

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

Nacote Creek Law Enforcement  
Port Republic, NJ  
September 15, 2008

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

State Representatives: James W. Joseph, Bureau of Shellfisheries  
Jeffrey C. Normant, Bureau of Shellfisheries  
Gustavo Calvo, 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. Total Revenue collected for June 2008:	\$44,524.10
Shellfisheries Law Enforcement Fund:	\$ 3,812.00
Total Revenue collected for July 2008:	\$ 5,870.70
Shellfisheries Law Enforcement Fund:	\$ 2,826.00
Total Revenue collected for August 2008:	\$ 1,398.60
Shellfisheries Law Enforcement Fund:	\$ 1,044.00

2. June 16, 2008 Minutes

The minutes of the June 16, 2008 meeting were approved on a motion by Mr. Johnson and a second by Mr. Hughes.

3. Applications for New Grounds – Consideration

<u>APPLICANT</u>	<u>LOT #</u>	<u>SEC.</u>	<u>ACRES</u>	<u>LOCATION</u>	<u>MAP</u>
Madeline Brown-Avery	1083	A	2.00	Great Sound	5
John Burke	1063	A	2.00	Great Sound	5
Timothy Hewitt	616	B	2.00	Little Egg Harbor Bay	6
Joseph Papiez	132	C	2.00	Barnegat Bay	6

Mr. Normant provided the Council with copies of the applicants' lease applications and biological reports. All applicants were present at this meeting. Mr. Normant stated that eelgrass beds were found on Mr. Papiez's pending lease during the biological investigation. Pursuant to the leasing regulations, a decision will be rendered at the next meeting.

4. Applications for New Grounds – Decision

<u>APPLICANT</u>	<u>LOT #</u>	<u>SEC.</u>	<u>ACRES</u>	<u>LOCATION</u>	<u>MAP</u>
Mark Onofrio	2547	B	2.00	Scull Bay	27
Richard Went	2515	B	2.00	Scull Bay	27
Lawrence Went	2560	B	2.00	Scull Bay	27

Messrs. Richard Went and Lawrence Went were present at the last meeting. Mr. Onofrio was present at this meeting. The lease applications of Messrs. Onofrio, Richard Went and Lawrence Went were approved on a motion by Mr. Johnson and a second by Mr. Hughes.

5. Applications for Transfer

<u>LESSEE</u>	<u>APPLICANT</u>	<u>LOT #</u>	<u>SEC</u>	<u>ACRES</u>	<u>LOCATION</u>	<u>MAP</u>
James O'Keefe	Pat Irwin	2283	B	1.83	Dry Bay	24.2
James O'Keefe	Pat Irwin	2514	B	2.00	Scull Bay	27
Warren Lund	John Daffin	1049	A	1.16	Great Sound	6
Warren Lund	John Daffin	1050	A	2.24	Great Sound	6
Warren Lund	John Daffin	1051	A	2.04	Great Sound	6
John Maxwell	James Allen III	2285	B	2.00	Dry Bay	24.2
Pasquale Capobianco	Gary Lubaczewski	61	B	3.72	GB-Graveling Pt.	1

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

6. Old Business

Shellfish Restoration

Dr. Calvo stated that the Division obtained the necessary permits from the US Army Corps of Engineers and the NJDEP Division of Land Use Regulation (DLUR) for the Barnegat Bay Shellfish Restoration Program (BBSRP) and the Mullica River and Great Egg Harbor River oyster restoration projects. This October, the Bureau was planning to plant surf clam shell and oyster seed on two one-acre restoration sites in Barnegat Bay (Good Luck Point and Swan Point). The seed oysters were disease resistant strains that were purchased from the Rutgers hatchery in Delaware Bay and were raised in upwellers in Barnegat Bay. Mr. Maxwell inquired if the Shellfish Habitat Mitigation Fund was funding the project. Mr. Joseph confirmed that the clam and oyster seed were purchased through the Shellfish Habitat Mitigation Fund.

Shellfish Habitat Mitigation Fund

Mr. Maxwell inquired on how much revenue was collected each year for the Shellfish Habitat Mitigation Fund. Mr. Joseph stated that the funds come via DLUR and that he was not able to determine the annual revenue since person in DLUR that handled the accounting for the fund was no longer there. He stated that he was trying to establish contact with the new person who does the accounting. Mr. Joseph explained that in the late 1990's, the Shellfish Habitat rule was changed in the Rules on Coastal Zone Management. Before that time period, it was prohibited to construct a dock in shellfish habitat. The change allowed for the construction of a single recreational dock in shellfish habitat provided that the dock met certain criteria, which may include payment into the Shellfish Habitat Mitigation Fund. The fund was dedicated to the Bureau for shellfish mitigation and enhancement work. Mr. Joseph stated that initially, there was a quick influx of revenue due to large number of dock applications. However, now that most areas have been developed, revenue had slowed down considerably. Mr. Maxwell inquired on how decisions were made to use the funds. Mr. Joseph stated that since the account was established, the focus has been on the BBSRP since it was an extensive project. However, there had been discussions by the Delaware Bay Section of the Shellfisheries Council to use some of the money to do work in the mouth of the Maurice River. Mr. Joseph stated the Bureau was opened to suggestions. Mr. Maxwell inquired on the Council's role in using the fund. Mr. Joseph stated that since the Council's role was an advisory one, the Council could suggest ideas/projects for discussion. Mr. Maxwell inquired on the balance in the fund. Mr. Joseph reiterated what was discussed in June that there was approximately \$1.1 million.

