

ATLANTIC COAST SECTION OF THE NEW JERSEY SHELLFISHERIES COUNCIL MEETING

September 21, 2020

Present Were: 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)

DEP Representatives
 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
 Lloyd Lomelino, Bureau of Shellfisheries
 Conor Davis, Bureau of Shellfisheries
 Scott Stueber, Bureau of Shellfisheries
 Megan Kelly, Bureau of Shellfisheries

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.

Total Revenue for August 2020 \$ 87.44
 Shellfisheries Law Enforcement Fund \$ 62.00

1. Presentation of August 17, 2020 minutes for approval.

The August 17, 2020 minutes were tabled at the request of Mr. Johnson in order to clarify some of the statements.

2. Applications for Transfer

LESSEE	APPLICANT	LOT #	SECTION	ACRES/FT	LOCATION	MAP #
Stephen Gorman	Paul Felder	1108	A	2.22	Great Sound	5
Jeff Pritchard	Dale S. Parsons	1403	B	2.00	Middle Is LEHB	6.1
John Maxwell	Graveling Point, LLC John Maxwell	2257.1	B	1.86	Dry Bay	24.2
John Maxwell	Graveling Point, LLC John Maxwell	2265	B	2.15	Dry Bay	24.2
John Maxwell	Graveling Point, LLC John Maxwell	2	B	2.19	GB-Graveling Pt	1
John Maxwell	Graveling Point, LLC John Maxwell	3	B	5.50	GB-Graveling Pt	1
John Maxwell	Graveling Point, LLC John Maxwell	4	B	1.41	GB-Graveling Pt	1
John Maxwell	Graveling Point, LLC John Maxwell	5	B	0.60	GB-Graveling Pt	1
John Maxwell	Graveling Point, LLC John Maxwell	6	B	3.76	GB-Graveling Pt	1

John Maxwell	Graveling Point, LLC John Maxwell	7	B	1.85	GB-Graveling Pt	1
John Maxwell	Graveling Point, LLC John Maxwell	8	B	1.10	GB-Graveling Pt	1
John Maxwell	Graveling Point, LLC John Maxwell	9	B	0.72	GB-Graveling Pt	1
John Maxwell	Graveling Point, LLC John Maxwell	10	B	2.07	GB-Graveling Pt	1
John Maxwell	Graveling Point, LLC John Maxwell	11	B	1.15	GB-Graveling Pt	1
John Maxwell	Graveling Point, LLC John Maxwell	12	B	2.05	GB-Graveling Pt	1
John Maxwell	Graveling Point, LLC John Maxwell	13	B	3.58	GB-Graveling Pt	1
John Maxwell	Graveling Point, LLC John Maxwell	14	B	4.08	GB-Graveling Pt	1
John Maxwell	Graveling Point, LLC John Maxwell	17	B	3.33	GB-Graveling Pt	1
John Maxwell	Graveling Point, LLC John Maxwell	18	B	1.66	GB-Graveling Pt	1
John Maxwell	Graveling Point, LLC John Maxwell	20	B	16.24	GB-Graveling Pt	1
John Maxwell	Graveling Point, LLC John Maxwell	21	B	2.23	GB-Graveling Pt	1
John Maxwell	Graveling Point, LLC John Maxwell	23	B	0.61	GB-Graveling Pt	1
John Maxwell	Graveling Point, LLC John Maxwell	24	B	0.38	GB-Graveling Pt	1
John Maxwell	Graveling Point, LLC John Maxwell	28	B	2.77	GB-Graveling Pt	1
John Maxwell	Graveling Point, LLC John Maxwell	29	B	2.63	GB-Graveling Pt	1
John Maxwell	Graveling Point, LLC John Maxwell	30	B	1.05	GB-Graveling Pt	1
John Maxwell	Graveling Point, LLC John Maxwell	31	B	2.81	GB-Graveling Pt	1
John Maxwell	Graveling Point, LLC John Maxwell	32	B	2.06	GB-Graveling Pt	1
John Maxwell	Graveling Point, LLC John Maxwell	33	B	4.22	GB-Graveling Pt	1
John Maxwell	Graveling Point, LLC John Maxwell	38	B	4.98	GB-Graveling Pt	1
John Maxwell	Graveling Point, LLC John Maxwell	158	B	1.97	Mullica River	1.1
John Maxwell	Graveling Point, LLC John Maxwell	159	B	6.57	Mullica River	1.1
John Maxwell	Graveling Point, LLC John Maxwell	160	B	1.69	Mullica River	1.1
John Maxwell	Graveling Point, LLC John Maxwell	162	B	1.58	Mullica River	1.1
John Maxwell	Graveling Point, LLC John Maxwell	166	B	3.82	Mullica River	1.1
John Maxwell	Graveling Point, LLC John Maxwell	168	B	7.73	Mullica River	1.1

