

MINUTES OF THE MEETING  
OF THE  
ATLANTIC COAST SECTION OF THE SHELL FISHERIES COUNCIL

Nacote Creek Law Enforcement  
Port Republic, NJ  
January 8, 2007

Present were: Chairman John Maxwell (Atlantic)  
Councilman Walter Hughes (Monmouth)  
Councilman Walter L. Johnson III (Ocean)

State Representatives: James W. Joseph, Bureau of Shellfisheries  
Jeffrey C. Normant, Bureau of Shellfisheries  
Gustavo Calvo, Bureau of Shellfisheries  
Michael Celestino, Bureau of Shellfisheries  
Joseph Meyer, Bureau of Law Enforcement  
Robert Connell, Bureau of Marine Water Monitoring

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

1. Total Revenue collected for November 2006: \$ 5,486.70  
Shellfisheries Law Enforcement Fund: \$ 3,202.00  
Total Revenue collected for December 2006: \$18,629.35  
Shellfisheries Law Enforcement Fund: \$11,350.00

2. November 13, 2006 Minutes

The minutes of the November 13, 2006 meeting were approved on a motion by Mr. Hughes and a second by Mr. Johnson.

3. Applications for Transfer

<u>LESSEE</u>	<u>APPLICANT</u>	<u>LOT #</u>	<u>SEC</u>	<u>ACRES</u>	<u>LOCATION</u>	<u>MAP</u>
James Horn	Paul Felder	1081	A	2.00	Great Sound	5
Richard Fenton	Robert Fenton	2256	B	2.35	Dry Bay	24.2
Richard Fenton	Robert Fenton	2749	B	2.00	GB-Great Thorofare	24.2
Samuel Jordan	Donna L. Jordan	1052	A	2.80	Great Sound	5
Samuel Jordan	Donna L. Jordan	1068	A	2.14	Great Sound	5
Samuel Jordan	Donna L. Jordan	1069	A	2.13	Great Sound	5
Samuel Jordan	Donna L. Jordan	1070	A	2.07	Great Sound	5

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

4. Leases Vacated for Non-Payment

<u>LESSEE</u>	<u>LOT #</u>	<u>SEC</u>	<u>ACRES</u>	<u>LOCATION</u>	<u>MAP</u>
Maureen Albertson	410.1	B	2.84	GB-Cape Horn	10
Patrick Burke	2535	B	2.00	Scull Bay	27
Matthew Daher & Brian Quinn	101	A	2.00	GEHB-Peck Bay	4
Kathy Higbee	2556	B	2.00	Scull Bay	27
Theodore Lubaczewski	119	B	2.00	GB-Graveling Pt	1
Michael Stonnell	2275	B	2.15	Dry Bay	24.2
James Westcott	2515	B	2.00	Scull Bay	27

Leases Vacated for Non-Payment (continue)

<u>LESSEE</u>	<u>LOT #</u>	<u>SEC</u>	<u>ACRES</u>	<u>LOCATION</u>	<u>MAP</u>
Joseph Mott	435	B	6.27	Big Thorofare	12
Joseph Mott	438	B	6.30	Big Thorofare	12
Joseph Mott	616	B	6.45	LEHB-Edge Cove	12
Ronald Conzalovich	116	B	2.00	GB-Graveling Pt	1
Ronald Conzalovich	334	B	2.00	GB-Cape Horn	10
Ronald Conzalovich	335	B	2.00	GB-Cape Horn	10
Ronald Conzalovich	482	B	2.00	GB-Cape Horn	10
Ronald Conzalovich	574	B	3.93	LEHB	6

Mr. Joseph briefly summarized the lease renewal regulations. He stated that the leasing regulations require that leases be renewed each year by December 31<sup>st</sup>. However, if illness or extenuating circumstances prevent a lessee from renewing by the December 31<sup>st</sup> deadline, the Council may extend the payment deadline by one month at the January meeting (as per NJAC 7:25-24.8). Mr. Lubaczewski stated that work had prevented him from renewing his lease and that it was his fault. Mr. Stonnell stated that work and care of his nephew prevented him from renewing his lease. On a motion by Mr. Hughes and a second by Mr. Johnson, the Council granted an extension to both individuals to renew their leases by January 31, 2007. Mr. Joseph noted that Mr. Stonnell had similarly failed to renew his lease by January 31, 2005, but was granted an extension.

