

**Aquaculture Advisory Council  
January 21, 2022  
Meeting Minutes- Conference Call Meeting**

**Members Present:** Mr. Frank Minch (Sec. Douglas Fisher), Mr. Joe Cimino (Comm. Shawn Latourette), Ms. Melanie Willoughby (Sec. Tahesha Way), Ms. Virginia Wheatley (Comm. Judith Persichilli), Mr. Samuel Ratcliff (Dr. Dave Bushek), Dr. Douglas Zemeckis, Mr. Mike De Luca (Dr. Laura Lawson), Mr. Matt Gregg (Ms. Lisa Calvo), Mr. Barney Hollinger, Mr. John Maxwell, Mr. Steve Fleetwood (Mr. Frank Virgilio), Dr. Amanda Wenczel.

**Members Absent:** Mr. Maury Sheets, Mr. Bob Rush (Mr. Richard Herb)

**Public in Attendance:** Roll call of attendees not taken; names were stated when making comment.

Mr. Minch called the meeting to order. Quorum present.

B. Hollinger motion to approve October 22, 2021 meeting minutes. M. Willoughby Second. M. Gregg requested amendment to add comments from Sarah Gentile, saying that when the Water Classification rules are opened, they will host a public hearing. Adding amendment, motions still stand.

All in Favor of passage of minutes with amendment- so moved.

***Public Comment***

Deferred until after first item of new business- invited speaker.

***New Business***

Commodity Council & Marketing- Joe Atchison, NJDA Assistant Secretary and the Director of the Division of Marketing & Development

There have been questions regarding the formation of a Commodity Council. There are many steps involved, going to only go over the basics today. First you have to consider if this Council will only be for clams, only for oysters, only shellfish, or all aquaculture products. Then there is consideration of the percentage of the industry that wants to be involved. There must be a minimum of 10% of the industry wanting to start the process. This is not 10% of producers but 10% of the harvest value.

You also have to determine the assessment levels. In regulations the Blueberry Council is a mandatory council, so anyone producing blueberries in the state has to pay 0.006 cents on every 100 pounds of blueberries produced. You have to figure out how you would count whatever it is. Is it per piece, per 100, per whatever? To be mandatory you have to have interest to form the council. You have to have at least 60% of the industry represented if you want to make it mandatory. We like to have full buy in as well because otherwise you get into a position where someone does not want to pay their assessment and then you have to track them down. There are rules and penalties for this when it's a mandatory council, so for blueberries this is all in the rules.

The Peach Council is a more informal marketing group where they promote Peaches. Producers pay dues to join the council and the dues are used for promotion.

People do not realize how much shellfish is produced in New Jersey and the quality of the shellfish. Local markets and restaurants promote local but do not have shellfish from New Jersey. New law was just signed that requires the use of “local” for retail fresh fruits & vegetables be from New Jersey.

If this is something the group is interested in pursuing the NJDA will help shepherd you through the process, whether the informal one or the mandatory assessment. You would form a group, develop bylaws, appoint board members for the Council, and the Department can help with all of that.

F. Minch- Ok, so you outlined two alternatives, the mandatory assessment with the Blueberry Council and informal or voluntary with the Peach Council. Is there a preferred alternative or is one better than another? J. Atchison- I do not want to favor one option. Obviously if you make it voluntary, you will have less participation and there will be people that benefit from the promotion who aren't paying into the fund. With mandatory, it's a longer process to get through to establish it but it's certainly more formal and sets forth a lot more guidelines. You have rules as backup to go after someone that does not pay.

B. Hollinger- What would be the cost per company if we went the mandatory or even the voluntary way? J. Atchison- The assessment or dues are set by the Council and are not determined by the Department. That would be figured out after the Council is formed. In the case of blueberries, there was one assessment level that they decided to change 15-20 years ago, and they changed it. It has been the same since, so you can change that level. It's best not the change year to year but more based on trends you may be seeing in the industry.

