

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

Nacote Creek Law Enforcement
Port Republic, NJ
December 20, 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
 Michael Celestino, Bureau of Shellfisheries
 Gustavo Calvo, 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 November 2010: \$ 2,415.08
 Shellfisheries Law Enforcement Fund: \$ 960.00

2. The minutes of the November 15, 2010 meeting were approved on a motion by Mr. Twist and a second by Mr. Hughes.

3. Applications for New Ground: Decision

APPLICANT	LOT #	SECTION	ACRES	LOCATION	MAP #
William Avery	1079	A	2.00	Great Sound	5
George Simmons	1094	A	2.00	Great Sound	5
John Daffin	1095	A	2.00	Great Sound	5
James Hagelgans	1076	A	1.81	Great Sound	5
Paul Felder	1093	A	2.00	Great Sound	5
James M. Parker III	1087	A	2.00	Great Sound	5
Eric Parker	1068	A	2.14	Great Sound	5
Mathew Puskas Jr.	133	B	2.00	GB-Graveling Pt	1
Allan Morgan	136	B	2.00	GB-Graveling Pt	1
Bert Hendricks	39	B	0.73	GB-Graveling Pt	1
Paul Seyler	2727	B	1.44	Shelter Is. Channel	28
Adrian Schultz	2724	B	1.40	Shelter Is. Channel	28

Messrs. Avery, Simmons, Daffin, Hagelgans, Felder, James M. Parker III, Eric Parker, Puskas, Morgan, Hendricks and Seyler were present at the November 15, 2010 meeting. Mr. Schultz was present at this meeting. Mr. Joseph summarized the issues regarding Mr. Schultz's lease application in Shelter Island Channel (Lot # 2724). Mr. Raymond Seyler had failed to renew his leases for 2010, which included lot 2724 by the December 31, 2009 deadline and did not attend the subsequent January meeting to request a one month extension to renew his leases due to extenuating circumstances, as per the Atlantic Coast Leasing Regulations (NJAC 7:25-24.8). The vacated lease 2724 was applied for by Mr. Schultz soon after the January 11, 2010 meeting. Upon learning that his leases were vacated, Mr. Seyler had requested that

the Council allow him to reacquire his leases. A legal determination by the NJ Attorney General's Office confirmed that the existing leasing regulations do not provide for any additional renewal extension request beyond the January meeting. Mr. Seyler had then requested and was granted an adjudicatory hearing to reacquire lease 2724. Mr. Seyler had also requested that the Council implement a stay on a final decision of Mr. Schultz's application until the matter was resolved.

In other matters related to Mr. Schultz's application, Mr. Joseph stated the Bureau had recently learned that Mr. Schultz was convicted of shellfishing in condemned waters. Leasing regulations prohibit issuance of a lease to an individual convicted of shellfishing in condemned waters. Mr. Schultz stated that he was appealing the conviction. Mr. Normant inquired on the status of the appeal. Mr. Schultz stated that his appeal had been filed with the New Jersey Superior Court.

Mr. Joseph suggested that the Council follow the recommendation by the NJ Attorney General's Office to implement a stay on the decision on Mr. Schultz's application. Mr. Johnson stated that the hearing and appeal process could take several months. On a motion by Mr. Maxwell and a second by Mr. Hughes, the Council unanimously decided to hold off on rendering a decision on Mr. Schultz's lease application until Mr. Seyler's adjudicatory hearing was concluded.

4. Lease Applications: Corrections and Withdrawals

APPLICANT	LOT #	SECTION	ACRES	LOCATION	MAP#
Richard Derrickson	2031	B	0.55	Obes Thorofare	3
Steven B. Frost	2735	B	2.00	GB-Great Thorofare	24

Mr. Joseph stated that in 2010, three leases held by Mr. Douglass Brown were listed in error as vacated for non-payment at the January 11, 2010 meeting. Apparently, Mr. Brown had renewed his leases on time in 2009, however, a duplicate lease extension was printed, placed in the non-payment file and subsequently listed all three leases as vacant. When Mr. Brown had come into the office to renew his leases in November 2010, the error was discovered. Messrs. Richard Derrickson, Steven Frost and Colin Holden subsequently applied for these leases after they were listed as vacant. Whereas no decision had yet been rendered on Messrs. Derrickson's and Frost's applications, they were notified of the error and they elected to withdraw their applications. However, Council approved the lease for lot 2332 in Dry Bay to Mr. Holden at the April 19, 2010 meeting. Mr. Holden was notified of the error and agreed not to contest the fact that Mr. Brown was the holder of the lease. Mr. Holden decided that he would apply for a lease elsewhere.

