PUBLIC MEETING

before

ASSEMBLY ECONOMIC DEVELOPMENT AND AGRICULTURE COMMITTEE

on

ASSEMBLY BILL 2105

(Establishes a Division of Aquaculture in the Department of Agriculture and transfers certain functions, powers, duties, personnel and equipment relating to the shellfish industry from the Department of Environmental Protection to the Division of Aquaculture)

August 20, 1986
Manchester Township
Municipal Building
Manchester Township, N.J.

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Joseph Azzolina, Chairman Assemblyman Jack Collins, Vice Chairman Assemblyman John T. Hendrickson, Jr. Assemblyman Richard A. Zimmer

ALSO PRESENT:

Gregory L. Williams
Office of Legislative Services
Aide, Assembly Economic Development
and Agriculture Committee

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Hearing Recorded and Transcribed by
Office of Legislative Services
Public Information Office
Hearing Unit
State House Annex
CN 068
Trenton, New Jersey 08625



JOSEPH AZZOLINA
Chairman

JACK COLLINS
Vice-Chairman

JOHN T. HENDRICKSON, JR.
JOHN E. ROONEY
RICHARD A. ZIMMER
GEORGE HUDAK
ANTHONY S. MARSELLA

Rem Dersey State Tegislature

ASSEMBLY ECONOMIC DEVELOPMENT AND AGRICULTURE COMMITTEE

STATE HOUSE ANNEX, CN-068 TRENTON, NEW JERSEY 08625 TELEPHONE: (609) 984-0445

MEMORANDUM

August 5, 1986

TO: Members of the Assembly Economic Development.

and Agriculture Committee

FROM: Assemblyman Joseph Azzolina

SUBJECT: Committee Meeting for August 20, 1986

The Assembly Economic Development and Agriculture will meet on Wednesday, August 20. 1986 at the Manchester township Municipal Building at 7:00 p.m. The committee will consider the following bill:

A-2105 Establishes a Division of A_{gri}^{Gri} culture in the Hendrickson Department of Agriculture.

The committee previously considered this bill during its meeting of June 9, 1986, but did not take action on the bill at that time.

DIRECTIONS

From north or south, take the Garden State parkway to exit 82 onto Route 37 West; Go 4 or 5 miles; the township building is on the right side of the road. Its address is 1 Colonial Drive.

ASSEMBLY, No. 2105

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 24, 1986

By Assemblymen HENDRICKSON, AZZOLINA, MORAN, SINGER, COLLINS, STUHLTRAGER, KLINE, Assemblywoman COOPER, Assemblymen CHINNICI and MUZIANI

An Acr establishing a Division of Aquaculture in the Department of Agriculture, transferring certain functions, powers, duties, personnel and equipment concerning the maintenance of the shellfish industry from the Department of Environmental Protection to the Division of Aquaculture, establishing effective management control of the shellfish resource, supplementing chapter 1 of Title 4 of the Revised Statutes and chapter 1 of Title 50 of the Revised Statutes, and repealing all laws inconsistent with this act.

- 1 Be it enacted by the Senate and General Assembly of the State
- 2 of New Jersey:
- 1. There is established in the Department of Agriculture a
- 2 Division of Aquaculture. The Department of Agriculture, through
- 3 the Division of Aquaculture, is charged with the responsibility
- 4 for, and given the function, power and duty of regulating, admin-
- 5 istering, licensing, preserving, promoting, improving and develop-
- 6 ing the commercial shellfish industry in this State.
- 1 2. The Division of Aquaculture shall be headed by a director,
- 2 whose title shall be allocated to the unclassified service. The di-
- 3 rector shall be a member of the commercial shellfish industry who
- 4 is qualified by education, training and experience to perform the
- 5 duties of the position. The director shall be appointed by the
- 6 Secretary of Agriculture and approved by the Atlantic Bay Shell-
- 7 fish Council, the Atlantic Ocean Shellfish Council, and the Delaware

- 8 Bay Shellfish Council established under this act and shall receive 9 a salary as shall be provided by law.
 - 3. For purposes of this act, "commercial shellfish industry"
- 2 means all persons who hold an active lease on any of the lands
- 3 of the State under the tidal waters thereof, which lease is used
- 4 for the planting and cultivating of shellfish and obtained pursuant
- 5 to the provisions of R. S. 50:1-23 et seq.; and all persons or
- 6 partnerships who hold a commercial sea clam license obtained
- 7 pursuant to the provisions of P. L. 1950, c. 310 (C. 50:2-6.1 et seq.);
- 8 and all persons who catch or take in excess of one bushel of
- 9 oysters per day, or 150 hard clams per day, or one-half bushel of
- 10 soft clams per day, or two bushels of scallops per day from any
- 11 of the grounds under the waters of this State; and all persons
- 12 who hold active dredging, shucking house, commercial crabber
- 13 and dealer licenses, such licenses to be obtained pursuant to the
- 14 provisions of Title 50 of the Revised Statutes.
- 1 4. All the functions, powers and duties of the Division of Fish,
- 2 Game and Wildlife, the Division of Coastal Resources, the Division
- 3 of Water Resources, and the Shell Fisheries Council in the De-
- 4 partment of Environmental Protection, and of the Commissioner
- 5 of Environmental Protection relating to, or administered through,
- 6 these divisions and the council insofar as those functions, powers,
- 7 and duties relate to the regulation, administration, licensure, pre-
- 8 servation, promotion, improvement and development of the com-
- 9 mercial shellfish industry, are transferred to the Department of
- 10 Agriculture.

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- 5. There is established in the Division of Aquaculture in the
- 2 Department of Agriculture three commercial shellfish industry
- 3 councils—the Atlantic Bay Shellfish Council, the Atlantic Ocean
- 4 Shellfish Council and the Delaware Bay Shellfish Council. The
- 5 members of the councils shall be appointed by the Secretary of
- 6 Agriculture from among nominees proposed by the commercial
- 7 shellfish industry. Each member shall be a citizen of the United
- 8 States and a domiciliary of New Jersey.
- 9 The Atlantic Bay Shellfish Council shall comprise seven members,
- 10 all of whom shall be active members of the commercial shellfish
- 11 industry, and shall consist of one resident each from Monmouth,
- 12 Ocean, Burlington and Atlantic counties, two members from the
- 13 New Jersey Federation of Sportsmen's Clubs, and one member
- 14 who shall be a member of the public at large.
- 15 The Atlantic Ocean Shellfish Council shall comprise five mem-
- 16 bers, all of whom shall be active members of the commercial shell-
- 17 fish industry, and shall consist of one resident each from Monmouth,

- 18 Ocean, Atlantic and Cape May counties, and one member who shall
- 19 be a member of the public at large.
- 20 The Delaware Bay Shellfish Council shall comprise five mem-
- 21 bers, all of whom shall be active members of the commercial shell-
- 22 fish industry, and shall consist of three residents from Cumberland
- 23 county and one resident from Salem county, and one member who
- 24 shall be a member of the public at large.
- 25 Each member shall serve for three years, except that of those
- 26 originally appointed to the Atlantic Bay Shellfish Council, three
- 27 members shall be appointed for a term of one year, two members
- 28 shall be appointed for terms of two years, and two members shall
- 29 be appointed for terms of three years, and of those originally
- 30 appointed to either the Atlantic Ocean Shellfish Council or the
- 31 Delaware Bay Shellfish Council, two members shall be appointed
- 32 for a term of one year, two members shall be appointed for terms of
- 33 two years, and one member shall be appointed for a term of three
- 34 years.
- 1 6. The three commercial shellfish industry councils in the Division
- 2 of Aquaculture established under this act, subject to the approval
- 3 of the secretary, and consistent with the provisions of this act, shall
- 4 formulate comprehensive policies for the regulation, administra-
- 5 tion, licensure, preservation, promotion, improvement and develop-
- 6 ment of the commercial shellfish industry and for the leasing of
- 7 lands under the tidal waters of the State.
- 1 7. The councils shall also:
- 2 a. Consult with and advise the Secretary of Agriculture with
- 3 respect to the work of the Division of Aquaculture relative to the
- 4 commercial shellfish industry;
- 5 b. Study the activities of the division and hold hearings with
- 6 respect thereto as it may deem necessary or desirable;
- 7 c. Report to the Governor and the Legislature annually, and
- 8 at such other times as it may deem necessary in the public interest,
- 9 with respect to its findings and conclusions:
- d. Consult with the Director of the Division of Aquaculture on
- 11 the preparation of the division's budget; and
- e. Encourage shellfish mariculture by leasing grounds for pro-
- 13 duction only when proper, current, or experimental culturing
- 14 techniques are to be employed.
- 1 8. The Department of Agriculture shall promulgate rules and
- 2 regulations under the "Administrative Procedure Act," P. L. 1968,
- 3 c. 410 (C. 52:14B-1 et seq.) relating to the functions, powers and
- 4 duties which are transferred to, and vested in, the department,
- 5 on advice from the appropriate shellfish industry council.

- 9. Whenever pursuant to existing law, applications, certifica-
- 2 tions, reports or requests are required or permitted to be made to
- 3 the Bureau of Shellfisheries in the Division of Fish, Game and
- 4 Wildlife or to the Division of Coastal Resources or to the Division
- 5 of Water Resources in the Department of Environmental Pro-
- 6 tection, and the applications, certifications, reports or requests
- 7 relate to the functions, powers and duties assigned or transferred
- 8 to the Department of Agriculture, the certifications or reports are
- 9 required to be filed with, and the applications and requests shall
- 10 be made to, the Department of Agriculture.
- 1 10. Whenever in any law, rule, regulation, contract, document,
- 2 judicial or administrative proceeding or otherwise, reference is
- 3 made to the Bureau of Shellfisheries in the Division of Fish, Game
- 4 and Wildlife or to the Division of Coastal Resources or to the
- 5 Division of Water Resources within the Department of Environ-
- 6 mental Protection, or to the commissioner thereof, the same shall
- 7 mean and refer to the Department of Agriculture.
- 1 11. The exclusive power to lease lands under the tidal waters
- 2 of this State for the planting and culture of shellfish, granted by
- 3 R. S. 50:1-23 et seq. to the Shell Fisheries Council, is transferred
- 4 to and vested in the Department of Agriculture, such powers to
- 5 be exercised with the concurrence of the appropriate shellfish
- 6 industry council.
- 1 12. Whenever in any law, rule, regulation, contract, document,
- 2 judicial or administrative proceeding or otherwise, reference is
- 3 made to the Shell Fisheries Council, the same shall mean and
- 4 refer to the three commercial shellfish industry councils in the
- 5 Division of Aquaculture in the Department of Agriculture.
- 1 13. The transfers directed by this act shall be made in accordance
- 2 with the "State Agency Transfer Act," P. L. 1971, c. 375 (C.
- 3 52:14D-1 et seq.).
- 1 14. All acts or parts of acts inconsistent with any of the pro-
- 2 visions of this act, to the extent of such inconsistency, are super-
- 3 seded and repealed.
- 1 15. This act shall take effect on the 30th day following its enact-
- 2 ment.

STATEMENT

This bill establishes a Division of Aquaculture in the Department of Agriculture. The Department of Agriculture, through the Division of Aquaculture, shall have full control and direction of the commercial shellfish industry and of the protection of the shellfish resource throughout the entire State.

The Division of Aquaculture is charged with the responsibility for the administration, regulation, and promotion of the commercial shellfish industry. This act further provides for the transfer of all personnel and equipment necessary for the fulfillment of these duties from the Department of Environmental Protection to the Division of Aquaculture in the Department of Agriculture.

Three advisory councils are created and assigned a broad range of policy-making duties. These bodies will be made up of representatives of the shellfish industry, the New Jersey Federation of Sportsmen, and the public at large.

The purpose of this legislation is to promote aquaculture by establishing a single shellfish management agency with the responsibility of developing programs and encouraging activities which will result in the conservation and availability of the shellfish resource, the creation of job opportunities, and other benefits.

ECONOMIC DEVELOPMENT (AGRICULTURE)

Establishes a Division of Aquaculture in the Department of Agriculture and transfers certain functions, powers, duties, personnel and equipment relating to the shellfish industry from the Dept. of Environmental Protection to the Division of Aquaculture.

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ASSEMBLYMAN JOSEPH AZZOLINA (Chairman): May we have quiet, please? We want to get started. This is the Assembly Economic Development and Agriculture Committee, and we brought this meeting down to Manchester Township in Ocean County. I will ask our Committee Aide to give us the bill number and the purpose of the meeting.

This is Assembly Bill 2105, sponsored MR. WILLIAMS: by Assemblyman Hendrickson. The bill would establish the Division of Aquaculture in the Department of Agriculture. The Department of Agriculture, through the Division, would be charged with the responsibility for the regulation development of the commercial shellfish industry All of the present functions, powers, and duties of the Department of Environmental Protection related to the regulation, administration, licensure, preservation, promotion, improvement, and development of the industry would transferred to the Division of Aquaculture under the provisions of the bill.

The bill transfers to the Department of Agriculture the exclusive power to lease lands under the tidal waters of this State for the planting and cultivation of shellfish. Under present law, that power is granted to the Shellfisheries Council in the Department of Environmental Protection. bill provides that the Division be headed by a director appointed by the Secretary of Agriculture. The Secretary is also charged with appointing the members of three advisory councils in the Division: the Atlantic Bay Shellfish Council, the Atlantic Ocean Shellfish Council, and the Delaware Bay Shellfish Council. These councils, made up of representatives of the industry, the New Jersey Federation of Sportsmen's Clubs, and the public at large, would advise the Secretary of Agriculture, the director of the Division of Aquaculture, the Governor, and the Legislature concerning the regulation and development of the industry and the operations of the Division.

The councils are also charged with approving the Secretary's choice for the director of the Division, and with leasing grounds for shellfish mariculture. The Department of Agriculture's exclusive power to lease shellfish title lands would be exercised in concurrence with the councils.

The bill gives the Department of Agriculture the authority to adopt the regulations required to implement the purposes of the bill. Responsibility for the regulation and development of recreational fishing and shellfishing, and of the commercial fishing industry, would not be transferred to the Department of Agriculture, but would instead remain principally in the Department of Environmental Protection.

ASSEMBLYMAN AZZOLINA: Okay, before we start, I would like to introduce the panel here. I am Chairman of the Assembly Economic Development and Agriculture Committee. Jack Collins is the Vice Chairman; Assemblyman Zimmer is a member of the Committee; Assemblyman Hendrickson is a member of the Committee and Assistant Majority Leader; Greg Williams is a member of the staff; and Deb Smarth, on my left, is a staff member of the Committee.

I would like to welcome everyone here. We have a gentleman from the Department of Agriculture who would like to go on first, Mr. Nils Stolpe.

NILS E. STOLPE: Thank you, Chairman Azzolina. It gives me a great deal of pleasure to be here tonight representing Secretary Brown and the Department of Agriculture. The Secretary wishes me to thank you for giving us this opportunity.

In my testimony, I would like to do three things: First, I would like to give you an idea of what the Department's Fishery Development Program is doing; second, I would like to point out what we could and should be doing in fisheries development; and third, I would like to speak specifically about the legislation, A-2105, if that's--

ASSEMBLYMAN AZZOLINA: Fine.

MR. STOLPE: The accepted definition of aquaculture at this point, both in Federal and State legislation, is the propagation and rearing of aquatic species in controlled or selected environments. In essence, this is fish or shellfish farming in salt, brackish, or fresh water. Going back to the Marine Fisheries Management and Commercial Fisheries Act passed by the New Jersey Legislature in 1979, New Jersey has been involved and has seen a potential in aquaculture. interest has continued through Governor Kean's Executive Order establishing the New Jersey Fisheries Development Commission, and includes the establishment of the Fisheries and Aquaculture TEX Center at Cook College at Rutgers University, which is a direct result of New Jersey's efforts to expand its high-tech industries at Cook, and it is continuing, obviously, through this meeting on an aquaculture bill. There is no doubt that New Jersey government has taken a strong position supporting fish and shellfish aquaculture development in the Garden State.

This position has been reflected in the Department of Agriculture's expanding program in aquaculture and fisheries support and development. As you know, the Department of Agriculture has made a strong commitment to supporting New Jersey's fish and seafood industry. The areas we are primarily involved in are marketing, promotion, and industry development. For your information, I would like to first discuss some of the specific fisheries projects with which we are, or have been, recently involved.

First, and the largest part of our program, is New Jersey fish and seafood promotion. Either on our own or in cooperation with other states and other agencies, we have been working at expanding the markets for New Jersey fish and seafood, in New Jersey, nationally, and internationally. We have promoted this viable seafood industry through participation in international trade shows, displays at

restaurants, media exposure, contests, seafood cook-offs, and through the distribution of brochures, directories, and other promotional materials. These efforts are aimed at fish processors, prospective industry members, retailers, wholesalers, and consumers, and are tied in with as many other agencies, groups, and individuals as possible to do the most effective job.

The Elizabeth Urban Aquaculture Project is an effort funded and supported jointly by the Port Authority of New York and New Jersey and the Department of Agriculture. The project is designed to test the feasibility of producing and marketing fresh water Tilapia or Nile Perch in urban areas of New Jersey. Fish have been successfully spawned and raised to market size in recirculating systems which can be installed and operated anywhere. We have begun to test market the fish produced, and their market acceptability seems fairly high.

We are doing an aquaculture film with the New Jersey Public Television agency. This is part of a series on New Jersey fish and seafood which we are doing with supplementally appropriated money from the New Jersey Legislature. We did a half-hour pilot last year which aired on New Jersey Public Television, "Jersey Vision." This year we are doing one on aquaculture, focusing on New Jersey aquaculture and its potential, one on the off-shore fisheries, and one on consumer information, basically, "Buy more New Jersey seafood."

We have done a fresh water aquaculture marketing study. This was designed to identify the species of fresh water fish capable of culture in New Jersey, systems which would allow their successful culture, and a marketing survey looking at local, regional, and national markets to determine the marketability of the target species. The results of the study have shown that there are several species of fish which can be grown in New Jersey which can readily be sold in selected markets in the metropolitan region.

As you can see from this, the Department has built expertise in the area of marketing, promotion, and development of the seafood industry.

The role that the Department serves in aquaculture development could be expanded significantly. While we are currently devoting as many resources as are available to the aquaculture area of our fisheries program, the program's scope is limited. We would like to be able to expand our efforts to helping aquaculturists locate or expand in New Jersey. We could also be marketing, to a much greater degree, New Jersey's aquaculture products and equipment.

With proper quality standards and safeguards, and financial support, the "Jersey Fresh" program could be extended to shellfish and other aquaculture products. We are now, as a matter of course, including fish and seafood in our "Jersey Fresh" program. We are already moving into these areas. With your assistance on this, we could do this much more rapidly and effectively.

We will be glad to work with the Committee in any way that you wish to effectuate this. As we have pointed out, the Department of Agriculture's aquaculture program is broad-based, with a focus on marketing, promotion, and development. As I indicated, other agencies are involved in various other aspects of the State's total aquaculture development.

The legislation -- A-2105 -- which we are discussing tonight, is based on a much different and, in some cases, a more narrow view of aquaculture in New Jersey. The bill is concerned solely with the production and harvesting of shellfish in our marine and estuarine waters. On the other hand, as I pointed out, the Department's aquaculture program encompasses fresh water fish, as well as shellfish.

In addition to our feeling that A-2105 adopts a much more restrictive view of aquaculture in New Jersey, we also have concerns with the legislation in the following areas:

First, a great deal of the technical and administrative support the Bureau of Shellfisheries requires is supplied by the Division of Fish, Game and Wildlife or other divisions in the Department of Environmental Protection. The Department of Agriculture would either have to duplicate these services in-house or, through inter-agency agreements, have their availability continued. This support is primarily in the form of field and laboratory analyses and surveys.

Another area of concern is the administrative framework as proposed for the new Division of Aquaculture. framework, as outlined, would be difficult to work with given organizational with Department's structure one policy-making board, the State Board of Agriculture. This would set up a situation with multiple policy-making groups.

The Division of Fish, Game and Wildlife is also the designated living marine resource management agency in many State, interstate, Federal, and international bodies. This management arrangement should not be fragmented between several agencies.

DEP, through the Division of Fish, Game and Wildlife, is, and should continue to be, represented on the MidAtlantic Fisheries Management Council, the Atlantic States Marine Fisheries Commission, and with the several bodies dealing with highly migratory or inter-jurisdictional species.

In conclusion, the Department of Agriculture is committed to further work and an expanding program in supporting our fish and seafood industry. We feel that the benefits to New Jersey will certainly be greater if we continue to consider aquaculture development in the broadest possible context. We would like to work closely with this Committee in our efforts to do this.

Thank you very much for the opportunity to comment on this legislation. I will be happy to try to answer any questions you may have.

ASSEMBLYMAN AZZOLINA: Anybody have any questions at this point?

ASSEMBLYMAN HENDRICKSON: If I may now-- What you've said in your testimony is that perhaps all of the Divisions of Fisheries should be within the Department of Agriculture in order to expand it, not just the orientation that I have taken on hard-shell or shellfisheries because shellfishers tie in with fish and game.

MR. STOLPE: Well, what I meant to say was that the management of marine resources, the governing of marine resources, shellfisheries, whatever, should not be divided up between several agencies. That would be cumbersome and probably unworkable.

ASSEMBLYMAN HENDRICKSON: So, we're saying essentially that all fisheries should be part of--

MR. STOLPE: Should be together.

ASSEMBLYMAN HENDRICKSON: We should expand the scope of the bill, rather than the orientation, because of the problems with shellfish throughout the State. Basically, that is what we're saying -- either all of it-- Don't try to take segments of it because of the interlocking--

MR. STOLPE: Yeah.

ASSEMBLYMAN HENDRICKSON: --in fisheries.

MR. STOLPE: I don't think an effective job could be done managing one species or one group of species over here and another group of species over there. It should not be fragmented; it should not be divided..

ASSEMBLYMAN AZZOLINA: At a future date, we will be discussing the whole topic. Actually, tonight we are just on this particular topic. As we find out more information as we go along, probably by winter, or by the first of the year, we will start hearings on discussing the whole fisheries business, whether it should stay in DEP, move into Agriculture, or something else. I don't know. There are several bills around,

and there will be more bills coming. So, this is just exploratory here. Actually, we are going to be listening tonight, and probably at another meeting or two. Whether we are going to come to any conclusion at the end, we are not sure yet. So, we are going to listen to departments, the public, and see what kind of information we are going to gather. Basically, we are gathering information at the moment.

Any other questions from the panel?

ASSEMBLYMAN COLLINS: Yes, I have a question, Nils. You mentioned about taking the various segments of the fisheries and moving them into different areas. Don't we, right now, have them split up in a number of different areas?

MR. STOLPE: Not as far as the management and regulation, I don't think. Again, the people here from DEP and Health can more authoritatively—

ASSEMBLYMAN COLLINS: Right. Well, when DEP comes up, we will ask them also. But, don't we have— As you say, you have a Division of Aquaculture within the Department of Agriculture.

MR. STOLPE: It's not a division, but, yeah--

ASSEMBLYMAN COLLINS: Okay, a subdivision, or at least an area of interest. And, of course, we have DEP and then we have the fisheries group which is under the Department of the Treasury. We seem to at least be moving forward there as an industry. I can understand why they should all be together, but they are not all together now.

MR. STOLPE: Well, again, certain segments—Fisheries development, for the most part, is being done under the auspices of the Fisheries Development Commission, which is an inter-agency group. So, the Commission is carried on with appropriate input from DEP, from Agriculture, from Commerce, from the Department of Community Affairs, or whichever. The Department of Agriculture, in our fisheries program, is restricting our work to promotion, to marketing, to aquaculture

for food development. The aquaculture work we are doing now is primarily fresh water fish, primarily inland type operations, and we accompany that with developing markets for the fish that are being grown. We are not getting into fish for recreation or for stocking purposes, or anything like that.

ASSEMBLYMAN COLLINS: I understand that. If there was a problem in the fisheries area, let's just say fin fish — okay? You mentioned that now you are into promotion and marketing, and so on, and that Fish and Game is taking care of the recreation part, and so on. If I were a fisherman, and I were running into a problem in harvesting a certain number of fish, or whatever, what agency in State government would I turn to for help?

MR. STOLPE: Environmental Protection.

ASSEMBLYMAN COLLINS: To Environmental Protection? If I were to ask them why my catch had been dwindling over a period of time, and would they have any suggestions on how I could catch more fish— I should go to the Department of Environmental Protection?

MR. STOLPE: Well, that's a combination. Also, the Sea Grant Extension Service is one of our agencies here now. One of their roles is to work with industry members to solve their problems with gear or to keep them current with, you know, the state-of-the-art--

ASSEMBLYMAN COLLINS: But, that is in Agriculture.

MR. STOLPE: No, it's not. It's actually in Cook College through the Cooperative Extension Service, the Marine Sciences. There is also— The new kid on the block at this point is the Fisheries and Aquaculture Tech Center at Cook College, which, again, is a jointly held operation. But one of the things they will be doing — or it will be doing — is to see that what research expertise capabilities in New Jersey exist will be directed toward problems in the fishing industry and the aquaculture industry. So, at this point, you know, it

is sort of try here, here, here, and here. But again, the Fisheries Development Commission is the entity which does, and which will continue to, coordinate all of this, to choreograph it all. So that is probably the best point of initial contact.

ASSEMBLYMAN COLLINS: Okay, thank you.

ASSEMBLYMAN AZZOLINA: Anybody else? (no response) Assemblyman Jack Hendrickson would like to make a statement.

ASSEMBLYMAN HENDRICKSON: Thank you, Nils.

MR. STOLPE: Thank you.

ASSEMBLYMAN HENDRICKSON: Are we going to have a copy of your statement here?

ASSEMBLYMAN AZZOLINA: Give it to our reporter over there. All of the comments are being recorded here this evening.

ASSEMBLYMAN HENDRICKSON: Thank you, Mr. Chairman.

First of all, I would like to thank Chairman Azzolina and members of the Assembly Economic Development and Agriculture Committee for having these hearings on one of our most important natural resources.

Welcome to Manchester, and welcome to Ocean County, the Ninth Legislative District. I thank everyone here tonight who has come to speak on this important subject. Actually, whether you are for it and/or against it, as the Chairman has said, we are starting at a point that is one of the finest natural resources our great State has, the hard-shell clam industry.

Assembly Bill 2105 was first introduced in February of 1984, in the previous session, as a part of the ongoing research of the Coastal Bay Clam Resources Task Force. The Task Force released its final report in October of 1985. This bill was reintroduced in January of 1986 as part of a 10-bill package addressing the entire range of recommendations resulting from the Task Force's final report.

The purpose of this proposed Division of Aquaculture is stated, in part, in the Task Force report, and I will quote: "We have found that there has been a great admiration for the role the Department of Agriculture plays within the farming community. They are universally perceived as a positive influence to the farmer. Wherein clams are a natural food source, it just makes sense to have shellfisheries within the Department of Agriculture. Our idea is to have a Division where everyone is working to enhance this natural resource."

The report states that these aquaculture functions should remain in DEP with a formalized channel of input from Agriculture. However, given the orientation of the Department of Agriculture toward advocating and promoting the resources under its supervision, I believe that Agriculture is the best place for the fishing and clamming industry.

The Department of Agriculture, Cook College, and the County Agricultural Extension Services have done an excellent job of helping farming in this State. New Jersey is the most densely populated and most urbanized State in the country. Despite the tremendous pressures farmers face from development and other obstacles, the Department of Agriculture has helped farmers to increase production and develop new products as market conditions change.

Personal relationships between Department of Agriculture personnel, the Farm Bureau, and farmers are almost always excellent. Agriculture and the farmers have the same goal, to advocate farming in the State, and to promote growth of our agricultural resources.

In examining the statistics on Page 7 of the Clam Task Force Report, you will find that clam harvests in New Jersey have been on an almost continuous decline for nearly 40 years. An annual harvest of five million pounds of clam meat was reported in the mid-1940s. In 1983, the latest year available, less than one-third that amount was caught, or 1.6 million pounds.

