



## **Shellfish Aquaculture Leasing Policy of the Atlantic Coast Section of the New Jersey Shellfisheries Council**



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**Revised and Adopted by Council March 18, 2019**

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*Be advised that this document and its content may change without prior notice. NJ Division of Fish and Wildlife and the Atlantic Coast Section of the NJ Shellfisheries Council should be consulted for all purposes of interpreting and applying this policy.*

*This document exclusively addresses the shellfish leasing policy for the Atlantic Coastal tidal waters of New Jersey. All existing and prospective shellfish leaseholders are hereby advised that shellfish aquaculture activities are subject to licenses, permits, and other regulations not explicitly identified in this document. Other NJDEP divisions, other state agencies, and federal agencies exert authority over aspects of shellfish aquaculture activities.*

## **Introduction**

The Shellfish Aquaculture Leasing Policy of the Atlantic Coast Section of the New Jersey Shellfisheries Council is a planning and guidance document designed to assist with the development of policies for managing shellfish aquaculture leases in New Jersey's Atlantic coastal tidal waters. The document is the product of a collaborative effort between NJDEP's Marine Fisheries Administration - Bureau of Shellfisheries (Bureau), the Council, and the Leasing Committee (Committee). The initial policy was approved by Council on March 21, 2016.

The development of this leasing policy was a result of the realization that the implementation of past Council policies were made on a case by case basis. This resulted in an ad hoc allocation and establishment of shellfish aquaculture leases. The Council, Committee, and Bureau concur that a comprehensive management plan is needed.

This document is considered "living" and will be revised as often as necessary to reflect the changing needs of the shellfish aquaculture industry and capacity of the Bureau, provided the proposed changes are in compliance with all regulations and statutes. The standing Leasing Committee members will meet from time to time, at the request of the Council, to develop a general consensus among shellfish aquaculture industry members on issues related to the improvement, expansion, and general use of shellfish leases. The recommendations of the Committee will be brought before the Council, and with Council approval, will be incorporated into this policy.

## **Background on Leasing on the Atlantic Coast of New Jersey**

**(RESERVED)**

### **Council Authority**

#### **Statutory Authority**

N.J.S.A. 50:1-18 - Council establishment; division of Council sections; membership; duties and responsibilities; authority to lease lands under the tidal waters of the state

N.J.S.A. 50:1-24 - Exclusive power to lease

N.J.S.A. 50:1-27 - Fixing terms, rental and acreage

#### **Regulatory Authority**

N.J.A.C 7:25-24 - Leasing of Atlantic Coast Bottom for Aquaculture

## Overview and Purpose

This policy document is intended to be used by the Council, Committee, industry and Bureau as a general management tool for leasing and managing bottom areas of the Atlantic coastal tidal waters in a way that is predictable and consistent with necessary procedures. This policy attempts to capture and reflect many years of deliberations and collaboration between the Council, industry, academia, the Bureau and other state agencies. It is meant to be reflective of the State's recognition of the importance of the shellfish aquaculture industry to New Jersey while acknowledging the presence of other stakeholders and users of our coastal marine waters, as well as Bureau staffing level considerations. The intent is to provide the shellfish aquaculture industry and other interested stakeholders with an understanding of shellfish aquaculture leasing in New Jersey Atlantic coastal waters.

**A number of known policy and regulatory issues continue to be addressed by the Council and Committee. The Council and Committee are currently reviewing lease allocation<sup>1</sup>, lease designated use, and lease utilization.**

This document provides a concise snapshot of the current leasing situation:

- |           |  |
|-----------|--|
| Section 1 | Council's role in the issuance, approval and oversight of shellfish aquaculture leases |
| Section 2 | Overview of the current lease areas and options available to prospective lease holders |
| Section 3 | <i>Lease expansion</i> options for existing lease areas                                |
| Section 4 | Consideration of <i>new lease areas</i>  |
| Section 5 | Lease application and renewal fees   |

### **Section 1 Council's role in the issuance, approval, and oversight of shellfish aquaculture leases**

Following the regulatory procedures outlined in the Leasing of Atlantic Coast Bottom for Aquaculture at N.J.A.C. 7:25-24, all applications for shellfish aquaculture lease grounds on the Atlantic Coast of New Jersey are reviewed by the Council. The Council then recommends to the Commissioner of the NJDEP whether an area can be leased to an individual or should remain open for public use. The majority of the lease applications are for commercial shellfishermen who require an area for the planting and cultivating of shellfish or as relay leases (per the relay regulations, N.J.A.C. 7:25-15).

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<sup>1</sup> *Italicized words/phrases* are defined in Appendix A (Glossary)

In order to assist the Council in its decisions, each lease application is investigated for shellfish productivity by the Bureau and a biological report is submitted to the Council (per the leasing regulations at N.J.A.C.7:25-24.6) to assist in the Council’s decision whether to approve the lease application. The Bureau may also conduct biological investigations adjacent to an existing lease or leases to pre-determine suitability for lease area expansion, thereby alleviating the need to conduct individual surveys. Other marine resources and user group conflicts are also evaluated and play an important role in the Council’s determination to expand leasing in a particular area.

A biological assessment is conducted by the Bureau because the estuarine shellfish resources of New Jersey face continuing pressures which threaten the available habitat. Many productive shellfish beds have been closed or decimated as the result of pollution and development. In addition, large tracts of productive shellfish habitat were leased many years ago before biological investigations were conducted to evaluate their productivity. Over the years, the Bureau and the Council, either through regulations or policy, have attempted to maintain productive shellfish habitat as open harvest areas for the benefit of shellfish harvesters and the general public.

Since the amount of productive shellfish habitat is finite, every effort must be made to manage its conservation, but also to provide adequate opportunity to maintain shellfish aquaculture as a viable part of the shellfish industry. It is important to note that with the loss of harvestable waters due to coastal development or downgrades in shellfish growing water classifications, shellfish aquaculture has become even more important in maintaining the viability of New Jersey’s shellfish industry. Less “productive areas” (waters that have the physical characteristics to grow shellfish, but for other reasons, do not have a consistent history of natural recruitment) are utilized and enhanced through a carefully managed leasing program. In essence, aquaculture enhances the usage of areas that are characterized as “less than productive,” providing additional use opportunities for industry.

**Section 2 Overview of the current lease areas and options available to prospective lease holders**

As of March 18, 2019, a total of 906 individual leases are currently held, accounting for 2,330.60 acres and 32,947.74 linear feet (Mullica River) in New Jersey’s Atlantic coastal bays and rivers.

<b>Section</b>	<b>Geographic Location</b>	<b># Regular Leases</b>	<b># Relay Leases</b>	<b># Research Leases</b>	<b>Acres</b>	<b>Linear Feet</b>
A	Cape May County	137	0	2	309.01	
B	Great Egg to Manahawkin	711	8	2	1,915.73	32,947.74
C	Manahawkin to Toms River	17	0	3	53.31	
D	Toms River to Manasquan River	25	0	0	53.60	
E	Shark River	1	0	0	0.95	

Each existing lease area is illustrated under Appendix B, “Shellfish Lease Areas of the Atlantic Coast of New Jersey.” These shellfish lease area charts provide a brief description of each area and list any restrictions associated with the ability to lease a particular lot within that particular area. The official existing lease area charts may also be viewed during business hours at the Nacote Creek Shellfish Office. For convenience, prospective applicants should call ahead to schedule a time to discuss and review these official maps with a Bureau staff by calling **(609) 748-2040**.

Note: if a waterbody is not a listed in this document, it means that no leases exist in that waterbody. The absence of leases may be due to such things as Council Action or water quality classification.

### **Section 3 Lease expansion options for existing lease areas**

- A lease application can be made contiguous to an existing lease where acceptable in Appendix B. A biological investigation shall be performed by the Bureau, unless the lease area is exempt from a biological investigation per the leasing regulations at N.J.A.C. 7:25-24.6(c).
- If Council policy for a shellfish lease area under Appendix B does not allow for a lease to be added within or contiguous to an existing block of leases, any proposed new lease contrary to the Council policy shall be presented to the Council for their consideration.
- If the Council decides to further evaluate the establishment of the proposed lease area, the Council shall task the standing Leasing Committee with discussing the suitability of the proposed expansion, including, but not limited to, known productivity of shellfish habitat; shellfish growing water classifications; protected marine natural resources; stakeholder conflicts; uses of other natural resources such as fishing, crabbing and hunting; navigational issues; land use restrictions; tidelands; and adjacent land ownership conflicts.
- The Committee shall work with the Bureau to investigate the status of marine resources and potential conflicts in the proposed area. The staffing capacity of the Bureau should always be considered in evaluating lease expansion areas.
- The Committee and/or the Bureau shall present their findings to the Council.
- The Council may set boundaries through this policy that limit the expansion of certain lease areas.
- The Bureau, at its discretion, may adjust the proposed boundaries of a lease application.



#### **Section 4      Consideration of new lease areas**

*As of September 18, 2017, new lease areas may be considered by the Council (see Section 5). This policy includes areas currently recommended by the Shellfish Aquaculture Leasing Committee to be investigated for possible future lease expansion.*

- A proposal for new shellfish lease areas, including *Aquaculture Development Zones (ADZs)*, shall be presented to the Council for their review. New areas shall be evaluated as a block of leases rather than a single individual lease application.
- If the Council decides to further evaluate the establishment of the proposed new shellfish lease area, the Council shall task the standing Leasing Committee with discussing the suitability of the proposed new leases, including, but not limited to, known productivity of shellfish habitat; shellfish growing water classifications; protected marine natural resources; stakeholder conflicts; uses of other natural resources such as fishing, crabbing and hunting; navigational issues; land use restrictions; tidelands; and adjacent land ownership conflicts.
- The Committee shall work with the Bureau to investigate the marine resources and potential conflicts. The staffing capacity of the Bureau should always be considered in evaluating new lease areas.
- The Committee and/or Bureau shall present their findings to the Council.
- If the Council decides to approve the new block of leases, allocation of individual leases within the new block will be determined by the Council.
- The new block of leases will then be incorporated within the leasing policy.
- Public announcement of new lease areas (reserved).

#### **Section 5      Lease application and renewal fees**

*Under the authority of N.J.S.A. 50:1-27 Fixing terms, rental and acreage: The Council, with approval of the Commissioner, shall fix the term for which leases may be granted, the rental to be paid, the maximum size of any single ground to be leased, and the total acreage which may be leased to any person or persons.*

Pursuant to this statutory authority, the Council, upon the recommendation of the Atlantic Coast Leasing Committee, has reviewed, provided input and approved proposed amendments to all shellfish regulations, which included the “Leasing of Atlantic Coast Bottom for Aquaculture” at N.J.A.C. 7:25-24. The Committee has recommended incorporating a \$250 lease application fee and a \$100 lessee renewal fee to the proposed amendments to the leasing regulations. Neither of these “rental” fees are in the current regulations. However, the DEP advised the Council that

their recommended amendments to the shellfish regulations were put on hold at this time (2017). The Council had previously decided, through earlier versions of the Leasing Policy, that it would not consider new lease block areas until the amendments to the shellfish regulations were fully adopted.

One of the primary reasons for not considering new lease areas was unresolved issues with the allocation of leases within new lease block areas (i.e., previously not existing). The Committee and Council share the belief that the proposed lease application fee would help deter the monopolization of new lease areas by a single group of individuals and allow more opportunity for other interested shellfish industry members to obtain leases in the new area. The lessee renewal fee would be in addition to the annual lease fee (\$2 per acre or 100 linear feet) currently in the regulations and would likely free up inactive leases that are being held by leaseholders who are not utilizing them.

With the regulatory amendments on hold, the Shellfish Aquaculture Leasing Committee recommended to the Council implementing a “lease application fee” of \$250 for each lease application and the “annual lessee renewal fee” of \$100 for each lessee, due upon renewal. These fees were recommended to be incorporated in this leasing policy, under the authority of *N.J.S.A. 50:1-27*.

The Council approved the recommendation of the Committee at the June 19, 2017 Council meeting. **The \$250 lease application fee and the \$100 annual lessee renewal fee would become effective upon the Commissioner’s approval of the Council’s action. The Commissioner approved the directive from the Council on September 7, 2017 and the fees are effective immediately (See Attachment 1).** With the fees now in place, the Council will consider new lease areas, under the procedure outlined in Section 4 above.

**At the January 28, 2019 Leasing Committee meeting, members had concerns regarding individuals applying for a lease and then the same individual applying for a lease under a corporate entity as the principal or corporate representative/officer at the same time. This raised concerns due to the fact that in the “Leasing of Atlantic Coast Bottom for Aquaculture” regulations (N.J.A.C. 7:25-24.5), only a single new lease application may be pending at one time by an individual. The Committee viewed this as a circumvention of the intent and long-standing purpose of the regulation. The Committee recommended that, in order to clarify, the individual should not have a lease application pending and then apply for a second lease under a corporate entity in which the same individual is either a principal or corporate representative/officer of that corporate entity. This position is further supported by the regulatory requirement that an individual must have a commercial shellfish license in order to apply for a lease on the Atlantic Coast section of NJ, and that only a natural person can hold a commercial shellfish license (i.e., an LLC cannot hold a commercial shellfish license). The Council approved the Committee’s recommendations at their March 18, 2019 meeting.**

## APPENDIX A: GLOSSARY

**Aquaculture Development Zone (ADZ):** Unique shellfish lease areas that have been identified for structural aquaculture development. This lease management system approach attempts to minimize environmental, social and user group conflicts while streamlining the permitting process that growers are required to navigate. The State holds all of the necessary federal and State permits. There are three ADZs currently in New Jersey: two are offshore in “deepwater” areas (currently unoccupied, known as ADZ 2 & 3), and one is along the nearshore area of the Cape May Peninsula (just south of the Clam Line, known as ADZ4).

**Block of Leases:** A group of leases that contiguous with each other.

**Lease Allocation:** The procedure used by the Bureau and the Council to assign individual lease applications.

**Lease Designated Use:** Species of shellfish cultivated and the method used for cultivation within a specified shellfish lease area.

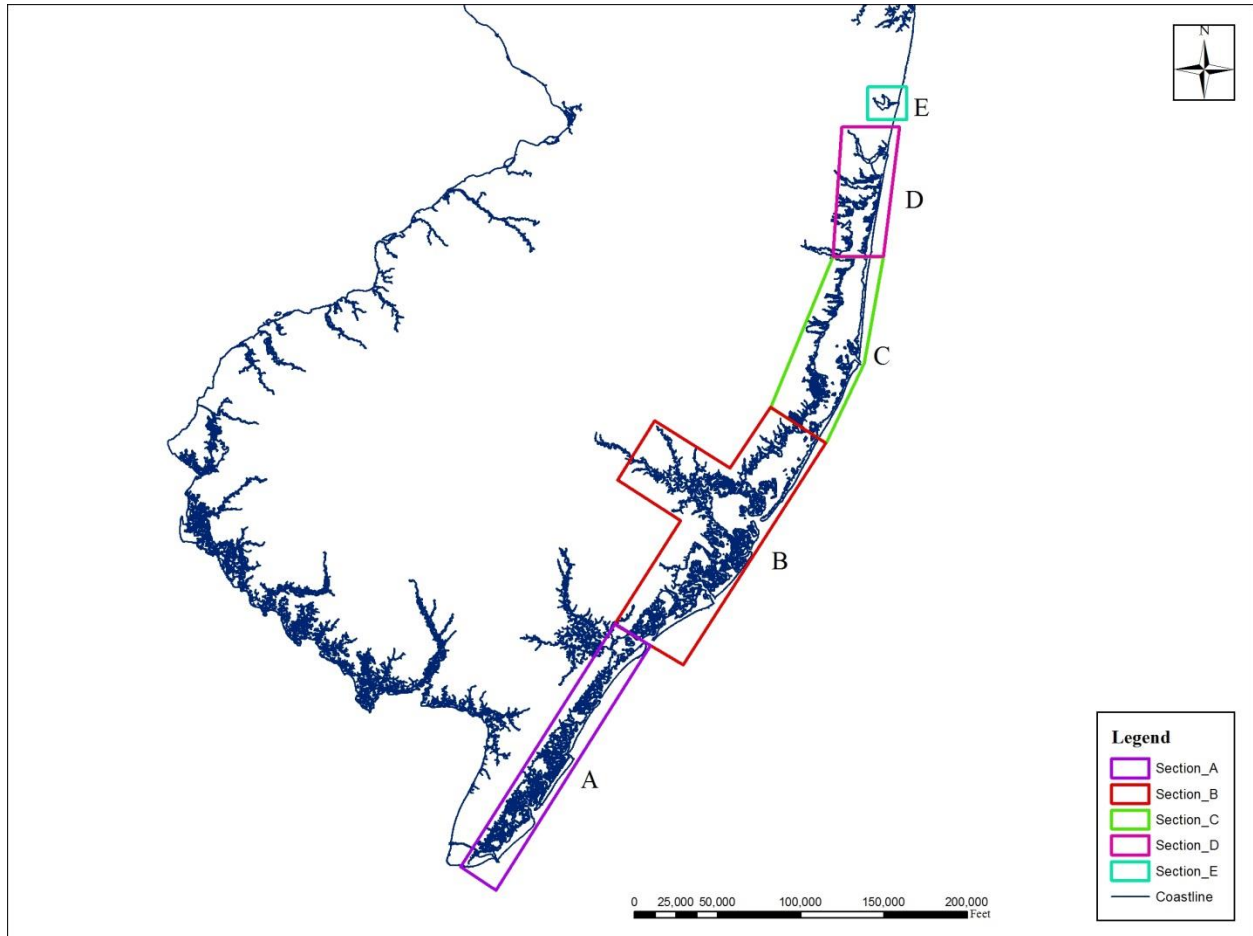
**Lessee:** An individual, a joint partnership of individuals, or a corporation that holds a lease or leases.

**Lease Expansion:** The addition of new leases contiguous to an existing block of leases.

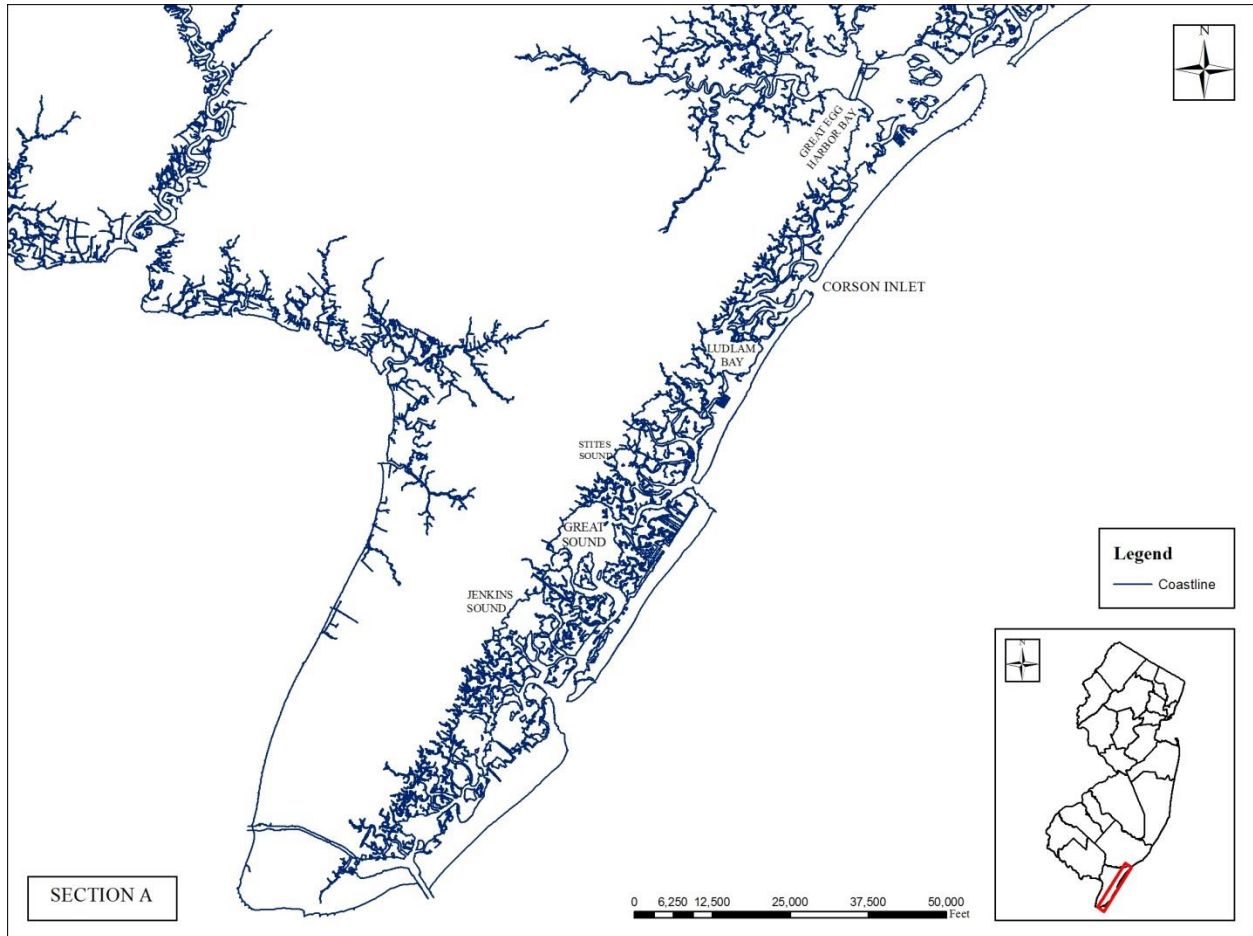
**New Lease Areas:** The addition of new leases that is not contiguous to an existing lease or leases.

**APPENDIX B: SHELFISH LEASE AREAS OF THE  
ATANTIC COAST OF NEW JERSEY**

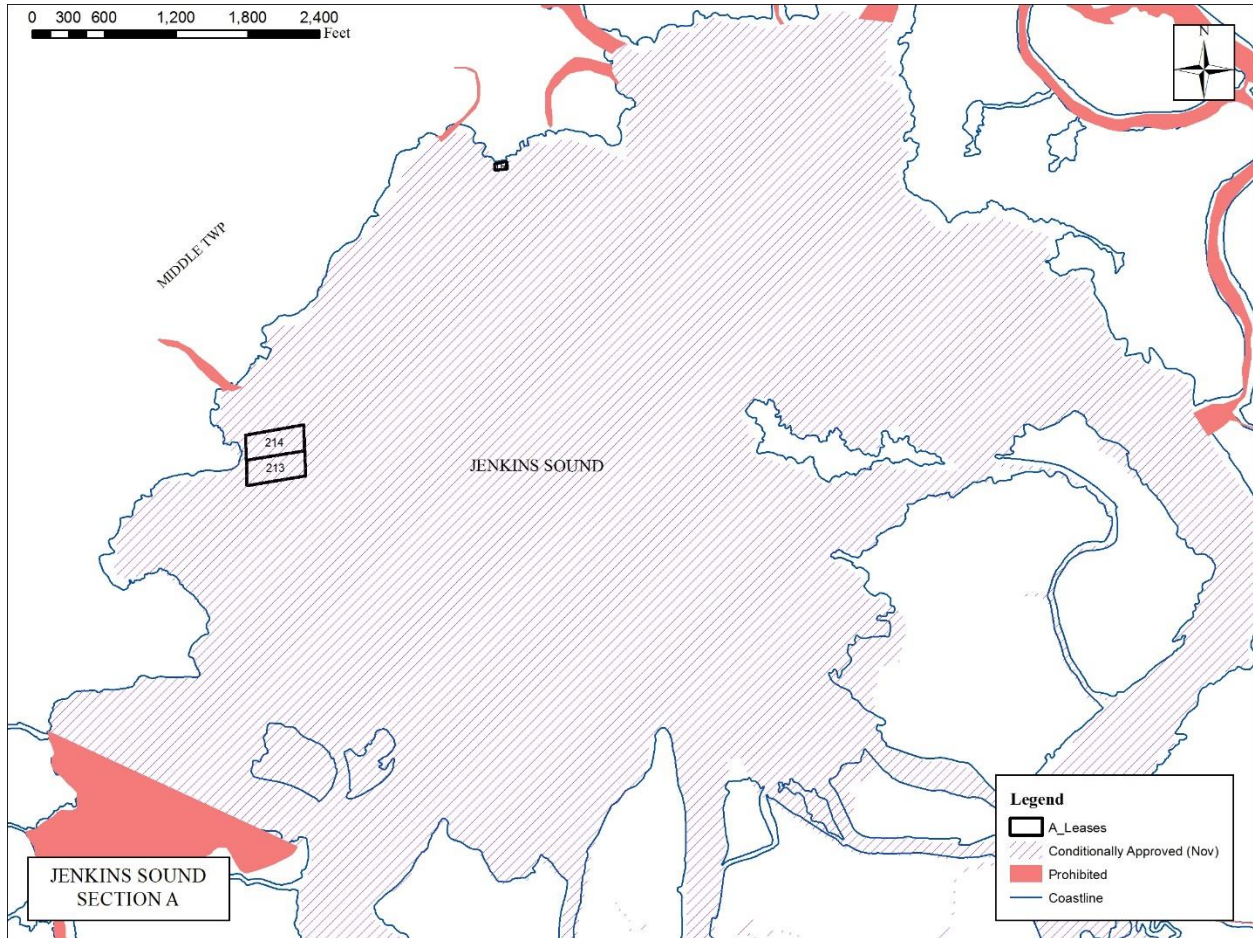
**\*Please note that the official lease charts for the tidal waters along the Atlantic coast of New Jersey are located at the Nacote Creek Shellfish Office, per the leasing regulations at N.J.A.C. 7:25-24. The figure numbers of the charts below are not the official map numbers, but are only references for this document.**



