

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

Nacote Creek Law Enforcement
Port Republic, NJ
August 15, 2011

Present were: Chairman: Walter L Johnson III (Ocean County)
 Vice Chairman: John Maxwell (Atlantic County)
 Councilman: Walter Hughes (Monmouth County)
 Councilman: Oliver Twist III (Cape May County)

State Representatives: Russell Babb, Bureau of Shellfisheries
 Michael Celestino, Bureau of Shellfisheries
 Gustavo Calvo, Bureau of Shellfisheries
 Bruce Friedman, Bureau of Marine Water Monitoring

Mr. Johnson called the meeting to order. Mr. Babb read the State's compliance with Sunshine Law. He announced that the meeting would be recorded.

1. Total Revenue for June 2011: \$ 32,338.40
 Shellfisheries Law Enforcement Fund \$ 814.00

 Total Revenue for July 2011: \$ 860.30
 Shellfisheries Law Enforcement Fund \$ 618.00

2. June 20, 2011 Minutes

The minutes of the June, 2011 meeting were approved on a motion by Mr. Twist and a second by Mr. Hughes.

3. Applications for Consideration

APPLICANT	LOT #	SECTION	ACRES	LOCATION	MAP#
Steve Baugh & William Steele	1423	B	2.00	Middle Is. Channel	6.1
Dale B. Parsons	2282	B	2.28	Dry Bay	24.2
Christopher Scales	2291	B	2.70	Dry Bay	24.2
Fred Lutthans	2303	B	0.52	Dry Bay	24.1
Justin Sokol	14	D	2.00	Swan Point	1
Mathew Gregg	13	D	2.00	Swan Point	1
Hallie Aubin	12	D	2.00	Swan Point	1
Fa H Ni	15	D	2.00	Swan Point	1

Mr. Babb provided the Council with copies of the applicant's lease application. Messrs. Baugh & Steele, Parsons, Sokol, Gregg, Ni and Ms. Aubin were present. Messrs. Scales and Lutthans were not present. Pursuant to leasing regulations, applicants must attend one of two meetings at which the Council would review their applications. A decision will be rendered at the next meeting.

4. Applications for Decision

APPLICANT	LOT #	SECTION	ACRES	LOCATION	MAP#
Stephen Gorman	2020	B	2.0	Widgeon Bay	3

Mr. Gorman was present at the June 20, 2011 meeting. Without discussion, Mr. Gorman's application was approved on a motion by Mr. Maxwell and a second by Mr. Hughes.

5. Old Business:

Barnegat Bay Shellfish Restoration Update

Dr. Calvo reported on hard clam and oyster sampling within the shellfish enhancement areas in Barnegat Bay. He stated that hard clams planted within the Sedge Island Marine Conservation Zone last fall and this spring had a good survival rate. The clams grew from an average of 20 mm in shell length at the time of planting to 30 mm when sampled in late July 2011. Dr. Calvo stated that there were rake efficiency issues involving sampling of small clam seed that were being addressed. Dr. Calvo reported that the 25-acre oyster enhancement area off Good Luck Point in Barnegat Bay was assessed using divers and an acoustic seafloor profiler. The area also included the one-acre site where shell and oysters had been previously planted. Dr. Calvo stated that Bureau's divers confirmed good shell coverage and the presence of planted oysters aggregated on specific locations within the one-acre site. Mr. Maxwell inquired on water depth. Dr. Calvo stated that water depth was four to seven feet at mean low water.

Mosquito Ditching Follow-up

Dr. Calvo stated that he contacted Atlantic and Ocean County officials regarding mosquito control work in the area of Nacote Creek and Manahawkin. Dr. Calvo stated that the Superintendent of the Atlantic County Office of Mosquito Control, Mr. Bill Reinert, explained that the open marsh management methods employed for mosquito control involved deepening ditches, digging ponds and connecting them to tidal flow to prevent favorable conditions for mosquito larvae. Dr. Calvo provided copies of mosquito control information to the Council. Mr. Johnson opined that the mosquito control methods were destroying marsh vegetation. Mr. Johnson suggested having a County mosquito control representative attend a Council meeting to provide additional insight into this matter. Mr. Babb stated that the Bureau would try to facilitate this with possibly a presentation from the Mosquito Control staff.