John Maxwell	Graveling Point, LLC John Maxwell	170	B	2.73	Mullica River	1.1
John Maxwell	Graveling Point, LLC John Maxwell	181	B	600'	Mullica River	1.1
John Maxwell	Graveling Point, LLC John Maxwell	196	B	250.9'	Mullica River	1.1
John Maxwell	Graveling Point, LLC John Maxwell	198	B	874.3'	Mullica River	1.1
John Maxwell	Graveling Point, LLC John Maxwell	200	B	211.7'	Mullica River	1.1
John Maxwell	Graveling Point, LLC John Maxwell	202	B	197.5'	Mullica River	1.1
John Maxwell	Graveling Point, LLC John Maxwell	203	B	201.6'	Mullica River	1.1
John Maxwell	Graveling Point, LLC John Maxwell	204	B	432.6'	Mullica River	1.1
John Maxwell	Graveling Point, LLC John Maxwell	205	B	323.0'	Mullica River	1.1
John Maxwell	Graveling Point, LLC John Maxwell	207	B	300.9'	Mullica River	1.1
John Maxwell	Graveling Point, LLC John Maxwell	209	B	192'	Mullica River	1.1
John Maxwell	Graveling Point, LLC John Maxwell	211	B	185.6'	Mullica River	1.1
John Maxwell	Graveling Point, LLC John Maxwell	212	B	799.7'	Mullica River	1.1
John Maxwell	Graveling Point, LLC John Maxwell	213	B	212.10'	Mullica River	1.1
John Maxwell	Graveling Point, LLC John Maxwell	215	B	600.25'	Mullica River	1.1
John Maxwell	Graveling Point, LLC John Maxwell	217	B	196.7'	Mullica River	1.1
John Maxwell	Graveling Point, LLC John Maxwell	218	B	408.90'	Mullica River	1.1
John Maxwell	Graveling Point, LLC John Maxwell	219	B	205.90'	Mullica River	1.1
John Maxwell	Graveling Point, LLC John Maxwell	221	B	298.9'	Mullica River	1.1
John Maxwell	Graveling Point, LLC John Maxwell	222	B	606.0'	Mullica River	1.1
John Maxwell	Graveling Point, LLC John Maxwell	223	B	316.5'	Mullica River	1.1
John Maxwell	Graveling Point, LLC John Maxwell	225	B	379.0'	Mullica River	1.1
John Maxwell	Graveling Point, LLC John Maxwell	227	B	293.0'	Mullica River	1.1
John Maxwell	Graveling Point, LLC John Maxwell	231	B	604.0'	Mullica River	1.1
John Maxwell	Graveling Point, LLC John Maxwell	233	B	510.0'	Mullica River	1.1
John Maxwell	Graveling Point, LLC John Maxwell	237	B	500.0'	Mullica River	1.1
John Maxwell	Graveling Point, LLC John Maxwell	239	B	635.0'	Mullica River	1.1
John Maxwell	Graveling Point, LLC John Maxwell	252	B	560.0'	Mullica River	1.1
John Maxwell	Graveling Point, LLC John Maxwell	261	B	900.65'	Mullica River	1.1
John Maxwell	Graveling Point, LLC John Maxwell	268	B	1000'	Mullica River	1.1

A motion was made by Mr. Johnson, seconded by Mr. Maxwell to approved transfer of lot 1108 in Great Sound from Mr. Gorman to Mr. Felder. Mr. Felder abstained. The motion was approved. A motion was made by Mr. Johnson and seconded by Mr. Felder to approve the transfer of lot 1403 from Mr. Pritchard to Mr. Parsons. The motion was approved. A motion was made by Mr. Johnson, seconded by Mr. Felder and to approve the transfers from Mr. Maxwell to Graveling Point LLC. Mr. Maxwell abstained. The motion was approved.

