

50:1-23 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA 50:1-23 et al. (Delaware Bay--oyster beds--permit leasing of certain lands)

LAWS 1981 CHAPTER 62

Bill No. S3106

Sponsor(s) Zane

Date Introduced Feb. 19, 1981

Committee: Assembly -----

Senate -----

Amended during passage Yes No Substituted for A3163 (not attached since identical to S3106)

Date of Passage: Assembly Feb. 19, 1981

Senate Feb. 19, 1981

Date of approval March 5, 1981

Following statements are attached if available:

Sponsor statement	Yes	<del>No</del>
Committee Statement: Assembly	<del>Yes</del>	No
Senate	<del>Yes</del>	No
Fiscal Note	<del>Yes</del>	No
Veto Message	<del>Yes</del>	No
Message on signing	Yes	<del>No</del>

Following were printed:

Reports	<del>Yes</del>	No
Hearings	<del>Yes</del>	No

6/22/81

SENATE, No. 3106

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 19, 1981

By Senator ZANE

(Without Reference)

AN ACT concerning oyster lease grounds in Delaware bay and amending certain sections of the statutory law.

1 BE IT ENACTED by the Senate and General Assembly of the State  
2 of New Jersey:

1 1. R. S. 50:1-23 is amended to read as follows:

2 50:1-23. The Shell Fisheries Council may lease to applicants  
3 therefor any of the lands of the State under the tidal waters  
4 thereof, to be exclusively used and enjoyed by such lessee for the  
5 planting and cultivating of oysters and clams; except that no lands  
6 shall be leased above the southwest line in the Delaware bay,  
7 **[nor]** as defined in R. S. 50:3-11, except in Section E which  
7A shall consist of all area within the boundaries described herein:  
8 Beginning at a point (X=1820400) (Y=146800) said point  
9 being Channel Buoy R"32" and corner #1 of said section and  
10 running thence N 28°-14'-14.2" E 6612.18 feet to corner #2  
11 (X=1826233) (Y=149914); thence S 56° 32'-38.4" E 33401.27 feet  
12 to corner #3 being also corner #1 lot 530 section D leased oyster  
13 ground lot (X=1854100) (Y=131500) located on or near the  
14 southwest line. Thence along the southwest line S 55°-16'-29.1" W  
15 19222.67 feet to old Crossledge Lighthouse foundation being corner  
16 #4 of the section (X=1838301) (Y=120550); thence N 16°-02'-14.0"  
17 W 17740.41 feet to corner #5 being also BR "WR" buoy marking  
18 a wreck in the bay (X=1833400) (Y=137600); thence N 42°-42'-  
19 33.7" W 3538.36 feet to a point in Delaware Bay being corner #6  
20 of section E (X=1831000) (Y=140200); thence S 70°-17'-31.3" W  
21 7116.88 feet to corner #7 being a point on the east side of the Main  
22 Ship Channel in Delaware bay (X=1824300) (Y=137800); thence  
23 N 23°-25'-43.3" W 9818.67 feet to corner #1 the place of beginning.  
24 Nor shall any lands be leased in any creek tributary to Delaware  
25 bay, nor any lands under the waters of Delaware bay southwesterly

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

26 of a line beginning at a point (x=1,929,827.93) (y=87,182.61) on  
 27 the shore of Delaware bay in Cape May county, said point being  
 28 about 2,000 feet south-southwest of Gus's Beach, and running  
 29 thence N 67°-38'-05.3" W 21,127.33 feet to a corner (x=  
 30 1,910,289.35) (y=95,221.74) said corner being on the line running  
 31 from Dennis Creek Rear Range Light to Brandywine Lighthouse,  
 32 nor the beds at the mouth of the Tuckahoe and Great Egg Harbor  
 33 rivers, nor the graveling beds at the mouth of Mullica river,  
 34 Parker's beds in Parker's cove, Forked river beds, Cedar creek  
 35 beds and Sloop creek beds in Barnegat bay, nor any lands under  
 36 the waters of the Mullica river above a line extending in a westerly  
 37 direction from the south end of Deep Point; provided, however,  
 38 that leases may be granted for lands heretofore leased in said area  
 39 in the Mullica river, and except that no lands which lie under the  
 40 waters of the Navesink or Shrewsbury rivers, shall be leased for  
 41 the planting and cultivating of oysters.

1 2. R. S. 50:2-7 is amended to read as follows:

2 50:2-7. All oysters, oyster shells and other material dredged,  
 3 tonged or in any manner raised or taken from any of the beds and  
 3A grounds above what is known as the southwest line in Delaware  
 4 bay, *except in that area known as Section "E" as defined in R. S.*  
 5 *50:1-23*, or from any natural oyster bed or ground, shell bed or  
 6 reef, where oysters naturally spawn and grow under the tidal  
 7 waters of the State, shall be culled as soon as the same are emptied  
 8 out of the tongs or dredges on the culling board, conveyor, culling  
 9 device, or deck of the boat or vessel employed for the purpose, and  
 10 before the same are shoveled back from the culling board or portion  
 11 of the deck used for emptying the tongs or dredges.

