

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

Nacote Creek Law Enforcement
Port Republic, NJ
October 17, 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
 Michael Celestino, Bureau of Shellfisheries
 Captain Dominick Fresco, Bureau of Law Enforcement

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 September 2011: \$ 1,816.80
 Shellfisheries Law Enforcement Fund \$ 250.00
2. September 19, 2011 Minutes

The minutes of the September 19, 2011 meeting were approved on a motion by Mr. Hughes and a second by Mr. Twist.

3. Applications for Transfer

LESSEE	APPLICANT	LOT #	SECTION	ACRES	LOCATION	MAP #
Fred Kalm	Robert D. Fricke	394	B	3.00	Cape Horn	10
Fred Kalm	Robert D. Fricke	411	B	2.37	Cape Horn	10

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

4. Applications for Consideration

APPLICANT	LOT #	SECTION	ACRES	LOCATION	MAP#
Robert A. Fricke	1422	B	0.86	Middle Is. Channel	6.1

Mr. Normant provided the Council with a copy of the applicant's lease application. Mr. Fricke was 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.

5. Applications for Decision

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

Messrs. Fricke and Parsons were present at the last meeting. Mr. Derrickson was 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.

6. Old Business:

Mosquito Control Marsh Maintenance

Mr. Bob Kent from the State Office of Mosquito Control Coordination, Mr. Bill Reinert from the Atlantic County Office of Mosquito Control and Mr. Rich Candeletti from the Ocean County Mosquito Commission attended the meeting to provide the Council with information regarding mosquito control on the salt marshes. Mr. Reinert explained the various past and present approaches to mosquito control. The two main approaches were the use of pesticides and open marsh water management. The first approach was to use insecticides to kill mosquito larvae or adults. The second approach, "source reduction", involves open marsh water management with the intent of eliminating the habitat mosquitoes use to lay their eggs or make the habitat unsuitable for the mosquitoes to complete their development. Source reduction on the salt marshes began in the late 1800s to early 1900s by parallel ditching mosquito breeding sites into tidal streams or permanent ponds. Some of these ditches partially filled in and became mosquito-breeding areas themselves. Work on the marshes ceased with the passage of the wetland laws until the fish and wildlife agencies and various mosquito control commissions developed open marsh water management strategies. Open marsh water management involves working with the characteristics of the marsh, such as selectively installing ponds and connecting the ponds to the breeding marshes, cleaning existing ditches and in a few cases, creating new tidal ditches. Most of the marsh water management was on the non-tidal areas of the marsh.

Mr. Maxwell inquired if the work on the marshes resulted in the degradation of wetland habitat. Mr. Reinert stated that the spoils from the ditching operations were spread over the marsh in a thin layer and within a few growing seasons; the disturbed area would become completely re-vegetated. The industry was concerned with the flow of nutrients that come off the marsh and the effect on shellfish habitat. Mr. Reinert stated that the nutrient flow has not changed as a result of the work. In addition, areas that had to be treated with insecticides up to twelve times a year no longer had to be treated. Mr. Johnson inquired if the open marsh water management was causing a net loss of wetlands since the activity would change the function of the wetlands and the water flow. He also inquired if the change in water flow was creating more mosquito habitat. Mr. Reinert stated that the area where the work was being done, which was identified as mosquito larval habitat, would not change the water flow.

Mr. Chris Scales stated that there were concerns about the spraying of mosquito larvicides in June during the critical time when the clams were setting. Mr. Reinert stated that the spraying takes place on the marsh during times when the marsh was not flooding, such as low tide. The larvicide being used was BTI, which is a bacterium that has not shown any effects on shellfish larvae or juvenile shellfish. Mr. Reinert reiterated that the purpose of using open marsh water management was to eliminate the use of pesticides.

Mr. Parsons inquired if there were any testing being done to determine the chemical composition of the marsh being sprayed with pesticides. Mr. Reinert stated that the compounds being used breakdown very quickly with sunlight and water. Mr. Reinert stated that approximately 10-15 years ago, hatcheries were concerned with the pesticides being used as they had a large die off of clams within their hatcheries. The NJDEP Office of Pesticide performed a two-year study and determined that there was no correlation between the pesticides and the clam mortalities that occurred. Mr. Candeletti stated that in Ocean County, the open marsh water management has worked out well to the point that adulticides no longer have to be used to control mosquitoes.