B. Hollinger- Who pays to set this all up? J. Atchison- If you go the formal or mandatory route like the Blueberry Council, the Department takes care of all this. If you go the Peach route, they are independent of the Department and collect all their own fees, we only act as liaison. For the Blueberry Council we collect the assessments and do bookkeeping then send the money to the Association. We don't charge for those services.

N. Gaine- How is this council different than the role of AAC who is directly mandated to be involved in Marketing via Aquaculture Act? J. Atchison- The big difference is that the Commodity Council can set and collect fees through assessments. The AAC does not have that authority. A. Wenczel- Piggybacking on that, who would serve on the Council for the Commodity Council. J. Atchison- Whomever establishes the Council would determine the membership. The Secretary [of Agriculture] has an ex-officio role and can appoint a member. I think the Dean of Rutgers can appoint a member, can appoint somebody or serve on the board. There can be one nonpublic member and then the rest would be comprised of producers.

B. Hollinger- So once we form a Council then we are eligible for grants? Without being part of the specialty crop program. J. Atchison- Yes, you would be eligible for grants but not funding through the specialty crop program. We have petitioned the USDA that aquaculture products are

indeed specialty crops grown in New Jersey. They have not yet relented to that. We continue to push for that. I see it as a specialty crop, but the USDA does not at this time.

A. Wenczel- What is required to form the Council? Legislation? Regulation? J. Atchison- The first step is approval by the Secretary of Agriculture to form the Commodity Council. After that there are pages of details on what is required.

B. Hollinger- How much is each company charged? More so, how much is needed to be raised, then we can figure how much we would each need to contribute. J. Atchison- The amount of money for a full marketing campaign is a different question than per company assessments. For a typical year, we spend \$350,000 to \$500,000 on Jersey Fresh. In a lean year or for specific items, we have operated at a very grassroots level on \$50,000-100,000. We have done Jersey Seafood work in the past and have estimates on what some typical items would cost so we can stretch your dollars to assist the industry.

N. Gaine- Does a new council need to be formed or can it be incorporated into an existing council? Who collect the money and who holds the money, NJDA? J. Atchison- I would have to look into the first question on combining with an existing Council. As far as your second question on who collects the money and who holds the money- in the case of the Blueberry Council, the Department does. In the case of the Peach Council, they keep their own books. As I said the Peach Council is less formal, the Blueberry Council is a full mandatory assessment, so it depends again on which route you go.

M. Gregg- Have we gotten anywhere with our regulatory amendment to include farmed shellfish under Jersey Fresh? J. Atchison- As of now, we have not. The definition of Jersey Fresh is fresh fruits, vegetables, and there are cut Christmas trees and cut Flowers or fresh Christmas trees and cut Flowers. If the Board agrees that we need to look into trying to redefine what Jersey Fresh means we can look at that.

D. Zemeckis- Have any other states formed this type of commodity council for shellfish aquaculture? It may help to see what other models may exist for the industry. J. Atchison- Not necessarily for shellfish but Mississippi has the Catfish Institute that may operate in a similar manner. The amount of catfish in Mississippi and Louisiana is millions upon millions of pounds, the scope of their industry is far different from what we are discussing.

D. Zemeckis- How long is the lifespan of these councils? When were they formed? Maybe there are newer ones that can guide the potential for shellfish. J. Atchison- All predate my time at the Department, been here 16 years. I think blueberry council started back in the 80s.

J. Maxwell- There's the blueberry model and peach model. In blueberry, everyone joins. In the peach model, it's just a group of people who grow peaches that do this and they are the ones assessed but all peach growers benefit. Right? J. Atchison- Correct. J. Maxwell- I think the way shellfish are grown here, everyone is so independent so I imagine the peach model would be more favorable.

D. Parsons (in chat)- Using the jersey fresh logo will help improve the perception of farmed shellfish in NJ. FYI I think we are farmers too. J. Atchison- Yeah, I think you are farmers too.