There have been steady increases in the per-pound market price of clams. This has resulted in the dollar value of hard clam landings remaining fairly constant over the years at about \$2 million per year, despite the declining catch. The value of the annual catch recently rose to \$3 million. If the resource had been properly maintained and promoted, the value of the clam industry in our State would be many times what it is today.

If clams were harvested today at the same rate they were 40 years ago, the value of clamming to our State would be well over \$10 million, more than triple its current value. If the clam resource had been properly promoted and the clamming industry had an advocate in government, it could be pumping an additional \$7 million per year into our State's economy. This would be of most direct benefit to many shore areas which do not have a strong, year-round economic base.

In conclusion, Mr. Chairman, I hope we will hear all points of view this evening. This bill has been co-sponsored by myself and other coastal legislators from Salem to Monmouth County. The Ocean County and Atlantic County Freeholder Boards have both endorsed this legislation. However, I would like to stress that at this point, it is an open book, open to amendment. Transferring functions between departments is a difficult task. In my discussions with clammers and others on this bill, many excellent points have been brought up that I had not anticipated when drafting the bill.

I plan to recommend amendments based on discussions I have already had, as well as on the results of this and other hearings.

Thank you, Mr. Chairman.

ASSEMBLYMAN AZZOLINA: Thank you, Mr. Assemblyman. Mr. James Osborn? Please state your name and where you are from.

JAMES OSBORN: My name is James Osborn. I am from Howell Township, Monmouth County. I have been a clammer for 15 years in the State of New Jersey.

I am in favor of Mr. Hendrickson's bill, but I believe there are some changes that should be made. Everything should be—— Finfisheries, shellfisheries, all the industries as far as commercial fisheries, should all be in one area and under one legislative or ruling body. Everything spread out the way it is now —— you can't handle it. As Mr. Collins asked, where would you go for help if you were a commercial fisherman and your catch was down? Don't go to DEP because you won't get any help.

ASSEMBLYMAN AZZOLINA: Why is that?

MR. OSBORN: Because, from my past experience, they have done nothing as far as promulgating the industry. There are no State seed beds. There is a State seed law, but as far as I know, they do not enforce it, only on the relay. That is the only place that I have ever seen it enforced. I have worked the open bays, and I never saw it enforced in the open bay.

ASSEMBLYMAN AZZOLINA: Aren't they transferring seed from one part of the State to the other, or small clams, or—That's just transferring clams, I guess.

MR. OSBORN: We are in the relay process right now, but we cannot relay clams under the seed law.

ASSEMBLYMAN AZZOLINA: What do you mean by relay? Would you please explain that?

MR. OSBORN: We are taking clams from Monmouth County--ASSEMBLYMAN AZZOLINA: Yes?

MR. OSBORN: --the polluted waters of Monmouth County, and placing them in open waters of Ocean County, to let them purify themselves. Then we go back out and reharvest them. That program was given to us by the Department of Environmental Protection, but we fought for about eight years to get up into

Monmouth County to get that relay. The seed law is enforced in that area but, to my knowledge, it is not enforced in the other part of the bay.

ASSEMBLYMAN AZZOLINA: When you say the seed law--Would you please explain what you mean by that?

MR. OSBORN: We have clams— Anything under an inch and a half must be thrown back in the area where it is caught. That is our seed law as it exists.

ASSEMBLYMAN AZZOLINA: Are you saying that in Monmouth County in the bays they are enforcing it, but they are not enforcing it in Barnegat?

MR. OSBORN: To my knowledge, they are not.

ASSEMBLYMAN AZZOLINA: I wonder why.

MR. OSBORN: Because there are areas down there that— They're not now, but they were natural seed producing areas. Those areas have been cleaned right off, and the seed has been deposited in other areas. The State knew of these areas, too, but I don't mean now. So, maybe the Department of Agriculture could help us in trying to get seed back into the natural bay.

ASSEMBLYMAN AZZOLINA: Clamming is farming, isn't it, basically?

MR. OSBORN: Basically.

ASSEMBLYMAN AZZOLINA: Except farming in the bay, in the water, at the bottom of the water.

MR. OSBORN: Right.

ASSEMBLYMAN AZZOLINA: It's the same kind of business basically as-- A little different, but it's farming.

MR. OSBORN: Yes. If you have a clam lot it's farming because you put them on that lot. You know where they are. You know when they are going to get to a certain size, and then you go out and reharvest them.

ASSEMBLYMAN AZZOLINA: How do you prevent them from being stolen by others?

MR. OSBORN: You have to be awake about 24 hours a day, I guess.

ASSEMBLYMAN AZZOLINA: Put a houseboat over it.

MR. OSBORN: Yeah. There is a Bureau of Marine Enforcement. At first, we had marine police watching these areas, but they can't be all over, and they have other duties. We do have conservation officers now. They have certain areas where they patrol, and they do watch, but I am not saying they are 100% effective because, there again, they can't be everyplace at the same time. If someone is going to hit your lot, they are going to get them sooner or later. It's just a matter of time. It's just like if you go out of your house and someone wants to rob it, they are going to get in.

ASSEMBLYMAN AZZOLINA: Do you have stakes or anything? How deep is the water there where you lease the property, or lease the beds?

MR. OSBORN: The area where we plant the clams from North Jersey down in northern Ocean County -- that water out there is about seven feet deep.

ASSEMBLYMAN AZZOLINA: Well, I mean-- For instance, you rent the bed from the State, right?

MR. OSBORN: Yes.

ASSEMBLYMAN AZZOLINA: How do you know where your bed is? Do you have stakes?

MR. OSBORN: We have stakes. Yeah, we stake it out.

ASSEMBLYMAN AZZOLINA: Stakes, okay, that's what I thought.

MR. OSBORN: They are all surveyed at first by the State. The State does survey them initially. You pay for that, and then you go out and restake the lot. From there on, it is up to you to keep it staked and maintained.

ASSEMBLYMAN AZZOLINA: Okay. Anything else?

MR. OSBORN: No, that's it.

ASSEMBLYMAN AZZOLINA: Any questions from any of the Committee members? (negative response) Okay, thank you very much, sir. Gary Wolf? Would you please state your name, who you represent, and where you are from?

GARY J. WOLF, JR.: I am Gary Wolf. I am the Shellfish Program Coordinator with the New Jersey State Department of Health in Trenton.

ASSEMBLYMAN AZZOLINA: You're in it too, huh?

MR. WOLF: We're in it too.

ASSEMBLYMAN COLLINS: The Department of Health?

MR. WOLF: Yes, the Department of Health. Yeah, we are in it too. I will explain the functions of our Department in shellfish control.

We have been involved in shellfish control for many years. Each year, outbreaks of disease -- illnesses -- caused by consuming shellfish do occur; viruses, such as hepatitis and the Norwalk virus, and gastrointestinal diseases, all related to shellfish consumption, all traced back to shellfish.

Over the years, all the states have gotten together with the Federal government and industry and created the NSSP, which is the National Shellfish Sanitation Program. Each state is responsible for meeting the National Shellfish Sanitation Program guidelines, which, again, come through the Federal government. Each state is audited. No one can ship shellfish to other states unless the state agency has certified that the establishment which ships the shellfish has been approved for sanitary requirements by the State Health Department.

The State Health Department, under statute, is required to certify and license all shellfish shipping, processing, and transferring operations. The Health Department is involved once the shellfish are taken off the boats and are docked and stored. At the point when they are graded, washed, or processed, or just shipped down the (indiscernible), we license and inspect those facilities to make sure they meet all the State shellfish requirements.

As you know -- or as I mentioned -- shellfish are involved in illnesses each year. Several months ago, the New England Journal of Medicine had an article about the viruses in shellfish and how difficult they are to detect. New York State had proposed the banning of all shellfish. Again, we are not considering that; however, I just wanted to mention that the health aspects were of considerable importance in this issue, and we don't want to forget that fact. So, we all have a stake in assuring the health of the public who consume the shellfish.

We have to assure that they come from certified sources; that only shellfish from certified sources are being sold. That is the responsibility of DEP, as well as the New Jersey State Department of Health, and the Marine Enforcement Unit.

As I mentioned, growing areas are classified by the Bureau of Shellfish Control located in the Division of Water Resources in DEP. They conduct surveys and hydrographic studies and collect growing water and sample shellfish for analysis at their laboratory at Leeds Point. They also analyze market shellfish samples and process water.

ASSEMBLYMAN AZZOLINA: Where is Leeds Point?

MR. WOLF: Leeds Point is in Atlantic County, right off -- near the Parkway -- okay? -- the northern part of Atlantic County, just north of Absecon.

They also analyze market shellfish samples and process water. That is important to us at the Health Department because— We do inspections of the plants, of the shipping facilities; however, we also want to see the market samples for bacteria so we can see how they were handled along the way. We can't just do that visually; therefore, we have to utilize the technical capabilities of that agency.

The results of those samples are sent to the Health Department for our review. This also involves out-of-state shippers. They will sample supermarkets served by out-of-state

shippers. If the bacterial levels are higher than allowed by law, we are notified. We contact the other state and make sure that they are aware of the problem, and that they look into where the problem might be in that other state, because shellfish from other states are shipped into New Jersey as well.

The collection is done by the Bureau of Personnel from all shippers and processors, on a surveillance basis, in cooperation with our Department. The laboratory is responsible for chemical analysis as well, which is an important factor besides the bacterial analysis.

We also work with the Bureau of Shellfisheries at DEP. Again, they are involved in the management of the State shellfish population. However, they are also responsible for the leasing of public growing areas, and the licensing of clammers, oyster tongers, sea clammers, and oyster dredge boats. They also manage a relay program and assist the Bureau of Shellfish Control in designating the depuration harvesting areas.

mention Ι want to depuration. In the Department, we also responsible for licensing are inspecting the three State depuration plants. These plants take soft-shell clams that you could not normally harvest and sell to the public from specially restricted waters. However, we have been given the jurisdiction to inspect the plants which take shellfish from restricted waters. They are processed by lights ultraviolet in tanks of water in a controlled purification system for a 48-hour period. They have to be tested by a government lab before they are released for sale to the public.

ASSEMBLYMAN AZZOLINA: Just for information -- it is not on the bill -- but do you also depurate hard clams too?

MR. WOLF: Yes. One of the plants, on a pilot basis right now-- We have a joint regulation with DEP on a pilot plant for hard-shell clams. One plant in New Jersey also does

depurate hard-shell clams. Again, they come from specially restricted waters, and they are treated in the same manner by ultraviolet purification.

ASSEMBLYMAN AZZOLINA: May I ask you--

MR. WOLF: Yes?

ASSEMBLYMAN AZZOLINA: Most of your statements so far do not pertain to the bill. Are you getting to a point where they will pertain to the bill?

MR. WOLF: Okay. Well, I just want to sum up by saying that I am concerned, also. The FDA has reviewed the bill, and they--

ASSEMBLYMAN AZZOLINA: The FDA?

MR. WOLF: The Food and Drug Administration. As I mentioned earlier, the NSSP — the National Sanitation Safety Program — is administered by the Food and Drug Administration. They audit each state to see that they are meeting the program's guidelines. A dealer in New Jersey cannot ship out of State unless he has been approved by the certifying agency, which would be the State, and is published in a FDA book every month. So, you cannot ship out of State if you are not certified by the State Health Department.

Again, they make sure that all the growing waters are properly classified. They see that the states are doing that properly, and that we in the Health Department are doing our job as far as inspection of these plants and facilities is concerned. They were also somewhat concerned, but they were happy with the current setup because we do have good communications and rapport with the other divisions at DEP.

ASSEMBLYMAN AZZOLINA: Were they opposed to the move? MR. WOLF: Yes.

ASSEMBLYMAN AZZOLINA: What is the difference, really? I'm not saying I am for or against it right now, but what is the difference if all the people move over to the other Department? That is what would happen. That's what happens

when you move any— They consolidate it. I have been in the Legislature before, and they always moved departments around. Everybody just moves over and they have a different head. You know, I mean, DEP, right now, is a very large department.

MR. WOLF: Right.

ASSEMBLYMAN AZZOLINA: And it is getting larger in regulations — as a regulatory Department. I think that is one of the reasons why there are a number of legislators who may want to see that part of the Department moves over. I don't know yet. I haven't made up my mind.

MR. WOLF: Right.

ASSEMBLYMAN AZZOLINA: But it really shouldn't make any difference to the FDA or the Department of Health which department it is in because your function is going to remain the same.

MR. WOLF: Right.

ASSEMBLYMAN AZZOLINA: You are still going to be there as an outsider looking in. Really, you're a regulator of health.

MR. WOLF: Right.

ASSEMBLYMAN AZZOLINA: And you have jurisdiction over everyone in the State when it comes to health -- well, whatever department it is in.

MR. WOLF: I just wanted to make sure that that would still be maintained. The current, you know, system is there. That is why--

ASSEMBLYMAN AZZOLINA: Oh, yeah. I don't think anyone is looking to put Health out of business, especially now that you have that nice-looking young lady in charge of it.

ASSEMBLYMAN HENDRICKSON: No, we don't want to put Health out of business. May I ask something?

ASSEMBLYMAN AZZOLINA: Go ahead.

ASSEMBLYMAN HENDRICKSON: First of all, on some of it-- We know you are doing the best job you can possibly do,

perhaps, with manpower and other things. What is your feeling on the actual importation of certain size clams from out of State into this State, and on how they are actually being dispensed, legally or illegally?

MR. WOLF: Okay. The size of the clams, again, would be under the jurisdiction--

ASSEMBLYMAN HENDRICKSON: No, I am just asking how the clams are coming in and how they are being distributed on the import side?

MR. WOLF: Coming into the State? Again, we are monitoring them as far as bacterial levels go pretty much on a consistent basis.

ASSEMBLYMAN HENDRICKSON: Are you monitoring the trucks as they come in?

MR. WOLF: Monitoring the trucks? Occasionally, we do have problems. Then I have to contact— For example, say it was oysters from Virginia. I would contact the head of the Virginia Department and—

ASSEMBLYMAN HENDRICKSON: Mostly we are talking about clams. We know the oysters-- That is a big scope of it.

MR. WOLF: Right.

ASSEMBLYMAN HENDRICKSON: But mostly we're talking on the clam side.

MR. WOLF: Overall, no major problems.

ASSEMBLYMAN AZZOLINA: I like to eat raw clams, hard clams, and then I ask afterward, "Where the hell are they from?" Then I worry after I eat the darned things, do I have hepatitis? Now, I don't know what they are like when they come from Long Island or Baltimore, or wherever they come from.

MR. WOLF: Right. Again, each state would have to have a program similar to New Jersey's. That's why the Federal government stepped in many years ago, because of all the outbreaks with shellfish, to make sure each state was basically looking for the same things. The FDA audits each state to make

sure they are meeting the requirements. But, as a check, DEP goes in and does the market analysis of the product.

ASSEMBLYMAN HENDRICKSON: Recently, were not some violations found in the southern end of the State? At least I read that in the paper.

MR. WOLF: Yes, yes.

ASSEMBLYMAN HENDRICKSON: Aren't there still problems--MR. WOLF: We just completed a survey.

ASSEMBLYMAN HENDRICKSON: (continuing) --perhaps of some people buying clams from non-registered--

MR. WOLF: That's right. That was one reason why this summer we decided to do a surveillance of restaurants and seafood establishments in the State, because the summertime is normally the highest time when you get uncertified product on the market.

ASSEMBLYMAN HENDRICKSON: Let me just say as a South Jersey legislator, I have a fear -- okay? -- of a problem, going back to the cranberries. We had the cranberry scare. We have had the hepatitis scare before, and that is what we are talking about. Just what you're doing and enforcing-- It would ruin this business for years to come if that should happen. This actually has nothing to do with the bill, since you testified and you have a little opposition to it.

MR. WOLF: Right.

ASSEMBLYMAN HENDRICKSON: An outbreak of hepatitis--

MR. WOLF: Oh, an outbreak would put a-- Yeah, yeah.

ASSEMBLYMAN HENDRICKSON: (continuing) --because of illegally harvested clams and/or the implication of them--

MR. WOLF: That's right; that's right.

ASSEMBLYMAN HENDRICKSON: We understand that there is a large importation -- imported side from other states, where there is a resource of the small clams. What do they call them? Seed clams?

MR. WOLF: Yeah, the littlenecks.

ASSEMBLYMAN HENDRICKSON: Well, yeah, the more popular clams. A great many of them are imported because of the lack — because of our inability to supply them, not having the greatness of the resource we had at one time. If we are going to sell them, they have to be brought in somehow. Right?

MR. WOLF: It's possible, yes. It's a possibility.

ASSEMBLYMAN AZZOLINA: I would like to interrupt the Committee members for a moment. I would just like to deal with you for a second, since I've got somebody from the Department. I want to take a shot at it.

In the Highlands a while back -- and I found that the guy was a lousy operator afterwards -- you closed down a depuration plant and took a chance on a lot of bad clams getting out there, and what not. Now I find out that through a trusteeship or something, you had it reopened, and some group is running it.

But, I really can't forgive you for letting that plant close down and not coming up with that idea right away. You let that plant close down for several months, or a few months during the--

MR. WOLF: Well, the plant was never really closed down for more than a few weeks.

ASSEMBLYMAN AZZOLINA: Well, you know, you gave me an awful hard time from the Department. You made me look very bad, and I didn't appreciate it -- since I have you here. I don't know whether you were involved in that or not--

MR. WOLF: No.

ASSEMBLYMAN AZZOLINA: --but I am taking my shot at you because I don't want to see any depuration plant shut down. If the owner is doing a lousy job and you can set up a trustee to run it, do that, because there aren't that many depuration plants.

MR. WOLF: What proposal--

ASSEMBLYMAN AZZOLINA: Excuse me for taking a shot at you, but, you know--

MR. WOLF: Again, we are here just to ensure the public's health. That is our main function.

ASSEMBLYMAN AZZOLINA: Well, yes, but again, when you shut down a plant, you are going to take more of a chance on bad clams getting in.

MR. WOLF: Well, there is a higher risk with depurating clams only because they come from waters which may be more heavily contaminated.

ASSEMBLYMAN AZZOLINA: I know, but those clams got on the market probably anyway. Okay, thanks a lot.

ASSEMBLYMAN COLLINS: I have a question, Mr. Chairman.

ASSEMBLYMAN AZZOLINA: Go ahead.

ASSEMBLYMAN COLLINS: You mentioned about your role in checking the clams and other shellfisheries for potential health problems. Do you do that with beef products, with poultry products?

MR. WOLF: Our Division in the New Jersey State Health Department and the Food and Milk Program are responsible, by statute, for licensing and inspecting, on a yearly basis, all food products on the market, except there is an exemption for meat products. Those are licensed by the New Jersey Department of Agriculture.

ASSEMBLYMAN COLLINS: That's what I thought. But is poultry a meat product?

MR. WOLF: Yes.

ASSEMBLYMAN COLLINS: Okay.

MR. WOLF: If it is 100% poultry.

ASSEMBLYMAN COLLINS: But the shellfisheries are not considered meat products?

MR. WOLF: No. We have always licensed-- The only exemption is the meat products.

ASSEMBLYMAN COLLINS: So, if we really were to nitpick— When Assemblyman Hendrickson was making his introductory comments, he mentioned clam meat. In the Department of Health, then, he is in error.

MR. WOLF: That was also-- Well, that was always considered--

ASSEMBLYMAN COLLINS: Because it is not clam meat. If it were meat, then--

MR. WOLF: Right. It is always considered fish, and that was always under our statute to regulate.

ASSEMBLYMAN COLLINS: Okay.

ASSEMBLYMAN AZZOLINA: It's another form of meat, that's all. It's fishy meat.

MR. WOLF: It's an interpretation.

ASSEMBLYMAN HENDRICKSON: It's my time in court, Assemblyman. I have the statistical analysis from DEP, price per pound, hard-clam meats.

ASSEMBLYMAN COLLINS: Then, your support for DEP better be in question because they are saying it's meat. So, we'll have to work on that. But that is another day. That is another day, go ahead.

MR. WOLF: We'll have to get an interpretation of meat, right?

ASSEMBLYMAN ZIMMER: Mr. Chairman?

ASSEMBLYMAN AZZOLINA: Yes, Mr. Zimmer.

ASSEMBLYMAN ZIMMER: You indicated that the Food and Drug Administration had taken a position against this bill. Do you have a copy of their statement with you?

MR. WOLF: No, I don't, but they could provide one. The person I spoke to— I spoke to the Regional Director of Region II. Region II covers New York and New Jersey, the Brooklyn Office. They commented on the bill. Again, we are concerned. They wanted to be assured that new agencies weren't going to be coming in, which they weren't so sure of. They may have to step up their surveillance of our products that are leaving New Jersey — if that would happen.

ASSEMBLYMAN AZZOLINA: Tell the Federal government to mind their business and we'll mind ours, and we will run it the right way.

ASSEMBLYMAN ZIMMER: Could you provide us with written comments from the Food and Drug Administration to include in the transcript of this hearing?

MR. WOLF: Yes. I will try to get that, sure.

ASSEMBLYMAN HENDRICKSON: If I may just interject -- okay? -- because I don't think that is the way we should be going. We want pro and con on the bill, and that is why we are all here.

MR. WOLF: Sure.

ASSEMBLYMAN HENDRICKSON: That is why we are going to spend time on it. The Committee process is the best process the State has. At least we get an airing of the feelings of the grass-roots people, the people who are in the business. That is what we are trying to do.

But, I have a strong objection to a verbal -- a verbal -- professional, departmental objection that is not backed up in writing. I think it ought to be stricken until that comes in. Then, I have a further problem with New York City, which is dropping millions and millions -- okay? -- which is destroying our beaches right now with the garbage coming down out of Staten Island, objecting to this, and they will hear -- if we get it in writing -- as to who they are. Okay?

MR. WOLF: Yeah. I'll see that--

ASSEMBLYMAN HENDRICKSON: They are doing more harm with their garbage, and that stuff is overflowing. There is sewerage directly into the Hudson and East Rivers, coming down to our beaches. They should be worried about those clams, not objecting to public hearings — whoever they are. I'm sorry to be that way, but that is my problem as a South Jersey legislator with the City of New York and the State of New York, and their attitude toward the great State of New Jersey.

ASSEMBLYMAN AZZOLINA: Thank you very much, sir. Is there anything else? (no response) I apologize for my--

MR. WOLF: That's all right.

ASSEMBLYMAN AZZOLINA: Thank you. Mr. Norman Larson? Mr. Larson, just sit down there and say whatever you want. Please give us your name and where you are from.

NORMAN H. LARSON, SR.: I own some ground at the present time in the bay. I'm 70 years old.

ASSEMBLYMAN AZZOLINA: You own it or lease it?

MR. LARSON: Well, I mean I lease it. I am not looking for no job. I don't want no job. But I will tell you the facts. I have been in this here business for a good many years. One time I owned 100 acres in the Mullica River. I tried to produce clams down there — farm them. You're not allowed to touch the bottom of the bay according to law. They have laws on that. That's in the DEP.

Now, I went out there and I had a machine to do it. They gave me rights. They would send the marine police to have me arrested if the pump broke down. I would have to fight the Attorney General. It would be all the way up the line.

ASSEMBLYMAN AZZOLINA: A nice guy like you they would want to arrest?

MR. LARSON: Now, who would pay my lawyer's fee? You fellows? No way. I would just be out that money, wouldn't I? That's just like now, if I got in trouble, isn't it?

Not only that there, you fellows talk. You're making millions of dollars. What are you doing, taking a bucket of clams and throwing it out for the clammers?

ASSEMBLYMAN AZZOLINA: Who, us? You're not talking about us, are you?

MR. LARSON: Let's face it now. Look how much money you fellows are getting in there, and you ain't doing nothing. You never did, for 50 years.

ASSEMBLYMAN AZZOLINA: Who's us fellows?

MR. LARSON: Huh?

ASSEMBLYMAN AZZOLINA: Who are you talking about? We're only legislators. Who are you talking to?

MR. LARSON: Well, the DEP.

ASSEMBLYMAN AZZOLINA: Oh, not us; we're not DEP. No, we're legislators. We are trying to correct any wrongs.

MR. LARSON: Well, I mean, you can tell DEP that, can't you?

ASSEMBLYMAN AZZOLINA: Yeah, they're here listening.

MR. LARSON: There's Ms. Critchlow. She gave me the right to go out there, so I went out there. The marine police were there and they looked at me down there. It's a good thing the pump never worked or I would have been arrested, right? I sold out, and all the boys here can have my lots, right? I don't want to farm that way.

If DEP can farm -- you understand? -- and raise weeds-- ASSEMBLYMAN AZZOLINA: Easy, easy. Talk to us; talk to us, Norm. Norman, talk to us.

ASSEMBLYMAN HENDRICKSON: Leave Ms. Critchlow alone. ASSEMBLYMAN AZZOLINA: Yes, she's a nice lady.

ASSEMBLYMAN HENDRICKSON: She is not the one who is wrong. Come on now.

MR. LARSON: All right, look. If they don't need to cultivate their ground -- hoe -- you understand? -- to grow a crop, and just sit down and there it is, right down to the money coming in-- I would like to do that myself, wouldn't I? Huh? You gotta go out there and cultivate them clams if you want clams. (Exchange between Mr. Larson and an unidentified member of the audience is indiscernible to transcriber. Both parties speaking at once.)

ASSEMBLYMAN AZZOLINA: Norman, we are asking, on Assembly Bill 2105, your opinion on taking shellfisheries into the Department of Agriculture.

MR. LARSON: Well, I was for that 20 years ago. That is why I quit the bay, because I couldn't go and agriculture. I had to do what this guy told me to do and what that guy told me to do, people who were never in this bay. What do they

know? They don't know nothing, right? I had 100 acres, clam houses. I was an underwater farmer registered in Trenton.

And look, I mean, I couldn't do nothing with them I could do with the Agriculture. I am farming now, and I have no trouble with Agriculture. No way. They'll help me out. I can get reports on anything I want to grow all the way across the United States, even in foreign countries. They'll tell me about the seed catalogue and everything else. Can I get that from DEP? Oh no, I can't get nothing from DEP.

ASSEMBLYMAN AZZOLINA: They wouldn't allow you to farm?
MR. LARSON: Huh?

ASSEMBLYMAN AZZOLINA: They wouldn't allow you to farm?

MR. LARSON: No, they wouldn't allow me to farm under
water. No way. You ain't allowed to touch that bottom. No
way. That's in the law.

ASSEMBLYMAN AZZOLINA: Okay. Anything else?

MR. LARSON: Well, I mean, personally myself, I want to see it go under Agriculture. I don't need a job from them. A lot of them are looking for a job; they're looking for this, they're looking for that, for the money. I'm an old man. I'm 70 years old now. If I die-- I would like to see it go under Agriculture before I die. That is where it should be. It shouldn't be in DEP; no way it should be in DEP. They own everything in New Jersey, right? They have all the laws. They just write another law, write another law. That's all. Look, I mean, I could go on--

ASSEMBLYMAN AZZOLINA: I think we got the point. Thank you very much. We got the point.

MR. LARSON: Well, I come from a rough crowd up in North Jersey, and we used to have so many fellows to do our work for us, you know? But now they do it with a pen. They don't need to do the rough stuff no more. You understand?

ASSEMBLYMAN AZZOLINA: I understand.

MR. LARSON: Huh? Do you get the point?

ASSEMBLYMAN AZZOLINA: I get the point.

MR. LARSON: All right. Well, that's why I'm here. Actually, I don't even like to talk -- you know what I mean? -- because, who knows, they're after me then because I spoke against them. I ain't supposed to speak against DEP. No way.

ASSEMBLYMAN AZZOLINA: Norman, I understand your point. I grew up with clammers when I was a kid.

MR. LARSON: Huh?

