

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

Nacote Creek Law Enforcement  
Port Republic, NJ  
April 20, 2015

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)

DEP Representatives:    Jeffrey C. Normant, Bureau of Shellfisheries  
    Kira Dacanay, Bureau of Shellfisheries  
    Jenny Tomko, Bureau of Shellfisheries  
    Mike Celestino, Marine Fisheries Administration  
    Robert Schuster, Bureau of Marine Water Monitoring

Mr. Normant read the State's compliance with the Sunshine Law and announced that the meeting would be recorded. Notice was filed with the Secretary of State Office and newspapers designated by the Department.

1.	Total Revenue for February 2015	\$ 1,630.20
	Shellfisheries Law Enforcement Fund	\$ 230.00
	 Total Revenue for March 2015	 \$ 1,107.00
	Shellfisheries Law Enforcement Fund	\$ 950.00

2.    Presentation of February 23, 2015 minutes for approval.

The minutes of the February 23, 2015 meeting were presented for consideration and approved on a motion by Mr. Maxwell, which was seconded by Mr. Hughes.

3.    Applications for Consideration

LESSEE	LOT #	SECTION	ACRES	LOCATION	MAP#
Thomas Burke	16	D	2.00	BB-Swan Point	1

Mr. Normant provided Council with a copy of Mr. Burke's lease application. Mr. Burke was present. Pursuant to leasing regulations, N.J.A.C.7:25-24.6, the applicant must attend one of two meetings at which the Council reviews the application. A decision on the above application would be rendered at the next meeting.

4.    Applications for Decision

LESSEE	LOT #	SECTION	ACRES	LOCATION	MAP#
William Bartle	1048	A	2.02	Great Sound	5

Mr. Bartle was present. The lease application for Mr. Bartle was unanimously approved on a motion by Mr. Hughes and a second by Mr. Maxwell. Mr. Normant stated that the applicant has 30 days to sign his lease agreement.

5. Old Business:

Leasing Committee (Atlantic Coast Section) Update

Ms. Tomko stated that the Leasing Committee's Policy Subcommittee would reconvene in the near future to discuss and further develop the Council's Shellfish Aquaculture Leasing Policy document.

6. New Business:

Shellfish Lease Application Suspension

Mr. Normant stated that on April 9, 2015, the Bureau, in consultation with members of both the Atlantic Coast and Delaware Bay sections of the NJ Shellfisheries Council implemented a temporary suspension of new shellfish lease applications until a new comprehensive leasing policy was adopted for their respective section. Having a written policy approved by the Council would provide a clear direction and predictability for new shellfish aquaculturists to acquire shellfish leases. With the current system, applicants would try and propose new lease areas in a haphazard, unpredictable fashion, by which the Bureau and the Council would have to investigate issues regarding marine resources, potential user groups conflicts and tidelands issues on a case by case basis. Mr. Normant explained that this approach was extremely burdensome for both the Bureau and the applicant. Both sections of the Council have reconvened their respective lease committees to develop a leasing policy and have met several times since January. The main tenets and objectives have been largely agreed upon by the Council's Leasing Committees "Policy Subcommittee" and a draft policy document was currently being drafted. When a draft is finalized, the document would be sent back to the full Committee and ultimately to the Shellfisheries Council for their input. Mr. Normant stated that the policy document would also be reviewed internally by the Department. Once the Leasing Policy is approved by Council, the lease application suspension would be lifted. Mr. Normant stated that the current suspension does not affect pending lease applications, lease transfers or research lease applications.

Shellfish Lease in Great Egg Harbor Bay

Mr. Duval stated that he wanted to apply for a new shellfish lease in Great Egg Harbor Bay. Mr. Normant reiterated that the suspension would be lifted when the Shellfish Aquaculture Leasing Policy was finalized and approved. Mr. Normant recalled that Mr. Duval had purchased seed oysters from the Rutgers Aquaculture Development Facility and did not have a lease to plant on. Mr. Normant stated that shellfish seed should not be purchased prior to obtaining a lease. Mr. Duval stated that he planned to put his shellfish seed on another person's lease. Mr. Normant reminded Mr. Duval that he would need a "permission to work slip" from the current leaseholder. If Mr. Duval was going to employ structure, permits from the NJDEP Division of Land Use Regulation (DLUR) and US Army Corp of Engineers (USACE) may be required and obtained by the current leaseholder. Mr. Normant suggested that Mr. Duval contact DLUR and the USACE for more information.

