

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

Nacote Creek Law Enforcement  
Port Republic, NJ  
January 13, 2020

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

DEP Representatives:

Russell Babb, Bureau of Shellfisheries  
Jeffrey Normant, Bureau of Shellfisheries  
Kira Dacanay, Bureau of Shellfisheries  
Lloyd Lomelino, Bureau of Shellfisheries  
Scott Stueber, Bureau of Shellfisheries  
Colleen Brust, Bureau of Shellfisheries  
Megan Kelly, Bureau of Shellfisheries  
Brett Nicklow, Marine Enforcement  
Robert Schuster, Bureau of 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 November 2019	\$ 7,952.13
Shellfisheries Law Enforcement Fund	\$ 2,250.00
Total Revenue for December 2019	\$ 26,248.88
Shellfisheries Law Enforcement Fund	\$ 10,370.00

2. Presentation of November 18, 2019 minutes for approval.

The November 18, 2019 minutes were approved on a motion by Mr. Johnson and seconded by Mr. Maxwell.

3. Election of Chair and Vice Chair

Mr. Maxwell was re-elected as Council Chair on a motion by Mr. Johnson. Mr. Johnson was re-elected as Vice-Chair on a motion by Mr. Maxwell.

4. Research Lease-Vacated-By Lessee

<u>LESSEE</u>	<u>LOT #</u>	<u>SECTION</u>	<u>ACRES</u>	<u>LOCATION</u>	<u>MAP#</u>
Middle Twp. HS Chuck Gehman	1R	A	0.15	Jenkins Sound	3

Mr. Normant informed the Council that the above leaseholders opted not to renew their research leases listed above.

5. Leases Vacated-By Lessee

<u>LESSEE</u>	<u>LOT #</u>	<u>SECTION</u>	<u>ACRES</u>	<u>LOCATION</u>	<u>MAP#</u>
Fa H Ni	15	D	2.00	Barnegat Bay-Swan Point	1

Mr. Normant informed the Council that the above leaseholders opted not to renew their lease listed above.

6. Leases Vacated-Non-Payment

<u>LESSEE</u>	<u>LOT #</u>	<u>SECTION</u>	<u>ACRES</u>	<u>LOCATION</u>	<u>MAP #</u>
W. Scott Card Jr	29	D	2.00	Barnegat Bay-Swan Point	1
W. Scott Card Jr	19	D	2.00	Barnegat Bay-Swan Point	1
W. Scott Card Jr	9	D	2.00	Barnegat Bay-Swan Point	1
Thomas Conover	2569	B	2.00	Scull Bay	27
Patricia Foglia	1103	A	2.27	Great Sound	5
Jane Glenn	100	A	2.00	Great Egg Harbor Bay	4
Jane Glenn	87	A	3.02	Great Egg Harbor Bay	4
Jane Glenn	104	A	2.00	Great Egg Harbor Bay	4
Charles Price	1417	B	2.00	LEHB Middle Island	6.1
Chet Tozer	1006	A	1.98	Great Sound	5

Mr. Normant informed the Council that the above leases were vacated for non-payment. All lessees were required to renew their leases and pay an annual lease fee for the following calendar year by December 31. However, if illness or extenuating circumstances prevent a lessee from renewing by the December 31 deadline, the Council may extend the payment deadline by one month at the January meeting (as per NJAC 7:25-24.8). If a lessee does not renew the lease by the payment deadline or receive an extension of the payment deadline from the Council, the lease shall be terminated at the January Council meeting and revert to public bottom. Messrs. Card and Price and Ms. Foglia were in attendance and requested an extension on their respective leases. A motion was made by Mr. Johnson to extend Messrs. Card and Price and Ms. Foglia's payment deadlines by one month. The motion was seconded by Mr. Maxwell. The remaining leases were terminated.

Mr. Parsons asked if the Great Egg Harbor Bay (GEHB) leases would be become available to the public once vacated. Mr. Normant stated the Bureau planned to remove the lots because of conflicts with a living shoreline project, and the Bureau anticipates developing a new block of leases in the area. Mr. Daffin asked why the bureau won't build off the existing lease. Mr. Normant informed him that as per the leasing policy, only a block of new leases would be considered in the area.

7. Applications for Transfer

<u>LESSEE</u>	<u>APPLICANT</u>	<u>LOT #</u>	<u>SECTION</u>	<u>ACRES</u>	<u>LOCATION</u>	<u>MAP #</u>
Sidney Martin	Martin Schlembach	99.1	A	2.00	Great Egg Harbor Bay	4
Sidney Martin	Martin Schlembach	106	A	1.85	Great Egg Harbor Bay	4
Sidney Martin	Martin Schlembach	107	A	1.97	Great Egg Harbor Bay	4
Thomas Pacula Sr	Thomas N. Pacula	2400.21	B	1.5	Great Bay Relay	24.1
Thomas Pacula Sr	Thomas N. Pacula	2117	B	2.88	Steelman Bay	3.1
Michael Demari	Eric A. Brown	2293	B	1.60	Dry Bay	24.2
Richard F. Crema	Raymond Crema	2541	B	2.00	Scull Bay	27
Richard F. Crema	Raymond Crema	2232	B	1.35	Dry Bay	24.2
Lois Stroud	Frost Seafood LLC	822	B	2.00	LEHB-Rose Cove	7

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

8. Applications for Decision

<u>LESSEE</u>	<u>LOT #</u>	<u>SECTION</u>	<u>ACRES</u>	<u>LOCATION</u>	<u>MAP#</u>
Brent Buzby	71	B	2.00	Great Bay Graveling Pt.	1
Jaclyne C. Rush	72	B	2.00	Great Bay Graveling Pt.	1
Jeffrey Pennella	74	B	2.00	Great Bay Graveling Pt.	1
Wendy A. Stewart	75	B	2.00	Great Bay Graveling Pt.	1
James D. Hoffman	82.2	B	2.00	Great Bay Graveling Pt.	1

Messrs. Buzby, Pennella and Ms. Stewart were present at the November 18, 2019 Council Meeting. Mr. Hoffman, and Ms. Rush were in attendance at the January 13, 2020 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.

