

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

Nacote Creek Law Enforcement
Port Republic, NJ
September 19, 2011

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

State Representatives: Jeffrey C. Normant, Bureau of Shellfisheries
 Gustavo Calvo, Bureau of Shellfisheries
 Captain Dominick Fresco, Bureau of Law Enforcement
 Robert Schuster, Bureau of Marine Water Monitoring
 Joseph Myers, Dept. of Agriculture

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 August 2011: \$ 1,975.35
 Shellfisheries Law Enforcement Fund \$ 274.00

2. August 15, 2011 Minutes

The minutes of the August 15, 2011 meeting were approved on a motion by Mr. Maxwell and a second by Mr. Twist.

3. Applications for Consideration

APPLICANT	LOT #	SECTION	ACRES	LOCATION	MAP#
Richard Derrickson	2019	B	2.00	Widgeon Bay	3
Robert D. Fricke	1431	B	2.00	Middle Is. Channel	6.1
Dale S. Parsons	1430	B	1.31	Middle Is. Channel	6.1

Mr. Normant provided the Council with copies of the applicant's lease application. Messrs. Fricke and Dale S. Parsons were present. Mr. Derrickson was 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 Decision

APPLICANT	LOT #	SECTION	ACRES	LOCATION	MAP#
Steve Baugh & William Steele	1423	B	2.00	Middle Is. Channel	6.1
Dale B. Parsons	2282	B	2.28	Dry Bay	24.2
Christopher Scales	2291	B	2.70	Dry Bay	24.2
Fred Lutthans	2303	B	0.52	Dry Bay	24.2
Justin Sokol	14	D	2.00	Swan Point	1
Matthew Gregg	13	D	2.00	Swan Point	1
Hallie Aubin	12	D	2.00	Swan Point	1
Fa H Ni	15	D	2.00	Swan Point	1

Messrs. Baugh & Steele, Parsons, Sokol, Gregg, Ni and Ms. Aubin were present at the last meeting. Messrs. Scales and Lutthans were present at this meeting. Without discussion, all applicants were approved on a motion by Mr. Maxwell and a second by Mr. Hughes. Mr. Normant reminded the applicants that they have thirty days to sign their lease agreement and pay their lease fees.

5. Old Business:

Great Bay Clam Seeding

Dr. Calvo stated that clam seed planted in May 2010 was sampled on August 22, 2011 to assess clam survival and growth within each of the two-acre parcels established within Great Bay. Dr. Calvo stated that clam survival was high and that 80% of the clams were greater than 1½ inches in length. At the time of planting, shell lengths of the clams were approximately ¾ to 1 inch. Mr. Avery inquired if all clams recovered were of the notata variety. Dr. Calvo stated that some of the clams recovered had notata markings, which reflected the small proportion of notata marked clams that were planted. Mr. Parsons inquired on signs of disease-induced mortality. Dr. Calvo stated that mortality was low and had not noticed any abnormalities or gapers among the clams sampled. Dr. Calvo stated that no samples were collected for disease diagnosis.

Mosquito Marsh Maintenance Update

Mr. Normant stated that mosquito control leaders from Atlantic and Ocean County, as well as the State Mosquito Control Administrator would be attending the next meeting.

Barneгат Bay Conservation Zone Update

Mr. Normant stated that the contact information for Mr. Johnson and Mr. Parsons were forwarded to Ms. Kerry Kirk Pflugh of the NJDEP Press Communication Office in regards to the Barneгат Bay Conservation Zones proposal. Mr. Maxwell inquired on the timeline for the comment period. Mr. Normant stated that he was not aware of the timeframe for the comment period. Mr. Johnson stated that he believed an upcoming public hearing on this issue would be held in Toms River. Mr. Johnson stated that a chart provided at the last council meeting indicated that areas of Flat Island in the northern part of the bay, Manahawkin Bay in the central part of the bay and the Goosebar in the southern part of the bay were some of the proposed conservation areas. He said that the proposal was currently in its beginning phase and now was the time for interested parties to comment. Mr. Maxwell stated that he was concerned about restricted access for various user groups. Mr. Maxwell stated that the proposed conservation zones could set a bad precedent and lead to future conservation zones along the coast.

Middle Island Channel

Mr. Normant clarified statements made at the last meeting regarding the open triangular parcel located in Middle Island Channel. Mr. Normant stated that when the Middle Island Channel leases were established, a small triangular parcel (0.86 acres) was left open for the ReClam the Bay organization and interested shellfishermen were turned away from leasing it. About a year ago, Mr. Parsons had expressed interest in the parcel when ReClam the Bay declined to use the parcel. Mr. Parsons had inquired on leasing the parcel on Mr. Robert A. Fricke's behalf at the last meeting. The Bureau had no issues with leasing the parcel, which would be numbered 1422, but wanted the Council to be informed of the situation since others had expressed interest in the past. Mr. Twist made a motion to allow the triangular parcel to be leased. The motion was seconded by Mr. Hughes and approved by Council.

