

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

Virtual Meeting  
April 19, 2021

Present were: 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)

Absent were: Chairman: John J. Maxwell (Atlantic County)

DEP Representatives: 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  
Lloyd Lomelino, Bureau of Shellfisheries  
Scott Stueber, Bureau of Shellfisheries  
Elizabeth Lange, Bureau of Shellfisheries  
Robert Schuster, Bureau of Marine Water Monitoring

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 March 2021 \$ 1,443.00  
Shellfisheries Law Enforcement Fund \$ 342.00
2. Presentation of March 15, 2021 minutes for approval.

Mr. Mathis stated he spoke with Mr. Maxwell and he supported the approval of the March 15, 2021 minutes. The March 15, 2021 minutes were approved on a motion by Mr. Mathis and seconded by Mr. Felder. Mr. Johnson abstained as he did not attend the meeting.

3. Applications for Transfer:

LESSEE	APPLICANT	LOT #	SECTION	ACRES/FT	LOCATION	MAP #
Timothy Hewitt	Michael Joannides Jr.	1416	B	2.00	Middle Island	6.1
Jeffrey Grim	Joseph McGee	2505	B	2.14	Scull Bay	27
Jeffrey Grim	Joseph McGee	2518	B	1.85	Scull Bay	27

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

#### 4. Old Business:

##### Offshore Wind

Ms. Brust provided an update on Offshore Wind. On March 31, 2021, the Bureau of Ocean Energy Management (BOEM) issued a notice of intent to prepare an environmental impact statement for Ocean Wind. There will be a 30-day public comment period ending April 25<sup>th</sup>. BOEM will hold a virtual scoping meeting on April 20, 2021 at 5:30pm. The DEP will review the Ocean Wind Project for Federal consistency with New Jersey's Coastal Zone Management (CZM) Rules. Ocean Wind and the DEP currently have a stay agreement to extend the Federal consistency review into October 2022. The DEP had also extended the formal public comment period for the Federal consistency review from 15 to 60 days. The public comment period had not begun yet.

The NY/NJ Bight Wind Energy Areas were finalized. BOEM will prepare an environmental assessment to consider the impacts of leasing within these areas.

Ms. Brust noted the DEP had launched a new offshore wind webpage.

Ms. Brust announced there will be an offshore wind environmental resources working group meeting scheduled for April 29<sup>th</sup> from 4-6pm.

##### Lease Policy Committee Update

Mr. Johnson stated that he had been contacted by industry members inquiring why the Lease Policy Committee was looking to take away shellfish leases from individuals. Mr. Johnson expressed his concerns regarding these inquiries. Mr. Normant added that it was not the intent of the meeting and he stated that messaging regarding taking leases away was not recommended by the Lease Policy Committee or the DEP during the meeting. The meeting focus was to discuss options and ideas to address lease utilization issues. Mr. Johnson agreed and added that the Committee's summary report had not been made public or approved by the Council yet and was not sure how those conclusions were made.

Mr. Mathis read the Lease Policy Committee's summary report into the record. Ms. Kelly informed the Council that the summary was sent to the all members of the Lease Policy Committee. She added that she did not receive comments from Committee members that expressed concerns regarding the summary statement. Mr. Gaine stated that the summary report unequivocally reflected what was discussed at the Committee meeting. He added that metrics for addressing utilization were not discussed, and the statement read by Mr. Mathis was verbatim the meeting summary provided to all Committee members.

A motion to approve the summary report was made by Mr. Mathis and seconded by Mr. Felder. The report will be attached to the minutes (Attachment 1).

Mr. Normant anticipated having the next Lease Policy Committee meeting before the May Council Meeting. Mr. Johnson asked to have the meeting in May. Ms. Kelly said the second week of May from 10-12pm could work relative to the tides. She would reach out to Committee members via email to schedule the meeting.

## Hard Clam Management Plan

Ms. Dacanay informed the Council that the Sandy Hook Bay Survey was delayed due to vessel repairs. She added that the Bureau was working on a shellfish license holder questionnaire survey for the summer 2021.

## Aquaculture Development Plan Discussion

Ms. Wenczel informed the Council that comments on the Aquaculture Development Plan were discussed on March 29, 2021. The content within the Plan was revised to address the discussions and additional comments. She hoped to have a draft out for review this week or before the next Aquaculture Advisory Committee (AAC) Meeting on April 30, 2021.

Mr. Gainé asked when the plan would be reviewed and approved by the AAC. Ms. Wenczel said that was dependent on the review of the comments at the next AAC meeting.

## New Lease Inquiries

Mr. Lomelino stated that the Shellfish Lease Policy Committee tasked the Bureau with tracking new shellfish lease area requests and inquiries and requested they were presented to the Council quarterly. As of April 2021, there were four (4) new lease area/expansion requests: Scull Bay, Little Egg Harbor Bay Middle Island, Barnegat Bay (Oyster Creek Channel), and Great Egg Harbor Bay Pecks Bay. Mr. Normant added that these inquiries were for new lease areas that could not be fulfilled immediately through an application because there were either no vacant leases available, the existing block could not be expanded any further or the proposed lease was in a high user conflict area. Mr. Johnson asked for more information regarding the Middle Island and Oyster Creek area requests. Mr. Normant stated that the Middle Island request was made and approved by the Lease Policy Committee in 2020. Mr. Lomelino would investigate those areas this year. The Oyster Creek request was just north of the main channel on the flats by Sedge Island near Oyster Creek Channel.

