



Mr. Schuster, from the BMWB, stated that the new rules were adopted on September 19, 2016. The Council expressed their disapproval of the adoption of the rules without their comments taken into consideration. Mr. Schuster stated that BMWB staff received the Council's comments, however the changes the Council suggested were deemed too significant to address due to the fact it was necessary to adopt the rule in order for the state of New Jersey to be in compliance with the FDA. Mr. Schuster assured the Council that the rules would be re-opened in the near future to address concerns, and that the stakeholder process would take place again. Mr. Schuster also stated that operations to move oysters from Restricted waters to a lease on approved water could be covered under the relay permit

#### Proposed Bills S316 & A793 and S317 & A794

Mr. Normant discussed, Bill S317 & A794: Requiring New Jersey Department of Agriculture (NJDA) and NJDEP to adopt a coordinated permit application and review program for aquaculture projects and Bill S316 & A793 requiring NJDA and NJDEP to work with US Army Corps of Engineers to establish a joint permit application process for aquaculture projects. Senator Van Drew and Assemblyman Andrzejczak sponsored the Bills. Mr. Normant stated that the Bills passed the Assembly Senate Committee. Mr. Normant explained the NJDA would have 180 days to adopt regulations if the Bills were approved. The Council does not deem the Bills necessary, as there currently is a permit process for aquaculture activities.

#### Marine Fisheries Administration (MFA) Budget

Mr. Normant stated that the Council sent a letter of appreciation to the Commissioner for meeting with the Chairmen of both sections of the Shellfisheries Councils, Mr. Maxwell and the *late* Mr. Baily (Delaware Bay Section Chairman). See attachment. At the meeting, the Commissioner had proposed to reimburse \$300,000 of the \$1.1 million from the Bureau's dedicated accounts. However, the MFA was recently informed DEP would be able to reimburse \$800,000 back to the dedicated accounts.

#### Atlantic Coast Shellfish Aquaculture Leasing Committee and Subcommittees

Mr. Normant announced that the AC Shellfish Leasing Regulatory Subcommittee would reconvene on October 3<sup>rd</sup> at 2pm to discuss new shellfish rule amendment proposals. Mr. Normant stated that the AC Shellfish Leasing Policy Subcommittee and the Atlantic Coast Shellfish Leasing Committee would also be reconvening in the near future.

#### US Army Corps of Engineers (USACE) Nationwide Permit

Mr. Johnson inquired on the reauthorization of the USACE Nationwide Permits. Mr. Normant stated that he had not had a chance to review them, but was under the impression that they would be less restrictive. Mr. Johnson stated the Council would appreciate being informed in the future so that the Council could develop and prepare comments.

#### Route 72 Bridge Project

Mr. Johnson inquired about the Route 72 Bridge Project. Mr. Normant informed the Council that NJDOT was proposing to use "marine mattresses" to stabilize the piles for the three older trestle bridges. Mr. Normant explained that besides possible impacts to shellfish and submerged aquatic vegetation habitat, the "mattresses" would also negatively impact the use of improved public access points (fishing). Mr. Normant stated that the Bureau has commented on this proposal to use "marine mattresses".

#### 5. New Business:

##### Surf Clam Quota 2016-2017

Mr. Normant stated the members of the Council were contacted by Bureau with regards to the 2016-2017 surf clam quota. Surf clam stocks in New Jersey territorial waters are at an historic low. The Surf Clam Advisory Committee agreed to establish a very minimal harvest quota at 14,592 bushels (eight 32 bushel cages) in which it was anticipated that there would be no harvest of the quota during the season and to ensure the continuation of their stake hold in the fishery in anticipation that the stocks may re-establish in the future.

#### Remembrance of Scott Bailey

Mr. Normant announced the recent passing of Mr. Scott Bailey, former Chairman of the Delaware Bay Section of the New Jersey Shellfisheries Council and member of the New Jersey Marine Fisheries Council. Mr. Normant described him as instrumental to the management of the Delaware Bay oyster fishery, and acknowledged him for his efforts in his recent meeting with the Commissioner in regard to MFA funding.

#### Departure of Administrator of Marine Fisheries

Mr. Normant announced that Marine Fisheries Administrator, Mr. Brandon Muffley, will be leaving to take a position at the Mid-Atlantic Marine Fisheries Council. Mr. Normant stated there has been no information on how the Division plans on filling the Administrator position or on how the MFA will be structured after Mr. Muffley's departure.

#### Raritan Bay Hard Clam Survey

Ms. Dacanay announced that she would present information regarding the New Jersey Hard Clam Stock Assessment in Raritan Bay at the October 17 Council meeting.

#### Upcoming Atlantic Coast Shellfisheries Council Meeting

Mr. Maxwell discussed moving the November 21<sup>st</sup> Council meeting to November 14<sup>th</sup> since the week of the 21<sup>st</sup> was during the week of Thanksgiving and that he may not be able to attend. Mr. Maxwell opined that it was important to have a November meeting as it was highly unlikely there would be December meeting. Mr. Johnson made a motion to move the November 21<sup>st</sup> Council meeting to November 14<sup>th</sup>. Mr. Maxwell seconded the motion.

