

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

Virtual Meeting
Monday, March 21, 2022

Present were: Chairman: John J. Maxwell (Atlantic County)
Vice-Chairman: Walter L. Johnson III (Ocean County)
Councilman: George Mathis Jr. (Burlington County)
Councilman: Vacant (Monmouth County)

Absent was: Councilman: Paul T. Felder (Cape May County)

DEP Representatives: Russell Babb, Bureau of Shellfisheries
Jeffrey Normant, Bureau of Shellfisheries
Kira Dacanay, Bureau of Shellfisheries
Jenny Tomko, Bureau of Shellfisheries
Megan Kelly, Bureau of Shellfisheries
Scott Stueber, Bureau of Shellfisheries
Colleen Brust, Bureau of Marine Fisheries
Robert Schuster, Bureau of Marine Water Monitoring

Ms. Kelly read the State's compliance with the Open Public Meetings Act and announced that the meeting would be recorded, and notice was filed with the Secretary of State Office.

1. Total Revenue for January 2022	\$2,494.60
Shellfisheries Law Enforcement Fund	\$766.00
Total Revenue for February 2022	\$376.00
Shellfisheries Law Enforcement Fund	\$364.00

2. Presentation of January 10, 2022 minutes for approval.

The January 10, 2022 minutes of the meeting were approved on a motion by Mr. Johnson and seconded by Mr. Mathis.

3. Applications for Consideration

LESSEE	LOT #	SECTION	ACRES/FT	LOCATION	MAP #
John Capasso, Jr.	1006	A	2.17	Great Sound	5
Robert Lee	1115	A	2.11	Great Sound	5

Mr. Capasso Jr. and Mr. Lee were present and fulfilled their obligation to attend one of two meetings. 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, the lease application would be denied, and the area applied for shall revert to public bottom.

4. Applications for Decision

LESSEE	LOT #	SECTION	ACRES/FT	LOCATION	MAP #
Edward Gain* [*]	2810	B	2.00	Steelman Bay	27.1

*Was in attendance at the January 10, 2022 meeting

Mr. Gain* was in attendance at the January 10, 2022 meeting. A motion was made by Mr. Johnson and seconded by Mr. Mathis to approve the application for decision. Mr. Normant informed Mr. Gain* that he would have 30-days to sign his lease agreement and pay appropriate lease fees.

5. Applications for Transfer

LESSEE	APPLICANT	LOT #	SECTION	ACRES/FT	LOCATION	MAP #
Robert E. Mayer	Blue Republic Shellfish, LLC Constantin L. Andreae	117	B	2.06	GB – Graveling Point	1
Robert E. Mayer	Blue Republic Shellfish, LLC Constantin L. Andreae	2244	B	2.17	Dry Bay	24.2
Robert E. Mayer	Blue Republic Shellfish, LLC Constantin L. Andreae	2308	B	2.10	Dry Bay	24.2
Robert E. Mayer	Blue Republic Shellfish, LLC Constantin L. Andreae	2309	B	2.14	Dry Bay	24.2
Robert E. Mayer	Blue Republic Shellfish, LLC Constantin L. Andreae	2328	B	2.15	Dry Bay	24.2
Robert E. Mayer	Blue Republic Shellfish, LLC Constantin L. Andreae	2329	B	2.44	Dry Bay	24.2
Robert E. Mayer	Blue Republic Shellfish, LLC Constantin L. Andreae	2333	B	1.67	Dry Bay	24.2
Robert E. Mayer	Blue Republic Shellfish, LLC Constantin L. Andreae	2334	B	1.73	Dry Bay	24.2

