

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

Nacote Creek Law Enforcement
Port Republic, NJ
May 20, 2013

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

Mr. Normant announced that Councilman Oliver Twist had resigned.

State Representatives: Jeffrey C. Normant, Bureau of Shellfisheries
 Russell Babb, Bureau of Shellfisheries
 Kira Dacanay, Bureau of Shellfisheries
 Michael Celestino, Marine Fisheries Administration

Mr. Johnson 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 for March 2013:	\$ 1,146.05
	Shellfisheries Law Enforcement Fund:	\$ 742.00
	Total Revenue for April 2013:	\$ 2,577.99
	Shellfisheries Law Enforcement Fund:	\$ 1,466.00

2. Presentation of March 18, 2013 minutes for approval

The minutes of the March 18, 2013 meeting were approved on a motion by Mr. Maxwell and a second by Mr. Hughes.

3. Applications for Transfer

LESSEE	APPLICANT	LOT #	SECTION	ACRES	LOCATION	MAP #
George Simmons	Paul Felder	1070	A	2.07	Great Sound	5
George Simmons	Paul Felder	1094	A	2.00	Great Sound	5
George Simmons	Paul Felder	1097	A	2.00	Great Sound	5

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

4. Applications for Consideration

LESSEE	LOT #	SECTION	ACRES	LOCATION	MAP#
Paul Felder	1037	A	2.00	Great Sound	5
Eric Parker	1036	A	2.00	Great Sound	5
Claire Zimmerman	1033	A	2.00	Great Sound	5
Thomas Bowen	2556	B	1.95	Scull Bay	27
Rosely Snyder	2575	B	2.00	Scull Bay	27

Mr. Normant provided the Council with copies of the lease applications. Messrs. Felder, Parker, Bowen and Ms. Zimmerman were present. Ms. Snyder was not present. Pursuant to leasing regulations,

N.J.A.C.7:25-24.6, applicants must attend one of two meetings at which the Council reviews their applications. A decision on the lease applications would be rendered at the next meeting.

5. Old Business:

New Aquaculture Rules – General Overview

Mr. Babb presented the Council with an overview of the new Aquaculture Rules that were included as part of a comprehensive emergency rules package by the Department in response to Superstorm Sandy recovery efforts. The Bureau had been working with the Division of Land Use Regulation over the course of several years in developing these rules to streamline the process of authorizing certain types of shellfish aquaculture activities. This rule was also necessary to legitimize certain traditional structural aquaculture activities as a result of the US Army Corps of Engineers Nationwide Permit # 48 regarding aquaculture that was implemented in 2007. The Aquaculture rules had become effective on April 16th. Since emergency rules are only in effect for 60 days, a concurrent rule proposal was submitted that would allow the rules to become permanent. There are two components of the rule, a Permit-By-Rule (PBR) and a General Permit (GP).

The PBR would allow certain aquaculture activities to occur with no further action required by the shellfish aquaculturists provided that certain criteria within the rules are met. The PBR include the placement of land based upwellers and raceways for hatcheries, use of predator screens and oyster spat attraction devices and placement of shellfish cages within a shellfish lease area.

The GP would allow the construction of aquaculture structures that can be considered as a hazard to navigation or to water/environmental quality. The individual would have to apply for the GP and pay a fee of approximately \$600 to process the permit application. The fee is considerably less than applying for an individual permit (approximately \$3,000+). The GP would include construction or placement cages, floating upwellers, shellfish rafts, racks, bags and lantern nets. The GP would also include the placement of shell onto leases.

All of the preceding aquaculture activities must be located on an active shellfish lease. Complete copies of the rules are located on the Department website.

