

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

Nacote Creek Law Enforcement
Port Republic, NJ
August 19, 2013

Present were:

Chairman:	Walter L. Johnson III	(Ocean County)
Vice Chairman:	John Maxwell	(Atlantic County)
Councilman:	Walter Hughes	(Monmouth County)
Councilman:	Vacant	(Burlington County)
Councilman:	Vacant	(Cape May County)

State Representatives:

Jeffrey C. Normant, Bureau of Shellfisheries
 Russell Babb, Bureau of Shellfisheries
 Kira Dacanay, Bureau of Shellfisheries
 Michael Celestino, Marine Fisheries Administration
 Robert Schuster, Bureau of Marine Water Monitoring

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

1. Total Revenue for July 2013: \$1,607.10
 Shellfisheries Law Enforcement Fund: \$536.00
2. Presentation of July 15, 2013 minutes for approval

The minutes of the July 15, 2013 meeting were approved on a motion by Mr. Hughes and a second by Mr. Maxwell.

3. Applications for Transfer

LESSEE	APPLICANT	LOT #	SECTION	ACRES	LOCATION	MAP #
Thomas C. Daffin	John P. Daffin	1047	A	2.00	Great Sound	5

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

4. Applications for Consideration

LESSEE	LOT #	SECTION	ACRES	LOCATION	MAP#
Scott Lennox	6	D	2.0	Swan Point	1
John Godwin, Jr	9	D	2.0	Swan Point	1
Ralph Gates, Jr	17	D	2.0	Swan Point	1
Michael Alexander	18	D	2.0	Swan Point	1
Raymond Knott	19	D	2.0	Swan Point	1
Peter McCarthy	2237.2	B	1.21	Dry Bay	24.2
William Avery	1090	A	2.00	Great Sound	5

Mr. Normant provided the Council with copies of the lease applications. Messrs. Godwin, Gates, Alexander, Knott and Avery were present. Messrs. Lennox and McCarthy were not present and must attend the next meeting. Pursuant to the leasing regulations at N.J.A.C.7:25-24.6, applicants must attend one of two meetings at which the Council reviews their applications. A decision on the lease applications would be rendered at the next meeting.

5. Applications for Decision

LESSEE	LOT #	SECTION	ACRES	LOCATION	MAP#
Thomas J. Daffin	1028	A	2.00	Great Sound	5
Thomas C. Daffin	1030	A	2.00	Great Sound	5
John Daffin	1031	A	2.00	Great Sound	5
Patricia Johnson	1032	A	2.00	Great Sound	5

All applicants were present at the last meeting. The lease applications were unanimously approved on a motion by Mr. Hughes and a second by Mr. Maxwell.

6. Old Business:

Water Quality in Raritan and Sandy Hook Bays

Mr. Johnson inquired if there were any potential shellfish growing waters classification upgrades in Monmouth County waters. Mr. Schuster stated that the most recent data does not indicate that there were any waters that would be available for upgrades in this region. He explained that these waters were still being impacted by rainfall/pollution events.

Shellfish Enhancement Efforts

Mr. Avery inquired on the Bureau's hard clam enhancement efforts. Mr. Normant stated that they had planted seed this past spring in Barnegat Bay and plan to plant additional seed this fall. Seed clams would be provided through the state's current contract vendor. Currently, there is only one contractor to provide seed clams and oysters via the current state term contract. Mr. Normant stated that once this contract expires (approximately one year remaining) the Bureau would seek to have many, if not all, of New Jersey hatcheries listed under the new contact and have them ranked in order for first "right of refusal" (ROF, based on low bid). The lowest bidder would have first ROF to provide seed to the State. If that vendor could not provide all of the requested seed, the next vendor in the order would have chance to provide the balance of seed, and so on. Mr. Babb stated that the Bureau was also going to try to do the same type of contract for shell and shell planting services once the current contract expired. Mr. Normant stated that using shell to reduce mortality for hard clam enhancement work was something the Bureau was interested in, but was currently so expensive that it was cost-prohibitive to do so. At present, it would be more cost effective to use large size seed clams (20-25 mm) to keep mortality of the seed at acceptable levels.

NOAA Fisheries Disaster Relief

Mr. Gef Flimlin stated that on August 12, 2013, a meeting was held regarding the distribution of NOAA Fisheries Disaster Relief funds for damage caused by Superstorm Sandy to NJ's marine fisheries industries. The meeting was facilitated by the NJ Marine Fisheries Administration, which put together a presentation illustrating the losses to NJ's commercial and recreational fisheries, which included the shellfishing industry. No decision on the allocation of the monies was made at the meeting, but it was suggested, among a suite of other options, that one million dollars be allocated to the fishing port of Belford since they were severely impacted by the storm.

Raritan and Sandy Hook Bays Leases

Mr. Timothy Ryan inquired if there was a possibility to obtain a lease in Raritan and Sandy Hook bays to plant seed clams that fall through the sorting machine that were harvested for depuration instead of just throwing the seed back into the river. He claims that they were throwing away a million of dollars' worth of seed each year. Mr. Johnson stated that leases could not be issued in less than approved waters adding that Mr. Keith Craffey had asked the same question at the previous meeting. Mr. Johnson said that another option would be the relay program; however, the relay program was currently suspended. He added that the program could be re-instated if participation was significant. In addition, the seed clams would have to be one and a half inches in length, which was 90% of the seed clams being discarded. The minimum size going through the depuration plants were larger with a one inch hinge width. A lengthy discussion ensued

regarding the pitfalls of dumping stressed seed clams that had gone through the depuration process back overboard, which may not survive.

