

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

Nacote Creek Law Enforcement  
Port Republic, NJ  
November 27, 2017

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

DEP Representatives: Jeffrey Normant, Bureau of Shellfisheries  
 Lloyd Lomelino, Bureau of Shellfisheries  
 Brett Nicklow, Marine Law Enforcement  
 Robert Schuster, Marine Water Monitoring

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 October 2017: \$ 12,233.07  
 Shellfisheries Law Enforcement Fund \$ 1,102.00
2. Presentation of the October 16, 2017 minutes for approval.

The October 16, 2017 meeting minutes were presented for consideration and approved on a motion by Mr. Johnson and seconded by Mr. Hughes.

3. Applications for Transfer

| LESSEE         | APPLICANT                           | LOT # | SECTION | ACRES  | LOCATION      | MAP# |
|----------------|-------------------------------------|-------|---------|--------|---------------|------|
| Stanley Cramer | Dale S. Parsons                     | 359   | B       | 19.77  | GB. Cape Horn | 10   |
| Stephen Potter | Graveling Point, LLC.               | 214   | B       | 597.5' | Mullica River | 1.1  |
| Stephen Potter | John Maxwell, Graveling Point, LLC. | 216   | B       | 205.1' | Mullica River | 1.1  |
| Stephen Potter | John Maxwell, Graveling Point, LLC. | 226   | B       | 307.6' | Mullica River | 1.1  |
| Stephen Potter | John Maxwell, Graveling Point, LLC. | 228   | B       | 200.0' | Mullica River | 1.1  |
| Stephen Potter | John Maxwell, Graveling Point, LLC. | 229   | B       | 460.4' | Mullica River | 1.1  |

|                  |   |     |   |      |                    |    |
|------------------|---|-----|---|------|--------------------|----|
| Stephen Potter   | John Maxwell,<br>Graveling Point,<br>LLC. | 1   | B | 1.03 | G.B. Graveling Pt. | 1  |
| Stephen Potter   | John Maxwell,<br>Graveling Point,<br>LLC. | 19  | B | 1.53 | G.B. Graveling Pt. | 1  |
| Stephen Potter   | John Maxwell,<br>Graveling Point,<br>LLC. | 22  | B | 1.08 | G.B. Graveling Pt. | 1  |
| Stephen Potter   | John Maxwell,<br>Graveling Point,<br>LLC. | 25  | B | 1.32 | G.B. Graveling Pt. | 1  |
| Stephen Potter   | John Maxwell,<br>Graveling Point,<br>LLC. | 26  | B | 2.77 | G.B. Graveling Pt. | 1  |
| Stephen Potter   | John Maxwell,<br>Graveling Point,<br>LLC. | 27  | B | 4.35 | G.B. Graveling Pt. | 1  |
| Stephen Potter   | John Maxwell,<br>Graveling Point,<br>LLC. | 34  | B | 1.92 | G.B. Graveling Pt. | 1  |
| Stephen Potter   | John Maxwell,<br>Graveling Point,<br>LLC. | 79  | B | 1.6  | G.B. Graveling Pt. | 1  |
| Stephen Potter   | John Maxwell,<br>Graveling Point,<br>LLC. | 98  | B | 6.62 | G.B. Graveling Pt. | 1  |
| Stephen Potter   | John Maxwell,<br>Graveling Point,<br>LLC. | 114 | B | 1.01 | G.B. Graveling Pt. | 1  |
| Stephen Potter   | Sheryl Price                              | 309 | B | 3.43 | G.B. Cape Horn     | 10 |
| Stephen Potter   | Sheryl Price                              | 310 | B | 3.21 | G.B. Cape Horn     | 10 |
| Stephen Potter   | Sheryl Price                              | 313 | B | 3.28 | G.B. Cape Horn     | 10 |
| Stephen Potter   | Sheryl Price                              | 314 | B | 2.94 | G.B. Cape Horn     | 10 |
| Stephen Potter   | Sheryl Price                              | 315 | B | 3.83 | G.B. Cape Horn     | 10 |
| Stephen Potter   | Sheryl Price                              | 322 | B | 4.48 | G.B. Cape Horn     | 10 |
| Michael Dolan    | Matthew Gregg                             | 109 | C | 1.00 | Barnegat Lt.       | 2  |
| Betthany Gregg   | Matthew Gregg                             | 102 | C | 1.00 | Barnegat Lt        | 2  |
| Mary Gregg       | Matthew Gregg                             | 110 | C | 1.00 | Barnegat Lt        | 2  |
| John Gregg       | Matthew Gregg                             | 111 | C | 0.97 | Barnegat Lt        | 2  |
| Jason Seervai    | Matthew Gregg                             | 112 | C | 1.00 | Barnegat Lt        | 2  |
| Sara Mugavero    | Scott Lennox                              | 101 | C | 0.83 | Barnegat Lt        | 2  |
| Dean Lennox      | Scott Lennox                              | 103 | C | 1.00 | Barnegat Lt        | 2  |
| James Kesling    | Scott Lennox                              | 108 | C | 1.00 | Barnegat Lt        | 2  |
| Elizabeth Lennox | Scott Lennox                              | 113 | C | 1.00 | Barnegat Lt        | 2  |

