

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

Nacote Creek Law Enforcement
Port Republic, NJ
April 18, 2011

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

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

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

1. Total Revenue for March 2011: \$ 1,508.50
 Shellfisheries Law Enforcement Fund \$ 1,172.00

2. March 21, 2011 Minutes

The minutes of the February 14, 2011 meeting were approved on a motion by Mr. Twist and a second by Mr. Hughes.

3. Applications for Transfer

LESSEE	APPLICANT	LOT #	SECTION	ACRES	LOCATION	MAP #
Thomas Daffin	John Daffin	1065	A	2.00	Great Sound	5

Without discussion, the lease transfer was approved on a motion by Mr. Maxwell and a second by Mr. Hughes.

4. Applications for Consideration

APPLICANT	LOT #	SECTION	ACRES	LOCATION	MAP#
Raymond Seyler	2724	B	1.40	Shelter Is. Cannel	28

Mr. Normant provided the Council with a copy of the applicant's lease application and biological report. Mr. Syler was present. Pursuant to leasing regulations, a decision would be rendered at the next meeting.

5. Applications for Decision

APPLICANT	LOT #	SECTION	ACRES	LOCATION	MAP#
John Aubin	11	D	2.00	Swan Point	1
Dale B. Parsons	2282	B	2.28	Dry Bay	24.2

Mr. Parsons was present. Mr. Aubin was present at the last meeting. On a motion by Mr. Maxwell and a second by Mr. Twist, the Council approved both lease applications.

Mr. Lutthans inquired on the status of his lease application for a lot in Dry Bay. Mr. Lutthans stated he had staked the lease. Mr. Normant stated that with the loss of full time technical staff within the Bureau, there would be delays in the turn around time for conducting biological investigations. Mr. Normant stated that a notification letter would be sent to the applicant once the biological investigation was completed.

6. Old Business:

Spring Mullica River Oyster Harvest Season

Mr. Normant stated that in spite of unfavorable weather conditions, a few harvesters participated in the spring Mullica River oyster harvest. Oyster harvest averaged between six to nine bushels per participant each day. Mr. Normant stated that most of the harvesters were from the Delaware Bay area. Mr. Johnson inquired if harvest survey forms had been sent out to participants as in prior years. Mr. Normant stated that since all shellfish harvest was now covered under a general commercial or recreational "Shellfish License" the Bureau no longer has a list of oyster tongers.

Financial Disclosure Forms

Mr. Maxwell reminded Council members to submit their State Ethics Commission's financial disclosure forms by May 15, 2011.

Tidelands License Fee for Structural Aquaculture

Mr. Maxwell inquired on the status of the Tidelands Resource Council's (TRC) proposal to require a license for tidally flowed areas occupied with aquaculture structure. The license fee was set at a rate of \$0.01 per square foot, which is \$435.60 per acre. This fee, which was considered "nominal" by TRC standards, was considered unreasonable to a developing aquaculture industry. Mr. Normant stated that Bureau staff had recently met with the Director of the Division of Fish and Wildlife and the Assistant Commissioner of Natural and Historic Resources to discuss this issue. Mr. Normant stated that the meeting was productive and that favorable options for the aquaculture industry were under consideration. Further discussion on this issue ensued.

Survey of 2010 Shellfish License Holders

Mr. Celestino stated that about a third of the shellfish license holders to whom survey questionnaires had been mailed on March 22, 2011 had responded to date. Mr. Celestino encouraged participation in the survey.

7. New Business:

Structural Aquaculture Permits

Mr. Parsons inquired on the status of Mr. John Aubin's state and federal permits for structural aquaculture. Mr. Aubin had unintentionally vacated his lease for non-payment and was in the process to re-acquire the lease. Mr. Normant stated that he did not know the current status of the permits.

Reauthorization of Nationwide Permits 27 & 48

Mr. Normant stated that the US Army Corps of Engineers (USACE) was proposing to re-issue Nationwide Permits 27 and 48. The USACE implemented Nationwide Permits (NWP) 27 & 48 on March 12, 2007 to regulate aquatic habitat restoration, establishment and enhancement (NWP 27) and existing commercial shellfish aquaculture activities (NWP 48). When NWP 27 and 48 were implemented, the Bureau was required to report its restoration and enhancement activities to the USACE to comply with NWP 27 and submitted a report on behalf of all leaseholders to satisfy the activity reporting requirement for NWP 48. New shellfish leases established after March 12, 2007 required the leaseholders to obtain their own individual permit from the USACE. This included leases that were reported as active under the initial

report, vacated and then obtained by another individual. If the lease was vacated, it was considered abandonment. However, a determination by the USACE did allow individuals that had an active lease as of March 12, 2007, vacated the lease and subsequently re-acquired it to continue their activity without having to obtain an individual permit. Lease transfers did not require an individual permit by the new lessee.

Mr. Normant stated that the USACE was seeking comments on modifications proposed to NWP 48. The modifications included removing the reporting requirement, however, adding a pre-construction notification (PCN) requirement for the expansion of existing aquaculture operations, lease over 100 acres, and aquaculture activities that have the potential to have adverse impacts to the aquatic environment. Comments on NWP 27 & 48 were due on April 18, 2011. Mr. Normant stated that the Bureau submitted comments to the USACE supporting the removal of the reporting requirements and opposing the PNC requirement for expansion of aquaculture activities and for lease over 100 acres. The Bureau also commented that vacated leases that were later acquired by another individual or a new lease that was established within or adjacent to a block of leases should not be considered expansion. Mr. Normant stated that existing regulations already prohibit leasing in areas of productive shellfish or submerged aquatic vegetation habitat.

Vibrio Management Plan

Mr. Maxwell inquired on the possibility of having representatives from the NJ Department of Health and Senior Services (NJDHSS) and the Bureau of Marine Water Monitoring (BMWM) provide an update on the Vibrio Management Plan at the next Council meeting. Mr. Normant stated that Ms. Cali Alexander from the NJDHSS was scheduled to attend the May meeting.

Navesink and Shrewsbury River Harvest Closures

Mr. Johnson inquired on the status of plans to establish protocols for the closing of the Navesink and Shrewsbury rivers to harvest due to water quality. Mr. Normant stated that he would extend an invitation to the new Chief of the BMWM, Mr. Bruce Friedman, to address the subject at the next Council meeting.

Aquaculture Advisory Council Meeting

Mr. Myers, Aquaculture Specialist with the New Jersey Department of Agriculture, provided an update of items discussed at the Aquaculture Advisory Council (AAC) meeting on April 15, 2011. Mr. Myers stated that the Aquaculture Plan Update (APU) was approved. Mr. Myers stated that the updated version of the APU document was now being finalized and would be available online. Mr. Myers stated that the AAC passed a motion to have a representative from DEP address plans for upgrading condemned waters. Mr. Myers stated that the AAC passed a motion to establish a committee on shellfish aquaculture marketing and promotion. Mr. Myers reported on the aquaculture marketing workshop held at the Seaview Resort in Galloway on April 12, 2011. Mr. Myers announced that there was a bill pending in the Agriculture Committee at the federal level to add farmed shellfish to the specialty crop definition. Mr. Myers stated that the next AAC meeting would be scheduled in July 2011. He welcomed suggestions for the location of the meeting.

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

DATE: May 16, 2011
TIME: 7:00 PM
LOCATION: Law Enforcement Office
360 New York Rd. Rte. 9
Port Republic, NJ 08241

“Shellfish leases must be renewed (in person) by December 31 each year. Bureau offices will begin accepting lease renewals October 15 each year.”