

50:2-7.1

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2007 **CHAPTER:** 338
NJSA: 50:2-7.1 (Revises statutory law concerning shellfisheries)

BILL NO: A4479 (Substituted for S2893)

SPONSOR(S) Fisher and Others

DATE INTRODUCED: November 8, 2007

COMMITTEE: **ASSEMBLY:** Agriculture and Natural Resources

SENATE:

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** December 13, 2007

SENATE: January 3, 2008

DATE OF APPROVAL: January 13, 2008

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (First reprint enacted)

A4479

[SPONSOR'S STATEMENT:](#) (Begins on page 37 of original bill) [Yes](#)

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)

SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, may *possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL NOTE: No

S2893

[SPONSOR'S STATEMENT:](#) (Begins on page 36 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes [Environment 12-3-07](#)
[Budget 12-10-07](#)

FLOOR AMENDMENT STATEMENT: No

[LEGISLATIVE FISCAL ESTIMATE:](#) [Yes](#)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

LAW/RWH 6/24/08

§34 - C.50:2-7.1
§86 - Repealer
§87 - Note to
§§20, 21

P.L. 2007, CHAPTER 338, *approved January 13, 2008*
Assembly, No. 4479 (*First Reprint*)

1 AN ACT concerning shellfisheries, amending and repealing various
2 parts of the statutory law, and supplementing Title 50 of the
3 Revised Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. Section 8 of P.L.1997, c.236 (C.4:27-8) is amended to read as
9 follows:

10 8. Within 180 days **[of] after** the effective date of **[this act]**
11 P.L.1997, c.236 (C.4:27-1 et seq.) , the Department of
12 Environmental Protection and the Department of Agriculture, in
13 consultation with the Aquaculture Advisory Council, the **[Shell**
14 **Fisheries]** Shellfisheries Council and the Pinelands Commission as
15 it affects the pinelands area designated pursuant to section 10 of
16 P.L.1979, c.111 (C.13:18A-11), jointly shall establish, according to
17 rules and regulations adopted pursuant to the "Administrative
18 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), appropriate
19 policies for the use of aquaculture leases in waters of the State and
20 for lands underneath waters of the State, including but not limited to
21 lease specifications, fees, royalty payments, and assignability and
22 termination of lease agreements. The policies shall provide for an
23 expeditious procedure for finalizing lease agreements. Lease
24 agreements shall convey a necessary degree of exclusivity to
25 minimize the risks to the aquaculturists caused by pollution,
26 vandalism, theft, and other forms of encroachment, while protecting
27 common use rights of the public, and assuring the integrity and
28 protection of the natural wild stocks and their habitat.

29 (cf: P.L.1997, c.236, s.8)

30
31 2. Section 4 of P.L.1979, c.199 (C.23:2B-4) is amended to read as
32 follows:

33 4. There is hereby created in the department a Marine Fisheries
34 Council, which shall consist of 11 members, nine of whom shall be
35 appointed by the Governor, with the advice and consent of the
36 Senate, of whom four shall represent and be knowledgeable of the
37 interests of sports fishermen, two shall be active commercial fin
38 fishermen, one shall be an active fish processor, and two shall
39 represent the general public; the other two members shall be the

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AAN committee amendments adopted December 6, 2007.

1 chairmen of the two sections of the **[Shell Fisheries]** Shellfisheries
2 Council.

3 Of the nine members first to be appointed by the Governor, three
4 shall be appointed for a term of **[1]** one year, three for a term of
5 **[2]** two years, and three for a term of **[3]** three years. Thereafter,
6 all appointments shall be made for terms of **[3]** three years. All
7 appointed members shall serve after the expiration of their terms
8 until their respective successors are appointed and shall qualify, and
9 any vacancy occurring in the appointed membership of the council,
10 by expiration of term or otherwise, shall be filled in the same
11 manner as the original appointment for the unexpired term only,
12 notwithstanding that the previous incumbent may have held over
13 and continued in office as aforesaid. The Governor may remove
14 any member of the council for cause upon notice and opportunity to
15 be heard.

16 Members of the council shall serve without compensation, but
17 shall be reimbursed for expenses actually incurred in attending
18 meetings of the council and in the performance of their duties as
19 members thereof.

20 The Governor shall appoint a chairman, from the citizen
21 members of the council, who shall serve at **[his]** the Governor's
22 pleasure. Six members of the council shall constitute a quorum to
23 transact its business.

24 (cf: P.L.1979, c.199, s.4)

25

26 3. Section 63 of P.L.1979, c.199 (C.23:2B-13) is amended to read
27 as follows:

28 63. Within **[1]** one year **[of]** after the effective date of **[this**
29 **act]** P.L.1979, c.199 (C.23:2B-1 et seq.) , the commissioner shall
30 review all rules and regulations previously adopted pursuant to the
31 provisions of Title 50 of the Revised Statutes for conformance to
32 the revisions to that Title contained herein and shall, after
33 consultation with the **[Shell Fisheries]** Shellfisheries Council,
34 amend or repeal any rules and regulations which are not in
35 conformance herewith.

36 (cf: P.L.1979, c.199, s.63)

37

38 4. Section 8 of P.L.1996, c.112 (C.23:3-12.2) is amended to read
39 as follows:

40 8. a. There is established within the "hunters' and anglers'
41 license fund," created pursuant to the provisions of R.S.23:3-11 and
42 R.S.23:3-12, a separate and dedicated account to be known as the
43 "Oyster Resource Development Account." This account shall be
44 credited with all revenues received from oysters landed from the
45 Delaware **[river]** River, Delaware **[bay]** Bay and their tributaries,
46 including, but not limited to, all fees collected pursuant to R.S.50:1-
47 18, R.S.50:3-2, and section 4 of P.L.1945, c.39 (C.50:3-20.13) , and
48 as provided in subsection c. of this section. The moneys in the

1 account shall be allocated to the Division of Fish [, Game] and
2 Wildlife within the Department of Environmental Protection and
3 shall be disbursed only for the enhancement and management of the
4 oyster resource in the Delaware [bay] Bay in the amounts and
5 manner prescribed by the commissioner, after consultation with the
6 Delaware Bay Section of the [Shell Fisheries] Shellfisheries
7 Council.

8 b. The Department of Environmental Protection shall adopt,
9 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
10 (C.52:14B-1 et seq.), rules and regulations necessary to administer
11 the "Oyster Resource Development Account," established pursuant
12 to subsection a. of this section.

13 c. Upon the adoption of the rules and regulations pursuant to
14 subsection b. of this section, the Department of Environmental
15 Protection shall repeal subchapter 4 of chapter 25A of Title 7 of the
16 New Jersey Administrative Code establishing the "oyster cultch
17 program" and the "Oyster Cultch Fund." The balance of the
18 moneys remaining in the "Oyster Cultch Fund" upon the date of the
19 repeal of the rules and regulations establishing the fund shall be
20 deposited in the "Oyster Resource Development Account,"
21 established pursuant to subsection a. of this section.
22 (cf: P.L.1996, c.112, s.8)

23

24 5. The caption to chapter 1 of Title 50 of the Revised Statutes
25 is amended to read as follows:

26 Chapter 1. [BOARD OF SHELL FISHERIES]
27 SHELLFISHERIES – POWERS AND DUTIES OF
28 DEPARTMENT, SHELLFISHERIES COUNCIL, LEASING, AND
29 PLANTING

30 (cf: Caption, chapter 1, Title 50 of the Revised Statutes)

31

32 6. R.S.50:1-5 is amended to read as follows:

33 50:1-5. a. The Commissioner of Environmental Protection shall
34 have full control and direction of the shellfish industry and resource
35 and of the protection of shellfish throughout the entire State, subject
36 to the provisions of this [title] Title . The commissioner shall
37 [make] adopt, pursuant to the "Administrative Procedure Act,"
38 P.L.1968, c.410 ¹[(C.52B-1 et seq.)] (C.52:14B-1 et seq.)¹ , such
39 rules and regulations as may be necessary for the preservation and
40 improvement of the shellfish industry and resource of the State,
41 after consultation with the [Shell Fisheries] Shellfisheries Council
42 and subject to the disapproval, as hereinbefore provided, of the
43 Marine Fisheries Council. With respect to aquaculture, the
44 commissioner, in consultation with the Secretary of Agriculture and
45 the Shellfisheries Council, shall establish appropriate policies for
46 the use of aquaculture leases in waters of the State and for lands
47 underneath waters of the State, including but not limited to lease

1 specifications, fees, and assignability and termination of lease
 2 agreements. The Department of Health and Senior Services,
 3 pursuant to R.S.24:2-1, shall regulate the safety of shellfish
 4 originating within the growing waters of the State ¹【and from】 ,
 5 within¹ interstate commerce and ¹from¹ international sources.

6 b. For purposes of this 【title , "oysters landed" means oysters
 7 taken for any purpose other than replanting; "shellfish"】 Title:

8 "Commissioner ¹"¹ means the Commissioner of Environmental
 9 Protection.

10 "Council" means the Shellfisheries Council created pursuant to
 11 R.S.50:1-18.

12 "Department" means the Department of Environmental
 13 Protection.

14 "Shellfish" means any species of benthic mollusks, except for
 15 conchs (Busycon carica, Busycon contrarium and Busycotypus
 16 canaliculatum), the harvest of which is regulated pursuant to section
 17 6 of P.L.1979, c.199 (C.23:2B-6), section 2 of P.L.1941, c.211
 18 (C.23:5-24.2) and the rules and regulations adopted pursuant
 19 thereto, and shall include, but not be limited to, hard clams
 20 (Mercenaria mercenaria), soft clams (Mya arenaria), surf clams
 21 (Spisula solidissima) and oysters (Crassostrea virginica) 【; and
 22 "commissioner" means the Commissioner of Environmental
 23 Protection】 .

24 (cf: P.L.1996, c.112, s.1)

25

26 7. The caption to article 4 of chapter 1 of Title 50 of the
 27 Revised Statutes is amended to read as follows:

28 Article 4. **【DEPARTMENTS AND DIVISIONS OF BOARD】**
 29 **SHELLFISHERIES COUNCIL**

30 (cf: Caption, article 4, chapter 1, Title 50 of the Revised Statutes)

31

32 8. R.S.50:1-18 is amended to read as follows:

33 50:1-18. a. The **【Shell Fisheries】** Shellfisheries Council shall
 34 be composed of 10 members **【; one each residing in the counties of**
 35 **Monmouth, Ocean, Burlington, Atlantic and Salem, two residents of**
 36 **Cape May county, and three residents of Cumberland county;】** ,
 37 each of whom shall be a resident of the counties of Atlantic,
 38 Burlington, Cape May, Cumberland, Monmouth, Ocean, or Salem.

39 Each member shall be a licensed and practicing shellfisherman
 40 and shall be chosen with due regard to **【his】** the person's knowledge
 41 of and interest in the culture or harvesting of shellfish, the shellfish
 42 industry and **【in】** the conservation and management of shellfish.

43 Each member of the council shall be appointed by the Governor,
 44 with the advice and consent of the Senate, for a term of four years
 45 and shall serve until a successor has been appointed and has
 46 qualified.

1 Any vacancies in the membership of the council occurring other
2 than by expiration of term shall be filled by the Governor, with the
3 advice and consent of the Senate, for the unexpired term only. Any
4 member of the council may be removed from office by the
5 Governor, for cause, upon notice and opportunity to be heard.

6 The members of the council shall serve without compensation
7 but shall be reimbursed for necessary expenses incurred in the
8 performance of their duties. [Each section of the council shall
9 annually elect a chairman of the council from its own members.]

10 b. The council shall, subject to the approval of the
11 commissioner, formulate comprehensive policies for the
12 preservation and improvement of the shellfish industry and resource
13 of the State. The council shall also: (1) consult with and advise the
14 commissioner and the Marine Fisheries Council with respect to the
15 implementation of the shellfisheries program; (2) study the
16 activities of the shellfisheries program and hold hearings with
17 respect thereto as it may deem necessary or desirable; and (3)
18 initiate, by resolution of the council, proposed rules and regulations
19 concerning shellfish to the commissioner.

20 c. No lease of any of the lands of the State under the tidal
21 waters thereof, to be exclusively used and enjoyed by the lessee for
22 the planting and cultivating of shellfish, shall hereafter be allowed
23 except when approved by a majority of the appropriate section of
24 the council; and no such lease shall hereafter in any case be allowed
25 except when approved and signed by the commissioner.

26 d. The council shall be divided into two sections, one to be
27 known as the "Delaware Bay Section [,]" [consisting of the
28 members from the counties of Cumberland and Salem, and one of
29 the members from Cape May county,] and the other to be known as
30 the "Atlantic Coast Section [," consisting of the members from the
31 counties of Atlantic, Burlington, Ocean and Monmouth , and one of
32 the members from Cape May county. In the event only one member
33 from Cape May county has been appointed and has qualified as a
34 member of the council, the qualified member may elect to serve in
35 both sections of the council and participate in the exercise of the
36 powers and performance of the duties of each of the sections until a
37 second member from Cape May county has been appointed and has
38 qualified as a member of the council] ." The Delaware Bay Section
39 shall consist of five members from the counties of Cape May,
40 Cumberland, and Salem, with three members residing in
41 Cumberland County and the remaining two members residing in the
42 counties of Cape May or Salem. The Atlantic Coast Section shall
43 consist of five members from the counties of Atlantic, Burlington,
44 Cape May, Ocean, and Monmouth.

45 Except as provided in subsection e. of this section, the Delaware
46 Bay Section shall, subject to the approval of the commissioner,
47 exercise all the powers and perform all the duties of the council in

1 matters relating to the shellfish industry in the tidal waters of the
2 Delaware **[river]** River , Delaware **[bay]** Bay and their tributaries.

3 The Atlantic Coast Section shall, subject to the approval of the
4 commissioner, exercise all the powers and perform all the duties of
5 the council in matters relating to the shellfish industry in all of the
6 tidal waters of the State except in the tidal waters of the Delaware
7 **[river]** River , Delaware **[bay]** Bay and their tributaries.

8 Each section of the council shall annually elect a chairman and a
9 vice-chairman of the council. If the chairman is absent, then the
10 vice-chairman shall exercise the powers and perform the duties of
11 the chairman.

12 e. The commissioner, in consultation with the Delaware Bay
13 Section of the **[Shell Fisheries]** Shellfisheries Council, shall fix
14 fees for all oysters **[landed from]** harvested from the natural seed
15 beds, Areas 1, 2 and 3 and those areas defined in R.S.50:3-14
16 within the Delaware **[river]** River, Delaware **[bay]** Bay and their
17 tributaries. These fees shall be collected by and allocated to the
18 Division of Fish **[, Game]** and Wildlife and shall be deposited in
19 the "Oyster Resource Development Account," established pursuant
20 to section 8 of P.L.1996, c.112 (C.23:3-12.2).
21 (cf: P.L.1996, c.112, s.2)

22
23 9. R.S.50:1-22 is amended to read as follows:

24 50:1-22. The commissioner shall establish and maintain several
25 offices located at places convenient to persons engaged in the
26 shellfish industry. The records of all leases and licenses issued **[by**
27 **him]** shall be kept therein. One office shall be located in the area
28 served by the Atlantic Coast Section and one office shall be located
29 in the area served by the Delaware Bay Section of the Shellfisheries
30 Council.

