

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

Nacote Creek Law Enforcement
Port Republic, NJ
May 21, 2018

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

DEP Representatives: Joseph Cimino, Marine Fisheries Administration
Jeffrey Normant, Bureau of Shellfisheries
Kira Dacanay, Bureau of Shellfisheries
Jenny Tomko, Bureau of Shellfisheries
Lloyd Lomelino, Bureau of Shellfisheries
Brett Nicklow, Marine Law Enforcement
Scott Chernoff, Bureau of Marine Water Monitoring

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. Introduction of new Marine Fisheries Administrator– Joseph Cimino

Mr. Normant introduced Mr. Joseph Cimino as the new Marine Fisheries Administrator. Mr. Cimino spoke briefly about his prior work experience with fisheries management agencies in Virginia, North Carolina, and New York.

2.	Total Revenue for April 2018:	\$1,629.00
	Shellfisheries Law Enforcement Fund	\$304.00

3. Presentation of April 16, 2018 minutes for approval.

Mr. Johnson requested clarification in the April 16th draft minutes to reflect Mr. James Jenk's appointment as the new Hard Clam Relay Coordinator. Mr. Normant stated the minutes would be updated to reflect the clarification. The April 16, 2018 minutes, with the above changes, were unanimously approved by Council on a motion by Mr. Johnson and a second by Mr. Hughes.

4. Applications for Consideration

LESSEE	LOT #	SECTION	ACRES	LOCATION	MAP#
Thomas Glenn	1029	A	2.08	Great Sound	5
Kevin Cummings	620	B	2.00	LEHB-Thompson Creek	6
Erik J. Gross	656	B	2.00	LEHB-Jeremy Point	6
W. Scott Card	29	D	2.00	BB-Swan Point	1

Mr. Normant provided the Council with copies of the above lease applications. Mr. Glenn, Mr. Cummings, and Mr. Card were present at the meeting. Mr. Gross was absent. 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 at which the lease application was discussed, the application shall be cancelled.

5. Applications for Decision

LESSEE	LOT #	SECTION	LINEAR FT	LOCATION	MAP#
Great Bay Oyster, LLC Thomas McAnney	184	B	386.2'	Mullica River	1.1
Gretchen Maxwell	186	B	305.5'	Mullica River	1.1
Bridgitte Bliss	194	B	2118.77'	Mullica River	1.1

Mr. McAnney, Ms. Maxwell, and Ms. Bliss were present at the last meeting. Mr. Maxwell recused himself from all applications up for decision. All applications for decision were approved on a motion by Mr. Johnson and seconded by Mr. Hughes. Mr. Normant informed the applicants they have 30 days to sign their lease agreements and pay the lease fees.

6. Old Business:

Relay

Mr. Normant informed Council that staff from the Bureau of Shellfisheries, Bureau of Marine Water Monitoring (BMWM), and Marine Enforcement had met with the Hard Clam Relay Coordinator Mr. Jenks. Staff discussed as potential options to make the program practical and bolster participation including; utilization of bottom cages and potentially implementing a 14-day purge period. BMWM staff agreed to conduct a feasibility study to assess the efficacy of the proposals. Mr. Normant stated that the effectiveness of the proposed study would be piloted at the Tuckerton Relay Lease Area in Little Egg Harbor Bay. The group also discussed adding/amending language to the BMWM shellfish relay regulations under N.J.A.C. 7:12 specific to "hard clam relay". Mr. Normant stated that additional discussions about the program would ensue after staff reviewed the BMWM's feasibility study.

Site Investigation at Rose Cove

Staff from the Bureau of Shellfisheries, US Fish and Wildlife Service (USFWS), and N.J. Endangered and Non-Game Species Program (ENSP) conducted a site visit at Rose Cove lease area in Little Egg Harbor Bay to assess shoreline habitat. Mr. Normant stated that in 2014, two leases were established within Rose Cove adjacent to a marsh shoreline that had a small beach area. In 2017, a new lease block was also established. Several of the lessees had informed staff that there may be issues obtaining an US Army Corps of Engineer permit under NWP 48, due to the potential conflict with Red knot habitat at the beach area. Mr. Normant stated the Bureau was waiting on the findings of the site visit from the USFWS. Ms. Tomko added that areas identified as red knot habitat could impact adjacent lease holders due to a 500' buffer from the Mean Low Lower Waterline. Mr. Gaine asked if there were discussions about losing any lease grounds due to restrictions from red knot habitat. Mr. Normant stated that it had not been discussed in any detail.