Little Egg Harbor Shellfish Survey / Barnegat Bay Survey Update

Mr. Celestino presented the Council with an overview of the results for the 2011 Little Egg Harbor Shellfish Inventory. Mr. Celestino stated that the 2011 hard clam resource was estimated at 85.7 million clams, which was a 32% increase from a similar 2001 survey. However, the 2011 hard clam resource was still 57% lower than the first inventory of Little Egg Harbor Bay that was conducted in 1987. Hard clam recruitment indices were higher during the 2011 survey as compared to the 2001 survey. Mortality was estimated to be lower in 2011 as compared to the 2001 survey. Mr. Celestino also stated that there was an estimated 4,720 acres of submerged aquatic vegetation (SAV) present in Little Egg Harbor Bay, which was 1,600 acres less than estimated during the 2001 survey.

Ms. Dacanay provided Council with a brief update on the 2012 Barnegat Bay Shellfish Inventory. She stated that when the analysis of the data is completed, she would present the information to the Council. Mr. Normant stated the Bureau plans to re-sample approximately 25% of the stations for Barnegat and Little Egg Harbor Bay in the late summer and early fall to assess potential impacts that may have been caused by Superstorm Sandy.

Shellfish Enhancement Efforts

Mr. Johnson inquired if there was any regulatory mechanism to close areas to harvest in Barnegat Bay where the Bureau has or will plant clams as part of the ongoing shellfish enhancement efforts, such as within the latest plant area near Gulf Point. Mr. Normant stated that there was no regulatory mechanism to close areas to harvest, except under the Atlantic Coast Harvest regulation NJAC 7:25-19, which allows the Commissioner, with the advice of the Council to establish harvest seasons for oyster harvest on specific

beds in the Mullica/Great Bay and Great Egg Harbor River. Mr. Babb stated that one method might be establishing a research lease; however, he was very apprehensive about marking and maintaining the boundaries as markers are often attractive nuisances. Mr. Johnson stated that there should be enough people in the area to keep watch on the planting areas. Mr. Babb stated that the Bureau would look into the matter and report back to Council at next meeting.

Route 72 Update

As per Mr. Johnson's request, Ms. Dacanay provided the Council with a brief overview of planned hard clams and SAV restoration/enhancement proposals as mitigation for Rt. 72 bridge construction project. Mr. Johnson inquired about restoration of extant oyster beds. Mr. Normant stated that the Route 72 mitigation requirement for shellfish was for loss of hard clam habitat. He stated that other shellfish restoration/enhancement funding could be used for oyster restoration work.

6. New Business:

Staff Change – Planning and Prioritization

Mr. Babb provided the Council with an overview of the Bureau's staffing situation in lieu of the loss of a Principal Biologist position when Mr. Calvo resigned. The Marine Fisheries Administration has been discussing the prioritization and possible elimination of programs due to reductions staff. He stated that the Bureau of Marine Fisheries has already navigated this difficult process and had eliminated projects. He added that the Bureau will be following suit in the near future. Mr. Johnson inquired about hiring part-time staff. Mr. Normant stated that part time staff are only a temporary solution due to an inherent high turnover rate with part-time employees (they are confined to only 900 hours per year). This also involves a considerable amount of time to train new hourly employees each time their hired. In addition, the amount of responsibility given to part-time employees is limited by accountability and liability issues and concerns over experience. Further discussion ensued.

Barnegat Bay Leasing

Mr. Matthew Gregg inquired on leasing in Barnegat Bay for in water structural aquaculture activities, such as rack and bag oyster culture. Mr. Normant stated that he had been in discussion with Mr. Gregg on some of the issues tied to finding suitable, shallow water areas in Barnegat Bay for this type shellfish aquaculture. He added that it was inherent that a new lease area also accommodates multiple lessees. Mr. Normant had developed charts of Barnegat Bay with overlays of various issues that affect shellfish aquaculture activities, including: water classification, suitable water quality (salinity), avoidance of submerged aquatic vegetation areas, shellfish habitat, bottom firmness and water depths. Mr. Normant stated that waters in Little Egg Harbor Bay would be more conducive for bottom shellfish aquaculture structure. Mr. Normant stated that he and Mr. Gregg would continue to look into finding a suitable area either in Barnegat Bay or farther south.

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: June 17, 2013
TIME: 7 PM
LOCATION: Law Enforcement Office
360 New York Rd. Rt. 9
Port Republic, NJ 08241