

ATLANTIC COAST SECTION OF THE NJ SHELLFISHERIES COUNCIL MEETING

Virtual Meeting
August 17, 2020

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

Present were: Joseph Cimino, Marine Fisheries Administration
 Russell Babb, Bureau of Shellfisheries
 Jeffrey Normant, Bureau of Shellfisheries
 Kira Dacanay, Bureau of Shellfisheries
 Colleen Brust, Bureau of Shellfisheries
 Jenny Tomko, Bureau of Shellfisheries
 Megan Kelly, Bureau of Shellfisheries
 Conor Davis, Bureau of Shellfisheries
 Lloyd Lomelino, Bureau of Shellfisheries
 Scott Stueber, Bureau of Shellfisheries
 Robert Schuster, 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.

Mr. Normant introduced Councilman Paul Felder. He informed the audience that Mr. Felder was appointed as the Cape May representative to the Council. Chairman Maxwell congratulated Mr. Felder on his appointment.

Total Revenue for May 2020	\$ 188.00
Shellfisheries Law Enforcement Fund	\$ 174.00
Total Revenue for June 2020	\$ 33,340.00
Shellfisheries Law Enforcement Fund	\$ 224.00
Total Revenue for July 2020	\$ 1,344.00
Shellfisheries Law Enforcement Fund	\$ 112.00

1. Presentation of May 18, 2020 minutes for approval.

The May 18, 2020 minutes were approved on a motion by Mr. Johnson and seconded by Mr. Maxwell.

2. Applications for Transfer

LESSEE	APPLICANT	LOT #	SECTION	ACRES/FT	LOCATION	MAP #
Michael Snyder	Joseph McGee	2570	B	2.00	Scull Bay	27
Michael Snyder	Joseph McGee	2571	B	2.00	Scull Bay	27
Michael Snyder	Joseph McGee	2576	B	2.00	Scull Bay	27
Michael Snyder	Joseph McGee	2577	B	2.00	Scull Bay	27

All applications for transfer were approved on a motion by Mr. Johnson and seconded by Mr. Felder.

3. Applications for Consideration

LESSEE	LOT #	SECTION	ACRES/FT	LOCATION	MAP #
Arthur Gant	15	D	2.00	BB-Swan Point	1
Great Bay Bivalve (Stephen Gerike)	404.1	B	2.00	GB-Big Creek	10
John C. Tomaski	405.1	B	2.00	GB-Big Creek	10
Kenneth Hanson	407.1	B	2.00	GB-Big Creek	10
Michael J. Ward	408.1	B	2.00	GB-Cape Horn	10

Messrs. Gant, Gerike, Hanson, Tomaski, and Ward were present at the August 17, 2020 meeting. Mr. Lomelino stated that 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, the area applied for shall revert to public bottom.

4. Old Business:

Offshore Wind Update

Ms. Brust provided an update on Offshore wind.

Governor Murphy announced the NJ Wind Port project near Hope Creek in the Delaware Bay.

New Jersey's second solicitation for Offshore Wind Renewable Energy Credits (ORECs), would happen later this year. Draft solicitation guidance for the 2020 ORECs was available for comment through August 19th and included a requirement for a Fisheries Protection Plan.

The US Coast Guard was conducting a Port Access Route Study for the Mid-Atlantic to evaluate the adequacy of existing vessel routing measures.

Federal permitting for offshore wind in the Mid-Atlantic was delayed as a result of the need for a Supplemental Environmental Impact Statement (SEIS) for Vineyard Wind to address fisheries concerns. The SEIS is now available and projects including Vineyard are expected to proceed. Construction of Vineyard could begin early next year.

Leasing Committee Update

Ms. Kelly stated she would be emailing Leasing Committee Members to schedule the next Leasing Committee meeting.

Mr. Johnson stated he preferred an in-person meeting to discuss certain issues. Mr. Normant opined that he believed certain issues could be discussed virtually to continue making progress and reintroduce topics for discussion.

Mr. Gainé stated that the selection of topics for discussion would be critical in determining the productivity of the meetings. He believed that if smaller topics were discussed and eliminated from the ranked table, the Committee could continue making progress and certain topics would be better discussed on the sub-committee level.

Ms. Kelly would include a list of potential meeting topics for the Leasing Committee to review in addition to scheduling the next meeting.