3. Applications for Decision

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

Messrs. Gant, Gerike, Hanson, Tomaski, and Ward were present at the August 17, 2020 meeting. All applications for decision were approved on a motion by Mr. Johnson and seconded by Mr. Felder. Mr. Normant informed the applicants they have 30 days to sign their lease agreements and pay their lease fees.

4. Applications for Consideration

LESSEE	LOT #	SECTION	ACRES/FT	LOCATION	MAP #
Ryan Schramm	655	B	2.00	Jeremy Gaunt Point	6
Dale S. Parson	39.1	B	2.72	GB-Graveling Point	1
Ronald Stott	87	B	1.54	GB-Graveling Point	1
William Wasilewski	88	B	1.54	GB-Graveling Point	1
Great Bay Oyster (Thomas McAnney)	130	B	2.28	GB-Graveling Point	1

Messrs. Schramm, Parson, Stott, Wasilewski and McAnney were present at this meeting. Mr. Normant 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.

5. Old Business:

Offshore Wind

Ms. Brust provided an update on Offshore Wind developments in New Jersey. On September 9, 2020, the Board of Public Utilities passed the NJ Offshore Wind Strategic Plan. The guidance document for the 2020 wind solicitation was finalized. The document would be used by developers and lists the requirements needed to apply for a contract with New Jersey to sell

energy. The guidance document contains a fisheries protection plan and developers are required to put aside \$10,000/megawatt for environmental or fisheries research.

Leasing Committee Update

Ms. Kelly informed the Council that the next Leasing Committee Meeting had not been scheduled. She planned to send another email out requesting availability of the Committee and finalize a date and time.

Mr. Glenn stated he was interested in joining the Leasing Committee and inquired about the process to join. Mr. Normant stated that committee members were appointed by the Council. Mr. Gaine stated that Committee activity has been low and that could be the reason for its members inactivity. He stated that Mr. Gregg was recently added to the Committee but has been unable to be active because there hasn't been a meeting since he was appointed. Mr. Maxwell stated that because there are two Council members on the Committee, the meeting would be open to the public and that Mr. Glenn could attend even if he was not appointed as a member of the Committee.

Mr. Babb opined that having stability within the committee members is beneficial instead of constant turnover of members. He added that the meetings would likely be more productive and have increased activity from members going forward since the extensive list of issues had been ranked and prioritized by the Committee at the March meeting. Mr. Normant proposed that the Bureau could reach out to all Committee members to see if they would like to remain on the Committee and bring them forward to the Council. Discussion also ensued on the size of the Committee, the leasing policy and regulatory subcommittees and whether committee meetings should be held in public. The charge of the Committee is to make recommendations to the Council, in which the recommendations would be discussed publicly at the Council level. Ms. Kelly was going to contact the members of the Leasing Committee to see if they were still interested in serving.

Sea Grant Oyster Restoration

Mr. Stueber provided an update on the Sea Grant New Jersey Shellfish Aquaculture Exchange Project. Approximately 76,000 oysters would be purchased from NJ Aquaculturists for replanting onto three sites (one in Delaware Bay and two on the Atlantic Coast). Planting is scheduled to take place at the end of September. Mr. Johnson asked what the minimum size for oysters is allowed in the buy-back program. Mr. Stueber informed him that size was set by Rutgers University and NJ Sea Grant at a minimum of three inches. Mr. Maxwell inquired on how many growers would be participating. Mr. Stueber informed him that 19 growers were participating with 4,000 oysters per grower. Mr. Avery asked where the oysters would be planted. Mr. Normant informed him they would be planted in "Approved" waters at the mouth of the Mullica River, and the Stockton University Research Lease on the Atlantic Coast and Maurice River Cove in Delaware Bay.

