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REVISED 01-24-12

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NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
 BUREAU OF MARINE WATER MONITORING
 P.O. BOX 405 - STONEY HILL ROAD
 LEEDS POINT, NEW JERSEY 08220
 TEL: 609-748-2000
 FAX: 609-748-2014

APPLICATION FOR SPECIAL PERMIT TO HARVEST SOFT CLAMS (Mya arenaria) FROM SPECIFIED SPECIAL RESTRICTED AND SEASONAL SPECIAL RESTRICTED WATERS WITHIN THE STATE OF NEW JERSEY, FOR FURTHER PROCESSING AT A STATE PERMITTED AND CERTIFIED SOFT CLAM DEPURATION/CONTROLLED PURIFICATION FACILITY (PERMIT NO.008).

DATE: _____ Current Permit # _____

NAME OF APPLICANT: _____

MAILING ADDRESS: _____

TELEPHONE NO.: (____) _____

DRIVERS LICENSE: _____

DATE OF BIRTH: ____/____/____ SS# ____-____-____

NEW JERSEY DIVISION OF FISH AND WILDLIFE - COMMERCIAL SHELLFISH HARVESTING LICENSE NO.: _____

Applicant shall provide a copy of their valid Commercial Shellfish Harvesters License with this application.

I hereby apply for a special permit to participate in a State approved soft clam depuration program utilizing specified Special Restricted or Seasonal Special Restricted waters within the State of New Jersey.

Application must be accompanied by a fee (check or money order) of \$25.00 in accordance with N.J.S.A. 58:24-3. PLEASE DO NOT SEND CASH. Please make the check or money order payable to Treasurer, State of New Jersey.

SEND TO: Bureau of Marine Water Monitoring
 P.O. Box 405 - Stoney Hill Road
 Leeds Point, New Jersey 08220

I understand that it is my responsibility to keep the Bureau of Marine Water Monitoring informed of my current mailing address. A change of address from that submitted on this application, as well as subsequent changes therefrom must be reported to the Leeds Point office within one week of change in writing. Failure to notify the Bureau of Marine Water Monitoring, in writing, of an address change may be cause for suspension of the permit.

Requirements and Conditions:

1. Only soft clams (Mya arenaria) shall be harvested under harvester permit number 4. I understand that all soft clams harvested under this permit shall be processed through a depuration/controlled purification facility(s) for a

minimum of 48 hours of purification and, meet New Jersey Department of Health and Senior Services' bacteriological standards, which depuration/controlled purification plant shall have been permitted and certified by the State of New Jersey Departments of Environmental Protection and Health and Senior Services. I further understand that harvesting from waters classified as Special Restricted or Seasonal Special Restricted shall not be allowed until I have received a written permit. Sections to be harvested within the above shellfish growing waters will be specified on charts attached to the permit and as further restricted on a day-to-day basis by the designated enforcement unit(s).2. Area(s) of harvest are limited to those specified on the charts attached to each permit or amended charts sent by the Bureau to the current mailing address of the permittee on record at the Bureau's Leeds Point office. These areas specified for harvest may consist of Special Restricted and Seasonal Special Restricted waters as classified by the Department. All harvesters transferring clams to a depuration or controlled purification plant shall at all times work within the designated areas.

3. The harvester permit shall be valid for the period set forth on the face of the permit and shall allow for harvesting only in the waters specified on the charts attached to the permit (as amended where applicable) and as further restricted on a day-to-day basis by the designated enforcement unit(s).

4. The harvester shall possess a valid commercial shellfish harvesting license issued by the Department's Division of Fish and Wildlife pursuant to N.J.S.A. 50:2-1.

5. The harvester shall have the harvester permit in his possession while operating in the specified waters.

6. Vessels used by special permit holders shall be marked with signs having legible black lettering (minimum six inches in height) on a color coded background (color assigned by the Department to each depuration facility - daylight florescent orange for Clean Water Clam and florescent yellow for the James T. White) giving the permittee's first initial and last name and special permit number on both sides (amidships) of the permittee's harvest vessel, while participating in all phases of the program.

7. Harvesters shall report in person each day, prior to any harvest activities, to the depuration plant, to advise the owner/operator of their intentions to work that day and obtain the specific number of approved harvest containers.

i. The owner/operator of the depuration plant shall issue each harvester a specific number of Department of Health and Senior Services approved containers based on the plant capacity. A stamped/validated waterproof serially numbered harvester-allocation tag approved by the State Department of Health and Senior Services shall be issued by the plant and affixed to each harvest container in the plant as part of the daily harvest allocation. No other containers or bags may be possessed in or on the harvest vessels during any phase of the program. Any harvester in possession of depuration plant containers shall be deemed to have harvested all clams in their possession from the Special Restricted waters

ii. The owner/operator of the depuration plant shall notify the Marine Enforcement Office of the Department's Division of Fish and Wildlife by telephone in order to provide the list of all harvesters' names, the areas they will be harvesting and number of containers issued each harvester. Notification shall be made to the Nacote Creek office each day by 8:30 A.M., or prior to any harvesting activities, whichever is earlier. Any subsequent harvest activity shall also be reported to the Marine Enforcement Office prior to that harvest activity commencing. If any harvester's name has been called in and registered with a depuration plant and/or subsequently to the Marine Enforcement Office, the entire clam catch of that harvester shall be deemed to have been harvested from Special Restricted waters.