# Section A: Cape May to Great Egg Harbor Bay



**Figure A1: Jenkins Sound**



Location: Middle Township, Cape May County

Existing Leases: 2 leases and 1 research lease, 4.88 acres

Primary Shellfish Grow Out: Hard Clam

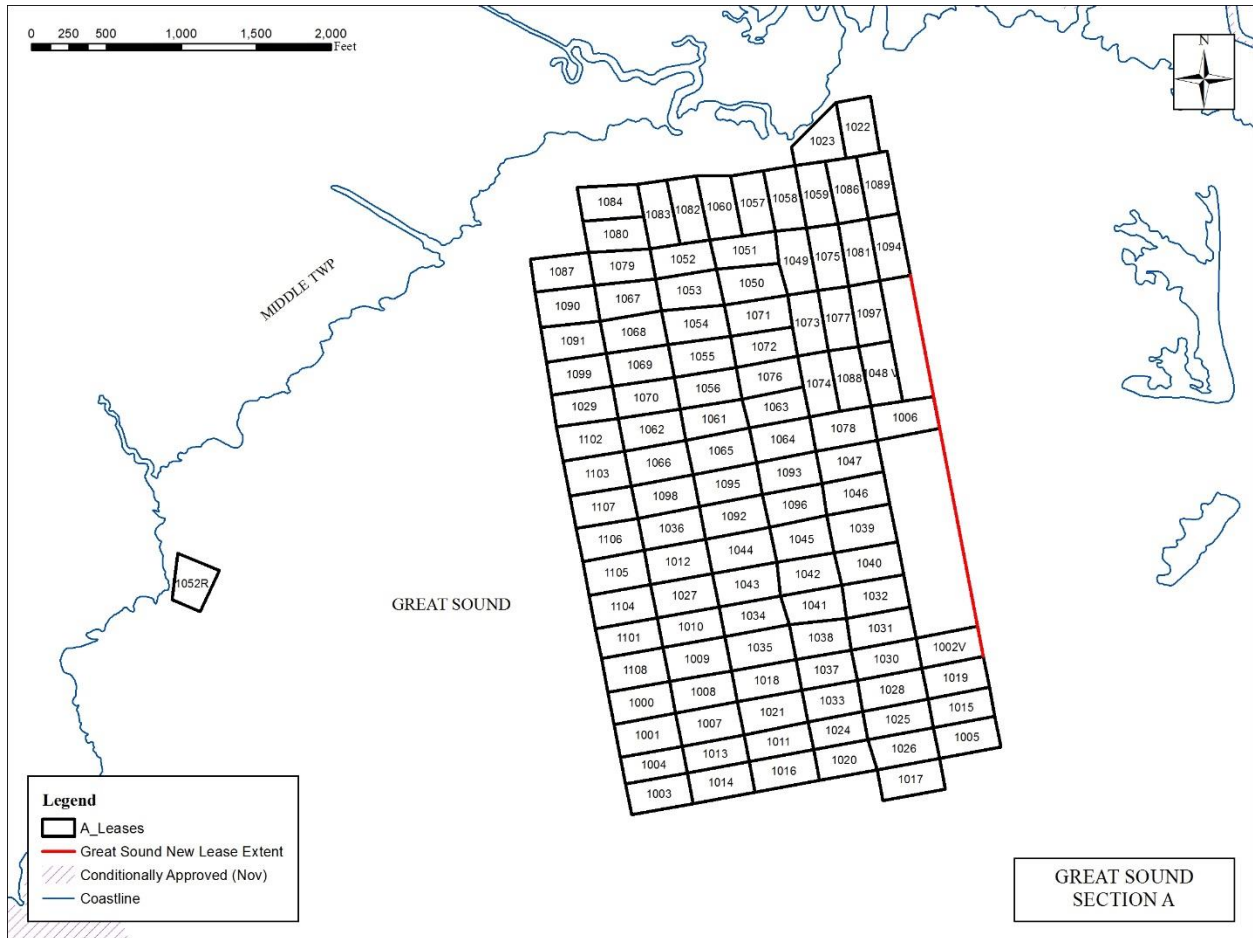
Shellfish Growing Waters Classification: Conditionally Approved

Known Concerns: Possible conflicts with commercial crab pot fishery

**Council Action: New lease applications are allowed contiguous to the existing lease block. Biological investigation is required per the leasing regulations N.J.A.C. 7:25-24.6. Proposals for new lease areas not contiguous to existing leases shall require Committee recommendation and Council approval to be considered.**



**Figure A2: Great Sound**



Location: Middle Township/Avalon, Cape May County

Existing Leases: 100 leases and 1 research lease, 208.14 acres

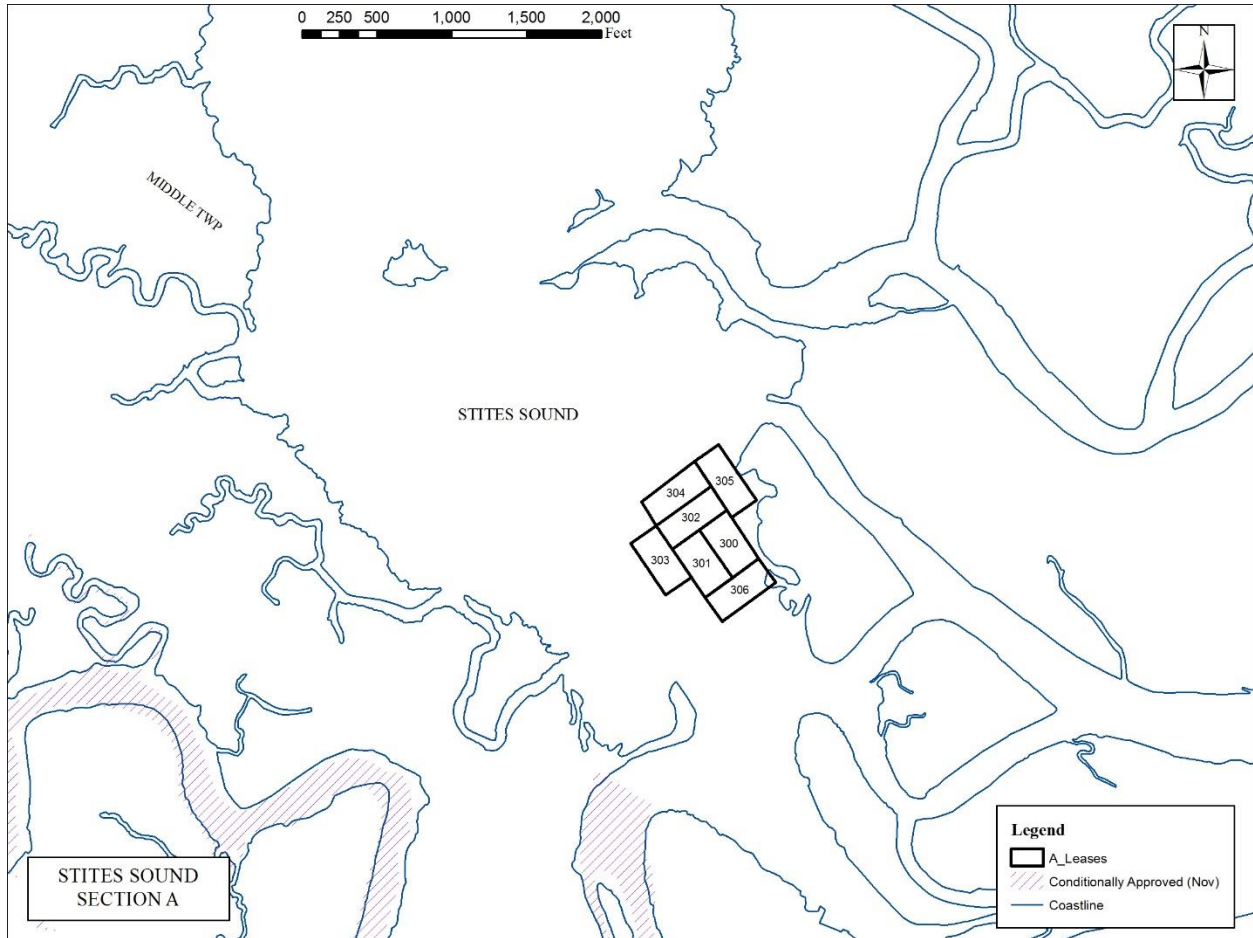
Primary Shellfish Grow Out: Hard Clams, Oysters

Shellfish Growing Waters Classification: Approved

Known Concerns: Possible conflicts with other user groups and stakeholders: commercial crab pot fishermen, wild shellfish harvesters, and recreational fishermen. A petition from the New Jersey Shellfisheries Association, signed by Great Sound leaseholders, opposing new leases in Great Sound was presented to Council at the October 19, 2015 meeting.

**Council Action: Expansion of the Great Sound lease block is limited to the area within the red boundary lines depicted on the Figure A2 above. Proposals for a new lease block in Great Sound or for further expansion of the existing Great Sound lease block shall require Committee recommendation and Council approval to be considered. A biological investigation is required per leasing regulations at N.J.A.C. 7:25-24.6.**

**Figure A3: Stites Sound**



Location: Middle Township/Avalon, Cape May County

Existing Leases: 7 leases, 13.97 acres

Primary Shellfish Grow Out: Hard Clams

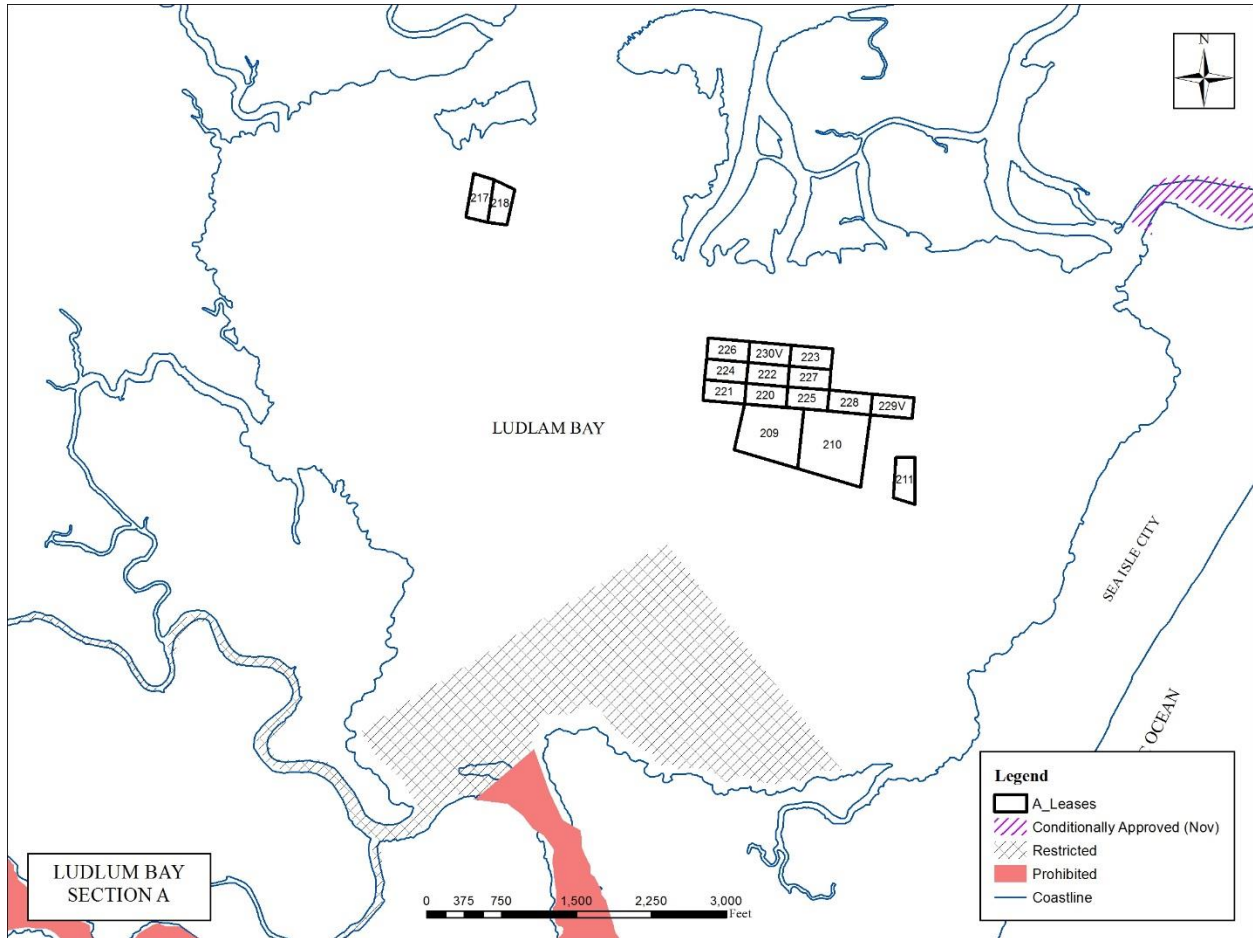
Shellfish Growing Waters Classification: Approved

Known Concerns: Possible conflicts with other user groups and stakeholders: commercial and recreational shellfish harvesters and recreational fishing. Shellfish resources need to be evaluated as Stites Sound may be productive shellfish habitat.

**Council Action: Expansion restricted due to physical limitations of the site. Expansion of existing lease block area and other areas of Stites Sound will need to be carefully considered and evaluated, not only for resource, but suitability for hard clam aquaculture. Any new lease proposals in this area shall require a Committee recommendation and Council approval to be considered.**



**Figure A4: Ludlam Bay**



Location: Middle Township, Cape May County

Existing Leases: 14 leases, 42.08 acres

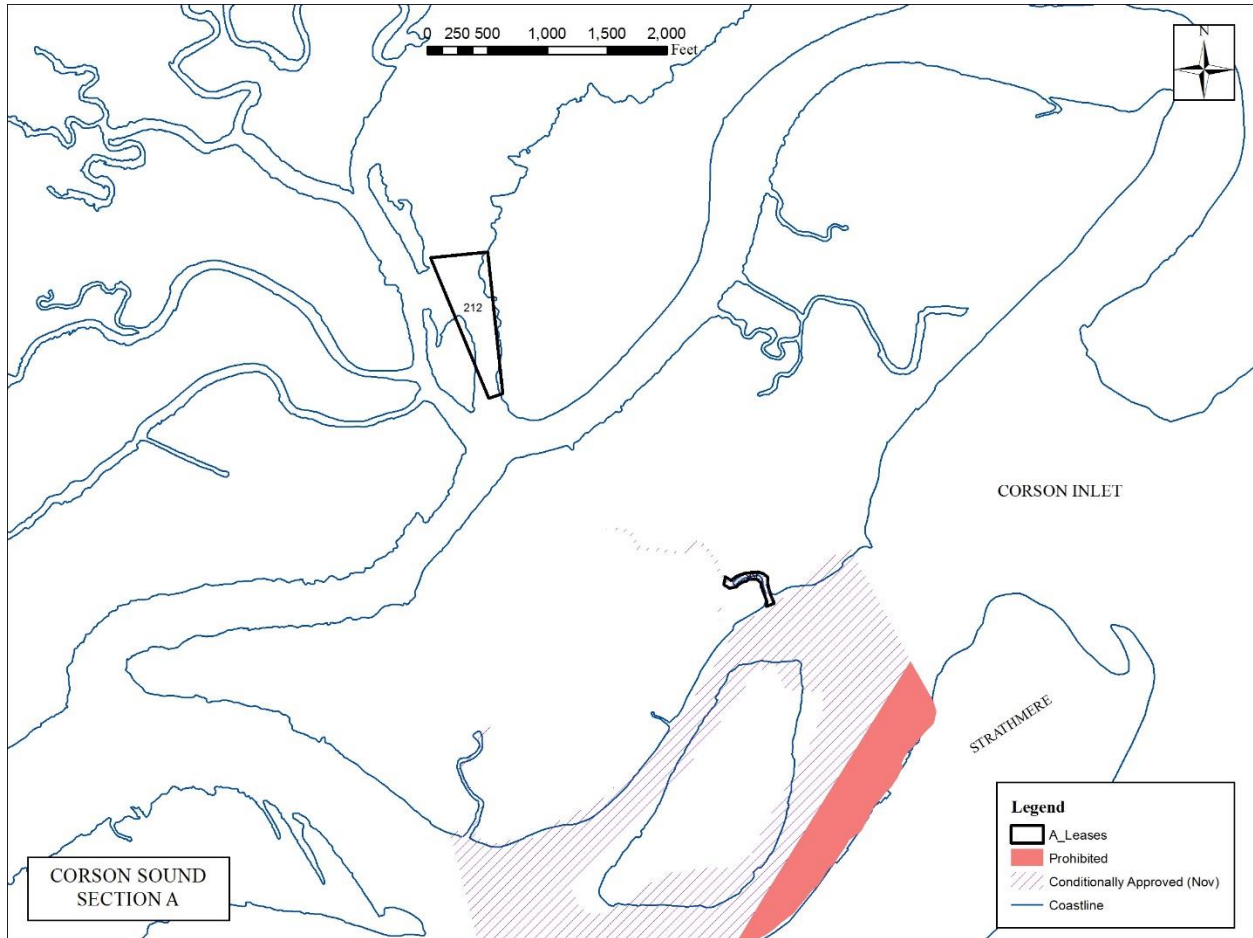
Primary Shellfish Grow Out: Hard Clams, Oysters

Shellfish Growing Waters Classification: Approved

Known Concerns: Possible conflicts with other user groups and stakeholders: recreational and commercial wild shellfish harvest, commercial crab harvest, recreational fishing and PWC rental operation area.

**Council Action: New lease applications shall be allowed contiguous to the existing block of leases located at the northeastern side of Ludlum Bay. Biological investigation is required per the leasing regulations at N.J.A.C. 7:25-24.6. Proposals for new lease areas not contiguous to existing leases shall require Committee recommendation and Council approval to be considered.**

**Figure A5: Corson Sound**



Location: Strathmere and Ocean City, Cape May County

Existing Leases: 2 leases, 8.24 acres

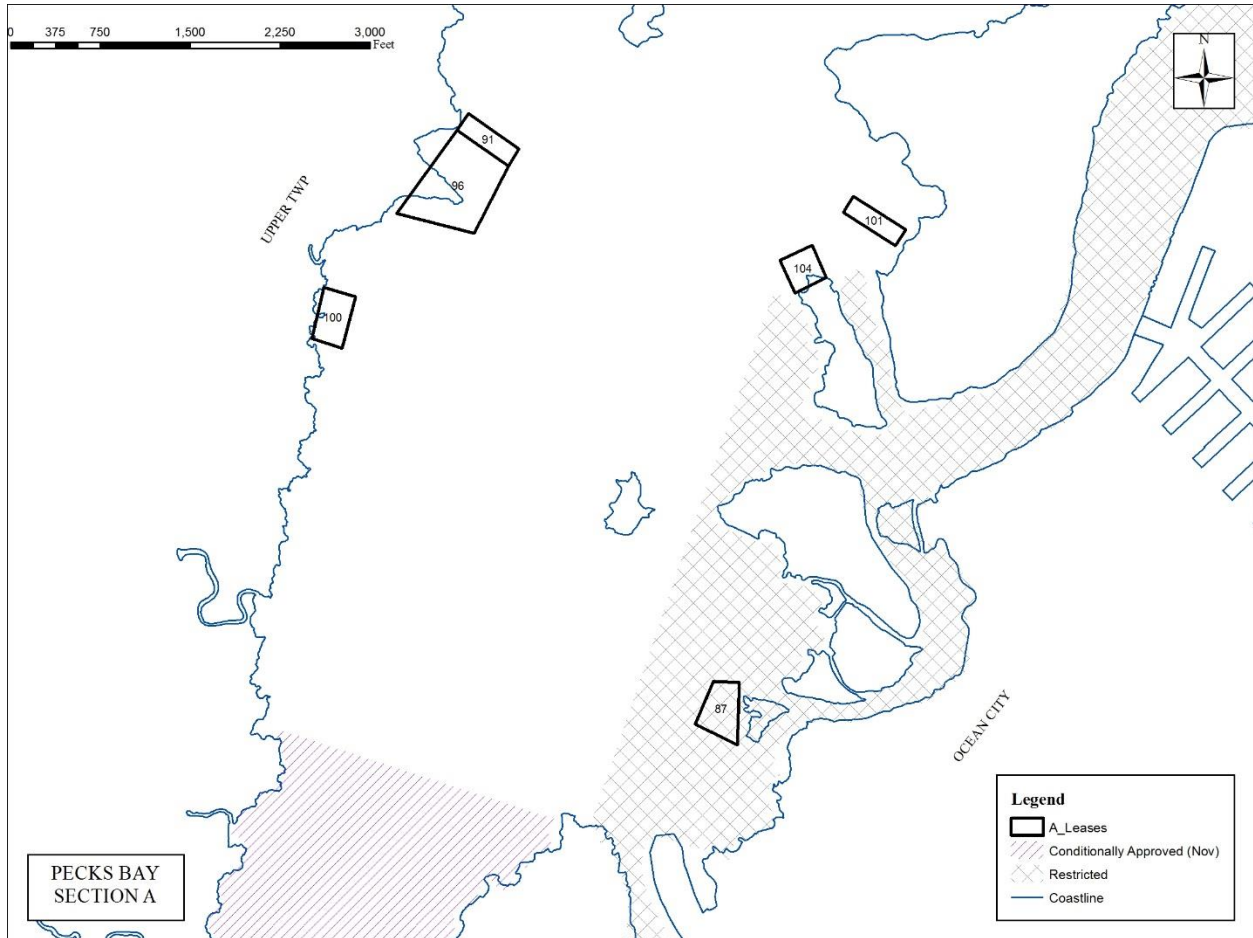
Primary Shellfish Grow Out: Unknown

Shellfish Growing Waters Classification: Approved

Known Concerns: Possible productive hard clam habitat

**Council Action: Any new lease proposals in this area shall require a Committee recommendation and Council approval to be considered.**

**Figure A6: Pecks Bay**



Location: Upper Township (Beasley’s Point) and Ocean City, Cape May County

Existing Leases: 6 leases, 20.32 acres

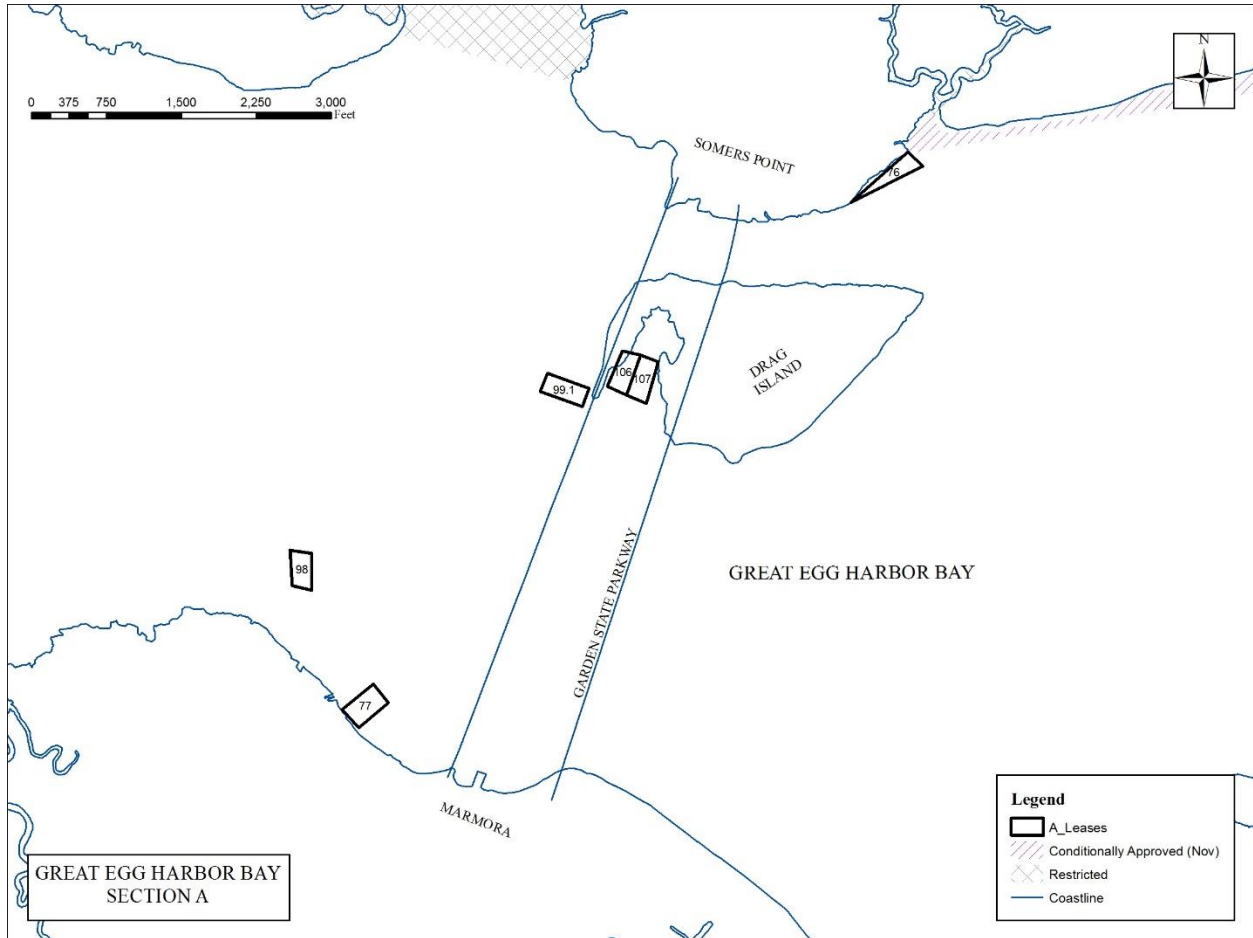
Primary Shellfish Grow Out: Hard Clams and Oysters

Shellfish Growing Waters Classification: Approved and Restricted

Known Concerns: Possible conflicts with other user groups and stakeholders: commercial crab harvest, recreational and commercial fishermen, recreational boating, PWC activity, and possible riparian conflicts along shoreline. At the January 22, 1996 Council meeting, commercial crab pot fishermen had expressed concern over leases in Pecks Bay.

**Council Action: Any potential expansion of leases in Pecks Bay shall only be considered through the development of a block of leases. A new lease block expansion shall require a Committee recommendation and Council action for Bureau of Shellfisheries to investigate.**

**Figure A7: Great Egg Harbor Bay**



Location: Upper Township (Beasley’s Point), Cape May County and Somers Point, Atlantic County

Existing Leases: 6 leases, 11.38 acres.

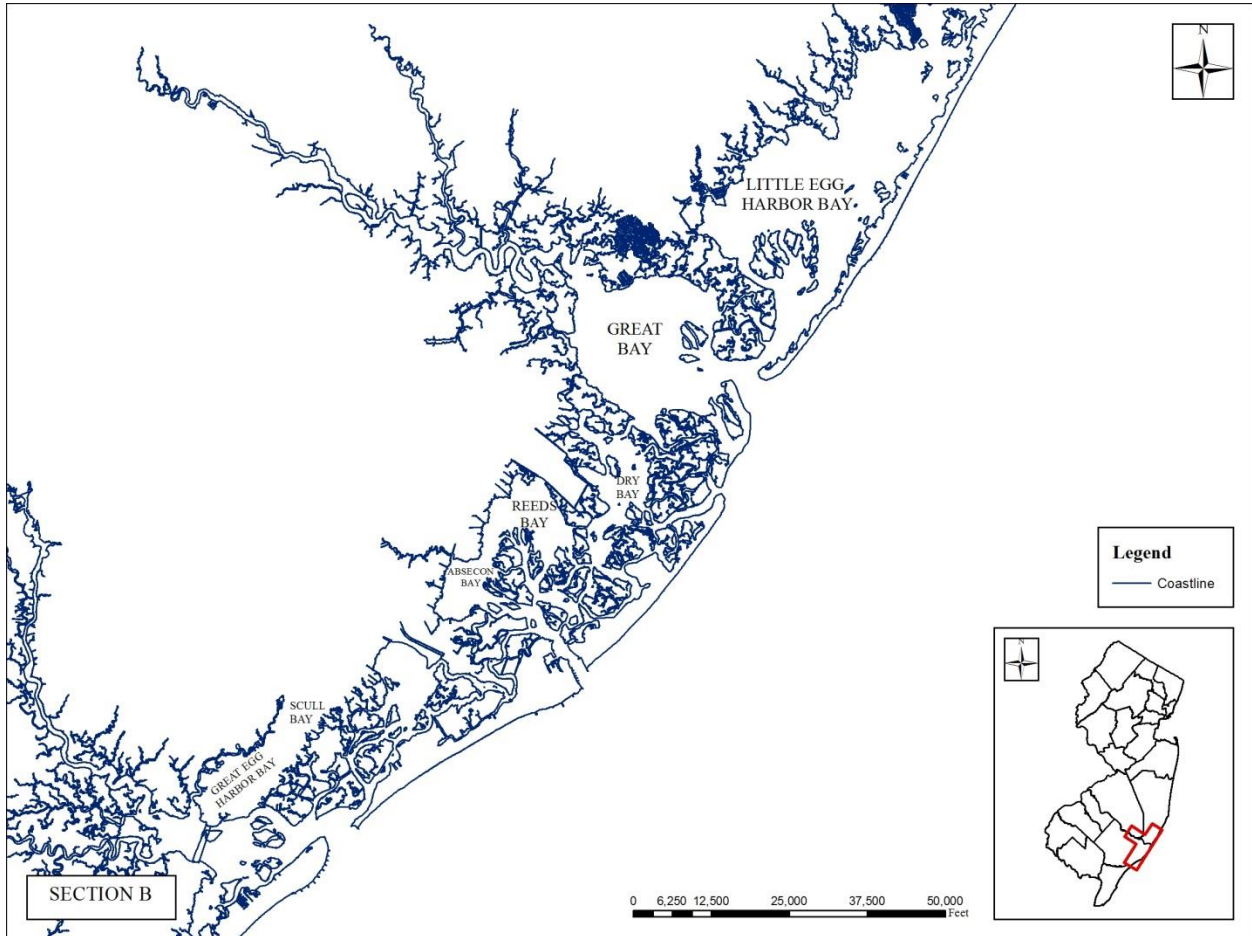
Primary Shellfish Grow Out: Hard Clams and Oysters

Shellfish Growing Waters Classification: Approved

Known Concerns: Possible conflicts with other user groups and stakeholders: commercial crab harvest, recreational and commercial fishermen, wild shellfish harvest, recreational boating, PWC activity riparian conflicts along shoreline.

