

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

Nacote Creek Law Enforcement
Port Republic, NJ
January 8, 2018

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

DEP Representatives: Jeffrey Normant, Bureau of Shellfisheries
Kira Dacanay, Bureau of Shellfisheries
Jenny Tomko, 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 November 2017:	\$ 8,974.93
	Shellfisheries Law Enforcement Fund	\$ 2,610.00
	Total Revenue for December 2017:	\$ 21,606.64
	Shellfisheries Law Enforcement Fund	\$ 7,896.00

2. Presentation of the November 27, 2017 minutes for approval.

Approval of the November 27, 2017 minutes were tabled until the February meeting to provide the Council with more time to review the draft minutes.

3. Annual election of Chair and Vice-Chair

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

4. Council Statement and Purpose

Mr. Maxwell read the following statement to the audience to remind the public of the role and purpose of the Shellfish Council. Mr. Maxwell stated "We want to start off our first meeting of the new year with the reminder of the purpose and charge of this Council. The Shellfisheries Council are appointed public officers of the State of New Jersey. As such, it is our duty to advise and consult the Commissioner of the Department of Environmental Protection as to shellfish regulation and policy. Therefore, our task is to establish appropriate policies for the use of shellfish aquaculture leases in the waters of the State and for land underneath waters of the State, including, but not limited to lease specifications, fees and assignability and termination of lease agreements.

We have been appointed to this role based on our experience working on, and lobbying for the waters of the State. We have the responsibility to every resident of New Jersey to protect and

preserve the resources in the State. Our aim is to make these decisions fairly, without bias while simultaneously balancing the protection of the waters and nurturing aquaculture.”

5. Applications for Transfer – Research Lease

LESSEE	APPLICANT	LOT #	SECTION	ACRES	LOCATION	MAP#
NJ Div. of Fish & Wildlife, Marine Aquatic Program - Karen Byrne	Rutgers Co-Op Extension – Doug Zemeckis	2R	C	1.38	Barnegat Bay – Waretown Research	

Without discussion, the transfer of the research lease was unanimously approved on a motion by Mr. Johnson, which was seconded by Mr. Hughes.

6. Applications for Consideration

LESSEE	LOT #	SECTION	ACRES	LOCATION	MAP#
Aimee Sprague	398	B	2.17	G.B. Big Creek	10

Mr. Normant provided the Council with copy of the above lease application. Ms. Sprague was absent from the meeting. Pursuant to N.J.A.C. 7.25-24.6, lease applicants shall attend at least one of the two council 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 area applied for shall revert to public bottom.

7. Applications for Decision

LESSEE	LOT #	SECTION	ACRES	LOCATION	MAP#
Jordan LoPinto	801	B	2.00	LEHB-Rose Cove	7
Katie LoPinto	803	B	2.00	LEHB-Rose Cove	7
Christian Palmisano	804	B	2.00	LEHB-Rose Cove	7
Blake Beskin	805	B	2.00	LEHB-Rose Cove	7
Raymond Millner III	806	B	2.00	LEHB-Rose Cove	7
Chris Carrol	807	B	2.00	LEHB-Rose Cove	7
Rose Millner	808	B	2.00	LEHB-Rose Cove	7
Matt Gregg	809	B	1.10	LEHB-Rose Cove	7
Scott Lennox	810	B	2.00	LEHB-Rose Cove	7
Jessica Little	811	B	2.00	LEHB-Rose Cove	7
Gregory Millner	812	B	2.00	LEHB-Rose Cove	7
Brianna Frost	813	B	2.00	LEHB-Rose Cove	7
Matthew Hender	814	B	1.99	LEHB-Rose Cove	7
Steven Frost	815	B	2.00	LEHB-Rose Cove	7
Terence Smith	816	B	2.00	LEHB-Rose Cove	7
Kurt Pfizenmayer	817	B	2.00	LEHB-Rose Cove	7
Leroy Frost	818	B	2.00	LEHB-Rose Cove	7
Tracy Hender	819	B	2.24	LEHB-Rose Cove	7
Susan Hender	820	B	2.12	LEHB-Rose Cove	7
John Stroud	821	B	2.00	LEHB-Rose Cove	7
Louis Stroud	822	B	2.00	LEHB-Rose Cove	7
Peter Hender	823	B	2.00	LEHB-Rose Cove	7
Scott Hender	824	B	2.00	LEHB-Rose Cove	7

Messrs. Palmisano and Lennox were present at the meeting. Messrs. J. LoPinto, Beskin, R. Millner III, Carrol, Gregg, G. Millner, M. Hender, S. Frost, Smith, Pfizenmayer, L. Frost, J. Stroud, P. Stroud, S. Hender and Msses. K. LoPinto, R. Millner, Little, B. Frost, T. Hender, S. Hender, L. Stroud were present at the November 27, 2017 Council Meeting. All applications for decision were unanimously approved on a motion by Mr. Johnson and a second by Mr. Hughes. Mr. Normant informed the applicants they have 30 days to sign their lease agreements and pay the lease fees.

