

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

Nacote Creek Law Enforcement
Port Republic, NJ
April 21, 2014

ROLL CALL: Chairman: Walter L. Johnson III (Ocean County)
Vice Chairman: John Maxwell (Atlantic County)
Councilman: Walter Hughes (Monmouth County)
Councilman: Vacant (Cape May County)
Councilman: Vacant (Burlington County)

DEP Representatives: Jeffrey C. Normant, Bureau of Shellfisheries
Kira Dacanay, Bureau of Shellfisheries
Jenny Tomko, Bureau of Shellfisheries
Calliope Alexander, Department of Health
Robert Schuster, Bureau of Marine Water Monitoring

Mr. Normant read the State's compliance with Sunshine Law and announced that the meeting would be recorded. Notice was filed with the Secretary of State Office and newspapers designated by the Department.

1.	Total Revenue for February 2014:	\$ 1,630.20
	Shellfisheries Law Enforcement Fund:	\$ 642.00
	 Total Revenue for March 2014:	 \$ 1,019.00
	Shellfisheries Law Enforcement Fund:	\$ 876.00

2. Presentation of February 10, 2014 minutes for approval.

The minutes of the February 10, 2014 meeting were presented for consideration and approved on a motion by Mr. Maxwell, which was seconded by Mr. Hughes.

3. Applications for Transfer

LESSEE	APPLICANT	LOT #	SECTION	ACRES	LOCATION	MAP#
Gary Buttermark	Dale S. Parsons	1429	B	1.75	Middle Island	6.1

Without discussion, the lease transfer was approved on a motion by Mr. Maxwell and seconded by Mr. Hughes.

4. Old Business:

Council Letter – Dedicated Accounts

Mr. Normant thanked the Council for sending a letter to the New Jersey State Treasurer's Office regarding \$500,000 that the Department of Treasury removed from the Bureau of Shellfisheries dedicated account (known as the Exelon Account) and placed into a reserved status. Monies from the Exelon account were to be used for long-term shellfish enhancement and restoration efforts (envisioned as a 7-10 year program) in Barnegat Bay. This mitigation effort was to offset anticipated negative impacts associated with the permit renewal of the Oyster Creek Nuclear Power Generating Station. Mr. Normant stated that that the funds had been returned to the Exelon account. The Council sent a thank you letter to the Department of Treasury.

Spraying in Waretown

Mr. Johnson expressed concern regarding roadside spraying that has been occurring in the Waretown area, south of Wells Mills Road. He added that each year, the roadside vegetation dies back further on Route 9.

Mr. Johnson requested that the Bureau of Shellfisheries contact the NJDOT Maintenance Central Region to inform them that harvesting of shellfish is occurring in nearby waters.

5. New Business:

Vibrio Plan Update

Ms. Alexander from the Department of Health (NJDOH) provided an update on the ISSC Model Ordinance from the National meeting held in January 2014, including recent adoptions for the regulation of a *Vibrio parahaemolyticus* (Vp) Plan for hard clams. Ms. Alexander stated that under the new adoptions, if a state had a Vp or *Vibrio vulnificus* (Vv) outbreak in the last five years, they will have to adopt a Vp or Vv contingency plan for clams. Mr. Johnson stated that he voluntarily applies the same Vp contingency plan that was required for oysters to hard clams. Mr. Maxwell stated that he and Mr. Schuster conducted three years of vibrio testing on hard clams. The highest scores were recorded when clams spawned. Ms. Alexander stated that the CDC was collecting serotyping information to investigate what pathologic strains were present.

Ms. Alexander informed the Council that there was a need for a hard clam tempering study. Mr. Schuster and Mr. Friedman from Bureau of Marine Water Monitoring would be conducting a tempering study on hard clams. Mr. Maxwell stated that oysters handle tempering much better than hard clams. Ms. Alexander stated that it was important to examine how clams versus oysters were affected in the same areas. Mr. Hughes stated that depuration procedures incorporate a tempering process.

