

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

Nacote Creek Law Enforcement  
Port Republic, NJ  
February 8, 2010

Present were:                      Chairman:                      John Maxwell                      (Atlantic County)  
   Vice Chairman                      Walter Hughes                      (Monmouth County)  
   Councilman:                      Walter L Johnson III                      (Ocean County)  
   Councilman:                      Oliver Twist III                      (Cape May County)

State Representatives:        James W. Joseph, Bureau of Shellfisheries  
   Jeffrey C. Normant, 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. Maxwell announced that he was stepping down as chair. On a motion by Mr. Maxwell and a second by Mr. Twist, Mr. Johnson became the new Chairman and Mr. Hughes remained as Vice Chairman.

2. Total Revenue for January 2010:                      \$5,529.02  
Shellfisheries Law Enforcement Fund:                      \$2,642.00

3. January 11, 2009 Minutes

The minutes of the January 11, 2010 meeting were approved on a motion made by Mr. Maxwell and seconded by Mr. Hughes.

4. Applications for Transfer

LESSEE	APPLICANT	LOT #	SECTION	ACRES	LOCATION	MAP #
Timothy Estlow	John Daffin	1059	A	2.04	Great Sound	5
Timothy Estlow	John Daffin	1086	A	2.00	Great Sound	5
Timothy Estlow	John Daffin	1075	A	2.02	Great Sound	5

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

5. Applications for New Ground: Decision

APPLICANT	LOT #	SECTION	ACRES	LOCATION	MAP #
Gregory Gates	2237.2	B	1.21	Dry Bay	24.2
Robert York	1417	B	2.00	LEHB-Middle Island	6.1

Both applicants were present at the January 11, 2010 meeting at which their lease application was discussed. On a motion by Mr. Maxwell and a second by Mr. Twist, the Council approved both lease applications.

6. Old Business

Vibrio Meeting

Mr. Maxwell inquired about rescheduling the *Vibrio parahaemolyticus* meeting with Department of Health and Human Services (DHHS) to the next council meeting. The Council requested that the March meeting be changed to either March 22<sup>nd</sup> or March 29<sup>th</sup> to allow for the Council to form a committee to address this issue. Mr. Joseph stated that he would contact the Bureau of Marine Water Monitoring and DHHS regarding the meeting date change.

7. New Business:

Ethics and Financial Disclosure

Mr. Johnson inquired about the status of the ethics and financial disclosure forms for 2010. Mr. Maxwell requested verification as to whether or not the information submitted by Mr. Twist was in the system. Mr. Joseph stated that he would check on the status of Mr. Twist's submission.

Hard Clam Management Plan

Mr. Johnson suggested the development of a long-term management plan for hard clams through a series of meetings at the county level along the Atlantic Coast. Mr. Maxwell inquired about having a facilitator moderate the meetings. Mr. Joseph stated that to develop a management plan, current information on the status of the stock would be necessary. Mr. Joseph said that unfortunately, the Bureau does not have current information on the hard clam stock. Mr. Joseph explained that the Bureau previously had federal funding to conduct a hard clam inventory starting in Raritan Bay. The ongoing inventory ended in Little Egg Harbor Bay when a federal law change in 1988 made the project ineligible for funding. Since then, the Bureau had conducted only a few sporadic surveys in Raritan/Sandy Hook bays (2000), Little Egg Harbor Bay (2001) and Brigantine (1990). Mr. Hughes stated that everyone should be aware that there would be different issues within the various regions along the coast. He said that most of the shellfish information was based on anecdotal observations and that an updated quantitative shellfish survey would be necessary to develop a good management plan. Mr. Joseph suggested a series of meetings to discuss hard clam management strategies within each of the four coastal counties. Mr. Avery suggested inclusion of hard clam restoration and enhancement as topics for discussion. Mr. Joseph suggested that each council member schedule meetings within their respective counties they represent. Further discussion on this topic ensued.

Mr. Raymond Seyler's Vacated Leases for Non-Payment

Mr. Raymond Seyler stated that he and his brothers' shellfish leases were vacated due to non-payment. Mr. Seyler stated that he had not received notification about the lease renewals and that he had medical problems and family issues. He also did not attend the January meeting to request a hardship extension to renew his leases. Mr. Joseph stated that the Atlantic Coast aquaculture leasing regulations require that shellfish leases be renewed each year by December 31<sup>st</sup> and that if illness or extenuating circumstances prevented a lessee from renewing by the December 31<sup>st</sup> deadline, the Council could extend the payment deadline by one month provided the request was made at the January meeting (as per NJAC 7:25-24.8). Mr. Normant stated that Mr. Seyler and his two brothers, Paul Seyler and Gerald Seyler, had held a total of eight leases. All eight leases were vacated due to non-payment. Messrs. Raymond and Paul Seyler and two other family members had re-applied for four of the eight leases that were vacated due to non-payment. However, one of the four remaining vacated leases located in Shelter Island Channel (lot # 2724, Section B) was applied for by another shellfisherman before they realized that it had become vacant due to non-payment. Mr. Seyler stated he had planted clams on that lot and he would lose his investment if he could not get that lease back. Mr. Seyler was not interested in re-applying for the remaining three leases. Reiterating Mr. Joseph's comments on the leasing regulations regarding annual lease renewal, the Council stated it was bound by the regulations. Messrs. Johnson and Mr. Maxwell suggested that Mr. Seyler write a letter to the Council outlining his reasons for not renewing his leases on time and his investment on lot 2724. Mr. Joseph stated that he would forward Mr. Seyler's letter to the NJDEP Commissioners Office and request a legal review of the lease renewal regulations. The Council also requested that Mr. Normant contact the applicant of lease 2724 to apprise him of the situation. Further discussion on this matter ensued.

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:	March 29 <sup>th</sup> , 2010
TIME:	7:00 PM
LOCATION:	Law Enforcement Office 360 New York Rd. Rte. 9 Port Republic, NJ 08241