iii. Shellfish shall be transported directly from the harvest area to the designated depuration landing site(s) by the most direct route without making any stops or landings along the way. Each participant shall land his entire day's catch at the designated depuration landing site(s) and at the time(s) specified by the designated enforcement unit(s).

iv. Should an emergency arise or adverse weather conditions exist, the harvest vessels may dock at the depuration facility when necessary, except that off loading of shellfish shall not be initiated until the specified landing times.

v. Upon landing at the designated depuration landing site(s) the harvester shall complete a State provided receipt in triplicate containing at least the following information: harvester name, date, harvest area, total number of

containers and total number of clams. Receipts shall be dated and time stamped upon receipt of shellfish by the plant owner/operator into the depuration plant. The plant owner/operator shall retain two copies of the receipt form, one for forwarding on a monthly basis to the Marine Enforcement Office of the Department's Division of Fish and Wildlife, Nacote Creek office. The harvester shall retain one copy of the receipt for his records. All unused containers will be accounted for and so noted on the receipt.

vi. Once off-loading of the shellfish to the depuration plant commences, the containers of shellfish shall immediately be moved into the plant and the attached Harvester Allocation Tag shall be dated and time stamped for a second time upon receipt by the plant on that harvest day.

8. Harvesting by methods not permitted pursuant to any State laws and rules are prohibited.

9. All soft clams harvested under this permit shall be landed at the depuration plant for further processing at the designated landing times. All other species of shellfish shall not be removed from the harvest site but shall be immediately deposited at the location from which they were harvested. Only Department of Health and Senior Services specified and approved serially numbered containers shall be used for the harvesting, transportation, and receiving of clams at the depuration plant. All reasonable measures shall be taken to assure that the containers of clams received at the plant are filled to capacity.

10. Under adverse weather conditions (for example, bay and river icing), as determined by the designated Enforcement Unit(s), alternative methods of harvest and transportation of clams may be developed jointly by the harvester and depuration industry and the Departments of Environmental Protection and Health and Senior Services for as long as the adverse weather conditions continue. Under no circumstances shall any shellfish be harvested or transported using such alternate methods without first having obtained expressed written permission from the designated Enforcement Unit(s). These alternative methods, once approved, will become part of the SOP, required under Department of Health and Senior Services rules at N.J.A.C. 8:13-2.5.

11. Violations of these permit conditions shall subject the violator to prosecution under N.J.S.A. 58:24-1 et seq. and any other applicable statute or rule and may result in immediate permit suspension or revocation. In the event of a suspension or revocation of the shellfish certificate issued by the Department of Health and Senior Services pursuant to N.J.A.C. 8:13-2.1, all permits issued under this subchapter will no longer be valid for the plant(s) that no longer holds a valid shellfish certificate.

12. I understand and acknowledge that this program is strictly regulated and that I am subject to inspection while engaged in this regulated activity. I understand that I have consented to a search of my vessel, vehicle and any containers therein by enforcement personnel who are enforcing the provisions of this program.

13. Any change of permittee's home or mailing address shall be reported by the permittee in writing to the Bureau's Leeds Point office within one week of the change.

14. The permittee harvesting from the specified area(s) shall be subject to all State laws and rules applicable to the harvest of oysters, clams or mussels from Approved waters.

15. The harvesting of soft clams from the specified area(s) shall be permitted Monday through Saturday of each week between the hours of sunrise and one hour before sunset. Depending on the location of the depuration plant, the harvesting may be further restricted by designated landing times established by the Department.

16. I acknowledge the modification to the rules concerning the harvester allocation tag information. The tag shall have the harvester's name, date and the harvest area. The harvest area listed shall be the one sub area from which the majority of the clams were harvested. The designation **10-12** is no longer acceptable.

Harvesters shall have a Type III Marine Sanitation Device in the harvester's vessel when harvesting shellfish and shall properly dispose of any sanitary waste. Pursuant to 33 CFR 159.53, a Type III MSD is a device that prevents the overboard discharge of treated or untreated sewage or any waste derived from sewage. This type of device includes but is not limited to a holding tank or a bucket with a secure lid. It shall be a violation of this permit to discharge treated or untreated sewage or any waste derived from sewage to the waters of the State of New Jersey.

PLEASE NOTE:

If, upon review of this application, the Bureau issues the applicant a permit, that permit is issued subject to the requirements and conditions as set forth in paragraphs 1 through 16, above. Violation of one or more any of these requirements and conditions may subject the permit holder to enforcement action under N.J.S.A. 58:24-3. Such enforcement action may include, but will not necessarily be limited to, suspension or revocation of the permit. By signing this application below, the applicant states that he or she understands and agrees to comply with all such requirements and conditions.

_____ DATE _____
APPLICANT'S SIGNATURE

FOR YOUR CONVENIENCE:

Applications can now be downloaded from our website @ <http://www.nj.gov/dep/bmw/index.html>
Go to Shellfish Harvesting, then click on Permit Applications.

- Check here if you plan to get next year's application from our website and you **DO NOT WANT AN APPLICATION MAILED TO YOU NEXT YEAR.**