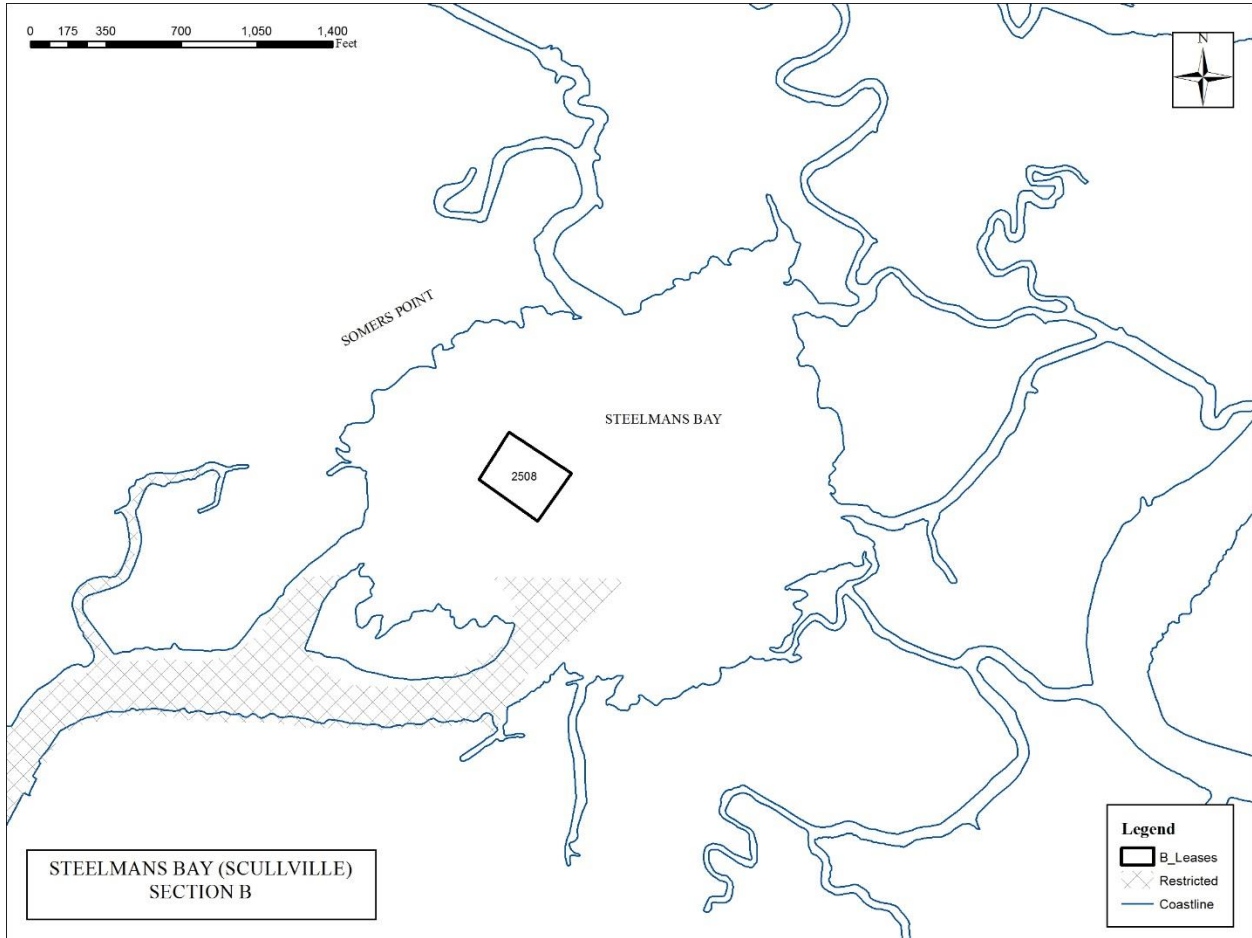
**Council Action: Any potential expansion of leases in Great Egg Harbor Bay shall only be considered through the development of a block of leases. A new lease block expansion shall require a Committee recommendation and Council action for Bureau of Shellfisheries to investigate.**

**Section B: Great Egg Harbor Bay to Manahawkin Bay**





**Figure B1: Steelmans Bay (Scullyville)**



Location: Somers Point, Atlantic County

Existing Leases: 1 lease, 2.08 acres

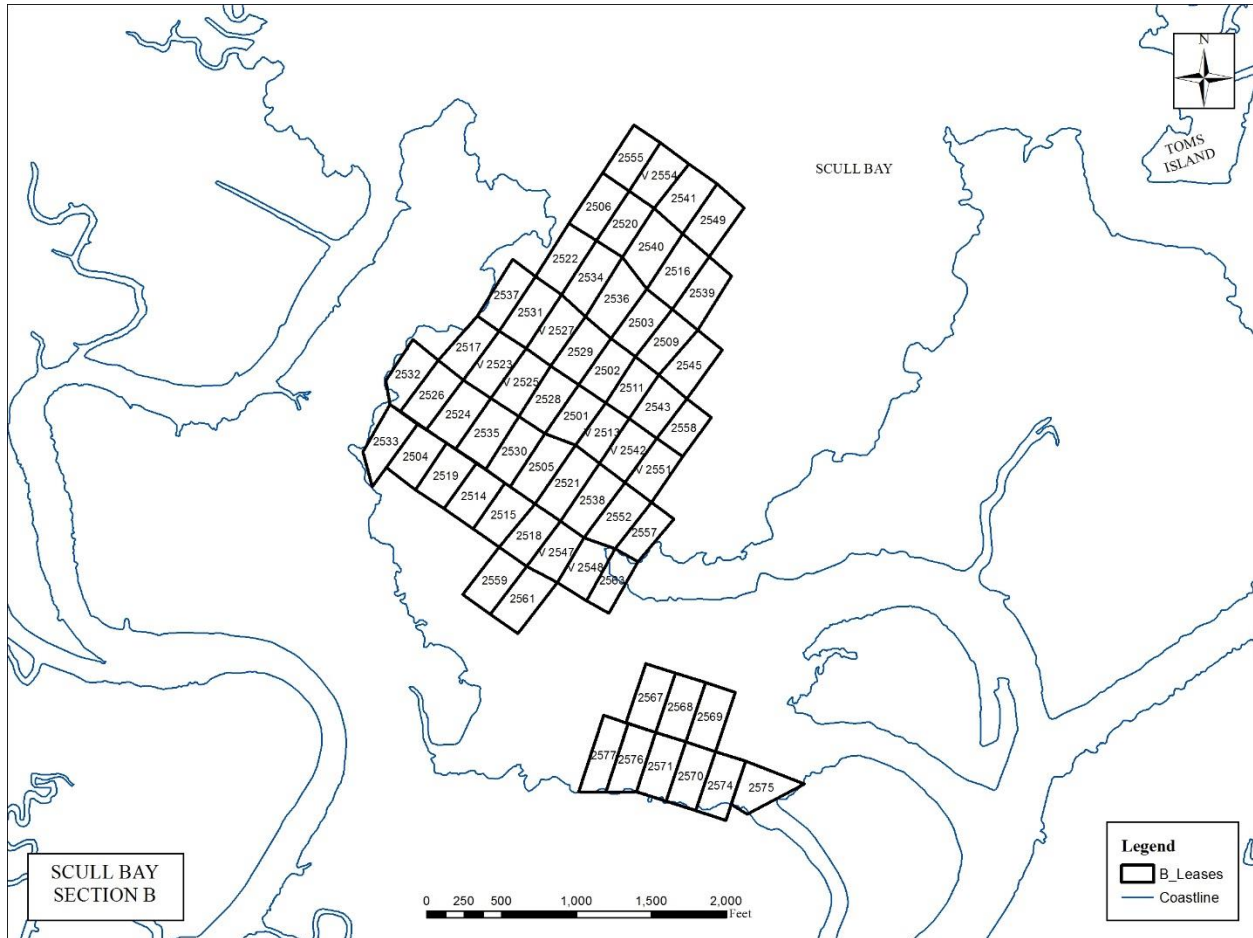
Primary Shellfish Grow Out: Hard Clams and Oysters

Shellfish Growing Waters Classification: Approved

Known Concerns: No known concerns at this time.

**Council Action: New lease applications are allowed contiguous to existing lease. A biological investigation is required as per leasing regulations N.J.A.C. 7:25-24.6.**

**Figure B2: Scull Bay**



Location: Linwood, Atlantic County

Existing Leases: 52 leases, 104.04 acres

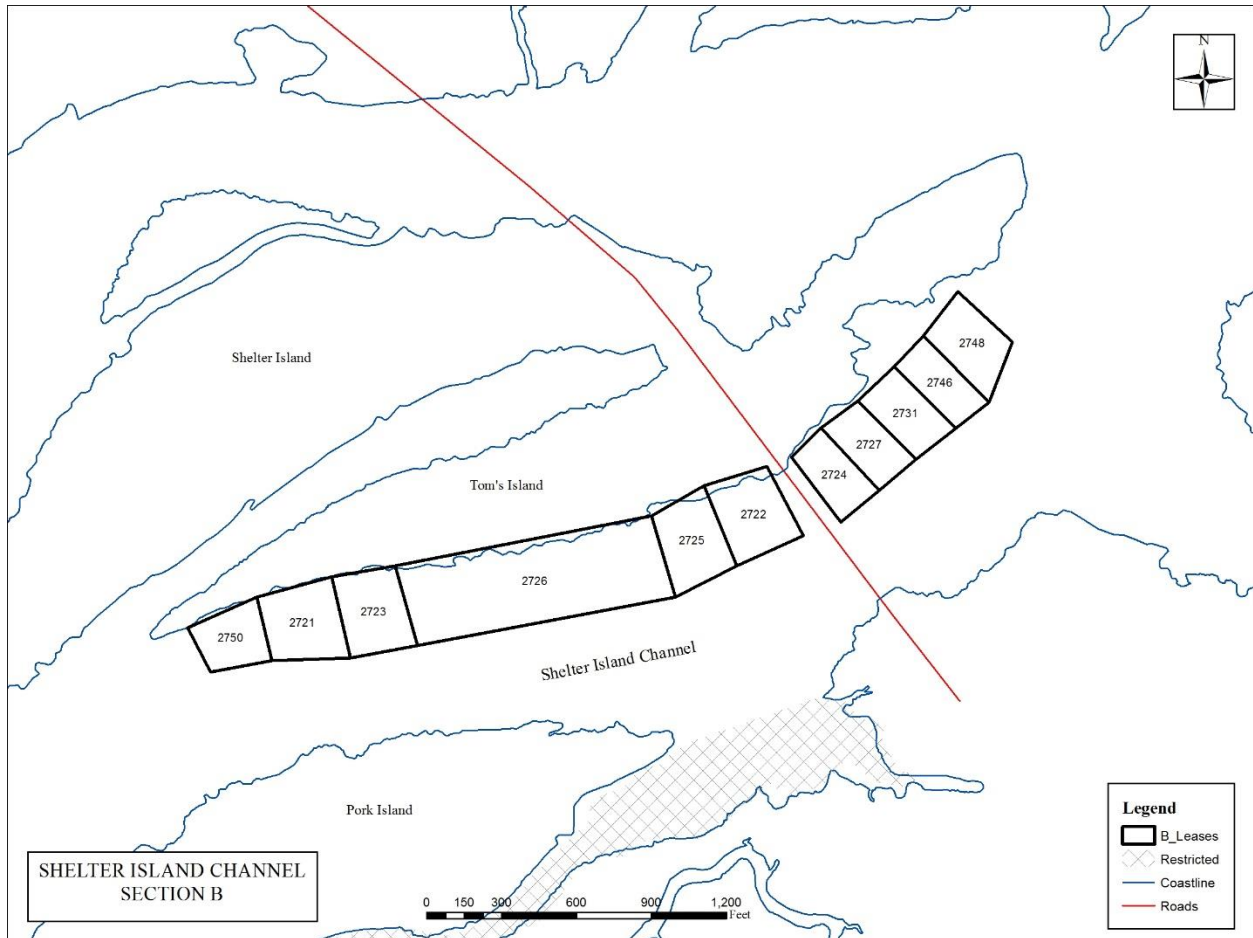
Primary Shellfish Grow Out: Hard Clams

Shellfish Growing Waters Classification: Approved

Known Concerns: Possible conflicts with other user groups and stakeholders: commercial crab pot fishermen, commercial and recreational shellfish harvesters and recreational fishermen.

**Council Action: Expansion restricted due to limitations on the total area of Scull Bay. Any outward expansion of the existing lease blocks shall not be considered until all vacant bottom within the interior portion of the main block of leases (northern block) are occupied. A biological investigation is required as per leasing regulations N.J.A.C. 7:25-24.6.**

**Figure B3: Shelter Island Channel**



Location: Linwood and Margate, Atlantic County

Existing Leases: 11 leases, 25.28 acres

Primary Shellfish Grow Out: Hard Clams

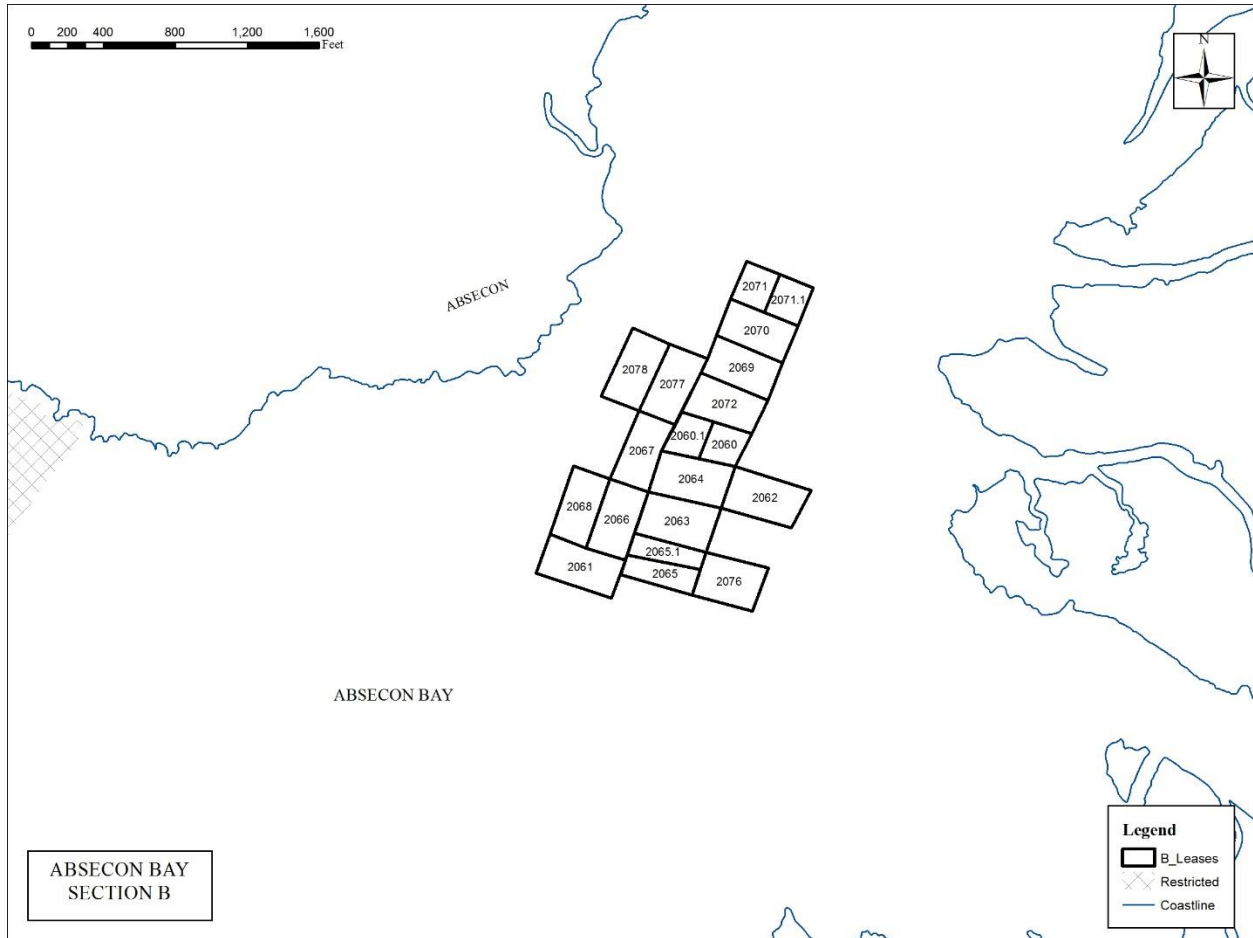
Shellfish Growing Waters Classification: Approved

Known Concerns: The waters of Shelter Island Channel are considered productive hard clam habitat. Conflicts with other user groups and stakeholders: commercial and recreational shellfish harvesters and recreational fishermen.

**Council Action: Council policy of no new leases in Shelter Island Channel due to productive hard clam habitat at the May 15, 2000 meeting. Applications can be accepted for leases in Shelter Island Channel that become vacant.**



**Figure B4: Absecon Bay**



Location: Absecon, Atlantic County

Existing Leases: 19 leases, 34.44 acres

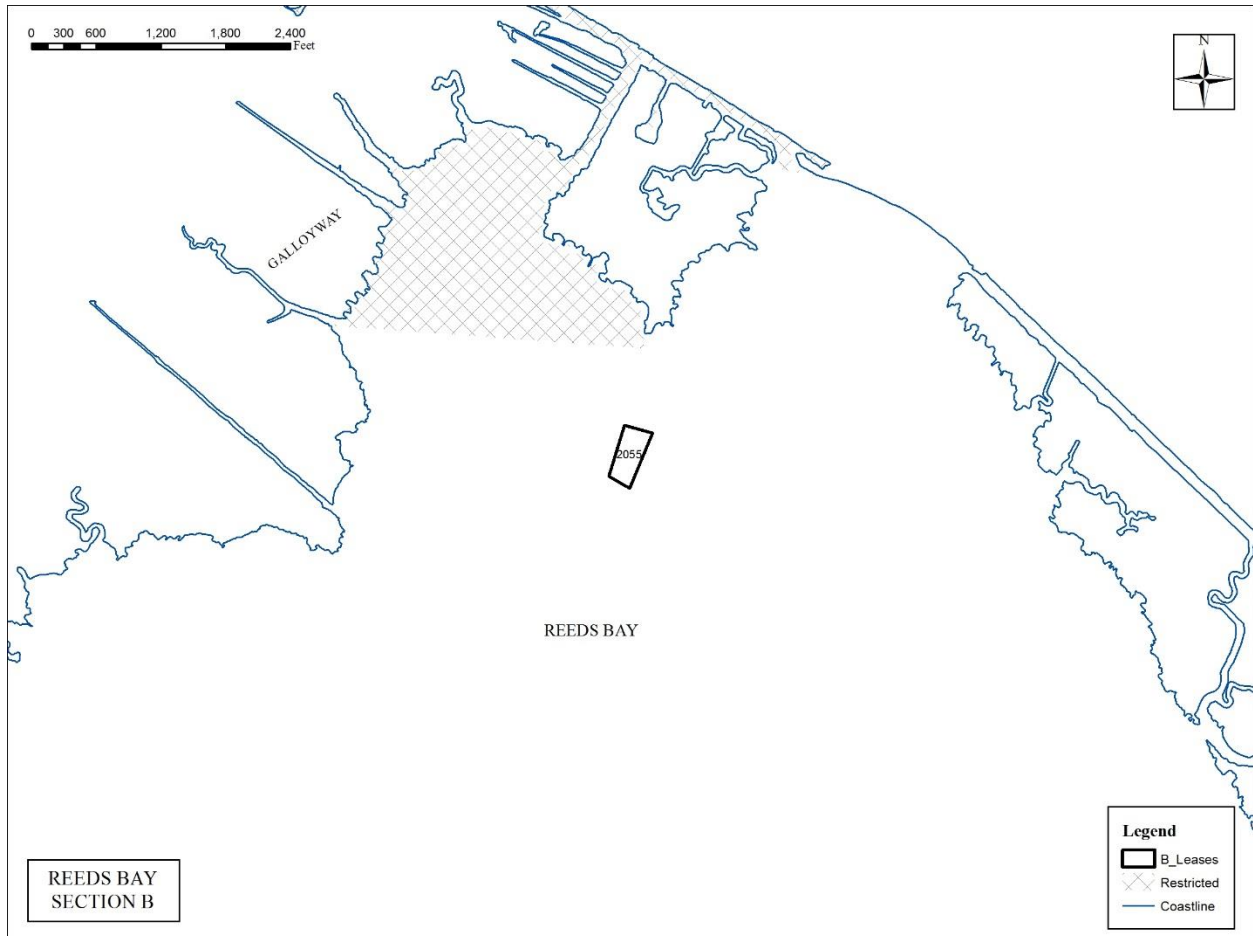
Primary Shellfish Grow Out: Hard Clams

Shellfish Growing Waters Classification: Approved

Known Concerns: The waters in Absecon Bay are considered productive hard clam habitat. Conflicts with other user groups and stakeholders: commercial crab pot fishermen, commercial and recreational shellfish harvesters.

**Council Action: Council policy of no new leases in Absecon Bay. The policy was implemented initially at the January 23, 1989 Council meeting. The Council also denied 60 applications (120 acres) at the July 20, 1998 Council meeting after a petition from commercial shellfishermen and crab pot fishermen opposed any new expansion of leases in Absecon/Reeds Bay area.**

**Figure B5: Reeds Bay**



Location: Absecon, Atlantic County

Existing Leases: 1 lease, 2.94 acres

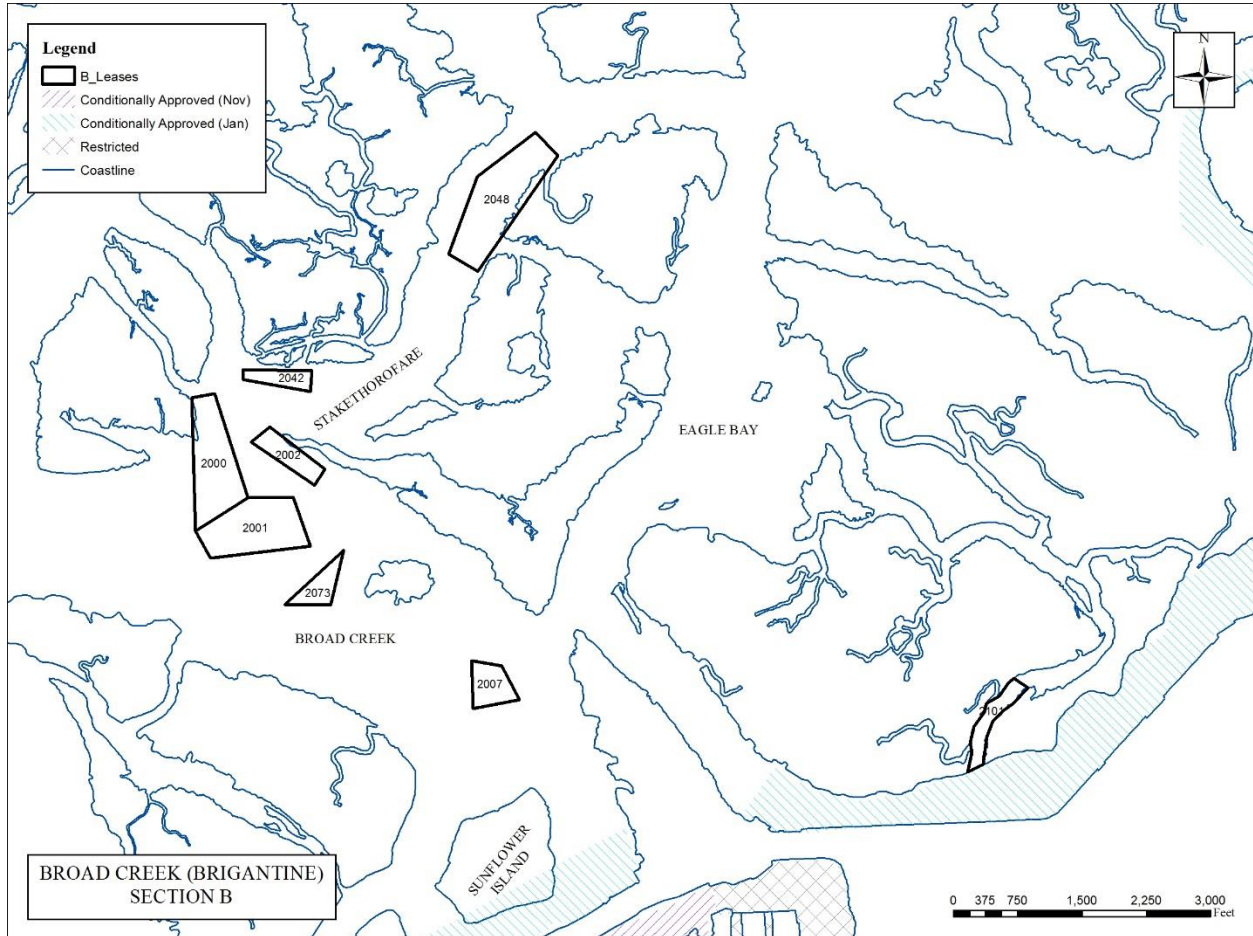
Primary Shellfish Grow Out: Hard Clams

Shellfish Growing Waters Classification: Approved

Known Concerns: Conflicts with other user groups and stakeholders: commercial crab pot fishermen, commercial and recreational shellfish harvesters.

