

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

Nacote Creek Law Enforcement
Port Republic, NJ
November 16, 2009

Present were: Chairman John Maxwell (Atlantic County)
Councilman Walter L. Johnson III (Ocean County)

Absent was: Vice Chairman Walter Hughes (Monmouth County)

State Representatives: James W. Joseph, Bureau of Shellfisheries
Jeffrey C. Normant, Bureau of Shellfisheries
Michael Celestino, Bureau of Shellfisheries
Gustavo Calvo, Bureau of Shellfisheries

Mr. Maxwell called the meeting to order. Mr. Joseph read the State's compliance with Sunshine Law. He announced that the meeting would be recorded.

1. Total Revenue collected for September 2009: \$558.05
Shellfisheries Law Enforcement Fund: \$210.00

Total Revenue collected for October 2009: N/A
Shellfisheries Law Enforcement Fund: N/A

2. September 21, 2009 Minutes

The minutes of the September 21, 2009 meeting were approved on a motion made by Mr. Johnson and seconded by Mr. Maxwell provided that a correction was made to note that Joseph Brooke was present and Mr. John Burke was not present at the September 21, 2009 meeting.

3. Applications for Transfer

LESSEE	APPLICANT	LOT #	SECTION	ACRES	LOCATION	MAP #
John P. Daffin	John P. Daffin & Joseph M. Brooke & Jerry Zodl	1049	A	1.16	Great Sound	5
John P. Daffin	John P. Daffin & Joseph M. Brooke & Jerry Zodl	1050	A	2.24	Great Sound	5
John P. Daffin	John P. Daffin & Joseph M. Brooke & Jerry Zodl	1051	A	2.04	Great Sound	5
John P. Daffin	John P. Daffin & Joseph M. Brooke & Jerry Zodl	1066	A	2.00	Great Sound	5
John P. Daffin	John P. Daffin & Joseph M. Brooke & Jerry Zodl	1071	A	2.00	Great Sound	5

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

4. Applications for New Ground: Consideration

APPLICANT	LOT #	SECTION	ACRES	LOCATION	MAP #
*Robert Mayer	2329	B	2.00	Dry Bay	24.2
*Paul T. Felder	1069	A	2.00	Great Sound	5
*George Simmons	1070	A	2.00	Great Sound	5
*Dale S. Parsons	1400	B	2.00	Middle Is	n/a
John Schriever	1401	B	2.00	Middle Is	n/a
*John S. Rutherford	1402	B	2.00	Middle Is	n/a
Jeffrey Pritchard	1403	B	2.00	Middle Is	n/a
*Brian P. Hancock	1404	B	2.00	Middle Is	n/a
*Steve Baugh	1405	B	2.00	Middle Is	n/a
*Jerry Zodl	1406	B	2.00	Middle Is	n/a
Fred Lutthans	1407	B	2.00	Middle Is	n/a
James W. Allen III	1409	B	2.00	Middle Is	n/a
Dale B. Parsons	1412	B	2.00	Middle Is	n/a
*William R. Steele	1415	B	2.00	Middle Is	n/a
*Timothy Hewitt	1416	B	2.00	Middle Is	n/a
*Donna Hewitt	1418	B	2.00	Middle Is	n/a
*William Avery	1420	B	2.00	Middle Is	n/a
John S. Allen Jr.	1421	B	2.00	Middle Is	n/a
James McAnney	1423	B	2.00	Middle Is	n/a
*Donald Kurczewski	1426	B	2.00	Middle Is	n/a
*William A. Tonnesen	1428	B	2.00	Middle Is	n/a
*Gary Buttermark	1429	B	2.00	Middle Is	n/a
*Robert M. Yorke	1417	B	2.00	Middle Is	n/a

An asterisk (*) before a name in the above table indicates that the applicant was present at the meeting. Pursuant to leasing regulations, applicants must attend one of two meetings at which the Council would review their applications. Mr. Joseph provided the Council with copies of the lease applications and biological survey reports. A biological investigation was not required for the lease application in Dry Bay in accordance with the Atlantic Coast leasing regulations.

Mr. Joseph stated that the Department had received a request to set up a new block of leases in Middle Island Channel, Little Egg Harbor Bay. An extensive biological investigation for shellfish and submerged aquatic vegetation (SAV) was completed by Bureau staff to assess the proposed lease area (See attachment). Mr. Joseph stated that 29 lease parcels were initially applied for and 20 applications remained after several applicants withdrew their applications. The SAV survey followed guidelines established by National Marine Fisheries Service with over 800 stations sampled. A total of 173 shellfish samples were collected with rakes over the shallow areas and a hydraulic clam dredge in the deeper water areas. In addition, 30 samples consisted of Petersen grab samples to better determine presence and abundance of juvenile clams. The overall length frequency data had a broad distribution which suggested that this area has a history of natural hard clam recruitment. A minimum of 16 year classes were represented. The overall clam density for the entire area was low, ranging from 0 to a maximum of nearly 0.98 clam per square foot. For more specific details on the surveys, Mr. Joseph referred to Mr. Celestino and Mr. Normant, who had conducted the surveys. To comply with the Coastal Zone Management Regulations to protect submerged aquatic vegetation habitat and to avoid productive shellfish bottom, Mr. Joseph explained that some of the lease parcels may be re-adjusted in orientation or size in order to accommodate all the lease applicants. Mr. Maxwell asked if some parcels had not been applied for because those areas were too deep. Mr. Normant stated that Mr. Maxwell was correct. Further discussion ensued. Mr. Celestino explained that parcels were reconfigured to avoid SAV and shellfish. A decision on the applications would be rendered at the next meeting.