ASSEMBLYMAN AZZOLINA: I grew up with clammers as a . kid in the Highlands, so I know what clammers--

MR. LARSON: Well, I come from Keyport.

ASSEMBLYMAN AZZOLINA: I know the trouble, the hard times the clammers have. I know the hard work they do, and I know the aggravation they go through.

MR. LARSON: It's like now. They have all these here office jobs and all these here workers and everything. There are more workers in office jobs than they have clammers.

ASSEMBLYMAN AZZOLINA: Okay, Norm, thanks a lot.

MR. LARSON: I mean, it's about time they should do something for the clammer.

ASSEMBLYMAN AZZOLINA: Thank you, Norm.

ASSEMBLYMAN HENDRICKSON: Thank you, Norman.

MR. LARSON: Thank you.

ASSEMBLYMAN AZZOLINA: Alex Broskey? Please give us your name, what you do, and where you are from.

A L E X B R O S K E Y: My name is Alex Broskey. I live in Bricktown. I am a licensed commercial crabber and a relay clammer. I am in favor of this because I think it is going to be headed by a person from the industry, and I think that is what we need.

I read it, and that is what it provides for. I think that having someone there who understands the business will really make it easy for everybody to make a living. I don't feel as though the people who are in there now really care

about what happens to the clammer because they are not clammers; they are not fishermen. If you put someone in there who is a clammer or a fisherman, he will be scrutinized by his peers. And, if he doesn't do a good job, you know, they will let him know it. These people are—— I don't think they're fishermen, you know, because I don't think they react quickly enough to our problems and everything. I think they are getting paid a salary and they work like they are.

That is my opinion. I have observed what is going on, and that is what I think is going on. I think that if you had somebody in there--

ASSEMBLYMAN AZZOLINA: What is your specific problem that you say they don't react?

MR. BROSKEY: Okay. Well, I have a lot of problems with theft. I run about 400 crab pots, and they are constantly being stolen. I run about 400 eel pots, and they are constantly being stolen. We have five people patrolling the whole Atlantic Coast section — five people. The people who are out there taking our crab pots and eel pots, if you are going to go into fisheries, know there is nobody watching them. DEP itself isn't even protected. They had a whole crab study going on in Barnegat Bay. They had their own crab pots stolen. The guys who were working the crab pots tagging the crabs couldn't leave the pots out on the weekends because they were stolen. And this was DEP doing it.

Now, if they can't protect themselves, where do we stand? I am paying all kinds of money in licenses, and I don't get any protection from DEP. Their MEU-- The people in there might be good and want to make the arrests at times, but--

ASSEMBLYMAN AZZOLINA: Do you think they are getting enough money in fees to hire more marine police?

MR. BROSKEY: I don't know. We are not getting any kind of protection. The crabs and clams are a crop, and they are affected by the weather; they are affected by the

environment. I think the Department of Agriculture would be more sympathetic and would understand the problems of the people who also have to deal with a crop. I don't think that is what we have now. I don't know what we have, but it doesn't seem like they're flexible enough, like they have to be, because everything changes all the time in the bay. They just don't want to be flexible enough and help us.

I think that if you keep the people who are in there now, I think this should be a basis beyond what they are paid a year. I don't think anybody should be paid a salary. I think that the amount of money the people should be paid should be equivalent to the amount that the industry prospers. I think it should be tied in somewhere there. Like what I went back to about the pride, the clammer having his peers look at him, and if he was doing a good job, there would be a reason there. But, the way it is, you know, directed now, I don't see any sense to it.

Two years ago, we had a lot of rain, and the crabs were like, sort of like stunted, and they were sick. DEP held a hearing with the rowboat owners, who said to them that we were catching all the crabs. Nobody was catching crabs because they were sick. DEP held a hearing, and at that hearing they were looking to shut down the commercial crabbing industry in the State of New Jersey. The day before they had the meeting, we got some good wind. The water quality improved, everybody started catching crabs. We were sitting in the meeting where they were telling us that now there were enough crabs, but they were having the meeting because before there were no crabs. We don't think that this should ever even The sport fishermen should have been told that this fishery was sick because of environmental conditions, not because of what the commercial man was doing. We can only take what nature produces. We don't take it from one person to another.

I don't think that that should ever even happen. If you had somebody who understood what the weather was doing, if you had an experienced man there at the head of it, he would explain to the press what was happening with the crabs. They printed an article in The Press about the crabs, that there were no crabs in the biggest shed of the whole summer. And that's the only time— The crabs were mating; they were not going to eat. And everybody was saying how they were catching no crabs anywhere. That's why. Everybody got so excited they were going to shut down the commercial man right away.

If you had a man in there who knew what was going on, he would have explained it to the people who didn't know. This is our living, and we know what these things are doing. A man who would be the head of it would know, too.

ASSEMBLYMAN AZZOLINA: Okay, anything else?

BROSKEY: Yeah. I went to Matthews County, MR. Virginia last summer. I went out on a boat with a guy down there who catches crabs for a living. Down there they have a thing called "The Fishermen and Farmers." It is in every county, and it's really good. The guys down there have no market whatsoever for their product. They have very few suppliers of their goods and stuff, and it's hard for them to get the stuff they need. They all stick together -- the farmers and the fishermen -- and they have a really good organization, and it works. They produce most of the soft crabs on the East Coast, and a lot of the hard crabs. have very few tools because they are supported by the people who are governing them. It's an organization. They work together.

I like Sea Grant; they have helped me a lot. Sea Grant has really worked, but they don't have any power. You know, they can advise you and help you, but— It's a good program they've made, but it has no power. It has no power to

really help us. They can't issue permits. They can't, you know, they can't really do anything but advise us. I think they should be more powerful than that. I think the way this is going, it's good. I think it is just what we need, and it's about time.

ASSEMBLYMAN AZZOLINA: All right; thanks a lot. Are there any questions?

ASSEMBLYMAN HENDRICKSON: Just one. You mentioned just how many people were patrolling.

MR. BROSKEY: There are five.

ASSEMBLYMAN HENDRICKSON: Okay. Is it your feeling that some of those five, at times perhaps, could be on the sea clam trollers, kind of watching them for the larger fines, rather than perhaps watching our clam beds in the intercoastal bays? Do you have any information on that at all — only because you brought up the patrolling and so forth?

MR. BROSKEY: I think that the men who are working out there and have their gear out there -- set gear -- should be protected.

ASSEMBLYMAN HENDRICKSON: That isn't what I asked you.

MR. BROSKEY: Yeah, I know, but that is what I'm saying. The bay should be patrolled. I never see one; I never see anyone.

ASSEMBLYMAN AZZOLINA: Thanks a lot. Don Maxwell? I see you're opposed. Please tell us your name, where you're from, and what you do.

DON MAXWELL: Don Maxwell from Leeds Point, Oyster Creek, Atlantic County.

I would like to take this opportunity to thank you fellows and ladies for hearing us. I would like to thank Mr. Hendrickson for his concern for the industry; one of the first legislators from South Jersey we have had in quite a while who has shown any interest in us to this extent, although I am opposed to this bill, with some reservations.

ASSEMBLYMAN AZZOLINA: Do you mean you might be for it?

MR. MAXWELL: Well, there are many things in it that I

don't like. First, I have been in this business for about 45

years, all my life, and I have seen a lot of things happen.

ASSEMBLYMAN AZZOLINA: You don't look that old.

MR. MAXWELL: Oh, I'm much older than that. Mr. Hendrickson made a statement about what the industry would be worth if certain things had happened. Well, there are a lot of ifs in life and, unfortunately, we can't harvest them or sell. them. It's just one of those things that keeps going on and on.

I am primarily opposed to it for several reasons. One of the main things I noticed in reading the bill was the make-up of your councils. You have, I think, five members on each council. I think two of them are shellfishermen, two are from the Federated Sportsmen, and one is from the public at large. I am opposed to the sportsmen being on them, and the public at large. I think they should all be shellfishermen, people who are interested in working the bay and other problems.

I mean, how many shellfishermen do you see on the Sportsmen's Council? They would tell you to take a hike quick. I have dealt with some of these so-called sportsmen before, and the first thing you know, if they had their way, we would be clamming one day a week, with a 300 limit.

There are some other things that I just can't think of right now. Oh, another thing is the director. The director would be appointed by the Agriculture Department -- Mr. Brown -- and would then be subject to approval of the three councils. Will those three councils really have any input, any say in it, or will it be a situation where he makes the appointment and it is just a functionary thing; I mean, it is just taken for granted?

ASSEMBLYMAN HENDRICKSON: The thought behind it was to have that appointment as democratic as possible, rather than as you are talking about, using the hard fist, and saying, "This

is the guy who is going to be on there." We tried, in the wisdom of making appointments, to take it from the industry itself, and then take it through the shellfishery councils that are interested in the industry, who see that we have people there who not only have the interest, but the dedicated time it is going to take. By running it past those councils again, I don't believe you would have some of the appointments we have had which all of us have seen throughout the political arena, which perhaps a lot of us have disliked.

There may be a better way. I am open to suggestions, and I think the talented Committee here is also.

MR. MAXWELL: It would have to be a much stronger council than we have had in the past because some of our councils in the past haven't even had the power to approve their own minutes, or make sure their minutes were in order. They seemed to be able to change anything they wanted at higher levels.

I am not totally satisfied with DEP's performance, but I can't see where the Department of Agriculture should get into this. I don't think this is the place for shellfishing. I mean, they know their tomatoes, their cucumbers, squash, and corn, but what do they know about clams? We were talking outside, and you could spend the national budget in the bay in one year, but if nature didn't help you, it would all be thrown away, every penny of it.

As far as our enforcement is concerned, that is really pathetic. But, would it be any better under the new proposed rule? Would it be any better under the Department of Agriculture, assuming the same gang would move over?

ASSEMBLYMAN HENDRICKSON: We have legislation in to help the law enforcement side by perhaps going back. Sometimes if we go back, we go forward. If we go back to the old clam watchman series— But, that is another bill, and we're not really testifying on that one. I think you fellows agreed to

have the fees put up and more people put on in counties involved in the whole thing on the enforcement side. We have some of that in place.

MR. MAXWELL: You do? You're talking about going back to the old watchman -- like they did in the old days?

ASSEMBLYMAN HENDRICKSON: That's right, Frank Garrison and people like that.

MR. MAXWELL: Yes.

ASSEMBLYMAN HENDRICKSON: And taking them right out of . the shellfishery -- from the fishermen.

MR. MAXWELL: Well, Ι have seen so many things happen. I know we had -- oh, from the early '50s up until the We had a director who we middle '70s -- an administration. couldn't get along with, but we got a lot of things done. finally learned to work with him. Then politics turned, and he was replaced by something called the Division of Marine Services. He had about four or five people put over him, and then they all got another boss. The bureaucracy grew and grew, and what protection we had disappeared. It was like getting up one morning and seeing the dew melt off. Years ago, we had a good watch service. During the Depression, when a dollar was as big as a wagon wheel, this thing was run right. There was plenty of money. There seemed to be money. They moved oysters down from the Shrewsbury River and had a wrap up seven in the Mullica River. All these things could happen again.

Right now, clamming is bad. You know, it's about as bad as it's been in a good many years, but it has been like this before. The bottom has been hard before; then it would turn soft and everybody would reap a lot of money, and everybody would be happy. Now things are going— Nature has turned the other way and is frowning on us. A lot of people think, "Well, maybe if we go into the Department of Agriculture, it will get better." But that won't make it better necessarily. We should give this some long and serious

thought. Right now, I am probably too old maybe to have a fresh approach to it, but I'm a great believer in what you've got. You know what you have. It's the unseen, it is the unknown that frightens me.

ASSEMBLYMAN AZZOLINA: Well, some of the thinking around, I guess, is that Agriculture understands food. It is part of the food industry. Maybe they can better handle it, I don't know.

MR. MAXWELL: Well, do you mean marketing?

ASSEMBLYMAN AZZOLINA: Well, marketing, and they have access to Rutgers for research.

MR. MAXWELL: Well, we have had access to Rutgers research for 45 or 50 years, and I can't see where it has helped us any. We have a blight in the oysters now. I know they have been studying that for 40 years. Not a thing. They haven't come up with a thing.

You'll find that with anything in the water, you're dealing with something that is unseen and unknown. It is not like on land where you can go to Rutgers and have them develop a hybrid that is disease resistant. Frankly, I don't know if they do find out what is the matter with things whether they can do anything about it after they find it. I mean, you just can't— What are you going to do, develop a new kind of clam or oyster? There is only one strain.

Those are my thoughts on it, Mr. Chairman.

ASSEMBLYMAN AZZOLINA: But you have an open mind, though.

MR. MAXWELL: Well, no.

ASSEMBLYMAN AZZOLINA: Some open mind?

MR. MAXWELL: No, I am against the bill as it stands now.

ASSEMBLYMAN HENDRICKSON: As it stands?

MR. MAXWELL: Yeah, as it stands.

ASSEMBLYMAN HENDRICKSON: Okay.

MR. MAXWELL: There are too many things in it that I don't care for. The councils, for one thing, and overburdening the bureaucracy.

ASSEMBLYMAN HENDRICKSON: We understand that.

MR. MAXWELL: There are probably some parties in DEP that a lot of the shellfishermen object to, some people in there. But, they are not etched in stone. In time, they will qo.

ASSEMBLYMAN HENDRICKSON: That's wrong. That's wrong. It has nothing to do with personalities.

The reason -- okay? -- for the public hearings, is to make legislation, particularly within the industry, palatable and on the growth side of the industry. The reason that we're here-- It's only an idea. Perhaps it will come out as a Committee substitute in some form, but with the input here tonight, and hopefully through the Chairman and the members, there will be additional hearings, as the Chairman mentioned before. The hard-shell industry -- I have faith -- can be helped in certain areas if the intent of the Legislature and the intent of the industry itself is directed.

MR. MAXWELL: Well, sometimes we -- in fact, a lot of times -- say that the best thing that can be done for the shellfish industry is to leave it alone. I think there is a lot to be said for that.

ASSEMBLYMAN AZZOLINA: Let me just comment. It says here — this is our staff interpretation — "The councils shall develop comprehensive policies concerning the regulation, licensure, administration, preservation, and promotion of the shellfish industry." The councils will have a lot of power.

MR. MAXWELL: Well, I believe they are supposed to have that sort of power now, aren't they? I don't think they do; they are easily overridden by the higher-ups in DEP.

ASSEMBLYMAN HENDRICKSON: Hopefully, we can do something about that.

MR. MAXWELL: It would be all right, maybe, if the Secretary of Agriculture knew something about a clam. What are we going to do, educate him, say, "This is a clam, this is a mussel, this is a scallop, this is an ear of corn"?

ASSEMBLYMAN HENDRICKSON: I understand.

ASSEMBLYMAN AZZOLINA: Let me just— I am in the food business, and if lawyers tried to run my business, most of them wouldn't succeed. At Food Fair, for example, a lawyer was running that business, and it went kaput. There were up to 500 stores.

I grew up in the food business. I understand the food Those who understand it better run it. Hopefully, if this does get transferred to Agriculture, you will have a Department that understands food. You know, I have a lot of respect for Commissioner Dewling in DEP. He is an engineer or a scientist or something. I don't know what he is, but he's the food business. Не understands engineering, regulations, and so forth, and he has many people like that. You might think I am leaning toward the bill -- I may or may not be -- but just looking at it and listening tonight, it's better to have somebody who understands food as the head of it, rather than an engineer or someone who doesn't understand food.

You might be better served under that Department. I am not sure myself yet, but that is what I would— If I were sitting in your shoes, that is the way I would look at it. I would want someone who understood the food busines running that Division, rather than the other way around.

MR. MAXWELL: I agree. The same goes for the make-up of your councils. So I think you should change that in your bill.

ASSEMBLYMAN HENDRICKSON: We can amend it.

MR. MAXWELL: Well, whose idea is it for two sportsmen and a man from off the street to be on the shellfisheries councils?

ASSEMBLYMAN HENDRICKSON: I guess, really, I am the culprit, in trying to get a broad spectrum on the side for input. But again, the public hearings — that's what they're for, so that we can hear from the grass roots, from you guys yourselves — okay? — and we're listening.

MR. MAXWELL: You don't put a cobbler or a shoemaker on the State Dental Board.

ASSEMBLYMAN HENDRICKSON: Okay, I have no problem with that statement at all. You're absolutely right.

ASSEMBLYMAN AZZOLINA: That's right; that's a good point. Thank you very much.

ASSEMBLYMAN COLLINS: I have a question or two, if I may, Mr. Maxwell. First off, I can understand your concern about the make-up of the councils. However, we're talking two sportsmen and three at-large members, which would be five, out of 17 members. So, you would have a large number of people in-- In fact, if you read it one way, it could be that all 17 are people who are active members of the commercial shellfish industry. We have to change the language a little bit.

But my concern is more—— I represent the Third District, which is Salem County, Gloucester County, and part of Cumberland, and the key is the part of Cumberland because it is a commercial township, and the central point of the oyster industry is in my district. As you already mentioned, the MSX disease has really just knocked us right back. Hopefully, we will be able to recover sometime in the future.

You mentioned about research, and I can understand that when there are problems with research, the clammers are in trouble, the oystermen are in trouble. You know, "What are all these scientists doing?" As you said, Mother Nature is still the lady who calls all the shots.

But, my concern is with your testimony. I appreciate your experience; I appreciate your feelings, and the suggestions you have made. I have already made notes here on

the bill itself where I will -- or at least I will recommend to Assemblyman Hendrickson, that we make changes. But in all this I am a little depressed because it just seems-- I read from your testimony that there is nothing that can be done. Am I reading you wrong? Is that what you really feel? You know, if I were to put you in charge, if I were the Govenor, and I said, "Okay, you are in charge of the shellfish industry," what would you do, two things just right off that you might do?

MR. MAXWELL: You wouldn't want to know. (laughter)

ASSEMBLYMAN COLLINS: Of course I want to know. That's why we're here. As the Assemblyman has said a number of times, this is a starting point. Already I can see changes that I am going to suggest we make, and I'm sure through the evening we are going to hear many more.

I agree that Mother Nature-- I do a little farming myself, and I have difficulty with the lady because she does call the shots. But, you know, isn't there something we can do?

MR. MAXWELL: Well, I think these clam relay programs are very good. A lot of the fellows who are for this bill have a bad taste in their mouths from some of the flack they have taken trying to get these things up, you know, trying to get these programs put together, the obstacles they have encountered, and things like that. They could probably tell you more about it, and I'm sure they will when they get up here. But, they have run into a lot of stone walls, and they are still encountering a lot of problems.

We had a clam relay program initiated about 1970 in Atlantic County, and it was a tremendous success. It put a lot of people to work and it put a lot of people in business. Then another very important thing, it did away with a lot of the condemned clams that were pouring into the market from illegal harvesting. It removed the source. In other words, they utilized the clams and marketed them, and removed the source, and the illegal clammers had to go out of business and do something else.

In the clam business, I think everybody should have a little parcel of ground, or whatever — whatever size the councils determine — to try to raise clams themselves, be their own boss, and be an entrepreneur in the thing. I think that the clammers, if they were left to go along as they are going— The relay programs are doing a lot for the clam business, if we could keep the bureaucrats — if we could hold them down. They all want to get in and get a piece of the action to make a name for themselves.

As far as oysters are concerned, I am an oysterman myself, along with the clammers, and I see no hope at all. The best thing we could do for oysters would be to hire an Indian to do a rain dance. I think the lack of fresh water is our main problem. They can spend all the money they want, and have all the scientists they want investigating it, but I have noticed it has been going downhill steadily as the drought increases.

ASSEMBLYMAN COLLINS: That's a good point. Thank you.

ASSEMBLYMAN AZZOLINA: Thanks a lot. Bill
Hohenstein? Union Beach, my district, huh?

BILL HOHENSTEIN: Good evening. My name is Bill Hohenstein. I am from Union Beach, and I was born and raised on the Raritan Bay.

ASSEMBLYMAN AZZOLINA: That's my home area.

MR. HOHENSTEIN: I was involved with the relay program for approximately three years, and I think the program was fantastic. Now they have a new program which they are trying to get off the ground. It's about reseeding the bays and the sanctuaries. What they want to do is take chowder clams out of the Raritan Bay, and take them down South where they can reseed the bays down there.

I have called DEP about three times to try to find out when this program is going to start. It is supposed to start September 2. Ms. Critchlow told me a few times that she had no

idea, but she would get back to me as soon as possible. Me and my partners over there have about \$5,000 invested in a boat, and we would like to know when we are going to go to work.

I am very much in favor of this bill being passed to put the clams under the Department of Agriculture. When I was involved with the relay, I went to Agriculture and tried to set up a program about that, where I could reseed the bottom. They were very helpful; although I never went through with it, they were all kinds of helpful. They gave me information that I would need and people to get in contact with. I was in and out of the office in 15 minutes.

Every morning when I wake up now, I feel like I am filling out a job application and throwing it out the window, hoping that somebody from the State will pick it up and call me. But, so far, I haven't heard a thing.

ASSEMBLYMAN AZZOLINA: I thought this relay program was already started.

MR. HOHENSTEIN: This is not the relay. This is for taking chowders -- chowder clams--

ASSEMBLYMAN HENDRICKSON: A spawner sanctuary; he's talking about a spawner sanctuary.

MR. HOHENSTEIN: Right. I was involved with the relay, and it was a fantastic thing. It was a very good program. I might even get going back. See, the thing with me is, I live up north on the Raritan Bay, and it's a lot of traveling back and forth, you know, going down and taking the boat back and forth. That is really the reason I got out of the relay. But, my boat is up there. I have a bigger boat now, with a dredge on it to take the clams up there. What we do is bring them down. We ship them down South. I have a few ideas, but I know—

ASSEMBLYMAN AZZOLINA: Are we pretty loaded up there with clams?

MR. HOHENSTEIN: Excuse me?

ASSEMBLYMAN AZZOLINA: Are we pretty loaded up there?

MR. HOHENSTEIN: It's all according to where you go.

You know, really it is. It's all according to where you go.

ASSEMBLYMAN COLLINS: Mr. Hohenstein, may I, for my own growth— The relay program — would you just give me a little bit of information on exactly how it works? You say you were a part of it, but now you are not a part of it.

 $\ensuremath{\mathtt{MR}}.$ HOHENSTEIN: I was involved with the relay for three years.

ASSEMBLYMAN COLLINS: Okay.

MR. HOHENSTEIN: What you do is, you go clamming up in the Raritan Bay in different sections. What the State did wrong was, they opened up one section at a time and bombarded it with clammers. You know, they would have, like, 50 clammers in a little section, and they would take the clams right out, rather than have the clammers go around and get their own little sections. So that was one thing I wasn't in love with.

But, you catch the clams up there. Then you have leases down South, and you take them down there and you put them over for six weeks. They go into, like, Lot A, Lot B, and Lot C. You fill up Lot A, you put them on Lot A. You can harvest from C. Then it switches over to B. You can harvest from C. By the time you get around to A, they are purified and you are loading C. It's a very good program. It works.

ASSEMBLYMAN COLLINS: And as many clams as you can take up in the polluted waters you take down to the land you are leasing.

MR. HOHENSTEIN: Like one of the other clammers said, everything but the seeds. For some reason, they want you to throw the small clams, which are not marketable clams, that you wouldn't want to buy anyhow--

ASSEMBLYMAN COLLINS: Right.

MR. HOHENSTEIN: They're too small to eat anyhow. You have to throw them back over, back into the--

ASSEMBLYMAN COLLINS: Back into the polluted waters.

MR. HOHENSTEIN: Into the polluted waters. Why, I couldn't tell you. Then you take them there, and six weeks after they're there, the State goes out— Well, a clammer actually goes out and picks up so many clams, and then they are sent away to be tested. Then, when you bring them back — you know, when you get the results, then you can harvest. They open that up.

ASSEMBLYMAN COLLINS: Sure, if they're all right. But . it is only open to you who are leasing that land.

MR. HOHENSTEIN: Yes.

ASSEMBLYMAN COLLINS: Okay.

MR. HOHENSTEIN: And I was involved with it for three years. Every time I put clams down— I don't know about the other clammers, but I never had a problem with anybody taking them. You know, I'm not sure; I can't tell because when you dump truckload after truckload of clams there, you know, you can't tell if—

ASSEMBLYMAN COLLINS: If you're getting them all back, or you're not getting them all.

MR. HOHENSTEIN: That's right.

ASSEMBLYMAN COLLINS: I understand. Thank you.

MR. HOHENSTEIN: Now, with the reseeding program, I think the reseeding program is going to be a great help to the industry. I know it is going to take a lot of clams out of the Raritan Bay that you will not be able to touch, you know, because a hand raker doesn't want to go way out in the middle of the bay, out there in 30 or 40 feet of water, and, you know, work out there in a rowboat. So, with bigger boats, you will be able to go out there and power dredge, and then take and load the clams into a truck and bring them down.

Now the thing is with the--

ASSEMBLYMAN AZZOLINA: I'm lost here with this relay and reseeding.

MR. HOHENSTEIN: Oh, there are two programs, the relay and the reseeding.

ASSEMBLYMAN HENDRICKSON: Spawner sanctuary.

MR. HOHENSTEIN: Right, right. The thing I would like to try to get across to the State is— They are worried about the clammer himself taking, and how they can police this? How can they keep the clams from going to market? There is not a great open market for chowder clams. Most clammers will throw chowders back in because they don't pay that much money and it is too hard to harvest them.

ASSEMBLYMAN AZZOLINA: What size are the chowders? MR. HOHENSTEIN: The big chowders.

ASSEMBLYMAN AZZOLINA: So, what do you do with those?

MR. HOHENSTEIN: Well, a lot of clammers will throw them back because if they take a bag of chowder clams off the boat, they will get \$8.00 for them, but if they take a bag of littlenecks off the boat, they will get \$80.00 or more for the same--

ASSEMBLYMAN AZZOLINA: Of what use are the chowder clams?

MR. HOHENSTEIN: Well, they make chowder out of them in the wintertime.

ASSEMBLYMAN AZZOLINA: I know, but you said they throw them back. Do they just stay there forever then?

ASSEMBLYMAN HENDRICKSON: Yeah, but they reseed.

MR. HOHENSTEIN: Right. What I am trying to get to you--

ASSEMBLYMAN HENDRICKSON: They mate under there.

MR. HOHENSTEIN: For you to handle a pick-up truck full of chowder clams, you might get, maybe, \$80.00 for the pick-up truck, where if you handled the same amount of small clams, you would get, you know, \$400.00 or \$500.00 for them. That is what I'm saying. The point I am trying to make is, there is really not a great market for chowder clams, unless

you are selling them to Cook College or Rutgers. And, they are really dragging their feet because they don't know how to police this. They don't really have to watch anything because you have a market down South that is going to pay you the same amount that a fishery would pay you, and they will take a large quantity. Instead of taking a couple of hundred, they are taking thousands and thousands and thousands of clams. So there is really no need in the world for you to pull over to the side of the road at a fish market and sell these contaminated clams.

ASSEMBLYMAN HENDRICKSON: One question, if I may, Mr. Chairman.

ASSEMBLYMAN AZZOLINA: Go ahead.

ASSEMBLYMAN HENDRICKSON: You're talking littlenecks, you're talking chowder, but I haven't heard anybody talking cherrystones. In your opinion, what size are the cherrystones today?

MR. HOHENSTEIN: They're getting bigger all the time.

ASSEMBLYMAN HENDRICKSON: And what were they a few years ago?

MR. HOHENSTEIN: Well, it's all according--

ASSEMBLYMAN HENDRICKSON: According to what?

MR. HOHENSTEIN: About that size (witness demonstrates with his hand). It's all according to--

ASSEMBLYMAN HENDRICKSON: About maybe something like this? (Assemblyman demonstrates size he means)

MR. HOHENSTEIN: Yeah, it's all according to what you like to eat.

ASSEMBLYMAN HENDRICKSON: Maybe an inch, inch and a quarter, inch and a half?