Commercial Shellfish License

Mr. Johnson asked Mr. Normant to clarify what shellfish was harvestable with a commercial shellfish license. Mr. Normant stated that a commercial shellfish license provides an individual with the ability to harvest by hand any shellfish such as, but not limited to: hard clams, oysters, bay scallops, mussels, surf clams and soft clams commercially and sell them to a certified dealer. However, a commercial shellfish license does not apply to the harvest of whelk, which was regulated under the Marine Fisheries regulations.

2015 *Vibrio parahaemolyticus* Management Plan

Mr. Schuster conveyed that during the "2014 *Vibrio parahaemolyticus* (VP) season, the Bureau of Marine Water Monitoring (BMWM) completed the third year of the VP study that was designed to mimic the harvest and practices allowed in the VP Management Plan. For the Delaware Bay, the BMWM shadowed industry and collected oysters on a weekly basis from May through August. Some oysters were immediately iced, some were kept unrefrigerated with shading for 6 hours and other oysters were kept unrefrigerated with shading for 7 hours. Data suggested that levels for all strains of VP (*tlh,tdh,trh*) were consistently low when removed from the water, and climb, as expected, when subjected to time without refrigeration. Monitoring data indicated that the levels for all strains of VP in oyster tissue were within expected ranges. Shell temperatures and shaded air temperatures were measured for all post-harvest

handling. The data suggests that the shell temperature was much greater than the air temperature from mid-June to mid-July around the time of the summer solstice, when the solar radiation and sun angle reach a maximum for New Jersey's latitude, which also matched the time frame of historic illness reports. The data from the 2014 VP study was being used to adjust the harvest hours for 2015, by shifting the June harvest period that required a six hours from start of harvest to refrigeration mid-June to mid-July. The results also indicated that the rest of the VP season can continue with a seven hours from start of harvest to refrigeration, so overall hours of harvest for the season will not change. Mr. Schuster stated that the finalized 2015 VP plan should be available at the end of May and that currently, there were no VP requirements for clams.

Mr. Schuster stated that to evaluate new management measures, and to measure the effectiveness of new management measures, to reduce the risks of VP illnesses, such as ice slurry, BMWM would undertake a new VP study in 2015. For more information regarding this study, please refer to the 2015 VP Management Plan.

Mr. Schuster stated that the Department (N.J.A.C. 7:12-9.1) added a training requirement for harvesters, pursuant to Chapter VIII of the NSSP Guide's Model Ordinance. Prior to being issued a license or permit, each harvester shall complete the Department's Harvester Education training at least every two (2) years. Training is a requirement for all commercial shellfish harvesters.

#### Beach Renourishment Projects

Mr. Maxwell stated that sand from beach nourishment projects were filling in the back bays (Great Bay) and creating sandbars resulting in an altered marine habitat.

#### Meeting with USDA Farm Service Agency (FSA)

Mr. Flimlin announced that on April 21, 2015, shellfish growers were invited to attend a meeting with the USDA's FSA staff at Atlantic Cape Community College campus in Mays Landing. The purpose of the meeting was to provide FSA staff with an overview of shellfish culture in NJ. Also, FSA staff would discuss and answer questions regarding Farm Loans, in particular, the Microloan Program and the Non-insured Crop Disaster Assistance Program (NAP), including the new Buy-Up options.

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

7. Date, time and place of next meeting:

DATE: May 18, 2015  
TIME: 7 PM  
LOCATION: Law Enforcement Office  
360 New York Rd. Rte. 9  
Port Republic, NJ 08241