

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

Nacote Creek Law Enforcement  
Port Republic, NJ  
September 17, 2018

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

Absent were: Councilman: Walter Hughes (Monmouth County)

DEP Representatives: Jeffrey Normant, Bureau of Shellfisheries  
 Kira Dacanay, Bureau of Shellfisheries  
 Lloyd Lomelino, Bureau of Shellfisheries  
 Brett Nicklow, Marine Law Enforcement

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 July 2018: \$2,003.64  
 Shellfisheries Law Enforcement Fund \$569.00  
  
 Total Revenue for August 2018: \$1,379.00  
 Shellfisheries Law Enforcement Fund \$388.00
2. Presentation of July 16, 2018 minutes for approval.

The July 16, 2018 minutes were presented for consideration and approved on a motion by Mr. Johnson and a second by Mr. Maxwell.

3. Applications for Transfer

LESSEE	APPLICANT	LOT #	SECTION	ACRES	LOCATION	MAP #
Steve Mastro, Sr.	Mike Joannides, Jr.	2296	B	2.29	Dry Bay	24.2
Steve Mastro, Sr.	Mike Joannides, Jr.	2728	B	2.00	G.B.-Great Thorofare	25
Steve Mastro, Sr.	Mike Joannides, Jr.	2729	B	2.00	G.B.-Great Thorofare	25

Steve Mastro, Sr.	Mike Joannides, Jr.	2732	B	2.00	G.B.-Great Thorofare	25
Steve Mastro, Sr.	Mike Joannides, Jr.	2733	B	2.00	G.B.-Great Thorofare	25
Steve Mastro, Sr.	Mike Joannides, Jr.	2734	B	2.00	G.B.-Great Thorofare	25

All applications for transfer were approved on a motion by Mr. Johnson and seconded by Mr. Maxwell.

4. Applications for Consideration

LESSEE	LOT #	SECTION	ACRES	LOCATION	MAP#
Paul Felder	1000	A	2.07	Great Sound	5
Claire Zimmerman	1001	A	2.14	Great Sound	5
Gary Williams	1003	A	2.01	Great Sound	5
Robert Williams	1004	A	1.73	Great Sound	5
Luke Williams	1005	A	2.00	Great Sound	5
Elyssa Glenn	1099	A	2.06	Great Sound	5

Mr. Normant provided the Council with copies of the above lease applications. Messrs. G. Williams, R. Williams, L. Williams, Felder and Ms. Zimmerman and Glenn were present. Pursuant to N.J.A.C. 7.25-24.6, lease applicants shall attend at least one of the two 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 application shall be cancelled.

5. Applications for Decision

LESSEE	LOT #	SECTION	ACRES	LOCATION	MAP#
William Schugel	401.1	B	2.12	Cape Horn/Big Creek	10
George Mathis, Jr.	2200	B	2.04	Dry Bay	24.2
Charles Gehman	228	A	2.08	Ludlam Bay	1
Jordan LoPinto	618	B	2.00	L.E.H.B.-Jeremy-Gaunt Pt.	6
Nora Schuler	619	B	2.00	L.E.H.B.-Jeremy-Gaunt Pt.	6
Arthur Gant	7	D	2.00	Swan Point	1

Mr. Mathis was present at this meeting. Messrs. Schugel, Gehman, LoPinto, Gant and Ms. Schuler were present at the July Council Meeting. All applications for decision were approved on a motion by Mr. Johnson and a second by Mr. Maxwell. Mr. Normant informed the applicants they have 30 days to sign their lease agreements and pay the lease fees.

6. Old Business:

MFA Appropriation

The Atlantic Coast and Delaware Bay Sections of the NJ Shellfish Councils had submitted a joint letter to the Governor's Office requesting that the FY19 supplemental appropriation for \$1.2 million be signed and to ensure that these monies become permanent part of the Marine Fisheries Administrations (MFA) budget in the future. The Bill requesting the special appropriation was passed overwhelming in both the Assembly and Senate and was signed by the Governor. It was not known if this supplemental appropriation would become a permanent part of the MFA's budget in the future. See attached letter.

ESA Update

Bureau of Shellfisheries met with the US Fish and Wildlife Service (USF&WS), US Army Corps of Engineers (ACOE) and shellfish growers to discuss permitting issues for shellfish aquaculture activities at Rose Cove in Little Egg Harbor Bay due to the assertion from the USF&WS that the adjacent beach shoreline was red knot habitat. This was mainly based on volunteer bird observation database that recorded red knot sighting 5 miles away. The USF&WS recommended rescinding the leases relocating the gear off the leases within a 200-foot buffer from the shoreline indefinitely. The MFA along with the ACOE objected to these recommendations due to the lack of reliable data. The ACOE stated they were not adding conditions regarding red knots to these aquaculture permits at Rose Cove.

Mr. Ned Gaine stated that the 90-day public comment period had recently closed for a rule change that had been proposed by the Department of Interior. The rule change stated that critical habitat for migratory species listed under the Endangered Species Act didn't need to be determined. Further, because the discussions regarding critical habitat on the Atlantic Coast took place after the notice was posted, lease holders on the Atlantic coast shouldn't be impacted by the federal government. The rule change would also require that economic impacts are considered.