Without discussion, all lease transfers were unanimously approved on a motion by Mr. Johnson, which was seconded by Mr. Hughes and abstained by Mr. Maxwell.

4. Applications for Consideration

| LESSEE              | LOT # | SECTION | ACRES | LOCATION       | MAP# |
|---------------------|-------|---------|-------|----------------|------|
| Jordan LoPinto      | 801   | B       | 2.00  | LEHB-Rose Cove | 7    |
| Katie LoPinto       | 803   | B       | 2.00  | LEHB-Rose Cove | 7    |
| Christian Palmisano | 804   | B       | 2.00  | LEHB-Rose Cove | 7    |
| Blake Beskin        | 805   | B       | 2.00  | LEHB-Rose Cove | 7    |
| Raymond Millner III | 806   | B       | 2.00  | LEHB-Rose Cove | 7    |
| Chris Carrol        | 807   | B       | 2.00  | LEHB-Rose Cove | 7    |
| Rose Millner        | 808   | B       | 2.00  | LEHB-Rose Cove | 7    |
| Matt Gregg          | 809   | B       | 1.10  | LEHB-Rose Cove | 7    |
| Scott Lennox        | 810   | B       | 2.00  | LEHB-Rose Cove | 7    |
| Jessica Little      | 811   | B       | 2.00  | LEHB-Rose Cove | 7    |
| Gregory Millner     | 812   | B       | 2.00  | LEHB-Rose Cove | 7    |
| Brianna Frost       | 813   | B       | 2.00  | LEHB-Rose Cove | 7    |
| Matthew Hender      | 814   | B       | 1.99  | LEHB-Rose Cove | 7    |
| Steven Frost        | 815   | B       | 2.00  | LEHB-Rose Cove | 7    |
| Terence Smith       | 816   | B       | 2.00  | LEHB-Rose Cove | 7    |
| Kurt Pfizenmayer    | 817   | B       | 2.00  | LEHB-Rose Cove | 7    |
| Leroy Frost         | 818   | B       | 2.00  | LEHB-Rose Cove | 7    |
| Tracy Hender        | 819   | B       | 2.24  | LEHB-Rose Cove | 7    |
| Susan Hender        | 820   | B       | 2.12  | LEHB-Rose Cove | 7    |
| John Stroud         | 821   | B       | 2.00  | LEHB-Rose Cove | 7    |
| Louis Stroud        | 822   | B       | 2.00  | LEHB-Rose Cove | 7    |
| Peter Hender        | 823   | B       | 2.00  | LEHB-Rose Cove | 7    |
| Scott Hender        | 824   | B       | 2.00  | LEHB-Rose Cove | 7    |

Mr. Normant provided the Council with copies of the lease applications. Messrs. J. LoPinto, Beskin, R. Millner III, Carrol, Gregg, G. Millner, M. Hender, S. Frost, Smith, Pfizenmayer, L. Frost, J. Stroud, P. Stroud, S. Hender and Msses. K. LoPinto, R. Millner, Little, B. Frost, T. Hender, S. Hender, L. Stroud were present at the meeting. Messrs. Palmisano, and Lennox were absent. Pursuant to N.J.A.C. 7.25-24.6, lease applicants shall attend at least one of the two council meetings at which the Council reviews their applications. If the applicant fails to attend at least one of the meetings at which the lease application was discussed, the area applied for shall revert to public bottom.