COVID 19 Shellfish Industry Relief Discussion

Mr. Babb informed the Council that New Jersey was awarded 11.2 million dollars of CARES Act funding available to New Jersey for COVID-19 fisheries relief. Funding would be sent from the National Marine Fisheries Service to the Atlantic States Marine Fisheries Commission and distributed by the NJ Marine Fisheries Administration. The application requires that an individual or entity demonstrate a 35% loss in revenue from March 2020 to June 2020 when compared to the previous five years. The application process would be available online only. The

paycheck protection program aid would not count towards an applicant being made more than whole if the loan was not forgiven.

Ms. Wenczel informed the Council the Coronavirus Food Assistance Program was now open to shellfish aquaculture through the USDA. Funding would be based on a percentage of 2019 revenues. USDA would not be discounting NOAA funding from the USDA funding, but NOAA will be looking at USDA funding when reviewing applications.

Mr. Glenn asked if the USDA funds were a loan or grant. Ms. Wenczel stated the funding is a grant.

Mr. Avery asked if the dates could be extended because businesses were impacted beyond the range of dates for the NJ CARES Act application. Mr. Babb stated he would investigate his question for the NOAA funding. Ms. Wenczel stated that the range of dates does not impact the USDA funding which would be available all year.

NJDOT Brigantine Dredging

Ms. Dacanay informed the Council that the Bureau conducted a field investigation of the proposed dredge and fill site behind at Sunflower Island and Boot Island in Brigantine. Based on the investigation, site description matches what NJDOT reported and does not appear to be productive hard clam habitat. No hard clams were collected at the site. Mr. Johnson requested a site plan from the application. Ms. Dacanay stated she would provide him with the materials to review. Mr. Maxwell requested clarification about the ability to issue shellfish leases in the project area. Mr. Normant stated that the Council designated the area around Sunflower Island as productive hard clam harvest area and no lease applications would be accepted for this area. This designation was formally adopted in the Leasing Regulations. Mr. Glenn stated that the area was extremely productive, and important for hard clam production. Mr. Avery and Mr. Glenn opined that the area behind Brigantine was "filling in" with sediments due to beach replenishment activities.

6. New Business:

2021 Lease Renewals and Lease Transfers

Mr. Normant stated that due to COVID-19, the 2021 lease renewal packets would be mailed out to shellfish leaseholders this year instead of being completed at Nacote Creek Office. Mr. Normant informed the Council that all the items they normally fill out in the office would be included in the lease renewal packet. The lease renewal packet would only include shellfish license information. A separate letter will be sent out regarding Marine Fish licenses.

Mr. Maxwell inquired about the status of lease transfers and pending applications. Mr. Normant informed him that lease transfers would not be accepted or processed until after the first Council meeting in 2021 (typically January, which would be when the lease renewal period ends). The Bureau was trying to catch up on lost field time due to COVID-19 and was still processing prior applications. There were still required biological surveys pending and that he anticipated they would be completed by Bureau staff this year. Additionally, the Bureau staff were working on conducting hydrographic surveys at Rose Cove in Little Egg Harbor Bay. Mr. Maxwell stated it would be great if all pending applications could be processed and completed by the end of the year.

Mr. Avery asked when leases could transfer to an LLC. Mr. Normant informed him that lease transfers would be accepted in January 2021 after all lease applications and renewals were processed.

DEP Deputy Commissioner

Mr. Maxwell asked if a new Deputy Commissioner had been appointed since Ms. Mans departure. Mr. Davis informed them Olivia Glenn and Sean LaTourette were appointed as Deputy Commissioners.

Shellfish Council Appointments

Mr. Maxwell asked if any other Shellfish Council Appointments were approved. Mr. Normant stated didn't have an update about the Monmouth County appointments. The Burlington County position was supposed to be going through the Senate confirmation process.

Aquaculture Development Plan

Ms. Wenczel stated there was an Aquaculture Advisory Council meeting planned for October 30th to discuss to the Aquaculture Development Plan. If the Council needs copies, she can provide them for review. Mr. Felder and Mr. Avery requested copies of the plan.

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

7. Date, time and place of next meeting:

DATE: October 19, 2020
TIME: 6:00 PM
LOCATION: Virtual Meeting