

**Aquaculture Advisory Council  
October 22, 2021  
Meeting Minutes- Conference Call Meeting**

**Members Present:** Mr. Frank Minch (Sec. Douglas Fisher), Mr. Russell Babb (Comm. Shawn Latourette), Ms. Melanie Willoughby (Sec. Tahesha Way) [arrived at 10:06am], Mr. Loel Muetter (Comm. Judith Persichilli), Dr. Dave Bushek, Dr. Douglas Zemeckis, Mr. Mike De Luca (Dr. Laura Lawson), Mr. Matt Gregg (Ms. Lisa Calvo), Mr. Barney Hollinger, Mr. George Mathis (Mr. John Maxwell), Mr. Maury Sheets, Mr. Steve Fleetwood (Mr. Frank Virgilio), Dr. Amanda Wenzel.

**Members Absent:** 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.

D. Bushek motion to approve July 23, 2021 meeting minutes. B. Hollinger Second. All in Favor, so moved.

*Public Comment*  
[No comments]

*New Business*

USDA Grant Funding-A. Wenzel

Two funding opportunities announced by USDA, one for growers to directly apply to USDA. Link for that opportunity provided in chat during meeting (see chat thread below). Second funding opportunity is for state applicants. Both grants are aimed at financially assisting producers & processors that have invested in pandemic related protections for their workers and/or customers. The NJ state agency application is being developed by project partners NJDEP, NJDA, & NJDOH with the application submittal by mid-November.

CARES/Fisheries- J. Cimino

Still finalizing the second half of 2020 CARES fisheries funding. There is money set aside within that funding source for marketing of New Jersey Seafood and training programs. More information on these programs will be known once the allocations to applicants are done and it is determined if any of the additional funding can be shifted to fund the marketing and training.

Lease Renewals- J. Normant

Renewal letters and packets sent to all leaseholders on October 15<sup>th</sup> by the NJDEP, Bureau of Shellfisheries. There may be some delay with mail, but all were mailed out on that date. See information within the packet regarding fees, application needs, and where to send items for renewal.

BMWM Permits for 2022- S. Gentile

The letters reminding 2021 permit holders of the need for permits in 2022 will be sent out in November. These are permits from the NJDEP, Bureau of Marine Water Monitoring. These permits require a yearly application.

#### NJAA Letter to Sec. Fisher

A letter from the NJ Aquaculture Association was sent to Secretary Fisher asking the AAC to request a public hearing for the regulations at NJAC 7:12. When a rule or amendment to a rule is proposed via the NJ Register there is a process to request a public hearing. The rules at NJAC 7:12 are not currently in the NJ Register for renewal or amendment and therefore now is not the time to request the hearing. When those rules are published for amendments, any entity can request a public hearing through the appropriate process.

Sarah Gentile commented that the rules at N.J.A.C. 7:12 are not currently in the register but when they are, BMWM plans to have a hearing if a public hearing is requested. Now is not the right time.

#### *Council Committee Reports*

##### Shellfish Council Leasing

Atlantic Coast Shellfish Council- a letter was sent out on October 13<sup>th</sup> to all Atlantic Coast leaseholders. Specifically, it highlighted the lease utilization reports that are due with lease renewal and the importance of that data; the need for all leaseholders and shellfish farmers to be in compliance with permitting and licenses; and a note about the vibrio plan.

The Delaware Bay Shellfish Council has a Leasing Committee meeting scheduled for early November.

##### Marketing Committee Charge

Marketing committee was formed at the last meeting, but the charge of the committee was not finalized. Need ideas from the Council on the committee role.

B. Hollinger- Need more information on the Check-Off process and Council. Asked for information from Joe Atchison, and we need to review and discuss with Joe.

B. Hollinger- Need to look into how to get money, grants. Change the law so shellfish can be under the specialty crop program. We also need to know how much money is needed for an ad or marketing campaign. What are the costs? That can dictate the amount we would need to raise to support marketing. It would also help to know what money will be from the CARES funding to see how to work off of that amount.

D. Parsons noted the Baymens Pride hard clam cooperative marketing program that was developed under a USDA value-added grant several years ago. This was to note that some funding that is currently available can be used by the industry; not all funding has to be changed for eligibility. G. Mathis noted that Baymen's Pride is no longer an active program.

D. Bushek- Need a better reporting on the value of the industry. S. Fleetwood- this is a very important topic that keeps being discussed at ISSC. Need a greater capacity and infrastructure to collect dealer data, yearly.

S. Fleetwood- for marketing we need a big picture change on how NJ is perceived, and how our shellfish is viewed by consumers. NJ has clean water with top-quality shellfish that are good for you. This needs to be the perception of NJ shellfish.

Regarding data collection, D. Bushek noted the survey work that Lisa Calvo did in previous years but halted due to low participation. N. Gaine noted the USDA, NASS Census of Aquaculture data.

#### Aquaculture-Red Knot Stakeholder Committee

No meeting since last AAC meeting.