**Council Action: No new leases in Reeds Bay, as per Council decision on July 20, 1998 for productive hard clam habitat and commercial crab pot fishery, after a petition from commercial shellfishermen and crab pot fishermen opposed any new expansion of leases in Absecon/Reeds Bay area. No applications shall be made for Lease 2055, Section B, if it becomes vacant.**

**Figure B6: Broad Creek Area (Brigantine)**



Location: Brigantine and Absecon, Atlantic County

Existing Leases: 8 leases, 65.69 acres

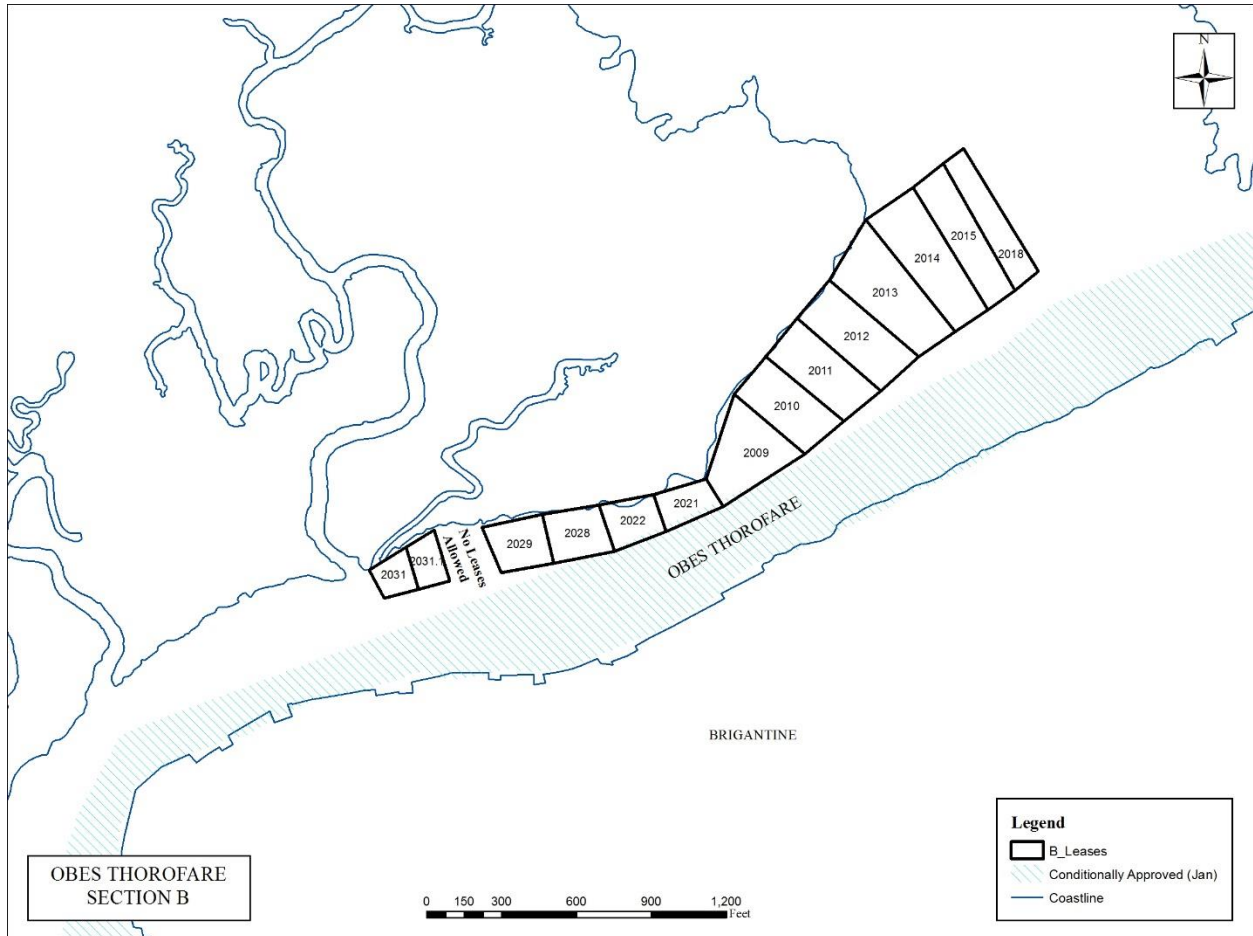
Primary Shellfish Grow Out: Hard Clams

Shellfish Growing Waters Classification: Approved

Known Concerns: The waters in the Broad Creek area are considered productive hard clam habitat.

**Council Action:** No new leases due to productive bottom in area known as Sunflower Island, as per leasing regulations at N.J.A.C. 7:25-24.6(d)1iv. No new shellfish leases in Broad Creek area and Steelmans Thorofare, as per Council policy on August 20, 1990 and July 15, 1991, respectively due to productive bottom. Leasing of productive areas is discouraged as per the leasing regulations as per N.J.A.C. 7:25-24.6(d). Leases in this area that become vacant shall remain public bottom.

**Figure B7: Obes Thorofare**



Location: Brigantine, Atlantic County

Existing Leases: 14 leases, 21.31 acres

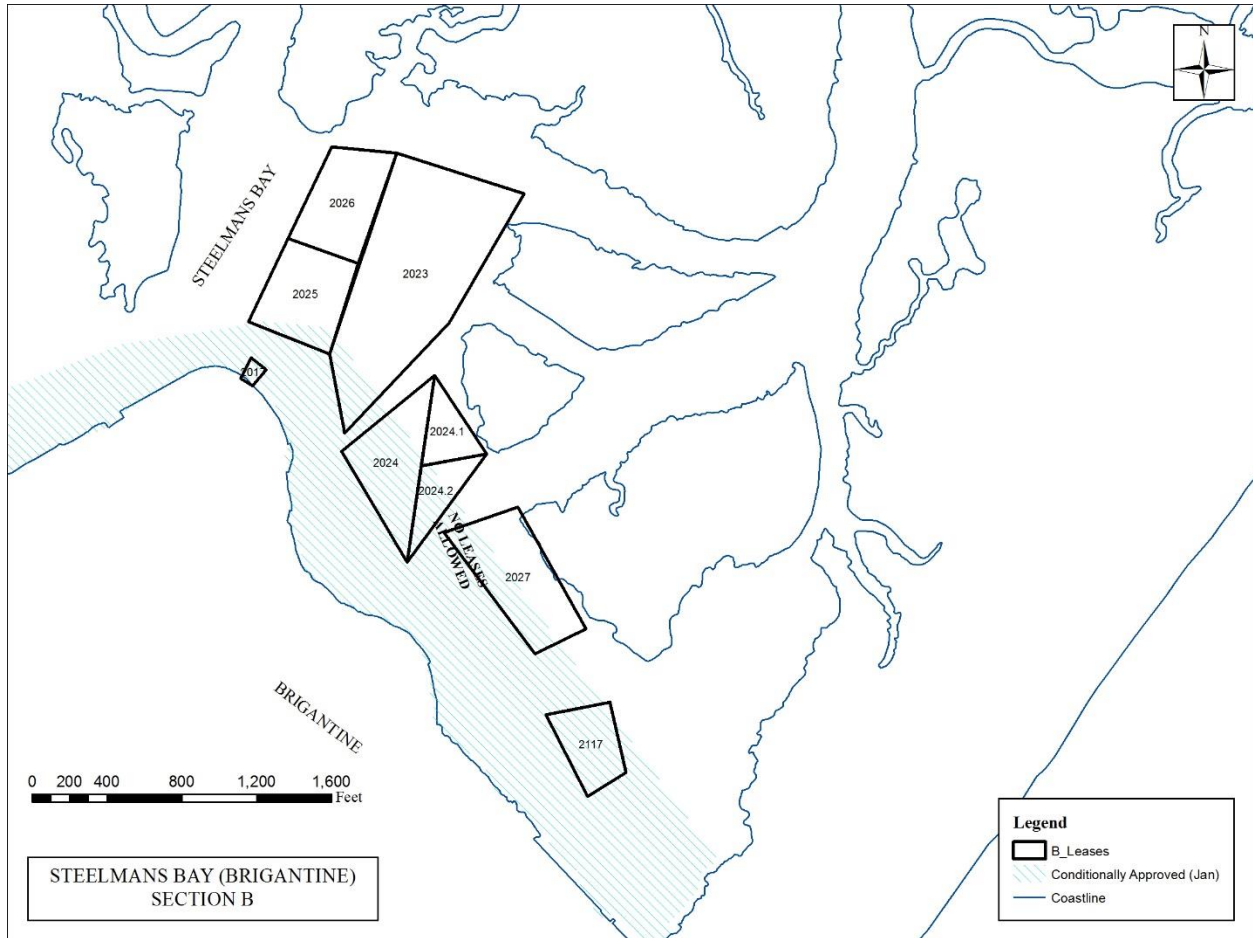
Primary Shellfish Grow Out: Hard Clams

Shellfish Growing Waters Classification: Approved

Known Concerns: The waters in Obes Thorofare are considered productive hard clam habitat.

**Council Action: No new leases in Obes Thorofare due to productive bottom as per Council Policy on January 14, 1991. In addition, if lots 2030, 2031 and 2031.1 become vacant, they will revert to public bottom. Lot 2030 was vacated December 31, 2017. Applications can be made on the remaining leases if they become vacant. Leasing of productive areas is discouraged as per the leasing regulations as per N.J.A.C. 7:25-24.6(d).**

**Figure B8: Steelmans Bay (Brigantine)**



Location: Brigantine, Atlantic County

Existing Leases: 9 leases, 45.07 acres

Primary Shellfish Grow Out: Hard Clams

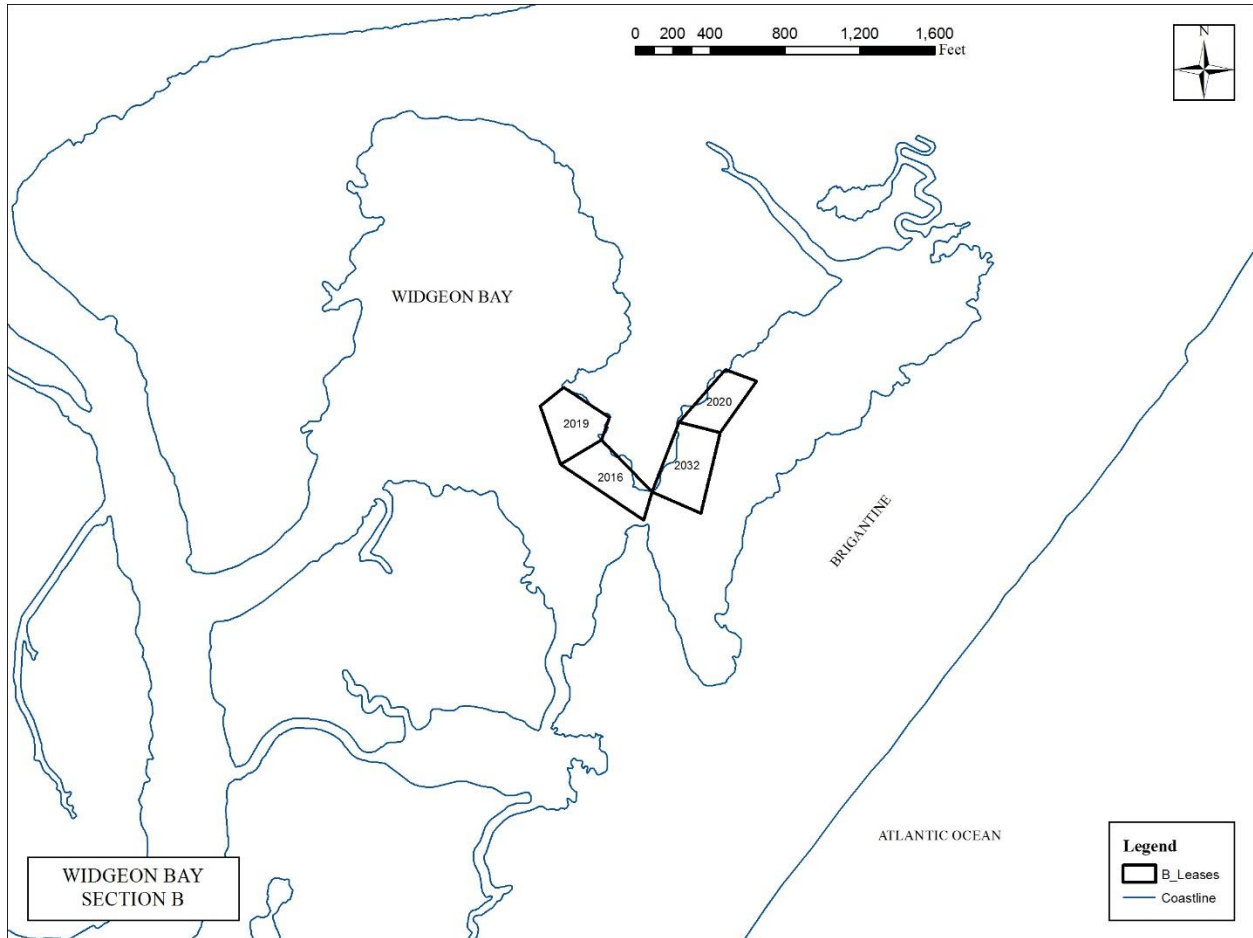
Shellfish Growing Waters Classification: Approved and Conditionally Approved

Known Concerns: The waters in Steelmans Bay are considered productive hard clam habitat.

**Council Action: No new leases in Steelmans Bay due to productive bottom as per Council policy on April 15, 1991. Leases in this area that become vacant shall remain public bottom. Leasing of productive areas is discouraged as per the leasing regulations as per N.J.A.C. 7:25-24.6(d).**



**Figure B9: Widgeon Bay**



Location: Brigantine, Atlantic County

Existing Leases: 4 leases, 8.46 acres

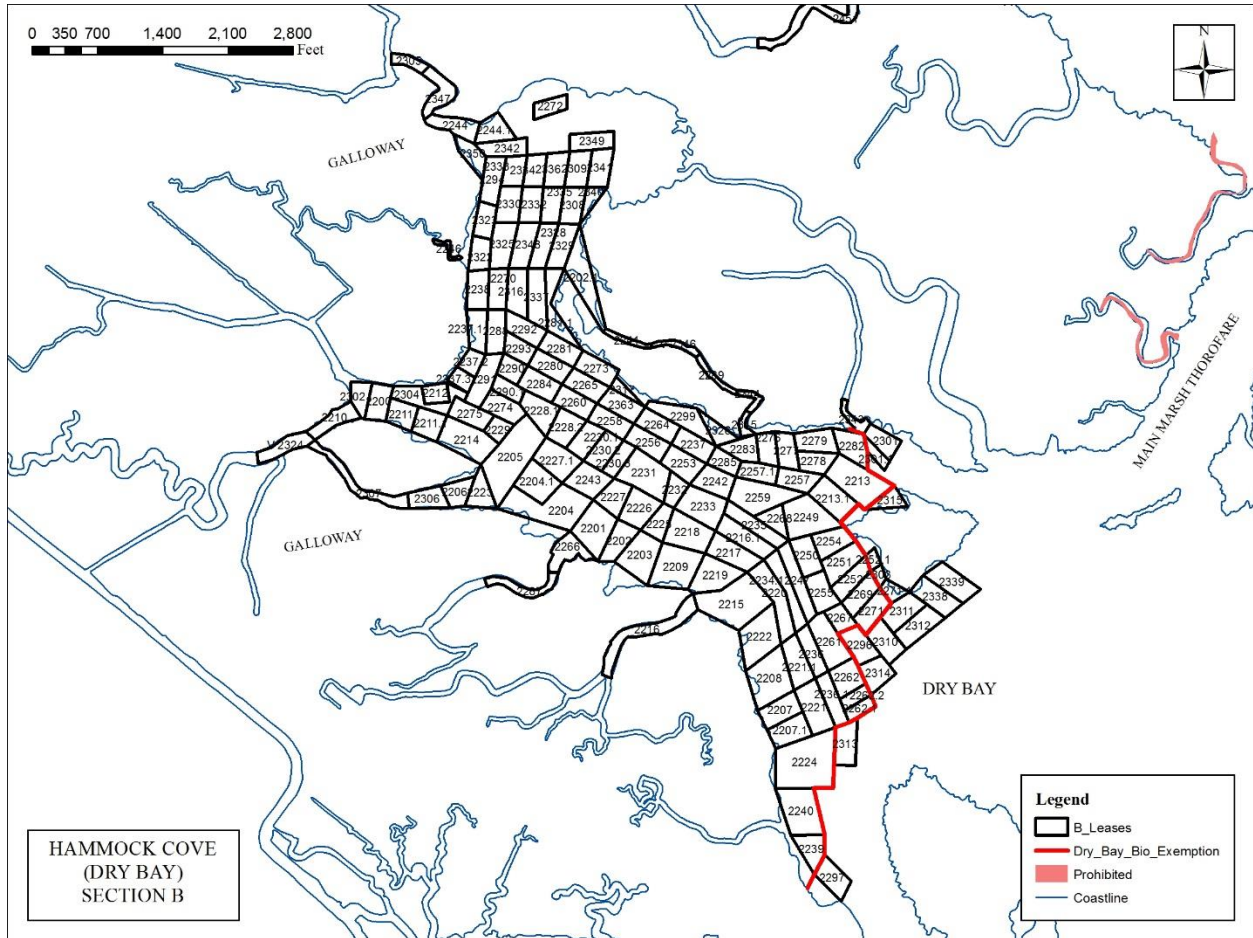
Primary Shellfish Grow Out: Hard Clams

Shellfish Growing Waters Classification: Approved

Known Concerns: Limited amount of space to expand

**Council Action: New lease applications are allowed adjacent to existing leases. A Biological investigation is required as per leasing regulations N.J.A.C. 7:25-24.6.**

**Figure B10: Hammock Cove (Dry Bay)**



Location: Edwin B Forsythe Federal Wildlife Refuge in Galloway Township, Atlantic County

Existing Leases: 158 leases, 368.94 acres

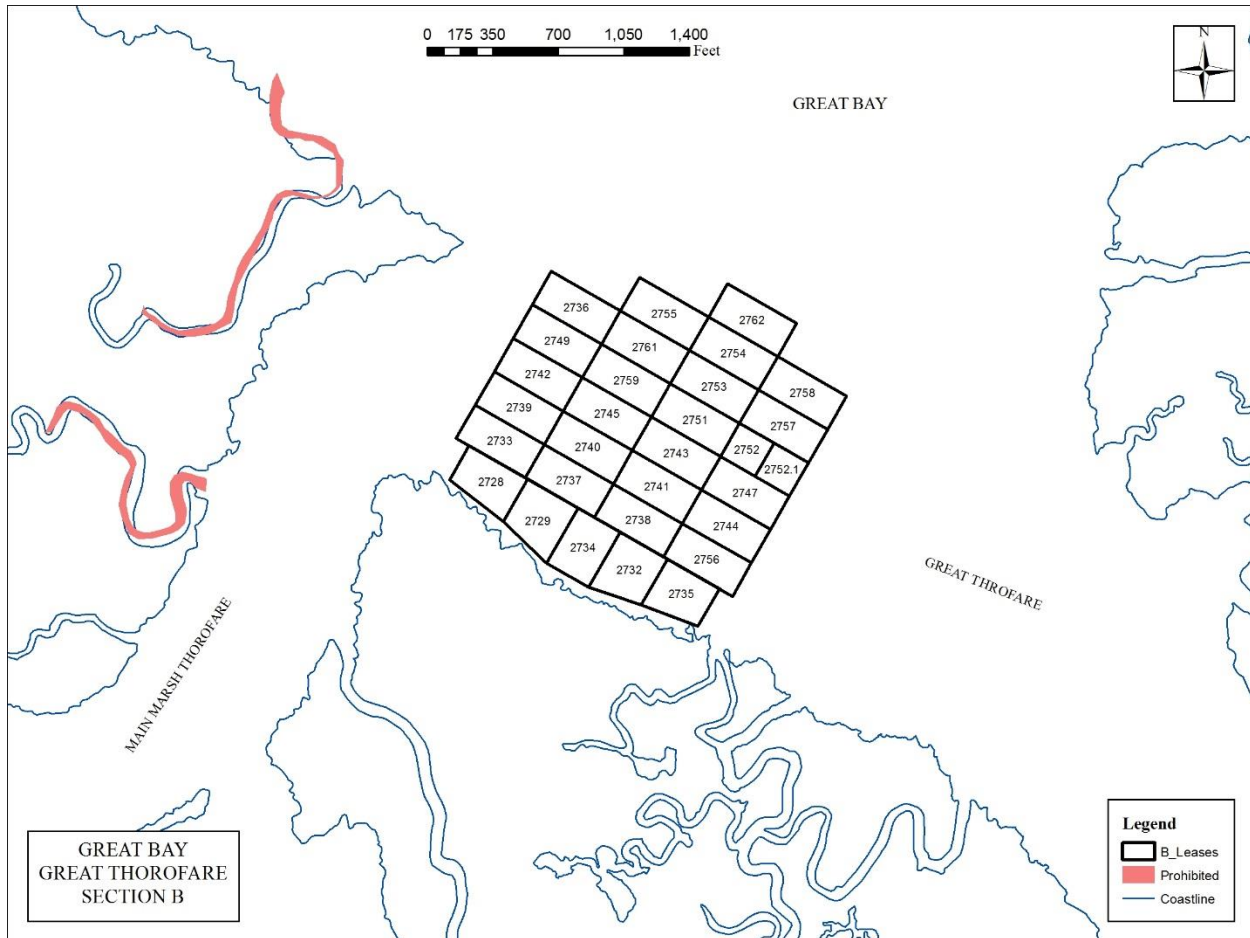
Primary Shellfish Grow Out: Hard Clams

Shellfish Growing Waters Classification: Approved

Known Concerns: Limited space available. Productive shellfish habitat east of Dry Bay leases.

**Council Action:** Biological survey not required west of line delineated as per N.J.A.C. 7:24-24.6(c)1. No new leases east of line as per Council policy decision at September 17, 1990 meeting due to productivity and petition to not expand leasing east of line. Leasing of productive areas is discouraged as per the leasing regulations as per N.J.A.C. 7:25-24.6(d). Council action to not allow oyster seed importation from Virginia into Dry Bay due to *Vibrio* concerns at the June 21, 2010 meeting. As per this policy, no oysters shall be imported or cultivated in Dry Bay.

**Figure B11: Great Thorofare (Great Bay)**



Location: Galloway Township; Atlantic County

Existing Leases: 30 leases, 58.0 acres

Primary Shellfish Grow Out: Hard Clams

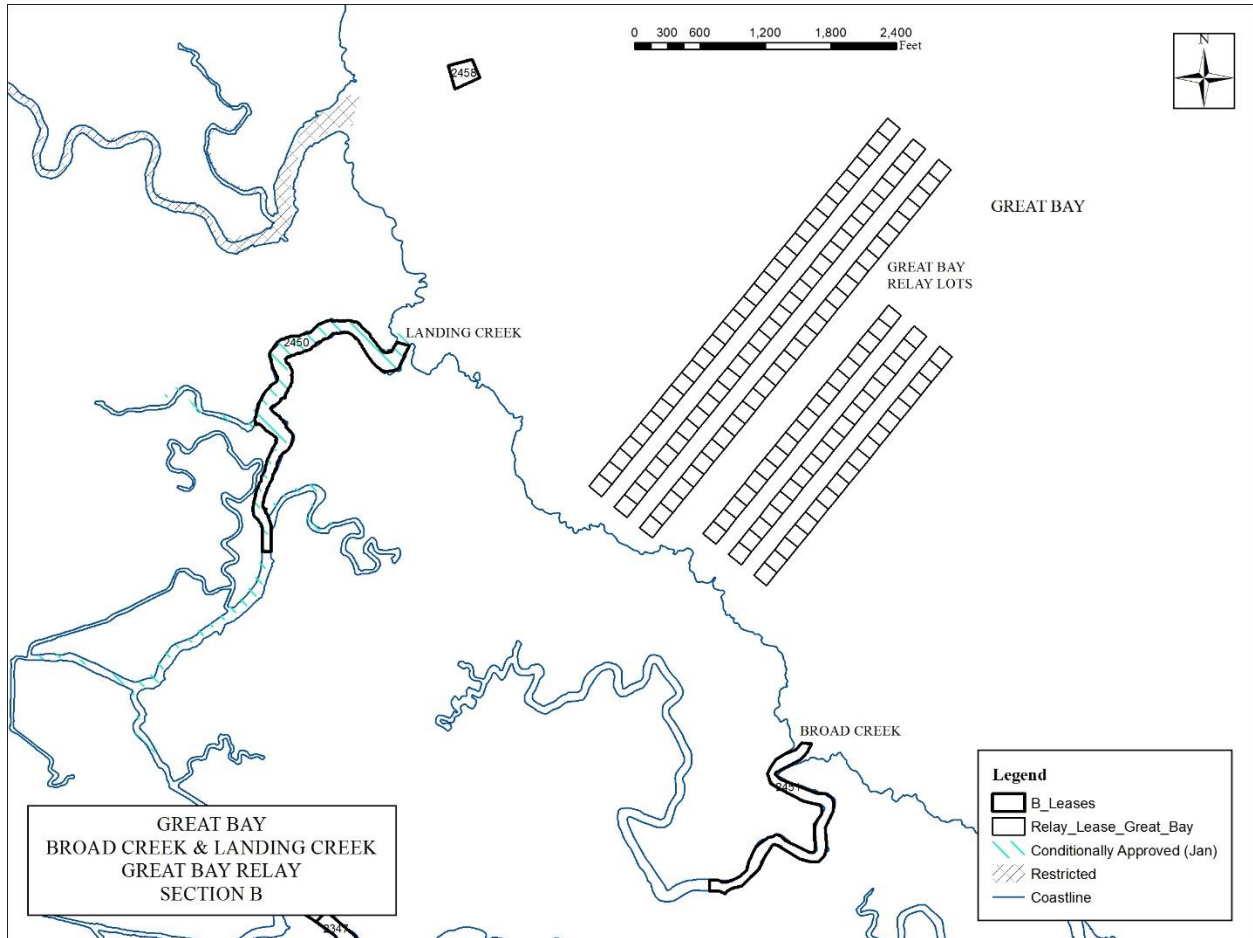
Shellfish Growing Waters Classification: Approved

Known Concerns: Conflicts with other user groups and stakeholders: commercial and recreational shellfish harvesters. Portions of Great Thorofare are considered productive hard clam habitat.

**Council Action: No expansion of established block of leases, as per Bureau and Council agreement on August 17, 1992. Leasing of productive areas is discouraged as per the leasing regulations as per N.J.A.C. 7:25-24.6(d). Applications can be accepted for leases in Great Thorofare that become vacant.**



**Figure B12: Great Bay, Broad Creek, Landing Creek**



Location: Located on southwestern side of Great Bay, Galloway Township, Atlantic County

Existing Leases: 3 leases, 17.35 acres, 7 active relay leases, 10.50 acres

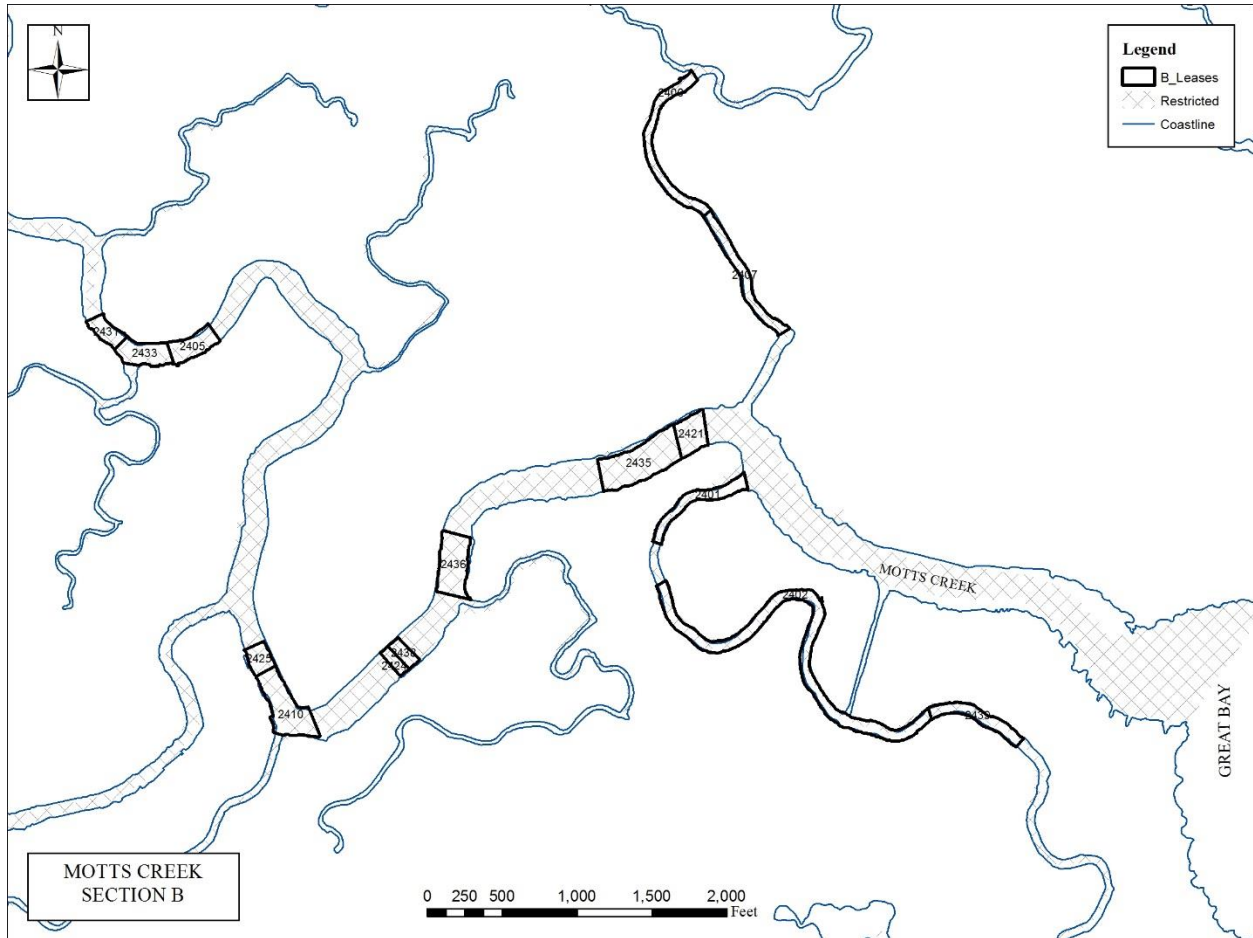
Primary Shellfish Grow Out: Oysters, Hard Clam Relay

Shellfish Growing Waters Classification: Approved, Conditionally Approved, Restricted

Known Concerns: Close proximity to Great Bay relay leases. Conflicts with other user groups and stakeholders: commercial crab pot fishery, recreational and commercial fishermen.