1 3. R. S. 50:3-7 is amended to read as follows:

2 50:3-7. No person shall use any dredge for the purpose of catch-  
 3 ing or taking oysters or clams from any of the natural beds or  
 4 grounds in Delaware bay or Delaware river above the line running  
 5 direct from the mouth of Straight creek to Cross Ledge lighthouse,  
 6 commonly known and hereafter referred to as the "southwest line",  
 7 *except in that area known as Section "E" as defined in R. S. 50:1-23*,  
 8 the tooth bar of which dredge measures more than 54  
 9 inches across from center of bolt hole to center of bolt hole where  
 10 the frame thereof is fastened to the tooth bar, or any dredge which  
 11 measures more than 5 feet 2 inches in width from the extreme  
 12 outside to outside of frame, or any dredge which measures more  
 13 than 21 inches from center of tooth bar to center of cross bar, or

14 any dredge the bag of which contains more than 17 rows of 2 inch  
15 rings, or any dredge the rings of which are less than 2 inches in  
16 diameter, inside measurement, or any dredge the bag of which  
17 measures more than 5 feet around the bag from center of tooth  
18 bar to center of cross bar, or any dredge which weighs more than  
19 250 pounds.

1 4. R. S. 50:3-8 is amended to read as follows:

2 50:3-8. **[No]** *Except in that area known as Section "E" as de-*  
3 *finied in R. S. 50:1-23, no oysters shall be dredged for, caught or*  
4 *taken from any of the lands lying under the tidal waters of the*  
5 *Delaware river, Delaware bay or Maurice river cove, above the*  
6 *southwest line, except from and including May 1 to and including*  
7 *June 30 of each year.*

1 5. R. S. 50:3-11 is amended to read as follows:

2 50:3-11. No oysters shall be dredged for, caught or taken from  
3 *that area known as Section "E" as defined in R. S. 50:1-23 or from*  
4 *any of the lands lying under the tidal waters of the Delaware bay*  
5 *and Maurice river cove below a line running direct from the mouth*  
6 *of Straight creek to Cross Ledge lighthouse, commonly known and*  
7 *hereinafter referred to as the "southwest line," at any time except*  
8 *from September 1 to June 30 then next, both inclusive, of each*  
9 *year; but the commissiouer may, upon application, give permission,*  
10 *in writing, to any lessee of oyster grounds to dredge, catch or take*  
11 *oysters or to employ such methods for the protection of his oysters*  
12 *on said grounds and for the promotion of the growth thereof during*  
13 *the closed season as the commissioner may deem advisable.*

1 6. R. S. 50:3-13 is amended to read as follows:

2 50:3-13. No person shall dredge upon or throw, cast or drag an  
3 oyster or clam dredge, or any other instrument or appliance used  
4 for catching oysters or clams, *in that area known as Section "E" as*  
5 *defined by R. S. 50:1-23 or upon any of the land of the State lying*  
6 *under the tidal waters of the Delaware bay or Maurice river cove,*  
7 *in this State, below the southwest line, other than land or ground*  
8 *for which such person then holds a lease from the Shell Fisheries*  
9 *Council under this Title.*

1 7. This act shall take effect immediately.

## STATEMENT

Current statutes prohibit the leasing of lands for the planting and cultivation of oysters above the "southwest line" in Delaware Bay. Leased lands are concentrated below the "southwest line" where the mortality rate of planted oysters due to disease has created an emergency which threatens the economic viability of the State's oyster industry.

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53106 (1981)

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

MARCH 5, 1981

PATRICK SWEENEY

Governor Brendan Byrne today signed S-3106, sponsored by Senator Raymond J. Zane (D-Gloucester), which allows the State to lease to oystermen new grounds above the Southwest line of the Delaware Bay (in the vicinity of the Egg Island Fish and Wildlife Management Area.)

The Governor signed the bill in a public ceremony at Gia's Suburban House in Bridgeton, prior to addressing the Bridgeton Rotary Club.

The Southwest line traditionally separates the natural seed beds from the lease grounds. Oystermen dredge oysters from the seed beds above the line in the spring and deposit them on their leased grounds below. The high salinity further from the mouth of the Delaware River aids in growth, making the oysters generally more marketable.

The new grounds to be leased to oystermen will contain less salinity, but also less danger of perdition by disease and predators.

The two principle causes of oyster mortality, MSX Disease and the oyster drill, are responsible for an 80 percent mortality rate on the harvest grounds now leased from the State.

Industry spokesmen claim that widespread disease and depleted seed beds have combined to undermine the economic stability of the State's oyster industry.

The bill will also allow the Department of Environmental Protection, together with industry representatives, to adopt an oyster management plan to insure the survival of an industry that dates back to colonial times.

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