

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

Virtual Meeting
January 11, 2021

Present were: Chairman: John J. Maxwell (Atlantic County)
Vice Chairman: Walter L. Johnson III (Ocean County)
Councilman: Paul T. Felder (Cape May County)
Councilman: George Mathis Jr. (Burlington County)
Councilman: Vacant (Monmouth County)

DEP Representatives: Joe 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
Lloyd Lomelino, Bureau of Shellfisheries
Scott Stueber, Bureau of Shellfisheries
Conor Davis, Bureau of Shellfisheries

Mr. Normant read the State's compliance with the Open Public Meetings Act and announced that the meeting would be recorded, and notice was filed with the Secretary of State Office.

1. Total Revenue for November 2020 \$ 9,208.72
Shellfisheries Law Enforcement Fund November 2020 \$ 2,840.00

Total Revenue for December 2020 \$ 14,975.10
Shellfisheries Law Enforcement Fund December 2020 \$ 5,300.00

2. Presentation of November 16, 2020 minutes for approval.

The November 16, 2020 minutes were approved on a motion by Mr. Felder and seconded by Mr. Mathis.

3. Annual election of Chair and Vice-Chair

A motion was made by Mr. Johnson and seconded by Mr. Felder to nominate Mr. Maxwell as Chairman. A motion was made by Mr. Mathis and seconded by Mr. Maxwell to nominate Mr. Johnson as Vice-Chair.

4. Research Lease Vacated - by Lessee

| LESSEE | LOT # | SECTION | ACRES | LOCATION | MAP# |
|------------------------------------|-------|---------|-------|----------------|------|
| Lisa Calvo – Rutgers Haskin Lab | 4R | C | 0.50 | Barnegat Light | |

Mr. Normant informed the Council that Rutgers University would be vacating their research lease at Barnegat Light. Mr. Johnson asked if there were any other research leases left in the area. Mr. Normant stated there was one remaining at Sedge Island for the Division's Aquatic Education Program and a few for Rutgers Cooperative Extension and Re-Clam the Bay.

5. Leases Vacated – by Lessee

| LESSEE | LOT # | SECTION | ACRES | LOCATION | MAP# |
|----------------|-------|---------|-------|-----------------------|------|
| Joseph Topping | 1441 | B | 2.00 | Middle Island Channel | 6.1 |
| Erik Gross | 656 | B | 2.00 | Jeremy Point | 12 |

Mr. Normant stated that Mr. Topping and Mr. Gross opted to not renew their lessees for 2021.

6. Leases Vacated – Non-Payment

| LESSEE | LOT # | SECTION | ACRES | LOCATION | MAP # |
|----------------------|-------|---------|-------|-----------------|-------|
| Tyler Zepp | 78 | B | 1.24 | Graveling Point | 1 |
| Jennifer Dwyer | 119 | B | 2.05 | Graveling Point | 1 |
| Edward Dwyer | 372 | B | 2.35 | Graveling Point | 1 |
| Edward M. Dwyer | 411.1 | B | 2.00 | Graveling Point | 1 |
| William M. Huderwitz | 372 | B | 2.35 | Cape Horn | 1 |
| William M. Huderwitz | 385 | B | 6.67 | Cape Horn | 1 |

Mr. Normant informed the Council that the above listed leases were vacated for non-payment. All lessees were required to renew their leases and pay an annual lease fee for 2021 by December 31, 2020. However, if illness or extenuating circumstances prevented 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 N.J.A.C. 7:25-24.8). If a lessee did 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. A motion was made by Mr. Johnson and seconded by Mr. Mathis to terminate all leases vacated for non-payment unless an extension was requested before the end of the meeting. No extensions were requested.

7. Applications for Decision

| LESSEE | LOT # | SECTION | ACRES | LOCATION | MAP # |
|-------------------------|-------|---------|-------|---------------|-------|
| Thomas C. Lucas | 400 | A | 2.00 | Jenkins Sound | 3 |
| Terrie A. Lucas | 401 | A | 2.00 | Jenkins Sound | 3 |
| Stephen T. O'Connor | 402 | A | 2.00 | Jenkins Sound | 3 |
| Howard Mason | 1048 | A | 2.02 | Great Sound | 5 |
| Thomas Williams | 403 | A | 2.00 | Jenkins Sound | 3 |
| Joanne Galante-Williams | 404 | A | 2.00 | Jenkins Sound | 3 |
| Robert Williams | 405 | A | 2.00 | Jenkins Sound | 3 |
| Sandra Williams | 406 | A | 2.00 | Jenkins Sound | 3 |
| Luke Williams | 407 | A | 2.00 | Jenkins Sound | 3 |
| Gary Williams | 408 | A | 2.00 | Jenkins Sound | 3 |

Messrs. Lucas, O'Connor, Mason, T. Williams, L. Williams, G. Williams, and Meses. Lucas, J.G. Williams, and S. Williams were present at the November 16, 2020, meeting. Mr. Robert Williams was present at the January 11, 2021, meeting. A motion to approve the applications was made by Mr. Johnson and seconded by Mr. Felder. Applicants would receive a letter that explained

they have 30 days to sign their lease agreements and pay lease fees. The applicants would have to setup an appointment with Bureau Staff within the 30-day window with Bureau of Shellfisheries staff.

