

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

Nacote Creek Law Enforcement
Port Republic, NJ
May 19, 2008

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

Absent was: Councilman Walter Hughes (Monmouth)

State Representatives: Jeffrey C. Normant, Bureau of Shellfisheries
Michael Celestino, Bureau of Shellfisheries
Gustavo Calvo, Bureau of Shellfisheries

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

1. Total Revenue collected for February 2008: \$ 1,607.00
Shellfisheries Law Enforcement Fund: \$ 1,350.00

- Total Revenue collected for March 2008: \$ 5,400.00
Shellfisheries Law Enforcement Fund: \$ 1,856.00

- Total Revenue collected for April 2008: \$ 2,942.10
Shellfisheries Law Enforcement Fund: \$ 1,658.00

2. January 14, 2008 and February 25, 2008 Minutes

The minutes of the January 14, 2008 and February 25, 2008 meetings were approved on a motion by Mr. Johnson and a second by Mr. Maxwell. Mr. Johnson requested a copy of the February 25, 2008 tape recording of the meeting.

3. Applications for New Grounds – Consideration

<u>APPLICANT</u>	<u>LOT #</u>	<u>SEC.</u>	<u>ACRES</u>	<u>LOCATION</u>	<u>MAP</u>
Bradley Bowe	203	A	2.00	Corson Sound	1A
John Daffin	1066	A	2.00	Great Sound	5
Eric Parker	1080	A	2.00	Great Sound	5
William Avery	1082	A	2.00	Great Sound	5
Paul Felder	1084	A	2.00	Great Sound	5

Mr. Normant provided the Council with copies of the applicants lease applications and biological reports. All of the above lease applicants were present at this meeting. Pursuant to the leasing regulations, a decision will be rendered at the next meeting.

4. Applications for Transfer

<u>LESSEE</u>	<u>APPLICANT</u>	<u>LOT #</u>	<u>SEC</u>	<u>ACRES</u>	<u>LOCATION</u>	<u>MAP</u>
John Schriever	Richard Beckley Sr. & Richard Beckley Jr.	2234.1	B	1.53	Dry Bay	24.2
David Luscia	Christopher Scales	2230.3	B	1.45	Dry Bay	24.2

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

5. Old Business

Garden State Parkway Widening Project-Mullica River Bridge

Mr. Normant informed the Council that an oyster monitoring plan would be implemented during the proposed construction of the new Mullica River Bridge for the Garden State Parkway widening project. Mr. Normant stated that the Bureau would monitor the oyster seed beds during bridge construction. He also stated that Rutgers University would also be monitoring water quality during the construction. Mr. Maxwell inquired if additional samples could be taken from some of the oyster leases in the area since the depths are shallower than the state seed beds and may be more susceptible to siltation. Mr. Normant stated that he could periodically take samples on the lease beds provided he gets permission from the leaseholder.

State and Federal Permits for Shellfish Leases

Mr. Maxwell inquired on the status of the NJDEP Division of Land Use Regulation (DLUR) permits for leases. Mr. Normant stated that he believed that DLUR was still working on the permitting process. Dr. Calvo stated that he would be attending meeting with Tidelands on Wednesday regarding the state permit. Obtaining a license from Tidelands would be a major step in the permit process. Mr. Maxwell was under the impression that the Bureau was going to submit a blanket application to DLUR on behalf of all leaseholders. Dr. Calvo stated that an application had been submitted.

Mr. Maxwell inquired if leaseholders that acquired a lease after the March 12, 2007 deadline would be required to obtain an individual permit from the US Army Corps of Engineers (USACE) and DLUR. Mr. Normant stated that individual permits would have to be obtained from the USACE and DLUR. Mr. Normant stated that several ideas were being considered, such as establishing a General Permit or by having the Bureau obtain a permit for all lease areas and have the lessee signing a lease agreement that would require the lessee to abide by the permit conditions. Mr. Maxwell inquired on whether DLUP approved the blanket permit (Nationwide Permit #48) issued by the USACE for those leases that existed before March 12, 2007. Dr. Calvo stated that DLUP rejected the blanket permit by the USACE and that the DLUR permit applications would have to be reviewed individually. Further discussion on the issuance of permits and Nationwide Permit #48 ensued.

6. New Business

Shellfish Industry Workshop

Mr. Gef Flimlin stated that as a follow up to past meeting discussions regarding the hard clam industry, he planned to hold a workshop to discuss the future of the hard clam industry and aquaculture over the next ten years. Discussions at the proposed meeting would include work that was done in the Great South Bay. The meeting date has not been set.

Joint Permit Processing Meeting for Shellfish Restoration

Mr. Flimlin inquired on the Joint Permit Processing meeting regarding the oyster leases for the Barnegat Bay Shellfish Restoration program. Dr. Calvo stated that the USACE requested a presentation on the proposed oyster restoration effort that would fall under Nationwide Permit #27. Dr. Calvo stated that he had submitted a permit application that covered a large geographical area so the Bureau would not have to submit permit applications each time a new restoration project was proposed. The USACE stated that they wanted more specific delineations of the project areas so they could address issues, such as submerged aquatic vegetation and navigation. Dr. Calvo stated that the Bureau would focus on obtaining permits for two oyster restoration areas off Good Luck Point and Swan Point in Barnegat Bay, the two nursery areas at Waretown and Sedge Island and two hard clam restorations areas within the Sedge Island Marine Conservation Zone and at a site in the middle of Barnegat Bay. Dr. Calvo stated that were also several other areas that were under consideration. Further discussion on the matter ensued.

Shellfish Mitigation Fund

Mr. Maxwell requested that the Bureau provide the Council with an update on the Shellfish Habitat Mitigation Fund at the next meeting.

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

7. Date, time and place of next meeting:

DATE: June 16, 2008
TIME: 7:00 PM
LOCATION: Nacote Creek Law Enforcement Office
360 N. Rt. 9
Port Republic, NJ 08241