

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

Nacote Creek Law Enforcement
Port Republic, NJ
January 14, 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
Michael Celestino, Bureau of Shellfisheries
Joseph Meyer, Bureau of Law Enforcement
Robert Connell, Bureau of Marine Water Monitoring

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 October 2007: \$ 1,607.00
Shellfisheries Law Enforcement Fund: \$ 840.00
Total Revenue collected for November 2007: \$ 4,931.75
Shellfisheries Law Enforcement Fund: \$ 1,822.00
Total Revenue collected for December 2007: \$14,866.90
Shellfisheries Law Enforcement Fund: \$10,056.00

2. October 15, 2007 Minutes

The minutes of the October 15, 2007 meeting were approved on a motion by Mr. Hughes and a second by Mr. Johnson.

3. Applications for Transfer

<u>LESSEE</u>	<u>APPLICANT</u>	<u>LOT #</u>	<u>SEC</u>	<u>ACRES</u>	<u>LOCATION</u>	<u>MAP</u>
Brett Nicklow	Ronald Nicklow	41	B	1.72	Graveling Point	1
Brett Nicklow	Ronald Nicklow	42.1	B	1.73	Graveling Point	1
Brett Nicklow	Ronald Nicklow	45	B	1.41	Graveling Point	1
Brett Nicklow	Ronald Nicklow	83	B	0.47	Graveling Point	1
Brett Nicklow	Ronald Nicklow	84	B	3.80	Graveling Point	1
Brett Nicklow	Ronald Nicklow	92	B	1.62	Graveling Point	1
Brett Nicklow	Ronald Nicklow	93	B	0.70	Graveling Point	1
Brett Nicklow	Ronald Nicklow	94	B	1.88	Graveling Point	1
Brett Nicklow	Ronald Nicklow	95	B	13.58	Graveling Point	1
Brett Nicklow	Ronald Nicklow	97	B	3.77	Graveling Point	1
William F. Driscoll	Keith Heinrichs	128	B	2.25	Graveling Point	1
William F. Driscoll	Keith Heinrichs	131	B	1.90	Graveling Point	1
William F. Driscoll	Keith Heinrichs	132	B	2.00	Graveling Point	1
William F. Driscoll	Keith Heinrichs	133	B	2.00	Graveling Point	1
William F. Driscoll	Keith Heinrichs	136	B	2.00	Graveling Point	1
William F. Driscoll	Keith Heinrichs	139	B	2.46	Graveling Point	1
Joseph M. Brooke	Gary Lubaczewski	102	B	4.35	Graveling Point	1

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

4. Leases Vacated for Non-Payment

<u>LESSEE</u>	<u>LOT #</u>	<u>SEC</u>	<u>ACRES</u>	<u>LOCATION</u>	<u>MAP</u>
Theodore Lubaczewski	119	B	2.00	GB-Graveling Point	1
William Keufer	559	B	4.37	Little Egg Harbor Bay	12
Elyssa Glenn	2746	B	1.40	Shelter Island Channel	28
George Nordaby	2547	B	2.00	Scull Bay	27
Martin Craffey	L33	D	1.50	Laurel Harbor Relay	14.1

Mr. Joseph informed the Council of the vacated leases for non-payment. None of the lessees of the vacated leases were in attendance.

5. Old Business

Title 50

Mr. Joseph announced that the State Assembly and Senate had passed the revised draft of Title 50 unanimously. It was signed into law by Governor Corzine. Some of the revisions included the establishment of a non-resident commercial shellfish license, one license for the harvest of all bivalve shellfish species (other specialized shellfish license would remain in effect i.e. surf clam dredge license, Delaware Bay Oyster Dredge Boat License, Area 2 & 3 license) and changes to the make-up of the Delaware Bay Section of the NJ Shellfisheries Council.

Garden State Parkway Widening Project-Mullica River Bridge

Mr. Maxwell inquired if there was any new information on the proposed construction of a second Mullica River Bridge for the Garden State Parkway Widening Project. Mr. Normant informed the Council that he had just received a draft proposal from the New Jersey Turnpike Authority outlining the proposed shellfish and water quality monitoring plan.

