



5. Applications for New Ground: Consideration

APPLICANT	LOT #	SECTION	ACRES	LOCATION	MAP #
Gregory Gates	2237.2	B	2.00	Dry Bay	24.2

Mr. Normant provided the Council with copies of the applicant's lease application. As per the leasing regulations, no biological investigation was required for lease applications in Dry Bay. Mr. Gates was present at this meeting. Pursuant to the leasing regulations, a decision would be rendered at the next meeting.

6. Applications for New Ground: Decision

APPLICANT	LOT #	SECTION	ACRES	LOCATION	MAP #
Robert Mayer	2329	B	2.00	Dry Bay	24.2
Paul T. Felder	1069	A	2.00	Great Sound	5
George Simmons	1070	A	2.00	Great Sound	5
Dale S. Parsons	1400	B	1.50	Middle Is	6.1
John Schriever	1401	B	2.00	Middle Is	6.1
John S. Rutherford	1402	B	2.00	Middle Is	6.1
Jeffrey Pritchard	1403	B	2.00	Middle Is	6.1
Brian P. Hancock	1404	B	2.00	Middle Is	6.1
Steve Baugh	1405	B	2.00	Middle Is	6.1
Jerry Zodl	1406	B	1.00	Middle Is	6.1
Fred Lutthans	1407	B	2.00	Middle Is	6.1
James W. Allen III	1409	B	1.54	Middle Is	6.1
Dale B. Parson	1412	B	1.72	Middle Is	6.1
William R. Steele	1415	B	2.00	Middle Is	6.1
Timothy Hewitt	1416	B	2.00	Middle Is	6.1
Donna Hewitt	1418	B	1.00	Middle Is	6.1
William Avery	1420	B	2.00	Middle Is	6.1
John S. Allen Jr.*	1421	B	2.00	Middle Is	6.1
James McAnney*	1423	B	2.00	Middle Is	6.1
Donald Kurczewski	1426	B	2.00	Middle Is	6.1
William A. Tonnesen	1428	B	2.00	Middle Is	6.1
Gary Buttermark	1429	B	1.75	Middle Is	6.1

\* All applicants were present either at this meeting or the last meeting, except for Messrs. John S. Allen and McAnney. Their applications were cancelled pursuant to the leasing regulations [N.J.A.C. 7:25-24.6(f)] which state that an applicant must attend at least one of the two meetings at which their lease application is discussed. On a motion by Mr. Johnson and seconded Mr. Maxwell, the Council approved all lease applicants except for Messrs. John S. Allen and McAnney.

7. Leases Vacated – Non Payment

APPLICANT	LOT #	SECTION	ACRES	LOCATION	MAP #
Bradley Bowe	203	A	2.00	Corson Sound	1A
Douglas Brown	2031	B	0.55	Obes Thorofare	3
Douglas Brown	2332	B	2.00	Dry Bay	24.2
Douglas Brown	2735	B	2.00	GB-Great Thorofare	24
Frederick W Ferrier	2562	B	2.00	Scull Bay	27
Daniel Giberson	82.2	B	2.30	GB-Graveling Pt	1
Daniel Giberson	183	B	243.20 ft.	Mullica River	1A
Daniel Giberson	371	B	3.36	GB-Cape Horn	10

Daniel Giberson	2460	B	1.00	GB-Great Bay	26
David L. Goheen	621	B	2.76	LEHB	6
Keith Heinrichs	128	B	2.25	GB-Graveling Pt	1
Keith Heinrichs	131	B	1.90	GB-Graveling Pt	1
Keith Heinrichs	132	B	2.00	GB-Graveling Pt	1
Keith Heinrichs	133	B	2.00	GB-Graveling Pt	1
Keith Heinrichs	136	B	2.00	GB-Graveling Pt	1
Keith Heinrichs	139	B	2.46	GB-Graveling Pt	1
Newell Hulse	L9	D	1.50	Laurel Harbor Relay	14.1
Frederick S Huntley III	1076	A	1.81	Great Sound	5
Frederick S Huntley III	1079	A	2.00	Great Sound	5
Frederick S Huntley III	1087	A	2.00	Great Sound	5
Gary Lubaczewski	889	B	4.00	LEHB	8
Gary Lubaczewski	890	B	5.77	LEHB	8
Gary Lubaczewski	1047	B	18.35	LEHB	8
Gary Lubaczewski	1048	B	13.33	LEHB	8
Gary Lubaczewski	1051	B	20.30	LEHB	8
Gary Lubaczewski	1060	B	2.30	LEHB	8
Gary Lubaczewski	1077	B	8.67	LEHB	8
Gary Lubaczewski	1091.1	B	15.28	LEHB	8
Gary Lubaczewski	1092	B	8.63	LEHB	8
Gary Lubaczewski	1095	B	6.88	LEHB	8
Gary Lubaczewski	1097	B	2.08	LEHB	8
James McKinley	1052R	A	2.00	Great Sound	5
Edward Mulligan	116	B	2.00	GB-Graveling Pt	1
Edward Mulligan	T311	B	1.50	Tuckerton Relay	12.1
Frank G. Patterson	141	C	2.73	Barnegat Bay	6
Peter Recigno	800.1	B	11.51	LEHB	6
Peter Recigno	802.1	B	8.64	LEHB	6
Peter Recigno	802.2	B	4.81	LEHB	6
Gerald V Seyler	2509	B	2.00	Scull Bay	27
Paul D Seyler	2527	B	1.97	Scull Bay	27
Paul D Seyler	2530	B	1.98	Scull Bay	27
Paul D Seyler	2727	B	1.44	Shelter Is.	28
Raymond Seyler	2510	B	2.05	Steelman Bay	29
Raymond Seyler	2528	B	1.99	Scull Bay	27
Raymond Seyler	2529	B	2.01	Scull Bay	27
Raymond Seyler	2724	B	1.40	Shelter Is.	28
William Shoemaker	2291	B	2.70	Dry Bay	24.2
William Storms, Jr	130	B	2.28	GB-Graveling Pt	1
Lawrence Went	2560	B	2.00	Scull Bay	27

