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### **Statement of NY/NJ Baykeeper on NJ A3944/S2617 Shellfish Bill**

"NY/NJ Baykeeper commends primary bill sponsors Assemblyman Carmelo Garcia (D-33), Senator Gerald Cardinale (R-39) and co-sponsors for their dedication to New Jersey's waterways, resulting in the passage of [A3944/S2617](#). We look forward to working with the New Jersey Department of Environmental Protection (NJDEP) to improve current Shellfish Rules that will strengthen our coasts," said **Debbie Mans, Baykeeper and Executive Director, NY/NJ Baykeeper**. "If signed by Governor Christie, A3944/S2617 will require NJDEP to revisit Rules within one year after adoption to provide improved and expanded research and restoration opportunities based on comments from a community engagement process. Current Rules leave thousands of acres of water prohibited for oyster research and restoration use and require 24 hours a day, 365 reef patrolling."

"Oyster reefs are able to strengthen coasts by adding a natural protective barrier against flooding and erosion. After Hurricane Sandy, it became clear that coastal resiliency should have become an immediate priority. However, NJDEP's 2010 ban on shellfish restoration activities made efforts nearly impossible. If we're getting serious about becoming "Stronger than the Storm," New Jersey must catch up to New York in using these powerful species along vulnerable communities," said **Meredith Comi, Oyster Restoration Program Director, NY/NJ Baykeeper**. "Going forward, we still advocate for a complete reversal of NJDEP's 2010 ban. To protect our coastal areas, the opportunity to build resiliency projects in all our waters should be a no-brainer."

**Background:**

Oysters once thrived in the NY-NJ Harbor Estuary, but overharvesting, pollution and sedimentation of reefs resulted in a sharp population decline. There is no longer a sustainable oyster population in our area today. For over a decade NY/NJ Baykeeper has been the lead nonprofit organization conducting important oyster research in NY-NJ Harbor Estuary, partnering with Rutgers University in New Jersey and with nearly 20 different federal, state, city and nonprofit partners in New York.

Baykeeper had previously successfully managed two oyster reef projects in New Jersey - one in the Navesink River in Red Bank and the second in the Keyport Harbor. Unfortunately, both projects were shut down due to the New Jersey Department of Environmental Protection's (NJDEP) decision in 2010 to ban research, restoration, and education projects using oysters in contaminated waters or waters classified as "Restricted" or "Prohibited" for shellfish harvest. DEP's reasoning behind the ban was to minimize the risks of illegally harvesting or poaching our shellfish. However, our projects weren't visible to the public and not easily accessible to unlikely poaches. Our reefs were a few feet under water and weighed down in cages.

Despite offering several different solutions to NJDEP, including offering to install security cameras and assist NJDEP with patrolling, NY/NJ Baykeeper research projects were destroyed.

NJDEP's shellfish monitoring program has been underfunded for several years, leading to serious deficiencies in NJDEP's program as identified by FDA, including:

- No permit for aquaculture activities in NJ
- National Shellfish Sanitation Program (NSSP) Model Ordinance not included in NJDEP rules

- Continued staffing issues will most likely result in NJDEP being out of compliance in patrol frequencies in the near future.

### **About NY/NJ Baykeeper**

NY/NJ Baykeeper is the citizen guardian of the NY-NJ Harbor (Hudson-Raritan Estuary.) Since 1989, we've worked to protect, preserve, and restore the environment of the most urban estuary on Earth – benefiting its natural and human communities. Through our Estuary-wide programs we seek to end pollution, improve public access, conserve and restore public lands, restore aquatic habitats, encourage appropriate and discourage inappropriate development, carry out public education, and work with federal and NY/NJ state regulators and citizen groups as partners in planning for a sustainable future for the Hudson-Raritan Estuary watershed. To learn more, click [here](#).

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