Lease Proposal in Little Egg Harbor Bay

Mr. Dale Parson inquired if there was any progress in allowing new leases at Middle Island, Little Egg Harbor Bay. Mr. Joseph stated that he had not heard anything from the Assistant Commissioners Office, but suggested that individuals who were interested should come in and apply.

## 7. New Business

### Surf Clam Advisory Committee Meeting and Quota

Mr. Normant stated that the Bureau met with the Surf Clam Advisory Committee (Committee) to review the annual surf clam stock assessment data and to make a recommendation on the surf clam harvest quota for the upcoming season. The surf clam regulations (NJAC 7:25-12) have a provision to allow for a harvest of between 250,000 to 1,000,000 bushels of surf clams provided the quota does not exceed 10 % of the estimated standing stock. Mr. Normant provided the Council with a brief overview of the 2008 surf clam stock assessment data, which indicated further decline in the overall standing stock. However, some small surf clams were found in the deeper offshore waters of Ocean and Monmouth counties. Mr. Normant stated that 2008 estimated standing stock was approximately 1.71 million industry bushels. The Committee made a recommendation to set the quota at a conservative 58,368 bushels for the 2008-2009 surf clam harvest season. A consensus among Council members after the Committee meeting supported the Committee's recommendation. Further discussion on the matter ensued.

### AAC Leasing Committee

Mr. Joseph stated the Aquaculture Advisory Council's (AAC) Leasing Committee, which last met in 2003, has reconvened to discuss a number of leasing issues regarding traditional leases and Aquaculture Development Zones (ADZs). The Committee would meet a number of times between September and the November 14, 2008 AAC meeting. Mr. Joseph also stated that the chairs of both sections of the NJ Shellfisheries Council suggested the Council shall also set up its own leasing committee which would focus on all issues related to traditional hard clam and oyster leases on the Atlantic Coast and Delaware Bay and the Council asked that the AAC Leasing Committee focus on ADZs issues. Mr. Joseph stated that AAC Leasing Committee held a meeting on September 11, 2008 and discussed how the ADZ leases would be allocated (since the parcels were finite in capacity) and the fees associated with ADSs. Copies of the draft lease documents for both traditional and ADZs were also distributed for review.

Mr. Joseph Myers from the NJ Department of Agriculture stated the AAC Leasing Committee would function in the advisory capacity to both sections of the Shellfisheries Council. He stated that it would be at the Councils discretion on the final language of the lease documents. The focus of the September 11<sup>th</sup> AAC Leasing Committee meeting was on the current ADZs in Delaware Bay. The ACC Leasing Committee would meet again before another round of Council meetings and hopefully culminate in something deliverable to the AAC meeting on November 14, 2008. Further discussion on the matter ensued.

Mr. Joseph stated that at the September 11<sup>th</sup> meeting, there was some discussion regarding establishing ADZs on the Atlantic Coast. He stated that in the late 1990s to 2002, the Bureau had done some field sampling to identify potential ADZs on the Atlantic Coast. However, there was not a lot of interest at that time. At the ACC Leasing Committee meeting, Mr. Maxwell proposed that the Bureau revisit the idea of establishing ADZs on the Atlantic Coast. Mr. Joseph stated that if there was any interest by a group to establish a structural ADZ, they should get in touch with the Bureau or the Council.

### Mullica River Oysters

Mr. Normant provided Council the latest result of oyster samples taken from two Fitney Bit planting site in the Mullica River. The sites known as Fitney Bit 1 and Fitney Bit 2 were planted in October 2001 and October 2006, respectively. Mr. Normant stated that the bed condition on Fitney Bit 1 was 29.3 % oyster with a mean length of 3.22" (64.9 % over 3") and the bed condition on Fitney Bit 2 was 42.1 % oyster with a mean length of 2.83" (33 % over 3"). Mr. Normant suggested that the Council might want to open up a limited harvest season on Fitney Bit this fall. Mr. Normant proposed a one-week season beginning on November 10<sup>th</sup> and ending on the 16<sup>th</sup>. Mr. Maxwell inquired on the condition of the Reef Bed. Mr. Normant stated that overall condition of the bed looked good. Mr. Joseph stated that since Reef Bed planting was funded through a grant from NOAA's Fish America Foundation, the Reef Bed was required to be closed to harvest for a period of five years from June 2006 as a condition imposed to qualify for the funding. After further discussion, the Mr. Hughes made a motion to establish a 6-day harvest season on

Fitney Bit beginning on Monday, November 10, 2008 and ending on Saturday, November 16, 2008. Mr. Johnson seconded the motion. The Council unanimously approved the motion.

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

8. Date, time and place of next meeting:

DATE: October 20, 2008  
TIME: 7:00 PM  
LOCATION: Nacote Creek Law Enforcement Office  
360 N. Rt. 9  
Port Republic, NJ 08241