B. Hollinger noted that the Shellfisheries Council sent a letter in response the USFWS rule proposal listing critical habitat for the red knot.

#### *Councilmember Comments*

M. Gregg asked about pending AAC appointments. A. Wenczel noted that she previously looked into this item with NJDA staff that liaise with the legislature (appointments from legislature), and there is no update at this time. Will ask again.

D. Zemeckis provided an update on extension programs coming up in the new year. For more information, he provided a link in the chat feed (see chat below).

#### *Old Business*

Right to Farm, protections needed/activities in need of protection

B. Hollinger- the issue is we have non-contiguous parcels.

M. Gregg- we just need to fit. We have issues with access to the lease and with getting property in the upland. NJ coastal property is expensive and we cannot get the property we need to operate.

M. Williams- Wholesale facility is in an area zones for agriculture but cannot have a farmstand because there is no farming on the parcel. Need a way to connect the upland areas of the operation to the lease where the shellfish are grown.

N. Gaine- everything.

D. Parsons- same, everything. Smell, sound, schedule. All of this can be an issue.

#### *Public Comment*

Email from Jean Public read into record

*I cannot attend the meeting but am definitely opposed to using taxpayer dollars in any way shape or form to increase aquaculture, which is in fact dirty disgusting monetary profiteer harm to the environment. the dirty business of aquaculture and growing fish in tanks means they are sick and diseased in the full majority of cases. the nets in the ocean are as dirty as can be. in no way is aquacultured fish as sturdy or healthy as wild fish. some profiteer wants tax dollars to be wasted and this is a complete and total waste of tax dollars. it needs to be stopped. it is wasteful and a disaster for the environment. this comment is for the public record.*

\*Letter from the New Jersey Aquaculture Association added to minutes as attachment after meeting.

Meeting adjourned.

*\*Pertinent comments provided in the "chat" window during the meeting are included here. The chat is not moderated during the meeting to provide responses beyond acknowledging comments received.*

Wenczel, Amanda

<https://usda-prs.grantsolutions.gov/usda> website for USDA pandemic response grant

"tony ni"

I have question: we have lease water do well but didn't have land operation system, like lease store without fixture, the question put forward long time ago, where is aquaculture home. there are all marina and luxury water front house taken.

aquaculture not just grow in the water, we have need landing.

David Bushek

From minutes just approved, the following individuals volunteered to serve on a Marketing Committee: Barney Hollinger, Lisa Calvo, Doug Zemeckis, Dale Parsons (depending on charge and commitment), Joe Meyers was suggested as a member, there were calls for industry members to serve.

David Bushek

Here is a link to an example of the reporting Virginia sees that results from the kind of survey information Lisa Calvo used to request. She modeled her survey and report after them: [https://www.vims.edu/research/units/centerspartners/map/aquaculture/docs\\_aqua/mrr-2019-8.pdf](https://www.vims.edu/research/units/centerspartners/map/aquaculture/docs_aqua/mrr-2019-8.pdf)

Douglas Zemeckis

<http://go.rutgers.edu/eatjnrfn>

David Bushek

<https://farmoffice.osu.edu/blog-tags/right-farm-0>

If you are interested in learning more about state right-to-farm laws and aquaculture, the National Sea Grant Law Center's report is available here.

**New Jersey**  
**Aquaculture Association**

New Jersey Aquaculture Advisory Council  
Secretary Fisher  
CC: Dr. Amanda Wenczel, NJ Dept. of Agriculture  
Commissioner Shawn M. LaTourette, NJDEP  
Jane Cohen, Office of the Governor  
Hannah Thonet, Office of the Governor

October 20, 2021

**Re:** Request for a Public Hearing for Shellfish Growing Water Classifications Administrative Code N.J.A.C. 7:12

Dear Secretary Fisher and New Jersey Aquaculture Advisory Council

The New Jersey Aquaculture Association urges this Council to request a public hearing for the regulations governing our Industry under the NJDEP's Bureau of Marine Water Monitoring *Shellfish Growing Water Classifications* N.J.A.C. 7:12.

These regulations were implemented in 2016 after the state of New Jersey was cited by the FDA for noncompliance with the National Shellfish Sanitation Program's Model Ordinance.

Under the New Jersey Administrative Procedures Act, this Association believes that it is our procedural right to be granted a public hearing if one is requested.

During the public comment period in 2016, over a hundred people requested a public hearing, including members of the NJ Shellfish Councils, members of the NJ Aquaculture Advisory Council, state legislators, esteemed Rutgers scientists and members of the Industry.

It's important that our voices are heard in a fair setting and in a timely manner.

The response from the Department was "the Department will conduct a public hearing in the context of the community engagement process". While that is greatly appreciated, 'community engagement' is not the same as a 'public hearing'.

These regulations are due for amendments. We strongly suggest the New Jersey Aquaculture Advisory Council heeds our suggestion and requests a public hearing.

Sincerely,

Matt Gregg

New Jersey Aquaculture Association, President