N. Gaine- Comment to John, we already do something similar on the Delaware Bay with tags. Second, are we talking about incorporating a new corporation with these councils or are they a component of the Department of Agriculture? I see there's two models, but I don't know if this is forming a business or just a group within the Department of Agriculture. J. Atchison- The Blueberry Council is a separate entity but is serviced by the Department. We collect the fees (assessment) and then disperse the funds to the council. They provide us with receipts for record-keeping. I do not know if they are an LLC or incorporated though, I have to look into that one. F. Minch- I would assume the Peach Council would do their own financial accounting and record keeping. J. Atchison- Yes, they are completely independent. We just help with marketing advise.

A. Wenczel- noted that the AAC marketing committee discussed using the Jersey Fresh logo for farmed shellfish. More on this will be coming up later.

D. Parsons- asked about amending a bill in the legislature providing \$100,000 for aquaculture under the Jersey Fresh to also include the ability for aquacultured shellfish to use the Jersey Fresh logo. J. Atchison- concern over taking money from Jersey Fresh to fund aquaculture, wants separate, additional appropriation for aquaculture.

F. Minch- Thanked Joe for attending. Opened to the Council that next steps on this topic need to be determined. He proposed that the Marketing Committee could discuss and bring this topic back to the AAC at the next meeting. B. Hollinger agreed to have the Marketing Committee discuss.

#### Marketing Committee Update – A. Wenczel

*[Change in agenda should marketing items arise while Joe Atchison still in attendance]*

Began by reviewing marketing recommendations from the 2021 Aquaculture Development Plan Update, using those as a framework for meeting discussions. These revolve around logo use, a marketing campaign, funding the process, and agritourism.

Main discussion points from the Committee meeting:

- Jersey Fresh logo for farmed seafood
  - Connects farmed seafood to agriculture as opposed to all seafood collectively
  - Jersey Fresh has consumer name recognition- signifies quality
- Using Technology for marketing
  - Websites, social media
- Education
  - Increasing consumer consumption
  - Helping individual businesses, especially with business planning
- Agritourism
  - Partnerships: growers partnering, partner farms with wineries/breweries/other commodities within the region
  - Oyster Trail

D. Parsons- For small farms, doing a farm tour is asking a lot of the grower, so an idea was to have a third party who could do the tours for the farmer or for several farms, like the oyster trail.

Discussion on next meeting for the Committee. It was resolved that Committee would meet before the next Council meeting and would discuss the Commodity Council items brought forward by Joe at this meeting.

N. Gaine- We skipped the public comment section and it's been brought up, so it was mentioned that the Aquaculture Development Plan Update of 2021 is being used. I understand we passed it, but we have yet to see it published. Are we going to get a publication? I think there are several people on this call and at this meeting that have yet to see the final version of it. I haven't seen the final version and usually it's a print version and it shows up on the website. There's a letter from the Secretary that says, I'm pleased to announce this is the aquaculture development plan for 2021 and we can go forward with that. I don't think it's appropriate to use the draft version, we need a full final published version.

A. Wenczel- The PDF that was sent out to the Council and list of attendees is what we have been working from in meetings.

N. Gaine- I think it needs to be put out there published. I'm happy on Councilmember did not want to vote on this until it was final. I think we should all see it. It's a document for the industry and the industry should be able to use it. We do not need to have a copy that says draft at the top. It needs to be public. We need a hard copy, published version.

A. Wenczel- I can discuss the letter with the Secretary. A final version was sent out. I will resend it out and work to get it onto the website. We do not have funds to print out publications like in the past.

Questions on adding pictures & discussion. F. Minch- The basic elements are in there and what we're talking about now (pictures/colors) are window dressing. We can add some of that window dressing to the document if that's wanted, but that does not affect what is the core of the document. We can start to make those things happen before we work on adding color and pictures.

N. Gaine- a copy of the published version should go to all the legislators, every one of them gets a copy. The people that worked on this want it to look good when it goes to people to push for this industry.

Further discussion on timing of the document being released as PDF, polished printed version, and the work of the Committee.

D. Zemeckis- I don't know if I ever saw a final copy, so I would appreciate resending the document so that I have it on file.