31 (cf: P.L.1979, c.199, s.16)

32
33 10. R.S.50:1-23 is amended to read as follows:

34 50:1-23. The **[Shell Fisheries]** Shellfisheries Council may lease
35 to applicants therefor any of the lands of the State under the tidal
36 waters thereof, to be exclusively used and enjoyed by each such
37 lessee for the planting and cultivating of **[oysters and claims]**
38 shellfish; except that no lands shall be leased above the southwest
39 line in the Delaware **[bay]** Bay, as defined in R.S.50:3-11, except
40 in Section E **[which shall consist of all area within the boundaries**
41 **described herein: Beginning at a point (X=1820400) (Y=146800)**
42 **said point being Channel Buoy R "32" and corner #1 of said section**
43 **and running thence N 28°-14 ' -14.2 " E 6612.18 feet to corner #2**
44 **(X=1826233) (Y=149914); thence S 56°-32 ' -38.4 " E 33401.27**
45 **feet to corner #3 being also corner #1 lot 530 section D leased**
46 **oyster ground lot (X=1854100) (Y=131500) located on or near the**
47 **southwest line; thence along the southwest line S 55°-16 ' -29.1 "**

1 W 19222.67 feet to old Crossledge Lighthouse foundation being
2 corner #4 of the section (X=1838301) (Y=120550); thence N 16°-02
3 '-14.0 " W 17740.41 feet to corner #5 being also BR "WR" buoy
4 marking a wreck in the bay (X=1833400) (Y=137600); thence N
5 42°-42 '-33.7 " W 3538.36 feet to a point in Delaware Bay being
6 corner #6 of section E (X=1831000) (Y=140200); thence S 70°-17 '
7 -31.3 " W 7116.88 feet to corner #7 being a point on the east side
8 of the Main Ship Channel in Delaware bay (X=1824300)
9 (Y=137800); thence N 23°-25 '-43.3 " W 9818.67 feet to corner
10 #1 the place of beginning] , described in subsection a. of this
11 section . Nor shall any lands be leased in any creek tributary to
12 Delaware [bay] Bay , nor any lands under the waters of Delaware
13 [bay southwesterly of a line beginning at a point (x=1,929,827.93)
14 (y=87,182.61) on the shore of Delaware bay in Cape May county,
15 said point being about 2,000 feet south-southwest of Gus's Beach,
16 and running thence N 67°-38 '-05.3 " W 21,127.33 feet to a corner
17 (x=1,910,289.85) (y=95,221.74) said corner being on the line
18 running from Dennis Creek Rear Range Light to Brandywine
19 Lighthouse, nor the beds] Bay in the sections known as Areas, 1, 2
20 and 3, described in subsection b. of this section. However, Area 1
21 described in section 3 of P.L.1966, c.52 (C.50:3-16.3) may be
22 leased and regulated for aquaculture practices under the authority of
23 the "New Jersey Aquaculture Development Act," P.L.1997, c.236
24 (C.4:27-1 et seq.). In addition, the department, in consultation with
25 the council, may establish aquaculture development zones for
26 approved aquaculture practices in specific creeks or tributaries of
27 the Delaware Bay.

28 On the Atlantic coast, no additional lands shall be leased at the
29 mouth of the Tuckahoe River and the Great Egg Harbor [rivers]
30 River, nor the graveling beds at the mouth of Mullica [river] River,
31 Parker's beds in Parker's [cove] Cove , Forked [river] River beds,
32 Cedar [creek] Creek beds and Sloop [creek] Creek beds in
33 Barnegat [bay] Bay , nor any lands under the waters of the Mullica
34 [river] River above a line extending in a westerly direction from
35 the south end of Deep Point; provided, however, that leases may be
36 granted for lands heretofore leased in [said] that area in the Mullica
37 [river] River , and except that no lands which lie under the waters
38 of the Navesink River or the Shrewsbury [rivers] River , shall be
39 leased for the planting and cultivating of [oysters] shellfish .

40 The council may grant, subject to the approval of the
41 commissioner, leases of new ground to educational institutions for
42 the purpose of research, education, or both. The department may
43 adopt, pursuant to the "Administrative Procedure Act," P.L.1968,
44 c.410 (C.52:14B-1 et seq.), rules and regulations governing those
45 leases, including, but not limited to, criteria for acquisition,
46 utilization, and renewal.

1 a. For the purposes of this section, Section E in Delaware Bay
2 shall consist of all of the area within the boundaries described
3 herein:

4 Beginning at a point (X=80,906.06) (Y=44,868.54) said point
5 being Channel Marker QR "32" and corner #1 of said section and
6 running thence N 62° 00' 30.69" E 2,015.32 meters to corner #2
7 (X=82,685.62) (Y=45,814.42); thence S 56° 26' 20.6587" E
8 10,180.43 meters to corner #3 being also corner #1 lot 530 section
9 D leased oyster ground lot (X=91,168.96) (Y=40,186.43) located on
10 or near the southwest line; thence along the southwest line S 55° 22'
11 47.4875" W 5,858.91 meters to Cross Ledge Shoal Old Lighthouse
12 foundation being corner #4 of the section (X=86,347.45)
13 (Y=36,857.80); thence N 15° 55' 56.8215" W 5,407.14 meters to
14 corner #5 being also GR "WR" buoy marking a wreck in the bay
15 (X=84,863.17) (Y=42,057.23); thence N 42° 36' 15.5936" W
16 1,078.45 meters to a point in Delaware Bay being corner #6 of
17 section E (X=84,133.13) (Y=42,851.02); thence S 70° 23' 47.4333"
18 W 2,169.15 meters to corner #7 being a point on the east side of the
19 Main Ship Channel in Delaware Bay (X=82,089.71) (Y=42,123.25);
20 thence N 23° 19' 25.1298" W 2,989.59 meters to corner #1 the place
21 of beginning.

22 b. Areas 1, 2, and 3 in Delaware Bay shall consist of all area
23 within the boundaries described herein:

24 Southwesterly of a line beginning at a point (X=114225.30)
25 (Y=26636.70) on the shore of Delaware Bay in Cape May County,
26 said point being about 200 meters south-southwest of Rutgers Cape
27 Shore Laboratory, and running thence N 67° 31' 48.1592" W
28 6439.36 meters to a corner (X=108274.82) (Y=29097.81) said
29 corner being on the line running from Dennis Creek Rear Range
30 Light to Brandywine Lighthouse.

31 (cf: P.L.1981, c.62, s.1)

32

33 11. R.S.50:1-24 is amended to read as follows:

34 50:1-24. The power granted by this **[title]** Title to the council,
35 subject to the provisions of R.S.50:1-18, to lease lands under the
36 tidal waters of this State for the planting and culture of shellfish is
37 exclusive, and no other State agency may, in the name of the State
38 or otherwise, give, grant or convey to any person the exclusive right
39 to plant or take shellfish from any of **[such]** those waters; and no
40 grant or lease of lands under tidewater, whereon there are natural
41 oyster beds, shall be made by any other **[state]** State agency except
42 for the purpose of building wharves, bulkheads or piers.

43 (cf: P.L.1979, c.199, s.17)

44

45 12. R.S.50:1-25 is amended to read as follows:

46 50:1-25. No lease shall be granted to any person who is not at
47 the time of granting **[such]** the lease **[a resident of]** legally

1 domiciled or incorporated in this State.

2 (cf: P.L.1979, c.199, s.18)

3

4 13. R.S.50:1-27 is amended to read as follows:

5 50:1-27. The council, with the approval of the commissioner,
6 shall fix the term for which leases may be granted, [not exceeding
7 30 years,] the rental to be paid, the maximum size of any single
8 ground to be leased, and the total acreage which may be leased to
9 any person or persons.

10 (cf: P.L.1979, c.199, s.19)

11

12 14. R.S.50:1-28 is amended to read as follows:

13 50:1-28. The commissioner shall, [from time to time,] cause the
14 leased lands to be measured, and the metes and bounds thereof
15 ascertained and [located by ranges, monuments or other means,]
16 recorded so that the limits thereof may be accurately fixed and
17 easily located. The official survey base shall be the "New Jersey
18 system of plane coordinates" as defined in article 2 of chapter 3 of
19 Title 51 of the Revised Statutes. The department shall survey
20 parcels of bottom not leased at the time of application.

21 The commissioner shall cause the leased lands to be mapped, and
22 the maps to be filed in the office of the department.

23 The expense of surveying, measuring, locating and mapping any
24 ground or grounds shall be paid by the applicant therefor before
25 [he] the applicant shall be entitled to a lease or leases for the
26 [same] ground or grounds .

27 (cf: P.L.1979, c.199, s.20)

28

29 15. R.S.50:1-29 is amended to read as follows:

30 50:1-29. The commissioner shall cause leases, and assignments
31 and transfers thereof, to be recorded in books kept in the offices of
32 the department [; and no] . No assignment or transfer of any
33 ground or lease therefor shall be valid unless approved by the
34 commissioner and the council and forthwith recorded in the office
35 of the department.

36 (cf: P.L.1979, c.199, s.21)

37

38 16. R.S.50:1-30 is amended to read as follows:

39 50:1-30. The council , with the approval of the commissioner ,
40 may lease to applicants therefor any of the lands of this State that
41 have been or may hereafter be condemned pursuant to the
42 provisions of chapter [14 of Title] 24 of Title 58 of the Revised
43 Statutes.

44 (cf: P.L.1979, c.199, s.22)

45

46 17. R.S.50:1-31 is amended to read as follows:

1 50:1-31. The commissioner may **[make]** adopt, pursuant to the
2 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
3 seq.), such rules and regulations for the removal and distribution of
4 shellfish from lands leased under **[section 50:1-30 of this Title]**
5 **R.S.50:1-30** , as in **[his]** the commissioner's judgment will be in
6 accord with the object of the condemnation. **[Such]** The rules and
7 regulations shall not be inconsistent with those adopted pursuant to
8 the provisions of chapter **[14 of Title 24]** 24 of Title 58 of the
9 Revised Statutes.

10 (cf: P.L.1979, c.199, s.23)

11

12 18. R.S.50:1-33 is amended to read as follows:

13 50:1-33. Nothing contained in this **[title]** Title shall be
14 construed to prevent the catching and taking of **[floating]** free
15 swimming fish from the tidal waters of this **[state]** State in any
16 lawful manner. Nothing in this section shall be construed to
17 prevent or prohibit lessees from pursuing either criminal or civil
18 actions, or both, that may be available for damage to aquaculture
19 gear and aquatic livestock on shellfish leases.

20 (cf: R.S.50:1-33)

21

22 19. The caption to article 6 of chapter 1 of Title 50 of the
23 Revised Statutes is amended to read as follows:

24 Article 6. PLANTING OF FOREIGN **[OYSTERS OR]**
25 SHELLFISH

26 (cf: Caption, article 6, chapter 1, Title 50 of the Revised Statutes)

27

28 20. R.S.50:1-34 is amended to read as follows:

29 50:1-34. a. No **[oysters]** shellfish , native to, or brought
30 directly or indirectly **[,]** from any foreign country or any other
31 state , shall be planted or lodged in the waters of this State without
32 written permission issued by the commissioner, after notice to the
33 council **[, for each separate shipment]**. Application for such
34 permission shall be made in writing, and shall state:

35 **[a.]** (1) The species of **[such oysters]** shellfish ;

36 **[b.]** (2) The location from which they were, or are to be,
37 immediately taken;

38 **[c.]** (3) The source from which they were originally obtained;
39 and

40 **[d.]** (4) The **[country to which their kind]** geographic area to
41 which the species or strain is native.

42 The same information shall be shown upon a tag attached to **[,]**
43 or upon the billing accompanying each shipment upon its arrival in
44 this State.

45 b. The department shall adopt, pursuant to the "Administrative
46 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) and in

1 accordance with the provisions of the "New Jersey Aquaculture
2 Development Act," P.L.1997, c.236 (C.4:27-1 et seq.), rules and
3 regulations governing the importation and transportation of the
4 products of commercial aquaculture.

5 (cf: P.L.1979, c.199, s.24)

6
7 21. R.S.50:1-35 is amended to read as follows:

8 50:1-35. The commissioner may issue such permission after due
9 inspection and examination of the nature, species, quantity, source,
10 location of proposed planting or lodging, and the condition of the
11 **[oysters]** shellfish and after **[his]** the commissioner's
12 determination that the same will not be detrimental to the native
13 **[oysters]** shellfish or to the **[oyster]** shellfish industry of this State.

14 **[Such]** The permission shall specify the nature, species, quantity
15 and proposed location of planting or lodgment of the **[oysters and**
16 **shall apply only to the particular shipment for which it is issued]**
17 shellfish .

18 (cf: P.L.1979, c.199, s.25)

19
20 22. R.S.50:1-36 is amended to read as follows:

21 50:1-36. The commissioner shall **[make such]** charge, and
22 collect in advance, for the issuance of such permission, such sum of
23 money as may be necessary to defray the cost of the inspection,
24 examination and certification.

25 (cf: P.L.1979, c.199, s.26)

26
27 23. The caption to article 1 of chapter 2 of Title 50 of the
28 Revised Statutes is amended to read as follows:

29 Article 1. LICENSE FOR TAKING **[OYSTERS OR CLAMS]**
30 SHELLFISH

31 (cf: Caption, article 1, chapter 2, Title 50 of the Revised Statutes)

32
33 24. R.S.50:2-1 is amended to read as follows:

34 50:2-1. No person shall catch or take **[clams]** shellfish from any
35 of the natural **[clam]** grounds in the waters of this State, without
36 first obtaining a license from the commissioner. Such licenses shall
37 grant the privilege of taking **[clams]** shellfish upon any natural
38 **[clam]** ground of this State in waters classified as "Approved" or
39 "Seasonally Approved," as defined in rules and regulations adopted
40 by the department pursuant to the "Administrative Procedure Act,"
41 P.L.1968, c.410 (C.52:14B-1 et seq.) , except such as may be leased
42 by the council.

43 Any person whose shellfish license or harvesting privileges have
44 been revoked or suspended in another state shall not be eligible for
45 any New Jersey shellfish license during the period of revocation or
46 suspension in the other state.

1 This section shall not preclude the department from establishing
2 licenses for the harvest of specific shellfish from specific areas by
3 specific means.

4 (cf: P.L.1979, c.199, s.27)

5
6 25. R.S.50:2-2 is amended to read as follows:

7 50:2-2. The licenses required for the various categories of
8 harvesting, collecting, or culture of shellfish shall be as follows:

9 a. Recreational shellfish license. No resident's recreational
10 **[clam]** shellfish license shall be granted to any applicant who does
11 not present satisfactory evidence that **[he is a resident of]** the
12 person is legally domiciled in this State and pay the license fee
13 required pursuant to R.S.50:2-3. A nonresident's recreational
14 **[clam]** shellfish license shall be effective only in the months of
15 June, July, August, and September in any calendar year and shall
16 not be granted to a nonresident of this State without the payment of
17 the license fee required pursuant to R.S.50:2-3.

18 No holder of any recreational **[clam]** shellfish license may take
19 more than 150 **[clams]** shellfish per day or shall sell or offer for
20 sale **[clams]** shellfish taken under **[said]** the license and any such
21 sale or offer for sale shall constitute ground for the revocation of
22 **[said]** the license. No person shall take or catch more than 150
23 **[clams]** shellfish per day or sell any shellfish unless **[such]** the
24 person is a holder of a commercial **[clam]** shellfish license. **[A**
25 **commercial clam license shall not be granted without the payment**
26 **of the fee required pursuant to R.S.50:2-3.]**

27 b. Commercial shellfish license. No resident's commercial
28 shellfish license shall be granted to any applicant who does not
29 present satisfactory evidence that the person is legally domiciled or
30 incorporated in this State and pay the license fee required pursuant
31 to R.S.50.2-3. No nonresident's commercial shellfish license shall
32 be granted to any applicant who does not pay the license fee
33 required pursuant to R.S.50.2-3.

34 c. Aquatic farmer license. No aquatic farmer license shall be
35 granted to any applicant except as provided pursuant to the "New
36 Jersey Aquaculture Development Act," P.L.1997, c.236 (4:27-1 et
37 seq.) and any rules or regulations adopted pursuant thereto.

38 (cf: P.L.1988, c.35, s.1)

39
40 26. R.S.50:2-3 is amended to read as follows:

41 50:2-3. The license fee shall be fixed by the commissioner, with
42 the approval of the council, at not less than **[\$5.00 nor]** \$10 or
43 more than **[\$10.00]** \$20 for a resident's recreational **[clam]**
44 shellfish license, at not less than **[\$10.00 nor]** \$20 or more than
45 **[\$20.00]** \$40 for a nonresident's recreational **[clam]** shellfish
46 license, **[and]** at not less than **[\$25.00 nor]** \$50 or more than

1 **[\$50.00]** \$100 for a resident's commercial **[clam]** shellfish license
2 , and at not less than \$250 or more than \$500 for a nonresident's
3 commercial shellfish license. No fee shall be charged for a
4 recreational **[clam]** shellfish license to a person who is 62 or more
5 years of age, provided **[such]** the person is a resident of this State.
6 A juvenile recreational **[clam]** shellfish license shall be
7 available for **[\$2.00]** \$2 for resident or nonresident persons under
8 14 years of age.
9 (cf: P.L.1988, c.35, s.2)

10

11 27. Section 3 of P.L.1988, c.35 (C.50:2-3.1) is amended to read
12 as follows:

13 3. The "Shellfisheries Law Enforcement Fund" is established in
14 the Department of Environmental Protection. All **[clam]** shellfish
15 license fees collected pursuant to R.S.50:2-3 shall be deposited in
16 the fund. Moneys in the fund shall be allocated by the
17 Commissioner of the **[Department of]** Environmental Protection to
18 the Division of Fish **[, Game]** and Wildlife to enforce the laws
19 necessary for the protection of the shellfish resources of the State,
20 to enforce the prohibition of taking shellfish from any shellfish bed
21 condemned by the department pursuant to section 2 of P.L.1979,
22 c.321 (C.58:24-2), to increase the effectiveness of the relay and
23 depuration programs, and to enhance the productivity of the
24 **[natural clam]** shellfish beds in the State.
25 (cf: P.L.1988, c.35, s.3)

26

27 28. R.S.50:2-4 is amended to read as follows:

28 50:2-4. Each license shall be for the term of **[1]** one year from
29 January 1 of the year of issue, and shall be granted by the
30 commissioner. Each license shall be numbered and shall state the
31 name and residence of the licensee, and a record thereof shall be
32 kept by the commissioner.
33 (cf: P.L.1979, c.199, s.30)

34

35 29. R.S.50:2-5 is amended to read as follows:

36 50:2-5. Each licensee shall have the license **[on his person]**
37 readily accessible and shall exhibit it immediately for inspection to
38 any officer or employee of the department or other person
39 requesting to see the **[same]** license .
40 (cf: P.L.1979, c.199, s.31)

41

42 30. Section 1 of P.L.1950, c.310 (C.50:2-6.1) is amended to read
43 as follows:

44 1. No person shall take, harvest or dredge for surf clams
45 (**[Mactra]** *Spisula solidissima*) **[also known as Spisula solidissima]**
46 from any waters of this State without first obtaining a surf clam
47 license from the commissioner , except that the holder of a

1 recreational shellfish license may harvest up to 150 surf clams per
2 day from waters classified as "Approved," as defined in rules and
3 regulations adopted by the department pursuant to the
4 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
5 seq.), with hand implements only . The commissioner may issue
6 licenses for the harvesting of surf clams within the waters of this
7 State. **【Such】** The license shall be issued on a seasonal basis
8 pursuant to rules and regulations adopted by the commissioner.