#### Council Member Appointments

Mr. Johnson inquired if another letter should be sent regarding Council member appointments. Mr. Normant stated that he will reach out to Mr. Brandon Muffley regarding this topic. Mr. Maxwell stated that Delaware Bay office only has three Council Members as well.

#### Atlantic Coast Shellfish Lease Renewals

Mr. Normant reminded the Council that Atlantic Coast shellfish leases must be renewed by December 31<sup>st</sup> of each year. Mr. Normant stated that the renewal period begins on October 15 and encouraged leaseholders not to wait until the end of December if possible. Mr. Normant cautioned that Ms. Smallwood would be retiring in December, so the front office staff will again be short staffed and renewing marine licenses as well as lease renewals.

#### New Lease Areas

Mr. Parson's inquired about new lease areas. Mr. Normant stated new lease area proposals are presented to the Council and Bureau and then discussed with the Council's Shellfish Aquaculture Leasing Policy Subcommittee.

#### Bureau of Shellfisheries New Hire

Mr. Normant announced that the Bureau had hired a new full-time Technician, Lloyd Lomelino.

There being no further business, the meeting was adjourned on a motion by Mr. Johnson and seconded by Mr. Maxwell.

#### 6. Date, time and place of next meeting:

DATE: October 17, 2016  
TIME: 7 PM  
LOCATION: Law Enforcement Office  
360 New York Rd. Rte. Port Republic, NJ 08241

# NEW JERSEY SHELLFISHERIES COUNCIL

Mail Code 501-03  
501 EAST STATE STREET, 3RD FLOOR  
P.O. BOX 400  
TRENTON, NJ 08625

## ATLANTIC COAST SECTION

JOHN J. MAXWELL, Chairman  
WALTER L. JOHNSON III, Vice Chairman  
WALTER HUGHES, Councilman

## DELAWARE BAY SECTION

SCOTT BAILEY, Chairman  
STEPHEN FLEETWOOD, Councilman  
WARREN HOLLINGER, Councilman  
RICHARD MALINOWSKI, Councilman

July 20, 2016

Commissioner Bob Martin  
Department of Environmental Protection  
401 East State Street  
7<sup>th</sup> Floor East Wing  
PO Box 402  
Trenton, NJ 08625-0402

Dear Commissioner Martin,

The Atlantic Coast and Delaware Bay sections of the New Jersey Shellfisheries Council (Council) would like to thank you and your staff for meeting with us on June 21<sup>st</sup> to discuss our concerns in regard to current and future funding and staffing issues within the Marine Fisheries Administration (MFA) and the use of \$1.1 million of the Bureau of Shellfisheries dedicated accounts to cover budget shortfalls within the MFA in FY16.

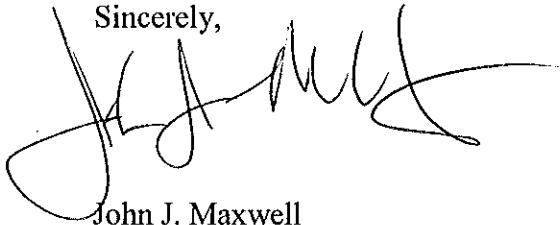
We were pleased that the Department expressed their support for the shellfish and marine fisheries industries as they are an important component to New Jersey's coastal economy, worth approximately \$4.0 billion annually. Appropriate funding has been a major issue for many years and will continue to be an issue for the MFA moving forward unless some actions are taken. Properly staffing and funding New Jersey's marine fisheries program is crucial to the long term sustainability of New Jersey's recreation and commercial communities and the economy tied to them. The Bureau of Shellfisheries dedicated accounts are necessary in sustaining and building New Jersey's shellfish resources and industry, supporting the shellfish management programs and to aid in growth of the developing shellfish aquaculture industry. We would also like to thank you for finding \$300,000 in your FY16 budget to offset some of the \$1.1 million in dedicated accounts that were to be used to cover the continued MFA budget shortage. Reimbursing some of the most critical dedicated accounts with the \$300,000 will go a long way in helping ensure valuable shellfish programs continue.

The Council feels strongly that this meeting was an important step forward in the Department's understanding of the importance of our industries and the potential benefit of providing appropriate monetary resources and staffing levels for the MFA/Bureau of

Shellfisheries. Fixing this staffing challenge, one that has existed for decades, is a fundamental step to ensure the long-term sustainability and growth of New Jersey's marine fisheries.

The Council looks forward to a continuing dialogue and open communications with you and your office. Thank you.

Sincerely,



John J. Maxwell  
Chairman, Atlantic Coast



Scott Bailey  
Chairman, Delaware Bay

cc. David Glass, Deputy Commissioner, NJDEP  
Richard Boornazian, Assistant Commissioner, NJDEP  
David Chanda, Director, NJ Division Fish and Wildlife  
Dick Herb, Acting Chair, NJ Marine Fisheries Council