5. Old Business

Garden State Parkway Widening Project-Mullica River Bridge

Mr. Normant informed the Council that a public hearing would be held regarding the Mullica River Widening Project on January 30, 2007 at the Little Egg Harbor Township Municipal Building at 7:00 pm.

Relay

Mr. Joseph briefly summarized the current status of the hard clam relay program. He stated that when the relay program was suspended in 2006, it was stipulated that in order to resume the program in 2007, certain criteria had to be met, such as funding for enforcement, assurances of adequate participation and acceptable QPX results. Mr. Joseph stated that the QPX results for the November 2006 samples in Sandy Hook Bay were just completed. Mr. Joseph stated that based on the QPX results and the fact that some funding was available, relay participation was the only remaining issue. The historical participation requirement to operate the relay program has been 10 harvesters per day. Currently, there were 12 individuals interested in relay harvesting who had obtained the special permits from the Bureau of Marine Water Monitoring. Mr. Joseph stated that based on the three criteria being met, the Department was prepared to open the bulk of Sandy Hook Bay (except areas 10F and 11D) and the Navesink and Shrewsbury rivers for relay harvest. The Council solicited comments from the floor on when the relay harvesters would like to start the relay. Mr. Eddie Mulligan suggested March 1 as the start date. Mr. Joseph stated that some individuals have speculated that there would be more participation if the relay started in March due to purging schedules and having clams available during prime market periods. However, he suggested that weather conditions should be considered since the relay program would only remain open as long as the average participation was 10 harvesters per day over a 30-day period. Mr. Celestino stated that historically on average, participation had been less than 10 harvesters per day prior to April. Mr. Johnson stated that they would know when they want to start the relay by the next meeting. Mr. Joseph stated that they would need to talk to the Bureau of Marine Water Monitoring and Law Enforcement on how much advanced notice was needed to get the relay started. Mr. Johnson stated that they needed to harvest in March to have clams to sell by Mother's Day and Memorial Day to be in business. He said that rough weather days should not be counted in the 10 harvesters per day average. Mr. Johnson suggested notifying Law Enforcement on days when no one was working so the day would not be counted against the average. Mr. Meyer stated the problem was that many participants were coming from a long distance to work the relay. Mr. Meyer stated that it could work if Law Enforcement were to be notified a day in advance. Mr. Maxwell suggested appointing a relay coordinator. Mr. Joseph suggested that the relay coordinator could speak for the group

when deciding on whether to harvest or not. Mr. Meyer stated that if one relay harvester goes out, then a Conservation Officer would need to be present. Further discussion on that matter ensued.

Mr. Keith Craffey stated that decline in participation was due to a predator problem, which hurts their return. He suggested the use of cages, but understood that permits would have to be obtained and that there was the issue of a navigation risk. He stated that a few other states used clam cages. Mr. Connell stated that New York State does have a cage relay, but the cages were located in deep water. Mr. Craffey suggested using smaller cages. Mr. Connell stated that cage design to ensure purging would also have to be addressed. Mr. Joseph stated that aside from the permitting issues with US Army Corps of Engineers, the State's Land Use Regulation Program may also need to implement regulatory changes.