M. Gregg commented on the need to share document outside of the AAC and post onto website.  
F. Minch- agreed that it can be on the website- the current version.

M. Williams commented on wanting the final copy without the word draft to use in meetings or more items forward for his business. A. Wenczel reiterated that a copy will be resent and posted to website.

M. DeLuca- Co-chaired the committee that worked to produce the document and we discussed a 2-3 page executive summary and that could help with going to legislature. We can also add some pictures and have it easy enough to print off.

Circling back to the marketing committee, D. Zemeckis- Another comment made was determining the committee charge or tasks. I don't know the best way to go about it but will the Committee or Council or Department determine the role of the Committee. Not sure if this should be from the Committee or if this is preferred to be top-down to direct or place guardrails on the work of the committee.

### ***Public Comment***

N. Gaine- We need to address the ongoing issue of right to farm, it is not on the agenda. I recommend that the Department of Agriculture invite the right to farm specialist to explain the program to the industry and the other agencies that attend these meetings.

D. Parsons (in chat)- I'd like to know where does dep of ag stand on rite to farm? based on feedback from the senate majority dep of ag does not support rite to farm? is this correct ? Will ag play a role in the three bills that will be reintroduced? I also agree with Matt and Ned that we need to formalize the development plan and circulate it to all major stakeholders, including but not limited to shellfish councils, legislators, and academia partners. F. Minch- I don't think it's a question of whether or not we support right to farm, I think we need to take a look at the bill that was reintroduced. We can talk about right to farm later in the agenda.

B. Hollinger- The state board legislative committee, that I am on, met with the Assembly Ag committee chairman and I brought up the right to farm issue and legislation. We're going to get all that information to him through the board.

N. Gaine- request that someone make a motion to reconvene the AMP committee of the AAC. The right to farm legislation is the first step. Next, we will need AMPs that are appropriate for our industry.

### ***New Business (cont.)***

#### **AAC Composition**- A. Wenczel

Two vacancies on the Council- one is a Speaker of the Assembly appointee, and one is a Governor's appointee. If someone is interested, get your name to these offices. Remaining appointments are holdovers, except for Barney but he will be a holdover by the next meeting. If you wish to remain on the Council, seek reappointment.

The membership roles have been discussed previously in a broad perspective; this needs further detail on what changes are requested. F. Minch- I have not been in these discussions so more details and perspective would help. Also consider that this is the beginning of a new legislative session with a new Senate President so this could be a good time to push for specific items.

N. Gaine- The changes to the Council that were made and agreed upon in a past meeting, to have the current memberships needs to be formally added to the Aquaculture Development Act. If we look at the Council membership, we need to formalize it within the Act. F. Minch- Opening up legislation is a big ask, so if we do that, we should have it all set and do it one time. Have any additional changes ready before we ask for legislation changes. N. Gaine- I think we should start with where we are now and see if we agree with current, need to change that, or start over.

Agreed that the current changes would be reviewed internally and then move forward with best process for formalizing in legislation.

#### April Meeting Date

A conflict with the April AAC meeting date arose after the calendar for the AAC meetings was finalized. After discussion it was decided that the April meeting would be moved to Friday, April 22<sup>nd</sup> and may shift to the afternoon.

M. Gregg requested the conversation go back to a few topics, especially given comments within the chat.

F. Minch asked for thoughts on Council composition. M. Gregg- Industry should outweigh other sectors, academia or regulatory. \* Further discussion on membership, specifically that it would require a change of legislation since the membership is stipulated in the Act. Thinking through the number of seats on the Council and the specific groups that should have representation. N. Gaine- the industry has changed since the AAC composition was first developed. Now with structural aquaculture, need to have the Council evolve as the industry has done. Also have more specific roles for the members, not as broad as the current language. F. Minch- also consider proxies when having this discussion on membership.

