

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

Nacote Creek Law Enforcement
Port Republic, NJ
January 12, 2009

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
Michael Celestino, Bureau of Shellfisheries

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. Annual Election of Chair and Vice Chair (NJSA 50:1-18d).

Mr. Hughes nominated Mr. Maxwell as Chairman of the Council. Mr. Johnson seconded the nomination. Council unanimously elected Mr. Maxwell. Mr. Johnson nominated Mr. Hughes as Vice Chairman of the Council. Mr. Maxwell seconded the nomination. Council unanimously elected Mr. Hughes as Vice Chair.

2. Total Revenue collected for November 2008: \$2,946.58
Shellfisheries Law Enforcement Fund: \$1,170.00

Total Revenue collected for December 2008: \$15,757.93
Shellfisheries Law Enforcement Fund: \$12,022.00

3. November 17, 2008 Minutes

The minutes of the November 17, 2008 meeting were distributed to the Council members at this meeting. The Council decided to postpone approving the minutes until the next meeting to adequately review them.

4. Applications for New Ground – Consideration

<u>LESSEE</u>	<u>LOT #</u>	<u>SEC</u>	<u>ACRES</u>	<u>LOCATION</u>	<u>MAP</u>
William Storms	130	B	2.00	GB-Graveling Point	1

Mr. Normant provided the Council with copies of the lease application and biological report. Mr. Storms was not present at this meeting and must attend the next meeting to fulfill his requirement of attending one of two meetings at which the Council would review his application. Pursuant to the leasing regulations, a decision will be rendered at the next meeting.

5. Applications for Transfer

<u>LESSEE</u>	<u>APPLICANT</u>	<u>LOT #</u>	<u>SEC</u>	<u>ACRES</u>	<u>LOCATION</u>	<u>MAP</u>
Estate of Joseph Clark	Erin Collins	2731	B	2.00	Shelter Island	28
Daniel Giberson & William Hallam Jr	William Hallam Jr	385	B	6.67	GB-Cape Horn	10
Robert Fenton	Jerry Zodl	2258	B	2.00	Dry Bay	24.2

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

6. Leases Vacated for Non-Payment

Regular Leases

<u>LESSEE</u>	<u>LOT #</u>	<u>SEC</u>	<u>ACRES</u>	<u>LOCATION</u>	<u>MAP</u>
Greg Chamra	118	B	1.96	GB-Graveling Point	1
Gregg Gates	2237.2	B	4.37	Dry Bay	24.2
John C. Gibson	208	A	1.62	Ludlum Bay	1
Donna L Jordan	1070	A	2.07	Great Sound	5
Donna L Jordan	1069	A	2.13	Great Sound	5
Donna L Jordan	1068	A	2.14	Great Sound	5
Donna L Jordan	1052	A	1.90	Great Sound	5
Peter MacAvoy	486	B	2.00	Creek Near Jenny's Creek	15
Peter MacAvoy	630	B	2.00	Little Egg Harbor Bay	12
Edward Mulligan	116	B	2.00	GB-Graveling Point	1

Relay

<u>LESSEE</u>	<u>LOT #</u>	<u>SEC</u>	<u>ACRES</u>	<u>LOCATION</u>	<u>MAP</u>
Edward Mulligan	T311	B	1.50	Tuckerton	12.2

Mr. Joseph informed the Council of the leases vacated for non-payment. Mr. Edward Mulligan stated that he had not received an application to renew and when he came to the office to renew, the office was closed. Mr. Joseph stated for clarification that the Bureau does not send out applications to renew leases, however, the Bureau does send out lease renewal reminder letters in late September each year. He stated that to save money, the Bureau would no longer be sending out lease renewal reminder letters in the future. On a motion by Mr. Johnson and a second by Mr. Hughes, the Council granted an extension to Mr. Mulligan to renew his leases within 30 days of this meeting.

7. Old Business

Barnegat Bay Shellfish Restoration Program

Mr. Joseph provided the Council with an update on the Barnegat Bay Shellfish Restoration Program. Mr. Joseph stated that in December 2008, 8,000 bushels of crushed clamshell and 100,000 hatchery reared oyster seed were planted near Good Luck Point in Barnegat Bay, located just south of Tom River. This area was identified and mapped as an oyster seed bed in 1963, however, when the area was sampled in the 1980s, only shell remained. When the Bureau looked at potential restoration sites last year, this area still had shell present, but it was covered with silt. The crushed shell was put down to provide a shell base for the seed oysters.

Aquaculture Advisory Council Meeting

Mr. Joseph reminded the Council that the next Aquaculture Advisory Council (AAC) meeting was on January 16, 2009 at the NJ Department of Agriculture building in Trenton.

Leasing Committee

Mr. Maxwell inquired on the status of the AAC Leasing Committee. Mr. Joseph stated that the AAC Leasing Committee report, which only focused on Aquaculture Development Zones (ADZ) issues, would be submitted to the AAC at the January 16, 2009 meeting for a vote. Mr. Joseph explained that ADZs were established for aquaculture practices that involve permit-requiring structures. There were four ADZs established in Delaware Bay for which the Division applied for the necessary state and federal permits. It had been proposed that a letter would be sent out to existing shellfish leaseholders as well as a notice published in the newspapers to solicit interested aquaculturists. With the limited amount of lots available, all applicants would be required to submit a business plan. A committee of the AAC would look at the

submitted business plans and decide which applicants meet the criteria to acquire an ADZ lease. A lottery would be held if there were more applicants than the allotted parcels within a given ADZ.

