

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

Nacote Creek Law Enforcement  
Port Republic, NJ  
August 16, 2010

Present were:           Chairman:           Walter L Johnson III       (Ocean County)  
                                  Councilman:       John Maxwell                (ATLANTIC COUNTY)  
                                  Councilman:       Oliver Twist III           (Cape May County)

Absent was:            Vice Chairman:       Walter Hughes           (Monmouth County)

State Representatives: James W. Joseph, Bureau of Shellfisheries  
Jeffrey Normant, Bureau of Shellfisheries  
Michael Celestino, Bureau of Shellfisheries  
Gustavo Calvo, Bureau of Shellfisheries

Mr. Johnson 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 for July 2010:                       \$ 2,785.30  
Shellfisheries Law Enforcement Fund:               \$ 1,484.00
2. Presentation of June 21, 2010 and July 19, 2010 minutes.

The minutes of the June 21, 2010 meeting were approved on a motion by Mr. Maxwell and a second by Mr. Johnson. The minutes of the July 19, 2010 meeting were approved on a motion by Mr. Twist and a second by Mr. Maxwell.

3. Old Business

Shellfish Gardening

Mr. Maxwell inquired about the status of the removal of oysters from the NY/NJ Baykeeper's site at Keyport Harbor in Raritan Bay, as directed by NJDEP following Commissioner Martin's June 7, 2010 press release banning research-related shellfish gardening of commercial species in coastal waters not approved for shellfish harvest. Mr. Joseph stated that the Department had proposed for the Baykeeper to remove the oysters from the Keyport site and transplant them to the Seasonal water area in Delaware Bay, the closest Seasonal area that met the FDA patrol frequency requirements. Mr. Joseph stated that the Baykeeper was not interested in moving the oysters to Delaware Bay because the Baykeeper's mission was focused on the area of the NY/NJ Harbor. Mr. Joseph stated that the Baykeeper had reported that 50,000 oysters were maintained at the Keyport site in various systems including ADPI mesh bags and other structures. Mr. Maxwell inquired if DEP had removed the oysters. Mr. Joseph stated that DEP ordered the Baykeeper to remove the oysters out of concern over public health and that the Baykeeper staff were removing the oysters according to a recent article in the Asbury Park Press. Mr. Maxwell inquired about the status of the Senate Bill No. S2122, which would allow for the cultivation of commercial shellfish species in contaminated coastal and inner harbor waters for research, educational and restoration purposes. Senate Bill S2122 was recently introduced into the legislature, presumably in response to the ban on research-related shellfish gardening of commercial species in coastal waters not approved for shellfish harvest. Mr. Joseph stated that he was not aware of the status of Senate Bill No. S2122. Mr. Johnson stated that he was concerned about the long term deficiencies in the State meeting the minimum FDA patrol frequency requirements and its implications for the relay and deuration programs as well as the shellfish industry. Mr. Joseph stated that he believed that the minimum FDA patrol frequency requirements were being met for the areas designated for deuration harvest in Raritan Bay, whereas the requirements were not being met for Special Restricted waters in the area of Keyport and in the Seasonal waters of the Navesink and

Shrewsbury rivers. Mr. Joseph explained that last year the Department had considered areas in the Seasonal waters of the Navesink and Shrewsbury rivers as an option for Baykeeper oyster projects. The idea was abandoned this year following the recent report from FDA of not meeting the patrol frequency requirements in 2009. Mr. Johnson inquired about possible solutions for the State to meet FDA patrol frequency requirements. Mr. Maxwell suggested using the State Marine Police. Mr. Joseph suggested listing the issue as an item for discussion at the September 2<sup>nd</sup>, 2010 meeting of the Marine Fisheries Council. Further discussion on this matter ensued.

#### Middle Island Leases

Mr. Maxwell inquired about activity in the new block of leases at Middle Island in Little Egg Harbor Bay. Mr. Normant responded that to the best of his knowledge, leaseholders staked their leases and at least some individuals were preparing to start planting clams this year.

#### Rt. 72 Bridge

Mr. Johnson inquired about Bureau's comments on the EA (environmental assessment) for the Route 72 bridge construction project. Mr. Celestino responded that the Department provided comments as part of the public comment period ending July 1<sup>st</sup> 2010. Mr. Celestino noted that he had expressed concerns regarding the project proposal for off-site out-of-kind mitigation measures. Mr. Johnson asked if the comments were available for review. Mr. Celestino stated that the comments were accessible for public review. Mr. Johnson thanked Mr. Celestino for handling the matter.