9 Such licenses shall grant the privilege of gathering surf clams by
10 dredging, but only in the Atlantic **【ocean】** Ocean , but not in the
11 Delaware **【bay northerly of a line from Cape May Point lighthouse**
12 **tower to Brandywine lighthouse】** Bay north and west of the
13 COLREGS demarcation line which runs from Cape May Point
14 Lighthouse in Cape May, New Jersey to Harbor of Refuge
15 Lighthouse at Cape Henlopen, Delaware or in the Sandy Hook
16 **【bay】** Bay west of a line from the west point of Sandy Hook to
17 Roamer Shoal lighthouse. No boat or vessel shall be licensed under
18 **【this act】** P.L.1950, c.310 (C.50:2-6.1 et seq.) unless its bona fide
19 owner is **【a resident of】** an individual or entity legally domiciled or
20 incorporated in this State.

21 The commissioner may adopt rules and regulations regarding the
22 issuance procedures of such licenses.

23 The commissioner may issue permits for surf clam research,
24 inventory and educational projects. Nothing in this section shall be
25 construed to limit the activities of **【such】** those projects.

26 (cf: P.L.1991, c.79, s.1)

27

28 31. Section 2 of P.L.1950, c.310 (C.50:2-6.2) is amended to read
29 as follows:

30 2. Any such licensed dredging operation shall be limited to the
31 use of dredges that shall conform to any limits established by the
32 commissioner by rule or regulation adopted pursuant to the
33 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
34 seq.) . Notwithstanding any other provision of law, the
35 commissioner may adopt rules or regulations fixing the hours
36 during which dredging will be permitted. No such dredging
37 operation shall be permitted at any time between June 1 and
38 September 30 in each year, unless changed by emergency order or
39 regulation. Unless otherwise provided by rule or regulation, all surf
40 clams harvested within the waters of New Jersey (**【3】** three nautical
41 miles) shall not be taken into another state or the waters thereof
42 until **【said】** the clams have been first landed in New Jersey. It shall
43 be prima facie evidence of a violation of this section if a harvest
44 vessel is observed by radar or other means leaving the waters of
45 New Jersey and entering the waters of another state any time prior
46 to landing.

47 (cf: P.L.1991, c.79, s.2)

1 32. Section 3 of P.L.1950, c.310 (C.50:2-6.3) is amended to read
2 as follows:

3 3. The Commissioner of Environmental Protection with the
4 advice of the **【Shell Fisheries】** Shellfisheries Council shall adopt ,
5 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
6 (C.52:14B-1 et seq.), rules and regulations and amend or repeal
7 such rules and regulations from time to time as required for the
8 conservation, protection, management, and improvement of the surf
9 clam resource and industry. These rules and regulations may
10 include the imposition and collection of a per bushel fee for all surf
11 clams harvested within the waters of this State, provided that the fee
12 shall be in an amount not less than \$0.125 nor more than \$0.25 per
13 bushel. Emergency rules or regulations may be adopted where
14 immediate danger exists to the resource or industry.

15 The surf clam license fee shall be fixed pursuant to rule or
16 regulation in an amount not less than \$600 **【nor】** or more than
17 \$1,000 per license issued to an individual or entity legally
18 domiciled or incorporated in **【a bona fide】** New Jersey **【resident】** .
19 The surf clam bait license fee shall be fixed pursuant to rule or
20 regulation in an amount not less than \$100 **【nor】** or more than
21 \$200.

22 (cf: P.L.1991, c.79, s.3)

23

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

25 50:2-7. All oysters, oyster shells and other material dredged,
26 tonged or in any manner raised or taken from any of the beds and
27 grounds above what is known as the southwest line in Delaware
28 **【bay】** Bay , except in that area known as Section "E" as defined in
29 R.S.50:1-23, or from any natural oyster bed or ground, shell bed or
30 reef, where oysters naturally spawn and grow under the tidal waters
31 of the State, shall be culled as soon as **【the same】** they are emptied
32 out of the tongs or dredges on the culling board, conveyor, culling
33 device, or deck of the boat or vessel employed for the purpose, and
34 before **【the same】** they are shoveled back from the culling board or
35 portion of the deck used for emptying the tongs or dredges.

36 (cf: P.L.1981, c.62, s.2)

37

38 34. (New section) The department, in consultation with the
39 Shellfisheries Council, may adopt, pursuant to the "Administrative
40 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
41 regulations regarding the use of leased bottom, including the
42 removal of shell.

43

44 35. R.S.50:2-8 is amended to read as follows:

45 50:2-8. Such culling shall be so close that three bushels of
46 oysters, oyster shells and other material taken from any part of a
47 boat or vessel, after having been shoveled back from the culling

1 board, conveyor, culling device or that part of the boat or vessel
2 used for emptying the tongs and dredges, shall not contain more
3 than 15% of shells and other material.

4 All shells and other material, except oysters and clams, shall be
5 immediately thrown back upon the beds or grounds from which
6 they ~~shall have been~~ were taken.

7 (cf: P.L.1979, c.199, s.34)

8

9 36. R.S.50:2-9 is amended to read as follows:

10 50:2-9. When the person in charge of any boat or vessel licensed
11 under the provisions of this Title, or any person holding a tonger's
12 license, is hailed or signaled by any officer or other representative
13 of the department and refuses to stop and permit ~~such officer or~~
14 the officers or representatives to board ~~his~~ the boat, vessel or
15 other craft and examine the oysters, oyster shells and other material
16 thereon or if having permitted the ~~officer or~~ officers or
17 representatives to board, and a violation of R.S.50:2-7 or R.S.50:2-8
18 having been found, refuses to comply with an order ~~that he~~ to
19 recull ~~such~~ the oysters and oyster shells or immediately throw
20 them upon the beds or grounds from which they were taken, the
21 commissioner, in addition to the penalties provided in section 73 of
22 P.L.1979, c.199 (C.23:2B-14), may revoke the license of ~~such~~ the
23 boat or vessel and the license of the tonger and the department may
24 seize and secure ~~any such~~ the boat, vessel and equipment ~~and~~ .
25 The commissioner shall immediately thereafter give notice thereof
26 to the Superior Court which shall summarily hear and determine
27 whether there was a violation of this section, and if it does so
28 determine, it may direct the confiscation and forfeiture of the
29 vessel, boat and equipment for the use of the department. The
30 commissioner may dispose of ~~such~~ the confiscated and forfeited
31 property at ~~his~~ the commissioner's discretion.

32 (cf: P.L.1991, c.91, s.475)

33

34 37. R.S.50:2-10 is amended to read as follows:

35 50:2-10. No boat, or vessel, propelled wholly or in part by
36 steam, naphtha, gasoline, electricity or any other mechanical motive
37 power, shall engage in the catching or taking of shellfish from any
38 of the natural beds, under the tidal waters of this State, while so
39 mechanically propelled, except as otherwise specifically provided
40 in ~~sections 50:3-6 and 50:4-2 of this Title~~ R.S.50:3-6 and
41 R.S.50:4-2 .

42 (cf: P.L.1971, c.185, s.1)

43

44 38. R.S.50:2-10.1 is amended to read as follows:

45 50:2-10.1. No person shall use or employ any boat or other
46 vessel propelled wholly or in part by steam, naphtha, gasoline,
47 electricity or any other mechanical motive power, or any motor

1 driven apparatus, for the purpose of catching or taking of clams
2 from any of the waters of this State, whereby the soil or bottom on
3 or in which the clams are found is agitated or disturbed by the
4 **【propellor】** propeller wheel or wheels of **【such】** the boat or vessel
5 or by any other motor or mechanically driven apparatus thereon for
6 the purpose of catching or taking clams as aforesaid, except by
7 permit issued by the **【Department of Environmental Protection】**
8 department with the approval of the council for taking clams from
9 the waters of the **【Raritan bay, Sandy Hook bay, Shrewsbury river**
10 **or Navesink river】** Delaware Bay .

11 (cf: P.L.1979, c.199, s.36)

12

13 39. R.S.50:2-11 is amended to read as follows:

14 50:2-11. No person shall dredge upon, or throw, cast or drag an
15 oyster dredge or any other instrument or appliance used for catching
16 **【clams or oysters】** shellfish , or assist in so doing, or **【tread for**
17 **clams】** collect shellfish by any means , upon any of the lands lying
18 under the tidal waters of this State before sunrise or after sunset, or
19 at any time on Sunday, except that clams may be taken from the
20 waters of Raritan **【bay】** Bay, Sandy Hook **【bay】** Bay, Shrewsbury
21 **【river】** River or Navesink **【river】** River on Sunday. The
22 department, in consultation with the council, may adopt, pursuant to
23 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
24 seq.), rules and regulations for the harvest of oysters on Sunday
25 during specific times, in specific areas, and using specific methods
26 of harvest. The maintenance of leases, limited to the moving and
27 planting of shell, oyster and clam seed and the use of bagless oyster
28 scrapes, shall be permitted on Sunday.

29 (cf: P.L.1979, c.199, s.37)

30

31 40. R.S.50:2-12 is amended to read as follows:

32 50:2-12. Seed oysters of any size and hard shell clams measuring
33 less than **【1 1/2】** 1.5 inches (38 millimeters) in length caught and
34 taken from any of the **【natural oyster or clam】** unleased shellfish
35 beds or grounds under the tidal waters of this State shall not be sold
36 **【and】** , purchased, transported, or taken out of this State **【for the**
37 **purpose of planting on grounds in any other state, excepting for**
38 **methods of aquaculture approved by the commissioner. No person**
39 **may sell natural seed oysters or clams in violation of this section**
40 **nor shall any person purchase or transport such oysters or clams in**
41 **violation of this section.**

42 Possession of such oysters or clams outside of the boundaries of
43 this State shall be prima facie evidence of violation of this section**】**
44 , except for shellfish seed produced under an aquatic farmer license
45 in a hatchery or on leased bottom using aquaculture methods
46 approved by the commissioner .

47 (cf: P.L.1979, c.199, s.38)

1 41. The caption to chapter 3 of Title 50 of the Revised Statutes
2 is amended to read as follows:

3 Chapter 3. REGULATIONS APPLICABLE TO DELAWARE
4 RIVER, DELAWARE BAY AND THEIR TRIBUTARIES [;
5 DEPARTMENT OF] AND MAURICE RIVER COVE
6 (cf: Caption, chapter 3, Title 50 of the Revised Statutes)

7

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

9 50:3-1. No boat or vessel shall be used or employed in the
10 catching or taking of oysters in the Delaware [river] River,
11 Delaware [bay] Bay or [Maurice river cove,] their tributaries in
12 this State, without a license for that purpose issued by the
13 commissioner.

14 (cf: P.L.1979, c.199, s.39)

15

16 43. R.S.50:3-2 is amended to read as follows:

17 50:3-2. The Delaware Bay Section of the [council]
18 Shellfisheries Council may fix the license fee at any sum, except
19 that the fee shall be not less than \$10, or less than \$2 per gross ton
20 of the boat or vessel, whichever is greater, for boats or vessels
21 required to be licensed under R.S.50:3-1.

22 No license shall be issued for a period longer than one year.

23 All licenses shall be numbered and recorded by the
24 commissioner.

25 All fees for licenses collected pursuant to this section shall be
26 deposited in the "Oyster Resource Development Account,"
27 established pursuant to section 8 of P.L.1996, c.112 (C.23:3-12.2),
28 and shall be subject to all the terms and conditions of that section.

29 (cf: P.L.1996, c.112, s.3)

30

31 44. R.S.50:3-3 is amended to read as follows:

32 50:3-3. The commissioner, before issuing a license to any boat
33 or vessel as provided in this article, shall cause the [master or
34 captain] owner thereof to file with [him] the commissioner a
35 statement that [such] the boat or vessel is wholly owned [bona
36 fide] by legally domiciled residents [of] or by any entity
37 incorporated in this State; and no boat or vessel owned wholly or in
38 part by a nonresident and licensed in any other state to catch oysters
39 on natural beds or grounds in [such] that other state shall be
40 licensed in this State within the same year in which [such] the
41 license to catch oysters in [such] the other state shall have been or
42 shall be issued. The commissioner may revoke a license issued by
43 reason of a false statement filed by any applicant.

44 (cf: P.L.1979, c.199, s.41)

45

46 45. R.S.50:3-5 is amended to read as follows:

1 50:3-5. The commissioner may revoke the license of any boat or
2 vessel issued as provided in this article , the owner, captain, master
3 or person in charge of which boat or vessel shall violate or cause or
4 permit to be violated any of the provisions of this Title or any rule
5 or regulation of the **[commissioner] department** , and the
6 commissioner may refuse thereafter to allow any license to be
7 issued to the boat or vessel for such period of time as **[he] the**
8 commissioner shall fix.

9 (cf: P.L.1979, c.199, s.42)

10
11 46. R.S.50:3-6 is amended to read as follows:

12 50:3-6. No boat or vessel **[, propelled wholly or in part by**
13 **mechanical power,]** shall be operated in the catching or taking of
14 **[oysters or clams] shellfish** from any of the natural beds under the
15 tidal waters of the Delaware **[river] River,** Delaware **[bay,] Bay**
16 and their tributaries, in this State, **[without first detaching and**
17 **removing the propeller, or wheel, from the driving shaft thereof;**
18 **except that any licensed vessel] while** equipped with **[not] more**
19 **than two dredges at any one time [may be propelled wholly or in**
20 **part by steam, naphtha, gasoline, electricity or any other mechanical**
21 **motive power, while being used in the catching or taking of oysters**
22 **and clams from the oyster beds under the tidal waters of this State**
23 **in Delaware river, Delaware bay, Maurice river cove and Cohansey**
24 **river, except] . No dredging shall be permitted within the beds,**
25 **[creek] creeks** and rivers, **[excluding the Cohansey river,]**
26 **described in [section 50:3-14 of this Title,] R.S.50:3-14, with the**
27 **exception of the Cohansey River and the lands under the waters of**
28 **Delaware [bay southwesterly of a line beginning at a point (x =**
29 **1,929,827.93) (y = 87,182.61) on the shore of Delaware bay in Cape**
30 **May county, said point being about 2,000 feet south-southwest of**
31 **Gus's Beach, and running thence N 67°-38 ' -05.3 " W 21,127.33**
32 **feet to a corner (x = 1,910,289.85) (y = 95,221.74) said corner**
33 **being on the line running from Dennis Creek Rear Range Light to**
34 **Brandywine Lighthouse and oysters and clams] Bay in the section**
35 **known as Areas 1, 2 and 3, described in R.S.50:1-23.**

36 Shellfish may be caught and taken **[therefrom] from the**
37 **Cohansey River and Areas 1, 2, and 3 by means of such boats and**
38 **dredges beginning at 6:00 Ante Meridian Standard Time, quitting at**
39 **2:30 Post Meridian Standard Time [, each day, except on**
40 **Saturdays,] Monday through Friday during the months of May and**
41 **June, subject to the power of [said Shell Fisheries] the**
42 **Shellfisheries Council, by rule [and] or regulation, to prohibit the**
43 **taking or catching of [oysters and clams] shellfish in such manner**
44 **from [such of said] any of those beds and for such time as, in the**
45 **judgment of [said Shell Fisheries Council] the council , may be**

1 necessary in order to close **[said]** the beds for purposes of
2 conservation.