MR. HOHENSTEIN: Yeah, about that size. It's all according to what you like to eat, and it's all according to what I can sell you, you know.

ASSEMBLYMAN HENDRICKSON: What I am trying to bring up — and, if they will, maybe some of the other baymen will testify — please tell us, in your opinion, what we have out there, or what you are harvesting. As we know, and I am sure Mr. Maxwell knows, cherrystones — New Jersey cherrystone clams, let me put it way— I know there are cherrystones around, but I am sometimes not sure they are New Jersey cherrystones.

MR. HOHENSTEIN: Well, what would you like me to tell . you?

ASSEMBLYMAN HENDRICKSON: What size you're taking, and you did, I think. You said, "They're getting bigger all the time." That is what I tried to bring out.

MR. HOHENSTEIN: Oh, yeah. Well, it's all according, you know, to what you will buy off me and what I can sell you. (much laughter)

ASSEMBLYMAN HENDRICKSON: All right. It's the size that you can catch, and who interprets the cherrystones.

MR. HOHENSTEIN: Right. There is definitely a size.

ASSEMBLYMAN HENDRICKSON: We're not laughing at you; we're laughing with you.

ASSEMBLYMAN AZZOLINA: Okay, anything else?

MR. HOHENSTEIN: No, that's about it.

ASSEMBLYMAN AZZOLINA: Okay, thanks. Next will be Richard Beckley.

RICHARD BECKLEY: My name is Richard Beckley. I thank you for the opportunity to testify.

I am President of the South Jersey Shellfish Association. We took a poll among our members, and I would just like it to go on record that I only know of one person who is going along with this bill. The rest are opposed to it. If there are any others, I don't know of them.

ASSEMBLYMAN AZZOLINA: How many members do you have?

MR. BECKLEY: Well, I would say roughly around 90 members in South Jersey. They are not all real active.

ASSEMBLYMAN HENDRICKSON: In what counties?

MR. BECKLEY: Atlantic, Cape May, and I think we have some— I'm not positive whether there are any from Burlington or not. I'm not sure on that. But, I can bring you a list, if you need it.

ASSEMBLYMAN HENDRICKSON: No, no, that's fine.

ASSEMBLYMAN AZZOLINA: That's all right; we will take your word.

MR. BECKLEY: Okay. Well, I just wanted to point that out. I have been involved in the bay since I was a kid.

ASSEMBLYMAN AZZOLINA: Where do you clam, basically?

MR. BECKLEY: I clam basically in Great Bay. I am from Leeds Point. Do you know where the Smithville Inn is?

ASSEMBLYMAN AZZOLINA: Sure.

MR. BECKLEY: Well, it's right there. I have a few concerns about this bill. One of them Don Maxwell covered very well, and that is your councils. I agree wholeheartedly that we need men out of the business to really get down to what our problems are. I am also a part-owner in a clam hatchery. We have been involved for 10 years in raising our own clams.

The way I feel about it, we have had good cooperation where we are with that end of it. I mean, we have had no problems whatsoever with them. I also — repeating Mr. Maxwell again — feel really bad about the problem that the clammers in North Jersey have had with the relay. I was involved one year with it. I saw their problems. They didn't get to work the proper amount of days. But I don't think that is a reason to change from one Department to another. I think that is a problem that should be— Everybody in the industry should sit down, talk to the Administration, and work something out. I think that could be done if everybody would cooperate.

I think the worst thing that is happening, something that really gripes me in my industry, is, there are too many personal vendettas against people because they are not giving them the answers they want to hear. I know it is a tough thing and it is easy to get mad at somebody and blame them. But I think the biggest problem in our industry is just a lack of cooperation, not only with the people who are running it, but it's a lack of cooperation right in the industry. I think that is one of our big problems, and I don't think that is going to be solved by changing from one Department to another Department.

I mentioned the councils. I am definitely against that.

ASSEMBLYMAN AZZOLINA: Would you be for it if the councils were a different make-up?

MR. BECKLEY: Well, no, I wouldn't. I have mixed emotions about it. I don't think the change is going to help us. I haven't seen any way it is going to help us. I think what we've got to do is just get down to work and straighten out the few problems we have in our own administration — if you want to call it that.

Another thing that keeps coming up that I don't think is any problem is— Not putting the Chairman on the spot, but you say you are in marketing. I don't think marketing — and I think most of the clammers here will agree with me — is our problem. It's having something to market. That is our problem. We have no problem with the marketing of clams. I don't think—

ASSEMBLYMAN AZZOLINA: No, no, I wasn't talking about marketing itself -- that's one problem -- but someone who understands the food business--

MR. BECKLEY: Okay.

ASSEMBLYMAN AZZOLINA: (continuing) --can better understand what to do, whether they are marketing or what. Agriculture is agriculture, whether it is land growing, or what; whether it's growing on land or growing in the sea.

MR. BECKLEY: Okay. Well, I don't see where that—How can an understanding of marketing help an industry that

doesn't have a problem in marketing right now -- that I know of -- because our biggest problem in marketing is not having enough. If you could tell me how we could get more clams, I would say your marketing would be--

ASSEMBLYMAN AZZOLINA: No, no, you missed my point. Marketing is only one aspect. I'm talking about understanding the whole food chain, from growing— The Department of Agriculture is concerned with the growing of food on land. Maybe it could be a help with growing it in the sea, too.

MR. BECKLEY: Okay, there you said "maybe." But I haven't, in the bill, or anywhere, heard anybody say to me—What would convince me to go for this bill more than anything would be if you could say to me that the Department understood why the larvae of the clam isn't living, isn't surviving. If you can tell me that you've got an answer for that, and you can do something about it that these people can't do, then I am going to be for your bill. But until somebody can show me that there is a reason for this bill besides, "We don't like this guy who is running it because he is not giving us so many days a week," or "We don't like it because they haven't given us this place open"— That, to me, is something that can be worked out right where it is. I think the whole thing is—

ASSEMBLYMAN HENDRICKSON: Absolutely. We agree with that.

ASSEMBLYMAN AZZOLINA: We will only consider it being moved from one Department to the other if we feel the whole process, from the growing to the marketing — not just marketing; that is only one aspect — the whole process would be better off. If it isn't going to be any better off in Agriculture, we are not going to move it.

MR. BECKLEY: Exactly.

ASSEMBLYMAN AZZOLINA: We are not going to move it from DEP to Agriculture. Maybe we ought to separate it completely from everyone. I don't know.

ASSEMBLYMAN HENDRICKSON: Make it all by itself.

ASSEMBLYMAN AZZOLINA: Yeah.

ASSEMBLYMAN HENDRICKSON: If I may-- As I said to you--

MR. BECKLEY: I would love you to ask me some questions.

ASSEMBLYMAN HENDRICKSON: As I said at the outset, legislatively, professionally, any way at all, there is no vendetta. People are poeple. We are going to get along with some people, and we're going to work with some people, and that is just part of our existence. Just because there are one or two clashes of personality doesn't mean that we are going to sit here by the hour and try to enhance this industry.

My problem -- okay? -- is that from where I sit, after almost 30 years of watching what we have had, and seeing what the possibility is -- because I do have faith-- I think that is where it's at -- trying to do something with this industry to enhance it that perhaps has not been there. I'm not blaming anybody for that. That isn't--

MR. BECKLEY: No, okay. I would like somebody -- I haven't heard it yet-- This gentleman here says that their understanding of marketing maybe can help us.

ASSEMBLYMAN AZZOLINA: No, no, that is just one aspect. MR. BECKLEY: Okay, that is one aspect. But what does

ASSEMBLYMAN AZZOLINA: They do the marketing now.

the Department of Agriculture--

MR. BECKLEY: (continuing) —have concrete to tell us, as an industry, that we are going to be better off taking the gamble of jumping over with them, leaving what we have—We know how we stand now. I'm not saying it's perfect. But, tell us what we are going to get to back this bill. That is all I want to know. All I'm hearing is maybe this, maybe that, but I don't hear anything positive.

ASSEMBLYMAN AZZOLINA: We agree with you 100%. Right now we have DEP involved; we have the Department of Agriculture involved; we have the Treasury Department involved; the grant is involved, the whole Fisheries Commission, and somehow this all has to be consolidated someplace.

Now, we know the Governor wants to see the fishing industry -- and he's not behind any of these moves--

MR. BECKLEY: Right.

ASSEMBLYMAN AZZOLINA: He wants to see the fishing industry survive and grow to even a better industry than it is today. We feel we have a gold mine out there, and whatever can be done to make our fishing industry grow — whether it is shellfish or swimming fish, or whatever — that is what we are interested in. If that helps you, and it helps others, that is what we want to do. If it is not going to help you, we don't want to change anything.

MR. BECKLEY: Yeah. Well, that is what I'm saying. What I need to convince me--

ASSEMBLYMAN AZZOLINA: We don't want to make a change for change's sake.

MR. BECKLEY: (continuing) --is for you to tell me something that is going to help us by going into it, or--

ASSEMBLYMAN HENDRICKSON: I understand that. I understand that. What I want to do is listen to you, rather than for me to keep talking — okay? — because we are not going to get anywhere. But I have to say that structuring the councils was — as Mr. Maxwell very well brought up— Really, I would rather listen than talk, to tell you the truth. I believe that in the structuring of the councils we are going to give them some authority, which we all feel, perhaps, has been a problem. I don't want to get— What are we going to say about the shellfisheries councils that you don't already know?

MR. BECKLEY: Sure.

ASSEMBLYMAN HENDRICKSON: Okay? But we have to take the problem collectively, restructure it, and perhaps go back a year or two, as I said, to the clam watchman and other things, to enhance the industry. But I don't think there is anybody who would sit here and lie, and say, "Well, we are going to put it over there, and I am going to guarantee that clams are going to be in Barnegat Bay and Little Egg Harbor Bay, and you are going to be able to go out there in five years and pick up a cherrystone that we knew 20 years ago." I don't think we can do that.

MR. BECKLEY: What I am trying to say -- maybe I didn't make my point clear-- I have listened to everybody here and I haven't heard-- All I have heard were comments against the way the present DEP has run things. They haven't given them this; they haven't given them that. But, I have not heard anybody who testified tell us what they were going to gain by going into the Department of Agriculture, or how it is going to help them; something concrete to say to us, "Look, this is why we want to go in there to improve our industry." I haven't heard any of that yet.

ASSEMBLYMAN AZZOLINA: Hopefully, we will get some of that sooner or later.

MR. BECKLEY: Yeah, well hopefully, but looking at the bill, there are things we don't like, and we don't have anything concrete— We don't have any reason to switch.

ASSEMBLYMAN AZZOLINA: Okay, thanks.

MR. BECKLEY: I thank you very much.

ASSEMBLYMAN HENDRICKSON: One other thing. How many cherrystones are you catching?

MR. BECKLEY: I only deal in littlenecks.

ASSEMBLYMAN AZZOLINA: Would you answer one question for me? Sometimes I love cherrystones — not cherrystones, the small littlenecks, I guess I eat. Sometimes they are so damned salty, and sometimes they are not salty at all. I don't like them salty. What causes the difference, where they come from?

MR. BECKLEY: Oh, sure.

ASSEMBLYMAN AZZOLINA: Where they're caught?

MR. BECKLEY: Yeah.

ASSEMBLYMAN AZZOLINA: Where are the less salty ones from?

MR. BECKLEY: Well, the further inland you go. The more fresh water you've got, the less salty they are.

ASSEMBLYMAN HENDRICKSON: The Long Island littlenecks are salty.

ASSEMBLYMAN AZZOLINA: Okay. Thanks a lot.

MR. BECKLEY: Thank you very much.

ASSEMBLYMAN AZZOLINA: Mr. Gregory Goff? Is Mr. Goff here? (affirmative response)

We are going to secure at the latest by 10 o'clock here tonight. We've got some-- Like Jack Collins has to drive two hours before he gets home, so--

ASSEMBLYMAN HENDRICKSON: Let me just say that Jack has come up from Salem County to be a part of this meeting, to listen. For an Assemblyman, and a new one at that, I think he deserves a lot of credit for coming up on his own time and listening, and for being as interested as he is. I'm not trying to get his support, because I won't get it anyway.

ASSEMBLYMAN AZZOLINA: Okay, let's go.

GREGORY W. GOFF, SR.: My name is Gregory Goff, Sr. I represent Goff Seafood. I am from down south in Pleasantville. I am not much of a speaker, but I oppose the bill.

ASSEMBLYMAN AZZOLINA: You're doing pretty good.

MR. GOFF: I have quite a few clam diggers working for me, and they all oppose the bill.

ASSEMBLYMAN AZZOLINA: Are they the same ones who work for the last gentleman who was here?

MR. GOFF: No, they don't work for him. He has his own.

ASSEMBLYMAN AZZOLINA: They don't work for him, but they are together in the Association.

MR. GOFF: No, they don't have anything to do with that. This is a different group altogether.

ASSEMBLYMAN AZZOLINA: Okay.

MR. GOFF: They all oppose the bill. When you say Agriculture to me, I think of corn right away. You know? Farmers have problems with water and stuff like that, when they get too much. See, we work in the water.

ASSEMBLYMAN AZZOLINA: How about chickens and cattle? That's all part of Agriculture.

MR. GOFF: I don't know anything about that. That's a good place for it to be. We're dealing with something that is under water. We're doing pretty well with it. DEP has been good to us. I would like to see it stay right where it is at.

ASSEMBLYMAN AZZOLINA: Any special reason?

MR. GOFF: Because it is working out fine.

ASSEMBLYMAN AZZOLINA: Okay.

MR. GOFF: I'm not very happy with the Shellfish Council myself.

ASSEMBLYMAN AZZOLINA: Anything else?

MR. GOFF: Maybe you have some questions.

ASSEMBLYMAN COLLINS: I have one. You mentioned you are not very happy with the Shellfish Council. What things aren't you happy with?

MR. GOFF: Well, as far as the sportsmen being on it. You know, they don't know anything about clamming. They want to regulate things and put limits on everything. They have never been out there clamming for a living.

ASSEMBLYMAN COLLINS: On the present Shellfish Council, or the proposed ones, when you say sportsmen— Are sportsmen on the present Shellfish Council?

MR. GOFF: Yes.

GALE CRITCHLOW (speaking from audience): No.

ASSEMBLYMAN AZZOLINA: She says no.

MS. CRITCHLOW: They may look sporty, but they're not.

ASSEMBLYMAN AZZOLINA: You know, one of the gentlemen who spoke earlier had a point. Dentists are on the dental councils, I guess, and doctors are on the medical boards, right; electricians are on electrician boards. You've got a point. There should be fishermen on these boards.

MR. GOFF: You've got to keep shellfishermen on the shellfish councils.

ASSEMBLYMAN AZZOLINA: Right, absolutely.

ASSEMBLYMAN HENDRICKSON: There's no question about it. ASSEMBLYMAN AZZOLINA: Absolutely.

ASSEMBLYMAN COLLINS: If I may go back— It's funny, because you came up and you mentioned that you didn't think Agriculture — which you associate with corn— You wanted to know why they would be involved with the clamming industry or any of the shellfish industries. One of the reasons I felt that this whole idea was worth pursuing — and I am not at all committed to the Department of Agriculture, nor am I anti-DEP or against the Fisheries Council within the Department of the Treasury — is this, and I've heard the terminology tonight—We've heard hoeing, crops, seeding, harvesting. Now, if you were not a clammer, and I came up to you and said, "Well, we are going to seed our ground this year and then we are going to harvest it after it grows, and in the interim we are going to hoe it so we can have good crops," what would you be thinking of?

MR. GOFF: Dirt, corn, or something like that.

ASSEMBLYMAN COLLINS: Okay, but they are all the terms that have been used here tonight by clammers.

MR. GOFF: Quite a few of the terms that have been used tonight have nothing to do with this bill, with all these relays and other things.

ASSEMBLYMAN COLLINS: Yeah, I understand. But see, the point I am trying to make to you is, why I felt that Agriculture could possibly be a better area for this, in the general, before we started having the testimony — and that's why we're here, and that's why we will be other places — is exactly that. The clamming industry is an industry. You can say, "Farming is only corn," but farming is bigger than that. It is to enhance the industry, to help it grow, to help to develop seed beds, and all of the other things, while DEP, in general, is more of a regulatory agency.

Now, I am not here -- nor do I think that any of us are here -- to compare the two, but when you mentioned Agriculture and corn, it jumped right to my mind because, very honestly, it is those clamming terms, and the way I view the growth of clams and so on, that made me feel that, in general, Agriculture might be a better area.

You say you don't think so, and you're the man who is in it and, I assure you, that has some impact on my thinking.

MR. GOFF: I think the farmers are having enough problems without worrying about stuff that is under water. Farmers are going out of business all the time. I mean, you know, they're making movies, they've got songs, and, you know, the farming industry is in trouble. We're not in trouble.

ASSEMBLYMAN AZZOLINA: Let me tell you something. The farmers in this State are far better off than the farmers in the Midwest.

ASSEMBLYMAN HENDRICKSON: We're talking about New Jersey, not out of the State.

ASSEMBLYMAN AZZOLINA: New Jersey farmers are doing pretty well.

MR. GOFF: They're doing well, but across the country they're not doing very well.

ASSEMBLYMAN AZZOLINA: No, but in this State they are doing very well. The policies of the Agriculture Department,

the Farm Bureau, the Agricultural Society, and so forth are doing a lot to help the farmers. That is why they are able to survive. We visited, yesterday, the three of us, farms in South Jersey. Every year we go on tours in various parts of the State to see what is going on, and I am always amazed at how we are progressing in the farming industry in this State. And that is because the Department of Agriculture and the Agricultural Society are doing one hell of a job in this State. Maybe with the same kind of expertise, and the · leadership -- maybe, that is what we want to look at -- the Department of Agriculture can do the same thing for the fishing industry. I don't know. They understand food; remember that. That is the difference.

MR. GOFF: This is the Garden State, and we're lucky to have the resources we have in the bays.

ASSEMBLYMAN AZZOLINA: Right, right.

MR. GOFF: We're lucky, you know.

ASSEMBLYMAN AZZOLINA: Yes, and we should take advantage of it.

MR. GOFF: I would like to see them stay right where they're at because it has been working well since it started, gardening and clamming -- farming, or whatever.

ASSEMBLYMAN AZZOLINA: Okay.

ASSEMBLYMAN HENDRICKSON: How long have you been a distributor?

MR. GOFF: A distributor?

ASSEMBLYMAN HENDRICKSON: Yeah. You are a distributor, right?

MR. GOFF: Yes. I have been licensed for almost two years now.

ASSEMBLYMAN HENDRICKSON: Okay. Prior to that, were you a bayman yourself?

MR. GOFF: Yes.

ASSEMBLYMAN HENDRICKSON: For how many years?

MR. GOFF: Fifteen.

ASSEMBLYMAN HENDRICKSON: And, you're really satisfied along the lines in your area -- okay? -- that nothing needs to be done, and that you--

MR. GOFF: Oh, there are things that could be--

ASSEMBLYMAN HENDRICKSON: Let me finish; I let you finish. You're satisfied that nothing really needs to be done, and that you will be able, if you so desire, to hand that distributorship down to, perhaps, a son or a daughter, the way much of the shellfishery industry does. Mostly it's been from father to son, or grandfather on down the line. It's not like that all over the State — okay? — as it is in Leeds Point in Atlantic County, and in Cape May County. You down there have not as yet either over-harvested or had any other problem that has been occurring in the other areas.

Although we all agree that nature and the solidity and the grass are a large portion of it--

MR. GOFF: First of all, it's hard to over-harvest an area because you are only going to catch the resource that is there and, you know, it replenishes itself.

ASSEMBLYMAN HENDRICKSON: It replenishes itself as fast as you take it.

MR. GOFF: And, I do have my son here with me tonight because I want him to be concerned with this.

ASSEMBLYMAN HENDRICKSON: That's good.

MR. GOFF: You know, I want him to see what is going on. He is 18 years old, and he is going into the business, and he's happy with it.

But, there is no such a thing as over-harvesting an area. Once you can't catch claims, you move on. If you go back to that area the next year, they will be there. It is a natural resource. It just keeps coming back. The only way you can over-harvest is if you use a dredge, like someone else was speaking about, which is illegal in New Jersey.

ASSEMBLYMAN HENDRICKSON: And you would like to keep it that way?

MR. GOFF: Sure, or there won't be any.

ASSEMBLYMAN HENDRICKSON: Okay. You are also opposed to the dredging cycle?

MR. GOFF: Well, it's already illegal, as it is for these-- What do you call them, where you put the chowders?

ASSEMBLYMAN HENDRICKSON: Spawning sanctuaries.

MR. GOFF: Well, most of the chowders are coming from our area also, and it just so happens we don't have a spawning sanctuary in Atlantic County.

ASSEMBLYMAN HENDRICKSON: You don't really need it.

MR. GOFF: Well, we would like to have one, too.

ASSEMBLYMAN HENDRICKSON: Okay. That's good. You're on record as wanting a spawning sanctuary.

ASSEMBLYMAN AZZOLINA: That's it then? (affirmative response) Thank you very much.

I would like to allow about 20 or 25 minutes maybe to the rest of the names we have here. We may not reach everyone. But, what I would like to do now is, each of you get up, make it as quick as possible, and we will try to limit our questions because we do want to hear from the Department of Environmental Protection as a wrap-up. If we give you about 15 or 20 minutes, Ma'am, is that good enough? Or maybe you won't need that much. How much time do you need?

MS. CRITCHLOW: It depends on how much you want to talk about.

ASSEMBLYMAN AZZOLINA: Well, we are going to have lots of time after tonight to talk some more.

MS. CRITCHLOW: I hope so.

ASSEMBLYMAN AZZOLINA: Oh, yes. This is, you know--We may seem prejudice tonight, but we're really not. We are trying to find out everything.

MS. CRITCHLOW: I do have some things I would like to say.

ASSEMBLYMAN AZZOLINA: Would you mind waiting about another 20 minutes to a half hour?

MS. CRITCHLOW: I'd love it.

ASSEMBLYMAN AZZOLINA: Okay, good, because I think you want to listen to everything here.

MS. CRITCHLOW: Oh, I do.

ASSEMBLYMAN AZZOLINA: So, if each of you will make it fairly rapid and get to the point, we will be able to hear from as many of you as possible in the next 25 minutes to a half hour. Okay? Randy Gant?

RANDY GANT: My name is Randy Gant. I am a commercial fisherman. I belong to the New Jersey Commercial Fishermen's Association; I am on the Board of Directors.

I would like to see it moved to Agriculture, and I will give you a specific reason. Last year, we had a lot of trouble with the fluke loss.

ASSEMBLYMAN AZZOLINA: With what?

MR. GANT: The fluke loss. We are trying to get all of the fisheries out of DEP and into the Department of Agriculture. When we tried to go into DEP, we had the full support of our Council. We tried to get into DEP to change the regulations, and we had all kinds of static. Only through political arm-pulling, and whatnot, did we ever get the fluke law changed.

DEP is nothing more than an enforcement agency. That is what they are concerned with. At the same time, I took biologists on my boat, and we went all along the Jersey coast. We had three boats taking biologists out of each— We covered Cape May, Atlantic City, and Point Pleasant. We proved to them, through our new harvesting methods of using a mesh bag, a bigger mesh size, that we could actually save many small fluke. But, no matter how much we tried to tell them, or their biologists showed them the sheets that, in fact, these fluke were being saved — the small fluke go through the end of the

net and are never taken out of the water -- they would still not change the law until we absolutely put political pressure on them.

It just seems to me that their only aim is in enforcement. If you can prove that you are saving hundreds of thousands of fluke each day, and they still won't believe their own biologists who make the recommendation— We could not get to see Mr. Dewling to have him even get a chance to review the law. We couldn't even get it that far up the ladder. Once he got it, he reviewed it right away and okayed it.

It seems to me that they are just interested in protection, and not with the resource at all.

ASSEMBLYMAN AZZOLINA: What names of people -- if you want or, if you don't want, that's okay too-- Basically, which one or two or three people within DEP do you think are obstructionists?

MR. GANT: From the Council on up?

ASSEMBLYMAN AZZOLINA: Yeah.

MR. GANT: It stopped at Russell.

ASSEMBLYMAN AZZOLINA: Who?

MR. GANT: Cookingham is where it stopped. We couldn't get it up past Cookingham.

ASSEMBLYMAN AZZOLINA: Is he your main problem?

MR. GANT: We had no problem finally, but this took months and months of organization.

ASSEMBLYMAN AZZOLINA: What's Cookingham's title?

ASSEMBLYMAN HENDRICKSON: Director of the Division of Fish, Game and Wildlife.

MR. GANT: Excuse me?

ASSEMBLYMAN AZZOLINA: I got it.

MR. GANT: This is why we have a New Jersey Commercial Fishermen's Association now, and that includes the bay clammers. Every type of bay person or person who fishes off the coast of New Jersey is a member. We are also going to write our own boat insurance soon.

ASSEMBLYMAN HENDRICKSON: How many members do you have?

MR. GANT: We have approximately 300 now, and it is not even a year old.

ASSEMBLYMAN AZZOLINA: Where do you start from with your members -- from Point Pleasant on down?

MR. GANT: No, we have members from Cape May to Belford.

ASSEMBLYMAN AZZOLINA: Oh, okay. A lot of your Belford guys belong then, huh?

MR. GANT: Yes.

ASSEMBLYMAN AZZOLINA: I'm familiar with them.

MR. GANT: Yeah, almost all of the Belford guys belong.

ASSEMBLYMAN AZZOLINA: They're in my district.

MR. GANT: That's why it was started. I just wanted to say that DEP is only interested in enforcement and laws.

ASSEMBLYMAN AZZOLINA: Where did you say you lived?

MR. GANT: Brick Township.

ASSEMBLYMAN AZZOLINA: Thanks a lot.

MR. GANT: Thank you.

ASSEMBLYMAN HENDRICKSON: Thank you.

ASSEMBLYMAN AZZOLINA: Pete Furey? Is Pete Furey here? (no response) Bill Jenks? Give us your name and where you are from, please, sir.

W I L L I A M P. J E N K S: My name is William Jenks. I am a retired clammer. I live in Brick Town. I have it all written out, so it will go fast.

I have been clamming for a living for over 40 years, and have seen the resource go from ample abundance to severe depletion in this time. During this period of time, I was also a shellfish protector or clam cop for the State of New Jersey for 12 years, from 1961 to 1973. My patrol area was from Raritan Bay to Little Egg Harbor Bay. I was a member of the Atlantic Coast Shellfish Council for two years, eight months, representing Ocean County. I never missed a meeting during that time.

I resigned in frustration and disgust with the way the shellfish industry was being managed. I have seen the Division of Shellfisheries with 39 full-time shellfish protectors turned into the Bureau of Shellfisheries, with only seven conservation officers to cover the whole State. These seven men devote only part of their time to our shellfish industry. They also enforce lobster, and fish and game laws.

So, we have seven men trying to enforce laws that 39 men used to try to enforce. About five years ago, the Bureau of Marine Fisheries was started. This was a reorganization, and the Division of Shellfisheries was now a small Bureau controlled by Marine Fisheries. From then on it was all downhill.

I speak for myself and my family. The Chief of Shellfisheries could not make a decision without the consent of the Administrator at Marine Fisheries. At this time, the industry was trying to start a relay program and a depuration plant in the Sandy Hook/Shrewsbury/Navesink River area, in order to be able to harvest clams from moderately polluted waters.

I call this the scandal of the century in shellfish management. The depuration plant clammers could work six days a week. The relay clammers could work only two days a week. The Administrator of Marine Fisheries justified this discrimination by saying it was part of a resource management plan to be completed shortly. We were promised a resource management plan over three years ago, and there is still no plan. This discriminatory action cost the relay clammers hundreds of thousands of dollars in lost income. We will never forget this. Our shellfish resource, oysters and clams, is disappearing rapidly. Hard clam and oyster landings in South Jersey are only 25% of what they were 15 or 20 years ago.