5. Applications for New Ground: Decision

APPLICANT	LOT #	SECTION	ACRES	LOCATION	MAP #
Joseph M. Brooke	1064	A	2.00	Great Sound	5
John P. Burke	1091	A	2.00	Great Sound	5
Thomas Daffin	1065	A	2.00	Great Sound	5
Edward Gaine	1090	A	2.00	Great Sound	5
Gregory Gates	2237.2	B	1.21	Dry Bay	24.2
Eric Parker	1052	A	2.00	Great Sound	5
James Parker	1068	A	2.00	Great Sound	5
Michael T. Snyder	2746	B	1.40	Shelter Island	28
Rosely Snyder	2571	B	2.00	Scull Bay	27

Mr. John P. Burke, Thomas Daffin and Mr. Edward Gaine were present at this meeting (11/16/2009) since they did not attend the last meeting. The rest of the applicants listed above attended the last meeting. All the applications listed above were approved on a motion by Mr. Johnson and a second by Mr. Maxwell.

6. Old Business

Lease Renewals

Mr. Joseph explained that due to hiring restriction to fill a vacant clerical staff position, it was necessary for individuals desiring to renew their leases to call the Nacote Creek Shellfish Office to make an appointment. Mr. Maxwell reminded everyone present at the meeting that no notices will be sent by mail to remind leaseholders to renew their leases this year. Mr. Joseph stated that lease renewal reminder notices would also not be sent in future due to limited staff and budget. Mr. Joseph further explained that lease renewals were due every year by December 31 and he encouraged leaseholders to renew their leases as soon as possible starting in mid October. He reiterated that leaseholders should call the office in advance to make sure staff was available to process the renewal. Mr. Normant reminded all applicants for leases that were approved during this meeting (11/16/09) that they needed to sign their leases and pay associated fees within 30 days of this meeting and they would also have to renew their leases before the end of the year. He stated that they could sign their new lease and renew at the same time.

Ethics Training

Mr. Maxwell inquired about the status of the new State requirement for Council members to undergo ethics training. Mr. Joseph replied that he had no new information and that he would get additional information and get back to the Council.

Reductions to Shellfisheries Dedicated Accounts

Mr. Joseph provided the Council with information requested at the last meeting regarding the \$850,000 that was re-directed from the Bureau of Shellfisheries and Bureau of Law Enforcements dedicated accounts in June 2009. The Shellfish Leasing Account had been reduced by \$150,000. The Shellfish Management Fund, which receives monies from surf clam licenses and landing fees, was reduced by \$100,000. The Shellfisheries Law Enforcement Fund, which is funded by shellfish licenses (formerly clam licenses), was reduced by \$100,000. The Shellfish Habitat Mitigation Fund, which was established in the mid 1990s to offset for the damage and condemnation due to building of recreational docks in shellfish habitat, was reduced by \$500,000. Mr. Joseph explained that in the mid 1990s, the Coastal Zone Management rules that protect shellfish habitat were amended to allow, within certain specifications, recreational docks to be constructed within productive shellfish habitat, provided mitigation fees were paid into the Shellfish Habitat Mitigation Fund. Mr. Joseph also stated that monies from the Shellfish Habitat Mitigation Fund were used for various shellfish restoration projects including the Barnegat Bay Shellfish Restoration Program and the Mullica River oyster restoration project.

Barnegat Bay Shellfish Restoration

For the Council's information, Mr. Calvo stated that for restoration purposes, 400,000 clam seed in the size range of 20-25 mm in shell length had been purchased from New Jersey hatcheries and planted within the Sedge Island Marine Conservation Zone in October 2009.

7. New Business

Atlantic Coast Oyster Harvest Season (Great Bay/Mullica River)

In response to a question concerning the possible extension of the Great Bay/Mullica River oyster harvest season this fall due to the season being cut short due to bad weather conditions, Mr. Joseph stated that the season was not going to be extended due to notification requirements and enforcement issues.. Mr. Joseph then stated that depending on the results of the Bureau's on going monitoring of the beds , the Council could open another harvest season in the spring.

Shrewsbury and Navesink Dredging Issues

Mr. Johnson inquired on the dredging of the channels in the Shrewsbury and Navesink rivers. He stated that the dredge was operating through clam beds that they have been working. Mr. Joseph indicated that this maintenance dredging operation was likely covered under an existing permit and that to the best of his knowledge, the Bureau had not reviewed any new permit applications for new dredging in this region. Mr. Joseph asked that Mr. Johnson provide additional and specific information to Mr. Normant so he could follow up on this matter. Some limited discussion on this issue ensued.

Notification of Changes in the Shellfish Growing Water Classification for 2010

Mr. Maxwell requested an update on the situation involving notification of changes in Shellfish Growing Water Classifications for 2010. Mr. Joseph responded that he would contact the Bureau of Marine Water Monitoring to provide information on that issue at the next Council meeting. Mr. Maxwell added that he would like for the Council to establish a Committee, which would include a staff member from the Bureau of Marine Water Monitoring, to address the current situation involving Vibrio, given new FDA concerns.

Proposal Development for New Oyster Projects in Great Bay/Mullica River

Considering funding availability from the Shellfish Habitat Mitigation Fund, Mr. Maxwell proposed to meet with staff from the Bureau of Shellfisheries to develop a project proposal to more broadly examine oyster settlement areas given current environmental changes in Great Bay and the Mullica River. Mr. Joseph stated that a proposal to increase shell placement in order to expand existing seed beds might be more appropriate and realistic once a contract to procure shell was established for the Atlantic Coast, following the same procedure now being completed for Delaware Bay.

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

8. Date, time and place of next meeting:

DATE: December 21, 2009
TIME: 7:00 PM
LOCATION: Nacote Creek Law Enforcement Office
360 N. Rt. 9
Port Republic, NJ 08241