BOEM

Ms. Dacanay informed Council that the Bureau of Ocean Energy Management (BOEM) had extended the comment period for the "Call for Information and Nominations" regarding the Commercial Leasing for Wind Power on the Outer Continental Shelf, and the four specific Call Areas in the New York Bight an additional 60 days. Public comments could be submitted to BOEM electronically, or at any of the three public information sessions scheduled next month in Ocean City, Belmar, and Manahawkin.

Vibrio Management Plan

Staff from the NJ Department of Health (NJDOH) discussed the 2018 Vibrio Management Plan (VMP). Changes included utilizing an ice slurry to help chill product as an alternative to other cooling methods required by the VMP. In addition, shellfish harvesters would be required to contact NJDOH about landing times and locations when harvesting from subtidal locations. Shellfish harvesters would also be required to call and inform NJDOH staff if their landing port changes. Mr. Maxwell inquired about when the plan would be released. Ms. Wheatley stated the plan was already available on the DEP website. Mr. Ned Gaine requested confirmation that the icing process refers to an ice slurry and not regular ice. DOH staff confirmed that he was correct. There were no changes to the time and temperature control requirement section of the plan.

Mr. Maxwell inquired on how an oyster dealer would be impacted when purchasing wild caught oysters during Vibrio season on the Atlantic Coast. NJDOH staff stated dealer purchases of wild caught oysters during Vibrio season were not covered under the VMP. Mr. Normant stated that the specific situation would need to be addressed going forward. Mr. Maxwell opined this would become an important topic of discussions in the future, due to the expansion of wild oyster stocks around the Mullica River and Little Egg Harbor Bay. NJDOH staff stated that it would be beneficial to discuss the matter in conjunction with NJDEP, FDA, and NJ Department of Agriculture.

Sunday Clamming Bill

Mr. Thomas Glenn inquired about the status of the Sunday Clamming Bill that aimed to allow the commercial and recreational harvest of clams on Sundays. Mr. Normant informed him that allowing Sunday clamming would require a statutory change to Title 50. The most recent bill regarding Sunday clamming, S3450, did not pass. Mr. Maxwell stated that in 1992, industry had opposed Sunday clamming to help reduce competition for wild clams. Mr. Ned Gaine informed him that an individual could conduct shellfish husbandry but were restricted from harvesting product.

7. New Business:

Whelk data request

Mr. Peter Himchak inquired about harvesting whelks as bycatch in the state waters surf clam fishery. Mr. Normant informed him that there had been no commercial harvest of in state waters for several years due the absence of marketable size surf clams. The low conservative yearly quota that is available was set by the Surf Clam Advisory Committee to ensure the continuation of their stake hold in the fishery in anticipation that the stocks may re-establish in the future. Mr. Himchak asked Mr. Normant if he can share the whelk data from the New Jersey survey. Mr. Normant informed him that the data was public information, but he would need to complete a formal data request form and submit it to the Marine Fisheries Administration.

Clam leases at Pecks Bay

Mr. Martin Schlembach inquired about establishing a new lease south of Pecks Bay. Mr. Normant informed him that all new lease proposals in areas not covered by the Leasing Policy must be submitted to the Council for consideration and then vetted by Leasing Committee. The next Leasing Committee meeting would be held in early fall. Mr. Maxwell said that proposing a new lease area was preferred rather than proposing a single lease in a new area. Mr. Normant added that he may have additional areas for Mr. Schlembach to consider and would discuss the matter with him after the Council meeting.

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

8. Date, time and place of next meeting:

DATE: June 18, 2018
TIME: 7 PM
LOCATION: Law Enforcement Office
360 New York Rd. Rte. 9
Port Republic, NJ 08241