Mr. Maxwell suggested having a meeting to address the details of the relay program before the next Council meeting, which was scheduled on February 26, 2007. Mr. Johnson inquired on the amount of time it would take enforcement to set of the relay schedule once all the details were worked out. Mr. Meyer stated that they were ready to go on March 1<sup>st</sup>, but he would need some lead-time before the start date to get everything scheduled. He then stated that the relay harvesters would also need some time to prepare before they begin harvesting. Mr. Johnson suggested that the relay begin on Monday, March 5<sup>th</sup>. Mr. Meyer stated that a start date of March 5<sup>th</sup> would be fine. Mr. Joseph suggested moving the date of the regular February Council meeting to Tuesday, February 13, 2007 at 6:00 pm. Council agreed with moving the February meeting to the above date and time suggested by Mr. Joseph.

Mr. Meyer inquired on landing times at Brooks'. He stated that there were two landing times in the past, since Mr. Brooks requested an earlier landing time to free up his parking at the restaurant for the lunch crowd. Mr. Meyer stated that in the past, landing times were 11:00 am and 1:00 pm, however, no one was using the later time and suggested having one landing time at 11:00 am. Mr. Johnson suggested a 12:00 pm landing time. After further discussion, it was decided to have an 11:30 am landing time with everyone on the road by 12:00 pm. Mr. Meyer then stated that the travel time from Brooks' should be 1 hour to offloading site for Laurel Harbor and 1¼ hours to Tuckerton.

Further discussion ensued on who would be the relay coordinator.

Mr. Johnson inquired on when the QPX results would be completed for Raritan Bay. Mr. Normant stated that he was told that the results would likely be ready by mid-January. Mr. Joseph stated that the areas west of the pier had more sporadic, but consistent positive QPX results, while Sandy Hook Bay had few to no positive QPX results.

### Bay Scallops

Mr. Celestino provided the Council with a brief summary of the bay scallop survey conducted in Little Egg Harbor Bay (LEHB) in November 2006. The preliminary stock estimates indicated that there were approximately 22 bushels of adults, which was an 80% decline from the previous year's stock estimate. There was also a large contraction in the distribution. Mr. Celestino stated that in the fall 2005, bay scallops were found over a larger area from Beach Haven to Ship Bottom with estimates of 100 to 600 scallops per acre. He stated that a lot of those areas were re-sampled in the spring of 2006 to see if there was a seasonal effect and to test the catchability of another dredge. The results of those samples showed a decline in bay scallops from the fall of 2005 to the spring of 2006. The Bureau then saw a further decline in the fall of 2006. Bay scallops were only found at four stations in the fall of 2006 that were approximately equidistant throughout the bay, with abundances ranging from about 100 to 200 bay scallops per acre. Mr. Johnson stated that on his relay lot in Tuckerton Bay, he had found bay scallops everywhere. Mr. Joseph stated that bay scallops were typically associated with eelgrass beds. Mr. Joseph stated that in the spring of 2005, Mr. Normant went out into the field, accompanied by one of the individuals who was illegally dredging scallops at the time in LEHB that winter, and found scallops with the Bureau's dredge. Then in the spring of 2006, the Bureau had compared the Bureau's dredge with a confiscated scallop dredge of the individual that was illegally harvesting scallops and compared the catches. There was no significant difference between the dredges. Mr. Joseph stated that the bay scallop stocks were limited. Mr. Joseph noted that while doing some work at Sedge Island and Waretown for the Barnegat Bay Shellfish Restoration Program, Bureau staff were finding bay scallops scattered along the bottom. Mr. Joseph stated

that in the fall of 2007, the Bureau would be sampling for bay scallops in Barnegat Bay if time and manpower allow. Mr. Maxwell inquired on the life cycle of the bay scallop, since he had heard that there was an 80% mortality rate expected after two years. Mr. Joseph stated that bay scallops had a life cycle of about 18 months to two years and have generally been sporadic in abundance.

Mr. Johnson inquired if there were any changes to the landings reported by the National Marine Fisheries Service from the 101,000 lbs. that were reported in 2005. Mr. Celestino stated that they had adjusted those landings down to around 50 to 60 lbs. Further discussion on the matter ensued.

