

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

Nacote Creek Law Enforcement
Port Republic, NJ
November 16, 2015

Present were: Chairman: Walter L. Johnson III (Ocean County)
Vice Chairman: John Maxwell (Atlantic County)
Councilman: *Vacant* (Burlington County)
Councilman: *Vacant* (Cape May County)

Absent was: Councilman Walter Hughes (Monmouth County)

DEP Representatives: Jeffrey C. Normant, Bureau of Shellfisheries
Kira Dacanay, Bureau of Shellfisheries
Jenny Tomko, Bureau of Shellfisheries

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

1. Total Revenue for October 2015 \$ 2,244.66
Shellfisheries Law Enforcement Fund \$ 1,552.00

2. Presentation of October 19, 2015 minutes for approval.

The Minutes of the October 19, 2015 meeting were presented for consideration and approved on a motion by Mr. Maxwell, which was seconded by Mr. Johnson.

3. Applications for Transfer

LESSEE	APPLICANT	LOT #	SECTION	ACRES	LOCATION	MAP #
Frederick Lutthans	John Schriever	2303	B	0.52	Dry Bay	24
Joanne Galante-Williams	Luke Williams	1024	A	1.60	Great Sound	5
Caroline Williams	Luke Williams	1025	A	1.96	Great Sound	5

Without discussion, the lease transfers were approved on a motion by Mr. Maxwell, which was seconded by Mr. Johnson.

4. Applications for Consideration

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. Normant provided Council with copies of the above lease applications. Messrs. S. Lennox, D. Lennox, M. Gregg, Niall, Burke, Kesling, Dolan, J. Gregg and Seervai, and Mmes. Quirk, E. Lennox and M. Gregg were present at this meeting. Messrs. Conover and Bonar, and Ms. Mugavero were not present. Pursuant to leasing regulations, N.J.A.C.7:25-24.6, the applicants must attend one of two meetings at which the Council reviews their applications. A decision on the above applications would be rendered at the next meeting.

5. Applications for Decision

LESSEE	LOT #	SECTION	ACRES	LOCATION	MAP #
David Kohler	630	B	2.00	LEHB- Gaunt Point	6
Jordan LoPinto	654	B	2.00	LEHB- Jeremy Point	6

Messrs. Kohler and LoPinto were both present at the prior meeting. Their lease applications were unanimously approved on a motion by Mr. Maxwell and seconded by Mr. Johnson. Mr. Normant stated the applicants have 30 days to sign their lease agreements.

6. Old Business:

N.J.A.C. 7:12 Shellfish Growing Waters Rule Proposal

Mr. Normant informed the Council that the Shellfish Classification rule proposal was scheduled to be published in the November 16, 2015 New Jersey Register. This would mark the start of a 60 day public comment period. The amendments to the rule were to comply with FDA guidelines and standards published in the National Shellfish Sanitation Program "Model Ordinance". Mr. Normant stated that pursuant to Administrative Order 2015-14, and N.J.A.C. 7:12, as applicable, any holder of a commercial shellfish license issued by the Division shall complete the Department's shellfish harvester training. Mr. Normant stated that the video for the educational component for the harvester training would be accessible online through the NJDEP, Bureau of Marine Water Monitoring (BMWM) website: (<http://www.nj.gov/dep/bmw/training.html>). After completion of the online training course, a certificate confirming the completion of the course should be printed out and presented to the license agent prior to obtaining a 2016 commercial shellfish license and license holder must have a copy of the certificate available upon request when harvesting.

Mr. Maxwell inquired on the process of the comment period and responses to the comments. Mr. Normant stated that NJDEP would respond to the comments submitted as part of the rule proposal process. Mr. Maxwell stated that he would submit comments personally. Mr. Johnson stated that he would like the Council to also comment on the rule proposal. Mr. Maxwell inquired if the Bureau had commented. Mr. Normant stated that the Bureau had provided feedback and comments throughout the rule writing process to the BMWM. Mr. Maxwell wanted to ensure that the rule amendment was in line with Title 50 and does not erode Council's authority, as well as the Bureau's. Mr. Johnson stated that he would like to discuss with the Council members, maybe through executive session, to put together comments.

Mr. Normant announced that there was also an aquaculture component of the rule that would require existing leaseholders to register with the BMWM and obtain a Commercial Shellfish Aquaculture Permit. As per Administrative Order 2015-14, individuals or entities engaged in shellfish aquaculture activities shall register by December 31, 2015. Those individuals or entities intending to engage in shellfish aquaculture activities would have to register within 30 days prior to commencement of shellfish aquaculture activities.

Mr. Maxwell inquired on how to provide this information to the public. Mr. Normant stated that the Bureau was putting out an e-mail on the Division's listserv and on the Bureau's shellfish leaseholder listserv. The front office staff would also be briefed to answer questions from the public and the BMWWM would also be available to answer questions.

7. New Business:

Research Lease Inquiry – Little Egg Harbor Bay

Mr. Steve Evert of Stockton University inquired about obtaining a research lease in Little Egg Harbor Bay. He provided the Council with an overview of the research proposal. Stockton, as well as several individual partners, were funded by the Barnegat Bay Partnership to conduct a pilot level oyster restoration project in Little Egg harbor Bay. The project would compare Mullica River transplant oysters with disease resistant tank set oysters. Mr. Normant stated there was no application process for a research lease. The Council has the authority to issue a research lease by regulation. Mr. Normant stated that Mr. Evert may need to secure State and Federal permits if structure was involved. Mr. Johnson, Mr. Maxwell, and Mr. Normant advised Mr. Evert to fine tune the proposal prior to the Council consideration for the research lease.

USDA's Natural Resources Conservation Service (NRCS) - Environmental Quality Incentives Program (EQUIP) Aquaculture Initiative Meeting

Ms. Tomko announced that on November 17, 2015, representatives from USDA's NRCS - EQUIP would discuss the Aquaculture Initiative program which offers technical and financial assistance for conservation practices related to shellfish aquaculture, oyster reef habitat restoration and finfish aquaculture. The New Jersey Aquaculture Initiative was being offered through the EQUIP Program. Primary practices supported through the EQUIP program include: gear cycling, shoreline protection, rack replacement and oyster bed restoration or enhancement/replenishment. The EQUIP Aquaculture Initiative application submittal deadline is November 20, 2015.

Navesink and Shrewsbury Hard Clam Survey

Mr. Normant informed the Council that the Bureau had completed sampling for the 2015 estuarine shellfish inventory in the Navesink and Shrewsbury rivers. Mr. Normant stated that the project lead, Ms. Dacanay, would provide results to the Council once the analysis was completed. Mr. Normant stated that this was the first complete survey of the rivers since 1983. A partial survey of the rivers was completed in 2001, but only included "Seasonal" waters.

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

8. Date, time and place of next meeting:

DATE: December 21, 2015
TIME: 7 PM
LOCATION: Law Enforcement Office
360 New York Rd. Rte. 9
Port Republic, NJ 08241