8. Old Business:

Offshore Wind

At the Marine Fisheries Council meeting, Councilman Jeff Kaelin made a motion that the NJMFC establish a separate committee on Offshore Wind Energy Policy Development to include council members and advisors representing New Jersey's recreational and commercial finfish and shellfish fisheries, seafood processors, and interested citizens.

On January 13th, the Environmental Resources Working Group will meet to update all stakeholder members. The ERWG will update working group members on offshore wind. Discussion will include developing a subcommittee on funding regional studies for research and monitoring fisheries and wildlife.

DEP has been working on updates to regulations as part of the State's NJPACT initiative. Quarterly meetings will follow scheduled for March, June, and October of 2021

The Responsible Offshore Science Alliance has developed a draft on fisheries guidance with respects to offshore wind development.

The MFA held a meeting with the new Orsted fisheries monitoring coordinator to discuss approaches for the Ocean Wind Project.

Rutgers University will host their second Partners in Science Workshop on January 28th to identify ecological metrics and sampling strategies for baseline monitoring.

Mr. Avery inquired on the timeframe for the \$11 million for offshore wind mitigation. Ms. Brust stated that 50% of the funds will be distributed to the state and 50% will be distributed over a to-be-determined set time throughout the project. Mr. Avery asked how soon the state would get the funds. Ms. Brust informed him that she thought it wouldn't be until after the "Record of Decision" was distributed.

Leasing Committee Update

Mr. Normant reminded the Council that they had briefly discussed the re-structuring of the Leasing Committee (LC) at the November meeting. Because the four councilmen would be on the LC, there would be a quorum and the Leasing Committee meetings would need to be open to the public. Mr. Normant added that the purpose of the Committee's meetings was to discuss regulatory and policy issues and potential changes amongst industry. All discussions and recommendations that occur at the committee level would then be presented to the public for discussion during the monthly Council Meetings. Mr. Normant asked the Council how they would like to breakdown the Committee and its two subcommittees. Significant discussion ensued. Mr. Maxwell suggested the LC meets before the Shellfisheries Council with all four members of the Shellfisheries Council present to discuss the matter further. Mr. Felder, Mr. Johnson, and Mr. Mathis all agreed with his recommendation. Mr. Gaine asked if the LC meeting was merged with the Shellfish Council meeting, what was the point of holding separate meetings since they would both be open to the public. He opined that it was beneficial for the LC to be industry members only because it helps in discussing issues and making

recommendations for the Shellfisheries Council.

Mr. Normant confirmed that the council wanted to hold a LC meeting on February 8th with the full LC members, Shellfisheries Council, and have it open to the public. The Council agreed.

COVID-19 Shellfish Industry Relief

Mr. Cimino informed the Council that CARES Act applications had closed and applications were currently under review. Additionally, staff were reviewing any appeals that were submitted. He estimates that money would be distributed to applicants in the next few months.

SOAR – Supporting Oyster Aquaculture and Restoration

Mr. Greenberg of PEW Charitable Trusts stated that the initiative purchased 612,000 farm raised oysters that would be used for habitat enhancement and restoration. Bureau staff partnered with PEW and assisted with the receiving of oysters from growers and planting a portion of them. Purchased oysters were planted at sites determined by the Bureau on the Atlantic Coast and on the Delaware Bay. These sites included the Mullica River, the Stockton University Tuckerton Research lease, and the Maurice River Cove in Delaware Bay. PEW was looking to expand the project by planting at the Earle Navy Pier in spring 2021.

Mr. Gaine questioned the springtime component of the project at the Naval Pier. Mr. Greenberg informed him that there were plans to plant product at the Pier for NY/NJ Baykeeper during the same time they were planted in southern New Jersey, but military activities at the base forced the work to be postponed. The funding was set aside with the initial RFP for the Naval Pier project. They are planning to purchase the oysters with the set aside funds in the upcoming months and coordinate with the Navy Pier and Baykeeper for scheduling. He added he would provide an update to the Council at the February Council Meeting.

New Lease Application Procedures

Mr. Normant stated that the Bureau was accepting new lease applications. All requests would be conducted via email with Bureau staff. Mr. Lomelino and Ms. Kelly would be the primary contacts for the Atlantic Coast. Applications would be completed and submitted remotely but applicants would have to sign lease agreements in-person at the Nacote Creek Shellfisheries office.