5. Old Business:

Fall 2010 Mullica River/Great Bay Oyster Harvest Season

Mr. Normant reported on the fall 2010 Mullica River/Great Bay oyster harvest season that was held from Monday, November 29th to Saturday, December 4th. Mr. Normant stated that participation involved both commercial and recreational harvesters, with 14 harvesters on the first day. Participation declined as the week progressed and weather deteriorated. Mr. Normant noted that harvesters were pleased with the quality of the catch. Commercial harvesters averaged about 10 bushels per boat per day. Mr. Maxwell stated that the harvest season drew considerable public interest, as demonstrated by several phone inquiries that he received following positive press coverage in The Press of Atlantic City and The Philadelphia Inquirer.

2010 Mullica River Seed Bed Condition

Mr. Celestino reported on the annual Mullica River oyster seedbed inventory that was conducted on December 10th, 2010. Mr. Celestino stated that oyster seedbed conditions at French's Point and Moss Point, were 60% oyster and 50% oyster, respectively. Seedbed conditions were approximately 15% higher than in 2009, but were still relatively low in comparison to the historic time series. Relative to the 3-year

average prior to the 2006 transplant, oyster seedbed conditions were 20% lower at French's Point and 25% lower at Moss Point in 2010. Mr. Celestino stated that total mortality, 13% at French's Point and 15% at Moss Point, was respectively 13% and 30% lower than in 2009 and almost the same as the 3-year average prior to the 2006 transplant. Mr. Maxwell inquired on the salinity data. Mr. Celestino stated that salinity was recorded as 22 ppt at Moss Point. Mr. Normant stated that salinity was recorded as 20 ppt at French's Point. Mr. Celestino noted that in conjunction with bridge construction work in the area of the oyster seedbeds, Rutgers University was operating an environmental data-logger. Mr. Normant stated that Rutgers had stopped recording data when in-water construction work ended. Mr. Normant stated he would contact Rutgers to request available data.

6. New Business:

Aquaculture Advisory Council Meeting Update

Mr. Joseph reported on the Special Meeting of the Aquaculture Advisory Council (AAC) that was held to discuss the Aquaculture Development Plan (ADP) Update on December 17, 2010. Mr. Joseph stated that the ADP update would, in general, follow the same format as the original ADP of 1995. Mr. Joseph stated that the meeting focused on the importance of the executive summary, which was the portion of the document most likely to be read by the legislature and decision makers. Mr. Joseph stated that the document would emphasize the positive aspects of aquaculture, including opportunities to increase shellfish aquaculture production, provide ecosystem services and generate employment. Mr. Flimlin noted that NJ Department of Agriculture (NJDA) Secretary Fisher, the chairman of the AAC, had set the tone of the meeting by suggesting that the AAC focus on opportunities for aquaculture development in New Jersey. Mr. Joseph stated that Mr. Joseph Myers, Aquaculture Specialist with the NJDA, would provide an outline of the ADP Update for review prior to the next AAC meeting, which was scheduled for January 21, 2011.

Tidelands Resource Council Meeting

Mr. Johnson inquired on the meeting of the Tidelands Resource Council (TRC) held on December 1, 2010. The meeting was held to discuss aquaculture issues with representatives of the NJDA and members of the AAC. Mr. Joseph stated that issues involved the authority of the TRC versus the Shellfish Council's. The TRC's proposed fee in the amount of \$0.01 per square foot for areas occupied with aquaculture structure placed in tidal water was discussed. It was decided that this issue would be deferred until receipt of the pending legal determination from the NJ Attorney General's Office. Mr. Johnson inquired if predator screens were considered structure. Mr. Joseph stated that predator screens were not considered structure and that the proposed fee would not apply to leases with predator screens. Further discussion on this matter ensued.

Reminder to renew leases by December 30th, 2010

Mr. Joseph reminded leaseholders that leases must be renewed by December 31 each year and that because of staffing issues, the Nacote Creek Office would be closed on Mondays. The office would also be closed on December 24, 2010 for the Christmas holiday and on Friday December 31st, 2010, in lieu of the January 1st New Year's holiday. Mr. Johnson inquired on the availability of Shellfish Lease Utilization Report forms. Mr. Normant stated that the form was available online at the Division web site and copies of the form were available at the Nacote Creek Office.

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

7. Date, time and place of next meeting:

DATE: January 10, 2010
TIME: 7:00 PM
LOCATION: Law Enforcement Office
360 New York Rd. Rte. 9
Port Republic, NJ 08241