Mr. Joseph informed the Council of the leases vacated for non-payment. Mr. Maxwell stated that leaseholders would be given an opportunity to plead for a hardship exemption at this meeting if they did not renew their leases by December 31<sup>st</sup>. Mr. Maxwell also stated that the reduction in customer service this year might have presented a problem for certain applicants in renewing their leases. Mr. Joseph advised lessees to plan ahead and renew their leases early to ensure compliance with the leasing regulations. Mr. Joseph stated that the Shellfish Office begins renewing leases in mid October. The leasing regulations require that shellfish leases be renewed each year by December 31<sup>st</sup>. Mr. Joseph reminded lessees that if illness or extenuating circumstances prevented a lessee from renewing by the December 31<sup>st</sup> deadline, the Council could extend the payment deadline by one month provided the request was made at the January meeting (as per NJAC 7:25-24.8). Messrs. Goheen and Mulligan presented their hardship cases on why they did not renew their leases by the December 31<sup>st</sup> deadline. On a motion by Mr. Johnson and a second by Mr. Maxwell, the Council granted an extension to both Mr. Goheen and Mr. Mulligan to renew their leases by February 10, 2010.

8. Old Business

No old business was discussed.

9. New Business:

2010 Water Classification and Closure Notification Procedures

Mr. Connell distributed copies of the rule proposal notice to update the shellfish growing water classification regulation (N.J.A.C. 7:12) and briefly addressed the most substantive changes. The proposed amendments would result in the upgrade of 1,381 acres of shellfish waters (including the improvement of 1,050 acres in Keyport Harbor) from Prohibited to Special Restricted and downgrade 293 acres of shellfish waters from Special Restricted to Prohibited (120 acres in the Navesink River, 150 acres in Branchport Creek and 23 acres in Tuckerton Creek). There were also proposed amendments to establish a *Vibrio parahaemolyticus* Management Plan (N.J.A.C. 7:12-1.5(d)) and to regulate shellfish restoration and gardening within the scientific and non-human consumption program (N.J.A.C. 7:12-9.13). The rule proposal would charge the Shellfish Resource Steering Committee (SRRSC), composed of representatives from the Bureau of Marine Water Monitoring, Bureau of Shellfisheries, Bureau of Marine Enforcement, and the Department of Health and Human Services (DHHS) Drug and Safety Program, with the review of all applications for scientific collecting permits. Further discussion on this matter ensued.

Aquaculture Advisory Council Meeting

Mr. Joseph reminded everyone present that the next meeting of the Aquaculture Advisory Council was on January 15, 2009, 10 am at the Rutgers Eco-Complex.

Suspension of the 2010 Relay Program

Mr. Mulligan suggested that relay program for 2010 be suspended due to lack of participation. The suspension for the Relay Program for 2010 was approved on a motion by Mr. Johnson and a second by Mr. Maxwell.

Other items

Further discussion concerning shellfish sanitation (specifically *V. parahaemolyticus*) and other issues ensued. Mr. Joseph stated that he would make a request for a DHSS representative to attend the next Council meeting to discuss-shellfish sanitation issues.

10. Date, time and place of next meeting:

DATE: February 8, 2010  
TIME: 7:00 PM  
LOCATION: Law Enforcement Office  
360 New York Rd. Rte. 9  
Port Republic, NJ 08241