

MINUTES OF THE MEETING
OF THE
ATLANTIC COAST SECTION OF THE NJ SHELLFISHERIES COUNCIL

Nacote Creek Law Enforcement
Port Republic, NJ
October 19, 2015

Present were: Chairman: Walter L. Johnson III (Ocean County)
 Vice Chairman: John Maxwell (Atlantic County)
 Councilman: Walter Hughes (Monmouth County)
 Councilman: *Vacant* (Burlington County)
 Councilman: *Vacant* (Cape May County)

DEP Representative: Jeffrey C. Normant, 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.

- | | | |
|----|--------------------------------------|----------------|
| 1. | Total Revenue for August 2015 | \$ 1,399.22 |
| | Shellfisheries Law Enforcement Fund | \$ 592.00 |
| |
Total Revenue for September 2015 |
\$1,359.87 |
| | Shellfisheries Law Enforcement Fund | \$ 14.00 |

2. Presentation of August 17, 2015 minutes for approval.

The Minutes of August 17, 2015 meeting were presented for consideration and approved on a motion by Mr. Maxwell and seconded by Mr. Hughes.

3. Applications for Transfer

LESSEE	APPLICANT	LOT #	SECTION	ACRES	LOCATION	Map #
Gary Williams	Luke Williams	1026	A	2.08	Great Bay Sound	5

Without discussion, the lease transfer was approved on a motion by Mr. Hughes, which was seconded by Mr. Maxwell.

4. Applications for Consideration

LESSEE	LOT #	SECTION	ACRES	LOCATION	MAP #
David Kohler	630	B	2.00	LEHB- Gaunt Point	6
Jordan LoPinto	654	B	2.00	LEHB- Jeremy Point	6

Mr. Normant provided Council with copies of the above lease applications. Messrs. Kohler and LoPinto were present at this meeting. Pursuant to leasing regulations, N.J.A.C.7:25-24.6, the applicants must attend one of two meetings at which the Council reviews their applications. A decision on the above applications would be rendered at the next meeting.

5. Old Business:

Barnegat Bay - Barnegat Light Proposed Lease Area

Mr. Normant stated that Bureau, with the consent of the Council in 2014, investigated a new area in the Barnegat Light area of Barnegat Bay for the establishment of shellfish leases. This proposal had been discussed and vetted at prior meetings. The Bureau had conducted a biological survey for the presence of submerged aquatic vegetation (SAV) and used shellfish data collected from 2012 NJ estuarine Shellfish

Inventory to determine shellfish habitat value. To ensure that user group conflicts be minimized, the Bureau also discussed the use of the area with the Mayor of Barnegat Light and the Administrator of Long Beach Township. In addition, the Bureau investigated existing riparian instruments that could be an issue with establishing a new block of shellfish leases. The block of one acre shellfish lease parcels was modified to thirteen (10 one acre parcels and 3 less than one acre parcels) in order to address some SAV and tidelands issues. Mr. Maxwell made a motion to approve the Barnegat Light lease proposal and allow lease applications for these parcels to be accepted and processed. Mr. Hughes seconded the motion. Applications for these parcels would be allocated on a first come, first serve basis starting on October 20th.

Council Letter to Commissioner Martin

Mr. Normant read into the minutes the letter the Council sent to NJDEP Commissioner Bob Martin concerning deficiencies in staff and the response from State Senator Conner's of the 9th Legislative District in support to address the staffing issues. Both letters were attached to the minutes.

Atlantic Coast Leasing Policy

Mr. Maxwell inquired about the status of the development of the Atlantic Coast Leasing Policy. Mr. Normant stated that development of the leasing policy became delayed when the "Red Knot" became federally listed as an endangered species. Bureau staff have been immersed with the ongoing Formal Programmatic Consultation with USFW Service regarding shellfish aquaculture in the Delaware Bay. The Biological Assessment should be submitted by the end of November. Mr. Normant stated that he and Mr. Babb would be working on the Leasing Regulations and Leasing Policy for the Atlantic Coast as soon as the programmatic consultation is completed and when the final surf clam assessment report was completed. Mr. Maxwell was concerned that new leasing could be impacted in 2016. Mr. Normant stated that he hopes to start working on the policy sometime after November.

Mr. Parson inquired on how the policy would address growing oysters in a predominately hard clam growing lease area. Mr. Maxwell stated that it would be a concern due to Vibrio issues. The Council had made a policy a while ago to address growing oysters in Dry Bay. Mr. Johnson stated that the Vibrio plan actually does not involve just oysters, but oysters/clams.

Shellfish Harvester's License Education Requirement

Mr. Maxwell inquired on the Shellfish harvester's license education requirement. The education requirement was mandated by the USFDA through the ISSC and would address vibrio and the safe handling of shellfish. Dealer education had already been completed. Mr. Normant was not exactly sure of how it would be implemented, but would find out.

6. New Business:

Council Letter to Governor's Appointment Office

Mr. Johnson suggested that the Council send a letter to the Governor's Appointment office regarding the filling of two Council positions from Burlington and Cape May counties.