3 (cf: P.L.1953, c.260, s.2)

4

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

6 50:3-7. No person shall use any dredge for the purpose of
7 catching or taking **[oysters or clams]** shellfish from any of the
8 natural beds or grounds in Delaware **[bay]** Bay or Delaware **[river]**
9 River above the line running direct from the mouth of Straight
10 **[creek]** Creek to Cross Ledge Shoal Old lighthouse, commonly
11 known and hereafter referred to as the "southwest **[line",]** line."
12 except in that area known as Section "E" as defined in R.S.50:1-23,
13 the tooth bar of which dredge measures more than 54 inches across
14 from center of bolt hole to center of bolt hole where the frame
15 thereof is fastened to the tooth bar, or any dredge which measures
16 more than 5 feet 2 inches in width from the extreme outside to
17 outside of frame, or any dredge which measures more than 21
18 inches from center of tooth bar to center of cross bar, or any dredge
19 the bag of which contains more than 17 rows of 2 inch rings, or any
20 dredge the rings of which are less than 2 inches in diameter, inside
21 measurement, or any dredge the bag of which measures more than 5
22 feet around the bag from center of tooth bar to center of cross bar,
23 or any dredge which weighs more than 250 pounds.

24 (cf: P.L.1981, c.62, s.3)

25

26 48. R.S.50:3-8 is amended to read as follows:

27 50:3-8. **[Season for taking oysters.]** Except in that area known
28 as Section "E" as defined in R.S.50:1-23, no **[oysters shall be**
29 **dredged for, caught or taken]** person shall catch, take, or attempt to
30 catch or take oysters from any of the lands lying under the tidal
31 waters of the Delaware **[river]** River, Delaware **[bay]** Bay **[or**
32 **Maurice river cove]** or their tributaries, above the southwest line,
33 except at the times and in the manner prescribed by the
34 commissioner after consultation with the Delaware Bay Section of
35 the **[Shell Fisheries]** Shellfisheries Council.

36 (cf: P.L.1996, c.112, s.4)

37

38 49. R.S.50:3-9 is amended to read as follows:

39 50:3-9. **[Possession or sale of oysters taken out of season.]** No
40 person shall possess, sell or offer for sale any oysters caught or
41 taken from any natural oyster bed or ground where oysters naturally
42 spawn and grow under the tidal waters of the Delaware **[river]**
43 River , Delaware **[bay]** Bay or Maurice **[river cove]** River Cove
44 above the southwest line, except from and including April first to
45 and including June thirtieth of each year or as otherwise determined
46 by the commissioner after consultation with the Delaware Bay

1 Section of the Shellfisheries Council .

2 (cf: P.L.1995, c.67, s.2)

3

4 50. R.S.50:3-10 is amended to read as follows:

5 50:3-10. Nothing in this **[title]** Title shall strengthen, confirm or
6 verify the title of any person to any lands lying under the tidal
7 waters of the Delaware **[river]** River or Delaware **[bay]** Bay ,
8 above the southwest line.

9 (cf: R.S.50:3-10)

10

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

12 50:3-11. No oysters shall be dredged for, caught or taken from
13 that area known as Section "E" as defined in R.S.50:1-23 or from
14 any of the lands lying under the tidal waters of the Delaware **[bay]**
15 Bay and Maurice **[river cove]** River Cove below a line running
16 direct from the mouth of Straight **[creek]** Creek to Cross Ledge
17 Shoal Old lighthouse, commonly known and hereinafter referred to
18 as the "southwest line," at any time except from September 1 to
19 June 30 then next, both inclusive, of each year; **[but]** unless
20 authorized by the commissioner **[may, upon application, give**
21 **permission, in writing, to any lessee of oyster grounds to dredge,**
22 **catch or take oysters or to employ such methods for the protection**
23 **of the oysters on the grounds]** after consultation with the Delaware
24 Bay Section of the Shellfisheries Council .

25 (cf: P.L.1996, c.112, s.5)

26

27 52. R.S.50:3-12 is amended to read as follows:

28 50:3-12. The **[council]** department, after consultation with the
29 council, may upon application give permission, in writing, to any
30 prospective lessee to examine and inspect, with proper appliances,
31 any of the unleased lands of the State below the southwest line and
32 the area known as Section "E" as defined in R.S.50:1-23 for the
33 purpose of determining their suitability or adaptability for oyster
34 culture or propagation; but no oysters shall be permanently removed
35 from any **[such]** of those lands by virtue of any such permit. Any
36 individual given such permission shall be required to notify the
37 department via telephone each day prior to conducting an
38 inspection.

39 (cf: P.L.1979, c.199, s.45)

40

41 53. R.S.50:3-13 is amended to read as follows:

42 50:3-13. No person shall dredge upon or throw, cast or drag an
43 oyster or clam dredge, or any other instrument or appliance used for
44 catching **[oysters or clams]** shellfish , in that area known as Section
45 "E" as defined **[by]** in R.S.50:1-23 or upon any of the land of the
46 State lying under the tidal waters of the Delaware **[bay or Maurice**
47 **river cove]** Bay , in this State, below the southwest line, other than

1 land or ground for which [such] the person then holds a lease from
2 the [Shell Fisheries] Shellfisheries Council under this Title. A
3 lessee may, however, authorize another individual to dredge for
4 shellfish on the lease using authorized gear during the authorized
5 season. Any such authorization shall be in writing, signed by all
6 parties on forms provided by the Division of Fish and Wildlife, and
7 shall be in the dredger's possession at all times during dredging
8 operations.

9 (cf: P.L.1981, c.62, s.6)

10

11 54. R.S.50:3-14 is amended to read as follows:

12 50:3-14. a. No person shall use or cause to be used any dredge,
13 drag, scrape or other instrument, except hand tongs, for the purpose
14 of catching [oysters] shellfish from the following named beds,
15 creeks, and rivers of this State, along the shore of Delaware [bay]
16 Bay, the areas of which are described by [co-ordinates] coordinates
17 and bearings taken from the official survey base known as the "New
18 Jersey [System of Plane Coordinates]" system of plane
19 coordinates" as defined in article [two] 2 of chapter [three] 3 of
20 Title 51 [in] of the Revised Statutes, viz.:

21 (1) Elder point beds, Andrews ditch beds, East point beds,
22 described as follows: Beginning at a point with [co-ordinates]
23 coordinates [X = 1,897,678 y = 132,207] (X=104,451.54)
24 (Y=40,377.57) said point being now or formerly East Point
25 Lighthouse and running thence [N 48°-23 ' -07 " W 9,400. feet] N
26 48° 16' 48.910" W 2865.15 meters to a point [X = 1,890,650 y =
27 138,450] (X=102,312.9) (Y=42,284.30) on or near the east bank of
28 the mouth of New England [creek] Creek; thence following in an
29 easterly direction the shore line and crossing the mouth of the
30 Maurice [river] River and following the shore line to the point of
31 beginning; [the]

32 (2) High beds and Pepper beds, described as follows: Beginning
33 at a point with [co-ordinates x = 1,897,678 y = 132,207]
34 coordinates (X=104,451.5) (Y=40,377.57) said point being now or
35 formerly East Point Lighthouse and running thence [S 55°-00 ' -26
36 " W 6,637. feet] S 55° 06' 44.5440" W 2022.82 meters to a corner
37 [x = 1,892,241 y = 128,401] (X=102,792.2) (Y=39,220.58) in
38 Delaware Bay the same being corner number 2 of oyster ground
39 number 48 section C now or formerly leased by [the Sockwell
40 Estate] Robbins and Robbins Inc.; thence [N 76°-54 ' -16 " W
41 1,063 feet] N 76° 47' 57.9276" W 324.19 meters to a corner [x =
42 1,891,205 y = 128,642] (X=102,476.6) (Y=39,294.61) the same
43 being corner No. 3 of oyster ground No. [20] 22 section C now or
44 formerly leased by [the six Robbins brothers] Robbins and Robbins
45 Inc.; thence [N 03°-14 ' -20 " W 9,824 feet] N 03° 08' 00.7977" W

1 2994.17 meters to a point [X = 1,890,650 y = 138,450]
 2 (X=102,312.9) (Y=42,284.30) on the east bank of the mouth of
 3 New England [creek] Creek; thence S 48°-23 ' -07 " E [9,400.
 4 feet] 2,865 meters to the point of beginning;

5 (3) Dividing [creek] Creek beds and Oranoken beds, described
 6 as follows: Beginning at a point with [co-ordinates x = 1,881,141
 7 y = 136,707] coordinates (X=99,599.58) (Y=41,933.40) said point
 8 being located on the meadow land at Kenny's Point about [2000
 9 yards] 1,829 meters east south east of the mouth of Dividing
 10 [creek] Creek and running thence [S 39°-26 ' -34 " W 6,469. feet]
 11 S 39° 32' 52.0432" W 2,276.59 meters to a corner in Delaware Bay
 12 [x = 1,877,031 y = 131,711] (X=98,158.25) (Y=40,237.93); thence
 13 [N 69°-06 ' -42 " W 5,651. feet] N 69° 00' 23.9963" W 2179.71
 14 meters to a corner [X = 1,871,751 y = 133,726]
 15 (X=96,123.23)(Y=41,018.83) on the meadow land said corner being
 16 about [1166 yards south south east] 880 meters south west of the
 17 mouth of Oranoken [creek] Creek; thence following the shore line
 18 in a [north] north east and east south east direction, crossing the
 19 mouths of Oranoken [creek] Creek and Dividing [creek] Creek to
 20 the point of beginning;

21 (4) Nantuxent [creek] Creek beds, Beach [creek] Creek beds,
 22 Goshen [creek] Creek, Dennis [creek] Creek, East [creek] Creek,
 23 West [creek] Creek, West [creek] Creek beds at the mouth of West
 24 [creek] Creek, Dividing [creek] Creek and its tributaries,
 25 Oranoken [creek] Creek and its tributaries, Little Brothers and Big
 26 Brothers [creeks] Creeks, Straight [creek] Creek, Fishing [creek]
 27 Creek in Cumberland County, Oyster [creek] Creek, [Fortesque
 28 creek] Fortescue Creek, [Beaden's creek] Beadons Creek, Sow
 29 and Pigs [creek] Creek, Dare's [creek] Creek, Padgett's [creek]
 30 Creek, Nantuxent [creek] Creek, Cedar [creek] Creek, Back
 31 [creek] Creek, Middle Marsh [creek] Creek, Stow [creek] Creek,
 32 [Bidwell's ditch] Bidwell Creek, Nantuxent beds at the mouth of
 33 Nantuxent [creek] Creek, Back [creek] Creek beds at the mouth of
 34 Back [creek] Creek, the Nantuxent beds and Back [creek] Creek
 35 beds taking in that area north of a line running direct from
 36 Nantuxent Point to Ben Davis Point, Cohansey beds at the mouth of
 37 Cohansey [river] River, said beds taking in that area north of a line
 38 extending from the south bank of the mouth of Middle Marsh
 39 [creek] Creek direct to Cohansey Point, and Maurice [river] River
 40 and Cohansey [river] River; except that during May and June in
 41 any year oysters may be taken from the beds in the Cohansey
 42 [river] River and Stow [creek] Creek by means of [patent tongs,
 43 and] dredges [may be used in the Cohansey river] .

1 b. No licenses shall be issued by the **[division]** Division of Fish
2 and Wildlife contrary to this section. The department, in
3 consultation with the council, may permit the use of hand scrapes or
4 mechanically-retrieved oyster scrapes in certain beds, creeks and
5 tributaries to harvest specific quantities of oysters, provided such
6 use will not be detrimental to the resource in those areas.

7 (cf: P.L.1953, c.261, s.1)

8
9 55. R.S.50:3-15 is amended to read as follows:

10 50:3-15. No person shall gather, scrape, rake or tong any oysters
11 in or upon the beds, rivers or creeks of this State named in **[section**
12 **50:3-14 of this Title]** R.S.50:3-14 , for and during the period from
13 June 30 until September 1 in each and every year **【; but this】** . This
14 closed season shall not apply to the following beds **【(a)】** , from
15 which oysters may be taken only during the months of April, May,
16 June, September, October and November between sunrise and
17 sunset, except on Sunday:

18 a. at the mouth of Maurice **[river]** River, described as follows:
19 Beginning at a point with **【co-ordinates x=1,897,678 y=132,207】**
20 coordinates (X=104,451.5)(Y=40,377.57) said point being now or
21 formerly East Point Lighthouse and running thence **【N 48°-23 ' -07**
22 **" W 9,400 feet】** N 48° 16' 48.4910" W 2865.15 meters to a point
23 **【x=1,890,650 y=138,450】** (X=102,312.9)(Y=42,284.30) on or near
24 the east bank of the mouth of New England **[creek]** Creek; thence
25 following in an easterly direction the shore line and crossing the
26 mouth of the Maurice **[river]** River and following the shore line to
27 the point of beginning, and in Maurice **[river, from which oysters**
28 **may be taken between sunrise and sunset at any time, except on**
29 **Sundays]** River; or

30 **【(b) to】** b. the Nantuxent beds in that area at the mouth of
31 Nantuxent **[creek]** Creek , Back **[creek]** Creek and Cedar **[creek]**
32 Creek and the Cohansey beds at the mouth of Cohansey **[river,**
33 **from which oysters may be taken at any time between sunrise and**
34 **sunset, except on Sunday]** River, provided, however, that any
35 oysters so taken shall be 3 inches from hinge to mouth or longer; or

36 **【(c) to】** c. the Back **[creek]** Creek beds at the mouth of Back
37 **[creek]** Creek, Back **[creek]** Creek from the mouth to the south
38 bank of the mouth of Tweed **[creek]** Creek, which areas are
39 described as follows: Beginning at the intersection of the southerly
40 bank of the mouth of Tweed **[creek]** Creek with the westerly bank
41 of Back **[creek]** Creek, said intersection being at high-water mark,
42 thence from said point in a southeasterly, southwesterly, and
43 southerly direction, being along the westerly bank of Back **[creek]**
44 Creek and the westerly shore of Nantuxent Cove to a point on the
45 said shore, said point being **【N 71° E 700 feet more or less from the**

1 Sextant tower on] at or near Ben Davis Point
 2 (X=82,032.21)(Y=51,070.56); thence [N 71` E 4,300 feet more or
 3 less to a stake set in] N 77° 09' 23.4025" E 1,420.56 meters to a
 4 point in Nantuxent Cove (X=83,417.22)(Y=51,386.33) ; thence [N
 5 19` E 3,300 feet more or less to a stake set at the highwater mark]
 6 N 20° 02' 18.8773" E 1,129.71 meters to a point along the north
 7 shore of Nantuxent Cove; thence bounding on the said high-water
 8 mark in a general westerly direction to the mouth of Back [creek]
 9 Creek , thence along the easterly bank of Back [creek] Creek in a
 10 general, easterly, northerly and northwesterly direction to a point
 11 due east from the southerly bank of the mouth of Tweed [creek]
 12 Creek; thence crossing Back [creek] Creek in a due west direction
 13 to the place of beginning [, from which oysters may be taken only
 14 during the months of April, May, June, September, October and
 15 November between sunrise and sunset, except on Sunday] .

16 (cf: P.L.1979, c.199, s.77)

17

18 56. Section 3 of P.L.1952, c.184 (C.50:3-15.1) is amended to
 19 read as follows:

20 3. a. No oysters which measure less than three inches from
 21 hinge to mouth shall at any time be taken from the waters in or
 22 upon any of the beds, rivers or creeks of this State named in
 23 [section] R.S.50:3-14, or be in the possession of any person after
 24 being so taken; except that this prohibition shall not apply to spat or
 25 blisters adhering so closely as to be impossible to remove without
 26 destruction; but in no case shall this exception amount to more than
 27 [ten per centum (10%)] 10% of any catch or cargo; but this
 28 minimum size shall not apply to [(a)] :

29 (1) Elder point beds, Andrews ditch beds, East point beds, as the
 30 same are described in [section 50:3-14 of the Revised Statutes]
 31 R.S.50:3-14 ; [(b)]

32 (2) Maurice [river] River beds; [(c)]

33 (3) Nantuxent beds at the mouth of Nantuxent [creek] Creek ;
 34 [(d)]

35 (4) Back [creek] Creek beds at the mouth of Back [creek]
 36 Creek ; [(e)]

37 (5) Back [creek] Creek from the mouth thereof to the south bank
 38 of the mouth of Tweed [creek] Creek ; and [(f)]

39 (6) Cohansey beds at the mouth of Cohansey [river] River .

40 b. This section shall not apply to oysters produced on
 41 aquaculture leases.

