



5. Applications for Decision

LESSEE	LOT #	SECTION	ACRES	LOCATION	MAP #
Sara Mugavero	101	C	0.83	BB-Barnegat Lt.	2
Bethany Quirk	102	C	1.00	BB-Barnegat Lt.	2
Dean Lennox	103	C	1.00	BB-Barnegat Lt.	2
Scott Lennox	104	C	1.00	BB-Barnegat Lt.	2
Matthew Gregg	105	C	1.00	BB-Barnegat Lt.	2
Gary Thomas Niall	106	C	1.00	BB-Barnegat Lt.	2
Donald Burke	107	C	0.64	BB-Barnegat Lt.	2
James Kesling	108	C	1.00	BB-Barnegat Lt.	2
Mike Dolan	109	C	1.00	BB-Barnegat Lt.	2
Mary Gregg	110	C	1.00	BB-Barnegat Lt.	2
John Gregg	111	C	0.97	BB-Barnegat Lt.	2
Jason Seervai	112	C	1.00	BB-Barnegat Lt.	2
Elizabeth Lennox	113	C	1.00	BB-Barnegat Lt.	2
Thomas Conover	2525	B	2.00	Scull Bay	27
Ray Bonar	2542	B	1.81	Scull Bay	27

Mr. Conover and Ms. Mugavero were present at this meeting. Messrs. Burke, Dolan, J. Gregg, Matt Gregg, Kesling, D. Lennox, S. Lennox, Niall, Seervai, and Mmes. Mary Greg, E. Lennox and Quirk were present at the last meeting. Mr. Bonar was not present at this meeting nor was he present at the last meeting in November. As per the leasing regulations, N.J.A.C. 7:75-24.6(f), Mr. Bonar’s application was cancelled. Mr. Normant stated that Mr. Bonar would not be able to re-apply until the leasing moratorium on new lease applications was lifted upon completion and adoption of the “Leasing Policy” by the Council.

The above lease applications, except Mr. Bonar’s, were unanimously approved on a motion by Mr. Johnson and a second by Mr. Maxwell. Mr. Normant stated the applicants have 30 days to sign their lease agreements.

6. Vacated Research Lease – By Lessee

LESSEE	LOT #	SECTION	ACRES	LOCATION	MAP #
Gef Flimlin-Rutgers-Cooperative Extension	3R	C	0.46	BB-Seaside Park	N/A

Mr. Normant announced that the Rutgers research lease, lot 3R, section C, in Barnegat Bay was vacated.

7. Vacated Leases – Non-Payment

LESSEE	LOT #	SECTION	ACRES	LOCATION	MAP #
Russell B. Mathis	618.1	B	5.00	LEHB	6
Russell B. Mathis	619.1	B	5.00	LEHB	6
Douglas E. Price	1029	A	2.08	Great Sound	5
Tyler Roesch	1035	A	2.38	Great Sound	5
Tyler Roesch	1044	A	2.37	Great Sound	5

Mr. Normant reminded the Council that lease renewals began on October 15 of each year. As per the leasing regulations, N.J.A.C. 7:25-24.8, shellfish leases must be renewed annually by December 31st for the following year. If illness or extenuating circumstances had prevented a lessee from renewing their lease(s) by December 31st, the Council may extend the payment deadline by one month provided the request was made at the January meeting. Messrs. Mathis and Roesch were present. Mr. Price was not present.

On a motion by Mr. Johnson and a second by Mr. Maxwell, the Council granted a 30 day extension to Messrs. Mathis and Roesch to renew their leases.

8. Old Business

Stockton University Research Lease- Little Egg Harbor Bay (LEHB)

Mr. Steve Evert of Stockton University provided the Council with an overview of their research proposal to conduct a pilot level oyster restoration in Little Egg Harbor Bay. Mr. Evert requested a research lease to conduct the project. The project would compare Mullica River transplant oysters with disease resistant tank set oysters over a two year period. The project would be funded by the Barnegat Bay Partnership. Mr. Evert stated that if additional funding was available and the project was successful, they might try to continue the project for an additional two years. Mr. Normant stated there was no application process for a research lease. Mr. Normant also stated that Mr. Evert might need to secure State and Federal permits if structure was involved. Mr. Johnson made the motion to approve the research lease in LEHB. Mr. Maxwell seconded the motion. Mr. Normant stated the Mr. Evert had 30 days to sign the lease agreement on behalf of Stockton University.