BOEM Wind Energy Leases

Mr. Normant informed the Council that the Bureau of Ocean Energy Management proposed to lease 344,000 acres for wind energy projects in the federal waters off of southern New Jersey. Mr. Normant suggested the public attend the meeting in Point Pleasant on November 4th, between 6 and 8 pm to learn more about this proposal. Mr. Normant stated that he and Mr. Peter Clark of Bureau of Marine Fisheries, would be of attending.

<http://www.boem.gov/Renewable-Energy-Program/Renewable-Energy-Guide/Offshore-Wind-Energy.aspx>

Telecommunication Cable

Mr. Johnson inquired on a new telecommunication Cable being proposed out of Ocean Grove, NJ to Brazil (SEABRAS_1). Mr. Normant stated that he was aware of the project and that the Bureau provided

comments to require the new cable to run within the same corridor as existing cables in the area to reduce the amount of waters that could be off limits for commercial fishing use.

New Jersey Shellfisheries Association Letter

At the request of the New Jersey Shellfisheries Association, Mr. Normant read into the minutes a letter and petition in support to cap the number of shellfish leases in Great Sound, located in Cape May County. See attached letter and petition. Mr. Normant stated that these decisions would be addressed through the Council's Leasing Committee.

Lease Inquiry - Great Egg Harbor Bay

Mr. Clarence Devaul inquired on obtaining a lease in Great Egg Harbor Bay. Mr. Normant stated that there was a leasing moratorium until a leasing policy was completed and approved by the Council. The policy would address Great Egg Harbor Bay and the identification and establishment of new lease areas. Mr. Duvall was concerned as he needed a lease to start to grow oysters. Mr. Devaul was currently using an existing lease held by another individual for his operation. Mr. Normant stated that new areas would be discussed through the policy committee and investigated to address biological and user group conflicts, such as was done with the Barnegat Light shellfish lease area. Once a new lease area was incorporated into the policy, it would streamline the leasing process.

Atlantic Coast Shellfish Lease Renewals

Mr. Normant reminded the Council that Atlantic Coast shellfish leases must be renewed by December 31st of each year beginning on October 15th.

There being no further business, the meeting was adjourned on a motion by Mr. Maxwell and seconded by Mr. Hughes.

7. Date, time and place of next meeting:
DATE: November 16, 2015
TIME: 7 PM
LOCATION: Law Enforcement Office
360 New York Rd. Rte. 9
Port Republic, NJ 08241

NEW JERSEY SHELL FISHERIES COUNCIL
— ATLANTIC COAST SECTION —

PO BOX 418
PORT REPUBLIC, NJ 08241

WALTER JOHNSON, CHAIRMAN
JOHN MAXWELL, COUNCILMAN
WALTER HUGHES, COUNCILMAN

August 17, 2015

Bob Martin, Commissioner
NJ Department of Environmental Protection
PO Box 402, 401 East State Street
Trenton, NJ 08625-0402

Dear Commissioner Martin:

I am writing to you in an effort to correct a staffing deficiency within the Division of Fish and Wildlife's Bureau of Shellfisheries (Bureau) at the shellfisheries office at Nacote Creek in Port Republic, NJ. The Bureau's Nacote Creek Office has been without a single full time technician since 2010 following the departure of their lone technician. That technician was laterally transferred by the DEP to the Bureau of Marine Water Monitoring. At that time, Marine Water Monitoring had received permission to hire a new FTE and the impression was that the Bureau of Shellfisheries would then be permitted to hire within this new FTE position. This did not happen and the Bureau has been operating on a skeleton crew over the last 5½ years.

This Council, which as you know provides advice to the DEP on commercial shellfisheries and aquaculture matters, works closely with the DEP through the Bureau. We enjoy a much-improved relationship with the Bureau and are working on a number of new initiatives that will help our industry grow. However, these initiatives are being constrained by a lack of field staff for the Bureau to conduct even its basic responsibilities. Attempts to "plug the hole" by hiring seasonal college students has been attempted but isn't working. The Bureau's Atlantic Coast office has no field technicians and is required to maintain a fleet of research vessel ranging in size from 20' to 42'. This is a significant undertaking and requires constant vigilance. This hire is wholly critical to the Bureau's efforts to expand aquaculture leasing and aquaculture opportunities in NJ and we are asking for your assistance in expediting this hire.

The Acting Chief of the Bureau recently reported to us that they "*were close to getting final approvals to bring on a full time technician.*" We ask that you weigh in on this and help us get this position filled prior to the 2016 field season (March 2016) so we do not lose another growing/field season. From our perspective, the 2010 lateral transfer of the office's only technician has left the remaining staff in a constant scramble to cover multiple field programs in an attempt to "get the job done." We were recently told that there is a

significant backlog of surveys for shellfish leased and their field programs are a few months behind schedule. Despite their best efforts, this doesn't move the industry forward.

While we all understand that the State has been under budget restrictions for some time, the importance of these field positions to the commercial shellfishing and aquaculture industries needs to be recognized. It is clear to the commercial shellfishermen and aquaculturists that this DEP administration and Governor has been supportive and realizes the economic importance of our industry to this State. This is why we would ask for any assistance you can offer to help expedite this hiring.