Robert E. Mayer	Blue Republic Shellfish, LLC Constantin L. Andreae	2335	B	1.92	Dry Bay	24.2
Robert E. Mayer	Blue Republic Shellfish, LLC Constantin L. Andreae	2336	B	2.00	Dry Bay	24.2
Robert E. Mayer	Blue Republic Shellfish, LLC Constantin L. Andreae	2340	B	1.04	Dry Bay	24.2
Robert E. Mayer	Blue Republic Shellfish, LLC Constantin L. Andreae	2341	B	2.20	Dry Bay	24.2
Robert E. Mayer	Blue Republic Shellfish, LLC Constantin L. Andreae	2342	B	1.99	Dry Bay	24.2
Robert E. Mayer	Blue Republic Shellfish, LLC Constantin L. Andreae	2350	B	1.66	Dry Bay	24.2
Robert E. Mayer	Blue Republic Shellfish, LLC Constantin L. Andreae	2736	B	2.00	GB – Great Thorofare	24
Robert E. Mayer	Blue Republic Shellfish, LLC Constantin L. Andreae	2752	B	1.00	GB – Great Thorofare	24
Timothy Hewitt	Dale S. Parsons	616	B	2.01	LEH Bay – Jeremy & Gaunt Pt	6
Little Egg Harbor Oyster Company LLC, Theodore Gerike	Matthew Matusky	137	B	2.36	GB – Graveling Point	1
Little Egg Harbor Oyster Company LLC, Theodore Gerike	Matthew Matusky	349	B	2.05	GB – Cape Horn	10
Little Egg Harbor Oyster Company LLC, Theodore Gerike	Matthew Matusky	403.1	B	3.25	GB – Big Creek	10

The application for transfer from Mr. Mayer to Blue Republic Shellfish LLC (Constantin L. Andreae) and Mr. Hewitt to Mr. Parsons was approved on a motion by Mr. Johnson and seconded by Mr. Mathis.

The agenda incorrectly listed the transfer application from Mr. Theodore Gerike to Mr. Matthew Matusky. Mr. Normant clarified that the leases being transferred were from Little Egg Harbor Oyster Company, LLC (Theodore Gerike) to be transferred to Mr. Matusky. Mr. Johnson suggested to re-open the transfer decision since the Council had already approved the other applications for transfer on a separate motion. Mr. Johnson made a motion and seconded by Mr. Mathis to re-open the decision on the Little Egg Harbor Oyster Company, LLC transfer application to Mr. Matthew Matusky. The application for transfer from Little Egg Harbor Oyster Company LLC (Theodore Gerike) to Mr. Matthew Matusky was approved on a separate motion by Mr. Johnson and seconded by Mr. Mathis.

Mr. Normant stated that the Bureau would contact transfer applicants to set up an appointment to sign their lease agreements.

6. Old Business:

Offshore Wind

Ms. Brust provided the Council with an update on Offshore Wind development in New Jersey. BOEM held the auction for NY Bight leases on February 23, 2022. Six areas were leased totaling over 488,000 acres in the New York Bight for potential wind energy development and drew competitive winning bids from six companies totaling approximately \$4.37 billion.

New Jersey's next OSW Solicitation had been delayed until Jan 2023. In February, The New Jersey Board of Public Utilities announced it had updated the timeline for issuing the "Third Solicitation" for New Jersey's Offshore Wind development. The Solicitation will be released by January 2023, rather than this fall. The updated timeline would allow the developers who successfully bid for new lease areas in the New York Bight time to further plan the investigation and subsequent development of their lease areas. The transmission solution will be selected from 80 projects submitted by transmission developers for consideration in the State Agreement Approach (SAA) process. The SAA is a collaboration between the NJBPU and PJM Interconnection, LLC (PJM) that enables New Jersey's offshore wind goal to be incorporated into the PJM transmission planning process.

Orsted had begun their Fisheries monitoring for Ocean Wind 1. Orsted was continuing its Ecosystem and Passive Acoustic Monitoring (ECO-PAM) project, in collaboration with Rutgers University and the Woods Hole Oceanographic Institute, to advance research for the North American right whale. A "SLOCUM" glider was recovered last week for routine maintenance and will be relaunched within the next week. RMI was continuing to make progress in the goal to support critical research on wildlife and fisheries for offshore wind.

Ms. Brust stated that the state offshore wind stakeholder meeting, called the NJ Environmental Resources Working Group's Spring meeting will be March 31 from 3-5 pm.

Lease Policy Committee Update:

Ms. Kelly stated that the Council held a special joint meeting of the Lease Policy and Regulatory Committee on December 1, 2021. Bureau staff prompted Committee discussion with questions focusing on lease utilization. The goal was to broaden discussion by bringing in additional industry members in the Regulatory Committee. There was a consensus among Committee members that a minimum threshold could be developed in order to be considered an “active member” of the shellfish aquaculture industry. Details of what that would include was a topic of discussion for future meetings. Bureau staff are working to develop a Committee summary report to present to the Committee and then the Council based on these discussions.