Ms. Alexander informed the Council that there were 32 reported Vp cases of NJ residents that consumed oysters throughout the US. In addition, Ms. Alexander stated that in 2013, there were three cases involving NJ oysters. She added that these were considered typical background cases, not an outbreak. Ms. Alexander discussed and provided an example of how the "Risk Calculator" was applied. Ms. Alexander stated that twelve oysters were considered to be one serving size. According to the results of the "Risk Calculator", if 900,000 servings were consumed, the industry can't exceed a factor of 1 in 100,000 Vp cases. This means there couldn't be more than nine Vp cases that year. Mr. Gef Flimlin stated that there was concern regarding what was considered a serving size. Mr. Shuster stated that he has been working with Mr. Babb to determine what a serving size should be and what percentage of oysters were eaten raw to best calculate consumption.

Ms. Alexander stated that there is a National requirement from the ISSC for all states to provide annual educational materials and/or programs for harvesters and dealers. Ms. Alexander stated that she intended to provide a mandatory educational workshop specifically for harvesters and dealers before the end of 2014. Ms. Alexander inquired how the NJDOH could best reach active hard clam harvesters and dealers in NJ. Mr. Maxwell stated that this information could be gathered from the NJDOH inspectors' dealer log book. Ms. Alexander suggested that the three Council members review the Bureau's list of licensed clambers and take note of who they believe were active to assist with updating the mailing list. Council members agreed to assist with this process.

Ms. Alexander stated that the NJDOH was collaborating with Bruce Friedman from Bureau of Marine Water Monitoring to create a public health radio announcement to raise awareness of the risk for Vp or Vv illness to high risk individuals who consume raw oysters and clams. The announcement would also inform the public about NJ shellfish products and good industry handling practices. Mr. Flimlin inquired if any of the reported cases of vibrio were associated with recreational harvesters who consumed their harvest.

Suspension of Relay 2014

Mr. Johnson recommended suspending the relay program for 2014. Mr. Maxwell made a motion to suspend the relay in 2014 which was seconded by Mr. Hughes.

Shellfish Aquaculture Regulatory Working Group

Mr. Normant stated that the Bureau and various organizations (DEP-DFW, DEP-MWM, DEP-Land Use, DEP-Bureau of Tidelands, DEP-Law Enforcement, DOH & U.S. FDA) who were involved in shellfish aquaculture permitting or management processes in New Jersey have been working together to improve the permitting process. A follow-up meeting was scheduled on May 22, 2014. The Aquaculture Workshop would be held at the Jacques Cousteau National Estuarine Research Reserve facility.

Mr. Johnson inquired if there would be a resolution so that Tidelands couldn't continue to approve or deny aquaculture leases on a case by case basis. Mr. Flimlin suggested that Council members contact their state senators to inform them that Tidelands has been an impediment to shellfish aquaculture. Mr. Johnson stated that this has already been done. He added that it is up to Tidelands to negotiate a set of rules and regulations. Mr. Maxwell stated that the Aquaculture Advisory Council was an appropriate venue to bring up these issues due to the fact that a representative from the Governor's office attends the meetings.

Mr. Normant stated that he anticipates that the Shellfish Aquaculture Regulatory Working Group would help sort out some of these issues. Mr. Normant stated that the Aquaculture Regulatory Working Group created and reviewed several "aquaculture permitting scenarios". Compiling this information would point out where any discrepancies were, including Tidelands.

Lease Requests

Mr. Flimlin discussed that he would be collaborating with Dr. Bricelj and Dr. Kreuter to conduct a study on the gonad growth and development of hard clams. He added that there were two sites in which the researchers would like to conduct an eighteen-month temporary research study, one site was within an existing lease and the other site was located near Wheelhouse Marina in Seaside Park, NJ. Mr. Flimlin stated that there would be a total of four predator screens with less than 300 clams under each screen. Mr. Johnson inquired if the Bureau would investigate to verify if eelgrass was present at the new proposed research lease area. Mr. Normant stated that the approval of the new lease would be contingent on a site inspection for eelgrass and that if there was eelgrass present, the proposed lease area would be shifted to a more appropriate location. Mr. Johnson suggested a motion be made to approve temporary research lease for eighteen-months. A motion to approve the lease requests was made by Mr. Hughes and a second by Mr. Maxwell.

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

6. Date, time and place of next meeting:

DATE: May 19, 2014
TIME: 7 PM
LOCATION: Law Enforcement Office
360 New York Rd. Rte. 9
Port Republic, NJ 08241