**Council Action: Any potential expansion of leases in Great Bay shall be only be considered through the development of a block of leases. A new lease block expansion shall require a Committee recommendation and Council action for Bureau of Shellfisheries to investigate. No new leases in Broad Creek and Landing Creek. Designated hard clam relay lease area is regulated under Clam Relay Program at N.J.A.C.7:25-15.**

**Figure B13: Motts Creek (Great Bay)**



Location: Galloway Township, Atlantic County

Existing Leases: 15 leases, 9,492 linear feet

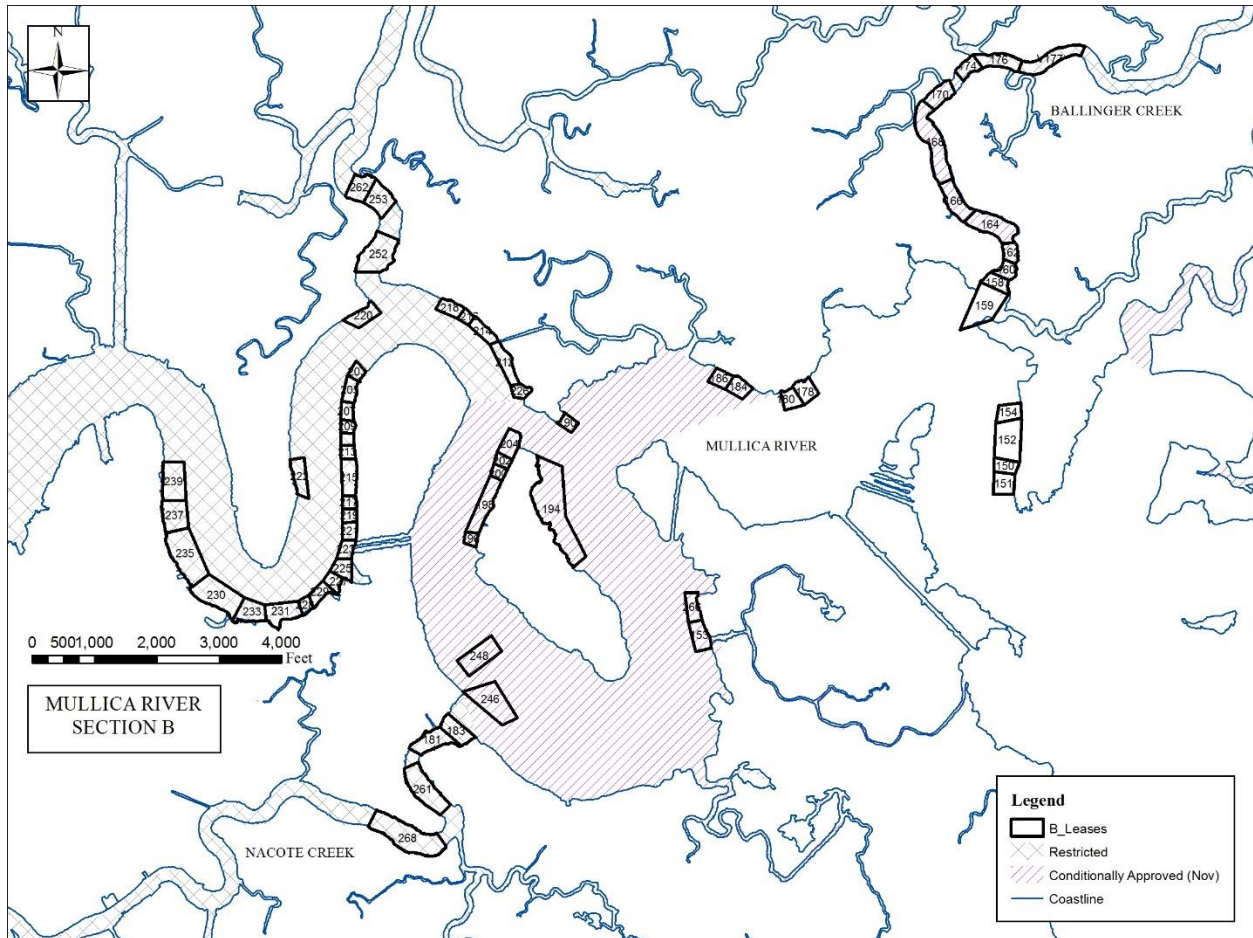
Primary Shellfish Grow Out: Oysters

Shellfish Growing Waters Classification: Restricted

Known Concerns: Due to the shellfish growing waters classification of other than “Approved or “Conditionally Approved” leases may be uses as a nursery under “Permit for a Hatchery to Produce and Grow Seed or for a Nursery to Grow Seed” at N.J.A.C. 7:12-9.14 and shellfish can be transplanted to leases in “Approved” waters under “Permit for the Harvest of Seed Oysters and/or Seed” at N.J.A.C. 7:12-9.9.

**Council Action: No future expansion unless water quality improves to “Approved” or “Conditionally Approved” as per the leasing regulations N.J.A.C. 7:25-24.5(g). If existing leases in Motts Creek become vacant, the area shall remain public bottom.**

**Figure B14: Mullica River and Tributaries**



Location: Galloway Township, Port Republic, Atlantic County & Bass River Township, Burlington County

Existing Leases: 63 leases at 23,455.74 linear feet and 43.47 acres

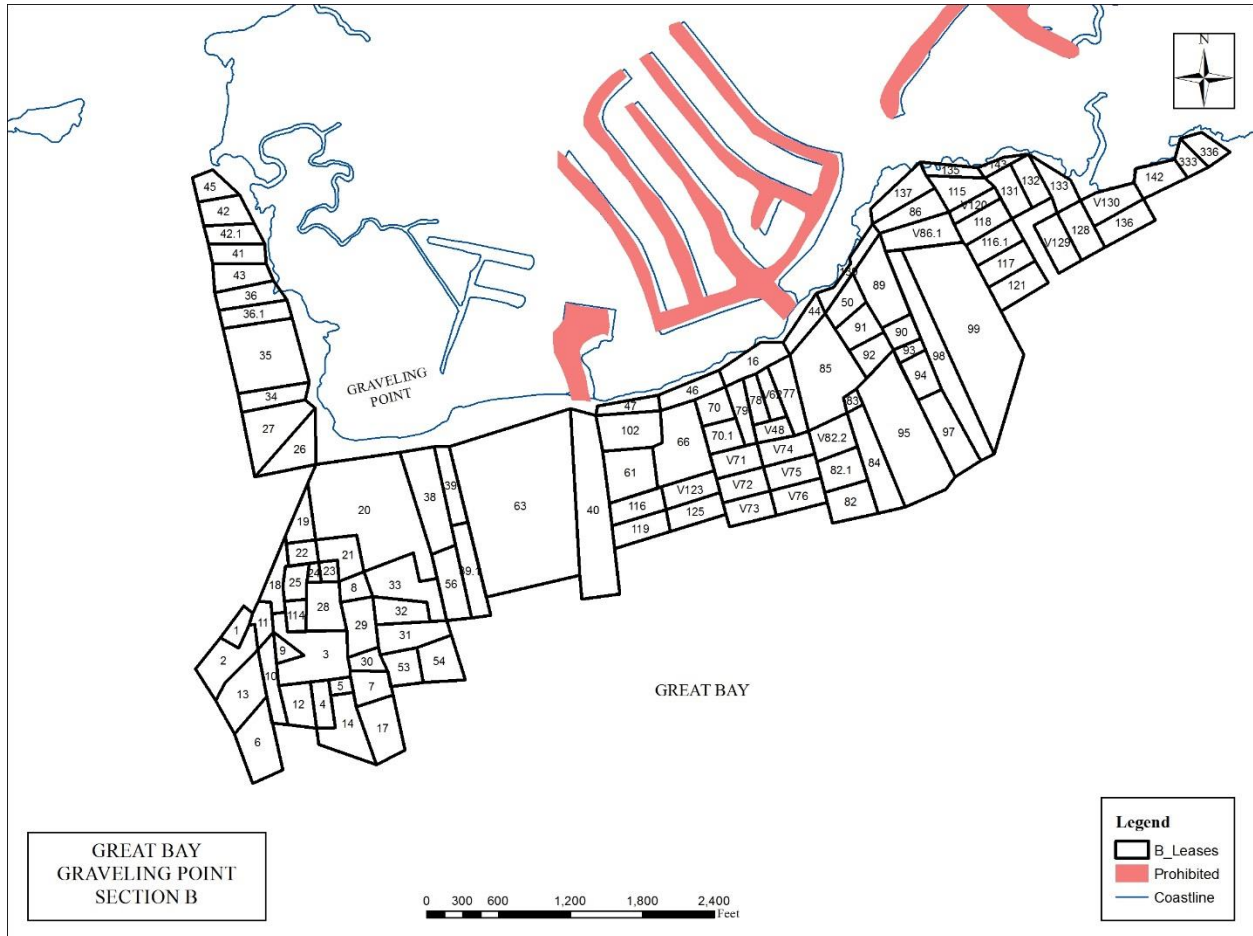
Primary Shellfish Grow Out: Oysters

Shellfish Growing Waters Classification: Approved, Conditionally Approved and Restricted

Known Concerns: Due to the shellfish growing waters classification of other than “Approved or “Conditionally Approved” leases may be uses as a nursery under “Permit for a Hatchery to Produce and Grow Seed or for a Nursery to Grow Seed” at N.J.A.C. 7:12-9.14 and depending on size, shellfish can be transplanted to leases in “Approved” waters under “Permit for the harvest of Hard Clams or Oysters from Restricted Waters and Relay to Approved Waters” at N.J.A.C. 7:12-9.8 or “Permit for the Harvest of Seed Oysters and/or Seed” at N.J.A.C. 7:12-9.9.

**Council Action: As per N.J.S.A. 50:1-23, “no new leases shall be granted under the waters of the Mullica River above line extending in a westerly direction from the south end of Deep Point, provided, however, that leases may be granted for lands heretofore leases in that areas in the Mullica River”.**

**Figure B15: Graveling Point (Great Bay)**



Location: Little Egg Harbor Township, Ocean County

Existing Leases: 93 leases, 292.35 acres

Primary Shellfish Grow Out: Oysters and Hard Clams

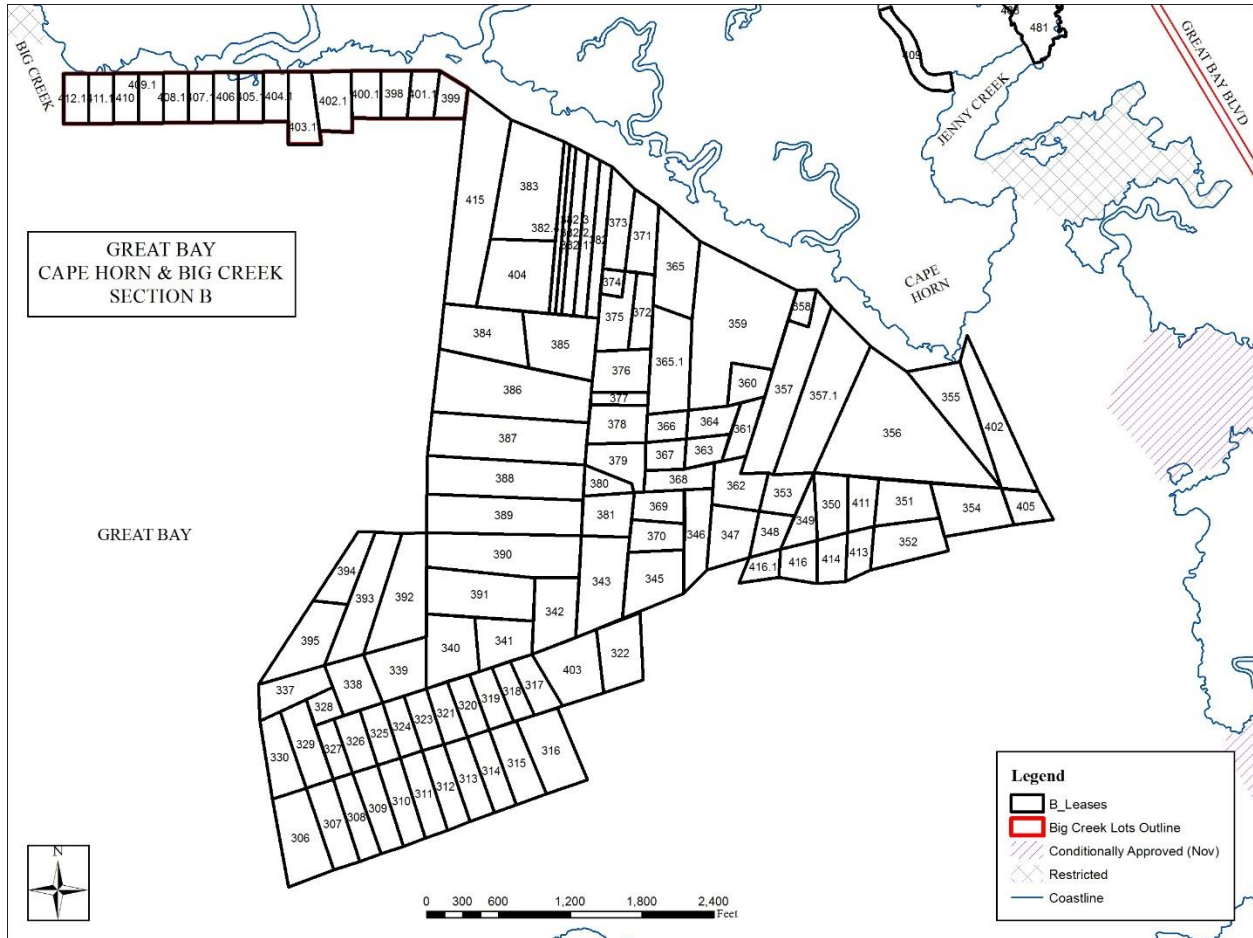
Shellfish Growing Waters Classification: Approved

Known Concerns: Existing leases adjacent to the natural oyster beds at the mouth of the Mullica River known as the Graveling beds. Conflicts with other user groups and stakeholders: commercial crab pot fishermen, commercial and recreational shellfish harvesters, commercial and recreational fishermen and recreational boaters.

**Council Action: Expansion is limited on the west end of Graveling Point due to the location of the Graveling Beds as per N.J.S.A. 50:1-23. Applications for leases within the Graveling Point lease area that were vacated will be accepted. The Bureau may re-orient vacated leases to maximize efficient use of leasable bottom. A biological investigation is required per leasing regulations at N.J.A.C. 7:25-2.**



**Figure B16: Cape Horn and Big Creek (Great Bay)**



Location: Little Egg Harbor Township, Ocean County

Existing Leases: 97 leases, 432.16 acres (Cape Horn), 7 leases, 17.16 acres (Big Creek)

Primary Shellfish Grow Out: Oysters and Hard Clams

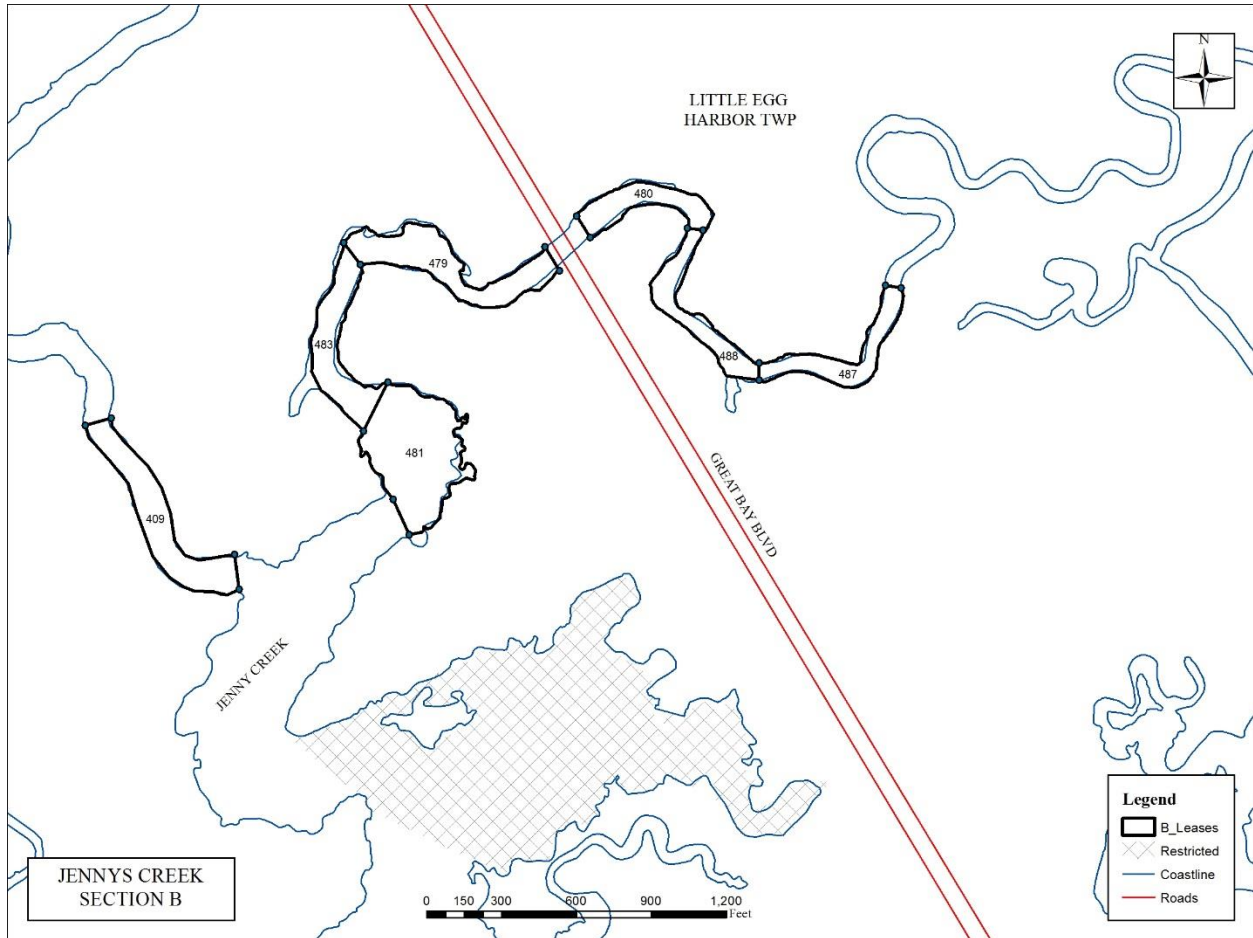
Shellfish Growing Waters Classification: Approved

Known Concerns: Productive shellfish habitat. Conflicts with other user groups and stakeholders: commercial crab pot fishermen, commercial and recreational shellfish harvesters, commercial and recreational fishermen and recreational boaters.

Council Action: As per the Leasing Regulations N.J.A.C 7:25-24.6(d)1i, no applications for new ground shall be accepted for Cape Horn, due to adjacent areas determined to be productive for shellfish.

Individual leases known as Big Creek leases, listed under the leasing regulations at N.J.A.C 7:25-24.6(c)2i, may be leased to individuals who possess no other shellfish lease. No biological investigation is required.

**Figure B17: Jenny's Creek**



Location: Little Egg Harbor Township, Ocean County

Existing Leases: 7 leases, 12.83 acres

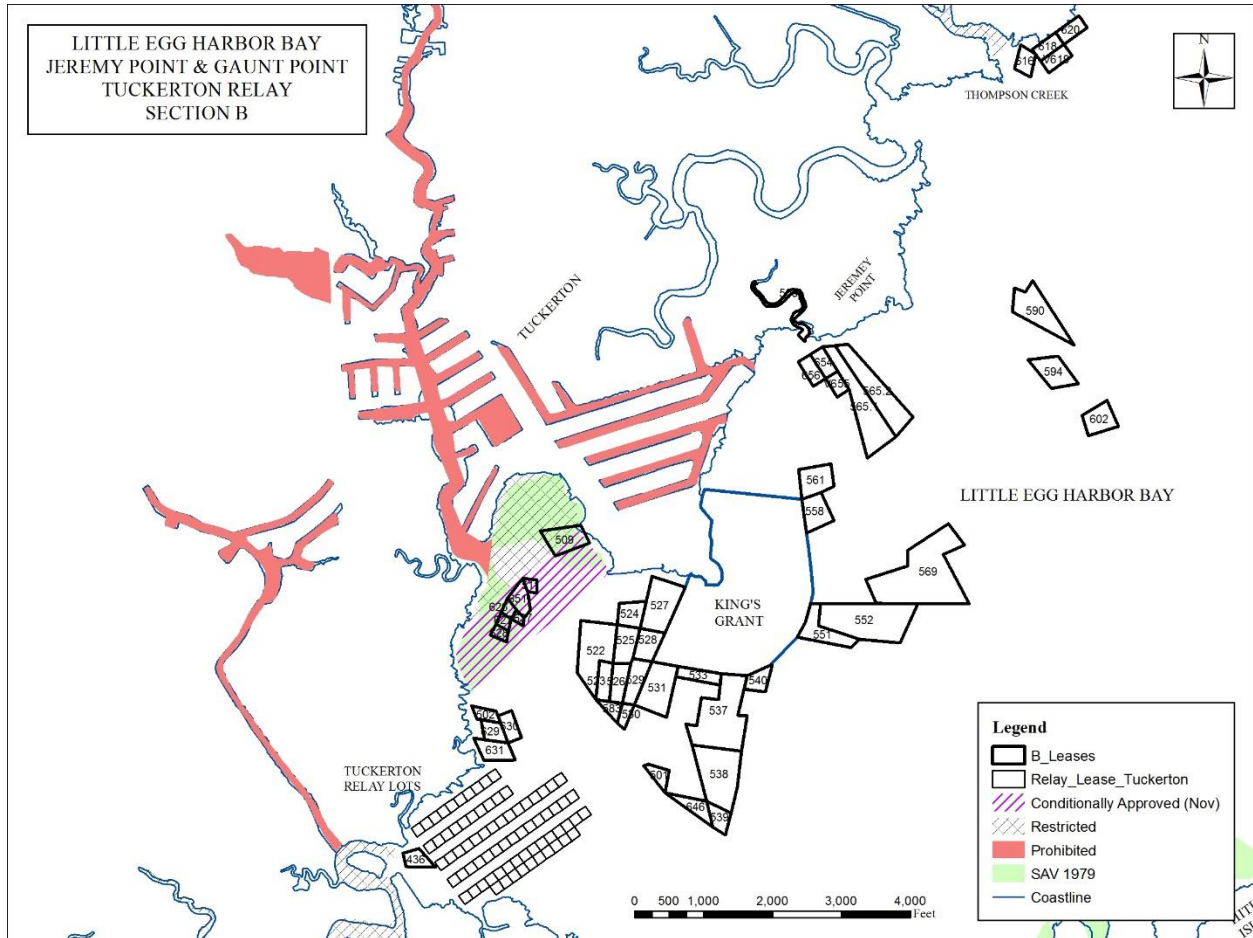
Primary Shellfish Grow Out: Hard Clams

Shellfish Growing Waters Classification: Approved

Known Concerns: Expansion of existing leases limited by available space. Productive shellfish habitat. Conflicts with other user groups and stakeholders: commercial and recreational shellfish harvesters, commercial and recreational fishermen and recreational boaters.