Baymen have been seeking other employment. They can't hold out any longer. No funds are allocated for increasing

abundance. It is time to turn this around. I would like to see the Bureau of Shellfisheries taken over by the Department of Agriculture. The Department of Agriculture is production oriented and always has been. Our bays and rivers can again be productive if we have proper administration and funding.

I have discussed this action with some knowledgeable people, and was told by one that we may be trading one bureaucracy for another. I feel that we can't do any worse, and could do a lot better. If something is not done very soon, we are going to lose our shellfish industry and a way of life we all love.

Now I will answer any questions.

ASSEMBLYMAN AZZOLINA: Are there any questions?

ASSEMBLYMAN COLLINS: The reduction from 39 conservation officers to seven— Was that tied to any bureaucratic changes of the shellfish—

MR. JENKS: Yes, it was.

ASSEMBLYMAN COLLINS: It was tied to?

MR. JENKS: Well, it's a long story, but to make it short— First, the marine police absorbed the enforcement officers of the Division of Shellfisheries. Then, later on, the marine police, having other duties, were told not to bother with quasi-criminal activities, such as clamming and fishing violations. Now, this never came out in print, but I know it happened. I talked to five people about it, and having been one, I know it is so.

So, what we have is a valuable industry that is going downhill, and we don't have protection. Now, the stealing from leases— Although Mr. Hohenstein said he has never had any stolen, I am sure every man in this room besides Mr. Hohenstein—every man who is a clammer—has suffered losses.

Any other questions?

ASSEMBLYMAN COLLINS: You say you are retired?

MR. JENKS: Yes, I am. I have been retired for two years.

ASSEMBLYMAN COLLINS: If this change were to take place, or if it weren't to take place, and there was a resurgence in the clam industry, would you return?

MR. JENKS: I would not return, but I have six sons.

ASSEMBLYMAN COLLINS: Somewhere I saw Bill Jenks, Jr.

MR. JENKS: Right. Three of my sons are actively clamming on the relay, and the relay is a very valuable thing to us because up where we are in northern Ocean County, and even in southern Ocean County, the resource is severely depleted.

ASSEMBLYMAN COLLINS: Regarding the relay, you mentioned that two days are allowed for the relayers and five days, or six days allowed for the-- Is that still a policy?

That is the way it started out. MR. JENKS: No. went to Senator Connors. They claimed that not only was it a management plan, but that they had a lack of enforcement. the same ones enforced the depuration clammers as enforced the relay clammers, and those guys got six days a week and we started out with two. So, Senator Connors got us \$60,000 to buy two more enforcement officers. Now, we didn't get the two enforcement officers, but we got the extra day. Then we were up to three days. Now, we've had it; we've been through it. Right now we have five days without holidays. The other men have seven days. They can work holidays. They can work sunrise to sunset, and we have to quit at one o'clock.

ASSEMBLYMAN COLLINS: What do you think-- If it is not for resource management and whatever other reasons they give, why do you think you only have five and they have seven?

MR. JENKS: That I cannot say at an open meeting, I'm sorry.

ASSEMBLYMAN COLLINS: Oh, maybe afterward you could mention it to me. Okay, thank you.

ASSEMBLYMAN HENDRICKSON: Just one thing. Over your many years, Bill, in the business, what initiatives have come

up to help the resource in areas that have been depleted, not where they are abundant?

MR. JENKS: To my knowledge, and I am not talking about oysters, I'm talking about hard clams, there has never been anything that the State has instituted to make clams more abundant until this spring, when Cook College, Rutgers, and the State, in combination, started the spawner sanctuaries. This is a wonderful thing. We anticipate putting 10 in. We have one and one-quarter done so far. We have had a lot of trouble getting permits, with a lot of bureaucracy. We hope to overcome this.

ASSEMBLYMAN HENDRICKSON: From your past experience, the summation of information, the problems within certain areas— We hear that, "Well, pollution is a problem." I hear, as a legislator, "Well, those areas are over-harvested. They come up out of other areas when they are depleted, and our bays are depleted because of over-harvesting. Our bays are depleted because of grass." It goes on. There is a whole litany of reasons out there for why we don't seem to have any clams.

MR. JENKS: Well, that's true. But now, just taking Barnegat Bay and Little Egg Harbor Bay, for instance, those bays are severely depleted, and have been for 10 years. I mean severely. Four or five hundred a day is a good catch. A man cannot exist on that, and the men are leaving the industry. Further on down, they do have better clamming, and the relay has good clamming. But we have an awful stretch of bay there that has nothing in it. They are not reseeding. It doesn't look good.

ASSEMBLYMAN HENDRICKSON: Do you know why we're not reseeding?

MR. JENKS: No.

FROM AUDIENCE: Nature.

MR. JENKS: It may be nature, but we have biologists. We don't have the solution. Let me put it that way.

ASSEMBLYMAN AZZOLINA: Maybe you don't have the pollution we have up north.

ASSEMBLYMAN HENDRICKSON: Where the pollution is we have plenty of clams.

ASSEMBLYMAN AZZOLINA: Plenty of clams. They can't figure that one out.

ASSEMBLYMAN HENDRICKSON: So, it can't be the polluted side that is killing them because they are taking them out of polluted waters.

ASSEMBLYMAN AZZOLINA: Maybe pollution helps to grow them, I don't know.

MR. JENKS: We have to start thinking about the depletion end of it. If the Department of Agriculture will do that, I am for the Department of Agriculture and production.

ASSEMBLYMAN AZZOLINA: Well, we are going to take a good, hard look at the whole situation.

MR. JENKS: Any other questions?

ASSEMBLYMAN AZZOLINA: No, that's it. Thank you very much, sir.

MR. JENKS: Thank you.

ASSEMBLYMAN AZZOLINA: Pete Furey, did you come back yet? (affirmative response) I thought you were a reporter out there.

PETER FUREY: Thank you, Mr. Chairman. I will be brief. I have tried to defer to the producers so they will get their chance at the mike.

For the Committee's information, we represent about 100 to 125 commercial fishermen. We have been active--

ASSEMBLYMAN AZZOLINA: Who are you and what do you do?

MR. FUREY: My name is Peter Furey. I am from the New Jersey Farm Bureau; I am a State Administrator.

ASSEMBLYMAN AZZOLINA: Oh, okay, I remember now.

MR. FUREY: I should have made more of a point to talk to you earlier. Our position is pretty simple on this. Right

up front, it is a generalized position. We haven't spoken directly to a lot of the clammers, but we have been involved in this issue specifically in years past. In a very general way, I put my position right behind Randy Gant of the Commercial Fishermen's Association, and what I just heard Mr. Jenks say makes a lot of sense.

Also on a general basis, we would support a lot of the initiatives that are coming from Assemblyman Hendrickson in this whole area of commercial fishing. I think the process of having this study and a series of recommendations which grew into legislation has set an excellent precedent. It is a good process. It is an evolutionary change into things that people have discussed and put into practice to see if they will work to help the industry.

The background for this seems to be some sort of rivalry, or adversarial relationship between the industry and DEP. That is our understanding of how this bill got started years ago. As one of the dissenters, or one of the clammers who does not like the bill has said, in the past there has been a problem with the industry coming together. bill may be more symbolic than anything else -- what difference does it make whether you put it in Agriculture or DEP? -- but I think from the historical basis of the industry not really achieving what the farmers have been able to achieve-- I think the Chairman said it very well. If a farmer has a problem on a regulatory issue, he can get almost instantaneous attention in one way or another. We work very closely with the farmers, and we have attempted, in the past, to work with the fishermen -and aspire to do that in the future -- but this combination of extension service, private-sector association like ourselves and the Department of Agriculture has benefited the farmers. I don't think there is any question about that. Now, it may not be crystal clear up front how that will manifest itself for clammers, but I think in the game of State government and how you achieve clout and transfer it to these industries, there may be something to this bill that is worth pursuing.

So, on a general basis, we like this bill, and will work to converse with more people in the industry and stay in touch with the Committee as future hearings develop.

I will cut my comments off there, although I did have a few other points. One comment I would just like to close Regarding what Randy mentioned about the regulation, I got involved in that myself personally. kind of an educational process. It seemed clear to me from the opinions expressed by the fishermen that the regulation-seems to me that the management decision in DEP should clearly have favored the fishermen. It amazed me how they had to struggle and have a packed hearing. It just seemed like for a period of time there was temporary, short a begrudging agreement to back the industry. That really opened my eyes about where the power lays and how we may want to reorganize the system of which government agency represents the industry. I think you are talking refinement. You are really, like, looking for the missing piece of the puzzle. I think, on balance, there is merit to this bill.

ASSEMBLYMAN AZZOLINA: Okay, thanks a lot.

MR. FUREY: Thank you, sir.

ASSEMBLYMAN HENDRICKSON: Thank you, Pete.

ASSEMBLYMAN AZZOLINA: Richard Crema?

R I C H A R D C R E M A: My name is Richard Crema. I have been clamming commercially since I was 12.

ASSEMBLYMAN AZZOLINA: Where are you from?

MR. CREMA: I am from the Leeds Point area, the Great Bay area. I have been clamming commercially since I was 12 years old; that is about 40 years. I'll keep this real brief.

Unless somebody can show me something I haven't heard tonight, I am against the bill.

ASSEMBLYMAN AZZOLINA: Thank you very much.

MR. CREMA: Do you have any questions?

ASSEMBLYMAN HENCRICKSON: Just as succinctly as you said that, why?

MR. CREMA: Why?

ASSEMBLYMAN HENDRICKSON: Yeah.

MR. CREMA: For mostly the same reasons we have been hearing from a half a dozen people tonight. I have a lot of friends in Ocean County — persons I consider good friends — who are for the bill, and we are still good friends. But I think they are wrong on this issue. I don't think that changing from one Department of State government to another is going to do a thing for the bay. That is a natural thing. People are not going to change that. The only way people can change it is to make it worse. The best thing that can happen to us is to be left alone.

There is one thing that hasn't been brought up tonight. I think there is a direct conflict of interest between a farmer and a bayman in the realm of water quality. Water quality is the most important thing when you are talking about clams and oysters. The farmer is historically known, I think, along with industrial polluters, as one of the worst polluters from runoff. Farmers are always using insecticides, fungicides, and what have you. Naturally, the Department of Agriculture is not going to be against that, so there we have a total conflict of interest.

ASSEMBLYMAN COLLINS: They might learn from each other.
ASSEMBLYMAN HENDRICKSON: Rich, just to play devil's advocate— Monmouth County has many more farms than Ocean County, yet Monmouth County in the relay is very, very successful through the Shrewsbury River. Should there be runoff from the farmers' insecticide and pesticide, then we would think that would have a harmful effect. But, on the other side of the coin in the real world out there, the clam relay is coming out of that very polluted water.

You fellows down there -- and you know more about it than I do -- in the Hammonton area have more farms than we have in the upper Ocean and Burlington County area.

MR. CREMA: That's true, and the Mullica River is in the worst shape that has ever been known to man for oyster production right now.

ASSEMBLYMAN HENDRICKSON: I totally agree. There is absolutely no problem with that, but in the last five years perhaps, the farmers have been restricted on their pesticides greatly, and also on the fertilizer side, on runoff — okay? — namely, and we will bring it up, the cranberry areas, to stop some of those problems. I am not sure whether the growth up in the northern end and what's running up in there isn't a large problem of just people pollution, rather than pollution on the farmers' side.

MR. CREMA: People are pollution, as far as that goes.

ASSEMBLYMAN COLLINS: We both know that, right? You can't keep control of them, they are going to keep coming —the people.

ASSEMBLYMAN AZZOLINA: Okay, thanks a lot, sir.

MR. CREMA: Thank you.

ASSEMBLYMAN AZZOLINA: Norman H. Larson, Jr.?

NORMAN H. LARSON, JR.: My name is Norman H. Larson. I buy and sell clams wholesale in Cedar Run.

ASSEMBLYMAN AZZOLINA: Where do you live?

MR. LARSON: In Cedar Run. At any rate, I am in favor of the bill. I figure, what do we have to lose? You know, it's 1986, and I figure there should be a change because I can't see what DEP has done for us. You know, with the volume of people and runoff, they don't have the sewers. Sewers should be taken right on down to the end of Cedar Run where we need them. They are only where the houses are. It's like a big incubator out in the bay. I think if it were managed properly, it should be a success, you know, for, like, our children to come, and what have you.

So, what can I say? I have been in business for 18 years buying and selling clams. It ain't like it used to be, but I think that if everybody got together this could be solved. I do farm a little bit. Agriculture has taken care of me up to a point. They gave me a fence; they gave me the assistance I needed; and, they gave me what I should spray for corn. They do try. I don't see the DEP around me when I am buying and selling clams, only to give me restrictions. I think I know a few things but, of course, I do what the law says.

ASSEMBLYMAN AZZOLINA: Okay, thank you very much. ASSEMBLYMAN HENDRICKSON: Thank you, Norman.

ASSEMBLYMAN AZZOLINA: Let me get one more in here. Robert Wilson?

ROBERT W. WILSON: My name is Robert Wilson. I am from the Leeds Point area. I have been a clammer for 30 years, and a shellfish dealer for 16 years. I took over my grandfather's business there, and he had it for 50 years.

I am opposed to this bill for a lot of reasons, the main reason being what Mr. Maxwell quoted. Everybody tonight has just been downing DEP. We made a living with those people for a long time. We had our transplant down there for 10 years, which was a real success. It kept us in business during our lean years down there when there weren't a lot of clams on the open ground. Luckily now we have a decent amount of clams down there in the open. DEP helped us then. The Water Resources people worked with us all the time. We had trouble with them. We couldn't see eye-to-eye with them, but we sat down with them and discussed our problems, and got the thing done — got it worked out, and for 10 years we had a program.

The northern men just want to fight with them. They won't sit down at a table and talk to them and work it out. I think if they did, they could. We did. We don't transplant no more. Now they call it relaying, back then it was called

transplanting. It's a lack of communications. It is more of a war going on.

The other thing they have up here now is the depuration plant. It's a fight for the clams and the money up here. It is a little different situation. So, right away they want to down these people, throw them out, and jump on another bandwagon. Well, that is not going to prove a thing. They are still going to have to fight. It's really a lack of communication. They should just sit down and try to work it out.

The one problem we've always had — and you have heard it over and over tonight — is the patrol problem. There is always a lack of money, and they fight over that. Well, if it goes into Agriculture, it is going to be the same thing. They are not going to get any more money than these people are getting. These men have to be paid, and there are not going to be enough of them. You can't stretch a dollar until he breaks. I'm sorry. It's not going to work.

That is all I have to say.

ASSEMBLYMAN AZZOLINA: Okay, thank you very much. James, did you have something you wanted to hand out?

JAMES E. JENKS: Yeah, it's right here.

ASSEMBLYMAN AZZOLINA: Well, why don't you do that? Then I am going to go on to DEP. You don't want to repeat what your father said, do you?

MR. JENKS: No, basically not. This is just a thing that shows what DEP did in the beginning of the relay. (witness hands out material to Committee) It shows the money that was lost in the economy in the State of New Jersey in just one year. Now remember, they are supposed to be promoting the industry.

ASSEMBLYMAN AZZOLINA: Why don't you sit down?

MR. JENKS: I just want to hand this out.

ASSEMBLYMAN AZZOLINA: Okay. Let's get your name on the record. How long are you going to take?

MR. JENKS: Just a second. My name is James Jenks. I am a member of the task force, or was. The task force recommended increasing the license fees to raise new revenue. We have heard some pros and cons on this bill. Now, a lot of time and work went into the task force, and I feel strongly that this is the way we should go -- into the Agriculture Department.

Now, if we don't go through this-- There has been a lot of activity going on in the past few weeks. If this bill doesn't pass, I would like to see another bill drawn up immediately because it looks to me like the only way we are ever going to get any action out of DEP is to have a bill like this hanging over their heads constantly. That way they have to do something.

If the license fees are raised as the task force recommends to generate this \$200,000 -- a lot of math and so forth and so on went into this -- the recreational fisheries should be included in this bill because that is where a lot of the income comes from. The recreational fishermen will benefit, too, with the Spawner Sanctuary Program. Now, if it is not transferred to the Agriculture Department, then there should be no increase in the license fees because to merely give more money to the Department of Environmental Protection is absolutely useless. They have a Resource Survey Program that has been going on for three years. The only reason it has been going on is because it is federally funded. They are using this money because half of their salaries are paid.

Now, the interesting thing about this survey is, they are checking the stocks in the whole State of New Jersey on clams. In at least 80% of the areas they have checked, the clams reach marketable size in no less than two years. The Resource Survey is already three years old, and it's useless.

They have given absolutely no help as far as planting the clams in the spawner sanctuary is concerned. They didn't have a boat to help to plant the clams. They had to go out and hire somebody. The permits are not forthcoming to harvest these clams. The depuration plant clammers throw thousands of chowders and cherrystones over every day simply because it is not economically feasible to depurate them. Enough clams have been thrown overboard to make a hundred spawner sanctuaries, simply because they are not bought.

The only thing we have— These clams are painted red so that they can't be harvested off the sanctuaries. All these clams in these sanctuaries which could be bought from the guys from Monmouth County, either the hand rakers or the sail rakers, are not for power dredging. Now, I am for sail raking. It is not illegal, even though they say it is. All this would bring money into the economy. The clams would go down to South Jersey. There is just no coordination in DEP. We just can't seem to get anything done, I mean, to better the industry.

There are certain areas of the State where there are still clams available in open waters. That's wonderful.

ASSEMBLYMAN AZZOLINA: Do you think those clams will be depleted if you really go at it at a rapid rate?

MR. JENKS: The harder we work up there, the thicker the clams are getting. Now, there was a man who came down from --Timothy Bisell (phonetic spelling). explained to us about bottom cultivation and what they are doing up in Connecticut. They go out and cultivate the bottom. Now, Ι made a cultivator, and through University we went out and we tested it; we tried it. hoping to see something forthcoming soon on whether or not there was any set in the areas. We used it in different areas.

Now, why didn't DEP-- I mean, the man explained the whole program to them. All they have to do is go out and cultivate the bottom at a certain time of the year. They didn't do anything. They were too busy doing the Resource Survey because half of the money is coming from the Federal government. They use this as a big excuse. All this motivation heading in this direction is useless.

Now, we have a condominium complex that threatens our very livelihood on the relay. One division in DEP opposes it. How can a division in a department oppose itself? I mean, it is just not working, in my opinion. They were granted approval to build this thing, and if they do it, it is going to put us out of business.

ASSEMBLYMAN AZZOLINA: Where?

MR. JENKS: On the Swan Point relay.

ASSEMBLYMAN AZZOLINA: Where is that?

MR. JENKS: It is the northernmost water where clams will survive in the State of New Jersey. It's right by the Mantoloking Bridge, just south of there. If we lose this, we will have lost everything, everything we fought eight years to get — the relay, the opportunity to work. I can work seven days a week on the relay if I work for the depuration plant and help him to pay his mortgage, but if I want to pay my own mortgage, I can only work five days a week. I don't understand the reasoning behind this. How can they have law enforcement for one and not law enforcement for the other?

Now, I admit there are a lot of hard feelings towards DEP about this, but this is just not right. I mean, who is going to be next down the road? Next year is it going to be — or five years from now — the guys in Cape May or people over near the Delaware River who are going to run up against the same problem? I don't have the strength to fight another eight years certainly. If we don't get this, then I think I am just going to give up.

Thank you.

ASSEMBLYMAN AZZOLINA: Thank you very much. George, I am not going to call on you to speak. I guess you are just here to listen. Am I correct?

UNIDENTIFIED MAN IN AUDIENCE: Yeah.

ASSEMBLYMAN AZZOLINA: Okay, DEP.

MS. CRITCHLOW: Do you want to hear from Bill first, or me?

ASSEMBLYMAN HENDRICKSON: Whoever wants to speak first. We've got you both.

ASSEMBLYMAN AZZOLINA: I thought he was a clammer.

ASSEMBLYMAN HENDRICKSON: He's been around so long.

ASSEMBLYMAN AZZOLINA: What is your name, sir.

W I L L I A M J. E I S E L E, J R.: My name is William Eisele. I represent DEP, the Division of Water Resources.

ASSEMBLYMAN AZZOLINA: You're not Cookingham, I assume, right?

MR. EISELE: Right.

ASSEMBLYMAN HENDRICKSON: Russ is all right. He's not here to defend himself.

MR. EISELE: I represent the Bureau of Marine Water Classification and Analysis.

ASSEMBLYMAN AZZOLINA: You're not going to read all this, are you? (referring to written statement)

MR. EISELE: That's not mine.

ASSEMBLYMAN HENDRICKSON: That's not his.

MR. EISELE: The Bureau was formerly called the Bureau of Shellfish Control. I came here tonight to oppose the Agriculture bill.

ASSEMBLYMAN AZZOLINA: What is your title?

MR. EISELE: I am the Chief of the Bureau of Marine Water Classification and Analysis, which was formerly the Bureau of Shellfish Control.

ASSEMBLYMAN AZZOLINA: Okay.

MR. EISELE: I do have several pages of a statement which I would like to have the opportunity to enter into the minutes.

ASSEMBLYMAN HENDRICKSON: The record.

ASSEMBLYMAN AZZOLINA: Okay.

MR. EISELE: The primary function of my Bureau is regulatory. We operate under N.J.S.A. 58:24, and the National Shellfish Sanitation Program administered by the Federal Food and Drug Administration and the Interstate Shellfish Sanitation Conference.

Our goals and objectives are to protect the public health through the classification of the shellfish growing waters of the State. Through scientific means we determine which waters are safe to harvest shellfish from, and through the integrated programs of the Department of Health, the Division of Water Resources, the Division of Fish, Game and Wildlife, and the Department of Law and Public Safety we oversee the utilization of shellfish that are in prohibited waters.

The aquaculture bill, as it has been presented, purports that by moving those operations that deal with the commercial portion of the industry, it will This supposedly will happen due to the friendly atmosphere of the Department of Agriculture. This seems New Jersey shellfish regulatory agencies are short-sighted. recognized internationally as being progressive. technologies have arisen over the years we have modified our modification regulations and, as all of you know, regulations takes time. We did this -- the modification of the regulations -- to protect public health, while opening new means to utilize the resource.

We recognize that occasionally conflicts will arise between the promotional interest and the regulatory aspect of any industry. This natural conflict is healthy, and one of the strengths of the "checks and balances" side of our form of government. The consumer of the shellfish product needs to be represented by an independent regulatory agency. The lack of shellfish-related illnesses being reported in the recent past has maintained public confidence, and thus stabilized the market value of shellfish and shellfish products in this State.

Unfortunately, this is not the case nationwide, where in some areas shellfish markets have been devastated by outbreaks of illness attributed to shellfish. Widespread support for the current organization of New Jersey's shellfish regulatory agencies exists because commercial shellfishermen realize that consumer confidence in a healthy product is of primary importance and good for business.

Water classification is only a part of the function of my Bureau. The 1972 Federal Water Pollution Control Act requires an integrated effort of the regulatory functions of the Division of Water Resources. Over the years, my role has expanded to include several environmental issues as they relate to water quality. I am not going to go through the list of these issues, but will just give you an example of a few of them:

We provide collector support and analysis of samples for the Swimming Beach Monitoring Program;

We provide support and analysis of samples for marine plankton bloom monitoring that is occurring along the coast;

We provide analyses of potable water samples for State facilities;

In cooperation with the Department of Health, we provide the collection and analysis of shellfish from the shellfish industry, and provide that data back to the Department of Health for regulatory action.

We are involved with the Department of Agriculture, the Soil Conservation Service, and local municipalities on the non-point source seasonal pollution and storm water management program in the Navesink River.

We are involved, also, with the impacts of seasonal disinfection with the Delaware River Basin Commission and the Interstate Sanitation Commission; and,

We provide support and analysis to other agencies within the Division of Water Resources for intensive monitoring and ambient monitoring programs we have for water quality.

The Bureau also receives support from many sources within DEP. Again, I am not going to spend any time on that. I will give you a copy of my statement to be introduced as part of the record.

These examples reflect the close interaction of several DEP regulatory agencies which directly or indirectly affect shellfish water quality. They do now, they have in the past, and we hope they will continue in the future.

Our shellfish growing waters are cleaner now than at any time in the recent past. We have more special permit programs to utilize shellfish from condemned waters, and we are striving to deal with the non-point source contamination and to restrict coastal development and the siting of marinas in shellfish waters.

These actions are not actions that can occur overnight, but have to be developed and tested scientifically and legally. It is a process that cannot be accomplished through promotional agencies alone. It is a process that requires the industry, the regulatory agencies, and the promotional agencies to all pull in one direction. I feel that mechanism already exists to promote the industry, while protecting the resource and the public health.

If there are any questions--

ASSEMBLYMAN HENDRICKSON: In your opinion, how would you be affected, since you are Water Resources, in doing the same job you are doing now — and you are doing it for Agriculture — if this comes to fruition, if it should ever happen? I don't see where your Division would be affected at all. You are already working with Agriculture.

MR. EISELE: I'm working with Agriculture; I'm working with Health; I'm working with the fisheries people.

ASSEMBLYMAN HENDRICKSON: So if you are working with them already, what would be your problem, or your basic objection to going into Agriculture? You would still be working with those people. Your function wouldn't be any different.

MR. EISELE: Shellfish is one function of my Bureau.

ASSEMBLYMAN HENDRICKSON: I understand that.

MR. EISELE: It would mean fragmentation. It would mean that some of the people who are doing the work now for shellfish would go, but parts of the other group would stay with DEP.

ASSEMBLYMAN HENDRICKSON: What you are saying to me is that Shellfisheries itself is testing the water and then submitting it to you?

MR. EISELE: No, no. My people--

ASSEMBLYMAN HENDRICKSON: Which people are directly responsible to you who are in Shellfisheries -- or in DEP?

MR. EISELE: I have a staff of 20, and one of the functions — the primary function — is to sample the water and run it through the Southern Regional Laboratory, which is under my jurisdiction.

ASSEMBLYMAN HENDRICKSON: Very good. You have been doing a good job. I have no problem with that.

MR. EISELE: If we should go over-- I'm saying that the way I read the bill, the entire Bureau would go over.

ASSEMBLYMAN AZZOLINA: Not necessarily.

ASSEMBLYMAN HENDRICKSON: No, no. The bill has absolutely nothing to do with anything other than Shellfisheries.

MR. EISELE: Okay. What portion of my Bureau would not go over? Would the laboratory stay?

ASSEMBLYMAN HENDRICKSON: What we are trying to do now -- okay? -- is to go through that because we are not sure just how many divisions are involved with shellfisheries. It seems to me -- off the top of my head -- that your Water Resources would more than likely stay as the enforcer in DEP for the checks and balances you are talking about. All you have are the same people checking shellfisheries who check the farms, right? You don't have separate people checking separate things.

MR. EISELE: No, we have the same people who work--

ASSEMBLYMAN HENDRICKSON: A biologist is a biologist regardless of what he is checking, except what he is checking for.

MR. EISELE: That's true. One of the problems I can foresee which I didn't mention is the source of funding. I'm sure that the Legislature--

ASSEMBLYMAN HENDRICKSON: That is going to be a problem whichever way we go.

MR. EISELE: The point is, we receive the bulk of our money through the Clean Water Act, the 106 Grant -- matching funds.

ASSEMBLYMAN HENDRICKSON: Sure.

MR. EISELE: There would have to be some sort of a determination as to how that would be split.

ASSEMBLYMAN HENDRICKSON: I am not sure that any of the Clean Water funds are going to Shellfisheries now. I don't know that.

MR. EISELE: They are going to the Bureau of Shellfish Control.

ASSEMBLYMAN HENDRICKSON: Pardon me?

