

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

Nacote Creek Law Enforcement  
Port Republic, NJ  
June 19, 2017

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

Absent was: Councilman: Walter Hughes (Monmouth County)

DEP Representatives: Jeffrey Normant, Bureau of Shellfisheries  
Kira Dacanay, Bureau of Shellfisheries  
Jenny Tomko, Bureau of Shellfisheries  
Brett Nicklow, Marine Law Enforcement

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 May 2017: \$ 1,006.59  
Shellfisheries Law Enforcement Fund \$ 433.00
2. Presentation of March 20, 2017 and May 15, 2017 minutes for approval.

The March 20, 2017 minutes were presented for consideration and approved on a motion by Mr. Johnson and a second by Mr. Maxwell. The approval of the May 15, 2017 minutes was tabled until the next council meeting.

Mr. Johnson requested clarification in regard to the statement in the draft May 2017 minutes in regard to the mention of a public comment period. He was under the impression that there would be a stakeholder meeting, and not a public comment period in regards to a rule change for the relay program.

3. Applications for Decision

LESSEE	LOT #	SECTION	ACRES	LOCATION	MAP#
Luke Williams	1011	A	1.86	Great Sound	5
Sky T. Glenn	1012	A	2.25	Great Sound	5
Sandra Williams	1013	A	1.75	Great Sound	5
Stephen O'Connor	1014	A	2.03	Great Sound	5
Gary Williams	1015	A	1.87	Great Sound	5
Robert Williams	1016	A	2.11	Great Sound	5
Elyssa Glenn	1027	A	2.16	Great Sound	5
Leroy Frost	116.1	B	2.01	GB-Graveling Pt	1
Brianna Frost	118	B	2.02	GB-Graveling Pt	1
Steven Frost	121	B	2.27	GB-Graveling Pt	1
Lisa Brosnan	20	D	2.00	Swan Point	1
Michael Brosnan	21	D	2.00	Swan Point	1
Marion Burke	28	D	2.00	Swan Point	1

All above leases applicants were present at the last council meeting. All applications were unanimously approved on a motion by Mr. Johnson and a second by Mr. Maxwell. Mr. Normant stated that the lease applicants had 30 days to sign their lease agreements.

4. Old Business:

Leasing Committee Meeting

The full Leasing Committee had met on June 13<sup>th</sup> to develop to update the “Shellfish Aquaculture Leasing Policy of the Atlantic Coast Section of the New Jersey Shellfisheries Council” in response to the hold placed on the adoption process for the shellfish regulatory package. The proposed policy changes included implementing an application fee of \$250 for all new lease applications, and an annual \$100 lessee renewal fee. These fees were to be included as part of the amendments in the shellfish rule package. Previously, the Shellfisheries Council had agreed, by policy, of not establishing new aquaculture lease areas until the regulatory package was adopted, which included the new lease application fee and lessee renewal fee. Since the regulatory package was currently on hold, the Leasing Committee has made a recommendation that the Council, by policy, establish these fees, since a lease application fee and lessee renewal fee were not in current regulations. Under the authority of N.J.S.A. 50:1-27 “the Council, with approval of the Commissioner, shall fix the term for which leases may be granted, the rental to be paid, the maximum size of any single ground to be leased, and the total acreage which may be leased to any person or persons” and under the authority of N.J.S.A. 50:1-5 “ with respect to aquaculture, the Commissioner, with consultation with the Secretary of Agriculture and the Shellfisheries Council, shall establish appropriate policies for the use of aquaculture leases in waters of the State and for lands underneath waters of the State, including but not limited to lease specifications, fees, and assignability and termination of lease agreements”. The Leasing Committee agreed with the changes to the Leasing Policy and made a recommendation to the Council. A temporary moratorium was also implemented on all new lease application until the lease application fee and lessee renewal fee was formally approved by the Commissioner.

Mr. Normant also discussed the Leasing Committee policy recommendation to establish a new lease area in Rose Cove comprising of 24 leases once the new lease application fee and lessee renewal fee were formally approved by the Commissioner.

Mr. Normant stated that on June 19, 2017, Delaware Bay Section of the NJ Shellfisheries Council Leasing Committee had also decided to recommend the lease application fee and lessee renewal fee to the Delaware Bay Section of the NJ Shellfisheries Council. The Delaware Bay Section of the NJ Shellfisheries Council will meet on July 11, 2017 to approve their Leasing Committee’s recommendation.

On a motion by Mr. Johnson and a second by Mr. Maxwell, the Council approved the Leasing Committee’s amendments to the “Shellfish Aquaculture Leasing Policy of the Atlantic Coast Section of the New Jersey Shellfisheries Council”, which included the implementation of the \$250 lease application fee and the \$100 annual lease renewal fee. The fees would become effective upon the Commissioner’s approval of the Council’s action. The Council also approved maintaining the current moratorium for all new lease applications until the lease application fee and lessee renewal fee were formally approved by the Commissioner on a motion by Mr. Johnson and a second by Mr. Maxwell.

5. New Business:

Red Knots

Mr. Ned Gaine requested that the Council be updated on all information and actions pertaining to the federally endangered Red Knot, and their relation to the shellfish industry. Mr. Normant

stated that Ms. Tomko would be in contact with Messrs. Babb and Tomlin with the Delaware Bay Office and Wendy Walsh with the US Fish and Wildlife Service and provide the Council with updates on all conservation measures and their implications on stakeholders.

#### Shellfish Gardening

Mr. Johnson stated he had attended the Shellfish Restoration Community Engagement stakeholder meeting and raised his concerns over the implications of shellfish gardening within condemned waters as a restoration activity. Both Messrs. Johnson and Gaine were concerned with the public growing out shellfish for restoration purposes as it may present a conflict to the industry. Mr. Gaine stated he believed that all commercial and recreational shellfish growers should be held to the same rules and standards regardless of the designated use of the shellfish, i.e. commercial, recreational or restoration. The Council agreed to send a letter to the Bureau of Marine Water Monitoring regarding their concerns on this matter.

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

6. Date, time and place of next meeting:

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