## 6. New Business

### FDA Workshop

Mr. Connell informed the Council that the US Food and Drug Administration (FDA) was holding a workshop for shellfish industry members on the pathogen *Vibrio parahaemolyticus*, which was common in almost all shellfish growing waters. Most of the reported cases of *Vibrio* were from the consumption of oysters. *Vibrio vulnificus*, which is found on the Gulf Coast, causes about 100 deaths each year. However, no cases of *V. vulnificus* were attributed to New Jersey. The Center for Disease Control estimates that about 2,800 cases a year were attributed to *V. parahaemolyticus*. The FDA was looking at the existing control strategies since the current strategies were not working. The current strategy was to test oysters just coming out of the water and if the levels of *Vibrio* exceeded a certain level, they would close the waters. However, the FDA had found that over the last few years, people were still getting ill even after eating oysters harvested from the waters met the acceptable criteria. After a closer look, based on those cases, it was discovered that the critical factor was temperature control of the oysters after they were harvested. They found that the oysters need to be cooled quickly after harvest or the bacteria multiplies quickly. The FDA was looking at ways to get the temperature controls in place quickly and was trying to reach out to the industry for their ideas. Some controls were implemented in New Jersey, such as limiting oyster harvest in Delaware Bay to noon so the oysters were not lying on the deck all day. Mr. Connell announced that workshop would be held in Ocean City, Maryland on January 26, 2007 from 9 am to 12 pm. Further discussion on the matter ensued.

### Department of Agriculture Update

Mr. Joseph announced that the next meeting for the Aquaculture Advisory Council Meeting would be held on January 19, 2007 at Cook College Agriculture Museum. Mr. Joseph Myers stated the reason for holding the meeting at the museum was because of the new shellfish aquaculture exhibit that would be displayed.

Mr. Myers informed the Council that the NJDA was working with the Marine Science Consortium on the signage warning recreational boaters to avoid shellfish lease areas.

### Gypsy Moth Spraying

Mr. William Avery expressed concern over the State's proposal to spray for gypsy moths. He suggested that the state not spray if it was going to rain the next day. He was concerned that the pesticide could run off in to the bays. Mr. Meyer stated that before they spray, they would probably have a public hearing. Mr. Joseph stated that he would find out who Mr. Avery could contact to express his concerns.

### Monmouth County Water Quality

Mr. Luke Jenks inquired if he could get some information on the water classification of the Navesink River. He stated that the water classification in the Navesink and Shrewsbury rivers seem to have stayed the same the last few years and wanted to know if any new waters were scheduled to be opened in the near future. Mr. Connell stated that they have been doing work in the upper Navesink River, however, there have been problems with the sewage infrastructure in Red Bank and they were trying to work with Red Bank to resolve some of those issues. Mr. Jenks inquired on water quality in Sandy Hook Bay. Mr. Connell stated they have been doing chemical testing on shellfish in Sandy Hook Bay and found that in some areas, the clams tested had levels of lead that exceeding FDA standards. He stated that they would continue to

sample to see if those areas with lead were isolated areas. Mr. Connell stated that he would send Mr. Jenks a report on those waters. Further discussion ensued.

#### Selling Clams from Depuration Plants

Mr. Jenks inquired if they could get their clams from the depuration plant to sell to other markets. Mr. Meyers stated that they monitor the harvest and that the Department of Health and Senior Services (DHSS) deals with how the clams were sold and whom the clams were sold to. He suggested contacting the DHSS.

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

#### 7. Date, time and place of next meeting:

DATE: February 13, 2007  
TIME: 6:00 PM  
LOCATION: Nacote Creek Law Enforcement Office  
360 N. Rt. 9  
Port Republic, NJ 08241

#### Scheduled Meeting Dates for 2007

January 8, 2007  
February 13, 2007 (6:00 pm)  
March 15, 2007  
April 19, 2007  
May 17, 2007  
June 21, 2007  
July 19, 2007  
August 16, 2007  
September 20, 2007  
October 18, 2007  
November 15, 2007  
December 20, 2007

Scheduled meetings are typically held at the Nacote Creek Law Enforcement Office at 7:00 pm