MR. EISELE: They are going to the former Bureau of Shellfish Control because that is where--

ASSEMBLYMAN HENDRICKSON: Well, I think that is one of our problems then. We have the overlap and we are not sure whether there is a commingling of funds. I would have a strong

objection to having Clean Water funds, particularly with what is happening to the State-- I don't really want to get into the problems with water here -- although it has been brought up -- because it has nothing to do with the bill. If we have Clean Water funding, I have a big problem with that being part of Shellfisheries.

MR. EISELE: Part of Shellfisheries, how?

ASSEMBLYMAN HENDRICKSON: Using the money-- If we are going to use it for clean water, let's make sure that Shellfisheries is funded properly in its own entity for shellfishery. I don't see commingling Clean Water funds with I don't understand it. Now, I can understand I understand the testing of the keeping the water clean. water. Nobody knows better than the guys from South Jersey the fear we live with about hepititis all along the line and the water quality you're keeping for us. That's fine. But I have with this commingling of funds strong problem Shellfisheries and Water Resources because they are in one Department. It makes me lean more toward taking Shellfisheries away, to be assured that that funding is going into Water Resources where it belongs.

MR. EISELE: I'm missing what you're--

ASSEMBLYMAN COLLINS: Maybe I can jump in with a different perspective to it. I think what the Assemblyman is saying is, you mentioned -- and I was going to ask the question if he had not -- that part of your responsibility is to deal with clean water.

MR. EISELE: Right.

ASSEMBLYMAN COLLINS: If this bill were enacted and Shellfisheries — the dealing with the clammers and the oystermen and all of the other aspects of the water, aquaculture — were to move, you would still have the responsibility for clean water. Therefore, that aspect of your assignment would stay with you and be done by you. It wouldn't

matter if it were tied to the shellfish industry or fishing or just recreation, you are in charge of cleaning up the water, and that should continue. If by cleaning up the water you were given, let's say for example, a million dollars, and you were also using some of that money for the shellfish industry, that's not what he wants, or I want, or anyone else who is committed to shellfisheries.

We want to say, "Here's a million for clean water, and here's a half a million for shellfisheries." I think that is what the point was. I don't think we have to go on with that.

MR. EISELE: Well, then, I would like to talk to you about it at greater length at a different time.

ASSEMBLYMAN COLLINS: Sure.

ASSEMBLYMAN HENDRICKSON: I think you are going to have to talk to both of us, I'm sorry.

MR. EISELE: Well, that is what I mean, the Committee.

ASSEMBLYMAN COLLINS: But my question goes back to something you said with regard to your particular Division within DEP, its concern with regulation. Okay? Do you see — and this is the point I was making earlier with the gentleman from Pleasantville when he was concerned about farming and didn't see it connected at all— I feel that when it comes to the shellfish industry — and that's what I'm dealing with, the industry — we have to be concerned with it from the beginning until the end.

You are concerned with the regulation of it. I am wondering, does that then have you forget, or not deal with, all of the problems they have from the beginning of the industry to the end of the industry -- seeding, and all of those things?

MR. EISELE: I think if you would talk to most of the shellfishermen out there, you will find that the operation that we have run over the years has been very supportive of the industry on all of their aspects. Now again, we have had some

conflicts because of the way the regulations were written, and the time it takes to get some of the regulations changed. We are involved with the quality of the water. That is the whole basis for whether the industry is able to use the shellfish directly to the market or whether they have to be relayed — transplanted, depurated.

The prime point that I don't think has been discussed thus far is that this crop that is harvested, while it could be construed as an agricultural crop, is also a crop that is handled differently than an agricultural crop because of the fact that it is a living organism at the time it is marketed. It is a potential health hazard in having the ability to concentrate viruses, pathogens, heavy metals and transmit them on to man. So, it is a little bit different than a regular cash crop.

could ASSEMBLYMAN COLLINS: Okay. We go on philosophically with this point back to the Department Health. But you are not in charge of beef production or poultry production or all of the others. So, you know, the happens to be drawn with is drawn somewhere. Ιt shellfisheries and not with beef and poultry and so on. did answer my question with regard to regulatory-- You still feel that you are supporting them in all the other areas, and we have had testimony tonight to support that.

ASSEMBLYMAN HENDRICKSON: May I just ask one quick question? I'm not sure if it's George's or St. George's Thoroughfare--

MR. EISELE: St. George's Thoroughfare.

ASSEMBLYMAN HENDRICKSON: What is the stand of the Department on that tremendous development that is going to come down on six million clams in there? I know, and you fellows know, that I sent letters of strong objection, although it is not in my district.

MR. EISELE: I would prefer to--

ASSEMBLYMAN HENDRICKSON: You're water quality, that's why I ask.

MR. EISELE: I would prefer to defer that to the Commissioner.

ASSEMBLYMAN HENDRICKSON: Okay.

MR. EISELE: We are on record as saying the stand of the Division of Water Resources is that we are opposed to the operation.

ASSEMBLYMAN HENDRICKSON: I withdraw the question. There is no problem with that at all.

MR. EISELE: Okay.

ASSEMBLYMAN AZZOLINA: Thanks a lot.

ASSEMBLYMAN HENDRICKSON: Thank you.

ASSEMBLYMAN AZZOLINA: You've got minus five minutes.

MS. CRITCHLOW: Well, at least I will have fewer people to argue with. I did have a longer statement, but I just tore it in half.

ASSEMBLYMAN AZZOLINA: Well, you can always come back later, you know.

MS. CRITCHLOW: Thank you.

ASSEMBLYMAN COLLINS: Yes, we'll be with you again, I'm sure, Gale.

MS. CRITCHLOW: Seriously, I have given each of you a copy of a statement that we prepared, together with a highlighted copy of the Clam Task Force Report.

ASSEMBLYMAN AZZOLINA: Okay. You are welcome to come back to subsequent meetings. We really wanted to get the clammers out of the way because we're here where they are. At the next meeting, they won't be there, but you will be there.

MS. CRITCHLOW: I will follow you.

ASSEMBLYMAN COLLINS: You'll be following us around, Gale, I'm sure.

ASSEMBLYMAN HENDRICKSON: And we would love to have you, Gale. We're glad you are going to follow us.

MS. CRITCHLOW: I did make a couple of notes.

ASSEMBLYMAN AZZOLINA: A couple? I saw you writing all night. I'm pulling your leg.

MS. CRITCHLOW: The Department of Environmental Protection does not support this bill.

ASSEMBLYMAN AZZOLINA: Your name, so we have it for the record.

MS. CRITCHLOW: My name is Gale Critchlow. I am the Chief of the Bureau of Shellfisheries in the Division of Fish, Game and Wildlife.

ASSEMBLYMAN AZZOLINA: Have you ever clammed?

MS. CRITCHLOW: No, I have not. I am a clam fan. I am a fan of clammers, but I do keep out of their way. I figure that when I can get my senior citizen's license, that is when my career will begin.

We think it is a mistake to divide the resource and its management between industry in one Department and recreation in another. Now, that has been addressed, and I realize we are talking about maybe changing that. Recreational clammers contribute at least half of the license revenue we receive annually. Their use of the resource has to be managed in harmony with industry's use.

I think -- we think -- I'm talking I, the Department -- that maintaining adequate enforcement for two fisheries under separate agencies would be a serious problem. It would dilute any effort that we can make. I think the bill and many statements I have heard made about its purpose ignore the fact that DEP may not be the best thing in the world for the clammer, but for quite a long time it has been the only thing the clammer had. The relay and depuration programs in particular, which date back to the early '70s, because soft clam depuration began in the early '70s and the relay program has been running one place or another since the '70s--

ASSEMBLYMAN HENDRICKSON: We have all been through the battle of the original clam relay up into Ocean County basically from the South. We put in depuration plants when I was in the Legislature back in the early '70s. I remember that.

MS. CRITCHLOW: That's right. So, that goes back a while. I think if you take a look at Page 6 of the Clam Task Force Report, you will see that not only the cash value, but also the reported harvest has doubled since the record low year of 1978. I think if anybody is going to take credit for this success, maybe we ought to give DEP some credit for the programs they have had.

I think the bill ignores the recommendation of the Clam Task Force — I missed one meeting; no one asked me, but I missed one meeting — that creation of a Division of Mariculture in DEP — and if it should be somewhere else, fine — to promote the industry is important, but I think that as soon as you have people promoting something and at the same time trying to ensure that it is a safe product, you do run into a problem, "Well, maybe we can market these clams."

ASSEMBLYMAN AZZOLINA: Agriculture does it now, I think, doesn't it?

MS. CRITCHLOW: They have the Department of Health riding herd on them.

ASSEMBLYMAN AZZOLINA: Yeah. Well, the same thing would happen here probably.

MS. CRITCHLOW: Part of what I was writing down—There are just a couple of things I would like to talk about. There was a question about the stealing of crab pots. I happened to be on my two-way radio when I heard a call go out for someone to come arrest a person who was stealing crab pots. That call was answered in under 15 minutes. I know sometimes we don't get around until two days later, but this one just happened to work fast. I think, you know, credit goes both ways.

I think we have gotten off to a fairly rocky start with the sanctuary program. I know Mr. Hohenstein's frustrations in not being able to get an answer on when the program will begin. There is no answer right now because DEP is working with Cook College and working with the individual clammers on this, and we haven't got an answer on when we will be able to start planting clams in the sanctuary again.

I would like to point out that DEP, that is the Bureau of Shellfisheries, came up with some of the money to plant those clams, so we are, you know— Although we didn't have money to rent a boat, we did have money to buy 1,000 bushels of clams.

There was a question, "How come we have to throw small clams back where they come from?" This is just trying to keep stocks where they are. If you move the small clams, you may be destroying the next year's crop of harvestable clams.

Clamming does sound like agriculture, I agree, the seed, planting, and all the words we use. I can think of two or three other parallels that don't have any other parallel, but I don't want to get into that. Commercial shellfishing really isn't only hard clams, and it isn't only harvesting hard clams. It is wildlife management. Clams occur in the wild. Our major source of seed is from wild sets. The spawner sanctuary is trying to increase the set that is received by open ground.

ASSEMBLYMAN AZZOLINA: Do you mean the clams move?

MS. CRITCHLOW: Well, in the larval stage, yes.

ASSEMBLYMAN AZZOLINA: They move from a distance?

MS. CRITCHLOW: They swim.

ASSEMBLYMAN HENDRICKSON: The currents take them.

MS. CRITCHLOW: Clam larvae--

ASSEMBLYMAN HENDRICKSON: They're underground.

MS. CRITCHLOW: They are, but like oysters, they move when they spawn. Not the mother clam, the baby clams.

ASSEMBLYMAN HENDRICKSON: They want to get out on their own quick. That is what she's saying.

MS. CRITCHLOW: We should all be so lucky. They are carried in the current. I think one thing that is not really understood about the shellfish survey that is being done, is that without a resource survey, we would not be able to comment on the applications for development. At St. George's Thoroughfare and at Pelican Cove — the condo that we are talking about that is going—

ASSEMBLYMAN AZZOLINA: It didn't do you any good at that point.

MS. CRITCHLOW: Well, the upstate returns aren't in yet. It has done some good. I don't know how that decision is going to go, but I know if it goes against the protection of the resource, it is certainly going to go to court. I would certainly not want to go to court if I was fighting it if I were a private individual, without some kind of resource information to back up my position.

ASSEMBLYMAN AZZOLINA: Somebody better have \$50,000 in legal fees.

ASSEMBLYMAN HENDRICKSON: Excuse me. Don't we have a fairly good quantitative count in St. George's Thoroughfare? At least I have, in my office, a tremendous count of--

MS. CRITCHLOW: Yes, you have a report that was prepared by the partially federally funded shellfish survey. Try to say that at 10 o'clock at night.

ASSEMBLYMAN HENDRICKSON: Am I wrong in saying that that is going to be approved?

ASSEMBLYMAN AZZOLINA: How is that development going to pollute. The sewers are going into sewers, right? Is it the runoff that is going to pollute the clams?

MS. CRITCHLOW: Well, each boat that comes in creates a certain amount of-

ASSEMBLYMAN AZZOLINA: Oh, the recreational boats.

MS. CRITCHLOW: Yes, any boats. But without the resource survey, we would really be up the creek as far as defending the habitat as far as forcing concessions on the Pelican Cove development, and on developments all up and down the coast. Everybody wants to live next to the water, but they want to be the last person to move in. The clammers are suffering for that. This is the problem we think we are addressing.

I hope that you will let me talk to all or any of you some other time, because I think it is time to go home.

ASSEMBLYMAN AZZOLINA: We'll give you an hour or two hours at another meeting. We are going to have several meetings.

MS. CRITCHLOW: In a room all to myself?

ASSEMBLYMAN AZZOLINA: Sure, in Trenton.

ASSEMBLYMAN COLLINS: A whole city.

ASSEMBLYMAN HENDRICKSON: Gale, just one second.

MS. CRITCHLOW: Yes.

ASSEMBLYMAN HENDRICKSON: You brought up Page 6, the Clam Task Force Report, 1978 to 1982, but was that not the time that we all -- you and the people in Monmouth -- tried to get the clam relay up there? After that relay, doesn't that show in about '83 when you really started to come down, that there was an increase in productivity?

MS. CRITCHLOW: Well, I think it is a steady increase, if you take a look. I highlighted that because I thought it was interesting that, although we have been talking about a declining resource, it has not only gone up in pounds reported harvested, but it has also gone up quite dramatically in the dollar value of the harvest. I don't think we can take credit for that, but I don't think we ought to be knocked for letting it all go to hell in a hand basket either.

ASSEMBLYMAN HENDRICKSON: We are not trying to knock anybody. We are not here to knock anybody at all. That is not our purpose.

MS. CRITCHLOW: I know when I'm knocked.

ASSEMBLYMAN HENDRICKSON: No you're not, you're not being knocked. In the dollar amounts, because we can go back, and I think I brought up--

MS. CRITCHLOW: Yes. Inflation, of course, makes a difference.

ASSEMBLYMAN HENDRICKSON: Well, it's a little more than inflation. I can remember \$6.00 and less a hundred, and I just heard out there \$80.00. I can remember when they had to really cull them out to get that kind of money. They really culled them. All right? I see some guys back there smiling, but that's the truth.

MS. CRITCHLOW: Yeah, well I can remember when I could walk into Spike's and get a plate of clams for 75 cents.

ASSEMBLYMAN HENDRICKSON: When we say \$4.8 million in dollar amounts, if you transpose that from— In '59 and the '60s, I'm talking about, I'm sure you will find they were around \$6.00 a hundred. You're talking a big difference.

MS. CRITCHLOW: Oh, sure, you could divide it out. All I'm saying is, although we certainly know it needs help, I don't think we should say this is a dying industry, because I don't think the figures bear that out. I think it is worth doing something about-

ASSEMBLYMAN HENDRICKSON: I would hope so.

 $\ensuremath{\mathtt{MS}}$. CRITCHLOW: --and I would like to be around to help to do it.

ASSEMBLYMAN HENDRICKSON: You'll be around to do it, but you might do it in Agriculture instead.

ASSEMBLYMAN COLLINS: Would you say that about the oyster industry?

MS. CRITCHLOW: It is certainly worth doing something about. I was quoted somewhere as saying, "In every research grant there should be \$5.00 for votive candles," and I didn't mean that in a flip way. I think we're--

ASSEMBLYMAN HENDRICKSON: We all get quoted out of context at times. We don't mind that.

MS. CRITCHLOW: Well, we do need the help of the natural forces. But, no, I don't think the oyster industry is gone. I think it is in awful bad shape, but I hope we will be talking down there, too.

ASSEMBLYMAN COLLINS: Yes, we will.

MS. CRITCHLOW: I would like to call to your attention, Assemblyman Azzolina, that there are a number of people who have sent telegrams and letters to your office, and I think some to you, Assemblyman Collins.

ASSEMBLYMAN COLLINS: Yes.

ASSEMBLYMAN HENDRICKSON: How come not my office?

MS. CRITCHLOW: I think some to you, sir, also.

ASSEMBLYMAN HENDRICKSON: Oh, all right, I don't want to be left out.

ASSEMBLYMAN AZZOLINA: In view of all the opposition to DEP tonight -- I don't think you are going to have time to do it -- give us a summary of how you think you are going to help the clammers. They have had a lot of problems with the Department of Environmental Protection.

MS. CRITCHLOW: How would I help the clammers?

ASSEMBLYMAN AZZOLINA: You or the Department of Environmental Protection.

MS. CRITCHLOW: If I could just run the zoo for a year and do it.

ASSEMBLYMAN AZZOLINA: Yeah, if you could run it, but you are not running the zoo.

MS. CRITCHLOW: No.

ASSEMBLYMAN AZZOLINA: You have a higher authority you are dealing with.

MS. CRITCHLOW: I do have a higher authority. I have one thing going for me, and that is--

ASSEMBLYMAN COLLINS: You better not say it, he might fire you.

MS. CRITCHLOW: I am not totally unfireable, but I am not terribly scared of being fired, so I have done some things that I shouldn't have done and have gotten some things started. I have spoken out of turn, and some good things have come of that.

Seriously, I would go again, as I have done before, hat in hand, and ask for money to plant clams in the sanctuaries. We need more money. We are running out. We had a promise of a lot, but some of it has fallen through. I would continue the work that is being done for the oyster industry. I certainly would continue— One thing we haven't talked about at all is the sea clam industry. I would continue doing what we are doing now.

ASSEMBLYMAN HENDRICKSON: I wanted to ask about that. I will ask that.

MS. CRITCHLOW: The sea clam industry is a major commercial shellfishing industry in New Jersey. I think more needs to be done for them. I don't think you can study a thing--

ASSEMBLYMAN HENDRICKSON: Would you explain the difference between the sea clammers, so I don't have to? These are the fellows who are here.

MS. CRITCHLOW: Okay. A sea clam grows in the ocean.

ASSEMBLYMAN HENDRICKSON: Please tell us how it is harvested.

MS. CRITCHLOW: I call them ashtray shells. You've seen them on the beach -- the big shells.

ASSEMBLYMAN HENDRICKSON: Oh, yeah.

MS. CRITCHLOW: Okay. Sea clams are harvested by means of hydraulic dredges that are pulled by big seagoing boats. It is a limited fishery in New Jersey. There is a harvest quota. There is a limited season. They do not fish in the summertime. There are 57 licensed boats. This goes back to 1976, when Commissioner Bardin imposed a moratorium on

licensing. We have had some pretty hairy sessions with regulating the sea clammers. Right now, when they go to Federal meetings, they point to New Jersey's regulations as the best way to go.

ASSEMBLYMAN AZZOLINA: What do you do with those clams? MS. CRITCHLOW: What do you do with the clams? Well, they are used— The ones that are big enough are cut, and the clam strips — not the belly, but the strip — is used for fried clams.

ASSEMBLYMAN AZZOLINA: Oh, I eat those things.

MS. CRITCHLOW: With the smaller ones, the strips are not big enough to fry, so they are minced. They are used in chowder. They are the clams you get if you buy chopped clams in a can.

ASSEMBLYMAN AZZOLINA: Oh, I see. Okay.

MS. CRITCHLOW: So, they have actually substituted, in a lot of ways, for chowder clams, as chowder clams got to be scarcer in the back bays.

ASSEMBLYMAN HENDRICKSON: Gale, my understanding on the enforcement side— Are the same conservation officers, or shellfishery enforcement officers used to enforce the sea clam regulations as are used for our baymen?

MS. CRITCHLOW: Yes. They divide their time.

ASSEMBLYMAN HENDRICKSON: They are the same people?

MS. CRITCHLOW: Yes.

ASSEMBLYMAN HENDRICKSON: How many people do we have?

MS. CRITCHLOW: Right now I believe there are seven in the field.

ASSEMBLYMAN HENDRICKSON: Including the sea clammers? MS. CRITCHLOW: Including everybody.

ASSEMBLYMAN HENDRICKSON: Okay, all right, that's fine. Off the top of your head perhaps, could you give this Committee an estimate -- if you can't do it, could we get it later -- of the amount of moneys in fines on the sea clammers?

MS. CRITCHLOW: I don't think it is astronomical, but I could find out.

ASSEMBLYMAN HENDRICKSON: Are they not fined, like, \$50,000 at a whack?

MS. CRITCHLOW: I think you are listening to the Federal figures.

ASSEMBLYMAN HENDRICKSON: Okay, all right. That's why I'm asking.

MS. CRITCHLOW: There is a difference. The Federal sea clam fishery is a lot more restrictive than the New Jersey fishery. There are more boats in it. There are a lot more opportunities for violations because they have a size limit. They have a very strict time limit.

ASSEMBLYMAN HENDRICKSON: I have a problem with opportunities to be fined. What are we saying there, that these guys are so bad that we're really--

MS. CRITCHLOW: No, no, no. There are many more opportunities to do something that would be a violation because the fishery--

ASSEMBLYMAN HENDRICKSON: Are you saying the regulations are so strict that they can't keep up to them? Don't you think we ought to take a hard look at that?

MS. CRITCHLOW: Now, this is the Federal fishery.

ASSEMBLYMAN HENDRICKSON: I understand that, but we are--

MS. CRITCHLOW: I think it would be great if we could solve the Federal fishery problem somehow. I think we have come a long way toward solving our own in-shore fishery problem. Right now, the Feds are taking a hard look at New Jersey's way of running the sea clam industry.

ASSEMBLYMAN HENDRICKSON: Could we still perhaps have sent to this Committee just how many dollars are being obtained in DEP from the sea clams?

ASSEMBLYMAN AZZOLINA: For the next hearing.

ASSEMBLYMAN HENDRICKSON: Yeah. No, it could be mailed to us.

ASSEMBLYMAN AZZOLINA: I would rather get it at the Committee meeting.

ASSEMBLYMAN HENDRICKSON: Okay, all right, he is the Chairman.

ASSEMBLYMAN AZZOLINA: It would only get lost in the shuffle.

ASSEMBLYMAN HENDRICKSON: Could we have that?

ASSEMBLYMAN AZZOLINA: Yeah, when we have a hearing.

MS. CRITCHLOW: Sure. I can find that for you. But I want to tell you that when you are reading about huge fines, you're reading about Federal enforcement, which goes to the Feds. New Jersey DEP is not getting rich on sea clam fines because we have many fewer violations.

ASSEMBLYMAN HENDRICKSON: We know the costs of running your Department, so we know you are not getting rich.

MS. CRITCHLOW: We have many fewer violations.

ASSEMBLYMAN HENDRICKSON: Okay.

ASSEMBLYMAN AZZOLINA: Is there anything else?

MS. CRITCHLOW: No.

ASSEMBLYMAN AZZOLINA: Anybody else right now? I really feel for Jack Collins. He has a two-hour drive.

 $\ensuremath{\mathtt{MS}}.$ CRITCHLOW: He lives almost as far away from here as I do then.

ASSEMBLYMAN AZZOLINA: He's out in the boondocks. I was there yesterday.

ASSEMBLYMAN HENDRICKSON: Were you there yesterday?

ASSEMBLYMAN AZZOLINA: Was I there yesterday?

ASSEMBLYMAN HENDRICKSON: No, he's an hour and 20 minutes.

ASSEMBLYMAN AZZOLINA: Okay. I want to thank you very much. Where do you think we ought to have our next hearing, outside or in Trenton?

ASSEMBLYMAN HENDRICKSON: I think we ought to have it where these guys can get to. We can travel to it. I don't know. Jack, you come a long way. Do you want to have it down in Atlantic County?

ASSEMBLYMAN COLLINS: I think we have a number of Atlantic County people here, some of the oyster industry. But, we can set that date at a later time.

ASSEMBLYMAN AZZOLINA: Yeah, we'll set a date. Maybe we'll have one in Trenton and another one in the field.

MS. CRITCHLOW: Well, you do have a lot of people who would be interested in Monmouth County, I'm sure. You have a lot of people who would be interested in Atlantic and in Cumberland.

ASSEMBLYMAN AZZOLINA: Well, we can hold one in Monmouth County, hold one in Atlantic County, and hold one or two meetings in Trenton.

ASSEMBLYMAN HENDRICKSON: Well, that is our Committee process.

ASSEMBLYMAN AZZOLINA: Yeah. We are not going to rush into this thing. We're moving slowly. Then if we do move it to Agriculture, we'll see that you all move over, and the bad people get fired.

ASSEMBLYMAN HENDRICKSON: Thanks a lot everybody. Thanks for coming up.

ASSEMBLYMAN AZZOLINA: Thanks a lot.

(MEETING CONCLUDED)

APPENDIX

PRESENTATION TO NEW JERSEY MARINE FISHERIES DEVELOPMENT COMMISSION

BY JAMES E. JENKS

BRICK TOWNSHIP

NOVEMBER 14, 1985

LADIES AND GENTLEMEN:

I have been a Commercial Bayman for 20 years working as a clammer, crab potting and dredging, eeling and musselling. I have participated in the New Jersey Hard Clam Relay since its inception in the northern Coastal Areas. In 1984 I was appointed by Govenor Kean to the Coastal Bay Hard Clam Task Force, and have one of the best attendance records of any member of that task force.

I've asked for time because we need help! Justification for this statement is not evident by just one example but encompasses several areas. Let me first discuss the species in our bays:

TO A SHADOW OF ITS FORMER LEVEL. THIS HAS FORCED US TO WORK SEVERAL TIMES AS HARD IN OPEN AREAS OR TRAVEL A GREAT DISTANCE TO RELAY CLAMS FROM CLOSED WATERS TO LEASE? WHERE WE ARE FORCED TO WAIT UP TO SIXTY DAYS BEFORE WE CAN REHARVEST AND SELL OUR CLAMS. THIS MEANS WE MAKE NO MONEY FOR TWO MONTHS. COULD ANYONE ON THIS COMMISSION GO THAT LONG WITHOUT A PAY CHECK? IN OTHER STATES THE RELAY IS ONLY HALF THAT TIME AND THE CLAMMERS ARE ALLOWED TO PURIFY IN BAGS, A PROVEN METHOD WHICH PRODUCES A SANITARY PRODUCT.

WE HAVE MADE NUMEROUS SUGGESTION TO STREAMLINE THE RELAY PROCESS WHICH HAVE BEEN MET WITH THE USUAL <u>NEGATIVE RESPONSES</u> AND THE NAGGING ANSWER OF THE STATE'S ENFORCEMENT PROBLEM. NOT EVERYONE WHO DRIVES A CAR SPEEDS, AND NOT EVERYONE WHO CLAMS IS A CROOK, BUT WE HAVE ALWAYS BEEN TREATED AS CRIMINALS WHO NEED CONSTANT SUPERVISION.

Even the New Relay Rules put us on probation, a term usually used for convicted criminals, for a month until the DEP decides that we are trustworthy.

THE DETAILS OF SEVERAL OF OUR SUGGESTIONS CAN BE ADDRESSED AT A LATER
TIME IF THE COMMISSION DESIRES.

-- OYSTERS: In the Mullica River there are state oyster beds broken into seed bed area and grow out area. These seed beds, through <u>proper management</u>, could produce 100,000 bushels a year. At \$28 per bushel this could be a <u>Significant</u> boost to the local economy.

THE BUREAU OF SHELLFISHERIES NEEDS A \$5000 A YEAR APPROPRIATION TO MAKE THIS CONCEPT A REALITY, YET NO ONE IN DEP HAS HAD ENOUGH CLOUT TO INFLUENCE THIS EXPENDITURE FOR FIVE YEARS, THUS LOSING THE POSSIBLE INCOME OF UP TO \$14 MILLION NOT TO MENTION THE STRESS, FROM OVERCROWDED BEDS, AND POSSIBLE SHUT DOWN OF SPAWNING CAUSED BY LACK OF SEED BED CULTIVATION.

ASIDE FROM LACK OF CULTIVATION THE BEDS ARE IN DIRE NEED OF <u>CULCH OR</u>

<u>SETTING SUBSTRACT</u>. <u>Crushed clam shell has even been offered free to the state</u>

<u>FOR ITS USE AND HAS NEVER BEEN TAKEN ADVANTAGE OF</u>.