Shellfish Growing Water Classification Rule Update (N.J.A.C. 7:12)

Mr. Schuster explained that proposed changes to the Shellfish Growing Water Classification rules at N.J.A.C. 7:12 by the Bureau of Marine Water Monitoring (BMWM) were to bring New Jersey back into compliance with FDA guidelines and standards published in the National Shellfish Sanitation Program "Model Ordinance".

Mr. Schuster provided the Council with an update on the proposed amendments. Mr. Schuster stated that the Shellfish Classification rule proposal was published in the November 16, 2015 New Jersey Register. This marked the start of a 60 day public comment period. Comments must be submitted to the Department no later than January 15, 2016. Mr. Maxwell inquired on how the submitted comments would be considered in the rule development process. Mr. Schuster stated that there would be responses by the Department to the comments submitted. Comments could be submitted to the Department's website at <http://www.nj.gov/dep/rules/comments/index.html>.

Mr. Lennox inquired on the section of the proposed rules that require a mechanical unit to chill the product to a temperature of 45 degrees Fahrenheit or colder in order to transport shellfish by vehicle to the dealer. He stated that the purchase of a mechanical refrigeration truck was a large expense for a small business. However, he pointed out that in other states, mechanical refrigeration was not the only means of lowering the temperature of post-harvest shellfish. He explained that other states allow the use of ice to cool the product. Mr. Lennox suggested that a small scale aquaculturist could keep proper temperature using a cooler and ice. Mr. Lennox also stated that the proposed rules which require notification to the Bureau of Marine Water Monitoring each time seed was transferred to a lease ground from Seasonal Special Restricted, or Special Restricted waters was inconvenient due to his frequency of seed transfers.

Mr. James Jenks stated that there was a contradiction in regards to the proposed rules and N.J.S.A. Title 50. Mr. Jenks explained that the proposed rules would allow lessees tend to husbandry on their leases overnight and N.J S.A. Title 50 does not allow shellfishing at night.

Aquaculture Advisory Council (AAC) Meeting

Ms. Wenzel from the NJ Department of Agriculture announced there was an AAC meeting on January 15<sup>th</sup>, 2016 at 10 am in Burlington County at the Soil Conservation Direct Office. Ms. Wenzel explained that the AAC was in the process of drafting comments in regards to the new BMWM rule proposal - Shellfish Growing Water Classification Rules (N.J.A.C. 7:12). The AAC draft comments would be discussed and finalized at the meeting.

9. New Business:

2016 Hard Clam Relay

Mr. Johnson made the motion to suspend the hard clam relay for 2016, which was seconded by Mr. Maxwell.

## Mullica River Oyster Seed Bed Sampling

Mr. Normant stated that the annual Mullica River oyster seedbed sampling was conducted on December 7, 2015. The bed conditions at French's Point and Moss Point were 93.1% oysters and 86.6% oysters, respectively. The spat count was 1,632 for French's Point and 2,345 for Moss Point (per 37 qt. bushel). Total mortality had decreased from the previous year with mortality being at 6.4% on French's Point and 7.5% on Moss's Point.

## New Lease Areas

Mr. McCarthy expressed his concern in regards for equality in applying for leases. He stated that if one was out of communication of when new lease areas opened, then they would have an unfair chance to apply for one of them. Mr. Normant stated that the Council's Leasing Policy was in the process of being developed to address these types of issues (including the development of new lease areas) and to streamline the lease application process. Mr. Johnson encouraged the public to attend the council meetings to stay informed. Mr. Normant explained that once the draft Leasing Policy was completed with recommendations from the Leasing Committee, the policy would then be presented to the Council for approval.

## Council Executive Session – Comments on BMW Rule Proposal

Mr. Maxwell announced that the Council was going into executive session to discuss and compile comments in regard to the proposed Shellfish Growing Water Classification Rules (N.J.A.C. 7:12). The Council's comments would be submitted to the Department during the 60 comment period.

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

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

DATE: February 8, 2016  
TIME: 7 PM  
LOCATION: Law Enforcement Office  
360 New York Rd. Rte. 9  
Port Republic, NJ 08241