Thank you for your assistance and I look forward to hearing from you.

Sincerely,

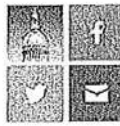


Walter Johnson, *Chairman*
Atlantic Coast Section,
NJ Shellfisheries Council

- c. The Honorable Chris Christie, Governor
Richard Boornazian, Assistant Commissioner DEP
Legislative Members from:
 - District 1
 - District 2
 - District 9
 - District 10
 - District 11
- David Chanda, Director, NJ Division of Fish and Wildlife
Members, Delaware Bay Section of the New Jersey Shell Fisheries Council

 **Constituent Services**
CONNORS, RUMPF & GOVE

Senator Christopher J. Connors
Assemblyman Brian E. Rumpf
Assemblywoman DiAnne C. Gove
Phone: (609) 693-6700 / (732) 240-0266
Email: senconnors@njleg.org



September 29, 2015

Honorable Robert Martin, Commissioner
NJ Department of Environmental Protection
P.O. Box 402
Trenton, New Jersey 08625-0402

RE: Division of Fish and Wildlife Bureau of Shellfisheries, Staffing concerns

****via E-mail****

Dear Commissioner Martin:

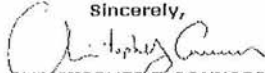
This outreach concerns the September 21, 2015 letter from the New Jersey Shell Fisheries Council – Atlantic Coast Section – sent to your attention regarding the need for a full time technician to be assigned to the Nacote Creek Office in Port Republic. A copy of the Council's letter, which our Delegation was copied on, has been enclosed for your convenient reference.

As you are aware, the Council is increasingly concerned that the extended period of time for which this position has been left vacant is detrimental to the shell fisheries-related initiatives that have been undertaken in cooperation with the Division of Fish and Wildlife's Bureau of Shellfisheries. It is our understanding that these initiatives include expanding aquaculture leasing and aquaculture opportunities that we, collectively agree, stand to benefit our state economically.

To that end, our Delegation stands with the Council and urging the Department to move forward with all deliberate speed to hire a full time technician at the Nacote Creek Office prior to the 2016 field season so as to not only prevent the loss of another growing/field season but also address the backlog of surveys for shellfish leased.

Thank you, in advance, for your attention to this communication. As always, we look forward to working with you and your staff in serving the people of the 9th Legislative District.

Sincerely,


CHRISTOPHER J. GONNORS
Senator - 9th District


BRIAN E. RUMPF
Assemblyman - 9th District


DIANNE C. GOVE
Assemblywoman - 9th District

CJC/BER/DCG/js:lr w/Enclosure
Cc: Walter Johnson, Chairman, Atlantic Coast Section, NJ Shellfisheries Council



New Jersey Shellfisheries Association
PO Box 311
Port Republic, NJ 08241



A Member of the Garden State Seafood Association

October 14, 2015

Open Letter to the New Jersey Atlantic Coast Shellfish Council

Let it be known,

The New Jersey Shellfisheries Association supports the petition to cap the number of shellfish leases in Great Sound to the already approved vacant and pending leases for the following reasons:

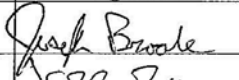
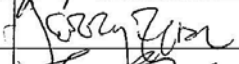

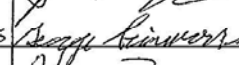
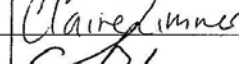
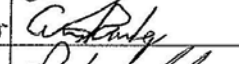
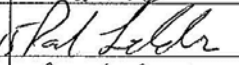
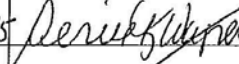

- An expansion of the footprint could create environmental conservation conflicts.
- Expansion of the leased area could be detrimental to other users such as hunting, sport fishing and other recreational use.
- There is potential conflict with commercial crabbing operations.
- The Great Sound growers fear area expansion will adversely effect the economic viability of the area in terms of: efficient shellfish production, best management practices and carrying capacity.

Jeff Pritchard - President - New Jersey Shellfisheries Association

Petition to Cap the Number of Leases in Great Sound

Petition to the New Jersey Shellfish Council

We, the undersigned, Great Sound shellfish leaseholders, draw the attention to the New Jersey Shellfish Council to cap the number of leases in Great Sound to the already approved vacant and pending leases.

Date:	Signature:	Printed Name:	Address:	Comment:
		Joseph Brooke	257 W. Odessa Ave.	
		JERRY ZOLLER	36 My Way Uch	
		John Duffin	5010 Fernwood Ave	
7/19/15		George Simmons	814 Wee K Standing Rd Cape May NJ 08224	
		CLAIRE ZIMMERMAN	6 Walton Ave	
7/17/15		Eric Parker	8 Walton Ave Riv Grande NJ 08242	
7-17-15		Paul Felder	6 Wagon Ave Riv Grande NJ	
7-18-15		DENISE Wagner	124 Woodbine Oceanview OCEAN VIEW NJ 08230	
7-18-15		Joseph T Wagner	124 Woodbine Oceanview OCEAN VIEW NJ 08230	