J. Maxwell- Both sections of the Shellfish Council have put forth letters requesting representation on the AAC. Barney & I are on both Councils but that will not be forever and to have a seat on the AAC for our Shellfish Council chairs is needed. Does the AAC have a way to form a committee to review and make recommendations to the Council? \*Discussion on AAC Committees.

***Motion: B. Hollinger made a motion to form a Legislative Committee to review the Aquaculture Development Act, stemming from the AAC membership discussion. Second by J. Maxwell. All in favor, so moved.***

Legislative Committee membership from the meeting- B. Hollinger, J. Maxwell, M. Gregg, D. Parsons. Email to be sent out to ensure others are invited to join.

In chat & meeting, N. Gaine, M. Gregg, and M. Williams stressed the need for greater industry representation on the AAC. M. Williams- Concern with few farmer seats is that if there is a vote and all farmers are against it, the motion could still pass even though the industry is against it.

S. Fleetwood- In agreement with the Shellfish Council section having representation on the AAC since many of the items discussed by AAC may come back to the SC sections for discussion or

vote. Also agree with M. Williams that the industry is directly impacted by items from the AAC. Seems right that the people most impacted by changes have a say in the decision. Also have the people who know what they're doing and talking about on the Council as opposed to someone that is a representative but not as knowledgeable.

### ***Council Committee Reports***

#### **Shellfisheries Council Update-**

B. Hollinger provided update on Delaware Bay Section Leasing Committee.

- Agreement that if you own a lease you should have some kind of shellfish license.
- Have to work through potential leasing issues in the White Zone (US Coast Guard regulated transit zone)

J. Maxwell provided update on Atlantic Coast Section Leasing Committee.

- Working on determining what is the threshold for being an active member. What criteria should be used?
- Had a special meeting in December for leasing and regulatory discussion and a meeting is planned for Feb for the leasing committee.
- Made a lot of progress in the last year.

J. Normant- Summaries of the leasing committee meetings are provided at the Shellfish Council meetings, so these summaries are available if anyone wants more information.

Aquaculture-Red Knot Stakeholder Committee- no update.

### **Councilmember Comments**

D. Bushek- not present but provided information for the Oyster Stock Assessment Workshop. Information added to the chat, included here:

Update from Dave Bushek...

This year's Delaware Bay Stock Assessment Workshop will be held virtually on February 7th and 8th, 2022 with details on platform to be shared later. Anyone wishing to attend can contact Dave Bushek via email. The Stock Assessment Review Committee is:

Michael Celestino, NJ DEP

Dave Eggleston, NC State

Carolina Bourque, LA Dept of Wildlife and Fisheries

Barney Hollinger, Delaware Bay Shellfisheries Council

Scott Sheppard, Delaware Bay Oyster Industry

Craig Tomlin, NJ DEP

John Wiedenmann, Rutgers University

Daniel Hennen, NOAA Northeast Fisheries Science Center

Richard Wong, DE NREC

Dave Eggleston is replacing Matt Hare from Cornell University. Dave is an ecosystem ecologist with expertise in oyster metapopulation dynamics, spatial ecology and restoration. He has been working in the coastal oyster populations of North Carolina for many years which has included generating a state-wide, fisheries-independent survey program that would serve as the backbone of the NC's Oyster Stock Assessment.



For anyone interested, all prior year reports are available here:  
<https://hsrl.rutgers.edu/SAWreports/index.htm>

B. Hollinger- Back to the Aquaculture Management Practices, we need to review them. I think we should hold off until the right to farm legislation goes through and then form a committee to review along with the SADC. They have to approve anything we come up with. M. Gregg- What would be bad about starting on the AMPs now? There is nothing specific to the legislation in the AMPs. B. Hollinger- We can form committee now, I'll make the motion. We may need to hold onto them though until the legislation goes through.

***Motion: B. Hollinger made a motion to form an AMP Committee. Second by M. Gregg. All in favor, so moved.***

A. Wenzel to send out email for AMP Committee volunteers. M. Gregg and D. Parsons volunteered in the meeting chat.

### ***Old Business***

ADP recommendation update- A. Wenzel

An update on the status of NJDA or AAC recommendations from the 2021 ADP Update was provided.

