

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

Nacote Creek Law Enforcement
Port Republic, NJ
March 20, 2017

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

Absent was: Councilman: Walter Hughes (Monmouth County)

DEP Representatives: Jeffrey C. Normant, Bureau of Shellfisheries
Jenny Tomko, Bureau of Shellfisheries
Lloyd Lomelino, Bureau of Shellfisheries
Brett Nicklow, Marine Law Enforcement
Robert Schuster, Bureau of Marine Water Monitoring

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 January 2017: \$ 1,926.00
Shellfisheries Law Enforcement Fund \$ 1,612.00

Total Revenue for February 2017: \$ 485.00
Shellfisheries Law Enforcement Fund \$ 394.00

2. The presentation of January 9, 2017 minutes

The January 9, 2017 minutes were presented for consideration and approved on a motion by Mr. Johnson and a second by Mr. Maxwell.

3. Applications for Transfer

LESSEE	APPLICANT	LOT #	SECTION	ACRES	LOCATION	MAP#
John Daffin, Joseph Brooke & Jerry Zodl	John Daffin	1049	A	2.11	Great Sound	5
John Daffin, Joseph Brooke & Jerry Zodl	John Daffin	1050	A	2.24	Great Sound	5
John Daffin, Joseph Brooke & Jerry Zodl	John Daffin	1051	A	2.05	Great Sound	5
John Daffin, Joseph Brooke & Jerry Zodl	John Daffin	1066	A	2.26	Great Sound	5
John Daffin, Joseph Brooke & Jerry Zodl	John Daffin	1071	A	2.08	Great Sound	5
Gary Niall	Scott Lennox	106	C	1.00	Barneгат Lt.	2

Robert Pollock	William Elmer	2277	B	1.84	Dry Bay	24.2
Robert Pollock	William Elmer	2292	B	2.17	Dry Bay	24.2

Without discussion, the lease transfers were unanimously approved on a motion by Mr. Johnson and a second by Mr. Maxwell.

4. Applications for Consideration

LESSEE	LOT #	SECTION	ACRES	LOCATION	MAP#
Richard Derrickson II	2019	B	2.00	Widgeon Bay	3.2
Dale S. Parsons	1436	B	2.00	Middle Island	6.1
Robert Fricke	1435	B	2.00	Middle Island	6.1
Matthew Matusky	115	B	2.16	G.B. Graveling Pt.	1
L.E.H. Oysters, LLC Theodore Gerike	137	B	2.37	G.B.-Graveling Pt.	1

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 application. If an applicant fails to attend at least one of the Council meetings at which the lease application is discussed, they would be denied the lease. Present at the meeting were Messrs. Derrickson, Matusky, and Gerike. Messrs. Fricke and Parsons were not in attendance. A decision on the above applications would be rendered at the next meeting.

5. Old Business:

Shellfish Growing Waters Classification Permits

Mr. Schuster with the Bureau of Marine Water Monitoring (BMWM) provided Council with an update regarding the Shellfish Growing Water Classification Rules (N.J.A.C. 7:12). He stated the BMWM had established a special relay permit with specific conditions to allow shellfish growers to move “seed” oysters from leases in “Restricted” waters to leases in “Approved” waters.

Mr. Schuster provided further information regarding concerns the Council had voiced at the January meeting on regulatory issues in regard to the deuration permit requirements under the Shellfish Growing Water Classification Rule. The current rule as written reflects the conditions and requirements of the Department of Health regulations. Mr. Schuster stated the Department of Health planned to eliminate the counting of clams coming into the deuration plant.

Mr. Schuster informed the Council that the BMWM was looking to open the rules again to amendments to make to address concerns raised after the last regulatory amendments, which would address and clarify shellfish relay and deuration criteria.

Shellfish Regulatory Package

Mr. Normant informed the Council that the Bureau would be meeting with the Department’s Office of Legal Affairs on March 29th to discuss the shellfish regulatory package, which was recommended by the Leasing Committee and approved by Council to move forward.

Legislative update on Bills S316 & A793 and S317 & A794

Mr. Normant informed the Council that two Bills (S316 & A793 and S317 & A794) had been passed and was signed by the Governor, requiring New Jersey Department of Agriculture (NJDA) and NJDEP to adopt a coordinated permit application and review program for aquaculture projects and requiring NJDA and NJDEP to work with US Army Corps of Engineers to establish a joint permit application process for aquaculture projects. Mr. Normant would provide the Council with an update after the Bureau staff meets with Deputy Commissioner David Glass.