Aquaculture Permits

Mr. Maxwell inquired on the status of the Division of Land Use Regulation (DLUR) Permits for aquaculture and leasing activities. Mr. Joseph stated that the DLUR planned to develop a general permit for aquaculture. Existing lease that were held before March 12, 2007 were covered under a blanket report submitted to the US Army Corps of Engineers (USACE) by the Bureau of Shellfisheries. Those leases acquired after March 12, 2007 would be required to apply for an individual permit from the USACE and DLUR. In addition, an individual permit from DLUR for aquaculture activities would also be required and cost approximately \$1,400. The DLUR was currently working on a general permit for aquaculture activities that would be easier to obtain and cost \$250. Mr. Joseph stated that it would take approximately two years before the general permit would be in place due to the rule making process.

Relay

Mr. Edward Mulligan proposed that the Council suspend the 2008 relay program as opposed to terminating the relay program. Mr. Maxwell made a motion to suspend the 2008 relay program. Mr. Johnson seconded the motion. The Council motion unanimously passed the motion.

6. New Business

Leasing Committee

Mr. Joseph stated that at the October 2007 Aquaculture Advisory Council meeting, Assistant Commissioner Amy Cradic suggested that the Leasing Committee reconvene and work on some unresolved issues. Assistant Commissioner suggested that the first order of business should be the issuance and utilization of the Aquaculture Development Zones (ADZ) in Delaware Bay. The passage of Title 50 and the removal of the prohibition on leasing below the clam line in lower Delaware Bay would allow the use

of the ADZ just below the Rutgers Cape Shore Laboratory for rack and bag culture of oysters. While regulations were concurrently being developed, the Bureau had developed a more detailed lease agreement that was currently being reviewed by the Attorney General's Office.

Rule on Coastal Zone Management

Mr. Gef Flimlin stated that he had received a letter from Tom Micai, the Director of the Division of Land Use Regulation, inviting him to a meeting on February 7, 2008 to discuss major areas in the Rules on Coastal Zone Management, which will be up for re-adoption in 2009. Mr. Flimlin assumed that he was invited to the meeting due to his involvement with shellfish restoration and the use of shellfish hatchery and nursery equipment. Mr. Joseph clarified that the February 7th meeting was to solicit input on the re-adoption of their regulations.

Oyster License

Mr. Johnson inquired if he would be able to work in Delaware Bay now that the oyster tongers license was consolidated into the new shellfish license. Mr. Joseph stated that he could harvest oysters from one of the tongers areas in Delaware Bay. The license had always been valid statewide. The tongers license allowed shellfishermen that don't hold an oyster dredge boat license an opportunity to harvest oysters. In 2003, there were 29 oyster tongers licenses issued. The number of licenses issued had gradually increased to around 200 when oysters were transplanted from the Delaware Bay seed beds to the tongers beds in the Maurice River Cove. Mr. Joseph also stated that due to the request of the Delaware Bay Section of the Shellfisheries Council and the industry, they had extended the current landing fees from the participants in the direct market harvest program on the seed beds to those harvesting oysters on the tongers beds and Areas 1, 2 and 3. Mr. Johnson inquired if a cap on the number of licenses issued for the Atlantic Coast could be implemented as a conservation measure due to the limited number of bushels. Mr. Joseph opined that the use of hand implements and the limited number of oysters would limit the number of harvesters. Mr. Normant stated that the Atlantic Coast Harvest Regulations, NJAC 7:25-19.5(c), sets the length of the harvest season, which could be shortened as a conservation measure.

Shellfish Resource Committee

Mr. Maxwell proposed to form a committee to discuss the future of the shellfish resource and industry on the Atlantic Coast section of New Jersey. He stated that there had been a steady decline in the number participants, commercial and recreational users, over the last several years. He opined that there was something wrong in the back bays and rivers due to the lack of clam recruitment. Discussions on the shellfish resources and industry ensued. Mr. Maxwell stated that there should be a series of meetings, i.e. first meeting to identify problems and issues, the second meeting to discuss the various actions the committee would want to pursue and the third meeting would be to decide on the course of action. The committee would be made up of industry members, academia and NJDEP personnel. Mr. Maxwell proposed that the first meeting should be held sometime in mid February. Mr. Joseph requested that the Council contact him after they decide on a date, time and location.

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

7. Date, time and place of next meeting:

DATE: February 25, 2008
TIME: 7:00 PM
LOCATION: Nacote Creek Law Enforcement Office
360 N. Rt. 9
Port Republic, NJ 08241

Scheduled Meeting Dates for 2008

January 14, 2008

February 25, 2008

March 17, 2008

April 21, 2008

May 19, 2008

June 16, 2008

July 21, 2008

August 18, 2008

September 15, 2008

October 20, 2008

November 17, 2008

December 15, 2008

Scheduled meetings are typically held at the Nacote Creek Law Enforcement Office at 7:00 pm