B. Hollinger asked for an update on the status of USDA funding for seafood processors and dealers. A. Wenzel notified that an application was provide by NJDEP as the lead applicant/project manager. NJDA & NJDOH are project partners. Waiting to hear back on the application and proposed plan for budgeting.

B. Hollinger asked for an update on CARES Act fisheries funding. J. Normant- there was no money left from round one. Money in round two was budgeted for advertising. Right now we are seeking a contract for that work.

N. Gaine- Back to the AMP motion, there was a committee for this purpose. This is a reconvening of the Committee with more people added. To keep this moving, the committee should meet before the next AAC meeting. \*Discussion on reconvening versus being a new committee occurred. N. Gaine stressed again to start from the 2015 documents/progress and be aggressive with finishing the AMP revisions. F. Minch agreed that the committees formed in this meeting need to meet before the next Council meeting.

S. Gentile- The rule amendments that were stakeholdered last year did not move through as quickly as thought. Now coming up against the sunseting of the rules- all rules have a 7-year life. We now have to readopt without amendments to keep the rules active. There are no changes in this readoption, so know this is not us adopting rules without a proper stakeholdering. This is just to keep the rules and not let them sunset. M. Gregg- The stakeholder meeting you had, is that it or are you going to have more meetings or public hearing? S. Gentile- We would never try to go a year plus between a stakeholder meeting and then have the rules up for amendments. I think with

this delay we may stakeholder again. I don't know for sure. It wouldn't negate the public hearing process, that is triggered when the rules are in the register.

***Public Comment***

D. Parsons- The average growth curves for hard clams on the Atlantic Coast, at least north of Cape May County have diminished drastically. It's pretty bad in Dry Bay and my area Sunlight Harbor Bay. I have brought up this idea to monitor plankton blooms through the summer season. They do this in other areas; URI does it in Narragansett Bay. I think we need to look into this monitoring to see what food is in the water for hard clams. S. Gentile via the chat noted that she and Bob (Schuster) would follow up with Dale on this topic.

*\*Discussion back to items in the chat that were not yet addressed. \**

M. Gregg reading comments in chat from D. Parsons- Where does the Department of Ag stand on right to farm based on the feedback from the Senate Majority that the Department of Ag does not support right to farm.

F. Minch- With right to farm, it comes back to what we discussed in previous meetings, what are the instances or conditions by which someone would lodge a complaint against someone in the industry. What type of operation needs protection? I know it was stated everything but that is pretty broad. Terrestrial right to farm does not mean they can do everything, whatever they want. There are certain conditions. Some of the language in the bills may trigger some unintended consequences with terrestrial farming and some may just not be the best fit for what is needed. Maybe there is another avenue to achieve the protections you all need rather than just shoving this industry into the current right to farm system. I'm not saying you're not getting it, it's just a parallel program. We will work with SADC and the Legislature as this goes forward.

B. Hollinger- State Board took a position on this legislation. We said one statement was too broad, and if that was fixed, we were behind it, and have right to farm this year.

N. Gaine- I find it concerning that you are asking me to define why I want a right. A right that is given to us when we're licensed by the Department. We want protections, but did you ask yourself why do you want to be protected under your rights? I mean it's ironic, I can't foresee a nuisance complaint. I don't want to tell you what I think could be a nuisance complaint without rights in a public meeting. In general, we are talking nuisance complaints. This goes back to my initial comment that we need the people from right to farm in this meeting to explain it all to use in the industry. What does it protect for agriculture and then we might be able to massage this into fitting into our industry because this is an absolute necessity. This should be number one on the agenda. We have a major problem that needs to be addressed.

M. Gregg- I don't understand why we have a different approach from terrestrial agriculture. I don't think they were asked what kind of protections they wanted; they just wrote the bill. A. Wenczel- The right to farm program actually did come out of nuisance complaints that the bill was intended to address. M. Gregg- It's just uncomfortable and difficult thing to do, I don't agree with it.

