

MINUTES OF THE MEETING
OF THE
ATLANTIC COAST SECTION OF THE NJ SHELLFISHERIES COUNCIL MEETING

Nacote Creek Law Enforcement
Port Republic, NJ
March 21, 2016

Present were: Chairman: John Maxwell (Atlantic County)
 Vice Chairman: Walter L. Johnson II (Ocean County)
 Councilman: Walter Hughes (Monmouth County)
 Councilman: Vacant (Cape May County)
 Councilman: Vacant (Burlington County)

DEP Representatives: Brandon Muffley, Marine Fisheries Administration
 Jeffrey C. Normant, Bureau of Shellfisheries
 Kira Dacanay, Bureau of Shellfisheries
 Jenny Tomko, Bureau of Shellfisheries

Mr. Normant read the State's compliance with the Sunshine Law and announced that the meeting would be recorded. Notice was filed with the Secretary of State Office and newspapers designated by the Department.

1. Total Revenue for January 2016: \$ 1,637.10
 Shellfisheries Law Enforcement Fund: \$ 1,350.00

 Total Revenue for February 2016: \$ 2,508.38
 Shellfisheries Law Enforcement Fund: \$ 800.00

2. Presentation of January 11, 2016 minutes for approval.

The minutes of the January 11, 2016 meeting were presented for consideration and approved on a motion by Mr. Johnson, which was seconded by Mr. Hughes.

3. Applications for Transfer

LESSEE	APPLICANT	LOT #	SECTION	ACRES	LOCATION	MAP #
Richard Collins	John Daffin	2750	B	1.44	Shelter Island	28
Claire Zimmerman	Paul Felder	1033	A	1.84	Great Sound	5
George Simmons	Paul Felder	1038	A	1.96	Great Sound	5
Richard Hartman	Dale S. Parsons	82.1	B	2.36	GB- Graveling Pt.	1

Without discussion, the lease transfers were approved on a motion by Mr. Johnson, which was seconded by Mr. Hughes.

4. Applications for Consideration

LESSEE	LOT #	SECTION	ACRES	LOCATION	MAP#
Robert D.Fricke	39	B	2.00	GB-Graveling Pt.	1
Michael Camp	222	A	2.00	Ludlam Bay	1

Messrs. Fricke and Camp were present at this meeting. Pursuant to leasing regulations, N.J.A.C. 7:25-24.6, the applicants must attend one of two meetings at which the Council reviews their applications. A decision on the above applications would be rendered at the next meeting.

5. Old Business:

Shellfish Aquaculture Leasing Policy

Mr. Normant stated that the development of the Council's Shellfish Aquaculture Leasing Policy of the New Jersey Shellfisheries Council was a collaborative effort between NJDEP's Marine Fisheries Administration, Bureau of Shellfisheries (Bureau), the Council, and the Leasing Committee. The purpose of the Policy was to manage shellfish aquaculture leases in New Jersey's Atlantic Coastal waters by creating a document that summarized all past Council policy decisions for existing lease areas and providing direction in the establishment of new lease areas. This Policy should provide current and future lessees with a clear and predictable guidance in leasing for shellfish aquaculture. This Policy is a living document that will be amended when new Council policies are implemented, with the advice of the Leasing Committee.

Mr. Normant stated that the Council's approval was necessary to move forward due to the Council's authority to issue shellfish leases in Title 50. On a motion by Mr. Johnson and a second by Mr. Hughes, the Council approved the Leasing Policy. Mr. Normant stated that the Leasing Policy document would be available to the public at the Nacote Creek Shellfish Office and on the Division's website.

Mr. Normant stated that the moratorium on existing lease areas would end, however, no proposals for new lease areas would be accepted until the leasing regulations at N.J.A.C. 7:25-24 were revised. Mr. Normant stated that the Leasing Committee's Regulatory Subcommittee will be meeting on March 30th.

