

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

Virtual Meeting
Monday, November 15, 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: Joseph Cimino, Marine Fisheries Administration
Russell Babb, 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
Robert Schuster, Bureau of Marine Water Monitoring

Ms. Kelly 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 September 2021 \$ 1,573.74
Shellfisheries Law Enforcement Fund \$ 10.00

Total Revenue for October 2021 \$ 3,579.16
Shellfisheries Law Enforcement Fund \$ 540.00

2. Presentation of September 20, 2021 minutes for approval.

The September 20, 2021 minutes of the meeting were approved on a motion Mr. Johnson and seconded by Mr. Felder.

3. Applications for Consideration

LESSEE	LOT #	SECTION	ACRES/FT	LOCATION	MAP #
Salt Meadow Oyster Farm LLC Mathew Hender	868	B	0.62	Middle Creek/ Rose Cove	7

Mr. Hender was in present at this meeting. 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 lease application would be denied, and the area applied for shall revert to public bottom.

4. Applications for Decision

LESSEE	LOT #	SECTION	ACRES/FT	LOCATION	MAP #
Dale S. Parsons	1441	B	2.00	Middle Island	6.1

Mr. Parsons was present at this meeting. A motion was made by Mr. Johnson and seconded by Mr. Mathis to approve the application for decision. Mr. Parsons was informed Mr. Parsons that he would receive a letter explaining that he has 30 days to pay appropriate fees and sign the lease agreement. Mr. Parsons would have to setup an appointment with Bureau staff to sign the lease agreement.

5. Applications for Transfer

LESSEE	APPLICANT	LOT #	SECTION	ACRES/FT	LOCATION	MAP #
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	1057.0	A	2.09	Great Sound	5
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	1058.0	A	2.03	Great Sound	5
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	1060.0	A	2.15	Great Sound	5
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	1072.0	A	1.96	Great Sound	5
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	1073.0	A	1.96	Great Sound	5
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	1074.0	A	1.96	Great Sound	5
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	1076.0	A	2.02	Great Sound	5
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	1077.0	A	1.92	Great Sound	5
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	1078.0	A	2.24	Great Sound	5
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	1082.0	A	2.00	Great Sound	5
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	1083.0	A	2.00	Great Sound	5
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	1088.0	A	1.95	Great Sound	5
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	1090.0	A	2.22	Great Sound	5

William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	35.0	B	7.55	Graveling Point	1
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	46.0	B	1.89	Graveling Point	1
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	82.0	B	2.43	Graveling Point	1
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	180.0	B	207.70	Mullica River	1A
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	373.0	B	3.50	Cape Horn	10
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	382.0	B	3.09	Cape Horn	10
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	382.1	B	3.17	Cape Horn	10
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	382.2	B	3.29	Cape Horn	10
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	382.3	B	1.68	Cape Horn	10
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	2060.0	B	1.04	Absecon Bay	22
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	2060.1	B	1.05	Absecon Bay	22
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	2062.0	B	2.30	Absecon Bay	22
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	2063.0	B	2.37	Absecon Bay	22
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	2069.0	B	2.06	Absecon Bay	22
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	2070.0	B	2.03	Absecon Bay	22
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	2071.1	B	1.06	Absecon Bay	22
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	2072.0	B	2.07	Absecon Bay	22
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	2207.0	B	2.42	Dry Bay	24.2
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	2207.1	B	2.42	Dry Bay	24.2

William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	2229.0	B	1.19	Dry Bay	24.2
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	2270.0	B	2.00	Dry Bay	24.2
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	2280.0	B	2.11	Dry Bay	24.2
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	2281.0	B	2.16	Dry Bay	24.2
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	2281.1	B	2.64	Dry Bay	24.2
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	2286.0	B	2.38	Dry Bay	24.2
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	2287.0	B	1.67	Dry Bay	24.2
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	2288.0	B	2.18	Dry Bay	24.2
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	2301.0	B	1.72	Dry Bay	24.2
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	2301.1	B	0.81	Dry Bay	24.2
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	2325.0	B	2.66	Dry Bay	24.2
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	2343.0	B	0.85	Dry Bay	24.2
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	2517.0	B	1.79	Scull Bay	27
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	2524.0	B	2.15	Scull Bay	27
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	2526.0	B	2.04	Scull Bay	27
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	2532.0	B	1.92	Scull Bay	27
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	2533.0	B	2.05	Scull Bay	27
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	2535.0	B	2.23	Scull Bay	27
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	2537.0	B	1.88	Scull Bay	27