M. Gregg- Same question as Dale with the bill and the Department's support. F. Minch- I'm not in a position to comment on that right now. We have to review the introduced bill and the previous comments we had on past versions of the bill. It's a matter of what is the right path for this bill, the most appropriate for the industry. How do we word the bill and condition it so that it does not inadvertently impact terrestrial farming? Similar to what Barney noted, some of the language may be too broad. We are supportive of the concept; it's just getting the details right.

B. Hollinger- Our comments were because the way the bill is worded it gave more power than existing. No other entity has control over zoning. The bill said we would be exempt, basically, from zoning laws. The main thing is it was just too broad in the power that was being given.

F. Minch- We didn't take a hard look at it to see if we could amend some of it because that's too cumbersome to have it make sense but remove the items that do not work. Also consider if you want to go before the County Ag Development Boards that have not idea or understanding of what you are doing. There are a lot of components to the right to farm to consider. Another item to consider in terms of what is the right path to get what the industry needs. We have been looking at an alternative approach and separate pathway that is equal in the rights but may remove some of the elements that are complicating this process.

M. Gregg- This is the first time we are hearing of an alternative. We know this is not just the freedom to do whatever you want. You have to go through the process, notifying your neighbors, going through the CADB hearings, and the CADB will have to learn about our industry. Every case is unique, so they learn with each case. It is frustrating because this Council is the form for this discourse and it's not on the agenda. I think we need to stop having these backroom secret lobbying against this movement. We need to hash it out here.

F. Minch- I will talk to SADC. If the CADB has an issue, or the decision is appealed, it goes to the SADC. Also, there are no backdoor deals or meetings being had. There's a lot of day-to-day work and some discussions we have that do not lend themselves to these meetings. I don't want to have a discussion here and have everyone run out of this meeting think that's the way things are going to be. This is a process right now.

D. Zemeckis- Whose responsibility is it to update the AMPs? The current version is 15 years old. There are logos from the Department and Rutgers. A. Wenczel- The original AMP was developed because of the need for the health plan. The AMPs are all adopted as regulations by the SADC. The edits being worked on by the AAC committee can be brought to the SADC but then the SADC has to get them onto a regulatory calendar and formally adopt them as the new AMP. D. Zemeckis- Does the SADC know we are developing an updated AMP? Would this fit their timing? A. Wenczel- I don't know their timeframes. The AMP is a general AMP for the industry; it will not cover everything that can be done on an aquaculture farm. If an activity that follows generally accepted aquaculture practices a grower can apply for a site-specific agriculture management practice. That would be more nuanced to the specific farm and specific complaint.

N. Gaine- This information is exactly why we need to have these conversations. We need to make the AMPs as broad as possible but let the industry know that the site-specific plan is an option.

That's the role of this Council. We need to have these conversations consistently. The more we discuss and bring more industry into the conversation the better.

M. Williams- Not clear on what is going on. I'm hearing that the Department has their own bill. We should discuss this now and not push it to the next meeting. It feels like we're getting nowhere on anything, and we need to get things done. F. Minch went through a synopsis of the bill and previous discussion to ensure the path for the bill was known as well as the key items in terms of getting bill language appropriate for industry.

M. Williams- Can we have this bill review discussion here in a Council meeting? We have industry pushing one bill and you say you don't completely support. Can we have that discussion. We need to discuss the details and not just general we are working on it. F. Minch- At this point all we have are generalities, we don't have details to share. I don't want to bring items forward that are still in process and have people run to other Councils and Boards and say that it's final when it's a discussion item. I have seen bad legislation that is very tough to work with, it doesn't achieve the intent.