42 (cf: P.L.1952, c.184, s.3)

43

44 57. Section 1 of P.L.1966, c.52 (C.50:3-16.1) is amended to read
 45 as follows:

1 1. The area southwest of the Clam Line and southeast of the
 2 Brandywine-Dennis Creek Line more fully described by coordinates
 3 and bearings taken from the official survey base known as the "New
 4 Jersey **【System of Plane Coordinates】** system of plane
 5 coordinates" as defined in article 2 of chapter 3 of Title 51 **【in】** of
 6 the Revised Statutes, viz.: **【beginning】** Beginning at a point in
 7 Delaware Bay **【(X = 1,910,289.85) (Y = 95,221.74)】**
 8 **【(X=108,274.8)(Y=29,097.81)】** said point being the intersection of
 9 the Clam Line with the Brandywine-Dennis Creek Line; and
 10 running thence **【S 67°-38 ' -05.3 " E 21,127.33 feet】** S 67° 31'
 11 48.16" E 21,126.46 meters to a point where the Clam Line
 12 intersects the shore line of Cape May County **【(X = 1,929,827.93)**
 13 **【(Y = 87,182.61)】** **【(X=114,225.3)(Y=26,636.70)】** said point being
 14 about **【2000 feet】** 200 meters south southwest of **【Gus's Beach】**
 15 Rutgers Cape Shore Laboratory ; thence following the high water
 16 mark along the shore line of Cape May County in a southerly
 17 direction its various courses and distances to a point **【(X =**
 18 **1,913,191.01) (Y = 37,809.97)】** **【(X=109,127.0)(Y=11,597.75)】**
 19 located on the Cape May Point Lighthouse-Brandywine Shoal
 20 Lighthouse Line; thence along this line **【N 65°-43 ' -09.6 " W**
 21 **44,130.11 feet】** N 65° 36' 53.5" W 44,128.37 meters to Brandywine
 22 Shoal Lighthouse **【(X = 1,872,964.55) (Y = 55,956.58)】**
 23 **【(X=96,876.60)(Y=17,150.99)】**, thence along the Brandywine-Dennis
 24 Creek Line **【N 43°-32 ' -56.9 " E 54,175.00 feet】** N 43° 39'
 25 13.6495" E 16,511.99247 meters to the place of beginning, shall be
 26 divided into three **【(3)】** areas, to be known as follows:

27 Area No. 1--Tongers Area.

28 Area No. 2--Natural Seed Bed Area.

29 Area No. 3--Shellfish Dredging Area.

30 (cf: P.L.1966, c.52, s.1)

31

32 58. Section 3 of P.L.1966, c.52 (C.50:3-16.3) is amended to read
 33 as follows:

34 3. Area No. 1--Tongers Area is described as follows:
 35 **【beginning】** Beginning at a point **【(X = 1,921,393.68) (Y =**
 36 **90,652.96)】** **【(X=111,656.5)(Y=27,699.12)】** said point located on the
 37 Clam Line 1 1/2 nautical miles off shore; and running thence **【S**
 38 **67°-38 ' -05.3 " E 9,120.30 feet】** S 67° 31' 50.66" E 9,119.92
 39 meters to a point where the Clam Line intersects the shore line of
 40 Cape May County **【(X = 1,929,827.93) (Y = 87,182.61)】**
 41 **【(X=114,225.3)(Y=26,636.70)】** said point also being about **【2000**
 42 **feet】** 200 meters south south west of **【Gus's Beach】** Rutgers Cape
 43 Shore Laboratory ; thence following the high water mark along the
 44 shore line of Cape May County in a southerly direction its various
 45 courses and distances to a point **【(X = 1,913,191.01) (Y =**
 46 **37,809.97)】** **【(X=109,127.0)(Y=11,597.75)】** located on the Cape May

1 Point Lighthouse-Brandywine Shoal Lighthouse Line; thence along
 2 this line **[N 65°-43' -09.6 " W 10,920.30 feet]** N 65° 36' 53.99" W
 3 10,919.86 meters to a point **[(X = 1,903,236.69) (Y = 42,300.47)]**
 4 (X=106,095.5)(Y=12,971.93) located on the Cape May Point
 5 Lighthouse-Brandywine Shoal Lighthouse Line; thence **[N 05°-23' -**
 6 **-37.6 " E 32,025.80 feet]** N 05° 29' 54.29" E 32,024.59 meters to a
 7 point **[(X = 1,906,247.10) (Y = 74,184.49)]**
 8 (X=107,030.8)(Y=22,688.13) in Delaware Bay; thence **[S 60°-50' -**
 9 **30 " E 5700 feet]** S 60° 45' 15.72" E 5,698.81 meters to a point
 10 **[(X = 1,911,224.78) (Y = 71,409.29)]**
 11 (X=108,546.4)(Y=21,839.51) in Delaware Bay; thence **[N 27°-51' -**
 12 **-02.8 " E 21,767.00 feet]** N 27° 57' 28.84" E 21,764.48 meters to
 13 the place of beginning.
 14 (cf: P.L.1966, c.52, s.3)

15
 16 59. Section 4 of P.L.1966, c. 52 (C.50:3-16.4) is amended to
 17 read as follows:

18 4. It shall be lawful to catch or take shellfish in Area No. 1 by
 19 the use of a **[Shinnycok]** Shinnecock Rake, hand tongs or one
 20 mechanically-retrieved hand scrape or dredge per vessel, weight not
 21 to exceed 60 pounds, the tooth bar of which shall not exceed 30
 22 inches from center of bolt hole to center of bolt hole where the
 23 frame thereof is fastened to the tooth bar, with power and in the
 24 manner, now or hereafter prescribed by law. The department, in
 25 consultation with the council, may adopt, pursuant to the
 26 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
 27 seq.), rules and regulations governing the harvest of shellfish in
 28 Area No. 1 including, but not limited to, daily catch limits.
 29 (cf: P.L.1966, c.52, s.4)

30
 31 60. Section 5 of P.L.1966, c.52 (C.50:3-16.5) is amended to read
 32 as follows:

33 5. a. No person shall catch or take any shellfish from the
 34 natural shellfish beds contained within **[said]** Area No. 1 unless
 35 there shall have been first issued by the **[Council]** department for
 36 each boat or vessel, so to be used or employed therein, a special
 37 license authorizing the catching or taking of shellfish within **[said]**
 38 that area, which shall be issued for a term not longer than **[1]** one
 39 year and shall contain an agreement on the part of the holder thereof
 40 that any person or officer or other representative of the department
 41 authorized by rule or regulation **[of said council]** to make
 42 inspections of **[such]** that area may board **[said]** the boat or vessel
 43 to inspect shellfish therein contained, and all licenses issued under
 44 **[this act]** P.L.1966, c.52 (C.50:3-16.1 et seq.) shall be numbered.

45 b. The holder of a special license issued pursuant to this section
 46 shall submit monthly reports of shellfish harvested and submit a fee

1 of not less than \$1.25 per bushel of shellfish harvested which shall
2 be deposited in the "Oyster Resource Development Account,"
3 established pursuant to section 8 of P.L.1996, c.112 (C.23:3-12.2).
4 (cf: P.L.1979, c.199, s.48)

5
6 61. Section 6 of P.L.1966, c.52 (C.50:3-16.6) is amended to read
7 as follows:

8 6. Application for **【such】** a license for Area No. 1 shall be
9 made to **【said council】** the department on a form prescribed by the
10 **【council】** department by the owner of the vessel to be licensed or
11 the master or captain of **【such】** the vessel acting for **【such】** the
12 owner, which application shall state, under oath, that **【such】** the
13 boat or vessel is wholly owned bona fide by a **【citizen or citizens or**
14 **actual】** legally domiciled resident or residents of this State, or
15 entities incorporated in this State, who have been such for 12
16 months next preceding the making of **【said】** the application, and
17 shall contain a provision that the holder of the license applied for
18 thereby consents to the agreements to be set forth in **【such】** the
19 license as prescribed by section **【10 of this act】** 5 of P.L.1966, c.52
20 (C.50:3-16.5) . **【Said】** The oath may be administered by any
21 member of the **【council or the chief of the section】** department and
22 **【must】** shall be in writing signed by the person making the **【same】**
23 oath in the presence of the person administering **【the same】** it .

24 (cf: P.L.1966, c.52, s.6)

25
26 62. Section 7 of P.L.1966, c.52 (C.50:3-16.7) is amended to read
27 as follows:

28 7. Each application for a license for Area No. 1 shall be
29 accompanied by a license fee in an amount to be fixed by the
30 council but not **【exceeding \$4.00】** less than \$4 per ton on the gross
31 tonnage measurement of the boat or vessel to be licensed but a
32 minimum fee of **【\$25.00】** \$50 shall be charged for each boat or
33 vessel licensed. In the event that the license is refused, the license
34 fee accompanying the application shall be returned to the applicant.

35 (cf: P.L.1966, c.52, s.7)

36
37 63. Section 8 of P.L.1966, c.52 (C.50:3-16.8) is amended to read
38 as follows:

39 8. The **【council】** department may revoke any license for Area
40 No. 1 issued under **【this act】** P.L.1966, c.52 (C.50:3-16.1 et seq.)
41 by reason of a false oath made by any owner or master in applying
42 therefor, or for any other violation of P.L.1966, c.52 (C.50:3-16.1 et
43 seq.), after due hearing.

44 (cf: P.L.1966, c.52, s.8)

1 64. Section 9 of P.L.1966, c.52 (C.50:3-16.9) is amended to read
2 as follows:

3 9. No oysters shall be dredged for or harvested in Area No. 1
4 except between the hours of 6 o'clock ante meridian and 2:30
5 o'clock post meridian, Standard Time, on the days of the week,
6 except Saturdays and Sundays **[**, during the months beginning with
7 the month of October in 1 year and ending with the month of April
8 in the next year**]** . The department, in consultation with the
9 council, may adopt, pursuant to the "Administrative Procedure
10 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations
11 regarding the season for the harvest of oysters from Area No. 1 .
12 (cf: P.L.1966, c.52, s.9)
13

14 65. Section 10 of P.L.1966, c.52 (C.50:3-16.10) is amended to
15 read as follows:

16 10. Area No. 2--Natural Seed Bed Area is described as follows:
17 **[beginning] Beginning** at a point **[(X = 1,910,289.85) (Y =**
18 **95,221.74)]** (X=108,274.8)(Y=29,097.81) said point being the
19 intersection of the Clam Line with the Brandywine-Dennis Creek
20 Line; and running thence **[S 67°-38 ' -05.3 " E. 12,007.03 feet]** S
21 67° 31' 48.16" E 12,006.54 meters along the Clam Line to a point
22 **[(X = 1,921,393.68) (Y = 90,652.96)]**
23 (X=111,656.5)(Y=27,699.12) the same being the northwest corner
24 of Area No. 1--Tongers Area; thence **[S 27°-51 ' -02.8 " W**
25 **21,767.00 feet]** S 27° 57' 28.84" W 21,764.48 meters along the
26 western side of Area No. 1 to a point **[(X = 1,911,224.78) (Y =**
27 **71,407.29)]** (X=108,546.4)(Y=21,838.90); thence **[N 60°-50 ' -30**
28 **" W 17,638.66 feet]** N 60° 44' 33.5" W 17,636.99 meters to a point
29 **[(X = 1,895,821.35) (Y = 80,001.28)]**
30 (X=103,856.4)(Y=24,466.84) said point located on the Brandywine-
31 Dennis Creek Line; thence along this line **[N 43°-32 ' -56.9 " E**
32 **21,000.00 feet]** N 43° 39' 13.93" E 20,999.27 meters to the place of
33 beginning.
34 (cf: P.L.1966, c.52, s.10)
35

36 66. Section 12 of P.L.1966, c.52 (C.50:3-16.12) is amended to
37 read as follows:

38 12. Area No. 3--**[Oyster, Clam and Crab] Shellfish** Dredging
39 Area is described as follows: **[beginning] Beginning** at a point **[(X**
40 **= 1,895,821.35) (Y = 80,001.28)]** (X=103,856.4)(Y=24,466.84)
41 said point being on the Brandywine-Dennis Creek Line; and
42 running thence **[S 60°-50 ' -30 " E 11,938.66 feet]** S 60° 44' 12.53"
43 E 11,938.89 meters along the southern boundary line of Area No. 2
44 to a point **[(X = 1,906,247.10) (Y = 74,184.47)]**
45 (X=107,030.8)(Y=22,688.13) said point being on the western side
46 of Area No. 1 and on the southern side of Area No. 2; thence along

1 the western side of Area No. 1 **[S 05°-23 ' -37.6 " W 32,025.80**
 2 **feet]** S 05° 29' 54.29" W 32,024.59 meters to a point **[(X =**
 3 **1,903,236.69) (Y = 42,300.47)]** (X=106,095.5)(Y=12,971.93) said
 4 point located on the Cape May Point Lighthouse-Brandywine Shoal
 5 Lighthouse Line; thence along said line **[N 65°-43 ' -09.6 " W**
 6 **33,209.81 feet]** N 65° 36' 53.00" W 33,208.51 meters to
 7 Brandywine Shoal Lighthouse **[(X = 1,872,964.55) (Y =**
 8 **55,956.58)]** (X=96,876.60)(Y=17,150.99); thence along the
 9 Brandywine-Dennis Creek Line **[N 43°-32 ' -56.9 " E 33,175.00**
 10 **feet]** N 43° 39' 13.43" E 33,173.81 meters to the place of
 11 beginning.

12 (cf: P.L.1966, c.52, s.12)

13

14 67. Section 13 of P.L.1966, c.52 (C.50:3-16.13) is amended to
 15 read as follows:

16 13. It shall be lawful to catch and take **[oysters, clams and**
 17 **crabs]** shellfish in that portion of the Delaware **[bay]** Bay,
 18 hereinbefore described as Areas Nos. 2 and 3, upon compliance
 19 with the provisions of this Title and any rules and regulations issued
 20 pursuant thereto.

21 (cf: P.L.1980, c.120, s.4)

22

23 68. Section 14 of P.L.1966, c.52 (C.50:3-16.14) is amended to
 24 read as follows:

25 14. a. No person shall catch or take any shellfish from the
 26 natural shellfish beds, contained within **[said]** Areas Nos. 2 and 3,
 27 unless there shall have been first issued by the **[council]**
 28 department for each boat or vessel, so to be used or employed
 29 therein, a special license authorizing the catching or taking of
 30 shellfish within **[said]** those areas, which shall be issued for a term
 31 not longer than **[1]** one year and shall contain an agreement on the
 32 part of the holder thereof:

33 **[(a)]** (1) That any person or officer or other representative of the
 34 department authorized by rule or regulation of **[said council]** the
 35 department to make inspections of such areas may board **[said]** the
 36 boat or vessel to inspect shellfish therein contained **[,]** ; and

37 **[(b)]** (2) That **[such]** the holder **[will deliver or cause to be**
 38 **delivered to said council the shells taken in said areas in the process**
 39 **of opening or shucking, from 40% of all of the oysters taken from**
 40 **under the tidal waters of said areas and delivered by such holder or**
 41 **for his account to any shucking houses, pursuant to chapter 39 of**
 42 **the laws of 1945, at the times and in the manner prescribed therein,**

43 (c) That such holder will, in the case of oysters packed and
 44 shipped or otherwise sold in the shells by him to persons not
 45 required to be licensed under this act, pay to the State of New
 46 Jersey the true, fair, cash market value of the oyster shells so

1 packed and shipped and otherwise sold, as fixed by the Council of
2 Shell Fisheries Shellfisheries Council, under the provisions of this
3 act, on the basis of one bushel of shells for each bushel of oysters so
4 sold or shipped which payments shall be made as statements are
5 submitted] of a special license issued pursuant to this section shall
6 submit monthly reports of shellfish harvested and submit a fee of
7 not less than \$1.25 per bushel of shellfish harvested which shall be
8 deposited in the "Oyster Resource Development Account"
9 established pursuant to section 8 of P.L.1996, c.112 (C.23:3-12.2) .

10 b. All licenses issued under **[this act]** P.L.1966, c.52 (C.50:3-
11 16. 1 et seq.) shall be numbered.
12 (cf: P.L.1980, c.120, s.5)

13

14 69. Section 15 of P.L.1966, c.52 (C.50:3-16.15) is amended to
15 read as follows:

16 15. Application for **[such]** a license for Areas Nos. 2 and 3 shall
17 be made to **[said council]** the department on a form prescribed by
18 the **[council]** department by the owner of the vessel to be licensed
19 or the master or captain of **[such]** the vessel acting for **[such]** the
20 owner, which application shall state, under oath, that **[such]** the
21 boat or vessel is wholly owned bona fide by a **[citizen or citizens or**
22 **actual]** legally domiciled resident or residents of this State, or
23 entities incorporated in this State, who have been such for 12
24 months next preceding the making of **[said]** the application, and
25 shall contain a provision that the holder of the license applied for
26 thereby consents to the agreements to be set forth in **[such]** the
27 license as prescribed by section **[9 of this act]** 14 of P.L.1966, c.52
28 (C.50:3-16.14) . **[Said]** The oath may be administered by any
29 member of the **[council or the chief of the section]** department and
30 **[must]** shall be in writing signed by the person making the **[same]**
31 oath in the presence of the person administering **[the same]** it .