**Council Action: Any new lease proposals in this area shall require a Committee recommendation and Council approval to be considered. Applications can be accepted for leases within this area that become vacant.**

**Figure B18: Jeremy and Gaunt Point (Little Egg Harbor Bay)**



Location: Tuckerton and Little Egg Harbor Township, Ocean County

Existing Leases: 46 leases, 196.90 acres, 1 active relay lease, 1.50 acres

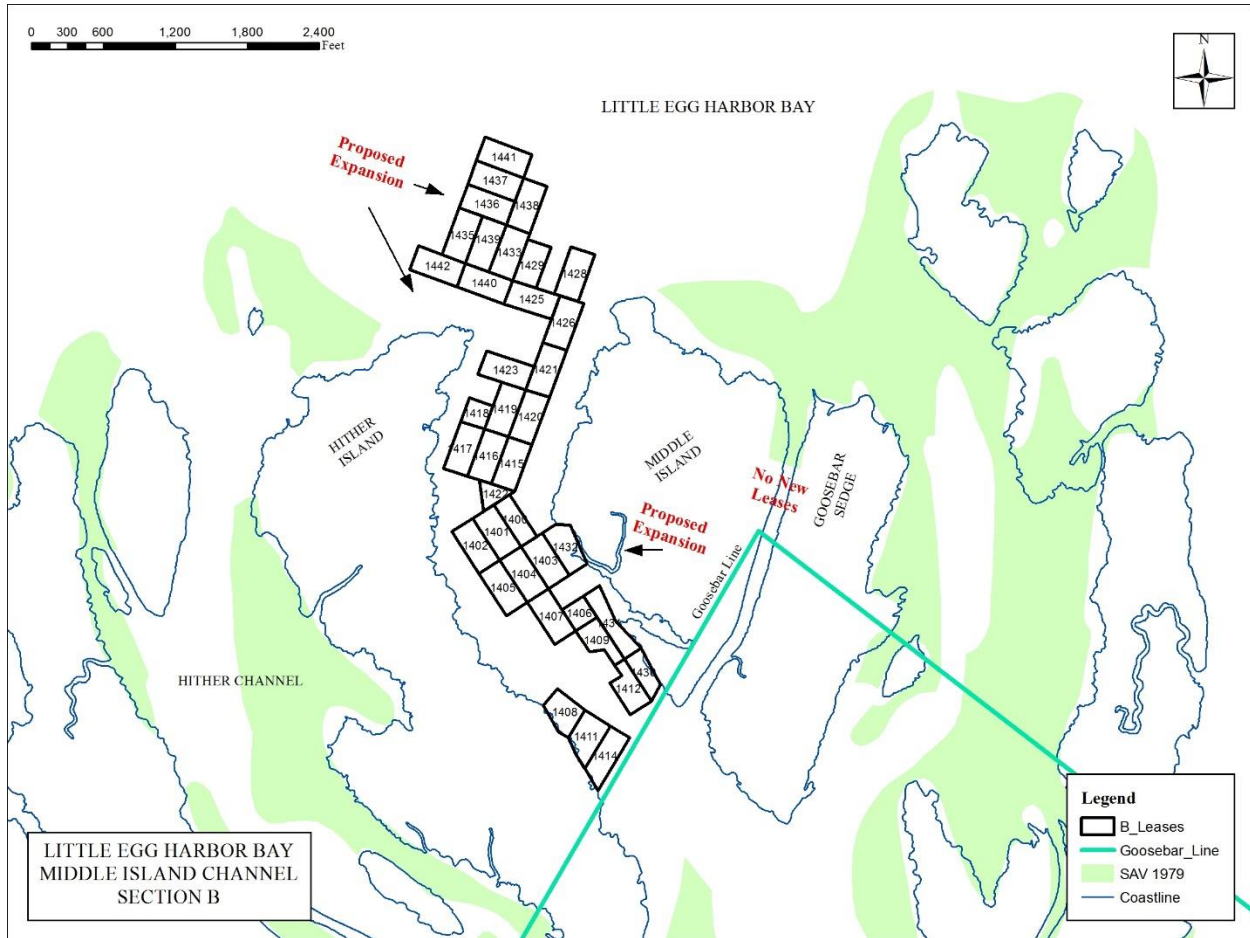
Primary Shellfish Grow Out: Oysters, Hard Clam Relay

Shellfish Growing Waters Classification: Approved, Conditionally Approved and Restricted

Known Concerns: The existing traditional oyster and hard clam leases are only a fraction of what previously existed, due to changes in the substrate and other physical characteristics of the area.

**Council Action: Leases may be added adjacent to an existing lease. Any new lease block proposals in this section of Little Egg Harbor Bay shall need Committee recommendation and Council approval to be considered. The Bureau may re-orient vacated leases to maximize efficient use of leasable bottom. Any lease expansion is limited to “Approved” and “Conditionally Approved” waters only. The designated hard clam relay lease area is regulated under the Clam Relay Program at N.J.A.C.7:25-15.**

**Figure B19: Middle Island Channel (Little Egg Harbor Bay)**



Location: Little Egg Harbor Township and Long Beach Township, Ocean County

Existing Leases: 38 leases, 70.31 acres

Primary Shellfish Grow Out: Hard Clams and Oysters

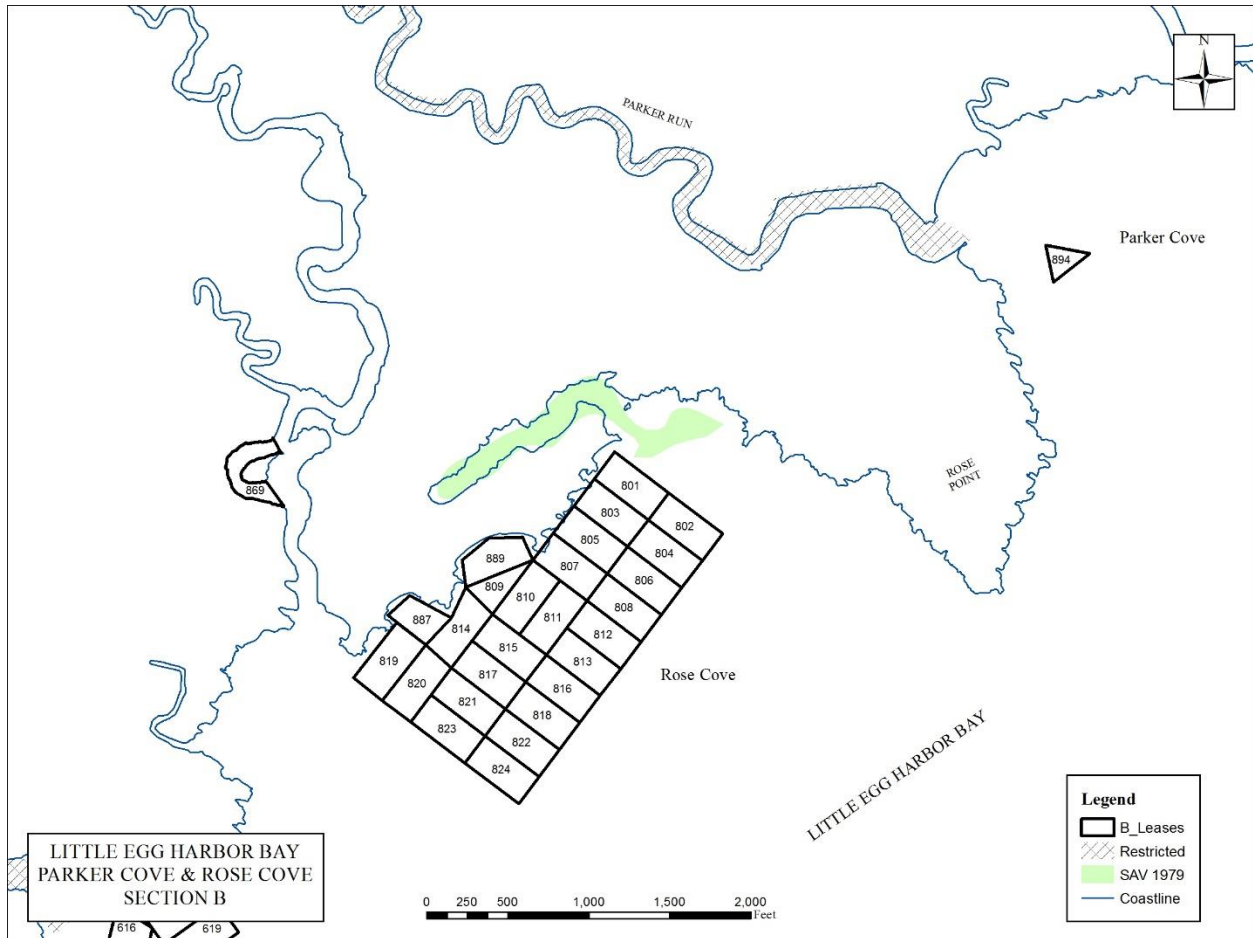
Shellfish Growing Waters Classification: Approved

Known Concerns: Submerged Aquatic Vegetation (SAV) and productive shellfish habitat. Shellfish leasing activity in SAV habitat is not in compliance with the Coastal Zone Management Rules at N.J.A.C. 7:7-9.6.

**Council Action: Expansion limited due to mapped/documented SAV and productive shellfish habitat. No expansion on southeast end, known as the “Goosebar”, which is defined as productive as per the leasing regulations N.J.A.C. 7:25-24.6(d)1ii and within the channel between Middle Island and Goosebar Sedge (as per Committee recommendation). The Committee recommended that the Bureau investigate possible expansion off the northeast end of the existing block of leases and within the creek off Middle Island Channel (see chart above). After the investigation, the results will be presented to Council to make a decision on the proposed expansion. Any other proposed expansion will need Committee recommendation and Council approval to be considered. Applications can be accepted for leases within the main block at Middle Island Channel that become vacant.**



**Figure B20: Rose Cove and Parker Cove Area (Little Egg Harbor Bay)**



Location: Little Egg Harbor Township and Eagleswood Township, Ocean County.

Existing Leases: 28 leases, 52.87 acres.

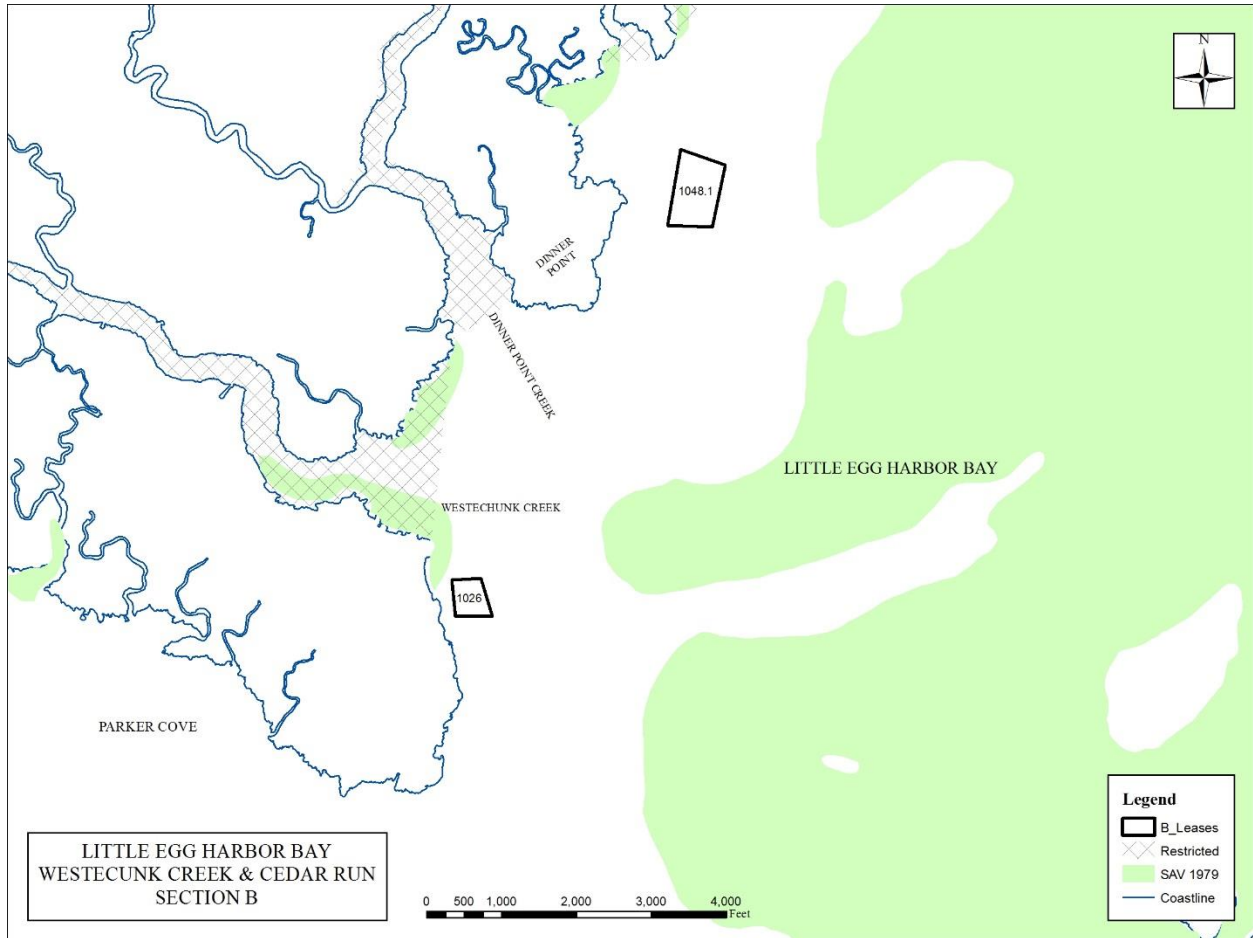
Primary Shellfish Grow Out: Oysters

Shellfish Growing Waters Classification: Approved

Known Concerns: SAV. Conflicts with other user groups and stakeholders: commercial and recreational shellfish harvesters, commercial and recreational fishermen and recreational boaters. Possible conflicts with protected species.

**Council Action: The Rose Cove Lease Block was approved for leasing by Council decision at the September 18, 2017 meeting. Any proposed expansion within Rose Cove and Parker Cove will need Committee recommendation and Council approval to be considered. Applications can be accepted for leases within the main block at Rose Cove that become vacant.**

**Figure B21: Westecunk Creek and Cedar Run (Little Egg Harbor Bay)**



Location: Eagleswood Township, Ocean County

Existing Leases: 2 leases, 18.19 acres

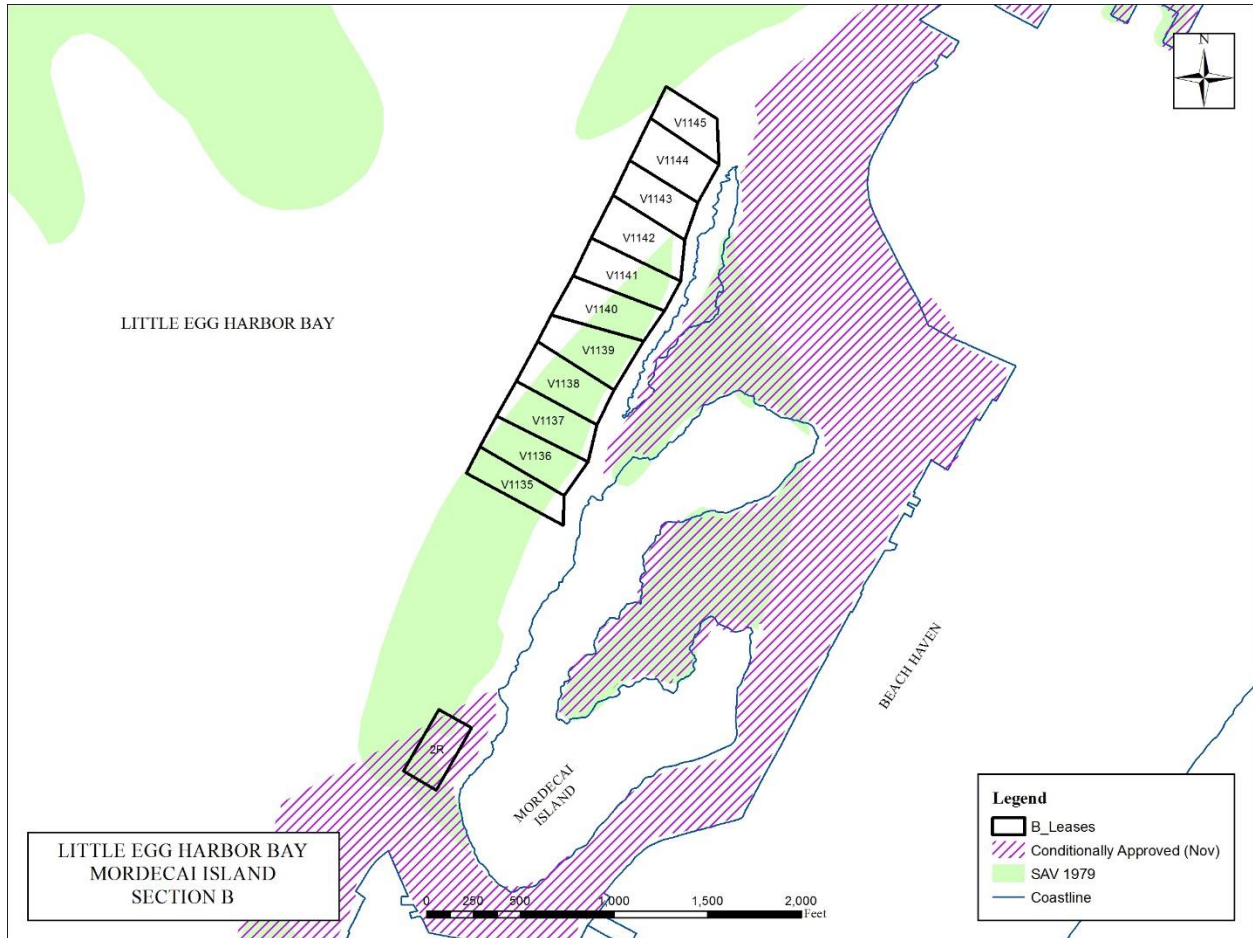
Primary Shellfish Grow Out: Hard Clams or Oysters

Shellfish Growing Waters Classification: Approved

Known Concerns: SAV habitat. Conflicts with other user groups and stakeholders: commercial and recreational shellfish harvesters, commercial and recreational fishermen and recreational boaters.

**Council Action: Leases may be added adjacent to an existing lease. Any new lease block proposals in this section of Little Egg Harbor Bay shall need Committee recommendation and Council approval to be considered. Expansion limited to “Approved” waters and those areas not mapped as SAV.**

**Figure B22: Mordecai Island (Little Egg Harbor Bay)**



Location: Long Beach Township

Existing Leases: 1 research lease, 1.77 acres

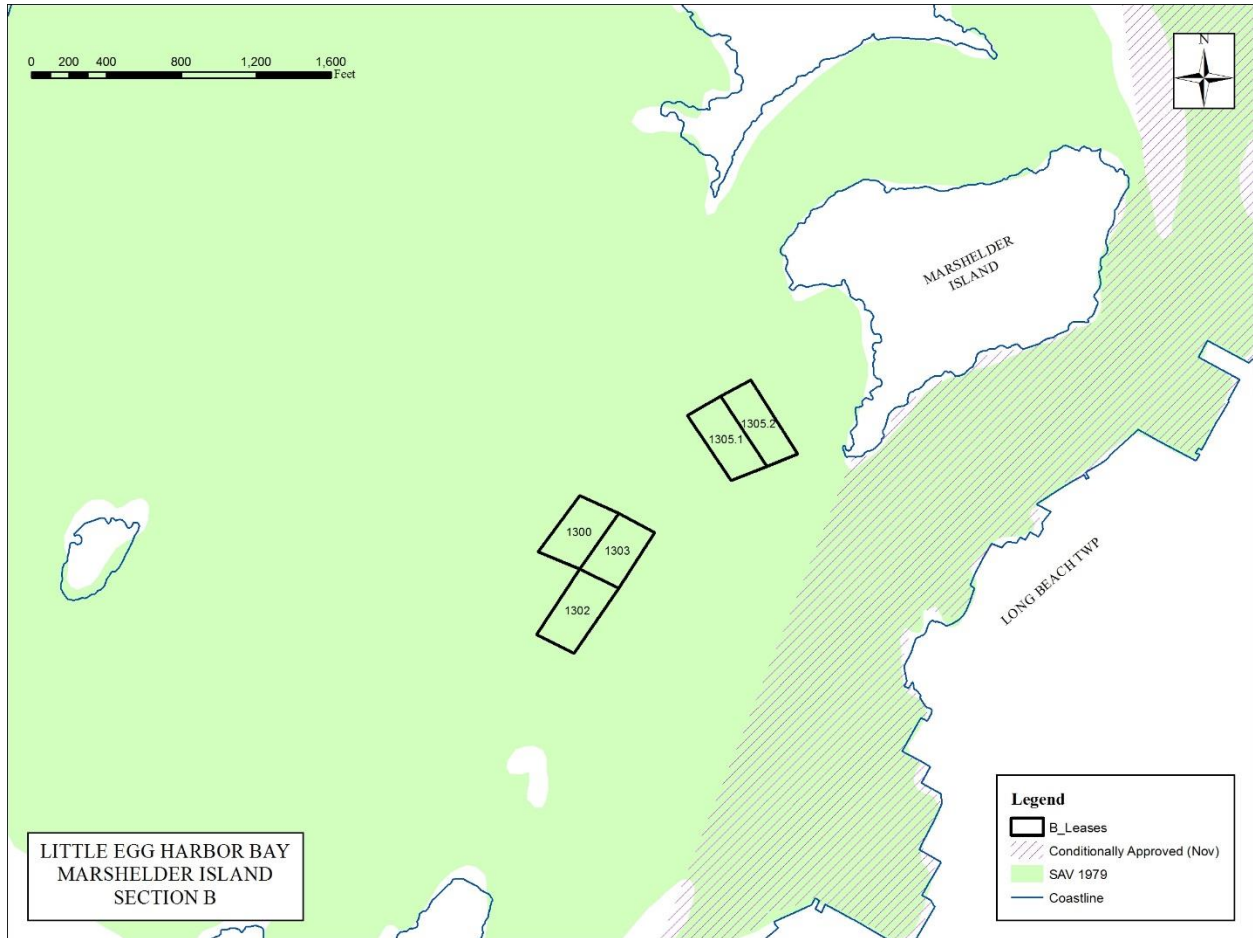
Primary Shellfish Grow Out: Hard Clams and Oysters

Shellfish Growing Waters Classification: Approved and Conditionally Approved

Known Concerns: SAV habitat. Mordecai Island is slowly eroding and has been breached at midsection. There is currently an ongoing shoreline restoration project from Mordecai Island Land Trust using dredge spoils and installing living shoreline using oysters.

**Council Action: The Mordecai Island leases, as listed under the leasing regulations at N.J.A.C 7:25-24.6(c)2ii, may be leased to individuals who possess no other shellfish lease. No Biological investigation is required. However, the presence of SAV habitat may limit permitted structural aquaculture.**

**Figure B23: Marshelder Island (Little Egg Harbor Bay)**



Location: Long Beach Township, Ocean County

Existing Leases: 5 leases, 9.94 acres

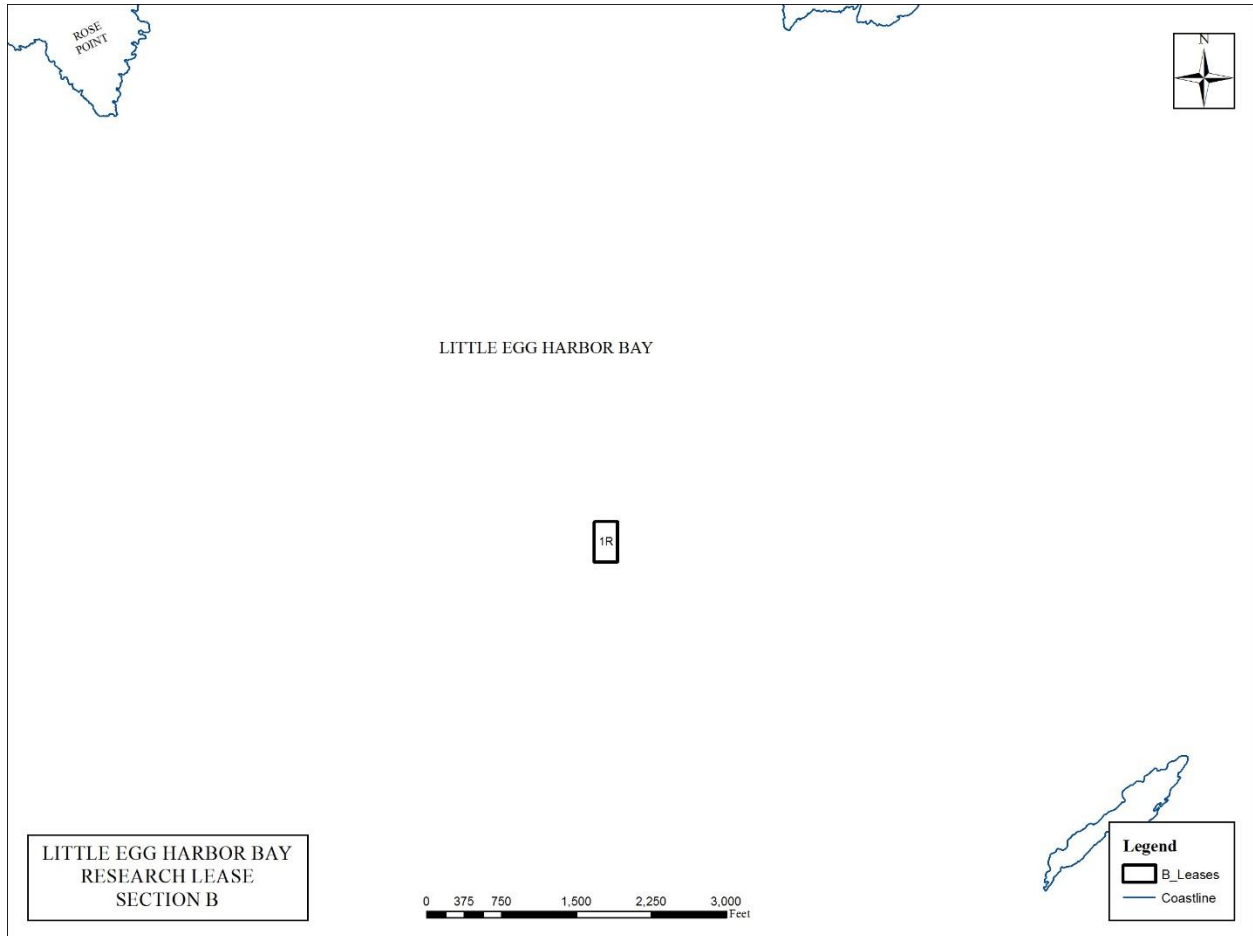
Primary Shellfish Grow Out: Hard Clams

Shellfish Growing Waters Classification: Approved

Known Concerns: SAV habitat. Shellfish leasing activity in SAV habitat is not in compliance with the Coastal Zone Management Rules at N.J.A.C. 7:7-9.6.