William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	2568.0	B	2.00	Scull Bay	27
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	2722.0	B	2.10	Shelter Island Channel	28
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	2723.0	B	2.03	Shelter Island Channel	28
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	2725.0	B	2.01	Shelter Island Channel	28
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	2726.0	B	8.03	Shelter Island Channel	28
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	2740.0	B	2.00	Great Thorofare	24
William K. Avery	Bill Averys Quality Bay Clams, LLC (William K. Avery)	2762.0	B	2.00	Great Thorofare	24
William K. Avery	Eric Parker	1079	A	2.00	Great Sound	5
John Schriever	Brandon Meili & Christopher Meili	2754	B	2.00	GB/Great Thorofare	25
Robert Mayer	James Allen	2311	B	2.48	Dry Bay	24.2
Michael McCarthy	Peter McCarthy	1420	B	2.00	Middle Island	6.1
Michael McCarthy	Peter McCarthy	1438	B	2.00	Middle Island	6.1
Russell Adkisson, Jr.	Linda Adkisson	2076	B	2.05	Absecon Bay	22
John Getz, III	Linda Getz	77	B	2.39	GB/ Graveling Point	1
John Getz, III	Linda Getz	85	B	8.00	GB/ Graveling Point	1
George Mathis, Jr.	Joseph Rizzo	479	B	2.45	Jennys Creek	15

All applications for transfer, except the application from Mr. Mathis to Mr. Rizzo were approved on a motion by Mr. Johnson and seconded by Mr. Felder. Application for transfer from Mr. Mathis to Mr. Rizzo was approved on a motion by Mr. Johnson and seconded by Mr. Felder, Councilman Mathis abstained. Due to an error in reading Mr. Mayer's name into the record there was another motion made to clarify the correct name, and the application for transfer from Mr. Mayer to Mr. Allen was approved on a motion by Mr. Johnson and seconded by Mr. Mathis.

6. Old Business:

Offshore Wind

There were no updates to offshore wind.

Lease Policy Committee Update

Ms. Kelly explained that the Atlantic Coast Lease Policy Committee met on Monday, November 8, 2021. There were discussions focused on the topic of lease utilization. A formal summary of this meeting would be read into the record at the next Council meeting. As a result of the meeting, I was suggested that there should be a joint meeting of the Lease Policy and Regulatory committees meeting on December 1, 2021 as there was relevancy and overlap on the issues being discussed. In addition, Ms. Kelly noted that the Delaware Leasing Committee met on November 15, 2021 and discussed updates to the leasing policy and the topic of lease utilization.

Mr. Maxwell expressed concerns regarding attendance and accessibility to public meetings. He stated that not all members of the industry could access meetings virtually. Mr. Maxwell encouraged the Bureau to consider that for meetings in 2022.

The joint meeting of the Lease Policy and Regulatory Committee was scheduled to be held at 3:00 p.m. on December 1, 2021.

Hard Clam Management Plan

Ms. Dacanay presented a general outline of topics that might be included in a draft hard clam management plan. Ms. Dacanay added that staff would begin working on the plan in January at which time a more specified timeline could be developed. Discussion ensued on how to approach the goals and objectives of the Hard Clam Management Plan. Mr. Maxwell asked for clarification on when Council would weigh in and provide comments on the plan. Mr. Babb added that the Bureau of Shellfisheries wanted to align their approach similar to how the Bureau of Marine Fisheries was developing a fisheries management plan for blue crabs. Mr. Babb asked the Council to begin thinking about appropriate representation and membership for the Hard Clam Management Plan Advisory Committee.

New Jersey COVID-19 Assistance Program

Mr. Cimino informed the Council that the second application period for CARES Act funding closed and they were processing applications. The money would not be distributed until 2022, and to expect awards being received around January or February.