M. Williams- Last meeting we gave you ideas for right to farm and where does that stand? We want to know how that will be integrated into what you're doing. As Matt said, we don't have a whole lot of time. F. Minch- We've kind of crossed over the legislative sessions. The bill from the previous session did not move. It was reintroduced in this session, which just started. We have to review the current legislation; it's not a complete start over but we need to be speaking to the current bill. In my perspective, I don't think it's the best fit to try to shove this industry into the current program. I'm used to livestock and vegetable growers who own the land. You don't own the land so that is a nuance right from the start. I think it will be better to come up with a companion process that is specific to aquaculture. It won't get you caught up in the terrestrial items and better serve this industry. M. Williams- Can we discuss these details? F. Minch- Right now we're not at that part of the process. M. Williams- Assuming this goes beyond the next meeting, can we go through this specifically at the next meeting. F. Minch- Absolutely, I think this would have to happen at the next meeting. I think it would take up a big portion of the next meeting. M. Williams- This will be on the agenda for the next meeting? F. Minch- Yes.

S. Lennox- I don't see why we would want to completely reinvent the wheel regarding right to farm and disputes get resolved and the mechanisms of how the process works. We were trying to set up a farm stand but had issues because we didn't grow the crop in our town. We went before the Monmouth County Ag Development Board and sat for hours, and a site visit and they went through the process of fully understanding our operation. We're now officially a commercial farm as far as Monmouth County Ag Development Board is concerned. We got a site-specific ag development plan. The only reason we could do this is because a piece of our farm management unit is zoned ag. Most of us are in areas zoned marine commercial. I think everybody should have that right, not just those of us who have the ag zoned areas. I cannot see why we would want to reinvent this whole process.

N. Gaine- The legislation put forward may not be perfect but it's because the industry and the people in public don't feel it's getting resolved right and when we don't feel there's a conversation being had or a resolution coming, we're going to go to legislation. Today's conversation is how to

make legislation. I appreciate the time spent on this. F. Minch- We need to work together to identify the things we need for this legislation, including working with SADC.

F. Minch- I don't think this is reinventing the wheel, more a different avenue. We are taking a lot of the same elements and placing them into a better context. It's good to have these discussions on the different ideas to develop the best alternative.

D. Parsons- Does the right to farm do more for a farmer outside of nuisance complaints? Is there something greater? For example, would it allow for a farmer to circumvent zoning or a state or municipal rule? F. Minch- Right to farm is not going to get you out of your obligations as a farmer to adhere to regulations. For a local ordinance there can be issues that distress a farmer. For instance, you want to put up a deer fence, but the town has an ordinance saying fences can only be 6' high and deer fencing needs to be 12'. The farmer would need relief from the municipal ordinance to put up the deer fence. Some farms try to push the envelop to cover everything and the right to farm coverage is denied because it does not cover everything. It is to cover items that are traditionally required for the operation. In the deer fence example, the fence is abjectly important to the running of the operation and would be an example where right to farm could be used.

S. Lennox- One protection that we are dealing with right now that could be a huge one is a specific ordinance in a town that says that for the site there are only certain activities allowed. It's a marine commercial zone but they specify the marine activities allowed and ours is not. So this would be nice to have in the best management practices. F. Minch- The AMPs are general items, right, very broad to cover aspects of the industry. This may be what the group wants to consider but it may need to be addressed on an individual basis.

F. Minch reiterated the Committees formed and the items brought forward in the meeting that are moving forward over the next couple of months.

S. Fleetwood- Clarify that the Shellfish Councils will need to be brought into these conversations and that Frank cautioning about talking about items to the Shellfish Council is not correct. F. Minch- Understood. I was not saying not to discuss, but making sure it's clear that sometimes things are still in process and not decided. That isn't always clear when a conversation is brought from one Council to another. S. Fleetwood- This is our livelihood. We are not just suggesting and discussing items, we need these items that are concerns of the industry to move forward. These are legitimate, real-life concerns to all of us. F. Minch- I did not mean to downplay that or be flippant about this topic. S. Fleetwood- Understand and appreciate that. We appreciate the opportunity to work with everyone in this meeting. We have a great state program in NJ and I tell people all over the country how great it is.

F. Minch closed the meeting stressing the need for communication and good dialog over the next several months now that several items are in the works from this meeting.

Meeting adjourned.