



adjacent to an existing block of leases. Mr. Johnson recalled the Council previously opposing the idea of denying anyone the chance of applying for a lease. Mr. Maxwell suggested that an excessive concentration of leases resulting from the Department's policy could potentially increase the risk of a *Vp.* outbreak. Mr. Maxwell stated that he would not support a blanket denial on accepting new lease applications. Mr. Twist suggested that a single lease at a remote location often served to spearhead the establishment of additional leases once shellfish cultivation was proven successful. Mr. Maxwell stated that the recommendations of the Council's Leasing Committee Report submitted to NJDEP in May 2010 could serve as a basis to continue discussions on lease expansion policies. Mr. Maxwell inquired about the timeframe for NJDEP to provide feedback on the report to the Council. Mr. Joseph stated that he was not aware of NJDEP plans to respond within a specific timeframe. Further discussion on this matter ensued.

#### 4. Applications for New Ground: Decision

Applicant	Lot #	Section	Acres	Location	Map
Bridget Mikuletzky	132	B	2.00	GB-Gravelling Point	1
Hunter Mikuletzky	131	B	2.00	GB-Gravelling Point	1
Christopher Glembocki	133	B	2.00	GB-Gravelling Point	1
Williams Storms Jr.	130	B	2.00	GB-Gravelling Point	1

Mr. and Ms. Mikuletzky were present at this meeting. Mr. Storms was present at the last meeting. Mr. Glembocki was not present at either the May 17, 2010 meeting or this meeting. Mr. Glembocki's application was cancelled due to failure to attend one of the two meetings his lease application was being reviewed by the Council. On a motion by Mr. Maxwell and a second by Mr. Twist, the Council approved the lease applications by Messrs. Mikuletzky and Storms and Ms. Mikuletzky.

#### 5. Old Business

##### DEP Press Release: Shellfish Gardening

Mr. Joseph informed the Council that the NJDEP Commissioner Martin had recently issued a press release banning research-related shellfish gardening of commercial species in coastal waters not approved for shellfish harvest. Mr. Joseph explained that the Commissioner had issued the ban on shellfish gardening of concern over public health, and to protect the economic vitality of the shellfish industry. Mr. Joseph stated that there was a risk that contaminated shellfish poached from gardening projects would be consumed and threatens human health. Mr. Joseph also noted that there were insufficient law enforcement capabilities to meet the FDA patrol frequency requirements. Mr. Joseph stated that the Bureaus of Shellfisheries, Marine Water Monitoring, and Law Enforcement together with the Department of Health and Senior Services and FDA had been involved with this issue for a number of years. Mr. Joseph stated that this order would not affect Relay and Depuration. Further discussion on this matter ensued.

##### Mr. Raymond Seyler's Vacated Lease 2724 for Non-Payment

Mr. Johnson inquired if there were any new information regarding lease 2724 in Shelter Island Channel that was vacated for non-payment by Mr. Seyler and was subsequently applied for by another individual. Mr. Joseph replied that he had no new information on the request that he made in February for a legal opinion from NJDEP.

##### Vibrio

Mr. Maxwell inquired on whether any new cases of *Vibrio* had been reported. Mr. Joseph replied that he was not aware of any new cases of *Vibrio*. Mr. Maxwell was concerned about oysters being more prone to *Vibrio parahaemolyticus* (*Vp.*) as a result of increased summer stress during the reproductive season; and about the capacity of shellfish harvesters and seafood dealers to meet the stringent requirements of the *Vp.* Management Plan. Further discussion on this matter ensued.

## 6. New Business

### Importation of oyster seed from Virginia into Dry Bay

Mr. Joseph solicited comments from the Council on an application that had been submitted to NJDEP for importation of 100,000 oyster seed from Virginia for placement in Dry Bay. He stated that permission from the Commissioner of DEP was required for shellfish importation into New Jersey according to NJSA 50:1-34. Mr. Joseph stated that the shellfish pathology report accompanying the application showed no MSX and a 35 percent prevalence of very light Dermo infections. Mr. Joseph was concerned about the potential for spreading Dermo to native oysters. Mr. Maxwell stated that no oysters were currently being grown in Dry Bay. However, due to the high concentration of hard clam leases in Dry Bay, and the high susceptibility of oysters to *Vp*, Mr. Maxwell was concerned that the proposed oyster introduction would increase the risk to *Vp*, and trigger a closure to all shellfish harvest in the entire bay. Mr. Maxwell made a motion to recommend that the Commissioner denied the application for oyster seed importation from Virginia into Dry Bay due to concerns with *Vp*. The motion was seconded by Mr. Twist and unanimously approved by the Council. Further discussion on this matter ensued.

### Aquaculture Advisory Council Meeting, July 16<sup>th</sup>, 2010

Mr. Maxwell proposed two items for inclusion in the July 16<sup>th</sup>, 2010 Aquaculture Advisory Council meeting agenda. The first item was concerns over *Vp*., using the case of proposed oyster seed importation into Dry Bay as an example. The second item was the Council's objection to a new fee proposed by the Tidelands Resource Council (TRC) on aquaculture operations, and the incursion of the TRC into the Council's and the Bureau of Shellfisheries' authority, as stated in the June 3<sup>rd</sup>, 2010 letter from the Council to the Commissioner. Mr. Joseph stated that he would contact Mr. Joseph Myers, Aquaculture Specialist with the NJ Department of Agriculture, to request adding these two items to the agenda.

### Route 72 Bridge Project

Mr. Johnson inquired on the status of the environmental assessment for the Route 72 bridge construction project. Mr. Celestino noted that comments on the EA (environmental assessment) are due July 1<sup>st</sup> 2010. Mr. Celestino went on to explain that the Federal Highway Administration will review all comments and determine if they can issue a finding of no significant impact (FONSI), wherein the environmental review process would end. Mr. Celestino also noted that the Department of Environmental Protection is commenting as part of the public comment period. Mr. Johnson commented that water quality improvement and restoration of submerged aquatic vegetation had been originally targeted as part of mitigation measures, and he was wondering if that was still the case as the project proposal evolved over the years. Mr. Celestino indicated that he was not certain as the EA does not provide a lot of detail in that regard. Mr. Celestino noted that he had expressed concerns in his comments regarding a proposal for off-site out-of-kind mitigation measures. Mr. Johnson asked to be kept apprised of any changes or updates, to which Mr. Celestino agreed.

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

## 7. Date, time and place of next meeting:

DATE: July 19, 2010  
TIME: 7:00 PM  
LOCATION: Law Enforcement Office  
360 New York Rd. Rte. 9  
Port Republic, NJ 08241