9. Research Lease Proposal

<u>LESSEE</u>	<u>LOT #</u>	<u>SECTION</u>	<u>ACRES</u>	<u>LOCATION</u>	<u>MAP#</u>
Stockton University Steve Evert	2R	B	2.18	Little Egg Harbor Bay	6

Mr. Evert submitted a proposal to the council for a new research lease in LEHB. He proposed to have an additional lot to the west side of their current research lease 1R in LEHB. The proposal was approved on a motion by Mr. Johnson and seconded by Mr. Maxwell.

#### 10. Old Business:

##### 2020 Relay:

A motion was made by Mr. Johnson to suspend this year's relay program and maintain Mr. Jenks as the 2020 Relay Coordinator. The motion was seconded and approved by Mr. Maxwell.

##### Wind Energy Update:

Ms. Brust provided the Council with an update on Offshore Wind development in New Jersey.

Governor Murphy increased the states wind energy goals from 3.5 gigawatt to 7.5 gigawatts.

There was a stakeholder meeting held in December to provide feedback to DEP on offshore wind development off New Jersey.

MFA Staff met with Equinor and Atlantic Shores, two offshore wind lease holders, in December. Atlantic Shores discussed cable routes to shore and Equinor spoke about inter-turbine spacing.

Mr. Maxwell stated he attended the stakeholder meeting in December. He opined that there was significant opposition to the projects from those in attendance.

##### ESA Species Update:

Mr. Normant informed Council there was no major update for ESA on the Atlantic Coast but added the Division of Land Use Regulation may update their aquaculture rules to include ENSP.

Mr. Maxwell asked for an update on the Aquaculture Working Group for Red Knots. Mr. Babb informed him the group held a science workshop, and the stakeholder group met in fall 2019. Recommendations were submitted to the Agency Workgroup (AWG) and several of the recommendations, including rack height, were approved. The AWG would submit their suggestions to the USFWS for submission to the Army Corps and become part of the PBO.

##### Shellfish Leasing Committee:

Mr. Normant plans to have a full Shellfish Leasing Committee sometime in March to discuss all shellfish leasing issues. Mr. Babb stated the topics of discussion would include lease utilization, regulatory updates, permission to work, and lease agreements language. Mr. Babb added the Bureau has an opportunity make changes to the shellfish rules in 2020.

##### Spatial Planning:

Mr. Maxwell asked for an overview of spatial planning and how it relates to shellfish aquaculture. Mr. Babb informed him that the Bureau had planned to begin a spatial planning project in 2020, but Rutgers University was awarded funding through NJ Sea Grant to develop a tool for aquaculture, with the output similar to what the Bureau intended to create. The Bureau has since partnered with Rutgers as co-leads on

the project with the aim to help steer the product as a useful tool for Bureau staff, the Leasing Policy and Leasing Committee, and both sections of the Shellfisheries Councils who have statutory authority to administer shellfish leases in New Jersey through Title 50.

Mr. Babb explained there were two main groups that would be assisting with the spatial planning project; a technical advisory group and project work group. The technical advisory group would review the relevant science and data sources for input into the spatial planning tool. The project working group consisted of a range of stakeholder groups including commercial and recreational fishing representatives and NGOs. The spatial planning tool would weigh and rank various inputs of biological, physical, chemical, and socioeconomical data to help inform the planning of shellfish aquaculture throughout the state.

Mr. Maxwell asked about the timeframe of the project. Mr. Babb informed him the project needs to be completed in two years. Mr. Maxwell asked how this tool would become part of regulatory standard and the role of the Council. Mr. Normant stated that the tool would not become a standard used for decision making for the Council, but instead would be used to provide a range of data that can be referenced. He added that the tool would not change the Council or leasing committee's statutory and regulatory roles in shellfish leasing. Mr. Maxwell stated he was concerned that non-industry members without any relations to the shellfish industry would be making decisions on behalf of the industry.

#### 11. New Business:

##### 2019 Mullica River Seed Bed Condition Survey:

Ms. Dacanay gave a presentation on the 2019 Mullica River Seed Beds. In general, the beds were qualitatively in good condition. She added that the Bureau would be receiving a pathology report for the samples submitted to the Rutgers Haskin Lab.

Mr. Johnson asked if it would be possible to do the survey twice a year to improve the dataset. Ms. Dacanay stated that would be possible now because the Bureau has additional staff.

##### Mullica River Barnegat Bay Oyster Reef Project:

Mr. Evert gave a presentation on Stockton University's spatfall collection project in the Mullica River.

##### BBP Shellfish Working Group Recommendations:

Mr. Vasslides provided Council with copies of the Barnegat Bay Partnership (BBP) Shellfish Working Group Recommendations. He added that the BBP funds several research projects each year on shellfish research in the Barnegat Bay estuary. The BBP science committee decided to create a working group to develop recommendations to the BBP to help guide funding decisions for shellfish projects.

##### Aquaculture Advisory Council (AAC) Meeting:

Mr. Maxwell stated that AAC Meeting would be held on January 24,2020.

The meeting was adjourned on a motion by Mr. Johnson and seconded Mr. Maxwell.

12. Date, time and place of next meeting:

DATE: February 10, 2020  
TIME: 7:00 PM  
LOCATION: Law Enforcement Office  
360 New York Rd. Rte. 9  
Port Republic, NJ 08241