**Council Action: No new leases in mapped and documented SAV habitat as per Council policy decision on April 17, 2000. Leases in this area that become vacant shall remain public bottom.**

**Figure B24: Little Egg Harbor Bay Research Lease**



Location: Little Egg Harbor Township, Ocean County

Existing Leases: 1 research lease, 2.18 acres

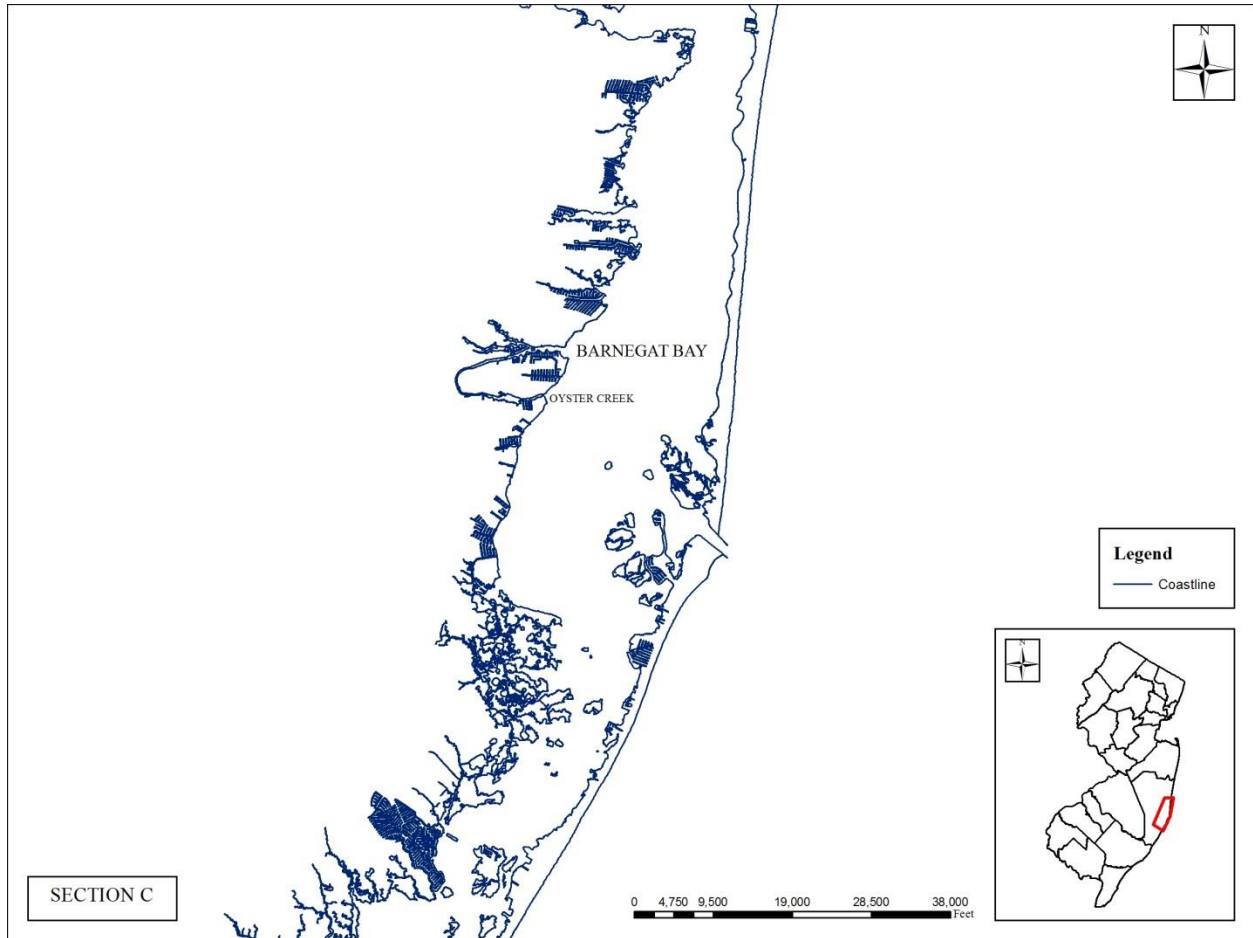
Primary Shellfish Grow Out: Oyster

Shellfish Growing Waters Classification: Approved

Known Concerns: No Concerns

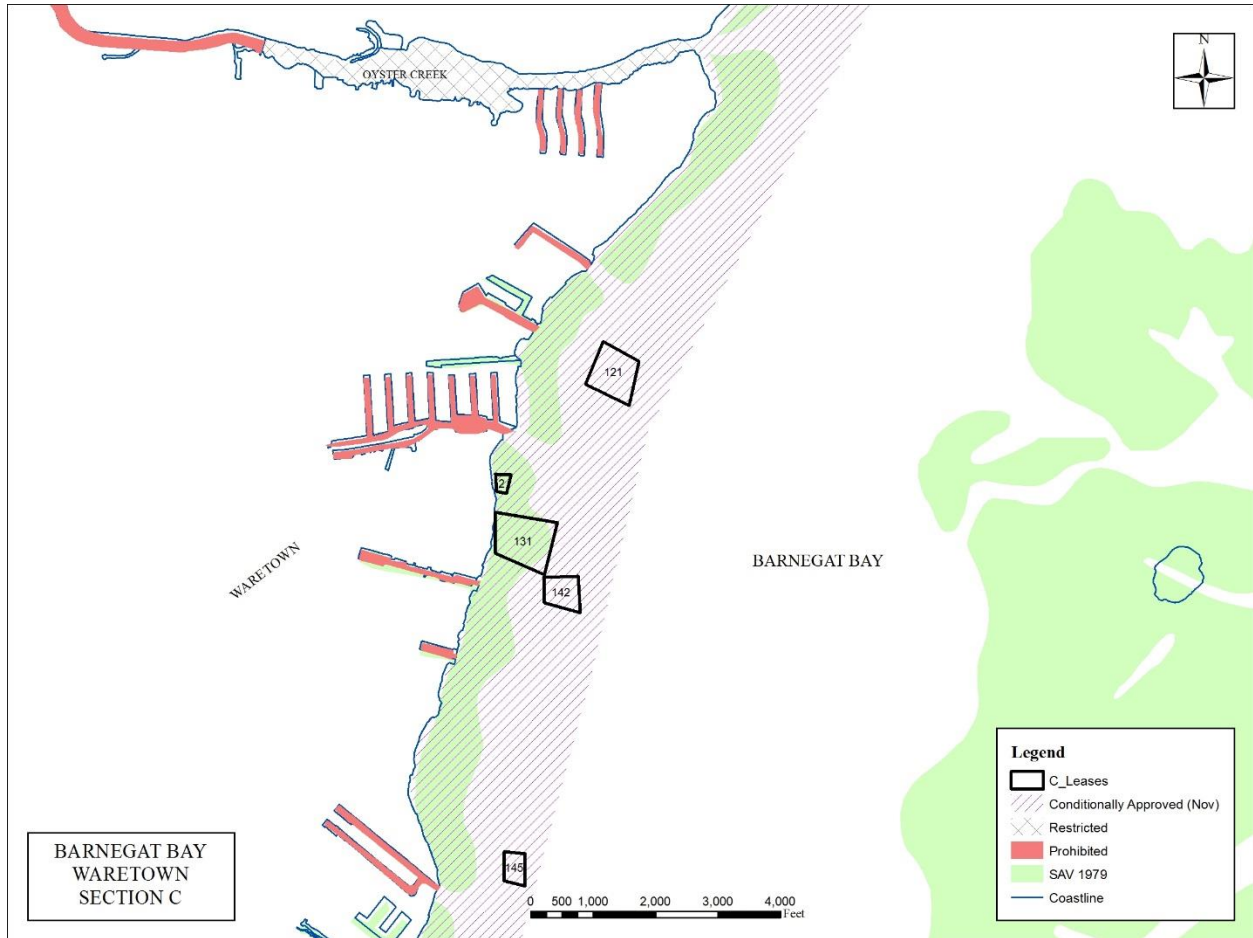
**Council Action: Research Lease approved by Council for use by Stockton University.**

## Section C: Manahawkin Bay to Toms River





**Figure C1: Waretown (Barnegat Bay)**



Location: Ocean Township (Waretown), Ocean County

Existing Leases: 4 leases, 37.03 acres and 1 research lease

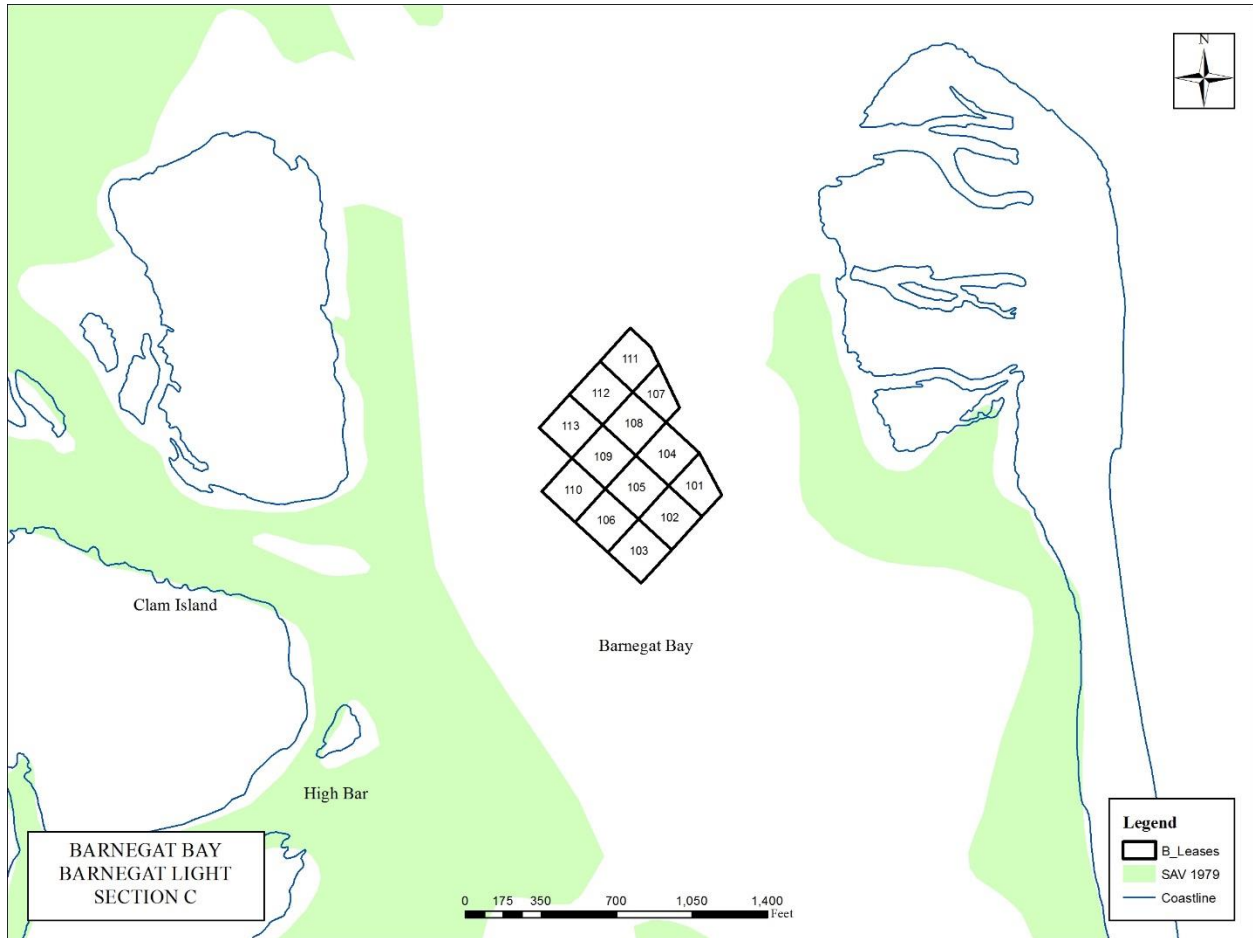
Primary Shellfish Grow Out: Oyster and Hard Clam

Shellfish Growing Waters Classification: Conditionally Approved

Known Concerns: SAV habitat. Shellfish leasing activity in SAV habitat is not in compliance with the Coastal Zone Management Rules at N.J.A.C. 7:7-9.6.

**Council Action: Lease expansion limited by mapped and documented SAV. Leases in this area that become vacant shall remain public bottom.**

**Figure C2: Barnegat Light (Barnegat Bay)**



Location: Ocean Township, Barnegat Light, Ocean County

Existing Leases: 13 leases, 12.44 acres

Primary Shellfish Grow Out: Oyster (Structural)

Shellfish Growing Waters Classification: Approved

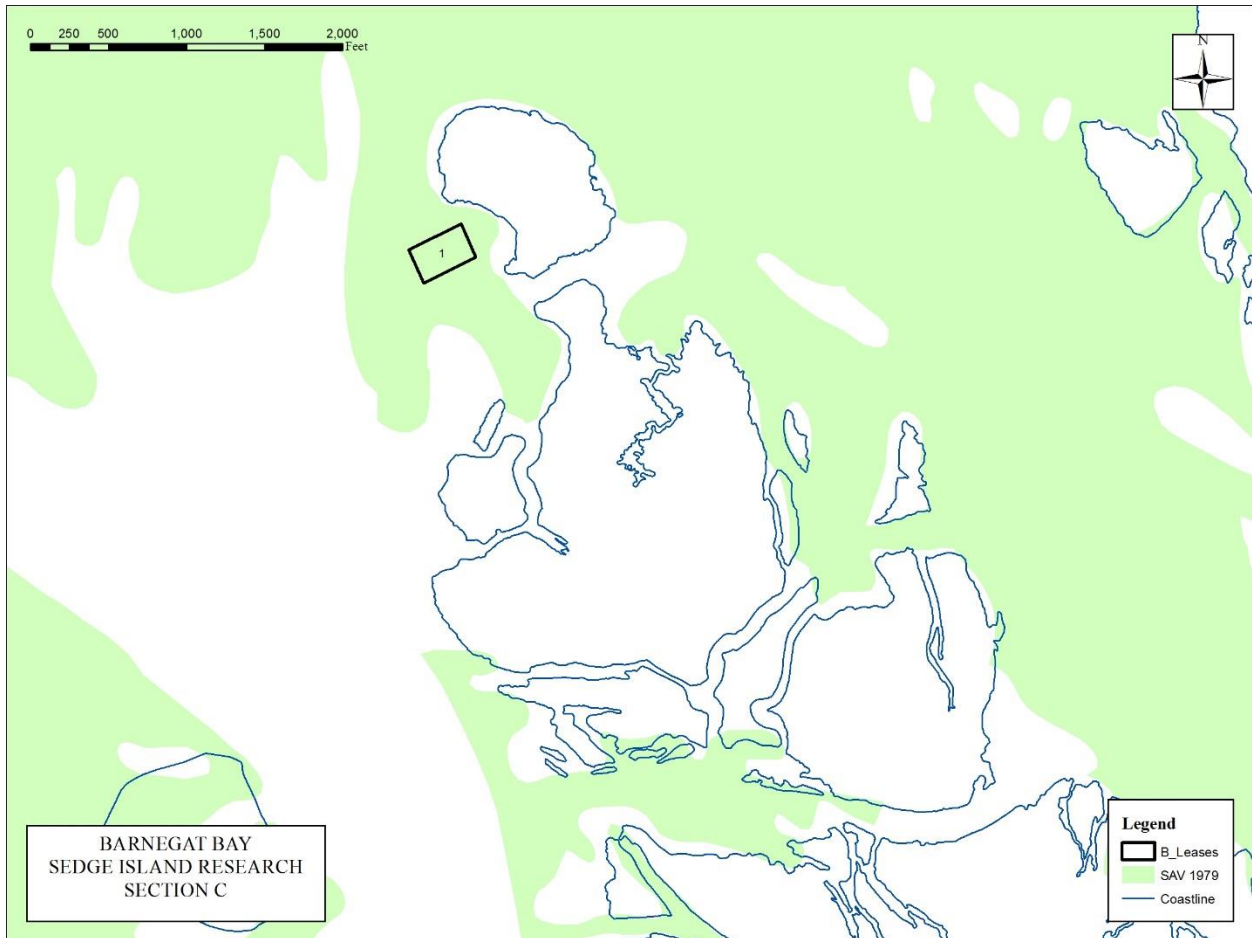
Known Concerns: SAV documented in vicinity of leases. Shellfish leasing activity in SAV habitat is not in compliance with the Coastal Zone Management Rules at N.J.A.C. 7:7-9.6.

Potential user group/stakeholder conflicts: high recreational use area, especially with recreational boaters and fishermen. Area is highly dynamic in that the physical characteristics of site could change quickly.

**Council Action: Expansion limited by SAV and physical characteristics of the site and existing tidelands grants. Proposals for other sites within this area must be discussed by the Leasing Committee and approved by the Council before proceeding with a site investigation. The Leasing Committee rejected a proposed new lease area just south of Clam Island due to SAV concerns and wild shellfish harvest activities in the area. Applications can be accepted for leases within the lease block at Barnegat Light should they become vacant.**



**Figure C3: Sedge Island Research Lease**



Location: Ocean Township, Ocean County

Existing Leases: 1 research lease, 2.0 acres

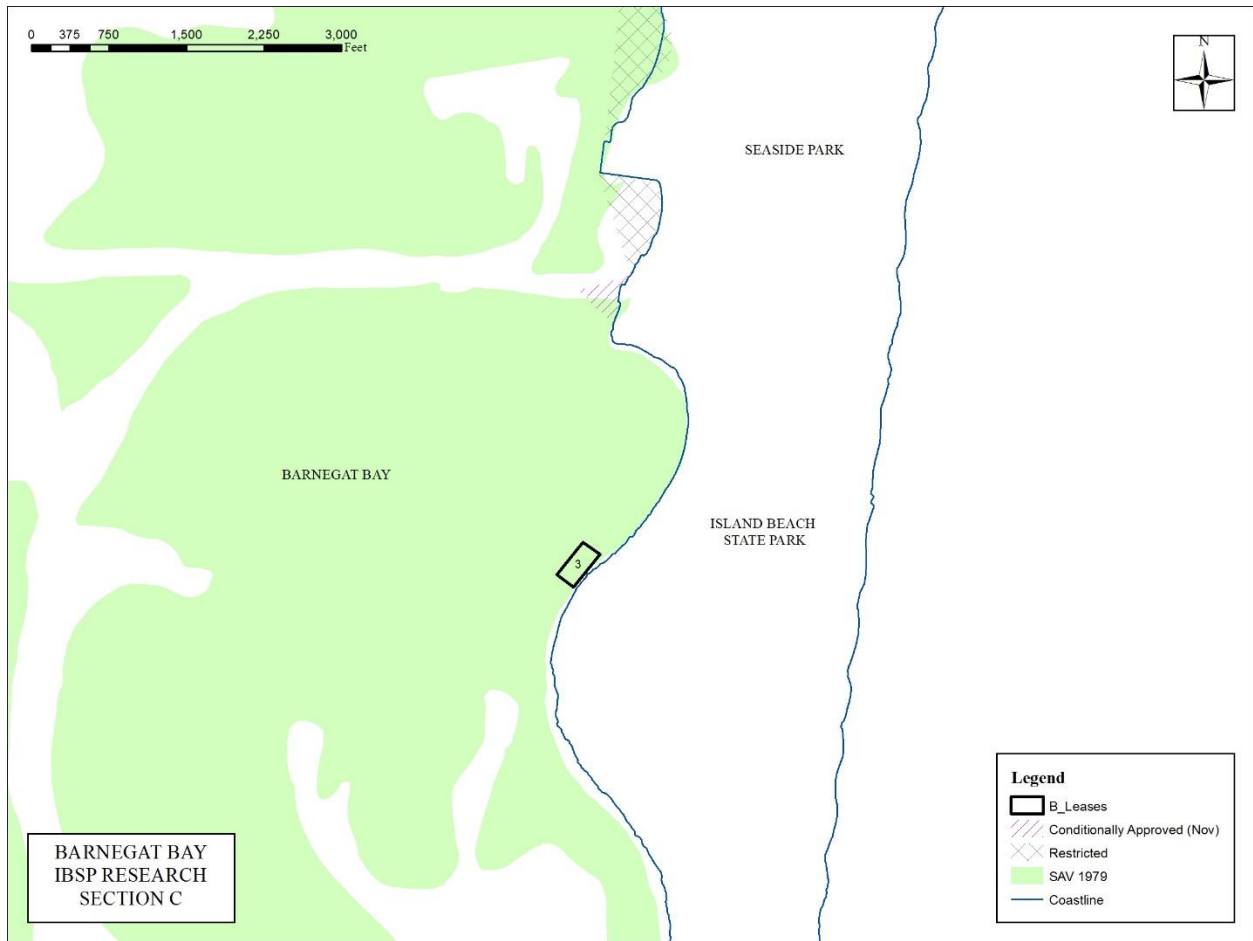
Primary Shellfish Grow Out: Hard Clams and Oysters

Shellfish Growing Waters Classification: Approved

Known Concerns: No Concerns

**Council Action: Research lease approved by Council for use by NJ Division of Fish and Wildlife, Aquatic Education Program.**

**Figure C4: Sedge Island Marine Conservation Zone (IBSP) Research Lease**



Location: Ocean Township, Ocean County

Existing Leases: 1 research lease, 0.46 acres

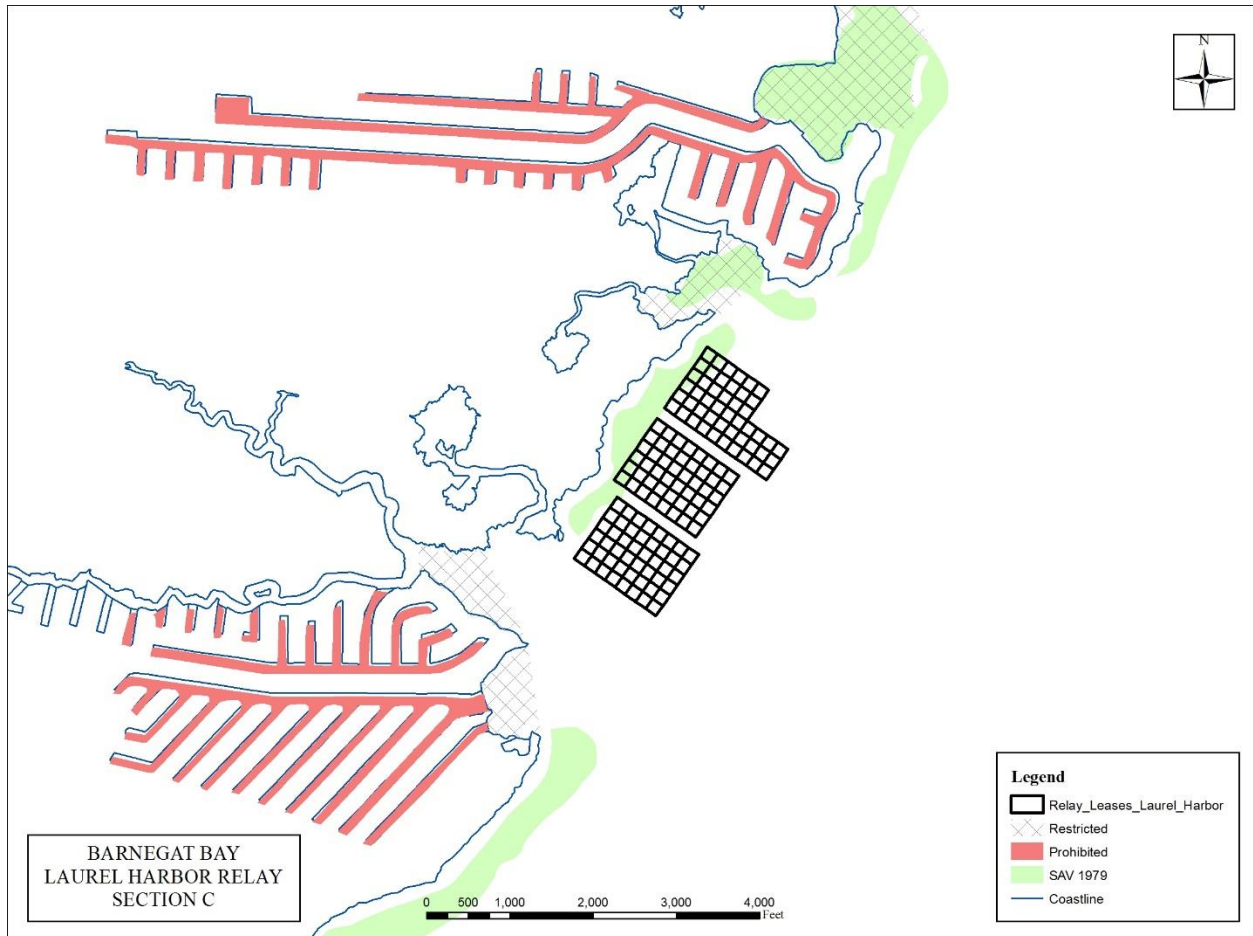
Primary Shellfish Grow Out: Hard Clams and Oysters

Shellfish Growing Waters Classification: Approved

Known Concerns: No Concerns

**Council Action: Research lease approved by Council for use by Rutgers Cooperative Extension for ReClam the Bay.**

**Figure C5: Laurel Harbor Relay Leases**



Location: Ocean Township, Ocean County

Existing Leases: 0 active relay lease

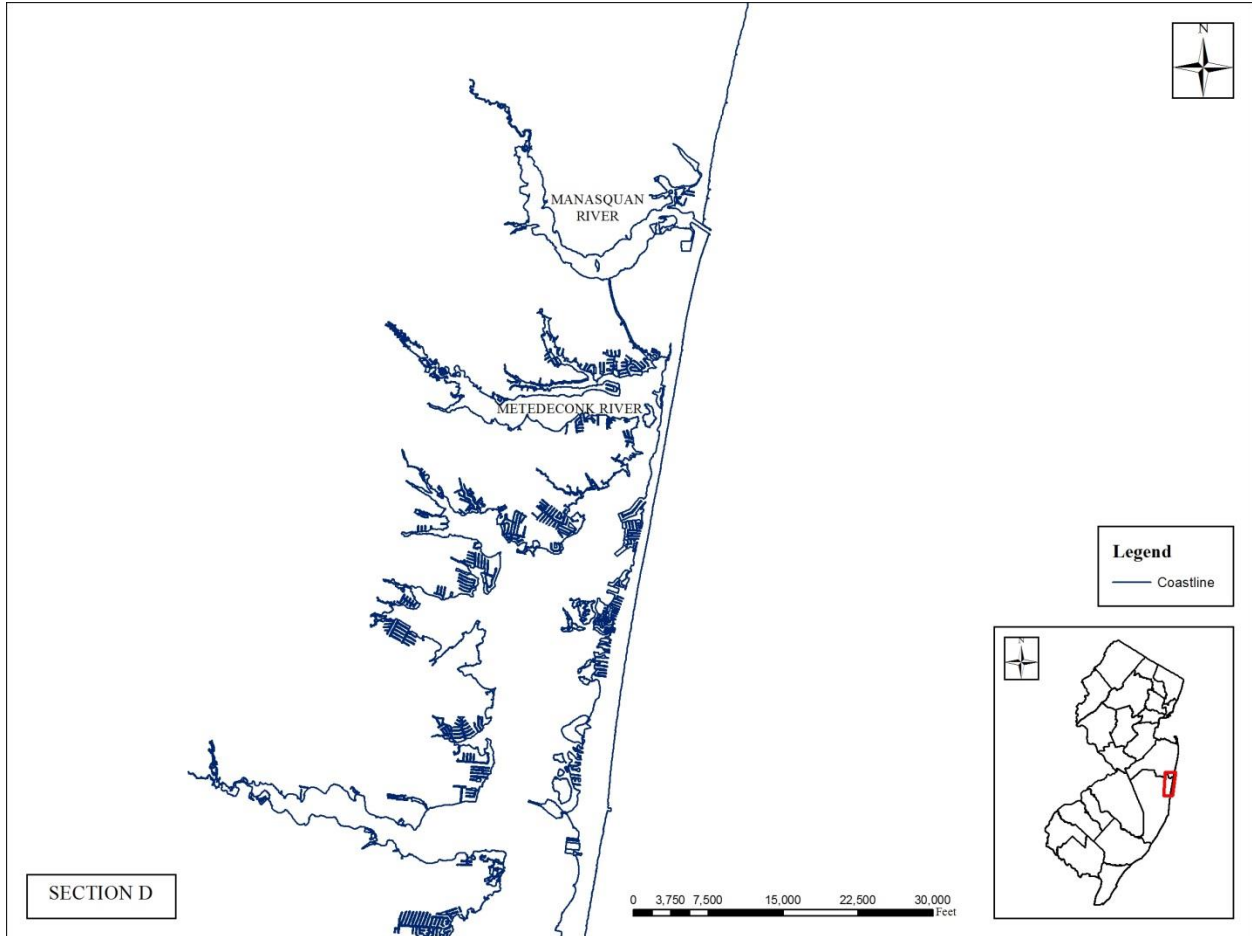
Primary Shellfish Grow Out: Hard Clam Relay