## Financial Disclosure

Mr. Normant reminded the Council that Financial Disclosures were due by May 15<sup>th</sup>. Mr. Johnson said his disclosure was completed.

### 5. New Business:

#### New Lease Area Request: Rose Cove

Mr. Normant presented a map of a new lease request in Middle Creek by the Rose Cove, Little Egg Harbor Bay lease block. He stated there was already a lease within the creek that was approved prior to the establishment of the Rose Cove lease block. Mr. Normant suggested the proposal be presented at the next Lease Policy Committee for discussion. Mr. Hender stated he was requesting this lease because his offshore leases at Rose Cove were getting damaged by the southerly winds. He wanted to use the creek to protect gear and oysters and the location had good environmental conditions. Mr. Johnson stated that the proposal would be discussed at the next Lease Policy Committee meeting.

## Mystic Island Shoreline Stabilization Project

Mr. Johnson asked if the Bureau had commented on the freshwater wetland component of the pending Mystic Island Restoration permit application currently under review. Mr. Normant stated that he was not aware of that component of the project.

### Bureau of Marine Water Monitoring Rule Discussion

Mr. Schuster stated that the Bureau will hold a virtual public stakeholder meeting on Tuesday, April 27, 2021 from 6-8pm to discuss proposed changes to N.J.A.C. 7:12 Shellfish Growing Water Classification rules. Mr. Gaine asked if there would be more than one date for stakeholders to attend if there was timing conflict. Mr. Schuster said he was only aware of the one meeting date but would look into his request and follow up with him. Mr. Johnson requested a copy of the information being discussed at the April 27<sup>th</sup> meeting.

Mr. Johnson asked for an update on *Vibrio* plan. Mr. Schuster said there were no major changes to the plan, and it would cover the period from June 1<sup>st</sup> through August 31<sup>st</sup>.

### Aquaculture Advisory Council (AAC)

Mr. Mathis opined that industry should be better represented on the Aquaculture Advisory Council (AAC). Mr. Mathis proposed that Council drafted a letter requesting state legislators to appoint a representative from both sections of New Jersey Shellfisheries Council Chairman to the AAC. Mr. Johnson stated Mr. Mathis's request did not require a formal motion and suggested it gets added under Old Business at the May Council Meeting.

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:	May 17, 2021
TIME:	6:00 PM
LOCATION	Virtual

ATLANTIC COAST LEASING POLICY COMMITTEE  
A COMMITTEE OF  
ATLANTIC COAST SECTION OF THE NEW JERSEY SHELLFISHERIES COUNCIL

Meeting Summary  
Virtual Meeting, Web/Conference Call Via GoToMeeting  
Thursday, March 18, 2021  
10:00 AM

Council Attendees: Vice Chairman: Walter L. Johnson III (Ocean County)  
Councilman: George Mathis Jr. (Burlington County)

Committee Attendees: Edward Gaine, Matthew Gregg, Raymond Crema, Peter McCarthy,  
Douglas Zemeckis

Absent Committee Members: William Avery

State Reps. Attendees: Russell Babb, Bureau of Shellfisheries  
Jeffrey Normant, Bureau of Shellfisheries  
Craig Tomlin, Bureau of Shellfisheries  
Megan Kelly, Bureau of Shellfisheries  
Conor Davis, Bureau of Shellfisheries  
Lloyd Lomelino, Bureau of Shellfisheries  
Amanda Wenczel, Department of Agriculture

**Lease Utilization Discussion:**

Members decided at the February 22, 2021 Leasing Policy Committee meeting that the next meeting topic was a conversation dedicated to discussing possible options regarding utilization, allocation, and transferability since they were all connected.

Bureau of Shellfisheries staff started the conversation by discussing the shared statutory and regulatory responsibility of the DEP and the Council. The reason for this discussion was that New Jersey was a densely populated state; space available for shellfish aquaculture was not unlimited. In addition, the Bureau gave a brief overview of the total acres of existing leases on the Atlantic Coast and of that total there was a significant number of inactive leases that are being held by leaseholders who were not adequately using them. Based on utilization reports submitted during the lease renewal process from 2013-2020 an estimate of 164 individual leases (324 acres) out of 923 issued leases were specifically reported to not be used at all. This highlighted the need to develop a basic process to ensure that existing leases were being used by the leaseholder.

Committee members emphasized that the use of data to show leasing demographics was important for this discussion. It was noted that the utilization report did not have a specific requirement in terms of how utilization was reported.

Committee members each provided their thoughts on lease utilization and criteria if there was a utilization requirement

The purpose of this meeting was to first establish some shared or common ground before participating in a more specific discussion about lease utilization issues and how it relates to allocation and transferability.

Committee members agreed that this topic was important to continue to discuss and to focus on an effective framework for lease utilization criteria. Committee members noted that if someone holds a shellfish lease, they want to ensure that it is being used.

The Committee recommended to send the leaseholder's a letter regarding the responsibility as a best management practice and a benefit for the industry to actively use the lease. The purpose was to convey to leaseholders the importance of lease utilization rather than only focusing on how to take a lease back. It was also suggested that this type of statement could be sent via email and letter to all leaseholders, to explain that if someone is not using their lease to let the state and Council know so they can be provided information on their options whether it is to vacate or transfer their lease. It was noted to avoid attaching it to something that might get overlooked, to send it as a stand-alone letter.

Committee members were tasked previously to submit ideas on how to address lease utilization, allocation, and transferability for discussion at the following meetings. Comments should be sent to Ms. Kelly. The next meeting of the Leasing Policy Committee is to be determined.