32 (cf: P.L.1966, c.52, s.15)

33

34 70. Section 16 of P.L.1966, c.52 (C.50:3-16.16) is amended to
35 read as follows:

36 16. Each application for a license for Areas Nos. 2 and 3 shall be
37 accompanied by a license fee in an amount to be fixed by the
38 council but not **[exceeding \$4.00]** less than \$4 per ton on the gross
39 tonnage measurement of the boat or vessel to be licensed but a
40 minimum fee of **[\$50.00]** \$50 shall be charged for each boat or
41 vessel licensed. In the event that the license is refused, the license
42 fee accompanying the application shall be returned to the applicant.

43 (cf: P.L.1966, c.52, s.16)

44

45 71. Section 17 of P.L.1966, c.52 (C.50:3-16.17) is amended to
46 read as follows:

1 17. The **【council】** department may revoke any license for Areas
2 Nos. 2 and 3 issued under **【this act】** P.L.1966, c.52 (C.50:3-16.1 et
3 seq.) by reason of a false oath made by any owner or master in
4 applying therefor, or for any other violation of P.L.1966, c.52
5 (C.50:3-16.1 et seq.), after due hearing.
6 (cf: P.L.1966, c.52, s.17)

7
8 72. Section 18 of P.L.1966, c.52 (C.50:3-16.18) is amended to
9 read as follows:

10 18. No oyster **【, which shall measure】** that measures less than 3
11 inches from hinge to bill **【,】** shall at any time be taken from the
12 waters of Areas Nos. 2 and 3 or be possessed by any person after
13 being so taken, except spats or blisters, adhering so closely as to be
14 impossible to remove without destruction, not amounting in any
15 case to more than 10% of any catch or cargo.
16 (cf: P.L.1980, c.120, s.6)

17
18 73. Section 19 of P.L.1966, c.52 (C.50:3-16.19) is amended to
19 read as follows:

20 19. No shellfish shall be dredged for or harvested in Areas Nos.
21 2 and 3 except between **【the hours of 6 o'clock ante meridian and**
22 **2:30 o'clock post meridian, Standard Time,】** sunrise and sunset
23 on the days of the week, except Saturdays and Sundays, during the
24 months beginning with the month of October in 【1】 one year and
25 ending with the month of April in the next year.
26 (cf: P.L.1980, c.120, s.7)

27
28 74. Section 20 of P.L.1966, c.52 (C.50:3-16.20) is amended to
29 read as follows:

30 20. No person shall use any dredge for the purpose of catching
31 or taking shellfish from **【said】** Areas Nos. 2 and 3, the tooth bar of
32 which dredge measures more than 54 inches across from center of
33 bolt hole to center of bolt hole where the frame thereof is fastened
34 to the tooth bar, or any dredge which measures more than 5 feet 2
35 inches in width from the extreme outside to outside of frame, or any
36 dredge which measures more than 21 inches from center of tooth
37 bar to center of cross bar, or any dredge the bag of which contains
38 more than 17 rows of 2-inch rings, or any dredge the rings of which
39 are less than 2 inches in diameter, inside measurement, or any
40 dredge the bag of which measures more than 5 feet around the bag
41 from center of tooth bar to center of cross bar, or any dredge which
42 weighs more than 190 pounds.
43 (cf: P.L.1980, c.120, s.8)

44
45 75. Section 21 of P.L.1966, c.52 (C.50:3-16.21) is amended to
46 read as follows:

1 21. The council may, subject to the approval of the
2 commissioner, by rule **[and]** or regulation, prohibit the taking or
3 catching of shellfish in **[such area]** Area No. 1 or Areas Nos. 2 and
4 3 at such times as, in the judgment of the council, may be necessary
5 to close **[said]** the beds or any part thereof for conservation or
6 resource management purposes.

7 (cf: P.L.1979, c.199, s.50)

8
9 76. Section 22 of P.L.1966, c.52 (C.50:3-16.22) is amended to
10 read as follows:

11 22. All applications for licenses for Area No. 1 and for Areas
12 Nos. 2 and 3 made under **[this act]** P.L.1966, c.52 (C.50:3-16.1 et
13 seq.) shall be filed, and all licenses issued under **[this act]**
14 P.L.1966, c.52 (C.50:3-16.1 et seq.) shall be recorded, in books to
15 be kept for **[said]** those purposes by the department.

16 (cf: P.L.1979, c.199, s.51)

17
18 77. Section 1 of P.L.1945, c.39 (C.50:3-20.10) is amended to
19 read as follows:

20 1. As used in **[this act, the terms]** P.L.1945, c.39 (C.50:3-
21 20.10 et seq.) :

22 "Oyster dealer" means any person who, for himself or as an
23 agent or broker, purchases from oyster planters, within this State,
24 oysters so originating, in the shells, for purpose of resale or
25 shipment for resale or for use other than the use of himself and his
26 family, in the shells, and, also, any person who plants and grows
27 oysters so originating and packs and ships or otherwise sells oysters
28 so originating, in the shells, to person not required to be licensed
29 under P.L.1945, c.39 (C.50:3-20.10 et seq.).

30 "Oyster planter" means any person who plants and grows oysters
31 so originating and who sells oysters so planted and grown, in the
32 shells, to persons required to be licensed under P.L.1945, c.39
33 (C.50:3-20.10 et seq.).

34 "Oyster shucking house" means a plant for the opening,
35 shucking, processing and packing of oysters which originate on the
36 natural oyster beds in the tidal waters of the Delaware **[river]**
37 River, the Delaware **[bay]** Bay or the Maurice **[river]** River cove
38 or any of their tributaries **[;**

39 "Oyster planter" means any person who plants and grows oysters
40 so originating and who sells oysters so planted and grown, in the
41 shells, to persons required to be licensed under this act;

42 "Oyster dealer" means any person who, for himself or as an
43 agent or broker, purchases from oyster planters, within this State,
44 oysters so originating, in the shells, for purpose of resale or
45 shipment for resale or for use other than the use of himself and his
46 family, in the shells, and, also, any person who plants and grows
47 oysters so originating and packs and ships or otherwise sells

1 oysters so originating, in the shells, to person not required to be
2 licensed under this act].

3 (cf: P.L.1945, c.39, s.1)

4

5 78. Section 2 of P.L.1945, c.39 (C.50:3-20.11) is amended to
6 read as follows:

7 2. **【It shall be unlawful for any person to】** No person shall
8 operate within this State an oyster shucking house or **【to】** engage in
9 or carry on the business of an oyster planter or an oyster dealer, as
10 defined in section 1 of P.L.1945, c.39 (C.50:3-20.10), without first
11 obtaining a license for this purpose from the commissioner as
12 provided in P.L.1945, c.39 (C.50:3-20.10 et seq.) .

13 (cf: P.L.1996, c.112, s.6)

14

15 79. Section 3 of P.L.1945, c.39 (C.50:3-20.12) is amended to
16 read as follows:

17 3. Such license, when issued, shall authorize the licensee to
18 operate the oyster shucking house therein named or to engage in
19 and conduct the business of an oyster planter or an oyster dealer, as
20 the case may be, for the term of one year beginning on **【the**
21 **fifteenth day of August】** January 1 and ending on **【the fourteenth**
22 **day of August following】** December 31 of the year issued .

23 (cf: P.L.1945, c.39, s.3)

24

25 80. Section 4 of P.L.1945, c.39 (C.50:3-20.13) is amended to
26 read as follows:

27 4. The license required pursuant to P.L.1945, c.39 (C.50:3-
28 20.10 et seq.) to conduct an oyster shucking house or to engage in
29 and conduct the business of an oyster planter or an oyster dealer
30 shall be issued upon the payment of a license fee of \$100. All
31 license fees collected shall be deposited in the "Oyster Resource
32 Development Account," established pursuant to section 8 of
33 P.L.1996, c.112 (C.23:3-12.2), and shall be subject to all the terms
34 and conditions of that section.

35 (cf: P.L.1996, c.112, s.7)

36

37 81. Section 12 of P.L.1945, c.39 (C.50:3-20.21) is amended to
38 read as follows:

39 12. All moneys received as license fees **【and in lieu of the return**
40 **of oyster shells】** under the provisions of **【this act】** P.L.1945, c.39
41 (C.50:3-20.10 et seq.) shall be used by the commissioner for the
42 purchase of **【oyster shells and】** either cultch or oysters , or both,
43 which shall be spread over and planted in **【said】** natural oyster beds
44 and seed grounds of the State and to establish and maintain oyster
45 sanctuaries.

46 (cf: P.L.1979, c.199, s.59)

1 82. Section 13 of P.L.1945, c.39 (C.50:3-20.22) is amended to
2 read as follows:

3 13. The commissioner **[shall have power to make]** may adopt,
4 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
5 (C.52:14B-1 et seq.), rules and regulations for the carrying out of
6 the purposes of, and enforcement of, the provisions of **[this act]**
7 P.L.1945, c.39 (C.50:3-20.10 et seq.) .
8 (cf: P.L.1979, c.199, s.60)

9
10 83. The caption to chapter 4 of Title 50 of the Revised Statutes
11 is amended to read as follows:

12 Chapter 4. REGULATIONS APPLICABLE TO ATLANTIC
13 COAST **[; DEPARTMENT OF ATLANTIC COAST]**
14 (cf: Caption, chapter 4, Title 50 of the Revised Statutes)

15
16 84. R.S.50:4-2 is amended to read as follows:

17 50:4-2. No person shall use or cause to be used any dredge with
18 bag or pocket, drag or scrape upon any of the natural oyster or clam
19 beds under the tidal waters of the Atlantic seaboard of this State and
20 tributaries thereof, except Delaware **[bay]** Bay , and no license
21 shall be issued by the commissioner contrary to this section; but this
22 section shall not prohibit the use of any fork, hoe or drag used by
23 hand in the taking of soft clams; nor shall it prohibit the **[catching**
24 **of oysters with hand power dredges from the natural oyster grounds**
25 **of this State north of Shrewsbury river]** harvest of oysters with
26 oyster dredges on designated leases used for oyster culture within
27 the Mullica River-Great Bay estuary ; nor shall it prohibit the taking
28 of crabs with dredges; **[nor shall it prohibit the taking of clams with**
29 **power dredges from specified leased lands under said waters, except**
30 **Delaware bay, with the approval of the Commissioner of**
31 **Environmental Protection and under such conditions and**
32 **supervision as he may prescribe, and under rules and regulations of**
33 **the Shell Fisheries Council]** ; nor shall it preclude the department
34 from adopting, pursuant to the "Administrative Procedure Act,"
35 P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations
36 governing the harvest of specific shellfish from specific areas by
37 specific means, including, but not limited to, drags and scrapes .
38 (cf: P.L.1980, c.120, s.9)

39
40 85. R.S.50:4-3 is amended to read as follows:

41 50:4-3. No person shall dredge upon, throw, cast or drag an
42 oyster dredge, use oyster tongs, rakes, forks or other instruments or
43 appliances used for catching **[oysters or clams]** shellfish , or tread
44 for **[clams]** shellfish , upon any of the leased lands of this State
45 lying under the tidal waters of the Atlantic seaboard or tributaries
46 thereof, above Cape May Point, other than land or ground for which
47 **[such]** the person or **[his]** the person's employer then holds a lease

1 from the council. A lessee may, however, authorize another validly
2 licensed individual to harvest shellfish on the lease using authorized
3 gear during the authorized season.

4 (cf: P.L.1983, c.219, s.2)

5

6 86. The following sections are repealed:

7 Section 2 of P.L.1966, c.52 (C.50:3-16.2); and

8 Sections 5 through 11, inclusive, of P.L.1945, c.39 (C.50:3-20.14
9 through C.50:3-20.20).

10

11 87. This act shall take effect immediately, except that sections
12 20 and 21 of this act shall take effect two years after the date of
13 enactment of this act but the Commissioner of Environmental
14 Protection may take such anticipatory administrative action in
15 advance thereof as shall be necessary for the implementation of
16 sections 20 and 21.

17

18

19

20

21

Revises statutory law concerning shellfisheries.

ASSEMBLY, No. 4479

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED NOVEMBER 8, 2007

Sponsored by:

Assemblyman DOUGLAS H. FISHER

District 3 (Salem, Cumberland and Gloucester)

Assemblyman NELSON T. ALBANO

District 1 (Cape May, Atlantic and Cumberland)

Co-Sponsored by:

Assemblymen Van Drew and Whelan

SYNOPSIS

Revises statutory law concerning shellfisheries.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning shellfisheries, amending and repealing various
2 parts of the statutory law, and supplementing Title 50 of the
3 Revised Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. Section 8 of P.L.1997, c.236 (C.4:27-8) is amended to read as
9 follows:

10 8. Within 180 days **[of]** after the effective date of **[this act]**
11 P.L.1997, c.236 (C.4:27-1 et seq.) , the Department of
12 Environmental Protection and the Department of Agriculture, in
13 consultation with the Aquaculture Advisory Council, the **[Shell**
14 **Fisheries]** Shellfisheries Council and the Pinelands Commission as
15 it affects the pinelands area designated pursuant to section 10 of
16 P.L.1979, c.111 (C.13:18A-11), jointly shall establish, according to
17 rules and regulations adopted pursuant to the "Administrative
18 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), appropriate
19 policies for the use of aquaculture leases in waters of the State and
20 for lands underneath waters of the State, including but not limited to
21 lease specifications, fees, royalty payments, and assignability and
22 termination of lease agreements. The policies shall provide for an
23 expeditious procedure for finalizing lease agreements. Lease
24 agreements shall convey a necessary degree of exclusivity to
25 minimize the risks to the aquaculturists caused by pollution,
26 vandalism, theft, and other forms of encroachment, while protecting
27 common use rights of the public, and assuring the integrity and
28 protection of the natural wild stocks and their habitat.

29 (cf: P.L.1997, c.236, s.8)

30

31 2. Section 4 of P.L.1979, c.199 (C.23:2B-4) is amended to read as
32 follows:

33 4. There is hereby created in the department a Marine Fisheries
34 Council, which shall consist of 11 members, nine of whom shall be
35 appointed by the Governor, with the advice and consent of the
36 Senate, of whom four shall represent and be knowledgeable of the
37 interests of sports fishermen, two shall be active commercial fin
38 fishermen, one shall be an active fish processor, and two shall
39 represent the general public; the other two members shall be the
40 chairmen of the two sections of the **[Shell Fisheries]** Shellfisheries
41 Council.

42 Of the nine members first to be appointed by the Governor, three
43 shall be appointed for a term of **[1]** one year, three for a term of
44 **[2]** two years, and three for a term of **[3]** three years. Thereafter,
45 all appointments shall be made for terms of **[3]** three years. All

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

Matter underlined thus is new matter.

1 appointed members shall serve after the expiration of their terms
2 until their respective successors are appointed and shall qualify, and
3 any vacancy occurring in the appointed membership of the council,
4 by expiration of term or otherwise, shall be filled in the same
5 manner as the original appointment for the unexpired term only,
6 notwithstanding that the previous incumbent may have held over
7 and continued in office as aforesaid. The Governor may remove
8 any member of the council for cause upon notice and opportunity to
9 be heard.

10 Members of the council shall serve without compensation, but
11 shall be reimbursed for expenses actually incurred in attending
12 meetings of the council and in the performance of their duties as
13 members thereof.

14 The Governor shall appoint a chairman, from the citizen
15 members of the council, who shall serve at **[his]** the Governor's
16 pleasure. Six members of the council shall constitute a quorum to
17 transact its business.

18 (cf: P.L.1979, c.199, s.4)

19

20 3. Section 63 of P.L.1979, c.199 (C.23:2B-13) is amended to read
21 as follows:

22 63. Within **[1]** one year **[of]** after the effective date of **[this**
23 **act]** P.L.1979, c.199 (C.23:2B-1 et seq.) , the commissioner shall
24 review all rules and regulations previously adopted pursuant to the
25 provisions of Title 50 of the Revised Statutes for conformance to
26 the revisions to that Title contained herein and shall, after
27 consultation with the **[Shell Fisheries]** Shellfisheries Council,
28 amend or repeal any rules and regulations which are not in
29 conformance herewith.

