

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

Nacote Creek Law Enforcement  
Port Republic, NJ  
January 14, 2019

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

Absent was: Councilman: Walter Hughes (Monmouth County)

DEP Representatives: Russell Babb, Bureau of Shellfisheries  
Jeffrey Normant, Bureau of Shellfisheries  
Kira Dacanay, Bureau of Shellfisheries  
Jenny Tomko, Bureau of Shellfisheries  
Lloyd Lomelino, Bureau of Shellfisheries  
Scott Stueber, Bureau of Shellfisheries  
Robert Schuster, Bureau of Marine Water Monitoring  
Capt. Jason Snellbaker, Marine 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 2018	\$12,189.94
	Shellfisheries Law Enforcement Fund	\$3,900.00
	Total Revenue for December 2018	\$24,717.59
	Shellfisheries Law Enforcement Fund	\$9,242.00

2. Presentation of November 13, 2018 minutes for approval.

The November 13, 2018 minutes were approved on a motion by Mr. Johnson and seconded by Mr. Maxwell.

3. Annual Election of Chair and Vice-Chair

At the request of Mr. Maxwell, the Council tabled the annual election of chair and vice-chair until the next meeting Mr. Hughes could attend.

4. Introduction of new Shellfisheries Staff

Mr. Normant introduced Scott Stueber, the Bureau's new Biologist Trainee, to the Council. Mr. Normant informed the Council that Mr. Stueber would be assisting with the Bureau's shellfish restoration and enhancement efforts.

4. Applications for Consideration

LESSEE	LOT #	SECTION	ACRES	LOCATION	MAP#
Richard Vansalisbury	30	D	2.00	Swan Point	1

Mr. Normant provided the Council with a copy of the above lease application for consideration. Mr. VanSalisbury 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.

5. Applications for Decision

LESSEE	LOT #	SECTION	ACRES	LOCATION	MAP#
Chet Tozer	1006	A	1.98	Great Sound	5
John Daffin	1102	A	2.17	Great Sound	5
Patty Foglia	1103	A	2.27	Great Sound	5
Thomas Glenn	1101	A	1.92	Great Sound	5
Margaret Sprague	399	B	1.89	GB/Big Creek	10
Joseph McGee	2515	B	1.96	Scull Bay	27

Messrs. C. Tozer, T. Glenn, J. Daffin, and J. McGee and Meses. P. Foglia, and M. Sprague were present at the November 13, 2018 Council Meeting. All applications for decision were approved on a motion by Mr. Johnson and a second by Mr. Maxwell. Mr. Normant informed the applicants they have 30 days to sign their lease agreements and pay the lease fees.

6. Vacated Relay Lease - By Lessee

LESSEE	LOT #	SECTION	ACRES	LOCATION	MAP#
Alexander J Pietrewicz	L19	D	1.5	Laurel Harbor Relay	14.4

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

7. Leases Vacated by Lessee – Non-Payment

LESSEE	Co-Lessee	LOT #	SECTION	ACRES	LOCATION	MAP#
William Bartle		1048	A	2.02	Great Sound	5
Lisa Brosnan		20	D	2.00	Swan Point	1
Michael Brosnan		21	D	2.00	Swan Point	1
Daniel McFarland		2349	B	2.00	Dry Bay	24.2
William Barnish	John Walls	2101	B	3.1	Sand Thorofare, Brig	2
Jerry Zodl		2212	B	1.23	Dry Bay	24.2
Jerry Zodl		2221.1	B	2.94	Dry Bay	24.2
Jerry Zodl		2237.3	B	1.02	Dry Bay	24.2
Jerry Zodl		2258	B	2.19	Dry Bay	24.2
Jerry Zodl		2264	B	2.19	Dry Bay	24.2
Jerry Zodl		1039	A	2.53	Great Sound	5
Jerry Zodl		1406	B	1.00	Middle Island	6.1

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. Messrs. Barnish and Zodl were in attendance and requested an extension on their respective leases. A motion was made by Mr. Johnson to extend Messrs. Barnish/Walls and Zodl's payment deadlines by one month. The motion was seconded by Mr. Maxwell. The remaining leases were terminated.

8. Old Business:

Leasing Committee

Mr. Normant stated the Bureau was looking to hold a full Leasing Committee meeting within the next two months. Mr. Maxwell suggested holding the meeting in January. Bureau staff will finalize a date and notify the committee members. Topics of discussion would include lease expansion and wild oyster harvest.

