states are seeking to tap into these funds to develop similar programs in their states.

The FSA Approved Practice requires practitioners to deploy shell to harden the bottom prior to planting young oysters on the top to develop an oyster reef because of the proven ecological benefits that oyster reefs provide including: mitigating excess nitrogen, improving water quality and clarity, enhancing biodiversity, and increasing fish survival and future harvest.

The Best Practices established for the use of shell require the practitioner to age the shell for a year prior to deployment as a biosecurity measure.

Spreading aged shell on bay bottoms has been an established traditional method of increasing oyster populations in New Jersey for over a century.

As in most states, the NJ Right to Farm regulations allow farmers to dispose of organic waste on site such as clam and oyster shell from farming operations (Protected Agricultural Activities, N.J.S.A. 4:1C-9). We submit that these farming activities are protected under the Right to Farm Act even if neighbors may object to odors associated with this farming activity, similar to manure spreading or composting.

An adverse decision here could impact millions of dollars of EQIP-funded oyster reef restoration projects in many other states and we encourage you to find amenable solutions that respect the rights of farmers to conduct traditional farming practices.

Sincerely,

Robert B. Rheault, Ph.D.

Executive Director

bob@ECSGA.org

(401) 783-3360

Steve Evert:

Public comment on New Business A:

NJ

08008

As a coastal resident and a professional working in the marine science community of New Jersey I would like to emphasize to the Committee the importance shellfish farming in New Jersey, and especially those farmers that are engaged in restoration activities. A limiting factor to implement these programs is both the geographic location of the farmer relative to the restoration sites and the ability to recycle and cure shell. The act of recycling and curing the shells is an essential practice of those farmers. Mr. Parson's farming activities, by extension of his experience, physical resources and geographic location relative to Barnegat and Great Bays, has contributed positively to restoration activities in since at least 2015. These restoration programs will continue with anticipated successful funding and it is essential to their success that we have the ability to engage with oyster farmers. Thank you.