Aquaculture Advisory Council (AAC) Update

Ms. Wenczel explained to the Council that the next focus area for the AAC was the formation of a marketing committee. The goal was to consult with Department of Agriculture marketing specialists and potentially have a meeting in December to start the discussion prior to the next AAC meeting in January 2022.

Rutgers Sea Grant Project: GIS-Based Tool for Shellfish Aquaculture

Mr. Babb explained that the GIS-based shellfish aquaculture spatial planning tool continues to be developed and that he presented concerns of the Council to the project team. The Rutgers team was interested in knowing if the Council was interested in seeing a presentation of the tool at an upcoming meeting during the first quarter of the year. Mr. Babb noted the Delaware Bay Section agreed to a presentation at an upcoming meeting. Mr. Maxwell suggested to also have the tool presented to Council in the first quarter of 2022, but also added that it would be beneficial to have the tool presented to the Lease Policy and Regulatory Committees.

2022 Lease Renewal Procedure

Ms. Kelly explained that the shellfish lease renewal period was open and the deadline to submit a renewal application was December 31, 2021. Ms. Kelly added that there have been delays in the mail, but if someone had not received their application in the mail to reach out to her via email or to call the Nacote Creek Shellfish Office by phone (609 748-2040).

Mr. Maxwell asked if there were any issues with industry members receiving their harvesters training certification. Mr. Babb added that if someone was having trouble accessing the training, a computer could be made available by appointment. Mr. Babb and Mr. Schuster added that there were a few people this year who reached out and were able to make arrangements to come into the office to complete their training. It was noted that the training could be completed at the public library.

Council Letter to Leaseholders

A letter from the Council was sent to all leaseholders to remind leaseholders on the Atlantic Coast that they should be in compliance with all applicable State and Federal permits that are required in a shellfish aquaculture operation. Mr. Babb noted there have been concerns raised by various Divisions within DEP in regard to liability. Mr. Babb clarified that he was referring to the big picture in that an industry member holds appropriate licenses and permits, especially since the industry was constantly changing in the way they grow shellfish.

Mr. Babb urged people if they had concerns to reach out to the Department of Agriculture or the Bureau of Shellfisheries. Mr. Babb added that the Bureau and the Department of Agriculture would not be assessing each leaseholder for specific permitting compliance, but they would be able to help get them in touch with the appropriate permitting agencies.

Mr. Johnson opined that some of the compliance issues may be from lack of communication on the part of the agencies and the industry needed to be more informed of what was required. It was agreed that the overall issue of industry compliance would likely be discussed at the Council level rather than at the committee level.

Sea Grant and SOAR Oyster Restoration Program

Mr. Johnson requested an update on bed conditions at the plant sites for both the Sea Grant and SOAR oyster restoration program that involved purchasing oysters from growers that were planted for restoration purposes. Mr. Babb explained that there had been some sampling

conducted and that a report would be provided to the and Sea Grant and SOAR programs. An update would be presented at the next Council meeting.

7. New Business:

Sunday Harvest

Mr. Maxwell ask for an update regarding a pending Bill (S4085) being reviewed by a NJ Senate Committee regarding Sunday harvest. Ms. Wenczel explained that the Bill had been read to the Committee on November 15th and would be presented to the Senate at their next meeting. Discussion ensued regarding details of the Bill which would amendment to Title 50 to allow for commercial aquaculture and wild harvest on Sundays.

Hybrid Council Meetings

Mr. Maxwell requested an update on how Council meetings would be hosted in 2022. Mr. Babb explained the Bureau was working to determine a hybrid approach for 2022 to allow people to attend in-person or virtually. Mr. Maxwell agreed that there should be a hybrid approach. Mr. Babb said the Bureau would send the Council a plan for a hybrid meeting by the January meeting.

The Council cancelled the December 20, 2021 meeting. The next meeting of the Council was set for January 10, 2022.

The meeting was adjourned on a motion by Mr. Johnson and a second by Mr. Mathis.

8. Date time and place of next meeting:

DATE: January 10, 2021
TIME: 6:00 PM
LOCATION: Virtual