Mr. Maxwell inquired if there was a state management plan. Mr. Kent stated that the state and county agencies work closely together and must adhere to the open marsh water management standards implemented by the NJ Mosquito Commission in NJDEP. These standards were contingent upon the acquisition of a NJDEP waterfront development permit and an US Army Corp of Engineers permit. In regards to pesticides and shellfish hatcheries, Mr. Kent offered to provide the study that was conducted in Brigantine several years ago by the Bureau of Pesticides to interested shellfishermen. Further discussion ensued.

Barneget Bay Action Item #10

Mr. Celestino stated that there would be a stakeholder meeting on November 9, 2011 to discuss the development of the low impact boating areas. Participation was by invitation only. Mr. Celestino stated that since the meeting is by invitation only, commercial and recreational shellfishermen could contact him directly if they had any concerns. He also stated that recreational and commercial shellfishers could contact other designated stakeholders with any comments or concerns; those stakeholders are: Councilman Walter L. Johnson III, Mr. Dale S. Parsons, Mr. Rick Bushnell from ReClam the Bay and Mr. Gef Flimlin with the Rutgers Cooperative Extension. Mr. Celestino stated that some of the agenda items were the selection of the low impact boating areas and management options for these areas. Some of these management options included education and enforcement.

Mullica River 2011 Fall Oyster Season

Mr. Normant provided the Council with a brief summary of the bed conditions for the beds at the mouth of the Mullica River. He stated that bed conditions ranged from 21% to 37% oyster. The lowest bed conditions were found on Fitney Bit 1 and 2 at 29% and 21%, respectively. Total mortality ranged from 26% to 43%. No recent mortality was found. The average lengths of the oysters were also smaller than the previous samples collected in March 2011. Mr. Normant stated that the area known as the Reef Bed, which was planted with oysters from the Mullica River seedbeds in 2006, was now opened for harvest. The funding for the 2006 intermediate transplant for the Reef Bed was through a grant received from the FishAmerica Foundation, which had a five-year no harvest agreement associated with it. The Council discussed options for a fall oyster season. Due to the decline in bed conditions, it was proposed to hold a short three-day season that coincided with the November 1st seasonal opening of the Delaware Bay tongers beds. It was proposed to hold the season at the end of the week to give recreational shellfishermen an opportunity to harvest oysters. Mr. Maxwell made a motion for a three-day oyster season beginning on Thursday, November 3, 2011 and ending on Saturday, November 5, 2011. The motion was seconded by Mr. Hughes and approved by Council. Concerns were raised over whether Fitney Bit, which had the lowest bed conditions, should be closed for harvest. Mr. Maxwell stated that since the season was only three days, it would not be practical to close Fitney Bit. Mr. Normant opined that harvesters would move to find a higher yield bed rather than continue working on a bed with a low bed condition.

Mr. Johnson inquired on any future activities for the oyster beds. Mr. Normant stated that the oysters used to plant on Fitney Bit and the Reef Bed had come from the seedbeds in the Mullica River. Over the past several years, the bed conditions have been below average and presently could not be used for another intermediate transplant until conditions improve. Mr. Normant said that the Bureau would be sampling the seedbeds this December to assess the bed conditions and spat set. Mr. Normant stated that the Bureau was looking into other types of enhancement work to the beds, such as shelling and planting spat on shell oysters.

7. New Business:

Aquaculture Advisory Committee Meeting Update

Mr. Bill Avery provided an update of items discussed at the Aquaculture Advisory Council (AAC) meeting on October 14, 2011. Discussions at the AAC meeting included the approval of the Aquaculture Development Zones in Delaware Bay, changes to the Shellfish Growing Waters Classification regulations and the federal disaster relief loans provided by the Economic Injury Disaster Loan Program and the Small Business Administration with regard to Hurricane Irene.

Shellfish Lease Extension

Mr. Normant reminded the Council that the lease extensions were now available at the Nacote Creek Office as of October 15th and lessees must renew their leases by December 31st of this year. Mr. Normant also said that the lease utilization reports were available on the NJ Division of Fish and Wildlife website.

Use of Box Harvester on Leases

Mr. John Daffin inquired on being able to use a “box harvester” on his leases, which uses a motorized water pump to jet water into the substrate. Mr. Normant stated that the use of a box harvest was not permitted as per the Title 50, specifically N.J.S.A. 50:4-2. Mr. Normant stated that any changes to Title 50 would have to be amended through the legislative process.

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

8. Date, time and place of next meeting:

DATE: November 21, 2011

TIME: 7:00 PM

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