Mr. Maxwell asked if the Leasing Committee was able to discuss topics outside of shellfish aquaculture, such as wild oyster harvest and implications with *Vibrio*. Mr. Schuster stated that DEP was looking into ways to communicate issues with wild oyster harvest and *Vibrio*. Mr. Johnson inquired about harvester training for recreational harvesters. Mr. Schuster mentioned that the East Coast Shellfish Growers Association had developed an informational brochure on *Vibrio* that could be handed out with the DEP Shellfish Waters Classification Charts. Mr. Normant suggested that because the discussion of wild oyster harvest would change the scope of the Leasing Committee, it should have a motion from the Council. A motion was made by Mr. Johnson to include and discuss issues pertaining to wild oyster harvest within the Shellfish Aquaculture Leasing Committee. The motion was seconded by Mr. Maxwell.

Council Letter FY 19 Special Appropriation

During the November 13, 2018 Council Meeting, a motion was made by Mr. Johnson to submit a follow up letter from both sections of the Council to the Governor's Office regarding the status of hiring new staff for the Bureau of Shellfisheries through the FY 19 supplemental appropriation as there was no movement on new hires. However, shortly after the November Council meeting, the requested positions for the Bureau began to move forward and were being posted. As a result, a letter at this time was no longer necessary. A motion was made by Mr. Johnson to rescind the prior motion to submit the letter on behalf of the Shellfisheries Council and was seconded by Mr. Maxwell.

ESA Update

Ms. Tomko informed the Council that there was no update for ESA due to the federal government shutdown.

BOEM Update

Ms. Dacanay presented the Council with several documents and charts from BOEM on offshore wind development and marine resource uses within the New York Bight. There were no major updates because the federal government shutdown, but she stated the process would continue to move forward throughout the year. Bureau staff would provide the Council with updates throughout the process.

9. New Business:

Ethics Reporting

Mr. Normant informed the Council that New Jersey board members must complete a full ethics training in 2019, and every three years afterwards. Bureau staff serves as a liaison between the Council and the Ethics Office.

2019 Hard Clam Relay

Mr. Normant stated that in May of 2018, the Bureau of Shellfisheries, Bureau of Marine Water Monitoring (BMWM), and Marine Enforcement had met with the Hard Clam Relay Coordinator Mr. Jenks to discuss potential options to make the relay program more practical. Mr. Schuster informed the Council that the BMWM was interested in performing the necessary studies to determine purge times and gear types if there was enough interest from industry. Mr. Johnson opined that it would be difficult to gauge participation until the relay rules were updated and easier to work under. Mr. Normant informed him there were two separate regulations in regard to relay; the relay regulations under the Shellfish Growing Classification Rules, N.J.A.C. 7:12, regulate “shellfish relay” and specific regulations that address the Hard Clam Relay Program under the N.J.A.C. 7:25-15. Captain Snellbaker stated that the program would need full support from his office to function efficiently, and he was unsure if it was possible without adequate staffing and funding. He added that most of Marine Enforcements funding comes from federal monies. Mr. Johnson informed him that the relay program was previously funded by a \$100,000 appropriation that was renewed each year and was separate from the Shellfish Law Enforcement Fund. Capt. Snellbaker stated that the Shellfish Enforcement Fund only covered fringe, indirect, and salaries. It didn’t include operating costs associated with administering such a program. Mr. Johnson stated that as it stands, the issue was not a matter of funding enforcement efforts but assessing how enforcement would function under an updated relay regulation. Mr. Avery asked if the relay program was specific to hard clams or open to other species. Mr. Normant reiterated that the Hard Clam Relay rules were specific only to hard clams.

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. Maxwell.

Marine Water Monitoring Rules

Mr. Schuster informed Council that public notice would go out in regard the Shellfish Growing Waters Classification Rules that would be opened to address minor changes. The changes would include pending water classification upgrades and downgrades that were not able to get through prior regulatory process. A stakeholder meeting will be held sometime in February, with the hope that all changes would be completed and effective by the end of 2019.

10. Date, time and place of next meeting:

DATE: February 11, 2019  
TIME: 7 PM  
LOCATION: Law Enforcement Office  
360 New York Rd. Rte. Port Republic, NJ 08241