At the last Delaware Bay Section of the NJ Shellfisheries Council meeting, Chairman Hollinger indicated that both sections of the NJ Shellfisheries Council were going to form their own leasing committees. The Delaware Bay section would be focusing on traditional Delaware Bay leases and the recommendations of the AAC Leasing Committee report. The Delaware Bay section's Leasing Committee would convene sometime in February. Mr. Joseph suggested that the Atlantic Coast Section begin forming its committee to look at Atlantic Coast leasing issues and recommended that they select a broad representation of leaseholder that could commit to a series of meetings.

Mr. Maxwell inquired on when the AAC Leasing Committee report would be given to the Council provided it was approved by the AAC at the January 16, 2009 meeting. Mr. Joseph stated the Council would receive the report right after the AAC meeting and the report could be presented at the February 9, 2009 Council meeting. Mr. Maxwell stated that they would put together their leasing committee after the February 9th meeting.

Garden State Parkway Widening Project-Mullica River Bridge

Mr. Maxwell inquired if there was any new information on the proposed construction of a second Mullica River Bridge for the Garden State Parkway Widening Project. Mr. Normant informed the Council that the contractor had started construction by drilling a "test piling". He stated that the Bureau had taken its pre-construction oyster samples from the Mullica River as well as samples from nearby shellfish leases as part of the oyster monitoring program. He also stated the Rutgers University would be monitoring water quality and that they have a monitoring station adjacent to Chestnut Neck Boat Yard. Mr. Normant stated that once construction begins full-time, the Bureau would be sampling once every two weeks to monitor the oyster seed beds.

8. New Business

Mullica River Oyster Samples

Mr. Maxwell inquired on the bed conditions of the Mullica River seed beds and the oyster planting areas at the mouth of the Mullica River. Mr. Celestino informed the Council that the Bureau had completed its annual sampling and analysis of the Mullica River oyster seed beds. He stated that the bed condition on French's Point was the lowest recorded, while the bed condition on Moss Point was the fourth lowest recorded. Mr. Celestino stated recruitment was also low with an average of 76 spat per 37 quart bushel at French's Point and ten spat per 37 quart bushel at Moss Point. He stated that total mortality was high for both French's Point and Moss Point (26.4 % and 60.3 %, respectively). Mr. Normant stated that the oysters on both Fitney Bit and the Reef Bed looked healthy. He stated that those that participated in limited oyster harvest on Fitney Bit in November 2008 were satisfied with the quality of the oysters.

Relay Program

Mr. Edward Mulligan proposed that the Council suspend the 2009 relay program as opposed to terminating the relay program. Mr. Johnson made a motion to suspend the 2009 relay program. Mr. Hughes seconded the motion. The Council motion unanimously passed the motion.

Shelter Island Channel Leases

Mr. Michael Sheehy inquired on whether he could apply for a vacated lease in Shelter Island Channel. Mr. Sheehy stated that he currently holds a lot in Shelter Island Channel and that the adjacent leaseholder had vacated their lease and he would like to apply for it. Mr. Normant stated that the Council established a policy to not approve any new leases in Shelter Island Channel due to the area being productive for shellfish. Mr. Sheehy indicated that the lease (# 2746) was vacated in 2007 and it was located between existing leases. Mr. Joseph stated that given the circumstances, Council could modify its policy to allow

the applicant to apply for the vacated lease. After some discussion, Mr. Maxwell suggested that Mr. Sheehy go to the Shellfish Office and submit an application for the vacated lease parcel.

Blue Crab Issues

Mr. Gary Cottrell raised two issues regarding commercial blue crab shedder harvest in Barnegat Bay and regulations pertaining to crab dredges. After some discussion, Mr. Maxwell and Mr. Joseph stated that blue crabs were regulated under the authority of the NJ Marine Fisheries Council and suggested that Mr. Cottrell raise the issue at the next NJ Marine Fisheries Council meeting which was scheduled to be held on March 5, 2009 at 4:00 pm. at the Atlantic County Library in Galloway Township. Mr. Joseph also suggested that Mr. Cottrell contact the Bureau of Marine Fisheries.

Waretown Housing Development

Mr. Cottrell stated that a new housing development with a golf course in Waretown (Greenbrier) was using potent fertilizers. He stated that the development's permit doesn't allow for these types of fertilizers to be used. He claims that the fertilizers were being discharged into Barnegat Bay. He inquired if the matter could be looked into. Mr. Normant suggested that Mr. Cottrell contact the Department's Bureau of Coastal Enforcement. Mr. Joseph Rizzo suggested contacting the Ocean County Freeholders. Further discussion on the matter ensued.

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

9. Date, time and place of next meeting:

DATE: February 9, 2009
TIME: 7:00 PM
LOCATION: Nacote Creek Law Enforcement Office
360 N. Rt. 9
Port Republic, NJ 08241