30 (cf: P.L.1979, c.199, s.63)

31

32 4. Section 8 of P.L.1996, c.112 (C.23:3-12.2) is amended to read as
33 follows:

34 8. a. There is established within the "hunters' and anglers'
35 license fund," created pursuant to the provisions of R.S.23:3-11 and
36 R.S.23:3-12, a separate and dedicated account to be known as the
37 "Oyster Resource Development Account." This account shall be
38 credited with all revenues received from oysters landed from the
39 Delaware **[river]** River, Delaware **[bay]** Bay and their tributaries,
40 including, but not limited to, all fees collected pursuant to R.S.50:1-
41 18, R.S.50:3-2, and section 4 of P.L.1945, c.39 (C.50:3-20.13) , and
42 as provided in subsection c. of this section. The moneys in the
43 account shall be allocated to the Division of Fish **[, Game]** and
44 Wildlife within the Department of Environmental Protection and
45 shall be disbursed only for the enhancement and management of the
46 oyster resource in the Delaware **[bay]** Bay in the amounts and
47 manner prescribed by the commissioner, after consultation with the

1 Delaware Bay Section of the **【Shell Fisheries】** Shellfisheries
2 Council.

3 b. The Department of Environmental Protection shall adopt,
4 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
5 (C.52:14B-1 et seq.), rules and regulations necessary to administer
6 the "Oyster Resource Development Account," established pursuant
7 to subsection a. of this section.

8 c. Upon the adoption of the rules and regulations pursuant to
9 subsection b. of this section, the Department of Environmental
10 Protection shall repeal subchapter 4 of chapter 25A of Title 7 of the
11 New Jersey Administrative Code establishing the "oyster cultch
12 program" and the "Oyster Cultch Fund." The balance of the
13 moneys remaining in the "Oyster Cultch Fund" upon the date of the
14 repeal of the rules and regulations establishing the fund shall be
15 deposited in the "Oyster Resource Development Account,"
16 established pursuant to subsection a. of this section.
17 (cf: P.L.1996, c.112, s.8)

18

19 5. The caption to chapter 1 of Title 50 of the Revised Statutes is
20 amended to read as follows:

21 Chapter 1. **【BOARD OF SHELL FISHERIES】**
22 SHELLFISHERIES – POWERS AND DUTIES OF
23 DEPARTMENT, SHELLFISHERIES COUNCIL, LEASING, AND
24 PLANTING

25 (cf: Caption, chapter 1, Title 50 of the Revised Statutes)

26

27 6. R.S.50:1-5 is amended to read as follows:

28 50:1-5. a. The Commissioner of Environmental Protection shall
29 have full control and direction of the shellfish industry and resource
30 and of the protection of shellfish throughout the entire State, subject
31 to the provisions of this **【title】** Title . The commissioner shall
32 【make】 adopt, pursuant to the "Administrative Procedure Act,"
33 P.L.1968, c.410 (C.52B-1 et seq.), such rules and regulations as
34 may be necessary for the preservation and improvement of the
35 shellfish industry and resource of the State, after consultation with
36 the **【Shell Fisheries】** Shellfisheries Council and subject to the
37 disapproval, as hereinbefore provided, of the Marine Fisheries
38 Council. With respect to aquaculture, the commissioner, in
39 consultation with the Secretary of Agriculture and the Shellfisheries
40 Council, shall establish appropriate policies for the use of
41 aquaculture leases in waters of the State and for lands underneath
42 waters of the State, including but not limited to lease specifications,
43 fees, and assignability and termination of lease agreements. The
44 Department of Health and Senior Services, pursuant to R.S.24:2-1,
45 shall regulate the safety of shellfish originating within the growing
46 waters of the State and from interstate commerce and international
47 sources.

1 b. For purposes of this [title , "oysters landed" means oysters
2 taken for any purpose other than replanting; "shellfish"] Title:
3 "Commissioner means the Commissioner of Environmental
4 Protection.
5 "Council" means the Shellfisheries Council created pursuant to
6 R.S.50:1-18.
7 "Department" means the Department of Environmental
8 Protection.
9 "Shellfish" means any species of benthic mollusks, except for
10 conchs (*Busycon carica*, *Busycon contrarium* and *Busycotypus*
11 *canaliculatum*), the harvest of which is regulated pursuant to section
12 6 of P.L.1979, c.199 (C.23:2B-6), section 2 of P.L.1941, c.211
13 (C.23:5-24.2) and the rules and regulations adopted pursuant
14 thereto, and shall include, but not be limited to, hard clams
15 (*Mercenaria mercenaria*), soft clams (*Mya arenaria*), surf clams
16 (*Spisula solidissima*) and oysters (*Crassostrea virginica*) [; and
17 "commissioner" means the Commissioner of Environmental
18 Protection] .
19 (cf: P.L.1996, c.112, s.1)

20
21 7. The caption to article 4 of chapter 1 of Title 50 of the Revised
22 Statutes is amended to read as follows:

23 Article 4. [DEPARTMENTS AND DIVISIONS OF BOARD]
24 SHELLFISHERIES COUNCIL
25 (cf: Caption, article 4, chapter 1, Title 50 of the Revised Statutes)

26
27 8. R.S.50:1-18 is amended to read as follows:

28 50:1-18. a. The [Shell Fisheries] Shellfisheries Council shall
29 be composed of 10 members [; one each residing in the counties of
30 Monmouth, Ocean, Burlington, Atlantic and Salem, two residents of
31 Cape May county, and three residents of Cumberland county;] ,
32 each of whom shall be a resident of the counties of Atlantic,
33 Burlington, Cape May, Cumberland, Monmouth, Ocean, or Salem.

34 Each member shall be a licensed and practicing shellfisherman
35 and shall be chosen with due regard to [his] the person's knowledge
36 of and interest in the culture or harvesting of shellfish, the shellfish
37 industry and [in] the conservation and management of shellfish.

38 Each member of the council shall be appointed by the Governor,
39 with the advice and consent of the Senate, for a term of four years
40 and shall serve until a successor has been appointed and has
41 qualified.

42 Any vacancies in the membership of the council occurring other
43 than by expiration of term shall be filled by the Governor, with the
44 advice and consent of the Senate, for the unexpired term only. Any
45 member of the council may be removed from office by the
46 Governor, for cause, upon notice and opportunity to be heard.

1 The members of the council shall serve without compensation
2 but shall be reimbursed for necessary expenses incurred in the
3 performance of their duties. [Each section of the council shall
4 annually elect a chairman of the council from its own members.]

5 b. The council shall, subject to the approval of the
6 commissioner, formulate comprehensive policies for the
7 preservation and improvement of the shellfish industry and resource
8 of the State. The council shall also: (1) consult with and advise the
9 commissioner and the Marine Fisheries Council with respect to the
10 implementation of the shellfisheries program; (2) study the
11 activities of the shellfisheries program and hold hearings with
12 respect thereto as it may deem necessary or desirable; and (3)
13 initiate, by resolution of the council, proposed rules and regulations
14 concerning shellfish to the commissioner.

15 c. No lease of any of the lands of the State under the tidal waters
16 thereof, to be exclusively used and enjoyed by the lessee for the
17 planting and cultivating of shellfish, shall hereafter be allowed
18 except when approved by a majority of the appropriate section of
19 the council; and no such lease shall hereafter in any case be allowed
20 except when approved and signed by the commissioner.

21 d. The council shall be divided into two sections, one to be
22 known as the "Delaware Bay Section [,]" [consisting of the
23 members from the counties of Cumberland and Salem, and one of
24 the members from Cape May county,] and the other to be known as
25 the "Atlantic Coast Section [," consisting of the members from the
26 counties of Atlantic, Burlington, Ocean and Monmouth , and one of
27 the members from Cape May county. In the event only one member
28 from Cape May county has been appointed and has qualified as a
29 member of the council, the qualified member may elect to serve in
30 both sections of the council and participate in the exercise of the
31 powers and performance of the duties of each of the sections until a
32 second member from Cape May county has been appointed and has
33 qualified as a member of the council] ." The Delaware Bay Section
34 shall consist of five members from the counties of Cape May,
35 Cumberland, and Salem, with three members residing in
36 Cumberland County and the remaining two members residing in the
37 counties of Cape May or Salem. The Atlantic Coast Section shall
38 consist of five members from the counties of Atlantic, Burlington,
39 Cape May, Ocean, and Monmouth.

40 Except as provided in subsection e. of this section, the Delaware
41 Bay Section shall, subject to the approval of the commissioner,
42 exercise all the powers and perform all the duties of the council in
43 matters relating to the shellfish industry in the tidal waters of the
44 Delaware [river] River , Delaware [bay] Bay and their tributaries.

45 The Atlantic Coast Section shall, subject to the approval of the
46 commissioner, exercise all the powers and perform all the duties of
47 the council in matters relating to the shellfish industry in all of the

1 tidal waters of the State except in the tidal waters of the Delaware
2 **【river】 River** , Delaware **【bay】 Bay** and their tributaries.

3 Each section of the council shall annually elect a chairman and a
4 vice-chairman of the council. If the chairman is absent, then the
5 vice-chairman shall exercise the powers and perform the duties of
6 the chairman.

7 e. The commissioner, in consultation with the Delaware Bay
8 Section of the **【Shell Fisheries】 Shellfisheries** Council, shall fix
9 fees for all oysters **【landed from】 harvested from the natural seed**
10 **beds, Areas 1, 2 and 3 and those areas defined in R.S.50:3-14**
11 **within** the Delaware **【river】 River**, Delaware **【bay】 Bay** and their
12 tributaries. These fees shall be collected by and allocated to the
13 Division of Fish **【, Game】** and Wildlife and shall be deposited in
14 the "Oyster Resource Development Account," established pursuant
15 to section 8 of P.L.1996, c.112 (C.23:3-12.2).
16 (cf: P.L.1996, c.112, s.2)

17

18 9. R.S.50:1-22 is amended to read as follows:

19 50:1-22. The commissioner shall establish and maintain several
20 offices located at places convenient to persons engaged in the
21 shellfish industry. The records of all leases and licenses issued **【by**
22 **him】** shall be kept therein. One office shall be located in the area
23 served by the Atlantic Coast Section and one office shall be located
24 in the area served by the Delaware Bay Section of the **Shellfisheries**
25 Council.

26 (cf: P.L.1979, c.199, s.16)

27

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

29 50:1-23. The **【Shell Fisheries】 Shellfisheries** Council may lease
30 to applicants therefor any of the lands of the State under the tidal
31 waters thereof, to be exclusively used and enjoyed by each such
32 lessee for the planting and cultivating of **【oysters and claims】**
33 **shellfish**; except that no lands shall be leased above the southwest
34 line in the Delaware **【bay】 Bay**, as defined in R.S.50:3-11, except
35 in Section E **【which shall consist of all area within the boundaries**
36 **described herein: Beginning at a point (X=1820400) (Y=146800)**
37 **said point being Channel Buoy R "32" and corner #1 of said section**
38 **and running thence N 28°-14 ' -14.2 " E 6612.18 feet to corner #2**
39 **(X=1826233) (Y=149914); thence S 56°-32 ' -38.4 " E 33401.27**
40 **feet to corner #3 being also corner #1 lot 530 section D leased**
41 **oyster ground lot (X=1854100) (Y=131500) located on or near the**
42 **southwest line; thence along the southwest line S 55°-16 ' -29.1 "**
43 **W 19222.67 feet to old Crossledge Lighthouse foundation being**
44 **corner #4 of the section (X=1838301) (Y=120550); thence N 16°-02**
45 **' -14.0 " W 17740.41 feet to corner #5 being also BR "WR" buoy**
46 **marking a wreck in the bay (X=1833400) (Y=137600); thence N**
47 **42°-42 ' -33.7 " W 3538.36 feet to a point in Delaware Bay being**

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1 corner #6 of section E (X=1831000) (Y=140200); thence S 70°-17'
2 -31.3 " W 7116.88 feet to corner #7 being a point on the east side
3 of the Main Ship Channel in Delaware bay (X=1824300)
4 (Y=137800); thence N 23°-25' -43.3 " W 9818.67 feet to corner
5 #1 the place of beginning] , described in subsection a. of this
6 section . Nor shall any lands be leased in any creek tributary to
7 Delaware [bay] Bay , nor any lands under the waters of Delaware
8 [bay southwesterly of a line beginning at a point (x=1,929,827.93)
9 (y=87,182.61) on the shore of Delaware bay in Cape May county,
10 said point being about 2,000 feet south-southwest of Gus's Beach,
11 and running thence N 67°-38' -05.3 " W 21,127.33 feet to a corner
12 (x=1,910,289.85) (y=95,221.74) said corner being on the line
13 running from Dennis Creek Rear Range Light to Brandywine
14 Lighthouse, nor the beds] Bay in the sections known as Areas, 1, 2
15 and 3, described in subsection b. of this section. However, Area 1
16 described in section 3 of P.L.1966, c.52 (C.50:3-16.3) may be
17 leased and regulated for aquaculture practices under the authority of
18 the "New Jersey Aquaculture Development Act," P.L.1997, c.236
19 (C.4:27-1 et seq.). In addition, the department, in consultation with
20 the council, may establish aquaculture development zones for
21 approved aquaculture practices in specific creeks or tributaries of
22 the Delaware Bay.

23 On the Atlantic coast, no additional lands shall be leased at the
24 mouth of the Tuckahoe River and the Great Egg Harbor [rivers]
25 River, nor the graveling beds at the mouth of Mullica [river] River,
26 Parker's beds in Parker's [cove] Cove , Forked [river] River beds,
27 Cedar [creek] Creek beds and Sloop [creek] Creek beds in
28 Barnegat [bay] Bay , nor any lands under the waters of the Mullica
29 [river] River above a line extending in a westerly direction from
30 the south end of Deep Point; provided, however, that leases may be
31 granted for lands heretofore leased in [said] that area in the Mullica
32 [river] River , and except that no lands which lie under the waters
33 of the Navesink River or the Shrewsbury [rivers] River , shall be
34 leased for the planting and cultivating of [oysters] shellfish .

35 The council may grant, subject to the approval of the
36 commissioner, leases of new ground to educational institutions for
37 the purpose of research, education, or both. The department may
38 adopt, pursuant to the "Administrative Procedure Act," P.L.1968,
39 c.410 (C.52:14B-1 et seq.), rules and regulations governing those
40 leases, including, but not limited to, criteria for acquisition,
41 utilization, and renewal.

42 a. For the purposes of this section, Section E in Delaware Bay
43 shall consist of all of the area within the boundaries described
44 herein:

45 Beginning at a point (X=80,906.06) (Y=44,868.54) said point
46 being Channel Marker QR "32" and corner #1 of said section and
47 running thence N 62° 00' 30.69" E 2,015.32 meters to corner #2

1 (X=82,685.62) (Y=45,814.42); thence S 56° 26' 20.6587" E
2 10,180.43 meters to corner #3 being also corner #1 lot 530 section
3 D leased oyster ground lot (X=91,168.96) (Y=40,186.43) located on
4 or near the southwest line; thence along the southwest line S 55° 22'
5 47.4875" W 5,858.91 meters to Cross Ledge Shoal Old Lighthouse
6 foundation being corner #4 of the section (X=86,347.45)
7 (Y=36,857.80); thence N 15° 55' 56.8215" W 5,407.14 meters to
8 corner #5 being also GR "WR" buoy marking a wreck in the bay
9 (X=84,863.17) (Y=42,057.23); thence N 42° 36' 15.5936" W
10 1,078.45 meters to a point in Delaware Bay being corner #6 of
11 section E (X=84,133.13) (Y=42,851.02); thence S 70° 23' 47.4333"
12 W 2,169.15 meters to corner #7 being a point on the east side of the
13 Main Ship Channel in Delaware Bay (X=82,089.71) (Y=42,123.25);
14 thence N 23° 19' 25.1298" W 2,989.59 meters to corner #1 the place
15 of beginning.

16 b. Areas 1, 2, and 3 in Delaware Bay shall consist of all area
17 within the boundaries described herein:

18 Southwesterly of a line beginning at a point (X=114225.30)
19 (Y=26636.70) on the shore of Delaware Bay in Cape May County,
20 said point being about 200 meters south-southwest of Rutgers Cape
21 Shore Laboratory, and running thence N 67° 31' 48.1592" W
22 6439.36 meters to a corner (X=108274.82) (Y=29097.81) said
23 corner being on the line running from Dennis Creek Rear Range
24 Light to Brandywine Lighthouse.

25 (cf: P.L.1981, c.62, s.1)

26

27 11. R.S.50:1-24 is amended to read as follows:

28 50:1-24. The power granted by this **【title】 Title** to the council,
29 subject to the provisions of R.S.50:1-18, to lease lands under the
30 tidal waters of this State for the planting and culture of shellfish is
31 exclusive, and no other State agency may, in the name of the State
32 or otherwise, give, grant or convey to any person the exclusive right
33 to plant or take shellfish from any of **【such】 those** waters; and no
34 grant or lease of lands under tidewater, whereon there are natural
35 oyster beds, shall be made by any other **【state】 State** agency except
36 for the purpose of building wharves, bulkheads or piers.