8. Vacated Relay Leases - By Lessee

LESSEE	LOT #	SECTION	ACRES	LOCATION	MAP#
James McCourt	2400.1	B	1.5	Great Bay Relay	24.1
Chris McCourt	2400.2	B	1.5	Great Bay Relay	24.1
William Barnish	2400.7	B	1.5	Great Bay Relay	24.1
Richard Beckley Jr	2400.16	B	1.5	Great Bay Relay	24.1
Richard Beckley Sr	2400.15	B	1.5	Great Bay Relay	24.1
Daniel E Hamill	2400.63	B	1.5	Great Bay Relay	24.1
Lee M Leopardi	2400.11	B	1.5	Great Bay Relay	24.1
Edward Mulligan	T311	B	1.5	LEHB	

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

9. Vacated Leases – By Lessee

LESSEE	LOT #	SECTION	ACRES	LOCATION	MAP#
Robert Bennett Jr	7	D	2.00	Swan Point	1
Robert Bennett Jr	8	D	2.00	Swan Point	1
Robert Bennett Sr	10	D	2.00	Swan Point	1
John Nitche	1135	B	1.90	Mordecai Island	13.1

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

10. Vacated Leases – Non-Payment

LESSEE	LOT #	SECTION	ACRES	LOCATION	MAP#
John Walls	2030	B	0.92	Obes Thorofare	3
Thomas Bowen	2556	B	1.95	Scull Bay	27
John Pepitone	2564	B	2.00	Scull Bay	27
Richard Went	2515	B	2.00	Scull Bay	27
Richard Went	2560	B	2.00	Scull Bay	27
Neil Decicco	2200	B	2.06	Dry Bay	24.2
Ronald Sost	2346	B	2.00	Dry Bay	24.2
Ronald Sost	2324	B	2.00	Dry Bay	24.2
David Goheen	621	B	2.76	LEHB	6
Russell Mathis	619.1	B	5.15	LEHB	6
Russell Mathis	618.1	B	8.11	LEHB	6
John Kohler	103	A	2.00	GEHB-Peck Bay	2

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. None of the above lessees attended this meeting.

Mr. Normant stated that Lot 2030 Section B in Obes Thorofare could not be released as per Council policy and would remain public bottom. Mr. Johnson inquired about the acreage of vacated lots 621, 619.1, and 618.1 in LEHB. Mr. Normant stated that any new applications for leases within the area of these vacated leases would have to be reconfigured to 2 acres.

11. Old Business:

Hard Clam Relay Program

A motion was made by Mr. Johnson to suspend the hard clam relay program as per terms of the initial suspension of the relay program in 2006. The motion was seconded by Mr. Hughes and approved by Council.

Mr. Johnson suggested that Bureaus of Shellfisheries, Bureau of Marine Water Monitoring and Marine Enforcement hold a meeting to discuss the future of the relay program prior to the February 2018 Council Meeting. Mr. Maxwell stated that Council would discuss nominations for the Relay Committee at the next Council meeting.

CZM Rule Update

Mr. Johnson inquired about the status of the adoption of the proposed amendments to the CZM Rules at N.J.A.C. 7:7 regarding the shellfish aquaculture sections of the rule that addresses threatened and endangered (T & E) species. Mr. Maxwell stated that the stakeholder meeting last week was cancelled due to weather and would be held before the upcoming Marine Fisheries Council Meeting on January 11th in Trenton.

12. New Business:

Re-adoption of 7:25A Oyster Rules

Ms. Tomko announced that the Oyster Rules 7:25A were up for re-adoption. The rules regulate the oyster harvest within Delaware Bay. The Bureau needed to re-adopt the rules because the shellfish regulatory package proposed last year was placed on hold until the new administration was in place.

Hard Clam Stock Assessment

Ms. Dacanay informed the Council that the 2015 Navesink and Shrewsbury Rivers Hard Clam Stock Assessment was completed and she would discuss the survey results at the February 2018 Council meeting. The report was available on the Bureau's website.

New Lease Area High Bar Harbor

Mr. Lee Major proposed a new lease area to the Council in Barnegat Bay. Mr. Normant stated that his proposal would be discussed with the Policy Sub-Committee in March. Mr. Maxwell

anticipated the Council would choose a date for Policy Sub-Committee Meeting at the next Council meeting.

13. Date, time and place of next meeting:

DATE: February 12, 2018

TIME: 7 PM

LOCATION: Law Enforcement Office

360 New York Rd. Rte. Port Republic, NJ 08241