

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

Nacote Creek Law Enforcement
Port Republic, NJ
May 17, 2010

Present were: Chairman: Walter L Johnson III (Ocean County)
 Vice Chairman Walter Hughes (Monmouth County)
 Councilman: John Maxwell (Atlantic County)
 Councilman: Oliver Twist III (Cape May County)

State Representatives: James W. Joseph, Bureau of Shellfisheries
 Jeffrey C. Normant, Bureau of Shellfisheries

Mr. Johnson 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 for April 2010: \$1,917.99
 Shellfisheries Law Enforcement Fund: \$ 996.00

2. Presentation of April 19, 2010 minutes.

The minutes of the April 19, 2010 meeting were approved on a motion made by Mr. Maxwell and a second by Mr. Twist.

3. Applications for New Ground: Consideration

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. Normant provided the Council with copies of the lease application and biological report. Mr. Storms was present. Ms. Bridget Mikuletzky and Messrs. Hunter Mikuletzky and Glemocki were not present. Pursuant to leasing regulations, applicants must attend one of two meetings at which the Council would review their applications. A decision would be rendered at the next meeting.

4. Applications for New Ground: Decision

Applicant	Lot #	Section	Acres	Location	Map
James Allen	1421	B	2.00	LEHB-Middle Island	6.1
Robert Muehleisen	1423	B	2.00	LEHB-Middle Island	6.1

Messrs. Allen and Muehleisen were present at the April 19, 2010 meeting. On a motion by Mr. Maxwell and a second by Mr. Twist, the Council approved both lease applicants.

5. Old Business

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

Mr. Johnson inquired on the status of Mr. Raymond Seyler's Vacated Lease 2724 in Shelter Island Channel that was vacated for non-payment 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 DEP. Further discussion on this matter ensued.

Mullica/Great Bay Spring Oyster Season

Mr. Johnson inquired on the outcome of the one-week Mullica River/Great Bay oyster harvest season held from Monday, May 10 to Saturday May 15, 2010. Mr. Normant reported that participation averaged two to three harvesters per day, which included commercial and recreational participants. The commercial harvesters averaged five to six bushels per day. Mr. Normant noted that harvesters were pleased with the catch. Further discussion on this matter ensued.

Possibility of Harvest Closures due to *Vibrio*

Mr. Maxwell inquired on whether the Delaware Bay Section of the NJ Shellfisheries Council or the Bureau of Marine Water Monitoring (BMWM) might be considering a preemptive harvest closure in June, either in Delaware Bay or the Atlantic Coast, due to *Vibrio*. Mr. Maxwell stated that he was under the impression that the BMWM was not going to implement the two week harvest closure. Mr. Joseph stated that he was not aware of any recent discussions on this issue and that would contact BMWM to request more information.

Hard Clam Management Plan

Mr. Twist inquired about setting up a meeting in Cape May County as part of the proposed Hard Clam Management Plan. Mr. Joseph suggested Mr. Twist and Council develop a framework for the content of the meetings prior to soliciting input from the public. Mr. Normant emphasized the need for council members to reach out to the constituency in their respective counties for input on relevant topics for discussion at meetings.

Aquaculture Advisory Council Meeting - Tidelands Council Issues and Aquaculture Leases

Mr. Maxwell was concerned about the resolution concerning tideland license fees for aquaculture proposed by the Tidelands Resource Council on March 3rd, 2010 and the impact of that resolution on the Shellfisheries Council's authority. Mr. Joseph explained that the proposed resolution would assess a fee in the amount of \$0.01 per square foot for structural aquaculture and was not applicable to traditional activities in shellfish leases. Mr. Maxwell opined that clarification on this matter was necessary. Mr. Joseph explained that it was appropriate for the Council to consult with the Commissioner on this matter. Mr. Johnson suggested that the Council draft a letter to the Commissioner of the Department of Environmental Protection to seek clarification on the applicability of the proposed fee to structural aquaculture activities and question why the Council had not been provided an opportunity to comment on the resolution. Mr. Maxwell made a motion to send a letter from the Council to the Commissioner inquiring on why the Shellfisheries Council was not involved with the Tidelands Resource Council decision. Further discussion on this matter ensued.

6. New Business

Use of Buoys as Lease Corner Markers

Mr. Maxwell inquired if it was permissible to use buoys instead of stakes as lease corner markers for Atlantic coast shellfish leases. Mr. Joseph responded that the markers must project four feet above mean high water. The use of buoys as lease corner markers was permissible according to NJAC 7:25-24.10.

Use of Shellfish Habitat Mitigation Funding

Mr. Maxwell inquired about the possibility of using Shellfish Habitat Mitigation funds to assess the extent of oyster spat settlement in relation to water quality parameters in the Mullica River – Great Bay estuary. Mr. Joseph questioned the objective and the practical value of the project and was concerned about the time

commitment for Bureau of Shellfisheries staff. Mr. Joseph stated that if a more specific project proposal was developed, use of Shellfish Habitat Mitigation funding was possible. Mr. Joseph reported that one million hard clam seed in the size range of 20-25mm in shell length was purchased with Shellfish Habitat Mitigation funds and was planted in Great Bay in the beginning of May. Mr. Joseph stated that the Bureau was also proposing to plant shell every year on the Mullica River seedbeds to enhance oyster sets, which would hopefully result in the transplanting of seed oysters down bay on a more consistent basis. The Bureau was also planning on expanding the areas of Fitney Bit, Oyster Bed Point and the Reef to provide a good base for transplanted seed oysters and a provide a clean substrate for oyster larval settlement. Further discussion on this matter ensued.

Route 72 Bridge Project

Mr. Johnson inquired on the status of the environmental assessments for the Route 72 bridge construction project over Little Egg Harbor Bay and the possibility for shellfish mitigation. Mr. Normant stated that he would relay the information to Mr. Celestino, who was reviewing the project. Mr. Johnson stated that the Department of Transportation had issued a notice for a public hearing meeting on the Route 72 bridge project to be held at the Municipal Building of Stafford Township on May 26, 2010 at 6:00 pm.

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

7. Date, time and place of next meeting:

DATE: June 21, 2010
TIME: 7:00 PM
LOCATION: Law Enforcement Office
360 New York Rd. Rte. 9
Port Republic, NJ 08241