Committee Appointments

Messrs. Ned Gaine and Peter McCarthy were nominated to serve on the Shellfish Aquaculture Leasing Committee and the Policy Subcommittee and Messrs. Dale S. Parsons and Gef Flimlin were nominated to serve on the Regulatory Subcommittee. Mr. Johnson made the motion to approve the nominations, which was seconded by Mr. Hughes.

Shellfish Growing Water Classification Rules (N.J.A.C. 7:12)

Mr. Johnson requested an update on the status of the Shellfish Growing Water Classification Rules (N.J.A.C. 7:12) and the Council's letter that was submitted regarding this matter. Mr. Normant stated that the comments were still being reviewed by the Office of Legal Affairs and that the Department would respond to the comments submitted as part of the rule proposal process.

Ms. Wenzel from New Jersey Department of Agriculture stated that the Aquaculture Advisory Council (AAC) Subcommittee would be meeting with staff from the Bureau of Marine Water Monitoring to discuss specific questions that were addressed by the AAC. The adoption of the rule was now postponed to June due to the number of comments that need to be reviewed.

6. New Business:

Marine Fisheries Administration Budget

Mr. Muffley informed the Council that the State appropriations for the Marine Fisheries Administration (MFA) had been reduced in Fiscal Year (FY) 2016. Funding of the MFA through state appropriations has been reduced from \$1.8 million in 2011 to \$680,000 in 2016. For the MFA to remain in operation over this time period, monies from the Nuclear Response Fund were used to fill the budget shortfall over the last several years. In FY 2016, however, the anticipated \$1.1 million budget shortfall for the MFA and Marine Enforcement would be funded by Bureau of Shellfisheries dedicated accounts as the Nuclear Response Fund was no longer being used to fill the salary deficit. Mr. Normant stated that these dedicated monies targeted to be used for the MFA budget shortfall were primarily used for Bureau operations such as stock assessment surveys, aquaculture development and shellfish enhancement work. Mr. Muffley stated that in the Governor's FY 2017 proposed budget, the \$1.1 million in state appropriation for the MFA would be reinstated, but the monies taken from the shellfisheries dedicated accounts would not be restored.

Mr. Maxwell suggested the Council meet in an Executive Session during the April 18, 2016 meeting to further discuss MFA funding issues.

Sandy Hook Bay National Marine Sanctuary Proposal

Mr. Hughes announced that the Navesink Maritime Heritage Association (NMHA) was in the process of submitting a nomination to NOAA to create a National Marine Sanctuary (NMS) for Sandy Hook Bay, including the Navesink and Shrewsbury rivers. The Vice President of Navesink Maritime Heritage Association, Rik van Hemmen has held several meeting, including a public hearing on his proposal in Red Bank on March 16th. Mr. Hughes stated that a number of shellfishermen and commercial fishermen attended or tried to attend the meeting in opposition of this proposal (the room was full to capacity and a large number of individuals were denied entry). Mr. Normant stated that the recreational fishing community was also in opposition of the proposal.

The Council stated that it was not in support of the Sandy Hook Bay Sanctuary proposal due to the negative impact it poses on recreational and commercial fishing and shellfishing communities. The Council was prepared to comment on the proposed Sandy Hook Bay Sanctuary if it was submitted for nomination to NOAA.

Aquaculture Advisory Council Meeting

Ms. Wenzel from the NJ Department of Agriculture stated that the next AAC meeting would be on April 8, 2016 at 10 am at the Jacques Cousteau National Estuarine Research Reserve in Tuckerton.

New Jersey Aquaculture Association Meeting (NJAA)

Mr. Parsons announced there would be a NJAA meeting immediately following the AAC meeting on April 8th, 2016 at the Jacques Cousteau National Estuarine Research Reserve in Tuckerton.

With no further business, the meeting was adjourned on a motion by Mr. Johnson and seconded by Mr. Hughes.

7. Date, time and place of next meeting:

DATE: April 18, 2016
TIME: 7 PM
LOCATION: TBA