AREAS IN BARNEGAT BAY WHERE OYSTERS USED TO SET HAVE BEEN FALLOW FOR YEARS. THIS CRUSHED SHELL COULD BE USED TO REJUVINATE THESE AREAS INSTEAD OF BEING BURIED IN LAND FILLS. It's HARD FOR SOME OF YOU TO IMAGINE THAT UPPER BARNEGAT BAY USED TO BE ONE OF THE GREATEST OYSTER SEED PRODUCING AREAS IN THE COUNTRY.

- -- BAY SCALLOPS: For almost 15 years there have not been any commercial quantity of scallops in Barnegat and Little Egg Harbor Bays. This once productive fish is now but a memory. Other places such as Suffolk County, New York and Martha Vineyard, Massachusetts have initiated stocking programs to assist their commercial shellfishing industries. New Jersey has just thrown up its hands and <u>joked</u> about the opening date of scallop season.
- -- HARD CRABS: HARD CRABS WHICH THIS YEAR HAS SEEN ONE OF ITS BEST HARVESTS IN YEARS WAS ALMOST CUT OFF AT THE KNEES LAST YEAR. THE DEP WENT OUT OF ITS WAY

TO APPEASE THE RECREATIONAL SECTOR WHO ATTRIBUTED THE LOW EARLY 1984 CATCH
TO THE COMMERCIAL FISHERIES. AND IT WAS ONLY BY THE GRACE OF GOD THAT THE
CRABS SHOWED, CALMING THE SPORT SECTOR AND PREVENTING ANOTHER MANAGEMENT
NIGHTMARE, COMPLETE WITH RESTRICTIONS IN GEAR AND ENDLESS REPORTING SYSTEMS,
FOR THE COMMERCIAL CRABBERS.

HABITAT: At the present time loss of habitat and marine pollution are the most critical factors affecting the commercial baymen, only following a near sighted bureaucracy.

WATERFRONT DEVELOPMENT, MARINA EXPANSION, POINT AND NON-POINT POLLUTION, AND INFREQUENT CHANNEL DREDGING HAVE ALL CONTRIBUTED TO SILTING, BOTTOM DESTRUCTION, AND LOSS OF NUTRIENT AVAILABILITY.

LET ME NOW DISCUSS SOME OTHER AREAS WHICH NEED CONSIDERATION:

- -- THE HARD CLAM DEPURATION PILOT PROJECT: This program was suppose to be reviewed after one year and a report was to be forthcoming. No report has ever been shown. On top of that the hard clam plant also started working on soft clams adding more pressure onto that resource without having any survey done.
- -- We were suppose to have been given a hard clam management plan. This supposed management plan was used as an excuse to contain the number of days a relayer could work when we began in Northern Monmouth County. This plan has never been shown to the clammers and we believe that it does not exist, however, this non-existing management plan was used <u>unscrupulously and we were cheated out of the right to earn a living</u>. I believe that this was a travesity of justice and was done for political reasons having <u>absolutely nothing to do with the resource</u>.
- -- THERE IS A DEFINITE LACK OF STATE PERSONNEL COMING TO THE ATLANTIC COAST
 SHELLFISH COUNCIL MEETING. WHEN THEY DO COME, ANSWERES TO OUR QUESTIONS

ARE PUT OFF TILL THE MONTH AFTER, WHEN THEY DO NOT SHOW UP. WE NEVER GET AN ANSWER BY ANYONE WHO CAN GIVE AN ANSWER THE NIGHT OF THE SHELLFISH COUNCIL MEETING. YOU WILL NOTICE IF YOU PERUSE THE RECORDS THAT THESE MINUTES HAVE NOT BEEN APPROVED FOR THE PAST TEN MONTHS BECAUSE THE COUNCIL IS STILL WAITING FOR THE ANSWER TO A QUESTION THAT WAS GIVEN LAST WINTER. WE INVITED A REPRESENTATIVE FROM THE DEP TO ONE OF OUR SHELLFISH COUNCIL MEETINGS TO SEE OUR FRUSTRATION. THE MEETING WAS HELD 4 WEEKS AGO, THE REPRESENTATIVE DID NOT COME NOR DID THEY CALL TO SAY THAT THEY COULD NOT MAKE IT.

- COUNCIL AND THE COASTAL BAY HARD CLAM TASK FORCE MEETINGS WERE CHANGED.

 THEY WERE CONSTRUCTIVELY EDITED TO SUIT THE MEEDS AND THE OFFICE OF THE BUREAU OF MARINE FISHERIES AND THE DEP. THE RESULT OF THIS, ASIDE FROM TOTAL LOSS OF TRUST BY THE CLAMMERS OF THE ADMINISTRATION WAS THAT THE ADMINISTRATIVE ASSISTANT WORKNING IN THE BUREAU OF SHELLFISHERIES WHO WAS ONE OF THE BEST FRIENDS THE COMMERCIAL CLAMMER HAD, QUIT IN FRUSTRATION AFTER HER MINUTES WERE CHANGED.
- -- PROGRESSIVE IDEAS HAVE ALWAYS BEEN MET WITH LACK OF SUPPORT OR IMMEDIATE REJECTION. NEW CONCEPTS OR PROGRAMS, ADVANCES IN GEAR OR ALTERNATE TYPES, AND EFFORTS TO SAVE WASTED TIME NEVER RECEIVE THE INVESTIGATION WE FEEL THEY DESERVE. THIS INCLUDES USE OF HYDRAULICS, SAIL RAKING, PEELER POUNDS, CRAB SCRAPING, RESTOCKING PROGRAMS, SIMPLIFICATION OF RELAY RULES, A WATERMANS LICENSE AND AS MENTIONED, SHELL STOCKING ON OYSTER BEDS. NOT ONLY IS MECHANICAL INGENUITY FOR BETTER WORKING CONDITIONS NOT FOSTERED, IT IS OUTLAWED BY OUR REGULATORY SYSTEM.
- -- CONTINUED RESTRICTION BY AND TOTAL LACK OF ENFORCEMENT HELP IN SUCCESSFUL PATROLLING OF RELAY LEASES AND CRAB POTS HAS BEEN BLATENTLY EVIDENT. IN

1984 OVER \$15,000 WORTH OF CLAMS WERE STOLEN OFF 2 RELAY LEASES, YET ENFORCEMENT AGENTS WHO HAD EVEN BEEN TOLD WHERE THE CLAMS WERE SOLD AND WHO WAS SUSPECTED OF POACHING, MADE NO ARRESTS OR CONVICTIONS AND MADE ONLY A TOKEN INVESTIGATION. I FEEL THIS SHOWS THE STATE'S LACK OF ENTHUSIASM FOR REAL ENFORCEMENT. THE MARINE ENFORCEMENT AGENTS WASTE OUR TIME WHILE THEY STOP AT MCDONALDS ON THE WAY TO THE RELAY LEASES TO USE OUR TRUCKS. THEY ARE SUPPOSE TO BE PUBLIC SERVANTS NOT THE OTHER WAY AROUND.

PLEASE BE AWARE THAT I HAVE NOT ONLY COME HERE WITH COMPLAINTS I HAVE ALSO COME WITH SUGGESTIONS. LET ME OUTLINE THEM:

1. I WOULD HOPE THE MARINE FISHERIES DEVELOPMENT COMMISSION WOULD SUPPORT THE IDEA OF <u>SPAWNER SANCTUARIES</u> WHICH HAS BEEN PROPOSED BY <u>Dr. Bonnie</u>

MCKAY, OF COOK COLLEGE.

WE FEEL THAT NOT ENOUGH CLAM SEED IS SETTING IN THE BAYS CAUSING THE DECLINE IN THE STOCKS. THIS WOULD HELP IN INCREASING OUR RESOURCE AND THE LOCAL ECONOMY.

- 2. WE URGE CONTINUED WORK ON THE UTILIZATION OF CRUSHED SHELL FOR OYSTER AND CLAM BEDS. THE SHELL IS AVAILABLE IN CAPE MAY FOR ONLY THE COST OF TRUCKING.

 MANY CLAMMERS AND OYSTERMEN WOULD EVEN BE WILLING TO FILL UP BURLAP BAGS

 AND TAKE THEM OUT TO BE DUMPED ON THEIR OWN LEASES, IF IT WAS ONLY

 AVAILABLE AT CENTRAL SPOTS.
- 3. WE WOULD APPRECIATE IF THE LEASING PROGRAM, WHICH HAS BEEN CLOSED FOR ALMOST TWO YEARS, WOULD BE REOPENED. THE STATE HAS ALLOWED LEASING IN THE PAST AND YET BECAUSE OF CONSTRAINTS ON THE BIOLOGIST WHO MUST DO THE INVESTIGATING IT HAS BEEN ALMOST TWO YEARS SINCE ANY BAYMEN CAN GO IN AND TRY TO LEASE BOTTOM.
- 4. WE WOULD APPRECIATE PROMOTION DOMESTICALLY OF OUR HARD CLAMS, OYSTERS,

CRABS, AND MUSSELS. MUCH MONEY HAS BEEN SPENT TO FOSTER THE EXPORT OF NEW JERSEY SEAFOOD OVERSEAS. THAT IS ALL WELL AND GOOD, HOWEVER, WE AT HOME WHO CAN'T AFFORD TO EXPORT WOULD LIKE TO MAKE A DECENT LIVING ALSO. WE WOULD THEREFORE CALL FOR AN IMMEDIATE INCLUSION IN THE JERSEY FRESH PROGRAM FOR OUR BAY SPECIES AND MORE MARKETING AROUND THE STATE.

- 5. WE WOULD LIKE TO USE THE ENFORCEMENT AGENTS TO POLICE OUR RELAY LEASES AND INVESTIGATE THEFTS, NOT CHAPERONE THE CLAMMERS. WE HAVE REALISTIC SUGGESTION THAT COULD FREE THEM FROM THEIR TIME IN NORTHERN MONMOUTH COUNTY SO THAT THEY COULD WATCH OUR LEASES AT OTHER TIMES.
- 6. WE WOULD APPRECIATE TECHNICAL SUPPORT FOR GEAR ADVANCEMENT INSTEAD OF GEAR REPRESSION.

Finally, many of you have seen me speak at the Shellfish Council and Task Force meetings and other meetings held by the state before. This calm manner of speaking is not my usual. It is only the deep concern that I have for the species in the bay and for the people who want to make a living in the bay that I am keeping my animosity at a minimum.

GOVENOR KEAN IN HIS ACCEPTANCE SPEACH HAD TWO MAJOR PROGRAMS THAT HE WILL CONTINUE THE FIRST ONE IS JOBS AND THE SECOND ONE IS IN THE ENVIRONMENT. WE WANT TO WORK!

WE WANT TO SUPPOT OUR FAMILIES. WE DO NOT WANT TO GO ON WELFARE. IF YOU ALLOW US SOME FREEDOM TO WORK AND KEEP THE BAYS CLEAN WE WILL NEVER BE A BURDEN TO THE STATE OF NEW JERSEY. WE WILL NOT BE A LIABILITY, BUT WE WILL BE ONE OF ITS BIGGEST ASSESTS.

THANK YOU FOR YOUR TIME ATTENTION AND HOPEFULLY POSITIVE CONSIDERATION

Examination of Northern Monmouth County Relay

Available working days

144 available days between June 1 to November 18 excluding Sundays and Holidays

- 14 Bad weather

130 Possible working days

Actual working days

22 June 1 to August 15

40 August 15 to November 18

62 Total

Therefore relayers only worked 50% of possible working days.

Average Daily Catches

30C Cherrystones @ .10 = 30.00

200 Chowders θ .08 = $\frac{16.00}{$211.00}$

\$241.00/day

Average Daily Expenses

Gas - Truck \$5.00

Outboard 4.00

Tolls 1.00

Lunch, Beverages 5.00 \$15.00

Workforce

Average - 30 men/day on relay at 2.5 days/week.

Projected - 50 men/day on relay if 6 days/week.

Examination of Northern Monmouth County Relay - Page 2

Benefit to State of New Jersey

at 2.5 days/week for June 1 to November 18 (62 days).

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$ 930. in expenses into New Jersey economy 14,942. in harvested clams $15,872. generated by each man X 30 men $476,160. into New Jersey economy
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If 6 days/week for same period (130 days)

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$ 1,950. in expenses into New Jersey economy 31,330. in harvested clams
33,280. generated by each man

X 50 men
$1,664,000. possible to New Jersey economy
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State of New Jersey lost approximately \$1.2 million.

This figure only examines the harvesters level of economy. This figure could be multiplied three or four times when expanded to the retail market or restuarants to almost \$4 million lost.

lm/1/12/84

Clam License Revenue

Present Commercial Recreational	2,500 X \$25.00 = 18,500 X 5.00 =	\$ 52,500. 92,500 \$145,000.
Proposed Commercial Recreational	2,500 X \$25.00 = 18,500 x \$25.00 =	\$ 52,500. 462,500. \$515,000.

Difference of \$370,000 for state shellfish enforcement.

My name is William J. Eisele, Jr., and I represent the DEP, Division of Water Resources, Bureau of Marine Water

Classification and Analysis (formerly called The Bureau of Shellfish Control), and we oppose the "Aquaculture Bill".

The primary function of my Bureau is regulatory. We operate under NJSA 58:24, and the National Shellfish Sanitation Program administered by the Federal Food and Drug Administration and the Interstate Shellfish Sanitation Conference.

Our goals and objectives are to protect the public health through the classification of the shellfish growing waters of the state. Through scientific means we determine which waters are safe to harvest shellfish and through the integrated programs of the Department of Health, the Division of Fish, Game and Wildlife, and the Department of Law and Public Safety oversee the utilization of shellfish from prohibited waters. This Aquaculture Bill purports that by moving those operations that deal with the commercial portion of the industry it will improve the industry. This supposedly will happen due to the friendly atmosphere of the Department of Agriculture. This seems short-sighted. New Jersey Shellfish regulatory agencies are recognized internationally as being progressive. As new technologies arise we have modified our regulations to ensure that while protecting public health we opened new means to utilize shellfish. We recognize that occasionally conflicts will arise between the promotional interest and the regulatory aspect of any industry.

This natural conflict is healthy and one of the strengths of the "checks and balances" side of our form of government. The consumer of the shellfish product needs to be represented by an independent regulatory agency. The lack of shellfish related illnesses being reported in the recent past has maintained public confidence and thus stabilized the market value of shellfish and shellfish products in this state. Unfortunately, this has not been the case nationwide, where in some areas shellfish markets have been devastated by outbreaks of illness attributed to shellfish. Widespread support for the current organization of New Jersey's shellfish regulatory agencies exists because commercial shellfishermen realize that consumer confidence in a healthy product is of primary importance and good for business.

Our source is primarily 106 matching funds.

Water classification is only a part of the function of the Bureau. The 1972 Federal Water Pollution Control (Clean Water) Act requires an integrated effort of the regulatory functions of the Division of Water Resources. Additionally over the years our role has expanded to include environmental issues as they relate to water quality. They include the following:

1. We review and prepare recommendations to the Division of Coastal Resources on CAFRA, WDP, and wetlands

applications.

- Provide collector support and analysis of samples for swimming beach monitoring program.
- 3. Provide support and analysis of samples for marine plankton bloom monitoring.
- 4. Provide analysis of potable water samples for state facilities.
- 5. Provide analysis of samples for Enforcement Element and others as DEP's southern regional laboratory.
- 6. Study of nonpoint source seasonal pollution/stormwater management as part of the Navesink River Project in cooperation with the Department of Agriculture, U.S. Department of Agriculture Soil Conservation Service and local municipalities.
- 7. Study of the impacts of seasonal disinfection with both the Delaware River Basin Commission and the Interstate Sanitation Commission.
- Support and analysis for intensive monitoring and ambient monitoring programs.

The Bureau also receives support from many sources within the

- DEP. These include the following:
 - 1. Enforcement of our regulations is in part from within DEP.
 - 2. Receive information and support in dealing with wastewater treatment plants from Water Resources Enforcement Element and toxic spills from ERCOM and Hazardous Waste Management.
 - 3. Receive support from Coastal Resources through their regulations restricting development in shellfish beds and development which would result in downgraded classification. Also funding support of the Marina Impacts Study.
 - 4. Receive support from the Bureau of Water Resources Management Planning through the environmental indexing program. Also funding support of the Marina Impacts Study.
 - 5. Receive support from the Bureau of Water Quality Standards and Analysis through their surface water quality standards and category one waters designation.

These examples reflect the close interaction of several DEP regulatory agencies which directly or indirectly affect shellfish water quality now or in the past and hopefully in the future.

Our shellfish growing waters are cleaner now than at anytime in the recent past. We have more special permit programs to utilize shellfish from Condemned waters and we are striving to deal with nonpoint source pollution and restrict coastal development and the citing of marinas in shellfish waters. These actions are not actions that can occur overnight but have to be developed and tested scientifically and legally. It is a process that cannot be accomplished through promotional agencies alone. It is a process that requires the industry, the regulatory agencies and the promotional agencies to all pull in one direction. I feel that mechanism already exists to promote the industry while protecting the resource and public health.

Thank you

COMMENTS ON A-2105

This bill establishes a Division of Aquaculture in the Department of Agriculture. The Department of Agriculture, through the Division of Aquaculture, is given full control and direction of the commercial shellfish industry, and the renewable public resource on which it depends.

The new Division is charged with the responsibility for the administration, regulation and promotion of the commercial shellfish industry. The Division is not given responsibility for the management of the shellfish resource for the use of all the citizens since it splits the commercial and recreational uses in two separate state agencies. The nearly 20,000 holders of recreational (resident, non-resident and senior) clamming licenses would still be under the rules and regulations of the Division of Fish, Game and Wildlife in the Department of Environmental Protection, while 3,000 part and full-time commercial shellfishermen would find their interests transferred to the Department of Agriculture.

The Department of Environmental Protection does not support this bill. Its worst effect would be to fractionate management of the state's marine resources without protecting or enhancing the value of the shellfish resource or materially benefitting the shellfish industry.

There is great need to manage all marine resources and maintain habitat quality for all the interdependent species in the ocean and the bays. In the long run, there is nothing to be gained by separate treatment of a part of the resource, as would result from passage of this bill. The same problems of an increased harvest in our coastal bay at a time when the available habitat for clams decreases, has to be faced by whatever agency has the responsibility to manage the clam resources.

The bill does not address a serious concern that affects all the users of the shellfish resource, namely enforcement. Over the years, since the establishment of the Marine Administration and the creation of the Bureau of Shellfisheries, in Fish, Game and Wildlife, we have been able to build a small but highly professional and competent Marine Enforcement Unit within Fish, Game and Wildlife. To separate the promotion and enhancement of the resource from the agency charged with protection and enforcement is to critically weaken the effectiveness of the force.

Since 1978, the commercial landings of hard clams in New Jersey has climbed steadily from a low of 804,640 in 1978 to almost double, 1,601,090 in 1984. The dramatic increase can be attributed to harvests from hard clam relay and depuration programs run by the Department of Environmental Protection. These figures are from the Coastal Bay Clam Resources Task Force Report, issued in October, 1985.

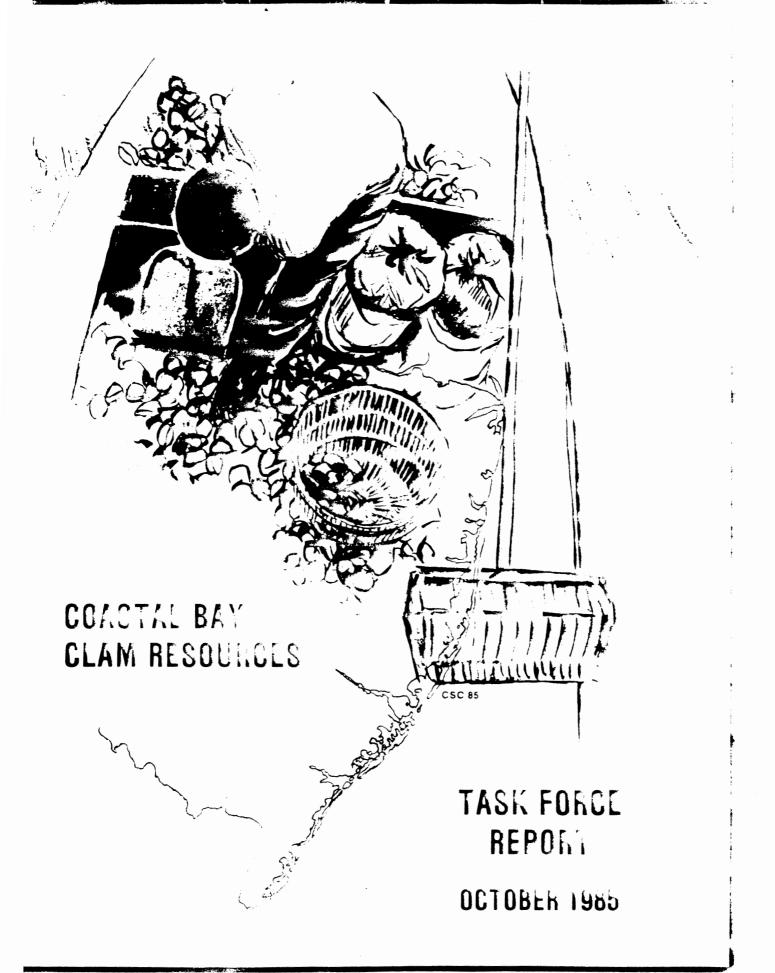
In the last six months, the Department of Environmental Portection has begun new initiatives in shellfish resource enhancement. Our involvement

in the Clam Spawner Sanctuary Project, in cooperation with members of the clamming industry, with Rutgers and with other interested state agencies, has resulted in the implementation of the first positive action to enhance the resource in over a decade. Success of this project will benefit not only the commercial clammers, but the many recreational clammers as well. The Department of Environmental Protection is interested in providing the commercial fisherman an opportunity to make a living on the bay, but has not lost sight of the value of one resource to recreational users and of their contribution to the state's economy. It would not serve any interest to disrupt the delicate balance between sport and commercial fisheries, by splitting them among two agencies.

Three advisory councils are created by the bill and assigned a broad range of policy-making duties. We question whether three councils will be able to function better than the two sections of the present shellfish council, whose members have a high degree of respect among the shellfishermen they represent, and who generally work well with the managers on policies, rules, regulations and management strategies. We question whether restructuring the councils would have a positive effect on the industry, or provide better representation for its members.

It is the position of the Department of Environmental Protection that it may be more productive to enact legislation implementing the recommendations of the recently completed Coastal Bay Clam Resource Task Force Report, to "create a Division of Mariculture within the Department of Environmental Protection, with the consultation of the Department of Agriculture, dedicated to the enhancement and promotion of the clam resource".

Comments submitted for the Department of Environmental Protection by the Division of Fish, Game and Wildlife, to be made part of the record of the meeting on A-2105 Hendrickson, held Wednesday, August 20, 1986 at Manchester Township Municipal Building, by the Assembly Economic Development and Agriculture Committee.



STATE OF NEW JERSEY

INTRODUCED FEBRUARY 8, 1982

By Assemblymen HENDRICKSON, VII.LANE, MARKERT, GORMLEY, WOLF, ROD, Assemblywoman MUIILER and Assemblyama DOYLE

Referred to Committee on Agriculture and Environment

- A JOINT RESOLUTION creating a " [Marine] " Coastal Bay Clam" Resources Task Force," which shall study and formulate policies designed to protect, preserve, enhance and promote the development of the "[commercial]" "bey" shellfish industry in this State, and which shall report its findings to the Legislature thereon, including recommendations for possible State action.
- 1 WHEREAS, The marine resources of the State are a living, renewable form of wealth capable of being maintained and greatly
- increased with proper management, but equally capable of de-
- struction if neglected or unwisely exploited; and,
- WHEREAR The shellfaheries resources of the State [including
- oysters, clams, and other shellfish.] " make a material contribution
- to our economy and food supply, as well as to the health, recre-
- ation and well-being of our citizens; and,
- WHEREAS, The conservation, enhancement and maintenance of
- 10 viable shellfisheries resources and their habitat, and the pro-
- tection, preservation, enhancement and promotion of the "[com-
- mercial] "bey" shellfish industry in this State are deemed to be 12
- in the public interest; and,
- 14 WHEREAS, These objectives are amenable to policy formulation and
- evaluation through the establishment of a task force to consider EXPLANATION—Matter enclosed in held-faced brackets [thes] in the above hill is not exerted end is intended to be emitted in the low.

Matter printed in Italies that is new matter, ther enclosed in asterishs or stars has been adopted as follows: *—Assembly committee amondments adopted March 15, 1982.

- 16 the ways and means to best effectuate the development of a
- 17 viable aquaculture industry in the State and the preservation of
- productive shellfisheries resources; now, therefore,
- Bo it apported by the Senate and General Assembly of the State
- *[1. There is created a commission, to be known as the "Marine
- 2 Resources Task Force," to consist of nine members, two of whom
- 3 shall be members of the Senate to be appointed by the President of
- 4 the Senate, two of whom shall be members of the General Assembly
- 5 to be appointed by the Speaker of the General Assembly, the Con-
- 6 missioner of Environmental Protection and the Secretary of 7 Agriculture who shall be members ax officio, and three of whom
- 8 shall be citizens and residents of the State to be appointed by the
- 9 Governor. No more than one of each group of two members
- 10 appointed to the task force by the President of the Senate and the
- 11 Speaker of the General Assembly shall be of the same political
- 12 purty. The group of public members shall include an environ-
- 13 mentalist from Cook College, Rutgers, The State University, and
- 14 two representatives of the commercial shellfish industry, who shall
- 15 be appointed by the Governor from among nominees proposed
- 16 by the New Jersey Clammers Association, Vacancies in the mem-
- 17 bership of the task force shall be filled in the same manner as the
- 18 original appointments were made ?"
- *1. There is created the "Coastal Bay Clam Resources Task
- 2 Porce", which shall comprise 16 members as follows: 4 nonvoting
- 3 members, including the Commissioners of Environmental Protec-
- 4 tion and Health, the Secretary of Agriculture, and the Chairperson
- 5 of the Atlantic Coast Shellash Council, or their designated repre-
- 6 sentatives; and 13 voting members, including two members of the
- 7 Senate of different political parties, to be appointed by the Presi-8 deut; and two members of the General Assembly of different
- 9 political parties, to be appointed by the Speaker; the Dean of Cook
- 10 College, or his designated representative; and seven public mem-
- 11 bers to be appointed by the Governor, fire of whom shall represent
- 12 the bay shellfish industry, no two of whom shall represent the same

- 13 industry organisation, at least one of whom shell represent the 14 distribution sector of the shellfish industry and at least one of whom
- 15 shall represent the processing sector of the shallfish industry. To
- 16 the maximum extent practical and feasible, the public members
- 17 shall be chosen so as to collectively provide wide geographical 18 representation.
- 2. The tack force shall organize as soon as may be after the 2 appointment of its members. The Governor shall select a chairman and vice-chairman from among its public members. The task force 4 may select a secretary who need not be a member of the task force.
- 3. It shall be the duty of the task force to: a. create Statewide awareness of factors and trends affecting the future of the marine
- 3 resources of the State and the continued viability of the commercial
- 4 shellfish industry in New Jersey; b. provide a forum through
- 5 which citizens may openly offer information and express their
- 6 views regarding present conditions and future propects; c. analyse 7 those matters, consideration of which is required for the develop-
- 8 ment in State Government of future oriented decision making
- 9 regarding the "[commercial]" "bay" shellfish industry, including
- 10 the efficacy of governmental deregulation thereof; d. evaluate, in
- 11 terms of sound business practices and economic vitality, the various 12 strategies and marketing principles conducive to the development
- 13 of a healthy transportation and shipping network in order to
- 14 assure a continuous and uninterrupted supply of fresh shellfish
- 15 produce to both New Jersey and interstate markets; a. formulate
- 16 and evaluate alternative ways and means to best effectuate the
- 17 development of a viable aquaeniture industry in the State and 18 the preservation of productive shellfisheries resources; and f.
- 19 resommend specific proposals for possible State action, including
- 20 any matters conducive to legislative consideration, and recommend
- 21 an agenda for realizing these proposals.
- 4. The task force, in carrying out its duties, shall assemble 2 information regarding present and anticipated economic, environ-
- 3 mental and logistical problems and opportunities within the *[com-
- 4 mercial] "boy" shellfish industry, conduct a participation and
- 5 information program for all citizens, and coordinate its activities
- 6 and research with other existing commissions, task forces or study
- 7 groups whether public or private, areated to address the problems
- 8 of marine and shellfisheries resources in New Jersey, and cause to
- 9 be prepared the results of its research and deliberations in mono-
- 10 graphs suitably detailed, categorising and enumerating its agenda 11 for action as its findings and conclusions dictate.
- 5. The task force shall be entitled to call to its assistance and
- 2 avail itself of the services of the employees of any State, county
- 3 or municipal department, board, bureau, commission or agency as 4 it may require and as may be available to it for this purpose, and
- 5 to employ counsel and stenographic and clerical assistants and
- 6 incur any traveling and other miscellaneous expenses as it may
- 7 deem successary in order to perform its duties and as may be
- 8 within the limits of funds appropriated or otherwise made available
- 9 to it for these purposes
- 10 The task force shall not expend any money, incur any liability,
- 11 or enter into any contract which, by its terms, involves the expen-12 diture of money for any purpose unless money has been provided
- 13 for that purpose. Any contract made in violation hereof shall be
- 14 void, and no moneys shall be paid thereon.
- 6. The task force shall be entitled to apply for and accept grants 2 of funds from the Federal Government, from private institutions
- 3 and from any other source.
- 1 7. The task force may meet and hold hearings at any place or
- 2 places as it shall designate during the sessions or recesses of the
- 3 Legislature. It shall make an interim report of its findings within
- 4 1 year following the effective date of this resolution and shall make 5 a flual report to the Legislature and the Governor of its findings,
- 6 conclusions and recommendations within 2 years following the
- 7 effective date of this joint resolution. The task force shall dissolve
- 8 upon the issuing of its final report.
- 8. This joint resolution shall take effect immediately.