The December 1, 2021 minutes of the special meeting of the Council were approved on a motion by Mr. Mathis and seconded by Mr. Johnson.

Hard Clam Management Plan

Ms. Dacanay explained that Bureau staff worked with Mr. Mathis to develop an advisory committee to assist in the development of a hard clam management plan for New Jersey. Ms. Dacanay presented a table of proposed members of the advisory committee. There were a number of industry sector areas that remained vacant at this time. The Bureau was able to find interest in the recreational, NGO, and academic sectors. Ms. Dacanay noted that Mr. Mathis would be committee chair and hold a position in the aquaculture sector. They were working to reach out to additional industry members who might be interested in participating in the committee. Mr. Maxwell suggested to clarify that Mr. Mathis would participate as a Council representative in addition to the aquaculture sector.

Ms. Dacanay updated the Council that the Plan Development Team has been meeting monthly. She would provide a Council report once those discussions move further.

Mr. Johnson asked for the hard clam relay program to be added as a sector. Mr. Babb noted that adding additional sectors to the advisory committee would be a Council decision and the Bureau would be open to adding additional sector representation. There was no opposition from Council to add a relay sector.

Mr. Avery asked during public comment if the advisory committee would include dealers, the Council agreed that at this time the committee would not include dealers.

The membership structure as outlined in Figure 1 below was approved on a motion by Mr. Maxwell and seconded by Mr. Johnson.

(Figure 1)

Sector	Name
Shellfisheries Council/Aquaculture	George Mathis* *Committee Chair
Aquaculture	(empty)
Depuration	Kevin Kirk
	(empty)
Wild Harvest	(empty)
	(empty)
Relay	(empty)
Recreational	Ed Schuler
NGO	Dr. Jim Vasslides (BBP)
	Deb Licato-Meiman (ReClam the Bay)
Academia	Dr. Douglas Zemeckis
	Dr. Daphne Munroe
	Dr. John Wiedenmann

Aquaculture Advisory Council Update

Ms. Wenzel stated as a result of discussions at the January Aquaculture Advisory Council (AAC) meeting, the Aquaculture Management Plan (AMP) Committee and the Legislative Committee have reconvened. Ms. Wenzel explained that the AMP Committee was charged with updating the AMPs in relation to the Right to Farm Act and the Legislative Committee has been charged with reviewing AAC membership, the Aquaculture Development Act, and reviewing aquaculture related legislature. Both Committees met in March and were planning to meet in April prior to the next AAC meeting Friday, April 22, 2022.

Rutgers Sea Grant Project: GIS-Based Tool for Shellfish Aquaculture:

Mr. Babb explained that the project team met with Council chairs from both the Atlantic Coast and Delaware Bay sections of the Council to provide them a brief overview of what the shellfish aquaculture spatial planning tool was and to clarify the intended purpose. The project team wanted to present the tool at each section's Council meeting. The goal was to have a presentation at the April Atlantic Coast Council meeting.

Mr. Maxwell added that the proposed tool was very thorough but raised significant concerns about how it would impact the industry. Mr. Maxwell urged the Council and industry members to come to the next meeting prepared to ask questions. Mr. Normant asked Mr. Maxwell if his concerns were regarding the information being public facing and explained that a lot of the information shown within the proposed tool was information that the Bureau reviewed anyway as part of the leasing program. Mr. Maxwell agreed that he had concerns regarding the information being available to the public and questioned how it would impact the Council's authority in addition to the Council's leasing committee review process. Mr. Johnson expressed similar concerns. Further discussion ensued.

Mr. Babb added that the project team has been open to hearing concerns regarding the project and clarified that this project is not an aquaculture plan. Mr. Babb reiterated what Mr. Normant stated that even though it would be forward facing, the data was still the same that the Bureau and Council have used in the past. Further discussion ensued.