Shellfish Growing Waters Classification: Approved

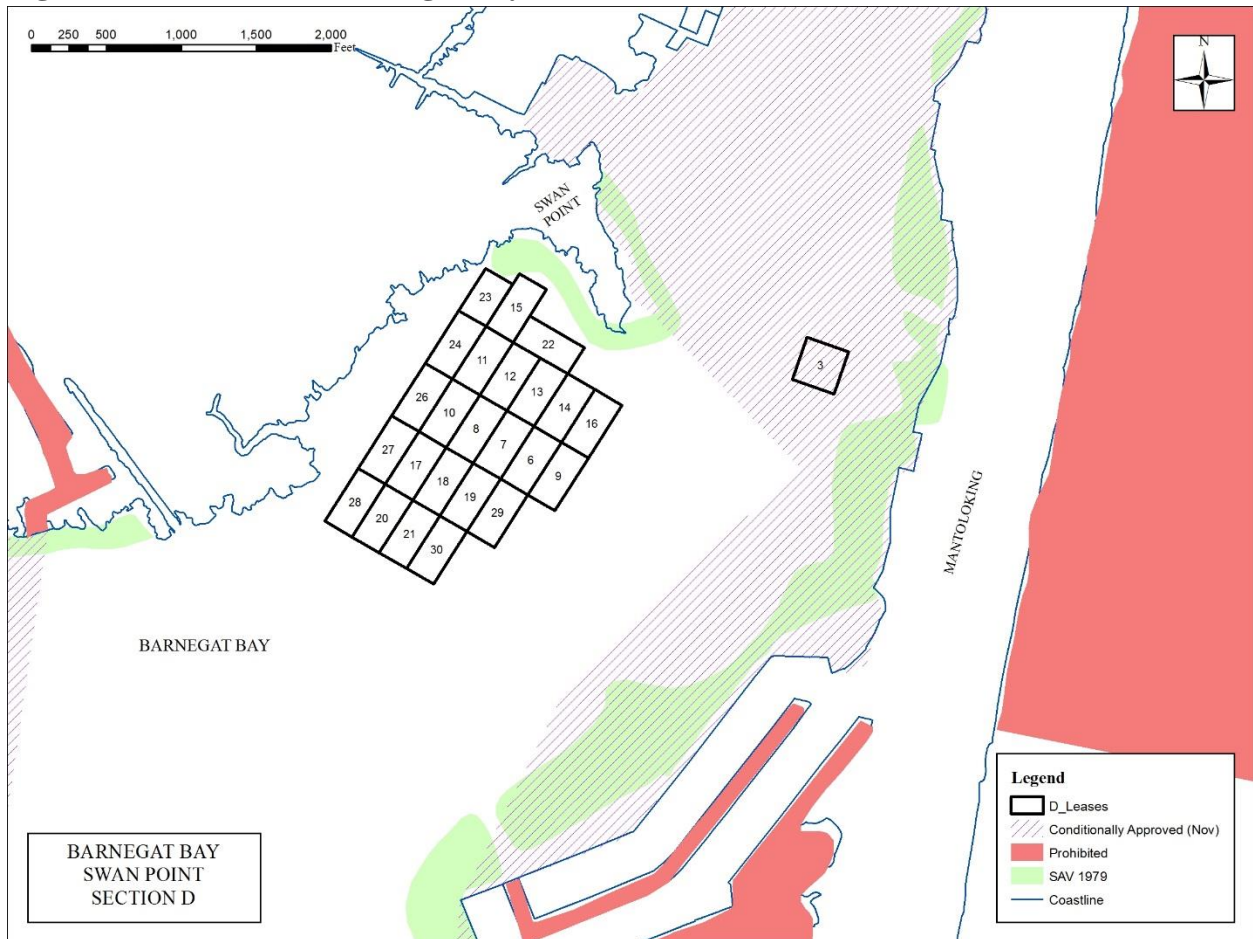
Known Concerns: No Concerns

**Council Action: Designated hard clam relay lease area. Regulated under Clam Relay Program at N.J.A.C.7:25-15.**

**Section D: Toms River to Manasquan River**



**Figure D1: Swan Point (Barnegat Bay)**



Location: Brick Township, Ocean County

Existing Leases: 22 leases, 43.60 acres

Primary Shellfish Grow Out: Oysters (structural)

Shellfish Growing Waters Classification: Approved and Conditionally Approved

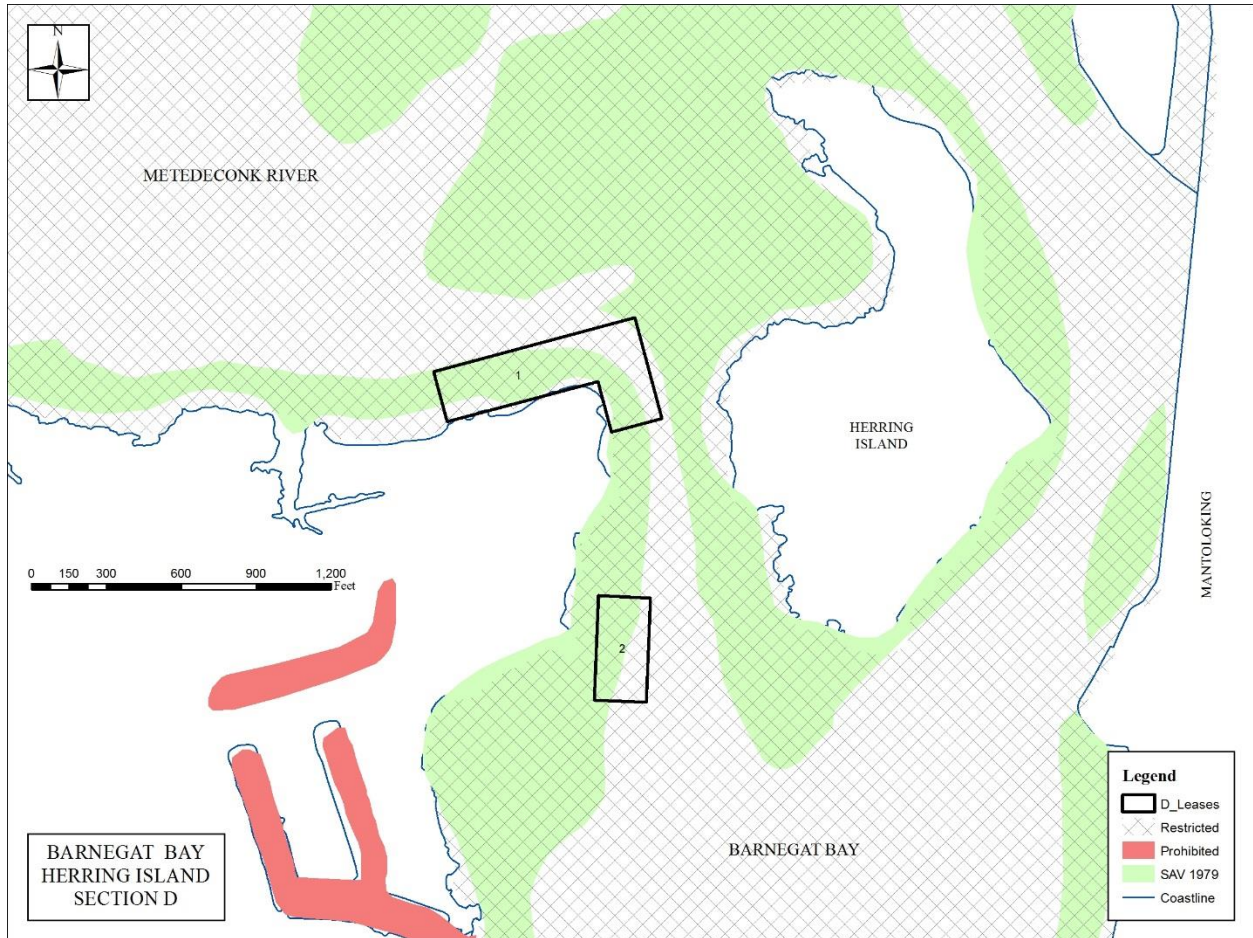
Known Concerns: Main lease block located at former Swan Point relay lease site. SAV documented in vicinity of leases. Potential user group/stakeholder conflicts: high recreational use area with boaters and fishermen and commercial crab pot fishery.

**Council Action:**

**Any proposed expansion will need Committee recommendation and Council approval to be considered as expansion would most likely conflict with other user groups/stakeholders, especially for recreational boating activities. Applications can be accepted for leases within the main block at Swan Point should they become vacant.**



**Figure D2: Herring Island (Barnegat Bay)**



Location: Brick Township, Ocean County

Existing Leases: 2 leases, 7.0 acres

Primary Shellfish Grow Out: Unknown

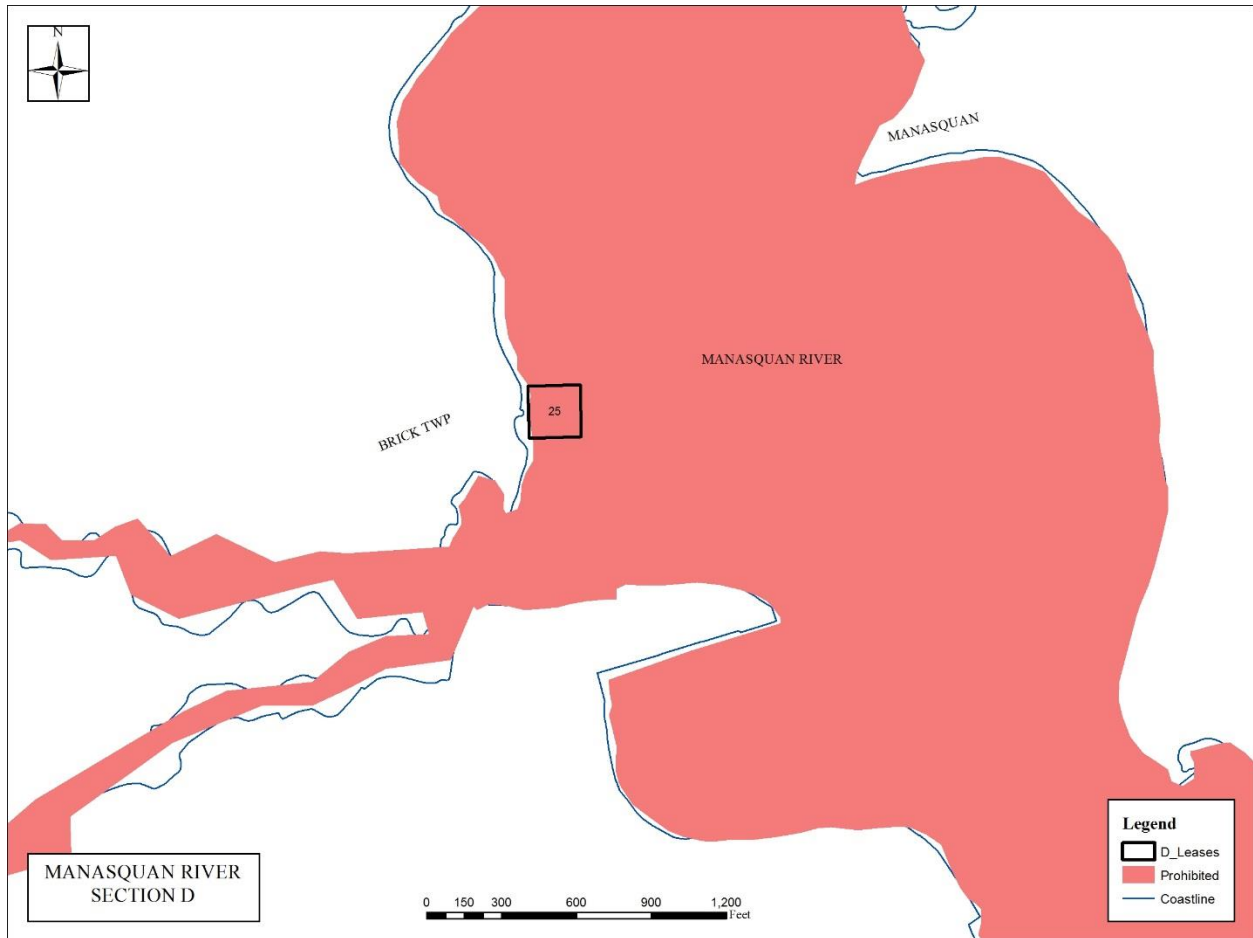
Shellfish Growing Waters Classification: Restricted

Known Concerns: SAV habitat. Due to the shellfish growing waters classification of other than “Approved or “Conditionally Approved”, leases may be uses as a nursery under “Permit for a Hatchery to Produce and Grow Seed or for a Nursery to Grow Seed” at N.J.A.C. 7:12-9.14 and shellfish can be transplanted to leases in “Approved” waters under “Permit for the Harvest of Seed Oysters and/or Seed” at N.J.A.C. 7:12-9.9.

**Council Action: Shellfish leasing activity in SAV habitat is not in compliance with the Coastal Zone Management Rules at N.J.A.C. 7:7-9.6. No new shellfish leases in the waters classified as Restricted as per the leasing regulations N.J.A.C. &:25-24.5(g). Leases in this area that become vacant shall remain public bottom.**



**Figure D3: Manasquan River**



Location: Brick Township, Ocean County

Existing Lease: 1 lease, 1.0 acres

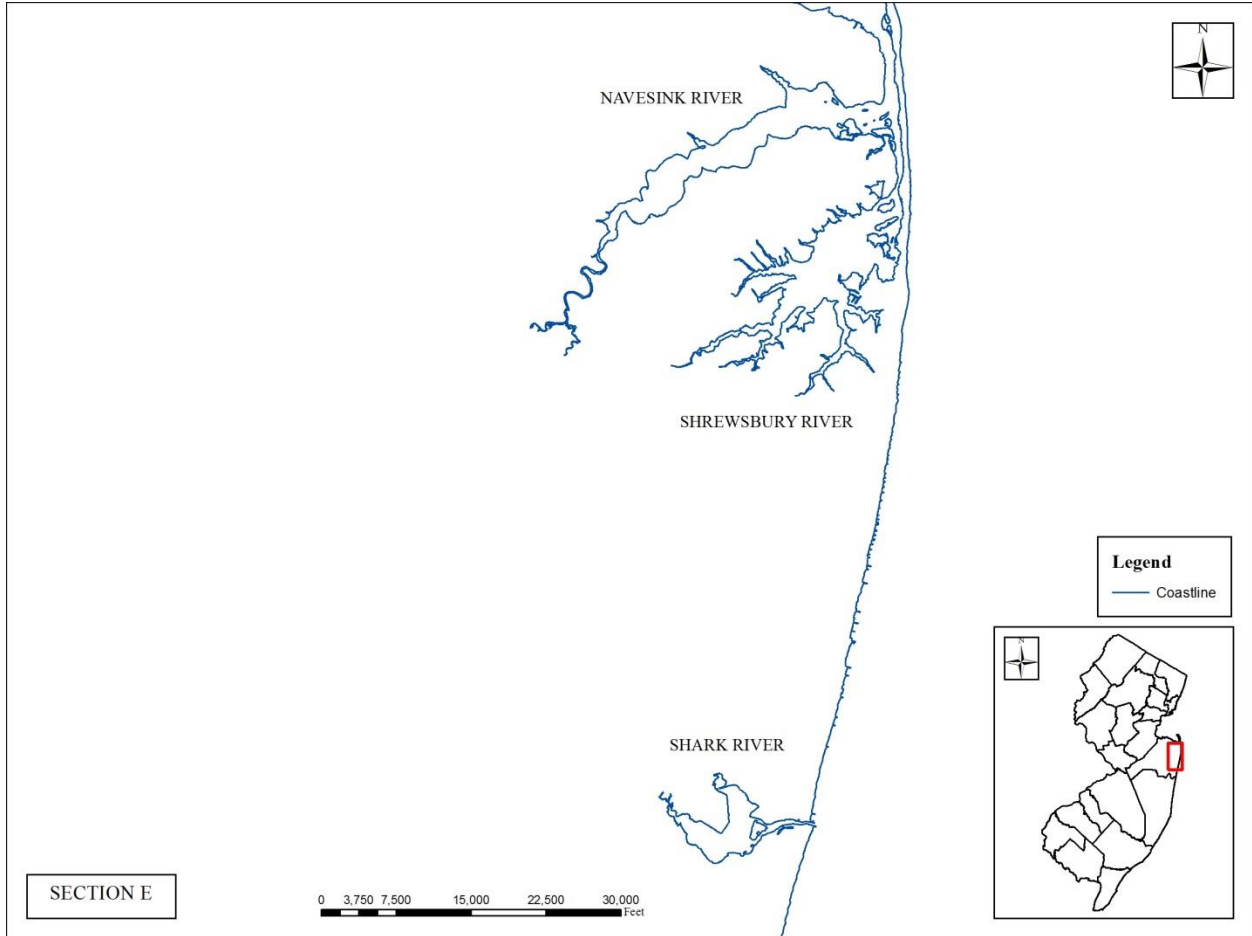
Primary Shellfish Grow Out: Unknown

Shellfish Growing Waters Classification: Prohibited

Known Concerns: Due to the shellfish growing waters classification of other than “Approved or “Conditionally Approved” leases may be used as a nursery under “Permit for a Hatchery to Produce and Grow Seed or for a Nursery to Grow Seed” at N.J.A.C. 7:12-9.14. Possible Tideland’s riparian issues for the existing shellfish lease.

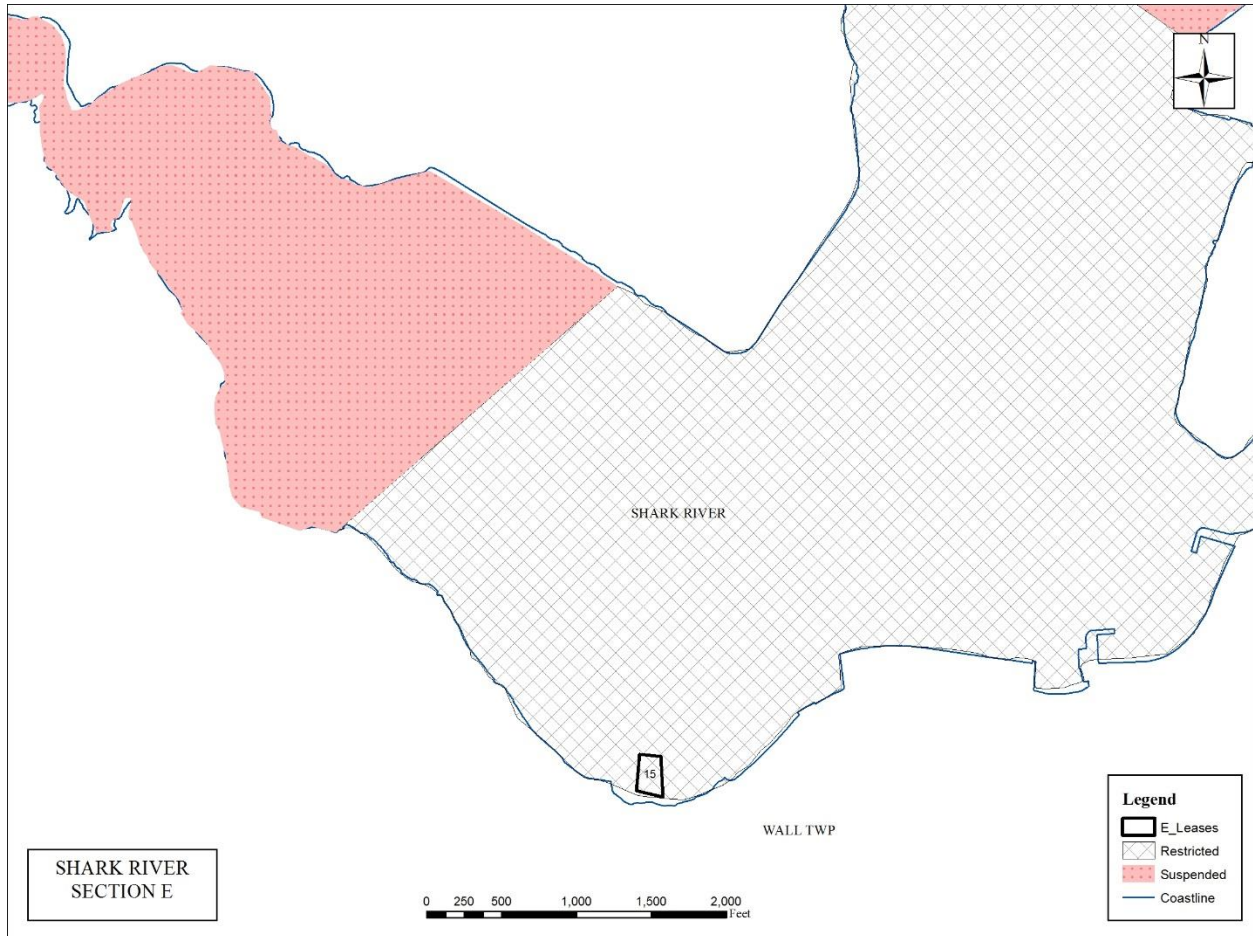
**Council Action: No new shellfish leases in the waters classified as Prohibited as per the leasing regulations N.J.A.C. &:25-24.5(g). Leases in this area that become vacant shall remain public bottom.**

**Section E: Shark River to Navesink River**



*Note: As per N.J.S.A. 50:1-23: No lands under the waters of the Navesink and Shrewsbury rivers shall be leased for the planting and cultivation of shellfish.*

**Figure E1: Shark River**



Location: Shark River, Wall Township, Monmouth County

Existing Leases: 1 lease, 0.95 acres

Primary Shellfish Grow Out: Unknown

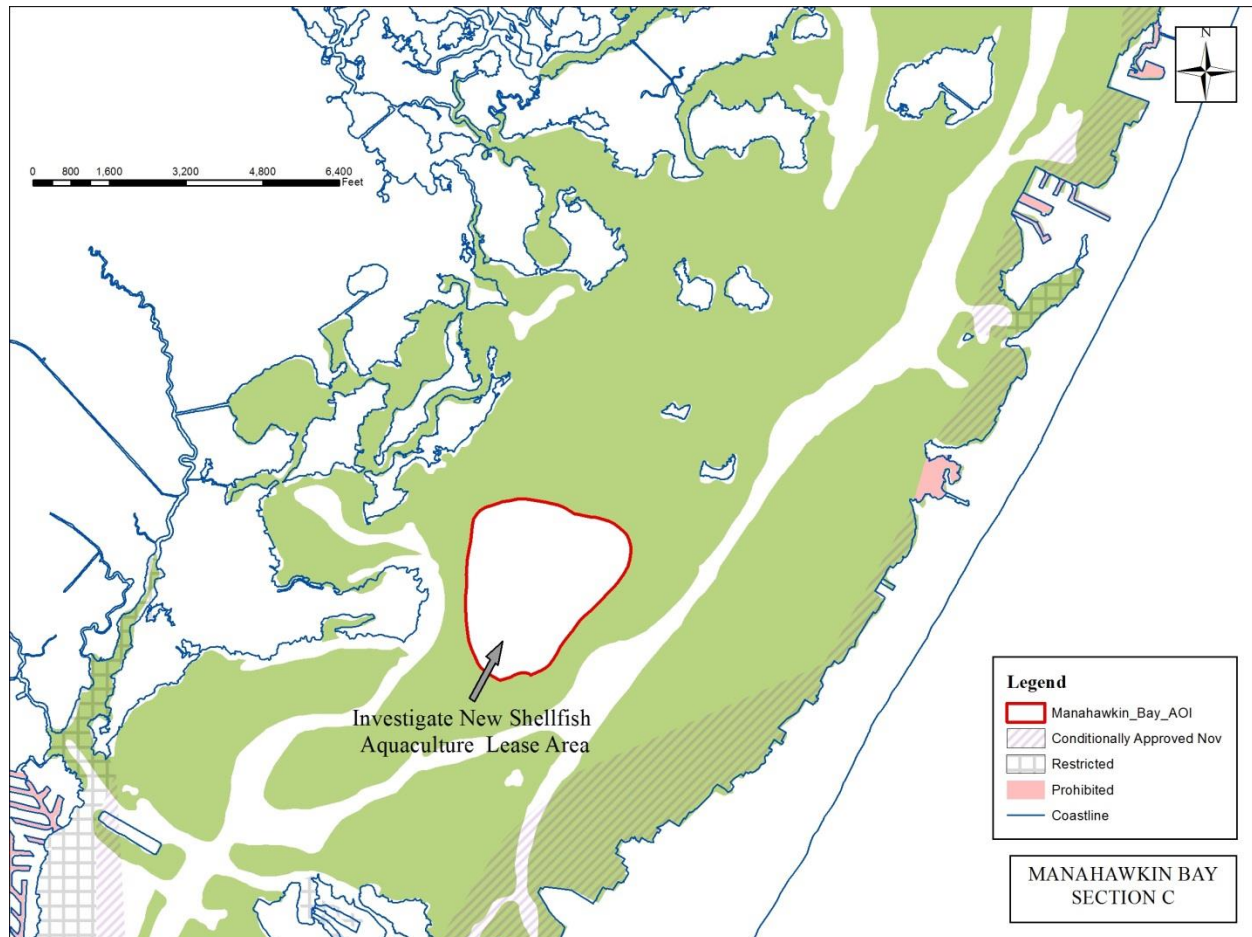
Shellfish Growing Waters Classification: Restricted

Known Concerns: The lease is located near a municipal marina. Due to the shellfish growing waters classification of other than “Approved or “Conditionally Approved” leases may be used as a nursery under “Permit for a Hatchery to Produce and Grow Seed or for a Nursery to Grow Seed” at N.J.A.C. 7:12-9.14 and shellfish can be transplanted to leases in “Approved” waters under “Permit for the Harvest of Seed Oysters and/or Seed” at N.J.A.C. 7:12-9.9.

**Council Action: No new shellfish leases in the waters classified as Restricted as per the leasing regulations N.J.A.C. 7:25-24.5(g). Leases in this area that become vacant shall remain public bottom.**

## APPENDIX C: POTENTIAL NEW SHELFISH AQUACULTURE LEASE AREAS TO BE INVESTIGATED

Figure F1: Manahawkin Bay



Location: Stafford Township, Long Beach Township, Ocean County

Existing Leases: None

Primary Shellfish Grow Out: Unknown at this time

Shellfish Growing Waters Classification: Approved

Known Concerns: SAV habitat. Conflicts with other user groups and stakeholders need to be investigated.

**Council Action: Investigate feasibility of establishing a block of leases for shellfish aquaculture in area depicted on Figure F1 above. This would include shellfish productivity, determination of post-1979 SAV expansion and user group conflicts.**

**MARINE FISHERIES ADMINISTRATION  
BUREAU OF SHELLFISHERIES**


**COMMISSIONER APPROVAL OF THE  
FEES RECOMMENDED  
BY THE  
SHELLFISHERIES COUNCIL**

**Under the authority of N.J.S.A. 50:1-27, Fixing terms, rental and acreage, the Council, with approval of the Commissioner, shall fix the term for which leases may be granted, the rental to be paid, the maximum size of any single ground to be leased, and the total acreage which may be leased to any person or persons.**

The Atlantic Coast Section of the New Jersey Shellfisheries Council's Shellfish Aquaculture Leasing Committee (AC Committee) met on June 13, 2017, to discuss fee changes. The AC Committee recommended to the Atlantic Coast Section of the New Jersey Shellfisheries Council (AC Council) the following fee changes: implementation of a "lease application fee" of \$250 for each lease application, and an "annual lease renewal fee" of \$100 for each lessee, due upon renewal. This recommendation was approved by the AC Council at the June 19, 2017 AC Council Meeting. The fee changes have been incorporated into the "Shellfish Aquaculture Leasing Policy of the Atlantic Coast Section of the New Jersey Shellfisheries Council."

The Delaware Bay Section of the New Jersey Shellfisheries Council's Shellfish Aquaculture Leasing Committee (DB Committee) met on June 21, 2017 to discuss fee changes. The DB Committee recommended to the Delaware Bay Section of the New Jersey Shellfisheries Council (DB Council) the following fee changes: implementation of a "lease application fee" of \$250 for each lease application, and an "annual lease renewal fee" of \$100 for each lessee, due upon renewal. This recommendation was approved by the DB Council at the July 11, 2017 DB Council Meeting.

APPROVED:

  
\_\_\_\_\_  
Commissioner Bob Martin  
New Jersey Department of Environmental Protection

  
\_\_\_\_\_  
Date