Highlands Clam Depuration Commission

In a continuation of the above issue regarding when clams were counted at the depuration plants, Mr. Flimlin stated the clams should be counted on the way into the plant and not on the way out. Mr. Johnson stated that this would be an issue with the depuration plant's by-laws. He also stated that this issue was outside of the Council's purview and statutory authority. Mr. Flimlin stated that the original permit stated that shellfish shall be counted on the way into the plant and records shall be kept for clams before and after the process. He added that between May and September 1999, that phrase had been deleted from the permit. Mr. Flimlin stated that last year, the Highlands Clam Depuration Commission sent a formal request to Mr. Bruce Friedman of the Bureau of Marine Water Monitoring to have that phrase placed back into the regulation and resultant permit.

7. New Business:

Shellfish Enhancement Advisory Committee

Mr. Babb requested that the Council form a Shellfish Enhancement Advisory Committee. The committee would be formed as a standing committee of the Council and would fill an advisory role associated with the Bureau's enhancement work that is currently funded by Exelon. This work will be focused in both Barnegat and Little Egg Harbor bays. The Bureau expected that the Committee would meet at least once in the winter/spring timeframe (e.g., March) and again in the fall (November). The spring meeting would be set to discuss potential objectives / methodologies of the enhancement program for the coming year and the fall meeting would serve to update the committee on what objectives were met by the Bureau. The committee would be briefed by Bureau staff on pending enhancement objectives and provide insight/recommendations to the Bureau and Council. The committee would, by consensus, provide enhancement recommendations to the AC Section of the NJ Shellfisheries Council. Ultimately, and pursuant to their statutory authority, the Council would make enhancement recommendations to the Department (Bureau) for its Exelon-funded enhancement efforts. Examples of areas where input would be sought included, but were not limited to, enhancement area siting and delineation, minimum seed clam sizes (at planting), use of cultch on planting sites prior to seed planting, need for area closures, etc. Mr. Hughes made a motion to form the Shellfish Enhancement Committee. Mr. Maxwell seconded the motion. The motion was unanimously approved.

NJ Department of Agriculture Update

Mr. Myers stated that he had attended an Agro-Business tour with Lt. Governor Guadagno at the Musky Trout Hatchery. The NJDA had submitted some recommendations on potential businesses for aquaculture. He stated that these tours take place annually and if stated that if anyone was interested in hosting a future tour with the Lt. Governor and her staff to let him know and he would do his best to facilitate.

Living Shoreline – Mordecai Island

Mr. Flimlin provided the Council with a brief update regarding a proposed erosion control effort for Mordecai Island, Little Egg Harbor Bay, which would include a living shoreline component of using reef habitat balls with oyster set. Mr. Flimlin stated that the feedback had been very positive at the Joint Permit Processing meeting between the State and Federal agencies.

Aquaculture Advisory Council Meeting

Mr. Myers announced that the Aquaculture Advisory Council meeting would be held on the third Friday in October. No meeting site has been determined at this time.

Motor Assisted Hand Harvesting in Raritan and Sandy Hook Bay

Mr. Ryan, representing the clam harvesters from the two Monmouth County clam depuration plants presented the Council with a petition to allow motor assisted hand harvesting of clams in Raritan and Sandy Hook bays. Mr. Ryan stated the harvesters would be hand raking, but with assistance from their motor to move the boats along when there was no wind. He stated that this would help fill the depuration plants more consistently. Mr. Normant stated that State Statute Title 50 (subsection 50:2-10) prohibited “the taking of clams with power boat.” Mr. Maxwell stated that dredging for clams in Monmouth County has been proposed a number of times in the past. Mr. Normant stated the last proposal had been in 2006. Mr. Maxwell stated that the Council does not have the authority to allow such activities, given current state law. Mr. Normant stated that the Legislature would have to change the law; however, he opined that there would be strong opposition from other clam harvesters throughout the State. Mr. Maxwell stated that dredging for clams has been historically opposed due to the fact it would negatively impact the resources. Mr. Ryan stated that they wouldn’t actually be dredging and that harvest would be limited to the holding capacity of the two depuration plants. Mr. Normant explained that the limited capacity argument was inaccurate and explained that that harvest could be increased through expansions of the existing plants or the addition of new depuration plants. Mr. Johnson added that the relay program had not been terminated; only suspended. If the relay program was re-instated, there would be additional harvesters that would not be limited by holding capacity. Mr. Jason Verity, a depuration harvester, suggested that this proposal only be limited to the harvesters of the two depuration plants. Mr. Normant stated that there would be shellfishmen that would be oppose this activity simply because it would be limited to dredge harvest in Raritan and Sandy Hook bays, which would be viewed as inequitable. Mr. Johnson stated that if this activity was limited to only Raritan and Sandy Hook bays, other shellfishermen in the state would want to do this type of activity in other bays of the State.

Mr. Normant again further clarified that this activity of “motor assisted hand raking” was a form of using a power boat for the harvest of clams. Mr. Normant stated that he was aware that this activity has been going on for some time and that violators have been caught by enforcement personnel. If convicted, there would be a fine ranging from \$300 to \$3,000 for the first violation. The second violation could include the loss of their license for three years. In addition, he added that the individual could lose their depuration permit for three years, even on the first violation, at the discretion of the Bureau of Law Enforcement.

Raritan and Sandy Hook Bays Stock Assessment

Mr. Johnson inquired on the next stock assessment of Raritan and Sandy Hook bays. Mr. Babb stated that the Bureau plans to conduct an assessment in 2014. Mr. Flimlin suggested that the harvesters also do side by side raking with the survey vessel to determine qualitative harvest information.

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

8. Date, time and place of next meeting:

DATE: September 16, 2013
TIME: 7 PM
LOCATION: Law Enforcement Office
360 New York Rd. Rt. 9
Port Republic, NJ 08241