Lease Expansion in Little Egg Harbor Bay – Rose Cove

Mr. Matt Hender asked the Council if they had given any consideration regarding a request he had made at the January Council meeting about expanding lease areas adjacent to existing leases in Rose Cove, Little Egg Harbor Bay. Mr. Normant informed Mr. Hender that his request would be discussed at the next Leasing Committee's Policy Subcommittee meeting.

6. New Business:

MFA licensing Office Update

Mr. Normant informed the Council that starting the week of April 3rd, the Nacote Creek licensing office will now be closed on Mondays and Fridays to public. The licensing office had been reduced to one full time staff member due to the retirement of Ms. Smallwood. The MFA was in the process of hiring two part-time clerical staff to provide front office support and has also requested the backfilling the vacant clerical position. Once the two part-time clerical positions are filled and subsequently trained, the MFA would consider re-opening the office on Friday. All changes regarding office hours would be disseminated to the public via the Division's website and email listserv systems.

Dredging Bill S2369 & A4152

Bills S2369 & A4152 were introduced to allow dredging at existing marinas facilities and access channel (up to 75' wide) in shellfish habitat. Bureau staff had commented on the Bills. The proposed Bills, if passed will have an impact on shellfish habitat and could potentially impact leases near existing marina facilities, as shellfish leases were defined as shellfish habitat under the NJDEP Coastal Zone Management Rules. Mr. Johnson voiced several concerns in that the Bill does not provide a clear definition of a marina, nor does it state the depth and slope a channel could be dredged. Council recommended that Bureau staff submit additional comments voicing their concerns over the identified issues, especially those pertaining to dredging through shellfish lease areas.

Aquaculture Advisory Council Meeting Update

Ms. Wenczel from the NJ Department of Agriculture informed Council that the rules pertaining to the Aquatic Farmers License N.J.A.C. 2:89 had been put on hold, and a subcommittee was established to provide input in amending the rules. Council would be able to comment on the finalized rule before the proposed amendments were submitted to the New Jersey Register. Ms. Wenczel planned to reach out to subcommittee members to schedule a meeting date.

Research Lease Proposals

Mr. Jeffrey Silady, on behalf of ReClam the Bay, proposed a new 1.87 acre research lease in Barnegat Bay behind Island Beach State Park (IBSP) in the Marine Conservation Zone. The proposed research lease would be maintained by the Rutgers Cooperative Extension's Dr. Steven Yergeau. Mr. Normant stated that Bureau staff had met with the Jennifer Clayton, Superintendent of IBSP, and she was in support of the research lease.

Mr. Dominic Tumas, on behalf of ReClam the Bay, proposed a new 1.77 acre research lease along Mordecai Island in Little Egg Harbor Bay. This proposed research lease would be maintained by the Rutgers Cooperative Extension's Dr. Steven Yergeau. Mr. Tumas informed the Council that the research lease would be located approximately 1,000 feet from any existing leases. Mr. Normant said he had just received the proposal and had not had a chance to review it.

A motion was made by Mr. Johnson and seconded by Mr. Maxwell to approve the research lease at Island Beach State Park Conservation Zone and assigned lot number 3R located in Section C. The Council also tabled the proposed research lease behind Mordecai Island until the next meeting in order to provide the Bureau time to review the proposal. The research lease, if approved, would be assigned lot number 2R located in Section B.

New Shellfish Lease Area Proposal in Jarvis Sound

Mr. Jack Burke requested the Council explore opening a new lease area for shellfish seed within Jarvis Sound. Mr. Burke currently grows oysters on the Delaware Bay ADZ leases and had concerns with his operations in Delaware Bay due to the recent ESA listing of the Red Knot and current and possible further pending restrictions to shellfish aquaculture operations. Mr. Normant stated that Mr. Burke had leases in Great Sound that could be used. Mr. Burke suggested Jarvis Sound as it was closer to this residence and Delaware Bay operations. Mr. Normant reminded the Council that new lease area proposals would have to be presented to the Leasing Committee (Policy Subcommittee) for their review and then make a recommendation to the Council to change the Leasing Policy. Mr. Normant also stated that Shellfish Growing Waters Classification in Jarvis Sound was Restricted and Conditionally Approved (January). Jarvis Sound also supports a wild hard clam harvest in its Conditionally Approved areas. Mr. Johnson requested the Bureau to setup a Policy Subcommittee meeting within the next month to discuss Mr. Burke's proposal in addition to three other new lease area proposals from previous meetings.

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

7. Date, time and place of next meeting:

DATE: April 17, 2017
TIME: 7 PM
LOCATION: Law Enforcement Office
360 New York Rd. Rte. Port Republic, NJ 08241