COVID-19 Shellfish Industry Relief Discussion

Mr. Cimino informed the Council that the Marine Fisheries Administration had submitted a spending plan to NOAA for review to the states plan for distributing \$11 million in CARES Act relief package available to New Jersey. The application requires that an individual or entity demonstrate a 35% loss in revenue from March 2020-June 2020 when compared to the previous five years. The application process would be available online only. The monies would be distributed by sector; 55% towards aquaculture and commercial fishing, 35% to processors, and 10% to the “for-hire” industry. Payouts would be tiered based on the amount losses generated. Applications would likely open in early September and have a 45-day window to submit.

Shell Recycling Program Update

Mr. Stueber gave an update on the Shell Recycling Program in midst of the COVID-19 pandemic. Shell pickups had stopped during the pandemic due to restaurants closing, but pickups resumed in July. Shell planting efforts have been postponed until next year. Project leaders submitted a proposal to Restore America’s Estuaries to expand the program and outreach opportunities.

5. New Business:

Hydrographic Survey – Thompson Creek, LEHB

Mr. Lomelino informed the Council that Bureau staff had completed four hydrographic surveys at Thompsons Creek, Little Egg Harbor Bay. Lease holders were notified that they should re-stake their leases after the surveys were completed. There were no acreage changes to any of the lots.

Sea Grant Oyster Restoration

Mr. Normant provided a brief summary of the Sea Grant Oyster Restoration Program. The New Jersey Sea Grant Program was approved to conduct a buy-back program from growers for oversized, non-marketable oysters at a fixed price and replant them on approved sites along the Atlantic Coast and Delaware Bay.

Mr. Gaine questioned the ability to sell oysters to a non-certified dealer. He stated that as a grower, you were permitted to only sell to product to a licensed shellfish dealer. Mr. Gaine was unsure how this would impact the project and noted that it was not clear how growers can legally sell product back. Mr. Normant informed him that because they are not going to market and only being used for restoration there should not be any ramifications in selling back the oysters for planting by the Bureau. Mr. Maxwell informed Mr. Normant that there was nothing in the regulations that confirm that belief. Mr. Normant stated he would look further into the issue.

Mr. Johnson voiced his concern regarding where the oysters would be placed. He stated he would like to keep products on their respective coasts (Atlantic, Delaware Bay) or further within the same waterbody.

Mr. Gaine asked where the oysters would be placed and if there were any leases designated for restoration. Mr. Normant informed him there were no restoration leases at this time and the oysters were expected to be placed on Great Bay graveling beds.

NJDOT Brigantine Channel Dredging and Beneficial Reuse of Dredge Materials
Sunflower and Boot Islands

Mr. Douglas representing NJDOT gave a presentation on a dredging project for the State navigation channels behind Brigantine near Sunflower and Boot Island. The dredged materials would be deposited on an eroded shoreline on Sunflower Island to help stabilize the island and expand shellfish habitat by filling a trough with clean dredged sand.

Mr. Normant stated that the channel near Sunflower Island was productive hard clam habitat and an important area utilized by commercial clammers. Due to concerns that the project could impact productive shellfish habitat, Bureau staff stated that they would conduct a field investigation at the project site to confirm the condition of the habitat and if there were any shellfish resources at the immediate project location. The area near Sunflower Island was deemed productive by the Council years ago, with leases prohibited in these waters due to the productive wild shellfish habitat.

Mr. Johnson requested a printout of the project materials for review.

Little Egg Harbor Dredging Project

Lease holders in Little Egg Harbor Bay were notified and solicited for comments about a pending dredging project under permit review near their leases. Mr. Johnson was made aware that Bureau staff provided general review comments which included the request to notify adjacent lease holders.

Mr. Parsons inquired about the potential to setup a relay program to move clams from the proposed area to be dredge in Big Thorofare area. Mr. Normant questioned the productivity and general interest within the industry to conduct a program in the waterbodies proposed to be dredged. Mr. Johnson informed him that the relay program was currently suspended as per terms of the initial suspension approved by the Council in 2006.

2020 Vibrio Update

Mr. Schuster provided a brief update on the Vibrio program. There was only one case in New Jersey. This was most likely due to the shutdown of restaurants due to COVID-19.

Hearing no other new business, the meeting was adjourned on a motion by Mr. Felder and seconded by Mr. Johnson.

6. Date, time and place of next meeting:

DATE: September 21, 2020
TIME: 6 pm
LOCATION Virtual- GoToMeeting