#### Navesink River Remediation Project

Mr. Johnson inquired on the status of the project to remediate hard clam losses due to a dredging incident in the Navesink River. Mr. Normant stated he recently attended a meeting with the Office of Dredging and Sediment Technology and the NY District of the US Army Corps of Engineers to discuss mitigation measures. Mr. Normant stated that the impacted area was mapped as having high densities of hard clams. He added that following his recommendation, the Office of Dredging and Sediment Technology requested that the dredging contractor purchased approximately 150,000 clam seed and to reimburse Bureau staff time for planting the clams as part of their mitigation. Mr. Johnson thanked Mr. Normant for handling the matter.

#### Shellfish Habitat Restoration

Mr. Johnson inquired on the Bureau of Shellfisheries' plans for planting clam seed in fall 2010. Mr. Joseph stated that the existing state purchasing procedures (Direct Purchase Authorization) limited the Bureau to purchase a maximum of \$29,000 in seed clams within a given fiscal year. He stated the Bureau was pursuing a state contract to allow for large scale seed purchases to expand the Bureau's shellfish enhancement efforts. Mr. Joseph stated that in spring 2010, nearly \$29,000 was spent to purchase 1 million clam seed in the size of 20-25mm that was planted in Great Bay. The Bureau is also planning to purchase and plant 1 million seed clams in Barnegat Bay during the fall of 2010. Mr. Maxwell inquired on the Bureau's long term plan. Mr. Joseph replied the current plan was to get contracts in place to procure hard clam seed, oyster seed and shell planting services. Mr. Maxwell inquired on the funding source. Mr. Joseph stated the balance of the Shellfish Habitat Mitigation Fund was \$1.6 million, which included mitigation monies from the Oyster Creek Nuclear Generating Station (Exelon Corporation) for hard clam and oyster restoration and enhancement in Barnegat Bay. Mr. Maxwell asked about the timeframe for establishing these contracts. Mr. Joseph stated that he anticipated a protracted timeframe from past experiences of trying to set up other contracts, such as the shell planting contracts for Delaware Bay. Mr. Johnson inquired if the Bureau was considering new areas for seeding and shell planting. Mr. Johnson also suggested considering a plan to close areas for harvesting as part of a Hard Clam Management Plan. Mr. Joseph stated that one of the reasons that clam seeding in the Sedge Island Marine Conservation Zone (MCZ) was initiated five years ago was that only recreational harvest was allowed. Mr. Joseph added that there has been an increase in harvest within the MCZ reported in recent years. Mr. Calvo stated that in addition to the clams planted within the MCZ, other areas within Barnegat Bay were targeted for shellfish seeding and shell planting. Mr. Maxwell and Mr. Johnson complimented the Bureau of Shellfisheries for its shellfish restoration and enhancement efforts. Mr. Johnson stated that there currently were only a few individuals harvesting shellfish in Barnegat Bay and that it was time to commit to the enhancement of shellfish to support industry. Mr. Johnson stated that he anticipated that federal funding would be made

available to the State in support for the Hard Clam Management Plan. Mr. Joseph stated that the present focus of federal funding was to support storm water runoff and non-point source pollution rather than estuarine and marine resources. Further discussion on this matter ensued.

#### 4. New Business

##### Laurel Harbor Relay Lots

Mr. Joseph stated that the Bureau had received a complaint regarding the corners markers not being properly maintained at the Laurel Harbor relay leases by the relay leaseholders. Mr. Joseph stated that Mr. Normant would be sending a letter to the few relay leaseholders still active in Laurel Harbor to remind them to properly maintain their lease markers as required by NJAC 7:25-15.1. Mr. Johnson inquired about the nature of the complaint. Mr. Joseph indicated that one possible reason was that the person making the complaint was interested in clamming in the area. Mr. Maxwell inquired about the possibility of using inactive relay lots for wet storage or other purposes. Mr. Joseph responded that relay leases were only allowed to be used for relay program as per NJAC 7:25-15.1.

##### Aquaculture Advisory Council Meeting, October 22<sup>nd</sup>, 2010

Mr. Joseph Myers, Aquaculture Specialist with NJ Department of Agriculture, announced that the next Aquaculture Advisory Council (AAC) Meeting was scheduled for October 22<sup>nd</sup>, 2010 and will be most likely held at the Toms River office of Rutgers Cooperative Extension of Ocean County. Mr. Maxwell inquired about the status of the AAC Technical Committee. Mr. Myers explained that the composition of the committee was spelled out in the Aquaculture Development Act and that the task that remained was for the AAC to elect representatives to the committee. Further discussion on this matter ensued.

The meeting was adjourned on a motion by Mr. Maxwell and a second by Mr. Twist.

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

DATE: September 20, 2010  
TIME: 7:00 PM  
LOCATION: Law Enforcement Office  
360 New York Rd. Rte. 9  
Port Republic, NJ 08241