6. New Business:

Bureau of Marine Water Monitoring Shellfish Growing Waters Update

Mr. Schuster provided the Council with an overview and update on the statewide shellfish harvest closure that went into effect on August 27th due to heavy rains caused by Hurricane Irene. Mr. Schuster stated that microbial water sampling commenced on Monday, August 29th. If the results of the samples determined

that the water quality was back to normal levels in a given area, time was given for the shellfish to purge before tissue samples were collected to confirm that they were safe to harvest. In areas where sewage from large discharges or bypasses was implicated, a longer purge time was given. Previously, procedures required fourteen days of purging before waters could be reopened. Mr. Schuster stated that new techniques currently employed for detection of virus and bacteria in the tissue samples allowed for waters to be reopened more rapidly. Mr. Schuster stated that with cooperation with industry and marine enforcement, the Bureau of Marine Water Monitoring (BMWM) was able to collect the necessary number of tissue samples from multiple locations within a day. Mr. Schuster stated that tissue samples were collected in the Atlantic coastal bays on September 4th and the waters were reopened on September 6, 2011. This was mainly due to the lack of sewage input within the coastal bays. Mr. Schuster stated that multiple sewage discharges in Sandy Hook and Raritan Bays resulted in longer purge times and the area was reopened for depuration harvest on September 7, 2011. Mr. Schuster stated that the lower portion of Delaware Bay was reopened on September 8, 2011. The upper portion of Delaware Bay remains closed, as results have not returned to normal. This was most likely due to the unusual high river water flow as a result from the extreme heavy rainfall caused by Hurricane Irene and Tropical Storm Lee. Mr. Maxwell stated that Council appreciated the diligent work of State agencies involved in reopening shellfish growing waters. Mr. Johnson stated that Council would be submitting a letter of appreciation to the Commissioner.

Mr. Maxwell inquired on the status of the proposed shellfish growing water classification regulations. Mr. Schuster stated that the proposal had to go through the regulatory process. Mr. Schuster stated that an emergency closure could be used to quickly downgrade an area but there was no mechanism in place to quickly upgrade the water quality of an area. Mr. Schuster stated that rules were being developed to allow waters to be upgraded in a more expedient manner.

NJDA Economic Impacts to Shellfish Harvest due to Hurricane Irene

Mr. Myers stated that a debriefing session regarding Hurricane Irene and Tropical Storm Lee was going to take place within the NJ Department of Agriculture (NJDA). He encouraged the audience to submit comments regarding how the response to the hurricane was handled. Mr. Myers stated that NJDA was charged with providing relief to economic and physical damages resulting from the storms. Mr. Myers distributed informational sheets describing available disaster relief programs. He stated that information was also posted on NJDA's website. The aid from the federal government would be in the form of low interest loans provided by the Economic Injury Disaster Loan Program and the Small Business Administration. Mr. Myers stated that to qualify for relief involving physical damage and loss of farmed product, farmers would have had to pre-register with the United States Department of Agriculture Farm Service Agency. He was not aware reports of physical damage and loss of farmed product.

Mullica River Fall 2011 Oyster Season

Mr. Normant stated he was planning to sample the oyster beds at the mouth of the Mullica River to assess the bed conditions in order to make a determination whether or not to open the beds for a fall harvest season. Mr. Normant stated that he would present survey results at the October 17, 2011 meeting. It was anticipated that the harvest would be held sometime in November.

Lease Transfers

Mr. Normant requested that the Council consider holding off on approving lease transfer applications received after the November meeting until January so that Bureau's office at Nacote Creek could process lease renewals due on December 31st. Mr. Normant stated that the shellfish office does not have a full time clerk that could attend to and keep track of the lease transfers and the high volume of renewals at the same time. Lessees that have lease transfers approved in December would also have to renew in a short period of time. Mr. Johnson inquired on typical number of transactions. Mr. Normant stated that the number of transfers varies each year. Mr. Johnson inquired on forms available online. Mr. Normant stated that the child support certification and lease utilization reports were available on the Division's website. Mr. Johnson stated Council would consider Mr. Normant's request at the next meeting.

Sale of Undersized Clams

Mr. Avery inquired on retail sale of undersized clams (less than 1½ inches in shell length) originating from out of state. Mr. Avery stated that clams sold in Massachusetts had to meet one legal size standard (1 inch in shell width) whereas clams sold out of state could be legally sold at a substandard size (7/8 inches). Capt. Fresco stated that he was under the impression that all clams sold in New Jersey had to meet the same legal standard (1½ inches in shell length). Minimum size was based on possession.

Aquaculture Advisory Council Meeting

Mr. Myers announced that the next meeting of the Aquaculture Advisory Council was scheduled for October 14, 2011 in South Jersey, at a venue to be determined.

There being no further business, 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: October 17, 2011

TIME: 7:00 PM

LOCATION: Law Enforcement Office
360 New York Rd. Rte. 9
Port Republic, NJ 08241