Route 72 Bridge

Mr. Celestino stated that the Department of Transportation (DOT) had been addressing numerous comments to the first version of the Environmental Assessment (EA) document regarding the proposed replacement and rehabilitation of the various Route 72 bridges. Mr. Celestino stated that the deadline for Department staff to submit comments to the revised EA document posted on the Department of Transportation's website was August 17, 2011. Mr. Celestino stated that NJDEP submitted extensive comments on the revised EA. Mr. Johnson inquired if the current version of the EA included a more reasonable mitigation proposal compared to the original proposal. Mr. Celestino stated that the revised EA included the addition of a mitigation section involving a wide range of state and federal agencies including the Bureau of Shellfisheries. Mr. Celestino stated that DOT was laying out the possibility for a lot of different kinds of mitigation and that DOT recognized that there was opposition to offsite and out of kind mitigation. Mr. Johnson inquired if a shellfish mitigation project was being considered as part of the EA. Mr. Celestino stated that DOT had specifically reached out to the Bureau through other Department staff for input on shellfish mitigation. Further discussion on this matter ensued.

6. New Business:

Introduction of New Bureau of Marine Water Monitoring Chief

Mr. Babb introduced Mr. Bruce Friedman, the new Chief of the Marine Water Monitoring (BMWM). Mr. Friedman stated that the programmatic direction of BMWM was to continue with an aggressive shellfish program and to move forward with investigating the causes of shellfish area closings. Mr. Friedman highlighted pollution track down work to try and upgrade shellfish growing waters currently closed or restricted to shellfish harvest. Mr. Maxwell inquired on Mr. Friedman's background. Mr. Friedman stated

that he had worked with New Jersey Pollutant Discharge Elimination System, Permitting and Water Enforcement.

Mr. Avery inquired on the recent closure of Lakes Bay in Atlantic County, due to a sewage spill. Mr. Friedman stated that a Notice of Revocation for the closure was expected to be signed by the Commissioner on August 16, 2011. Mr. Friedman explained that clam tissue samples for microbial pollution indicators could not be collected until a full seven days from the time the sewage spill was contained. Laboratory results have determined that the shellfish were safe for consumption.

Barnegat Bay Comprehensive Action Plan

Mr. Celestino stated that the Governor and the Commissioner had developed a comprehensive action plan for Barnegat Bay. Mr. Celestino stated that about 18 months ago, DEP convened a series of stakeholder meetings to get public input on Barnegat Bay problems and potential solutions. Mr. Celestino stated that information on this matter was available from the DEP Barnegat Bay website. Mr. Celestino stated that in February, 2011, DEP held an internal meeting to identify and assess SAV habitat and other sensitive habitats, including nesting shorebird habitat and sensitive shorelines. Mr. Celestino stated in May, 2011, DEP held a second series of stakeholder meetings to discuss specific locations of sensitive habitats. Mr. Celestino extended a formal invitation for interested council members to get involved as stakeholders. Mr. Johnson stated that he would be interested in representing the council as stakeholder. Mr. Celestino stated that in a press release from the Governor's office there was a list of action items addressing specific issues and that reducing watercraft impacts on SAV was listed as one of those items. Mr. Celestino stated that he also wanted to bring attention to a one page comprehensive plan of action document, which included one paragraph on the intention to establish conservation or low impact zones. Mr. Celestino stated that discussions on the specific locations and activities not to be permitted within the proposed conservation areas were ongoing and that now was the time for Council to voice concerns about the locations or anything else relating to these areas. Mr. Celestino showed maps with locations of the proposed conservation areas. He stated that it is his understanding that areas of existing shellfish leases would be excluded from conservation areas.

Middle Island Leases

Mr. Parsons inquired on the possibility of leasing a parcel in Middle Island Thorofare that was initially designated for research. Mr. Johnson stated that Council would consider the matter at a subsequent meeting after the Bureau had a chance to look into the current status of the parcel.

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

Date, time and place of next meeting:

DATE: September 19, 2011
TIME: 7:00 PM
LOCATION: Law Enforcement Office
360 New York Rd. Rte. 9
Port Republic, NJ 08241

“Shellfish leases must be renewed (in person) by December 31 each year. Bureau offices will begin accepting lease renewals October 15 each year.”