5. Applications for Decision

| LESSEE                                   | LOT # | SECTION | ACRES | LOCATION       | MAP# |
|--|-------|---------|-------|----------------|------|
| Adam Sprague<br>Blood Point Oysters, LLC | 400.1 | B       | 2.25  | G.B. Big Creek | 10   |
| Marc Zitter<br>Northern Cape Sea Farms   | 802   | B       | 2.00  | Rose Cove      | 7    |

Messrs. Sprague and Zitter were present at the October 16, 2017 meeting. Both applications were unanimously approved on a motion by Mr. Johnson and a second by Mr. Hughes. Mr. Normant informed the applicants they have 30 days to sign their lease agreements, pay the lease fees and would have to renew the leases by December 31<sup>st</sup>.

6. Old Business:

No old business was discussed.

7. New Business:

Sunday Clamming Bill

Mr. Normant informed the council Senate Bill S3450 was introduced to the state legislature by Senator Bell in response to a resolution by the City of Somers Point requesting a change in the existing law to allow for the recreational harvesting of shellfish on Sunday. N.J.S.A 50:2-11 states that no person shall be allowed to harvest shellfish on Sunday. Mr. Normant opined that the bill was intended to only encompass recreational clamming but the language within the Bill didn't specify between commercial or recreational harvest. Mr. Normant stated that Bureau had submitted comments to DEP Office of Legislative Affairs regarding the language of the Bill. Mr. Johnson orated his concerns, stating the Bill was proposed without the input of the Council. He stated that any proposed amendments to Title 50 should be vetted through the Council. Mr. Maxwell stated that he did not oppose recreational clamming on Sundays and the Marine Fisheries Council would likely support it as well, but agreed that language within the bill must concisely state that it pertains to recreational harvest only. Mr. Ned Gaine informed the Council that the Bill needed to go through the Assembly Committee for Agriculture and Natural Resources before it is approved to move forward. Mr. Gaine informed the Council that Assemblyman Bob Andrzejczak was chairman. Mr. Maxwell stated he would reach out to Assemblyman Andrzejczak. A motion was made by Mr. Johnson to contact legislators and discuss the Council's concerns with the language of the Bill. The motion was seconded by Mr. Hughes and unanimously approved by Council.

Hard Clam Relay

Mr. Johnson requested Bureau staff review past council minutes for the original motion to suspend the hard clam relay program. Mr. Normant stated he would provide the original motion to Council at the January 2018 meeting.

Mr. James Jenks opined it would be beneficial to the industry to revise the hard clam relay rules. He believed that the constraints within the current structure of the program deters shellfishermen from participating in the program. A motion was made by Mr. Johnson to form a Council Relay Committee to discuss the current structure of the clam relay program and set a Committee meeting date after the January council meeting. The motion was seconded by Mr. Hughes and unanimously approved by Council.

NJ Farm Bureau Convention

Mr. Gaine stated that he attended the New Jersey Farm Bureau Convention and informed the Council that the Farm Bureau would now support the Shellfish Council's Leasing Policy as their aquaculture policy.

Vibrio Management Plan

Mr. Gaine attended the International Shellfish Sanitation Meeting in October, and informed the Council that hard clams would be added to next year's Vibrio Management Plan. He stated that the Vibrio Management Plan dramatically altered the way the oyster industry operates in Delaware Bay and believed the same could happen on the Atlantic Coast. Mr. Schuster stated that the BMWV had sampled all the coastal bays in the summer of 2016 for hard clams to obtain background levels of human pathogens and didn't detect Vibrio. Mr. Gaine stated that although Vibrio wasn't found in New Jersey, Council should

be aware of the underlying risk with regards to importing shellfish seed from other states as a vector for disease. Mr. Schuster informed the Council that the 2018 Vibrio Management Plan would be released in January.

#### CZM Rule Proposal Endangered Species Maps

Mr. Maxwell inquired about an update regarding to the CZM Rule Proposal and changes to the Endangered Species sections. Mr. Normant stated he had no new information but would update the Council when he heard from DEP Division of Land Use Regulation program.

#### New Shellfish Lease Proposals

Mr. Gaine asked when the Leasing Committee would reconvene to discuss new lease areas. Mr. Normant informed him he hoped to have Policy Sub-Committee meeting in early March to discuss new proposals.

#### December Council Meeting

Mr. Normant stated that the December council meeting would be cancelled. The next meeting would be held January 8<sup>th</sup>, 2018.

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

#### 8. Date, time and place of next meeting:

DATE: January 8, 2018  
TIME: 7 PM  
LOCATION: Law Enforcement Office  
360 New York Rd. Rte. Port Republic, NJ 08241