Legislative Update

Ms. Kelly provided a brief update of legislative bills that were currently under review:

- A733/S793 requires assessment of bay scallop resource and authorizes DEP to establish a bay scallop fishery.
 - 1/11/22 introduced and referred to Assembly Agriculture Committee
 - 1/18/22 introduced, referred to Senate Environment & Energy Committee
- S556 eliminated shellfish license fee for veterans and active-duty service members
 - 1/11/22 introduced, referred to Senate Environment & Energy Committee
- S428/A3039 extends Right to Farm protections to certain aquaculture activities
 - 2/28/22 Introduced, referred to Assembly Agriculture & food Security Committee

Discussion ensued regarding a bay scallop fishery legislation. No Council comments on the other bills presented. Mr. Parsons provided public comment in support of Right to Farm protections.

Slow Clam Growth

Ms. Dacanay updated Council that staff met with the Bureau of Marine Water Monitoring, staff at the NOAA Lab at Milford, CT, and an industry member to begin addressing the concerns of reported slow clam growth in the Little Egg Harbor area. NOAA planned to perform condition index monitoring with clams provided by staff and industry. Ms. Dacanay clarified that at this time the monitoring was short-term in capacity due to funding unless dedicated funding was secured. Ms. Dacanay added the Fish & Wildlife's pathology lab planned to perform some background disease monitoring and the Bureau of Marine Water Monitoring planned to provide chlorophyll and other water quality data to NOAA.

Discussion ensued regarding potential slow clam growth in Dry Bay and other areas in addition to Little Egg Harbor Bay.

Mr. Parsons provided public comment that he was in support of a monthly or bi-monthly phytoplankton study in the major growing areas to provide more data to make better decisions moving forward.

7. New Business:

New Jersey Ocean Acidification Monitoring Network Workshop

Ms. Kelly explained that a virtual workshop was held in November 2021 facilitated by Rutgers University and the Ocean Acidification Team from the NJDEP Coastal Management Program which focused on developing a statewide ocean acidification monitoring network. A summary document was prepared to recap what was presented at the workshop. Ms. Kelly provided the link to the document. Rutgers University and DEPs Ocean Acidification Team requested to present to the Council at an upcoming meeting as part of their stakeholder outreach. Council agreed to have the presentation at an upcoming meeting either in May or June.

Shellfish Water Classification Downgrade

Mr. Schuster summarized a series of shellfish growing water suspensions that were under review for final approval and the maps would be available soon. Mr. Schuster noted that several lease areas were impacted due to the suspensions and were shared with the Bureau of Shellfisheries. These impacted areas will be studied further to help determine what could have caused the water quality downgrades. Mr. Gaine ask for clarification on the type of closure. Mr. Schuster clarified that the suspension was due to fecal coliform bacteria. Further discussion ensued.

In-Person Council Meetings

Mr. Maxwell asked what the State's plan was for in-person Council meetings moving forward. Mr. Babb explained that if the Council returns to in-person meetings the Bureau would be required to offer a hybrid set up with the option for in-person and virtual attendance. Staff was looking into potential meeting areas but was having difficulty finding a meeting area that had availability for the current schedule on Monday nights. Mr. Babb suggested working with the Council to determine a home base and expand meetings to the northern and southern regions within the state. After discussions, Council asked to remain virtual until there was a plan in place where the location would be for future meetings. Mr. Babb offered to provide potential meeting dates and locations at the next meeting for Council discussion.

Public Comment

Mr. Parsons requested clarification on Title 50 protections for floating gear and other aquaculture gear in the water column. Further discussion ensued regarding potential situations where the statute was in question for removal of gear on a lease. Mr. Maxwell suggested bringing the topic to a future lease committee meeting for further discussion.

New Jersey Seafood Processor COVID-19 Assistance Program

Mr. Babb provided a brief update for a grant opportunity. Seafood processors, dealers, and seafood processing vessels may receive funding to reimburse expenses incurred between January 27, 2020, and December 31, 2021. The application process was anticipated to open in the Spring of 2022 and would keep the Council updated on the status as the Bureau becomes aware of the application process.

The Meeting was adjourned on a motion by Mr. Johnson and seconded by Mr. Mathis.

8. Date Time and Place of Next Meeting:

DATE: April 18, 2022
TIME: 6:00 PM
LOCATION: Virtual