EXECUTIVE SUMMARY COASTAL BAY CLAM RESOURCES TASK FORCE REPORT

The Coastal Bay Clam Resources Task Force was commissioned to "study and formulate policies designed to protect, preserve, enhance and promote the development of the bay shellfish industry in the state". The Task Force met ten times between February 1984 and March 1985. From discussions held at their meetings, the Task Force has produced this report.

NTRODUCTION: Treats the biology of the clam and the location and abundance of clams in New Jersey. The commercial clam fishery, 2,300 licensed clammers in 1984, harvested 1.6 nillion pounds of clam meat, with a dockside value of over \$4.8 nillion. Some 15,000 recreational licenses were issued in 1984. No harvest figures are available for this part of the fishery. The estimated total value of the commercial fishery to the economy of the state is between \$15 and \$17.5 million and based on curvey figures obtained during 1981, the recreational contribution to the state's economy is in excess of \$3 million.

RECOMMENDATIONS: (for enforcement)

- 1. Increase fines for illegal harvest of seed clams.
- Increase fines, institute jail sentences for condemned water violations.
- Increase enforcement of health regulations concerning sale of clams to certified dealers.
- Institution of a clam warden system within the marine enforcement unit of D.E.P.
- Increase clam license fees with increased revenue dedicated to enforcement and management of clam resource.

RECOMMENDATIONS: (for pollution control)

- Require City of Egg Harbor to tie into Atlantic County Regional Sewarage treatment plant. Possible tentative agreement.
- Investigation of reports of non-point pollution.
- Continue funding for NJ 208 projects and studies of prevention of non-point pollution.

RECOMMENDATIONS: (for regulatory changes)

- 9. Reduction of hard clay relay lease fee from \$50.00 to \$5.00.
- Support Assembly Bill No. 128 to protect commercial dock space by tax abatement.
- Create a Division of Mariculture within the Department of Environmental Protection with the consultation of the Department of Agriculture, dedicated to enhancement and promotion of clam resource.

RECOMMENDATIONS: (for marketing)

- Develop a "Jersey Fresh" marketing program for clams, along the lines of the agriculture promotions for farm produce.
- 13 Include clams in produce offered at farmers markets in the Meadowlands and in Camden.

RECOMMENDATIONS: (for biological enhancement)

14. Protection and management of clam populations in naturally productive areas.

Coastal Bay Clam Resources Task Force

Voting Members

Kirk Conover, Chairman Dr. Harold Haskin James Jenks Newman Mathis Stuart Tweed George Kovaleski Jack Parsons Frank Randall

Non Voting Members

John Hendrickson, Assemblyman Thomas Pankok, Assemblyman Bruce L. Freeman, Dept. of Environmental Protection Nils Stolpe, Dept. of Agriculture Kenneth Kolano, Dept. of Health

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INTRODUCTION

The Coastal Bay Clam Resources Task Force was commissioned to bring together all the various parties who have ar interest in New Jersey's production of clams from the bay. There is a long history of interaction between independent clammer and state resource managers and regulators at Shellfish Coardill meetings. The Clam Task Force brought together member from state government, baymen and clam dealers to give further opportunity to exchange ideas and to understand the problems confronting them all. The Coastal Bay Clam Resource Task Force was created by AJR-21, introduced on February 8, 1985 by Assemblyman John T. Hendrickson and co-sponsored by Assemblymen Villane, Market, Gormley, Wolf, Rod, Assemblywoman Muhler and Assemblyman Doyle and approved by the Governor on November 1, 1982.

COASTAL BAY CLAM RESOURCE TASK FORCE REPORT AND RECOMMENDATIONS

The task force first met in February of 1984. Since then, many hours have been spent discussing a great many topics. Information has been received from the scientific community, the shell fishermen, and concerned citizens. There has been a thorough debate on the various topics, excluding no one and all ideas and concepts were given serious consideration.

The stated purpose of this task force is to identify the conditions which may hinder the hard clam resource and future production from this resource. A parallel mission of the task force is to explore ways in which the productivity of the bay and of the individual shell fisherman can be improved.

The Resource

The hard clam, **Mercenaria mercenaria**, is found in virtually every estuary in New Jersey where the salinity is regularly above 15 parts per thousand (ppt.). It inhabits all types of substrate but appears to be most abundant in areas with a mixture of sand, mud, and shell or gravel. This phenomenon occurs from the intertidal flats to depths of over thirty feet. The hard clam always attempts to burrow into the substrate and retains this ability throughout its entire life.

The hard clam becomes sexually mature within the first year or two of life. Spawning occurs in the spring, usually June, stimulated by a rise in water temperature. Eggs and sperm are released into the water where fertilization occurs. The fertilized eggs develop into free swimming larvae which drift as plankton with the prevailing currents for about two weeks, after which time they settle to the bottom or set. Initially, they attach by an abyssus thread and then burrow into the substrate. Although capable of locomotion throughout their life, they do not usually move very far from when they first set.

Growth is dependant upon a number of environmental factors such as: salinity, temperature, current, and food availability. As a result, growth of clams from different areas may vary considerably. However, as a general rule of thumb clams probably reach littleneck size at an age of 2% - 3 years, cherrystones at 4-4½ years, and chowders at 8 years of age. Hard clams may live to be 20-35 years during which they may attain a size of 5% inches in length.

Although large hard clams are relatively resistant to predation, numerous organisms prey upon newly set clams and juveniles. The principal predators include blue crabs, horseshoe crabs, whelks, moon snails, drills, starfish, and fish such as sting rays and black drum. The blue crab is by far the biggest threat to aquaculture of hard clams in New Jersey. Experience has shown that planting of juvenile clams in the bay without some type of protection from these predators will most assuredly result in failure.

Hard clams like other bivalve mollusks are known as filter feeders. Hard clams use their siphons for the purposes of feeding, respiration, and waste removal. Water carrying oxygen and microscopic food particles is pumped through the incurrent siphon. The food particles are transported along the gills to the mouth where they are ingested. Waste products are discharged through the excurrent siphon.

This method of feeding may cause problems when the clams are located in polluted water. The clams have a tendency to concentrate pathogenic organisms and other contaminants present in the surrounding water. This represents a serious health threat to humans who may consume these tainted clams. New Jersey has a program established to test shellfish growing waters. Harvesting of shellfish is prohibited in any areas found to be polluted.

Although hard clams are found throughout New Jersey estuaries, the primary commercial and recreational fishing is concentrated from Barnegat Bay south to Great Egg Harbor. This comprises the majority of the area available to direct market harvest because of the relatively small amount of condemned water.

A considerable hard clam resource is also present in moderately polluted areas of Raritan and Sandy Hook Bays, and the Navesink, Shrewsbury, Shark, and Manasquan Rivers. Not a great deal is known about the hard clam resource in Cape May County or Delaware Bay. To date, no commercial hard clam fishery exists in Delaware Bay although there is a great deal of acreage with approved water quality which is not currently in oyster production.

Two programs that are currently in operation to utilize the hard clam resource from moderately polluted areas are the relay and depuration programs. Both programs make use of the clams' natural cleansing mechanism to purge harmful bacteria. When a clam is removed from condemned water and placed in an area of good water quality, the harmful bacteria will be eliminated.

The primary difference between relay and depuration is the length of the cleansing period. In the relay program clams are transplanted to areas with good water quality and allowed to purge themselves. The cleansing period is 30 days. The relay program has been in operation in New Jersey since 1970. It has proven to be an effective means of providing for the utilization of a resource that would have otherwise not been available. Over 70 million clams have been utilized through the relay program. The hard clam depuration program was initiated as a pilot program in the early summer of 1983 and is another method to utilize hard clams from moderately polluted water. In the depuration program hard clams are placed in tanks and flooded with purified water of controlled temperature, dissolved oxygen, and flow rate for 48 hours. During this period the clams purge themselves of bacterial contaminants.

New Jersey estuaries support both an important commercial and recreational fishery for the hard clam, Mercenaria mercenaria. In 1984 over 2,300 commercial and 15,000 recreational licenses were issued. The commercial harvest estimated by the National Marine Fisheries Service (NMFS) for 1984 was 1.6 million pounds of meat with a dockside value in excess of \$4.8 million.

Although NMFS has been collecting landing data on all commercial fisheries since 1939 there is a popular belief among knowledgeable people in the industry that the reported landings are substantially lower than the actual harvest. This can be explained by the independent nature of the fishermen.

In 1981 the Bureau of Shellfisheries of the Division of Fish, Game and Wildlife conducted a survey of licensed shellfishermen. The response by interested shellfishermen, with some 56 percent responding, indicated a sincere interest in the fishery. The commercial hard clam landings estimated from this survey were 45 million clams which was 52.1 percent greater than the landings reported by NMFS for the same period. If one was to assume that the NMFS landings are consistently off by this percentage, the 1984 hard clam landings would be closer to 2.5 million pounds of meat with a subsequent dockside value of 6.7 million. Using an income multiplier of 2.5 - 3.0 the total value of the commercial hard clam fishery to the economy of the state is between \$15 and \$17.5 million. It is felt by some professional shellfishermen that even these figures are greatly underestimated.

Although of lesser economic importance, the recreational hard clam fishery is also substantial. In the 1981 survey the recreational harvest of hard clams was estimated at 23 million clams or approximately half of the commercial harvest. Conversely, the effort expanded in terms of man-days of shellfishing activity was twice as great as that expended by the commercial shellfishermen. A 1980 national survey of sport fishermen estimated the recreational saltwater hook and tine fishery to have a

value of nineteen dollars (\$19.00) per man-day. If one were to apply this value to the recreational hard clam fishery, the contribution to the economy of the State in 1980 was approximately \$3.4 million. No additional surveys have been conducted by the Bureau of Shellfisheries since 1981 to determine if recreational activity has increased or decreased. The license sales have remained fairly constant, so for the purpose of this discussion we can assume that activity has remained fairly constant.

Taking into consideration both the commercial and recreational value of the hard clam fishery, the total 1983 value to the economy of the State is somewhere in the neighborhood of \$15.9 to \$18.4 million. This is considerably more than the value estimated using solely NMFS figures. As previously mentioned, it is the consensus that even these estimates are very conservative. To be able to have a more accurate estimate of the landing statistics it will be necessary to develop a better reporting system for both commercial and recreational landings.

This report addresses five major areas of concern; law enforcement, pollution, regulation, marketing, and biological enhancement.

RECOMMENDATIONS

A. LAW ENFORCEMENT

The first recommendation of the Clam Task Force regarding law enforcement is that the penalties be raised for the harvest of seed clams from a \$25.00 fine to a \$100.00 minimum fine for the first offense and \$2.00 per clam. Further, that there be a \$200.00 minimum fine for the second offense, plus \$2.00 per clam. The only exception to these penalties would be for state authorized transplant programs in areas to be dredged for navigation purposes.

The reasoning behind such stiff fines and the commitment to enforce them is that seed clams are the basis for the natural cycle. If the seed is continually removed from the bay, you will not have clams reaching maturity to spawn. With the reduction of mature clams for spawning, there obviously will be a decline in the population. This is something that the task force does not wish to encourage.

The second area of penalties which we have made recommendations for deals with condemned water violations and overall shellfish penalties in general. It was pointed out in a Food and Drug Administration Report that the average shellfish fine is approximately \$25.00. The Task Force finds this is to be wholly inadequate considering the consequences of most shellfish violations. For example, a clam taken from condemned waters can cause an outbreak of hepatitis, which for a time, virtually ends the marketability of New Jersey clams. It is of utmost importance that we maintain the integrity of the New Jersey clamming industry. The most effective way to maintain our quality standards is to have adequate fines for violators.

We, therefore, have two recommendations; first, a minimum fine of \$250 be established for first offense condemned water convictions. In addition, the violator's clam license shall be suspended for 30 days on first offense and 6 months on a second offense. Consideration should be given to returning such fines to the Bureau of Shellfisheries for biological enhancement and/or enforcement programs. Second, we recommend that the Chief Justice of the State of New Jersey inform all municipal judges about the seriousness of shellfish violations and their effects on public health. We also recommend that the Chief Justice discourage municipal judge leniency towards violators and strongly recommend the imposition of higher penalties.

Another area that needs to be addressed is the illegal sale of clams to restaurants by parties other than certified shellfish dealers. The Task Force recommends that additional enforcement by the Department of Health on a local level is needed.

Restaurant owners should be responsible for proof of legal purchase of hard clams and if proof is not produced, strict penalties be assessed, possibly the closing of the restaurant for a specific period of time. The Task Force recommends that the New Jersey Department of Health set up an organized system whereby the various county health departments are also involved in the enforcement of this law. The testing of depurated clams should be done only by a government owned and operated laboratory. The current practice of allowing private labs to do this work should be halted. Furthermore, no out-of-state polluted clams should be imported to depuration plants or transplant lots due to the lack of control over the quality of waters and the diseases which could be present.

The final recommendation of the Task Force regarding law enforcement, is that a shellfish warden system be put into place within the current natural resource organization. The problem with the system as it exists today is that there are too few men with too many diverse laws to enforce in a large area. The Marine Police are charged with enforcing a myriad of laws in addition to shellfish laws. The DEP's enforcement personnel, who are few in number, have to cover a great distance in their enforcement efforts. What we are proposing is that shellfish wardens be established in each county that contains shellfish beds. These wardens would be thoroughly trained law enforcement personnel with full police powers. They would be assigned a specific territory for which they would be responsible. The rationale is that by assigning the individuals specific territories they will come to know who are legitimate clammers and who are not. We believe that this system will not only reduce the illegal harvest of clams from condemned waters, but will go a long way towards reducing the poaching that occurs on privately leased shellfish

In addition, there is great concern about recreational clammers taking clams illegally and exceeding their limits. The shellfish wardens would be able to spot any recreational clammers simply because they would be familiar with the legitimate commercial clammers who work in their territory.

The implementation of a shellfish warden system requires, by nature, additional personnel. We recognize that additional personnel and training requires additional equipment, and, therefore, requires funding. We have looked at several different alternatives to fund the additional enforcement personnel. Ideally, the Task Force felt that there should be one uniform license fee for both commercial and non-commercial clammers. We feel the recreational clammers are flouting the 150 clam limit and by paying for a license at a commerical level it would eliminate one very difficult law to enforce. It would also raise much more revenue since a recreational clammers license is currently \$5.00 and the commercial license is \$25.00. Although this appears to be a great increase, one would now have to pay more than \$25 to go out and buy 150 clams. Therefore, the value of a license can be attained within a few days on the bay. There is also an element of simplification here: it simplifies the law enforcement task, it simplifies the regulatory task, and the main benefit would be additional revenue.

During the course of our hearings, we have recognized that establishing one uniform license fee will be very difficult to achieve legislatively. Therefore, if we must accept different fees for commercial and recreational licenses, we recommend that they be \$13 - \$25 for a recreatonal license, no charge for juveniles 13 years of age and under, \$26.00 - \$40 for non-resident recreational and \$50 - \$90 for resident commercial licenses. Non-residents should not be permitted to harvest clams commercially. The current 150-clam limit shall remain in effect on all recreational licenses. All proceeds should be dedicated strictly to the enforcement of shellfish regulations and biological enhancement. It has become apparent that the major concern of all clammers, who are truly dedicated professionals, is the lack of law enforcement of such critical laws as condemned waters, violations, poaching, and illegal harvest of clams by unlicensed people and out of state residents. We recommend a three-year

review of the funding needs for enforcement. We must insure that a balance is struck between the current condition and zealous overregulation.

The commercial clammers who have testified at our hearings have indicated that they would be more than willing to pay higher license fees if they are assured that the money would go towards enforcement personnel. Another method of raising revenue to benefit the department is the landing fee. The Task Force is united in its opposition to this concept. The landing fee not only will be difficult to collect and difficult to enforce, but will encourage those clammers who not operate outside the certified shellfish dealers system to further circumvent the law. It would actually give a financial incentive for a clammer to sell directly to restaurants or markets. This would be in total defiance of the stated purpose of the shellfish dealers system.

B. POLLUTION CONTROL

The number one threat to the existence of the hard clam industry of New Jersey is, and always will be, pollution of the estuarine waters. Much of the pollution caused by septic tanks and sewage runoff in the past has been corrected with the advent of regional sewage treatment. There are still areas along the coast that need great improvement in the treatment of their sewage. The Clam Task Force is recommending that the Governor and DEP take a firm stand with the City of Egg Harbor in regards to their sewage treatment plant. We recommend the City of Egg Harbor tie into the Atlantic County Regional sewage treatment plant. The County trunk line already ties into South Egg Harbor which would simplify the connection for the City.

Further, we recommend immediate investigation of non-point source pollution such as the upper Barnegat Bay by New Jersey Transit at Bay Head railroad loop. In general, we recommend that all urban and suburban areas within proximity of the bays or major tributaries to the bays be sewered and hooked into a regional treatment facility. Furthermore, we recommend that no outfall on these regional sewage plants be directed to the bays. All outfall pipes should go into the Atlantic Ocean.

Secondly, we recommend that funding be continued for the New Jersey 208 projects and that a study be conducted to determine the best way to control non-point source pollution. It is also felt that this study should discuss the cumulative effect of development as it relates to an increase in pollution. An individual project may not pollute in any great degree, but several projects together may create a cumulative polluting effect on the bay. We feel that the state regulatory system is not geared to the regional effect of many individual developments that may have their own separate approvals.

C. REGULATORY RECOMMENDATIONS

During the course of our work, we also found some regulatory changes that should be made. The first recommendation is that the current \$50.00 fee paid for relay leases should be changed to a minimum fee of \$5.00 and that the ground be leased at the same rate as other leased ground. These grounds do not appear to be different from any other leased ground. The harvester still has to work as hard.

The second recommendation is that the Governor support Assembly Bill No. 123, which protects commercial dock space.

Around the state we are losing dock space used for commercial purposes simply because its value to real estate developers is higher than its value as a docking facility. What Assembly Bill No. 128 proposes is that dockage facilities used for commercial fishing of any kind be treated similar to agricultural land as far as taxation. Many dock owners are forced to sell the property because the taxes become so high, due to its development value. With a program of tax abatement, we have hope that this would save much of the dockage for commercial purposes.1

The final recommendation of the Clam Task Force in the regulatory areas has to do walk as structure of the DEP. We are recommending that a new division within the Department of Environmental Protection with an experiment of Environmental Protection with a second control of the Environmental Protection with the Environmental Protection with the Environment of Environmental Protection with the Environmental Protection with the Environment of Environmental Protection with the Environmental Protection with the Environment of Environmental Protection with the Environmental Protection with the Environment of Environmental Protection with the Environment of Envi ulture be created, called the Division of Mariculture. This division would have a scientific and biological mission. We have found that there has been a great admiration for the role the Department of re univer-Agriculture plays with the framing com sally perceived as a positive influence to the same cannot be said for the relationship between the same that the same cannot be said for the relationship between the same that the same cannot be said for the relationship between the same that the same t DEP. Although there are many individuals who continually promote positive actions within the DEP, there analysts nature, many negative responsibilities in the regulators have enforcement area. Our idea is to have a division where everyone is working to enhance the industry. We must emphasize that the purpose of this new division is to apply technology and research to the salt water areas only with adequate levels of funding. It should be further noted that the Task Force recommends that a formalized channel between this division and the Department of Agriculture be established.

'On this point, I would like to make my own personal recommendation. As Chairman of the Clam Task Force, I have long been an advocate of establishing Marine Enterprise Zones. I have seen areas accessible to the water-ways continually developed into residential usage. I believe that this trend must be moderated or stopped and one way to accomplish this would be to establish Marine Enterprise Zones whereby commercial fishing facilities would be encouraged by a series of tax abatements and other financial incentives.

D. MARKETING

We realized that we would need a solid market for the product to ensure long term stability. We had lengthy discussions with the Department of Agriculture about the success of their "Jersey Fresh" promotional program for New Jersey agriculture commodities. This was met with some enthusiasm and the discussion moved into how the clamming industry can participate in this program. Our first recommendation is that the Departments of Agriculture and Commerce develop a plan to inform all the shellfish dealers about the "Jersey Fresh Program" and to develop a plan to implement the same type of marking program for clams that exist for agriculture commodities. It is important to realize that "Jersey" clams not only are fresher by the mile, but are distinctively different from clams harvested in other areas of the country. However, they are sold to the major shippers in Philadelphia with no product differentiation. The "Jersey Fresh Program" will greatly enhance the produce identification and perception of New Jersey clams throughout the

Our final recommendation regarding marketing concerns the Hackensack Meadowlands. We strongly recommend that clams be included in the farmers markets in the Meadowlands and in Camden when they are completed.

E. BIOLOGICAL ENHANCEMENT

In the meetings of the Hard Clam Task Force there has been some discussion of the question of enhancement of the harvest by various means. In this discussion it has been implied that the harvest has declined seriously since earlier years. It is relevant then to review the known history of landings and, if enhancement is to be attempted, to set a goal that is reasonable in the light of past history. Scanning nearly a century of hard clam landing information for the state of New Jersey from 1889 to 1983 (Figure 1) it is apparent that reported annual landings have been highly variable from year to year with 3 peak years about the turn of the century averaging about 41/2 million pounds of clam meats. After low years of less that a million pounds annually from about 1910 to 1927, production rose rather steadily to about 5 million pounds in 1948-49, followed by a steady decline to about 1 million pounds in the late 70's and early 80's. An over-all average production for the century would approximate 2 million pounds. If the landing figures are credible, one can conclude that a goal to stabilize production at about 2 million pounds annually is reasonable and may be attainable. This conclusion, of course, also implies that the decline from the minor peak of approximately 3 million pounds in the late 60's is not the result of irreversible destruction of habitat.

At the conversion factor of 10 lbs. of clam meats per bushel, the 2 million pound goal would equate to a commercial harvest of 200,000 bushels. This points to some skepticism on the reliability of the statistics among some reputable dealers and clammers who claim that currently clams in major producing areas are "as abundant as ever".

It should be noted that even though clam production has declined in the last thirty years or so, the price has risen steadily so that the value of the landings has been at all-time highs in recent years (Figures 2 & 3).

In considering possible ways and means of increasing and stabilizing production of clams there are some general observations to be kept in mind. First, natural setting and/or survival of set in our estuaries is highly irregular and totally unpredictable. For example, when most of the back bays of Cape May County were open to clam harvest a given sound or bay might have a significant surviving set every 10 years or so. For a period of several years many clammers might harvest in Jarvis Sound, then find a good population in Great Sound and congregate there for several years, then move on to Richardson Sound, etc. Whether this pattern resulted from sporadic setting or from great variability in survival or some combination thereof is not known. The same sorts of observation have been made all along the New Jersey coast. On the other hand there is a limited number of areas where clammers could work year after year with apprently regular recruitment to harvestable stock. Among these were sections in the closed polluted waters of New Jersey such as the Raritan Bay, Sandy Hook Bay, the Manasquan River, Shrewsbury River, Navesink River, Shark River and Great Bay which have an abundant stock of clams. Clam populations in these especially valuable areas and in other key areas should be protected (managed) to maintain their high level productivity.

Second, more generally, it should be recognized that the level of production of clams is closely related to the maintenance of minimal levels of standing stocks. Wise management of clam stocks will require an up-to-date inventory.

Third, the point has been made in earlier discussions, and the Task Force has voted to discourage those who have thought it advisable to broadcast small, hatchery-reared hard clams juveniles in public waters. Experience in many areas by many workers has shown repeatedly that in unprotected plantings losses to predators are unacceptably high. Success in utilization of hatchery stocks requires good husbandry practices in care of set and protection from predators. Seed from commercial hatcheries is available in abundant supply for clammers who wish to try rearing on small leases — without the expense of

setting up a hatchery operation (current quotations — sizes 8 to 11 mm, \$18/1000; 2 to 8 mm, \$9/1000; less than 2 mm, \$0.75/1000)

In general summary; for maximum production of natural clams, it is urged that the populations of clams in especially valuable, key areas be carefully protected (managed) against destructive levels of harvest whether for relay, or direct sale; that all suitable hard clam habitat be protected against any further destruction or degradation by dredging, gross pollution, marsh development, etc.; and that real data be gathered and maintained current on stock inventory and landings.

NEW JERSEY HARD CLAM LANDINGS

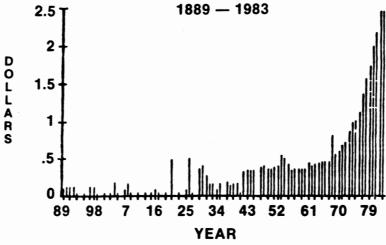
1960 - 1983

	Pounds Harvested	Dollar Amts	
1960	2,501,580	\$ 882,377	
1961	1,687,500	732,601	
1962	1,338,590	536,211	
1963	1,584,400	634,352	
1964	1,891,300	819,215	
1965	1,873,200	860,158	
1966	2,659,085	1,221,041	
1967	2,877,700	1,292,072	
1968	2,525,200	1,213,190	
1969	2,244,780	1,230,999	
1970	2,552,620	1,530,368	
1971	1,451,110	1,655,085	
1972	2,195,733	1,579,028	
1973	1,893,665	1,640,505	
1974	1,741,000	1,799,312	
1975	1,620,252	1, 651,84 8	
1976	1,492,230	1,687,9 63	
1977	1,067,770	1,454,114	
1978	804,640	1,266,473	
1979	898,310	1,566,882	- . ~
1980	845.380	1,694,974	
1981	922,400	2,015,603	
1982	950.840	2,342,504	
1983	1,333,730	3,28 7,679	
1984	1,601,090	4.265,798	エラ

Source: National Marine Fisheries Service



PRICE PER POUND, HARD CLAM MEATS



*This chart must be equated to 1979 Inflationary Dollars (Value of the Dollar in 1952 compared to the value of the Dollar in 1979)