Aquaculture Advisory Council (AAC) Aquaculture Development Plan Discussion

Mr. Johnson stated he received a copy of the Aquaculture Development Plan he requested at the November Council Meeting. He added that the document was confusing and conflicting. He believes the document attempts to erode the authorities of the Shellfisheries Council. Mr. Maxwell agreed with Mr. Johnson. Mr. Mathis opined his opposition to the document and believes it goes against the original intent of the Aquaculture Development Act. Mr. Maxwell proceeded to read his comments on the plan. A motion was made by Mr. Maxwell to submit the comments to the AAC. The motion was seconded by Mr. Johnson. The motion was unanimously approved by Council.

Mr. Gaine stated he agreed and supported the comments of the Council and was pleased they would be submitted. Mr. Avery also supported the comments. He added that the Plan had changed significantly from its original intent without his knowledge and explained that he was not a participant on the Aquaculture Plan Committee.

Mr. Gregg stated he wished industry members would contribute more and attend these discussions in person as they had an opportunity to be a part of the Committee. He said that surveys were given out to industry members to complete and help guide the ADP. Mr. Gaine stated that there were only three industry members present at these meetings and felt the industry was not represented fairly. He added that he did submit comments on the plan but didn't attend the meetings.

9. New Business:

2021 Hard Clam Relay Program Suspension

A motion was made by Mr. Johnson to suspend the 2021 Hard Clam Relay Program. The motion was seconded by Mr. Mathis.

Interjurisdictional Fisheries (IJ) Act Grant

Mr. Normant informed the Council that the IJ Funding had previously funded the state's surf clam survey over the last 30 years. Due to the state of the fishery, the MFA decided it would be best to change the statement of work to include two additional projects under the grant. The first survey would be a Raritan/Sandy Hook Bay Hard Clam Survey, and the second would be a Marine Fisheries survey in Raritan/Sandy Hook Bay. The annual surf clam survey would be reduced in order to include the two new surveys.

Mr. Maxwell asked what the plan was for continuing the hard clam inventories on the Atlantic coast. Mr. Normant said that the Bureau had experienced some setbacks with the R/V Zephyrus that had delayed sampling the last two years. The Bureau was able to get out and conduct some work within the Great Egg Harbor Bay. The plan was to complete Raritan Bay/Sandy Hook under the IJ Grant and then finish up the Great Egg Harbor Bay survey. Once they are completed, staff would continue moving south, sampling in the Cape May County estuaries.

Mr. Mathis voiced his concerns with sampling a single waterbody over multiple years under a single report. He stated conditions can change significantly from year to year and questioned the quality of data that was being collected. Ms. Dacanay informed him the Bureau would revisit some of the previously sampled stations to determine if statistically significant changes had occurred over time that would warrant a complete resampling of the stations previously surveyed.

Hard Clam Management Plan

Mr. Maxwell asked if the data collected could be used to formulate a hard clam management plan. Mr. Maxwell stated that he hoped that could be a goal for the Bureau going forward. Mr. Johnson agreed and stated it was an important missing component in the Bureau's management efforts. Mr. Mathis also agreed with Mr. Maxwell and Mr. Johnson's and believed it was an area of focus for the Bureau going forward.

Mr. Maxwell suggested a hard clam management plan committee be formed. Mr. Maxwell stated he would like the topic added to the next Council Meeting for discussion. Mr. Glenn agreed with the Council and believed that developing a management plan would only help industry and the resource.

Rutgers Spatial Planning Project

Mr. Glenn asked for an overview of the Spatial Planning Project. Mr. Babb informed the him that Rutgers University was awarded funding through NJ Sea Grant to develop a tool for broad scale aquaculture planning. The spatial planning tool would weigh and rank various inputs of biological, physical, chemical, and socioeconomical data to help inform the planning of shellfish aquaculture throughout the state.

Shellfish Harvester Training Video

Mr. Johnson was told there were issues with the Shellfish Harvesting Training videos on the Bureau of Marine Water Monitoring's website. Mr. Schuster stated he was aware of some the issues and they had walked several people through the program on the phone and he believed that most of the problems had been addressed. Mr. Johnson asked if there was a possibility to use handouts instead of the online video. Mr. Schuster stated he would discuss his suggestion with his staff.

Marine Fisheries Enforcement Move

Mr. Maxwell inquired if the Bureau of Law Enforcement had moved out of the Nacote Creek Office. Mr. Normant stated that they were currently still at the Nacote Creek Office. Mr. Cimino added that the plan would be to have Enforcement move to Green Bank and MFA staff would move into the Law Enforcement Building.

The meeting was adjourned on a motion by Mr. Maxwell and seconded Mr. Johnson.

10. Date, time, and place of next meeting:

| | |
|----------|------------------|
| DATE: | February 8, 2021 |
| TIME: | 6:00 PM |
| LOCATION | Virtual |