Leasing Committee

Mr. Ned Gaine asked if the Council had planned to hold a Leasing Committee meeting. Mr. Maxwell informed him that the Leasing Committee had planned to meet in the fall, but the meeting was cancelled since there were no new lease area proposals.

BOEM Update

Ms. Dacanay informed Council that BOEM will hold a public meeting on September 20 at the Long Branch Library to discuss the feedback BOEM had received in the recently published Call for Information and Nominations for potential offshore wind energy leasing and development in the NY Bight.

7. New Business:

Surf Clam Inventory and Quota for 2018-2019 Harvest Season

Mr. Normant reported that the Bureau completed its annual surf clam inventory within NJ territorial waters. Preliminary results indicated that the stock continued to decrease, and it was estimated at 34,164 industry bushels, a historic low. The Surf Clam Advisory Committee (Committee) recommended a minimal quota for the 2018-2019 season to be set at 1,824 industry bushels (32 bushels/license), which was less than 10 % of the estimated standing stock (as per N.J.A.C. 7:25-12). Harvest had been non-existent for well over a decade. It is anticipated that there would be no harvest of the quota during the 2018-2019 season and the minimal quota was recommended to ensure the continuation of their stake hold in the fishery in anticipation that the stocks may re-establish in the future. A motion was made by Mr. Johnson to approve the recommendations of the Committee and approve the quota of 1,824 bushels for the 2018-2019 season. Mr. Maxwell seconded the motion.

Oyster Creek Powerplant

Mr. Mathis informed the council that the Oyster Creek Powerplant was officially offline as of September 17, 2018.

Minimum Wage Increase

Mr. Gaine informed the Council of the proposed minimum wage increase to \$15.00. He opined that if approved, the wage increase could impact the availability of workers and market prices.

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

8. Date, time and place of next meeting:

DATE: October 15, 2018  
TIME: 7 PM  
LOCATION: Law Enforcement Office  
360 New York Rd. Rte. 9  
Port Republic, NJ 08241

## NEW JERSEY SHELLFISHERIES COUNCIL

Mail Code 501-03  
501 EAST STATE STREET, 3RD FLOOR  
P.O. BOX 400  
TRENTON, NJ 08625

### ATLANTIC COAST SECTION

JOHN J. MAXWELL, Chairman  
WALTER L. JOHNSON III, Vice Chairman  
WALTER HUGHES, Councilman

### DELAWARE BAY SECTION

WARREN HOLLINGER, Chairman  
STEPHEN FLEETWOOD, Councilman  
RICHARD MALINOWSKI, Councilman

July 20, 2018

Governor Phil Murphy  
Office of the Governor  
PO Box 001  
Trenton, NJ 08625

Dear Governor Murphy,

It has come to our attention that Senate Bill 2793 and Assembly Bill 4255 passed overwhelmingly to provide for a FY 2019 supplemental appropriation of \$1.2 million for Shellfish and Marine Fisheries Management for the Bureau of Marine Fisheries in the Department of Environmental Protection. We understand that this was sent to your office for final approval. The Council would like to take this opportunity to advocate for you to approve this supplemental appropriation in support of the management of New Jersey's valuable shellfish and marine fisheries resources and industries. New Jersey's shellfish resources are worth hundreds of millions of dollars to the State's economy. When combining the commercial and recreational fishing industries, our marine resources are worth well over \$2.5 billion and the nearly 23,000 New Jersey jobs. These values are some of the highest in the United States.

Funding to support the Marine Fisheries Administration (MFA) has always been, and continues to be a genuine issue that has gone unsolved for decades. New Jersey consistently ranks near the bottom of all coastal states in terms of state funding. In fact, the annual state appropriation provided to the MFA by the Legislature has remained largely unchanged for the last 30 years (except only when it has been decreased). In FY 2018, a supplemental appropriation was approved but the previous administration never allowed the monies to be used for hiring. The low level of staffing has hindered management and put our coastal resources at risk. We need to ensure that New Jersey is bringing the best available science to bear to allow us to sustainably manage our resources. Despite their best efforts, we have seen where the lack of staff has impeded the development of the fledgling shellfish aquaculture industry.

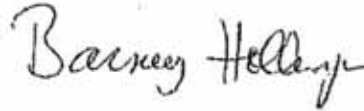
The Council urges your administration to take this rare opportunity to recognize the importance and value of managing New Jersey's shellfish and marine resources and to incorporate the \$1.2 million supplemental appropriation into the 2019 MFA annual appropriation. Furthermore, we would ask that your administration work to ensure that these monies are a permanent part of the MFA budget in the future.

Thank you for your consideration in this urgent matter.

Sincerely,



John J. Maxwell  
Chairman, Atlantic Coast



Barney Hollinger  
Chairman, Delaware Bay

cc.

Senator Jeff VanDrew  
Assemblyman Bob Andrzejczak  
Assemblyman R. Bruce Lands  
Assemblyman Vincent Mazzeo  
Assemblyman John Armato  
Assemblyman Eric Houghtaling  
Assemblywoman Nancy J. Pinkin  
Commissioner, Catherine R. McCabe, DEP  
Secretary Douglas Fisher, NJDA  
Deputy Commissioner, Debbie Mans, DEP  
Ray Bukowski, Assistant Commissioner, DEP  
Larry Herrighty, Director, DEP Fish and Wildlife  
Dick Herb, Acting Chair, NJ Marine Fisheries Council