37 (cf: P.L.1979, c.199, s.17)

38

39 12. R.S.50:1-25 is amended to read as follows:

40 50:1-25. No lease shall be granted to any person who is not at
41 the time of granting **【such】 the** lease **【a resident of】 legally**
42 **domiciled or incorporated in** this State.

43 (cf: P.L.1979, c.199, s.18)

44

45 13. R.S.50:1-27 is amended to read as follows:

46 50:1-27. The council, with the approval of the commissioner,
47 shall fix the term for which leases may be granted, **【not exceeding**

1 30 years,] the rental to be paid, the maximum size of any single
2 ground to be leased, and the total acreage which may be leased to
3 any person or persons.

4 (cf: P.L.1979, c.199, s.19)

5

6 14. R.S.50:1-28 is amended to read as follows:

7 50:1-28. The commissioner shall, [from time to time,] cause the
8 leased lands to be measured, and the metes and bounds thereof
9 ascertained and [located by ranges, monuments or other means,]
10 recorded so that the limits thereof may be accurately fixed and
11 easily located. The official survey base shall be the "New Jersey
12 system of plane coordinates" as defined in article 2 of chapter 3 of
13 Title 51 of the Revised Statutes. The department shall survey
14 parcels of bottom not leased at the time of application.

15 The commissioner shall cause the leased lands to be mapped, and
16 the maps to be filed in the office of the department.

17 The expense of surveying, measuring, locating and mapping any
18 ground or grounds shall be paid by the applicant therefor before
19 [he] the applicant shall be entitled to a lease or leases for the
20 [same] ground or grounds .

21 (cf: P.L.1979, c.199, s.20)

22

23 15. R.S.50:1-29 is amended to read as follows:

24 50:1-29. The commissioner shall cause leases, and assignments
25 and transfers thereof, to be recorded in books kept in the offices of
26 the department [; and no] . No assignment or transfer of any
27 ground or lease therefor shall be valid unless approved by the
28 commissioner and the council and forthwith recorded in the office
29 of the department.

30 (cf: P.L.1979, c.199, s.21)

31

32 16. R.S.50:1-30 is amended to read as follows:

33 50:1-30. The council , with the approval of the commissioner ,
34 may lease to applicants therefor any of the lands of this State that
35 have been or may hereafter be condemned pursuant to the
36 provisions of chapter [14 of Title] 24 of Title 58 of the Revised
37 Statutes.

38 (cf: P.L.1979, c.199, s.22)

39

40 17. R.S.50:1-31 is amended to read as follows:

41 50:1-31. The commissioner may [make] adopt, pursuant to the
42 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
43 seq.), such rules and regulations for the removal and distribution of
44 shellfish from lands leased under [section 50:1-30 of this Title]
45 R.S.50:1-30 , as in [his] the commissioner's judgment will be in
46 accord with the object of the condemnation. [Such] The rules and
47 regulations shall not be inconsistent with those adopted pursuant to

1 the provisions of chapter [14 of Title 24] 24 of Title 58 of the
2 Revised Statutes.

3 (cf: P.L.1979, c.199, s.23)

4

5 18. R.S.50:1-33 is amended to read as follows:

6 50:1-33. Nothing contained in this [title] Title shall be
7 construed to prevent the catching and taking of [floating] free
8 swimming fish from the tidal waters of this [state] State in any
9 lawful manner. Nothing in this section shall be construed to
10 prevent or prohibit lessees from pursuing either criminal or civil
11 actions, or both, that may be available for damage to aquaculture
12 gear and aquatic livestock on shellfish leases.

13 (cf: R.S.50:1-33)

14

15 19. The caption to article 6 of chapter 1 of Title 50 of the
16 Revised Statutes is amended to read as follows:

17 Article 6. PLANTING OF FOREIGN [OYSTERS OR]
18 SHELLFISH

19 (cf: Caption, article 6, chapter 1, Title 50 of the Revised Statutes)

20

21 20. R.S.50:1-34 is amended to read as follows:

22 50:1-34. a. No [oysters] shellfish, native to, or brought
23 directly or indirectly [,] from any foreign country or any other
24 state, shall be planted or lodged in the waters of this State without
25 written permission issued by the commissioner, after notice to the
26 council [, for each separate shipment]. Application for such
27 permission shall be made in writing, and shall state:

28 [a.] (1) The species of [such oysters] shellfish ;

29 [b.] (2) The location from which they were, or are to be,
30 immediately taken;

31 [c.] (3) The source from which they were originally obtained;
32 and

33 [d.] (4) The [country to which their kind] geographic area to
34 which the species or strain is native.

35 The same information shall be shown upon a tag attached to [,]
36 or upon the billing accompanying each shipment upon its arrival in
37 this State.

38 b. The department shall adopt, pursuant to the "Administrative
39 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) and in
40 accordance with the provisions of the "New Jersey Aquaculture
41 Development Act," P.L.1997, c.236 (C.4:27-1 et seq.), rules and
42 regulations governing the importation and transportation of the
43 products of commercial aquaculture.

44 (cf: P.L.1979, c.199, s.24)

45

46 21. R.S.50:1-35 is amended to read as follows:

1 50:1-35. The commissioner may issue such permission after due
2 inspection and examination of the nature, species, quantity, source,
3 location of proposed planting or lodging, and the condition of the
4 **【oysters】** shellfish and after **【his】** the commissioner's
5 determination that the same will not be detrimental to the native
6 **【oysters】** shellfish or to the **【oyster】** shellfish industry of this State.

7 **【Such】** The permission shall specify the nature, species, quantity
8 and proposed location of planting or lodgment of the 【oysters and
9 shall apply only to the particular shipment for which it is issued】
10 shellfish .

11 (cf: P.L.1979, c.199, s.25)

12

13 22. R.S.50:1-36 is amended to read as follows:

14 50:1-36. The commissioner shall **【make such】** charge, and
15 collect in advance, for the issuance of such permission, such sum of
16 money as may be necessary to defray the cost of the inspection,
17 examination and certification.

18 (cf: P.L.1979, c.199, s.26)

19

20 23. The caption to article 1 of chapter 2 of Title 50 of the
21 Revised Statutes is amended to read as follows:

22 Article 1. LICENSE FOR TAKING **【OYSTERS OR CLAMS】**
23 **SHELLFISH**

24 (cf: Caption, article 1, chapter 2, Title 50 of the Revised Statutes)

25

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

27 50:2-1. No person shall catch or take **【clams】** shellfish from any
28 of the natural **【clam】** grounds in the waters of this State, without
29 first obtaining a license from the commissioner. Such licenses shall
30 grant the privilege of taking **【clams】** shellfish upon any natural
31 **【clam】** ground of this State in waters classified as "Approved" or
32 "Seasonally Approved," as defined in rules and regulations adopted
33 by the department pursuant to the "Administrative Procedure Act,"
34 P.L.1968, c.410 (C.52:14B-1 et seq.) , except such as may be leased
35 by the council.

36 Any person whose shellfish license or harvesting privileges have
37 been revoked or suspended in another state shall not be eligible for
38 any New Jersey shellfish license during the period of revocation or
39 suspension in the other state.

40 This section shall not preclude the department from establishing
41 licenses for the harvest of specific shellfish from specific areas by
42 specific means.

43 (cf: P.L.1979, c.199, s.27)

44

45 25. R.S.50:2-2 is amended to read as follows:

46 50:2-2. The licenses required for the various categories of
47 harvesting, collecting, or culture of shellfish shall be as follows:

1 a. Recreational shellfish license. No resident's recreational
2 ~~【clam】 shellfish~~ license shall be granted to any applicant who does
3 not present satisfactory evidence that ~~【he is a resident of】 the~~
4 ~~person is legally domiciled in~~ this State and pay the license fee
5 required pursuant to R.S.50:2-3. A nonresident's recreational
6 ~~【clam】 shellfish~~ license shall be effective only in the months of
7 June, July, August, and September in any calendar year and shall
8 not be granted to a nonresident of this State without the payment of
9 the license fee required pursuant to R.S.50:2-3.

10 No holder of any recreational ~~【clam】 shellfish~~ license may take
11 more than 150 ~~【clams】 shellfish~~ per day or shall sell or offer for
12 sale ~~【clams】 shellfish~~ taken under ~~【said】 the~~ license and any such
13 sale or offer for sale shall constitute ground for the revocation of
14 ~~【said】 the~~ license. No person shall take or catch more than 150
15 ~~【clams】 shellfish~~ per day or sell any shellfish unless ~~【such】 the~~
16 person is a holder of a commercial ~~【clam】 shellfish~~ license. ~~【A~~
17 ~~commercial clam license shall not be granted without the payment~~
18 ~~of the fee required pursuant to R.S.50:2-3.】~~

19 b. Commercial shellfish license. No resident's commercial
20 shellfish license shall be granted to any applicant who does not
21 present satisfactory evidence that the person is legally domiciled or
22 incorporated in this State and pay the license fee required pursuant
23 to R.S.50.2-3. No nonresident's commercial shellfish license shall
24 be granted to any applicant who does not pay the license fee
25 required pursuant to R.S.50.2-3.

26 c. Aquatic farmer license. No aquatic farmer license shall be
27 granted to any applicant except as provided pursuant to the "New
28 Jersey Aquaculture Development Act," P.L.1997, c.236 (4:27-1 et
29 seq.) and any rules or regulations adopted pursuant thereto.
30 (cf: P.L.1988, c.35, s.1)

31
32 26. R.S.50:2-3 is amended to read as follows:

33 50:2-3. The license fee shall be fixed by the commissioner, with
34 the approval of the council, at not less than ~~【\$5.00 nor】 \$10~~ or
35 more than ~~【\$10.00】 \$20~~ for a resident's recreational ~~【clam】~~
36 ~~shellfish~~ license, at not less than ~~【\$10.00 nor】 \$20~~ or more than
37 ~~【\$20.00】 \$40~~ for a nonresident's recreational ~~【clam】 shellfish~~
38 license, ~~【and】~~ at not less than ~~【\$25.00 nor】 \$50~~ or more than
39 ~~【\$50.00】 \$100~~ for a resident's commercial 【clam】 shellfish license
40 , and at not less than \$250 or more than \$500 for a nonresident's
41 commercial shellfish license. No fee shall be charged for a
42 recreational ~~【clam】 shellfish~~ license to a person who is 62 or more
43 years of age, provided ~~【such】 the~~ person is a resident of this State.
44 A juvenile recreational ~~【clam】 shellfish~~ license shall be available
45 for ~~【\$2.00】 \$2~~ for resident or nonresident persons under 14 years of

1 age.

2 (cf: P.L.1988, c.35, s.2)

3

4 27. Section 3 of P.L.1988, c.35 (C.50:2-3.1) is amended to read
5 as follows:

6 3. The "Shellfisheries Law Enforcement Fund" is established in
7 the Department of Environmental Protection. All **[clam]** shellfish
8 license fees collected pursuant to R.S.50:2-3 shall be deposited in
9 the fund. Moneys in the fund shall be allocated by the
10 Commissioner of the **[Department of]** Environmental Protection to
11 the Division of Fish **[, Game]** and Wildlife to enforce the laws
12 necessary for the protection of the shellfish resources of the State,
13 to enforce the prohibition of taking shellfish from any shellfish bed
14 condemned by the department pursuant to section 2 of P.L.1979,
15 c.321 (C.58:24-2), to increase the effectiveness of the relay and
16 depuration programs, and to enhance the productivity of the
17 **[natural clam]** shellfish beds in the State.

18 (cf: P.L.1988, c.35, s.3)

19

20 28. R.S.50:2-4 is amended to read as follows:

21 50:2-4. Each license shall be for the term of **[1]** one year from
22 January 1 of the year of issue, and shall be granted by the
23 commissioner. Each license shall be numbered and shall state the
24 name and residence of the licensee, and a record thereof shall be
25 kept by the commissioner.

26 (cf: P.L.1979, c.199, s.30)

27

28 29. R.S.50:2-5 is amended to read as follows:

29 50:2-5. Each licensee shall have the license **[on his person]**
30 readily accessible and shall exhibit it immediately for inspection to
31 any officer or employee of the department or other person
32 requesting to see the **[same]** license .

33 (cf: P.L.1979, c.199, s.31)

34

35 30. Section 1 of P.L.1950, c.310 (C.50:2-6.1) is amended to read
36 as follows:

37 1. No person shall take, harvest or dredge for surf clams
38 (**[Mactra]** Spisula solidissima) **[also known as Spisula solidissima]**
39 from any waters of this State without first obtaining a surf clam
40 license from the commissioner , except that the holder of a
41 recreational shellfish license may harvest up to 150 surf clams per
42 day from waters classified as "Approved," as defined in rules and
43 regulations adopted by the department pursuant to the
44 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
45 seq.), with hand implements only . The commissioner may issue
46 licenses for the harvesting of surf clams within the waters of this

1 State. **[Such]** The license shall be issued on a seasonal basis
2 pursuant to rules and regulations adopted by the commissioner.

3 Such licenses shall grant the privilege of gathering surf clams by
4 dredging, but only in the Atlantic **[ocean]** Ocean , but not in the
5 Delaware **[bay** northerly of a line from Cape May Point lighthouse
6 tower to Brandywine lighthouse] Bay north and west of the
7 COLREGS demarcation line which runs from Cape May Point
8 Lighthouse in Cape May, New Jersey to Harbor of Refuge
9 Lighthouse at Cape Henlopen, Delaware or in the Sandy Hook
10 **[bay]** Bay west of a line from the west point of Sandy Hook to
11 Roamer Shoal lighthouse. No boat or vessel shall be licensed under
12 **[this act]** P.L.1950, c.310 (C.50:2-6.1 et seq.) unless its bona fide
13 owner is **[a resident of]** an individual or entity legally domiciled or
14 incorporated in this State.

15 The commissioner may adopt rules and regulations regarding the
16 issuance procedures of such licenses.

17 The commissioner may issue permits for surf clam research,
18 inventory and educational projects. Nothing in this section shall be
19 construed to limit the activities of **[such]** those projects.

20 (cf: P.L.1991, c.79, s.1)

21

22 31. Section 2 of P.L.1950, c.310 (C.50:2-6.2) is amended to read
23 as follows:

24 2. Any such licensed dredging operation shall be limited to the
25 use of dredges that shall conform to any limits established by the
26 commissioner by rule or regulation adopted pursuant to the
27 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
28 seq.) . Notwithstanding any other provision of law, the
29 commissioner may adopt rules or regulations fixing the hours
30 during which dredging will be permitted. No such dredging
31 operation shall be permitted at any time between June 1 and
32 September 30 in each year, unless changed by emergency order or
33 regulation. Unless otherwise provided by rule or regulation, all surf
34 clams harvested within the waters of New Jersey (**[3]** three nautical
35 miles) shall not be taken into another state or the waters thereof
36 until **[said]** the clams have been first landed in New Jersey. It shall
37 be prima facie evidence of a violation of this section if a harvest
38 vessel is observed by radar or other means leaving the waters of
39 New Jersey and entering the waters of another state any time prior
40 to landing.

41 (cf: P.L.1991, c.79, s.2)

42

43 32. Section 3 of P.L.1950, c.310 (C.50:2-6.3) is amended to read
44 as follows:

45 3. The Commissioner of Environmental Protection with the
46 advice of the **[Shell Fisheries]** Shellfisheries Council shall adopt ,
47 pursuant to the "Administrative Procedure Act," P.L.1968, c.410

1 (C.52:14B-1 et seq.), rules and regulations and amend or repeal
2 such rules and regulations from time to time as required for the
3 conservation, protection, management, and improvement of the surf
4 clam resource and industry. These rules and regulations may
5 include the imposition and collection of a per bushel fee for all surf
6 clams harvested within the waters of this State, provided that the fee
7 shall be in an amount not less than \$0.125 nor more than \$0.25 per
8 bushel. Emergency rules or regulations may be adopted where
9 immediate danger exists to the resource or industry.

10 The surf clam license fee shall be fixed pursuant to rule or
11 regulation in an amount not less than \$600 **nor** or more than
12 \$1,000 per license issued to an individual or entity legally
13 domiciled or incorporated in **[a bona fide]** New Jersey **[resident]** .
14 The surf clam bait license fee shall be fixed pursuant to rule or
15 regulation in an amount not less than \$100 **nor** or more than
16 \$200.

17 (cf: P.L.1991, c.79, s.3)

18

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

20 50:2-7. All oysters, oyster shells and other material dredged,
21 tonged or in any manner raised or taken from any of the beds and
22 grounds above what is known as the southwest line in Delaware
23 **[bay]** Bay , except in that area known as Section "E" as defined in
24 R.S.50:1-23, or from any natural oyster bed or ground, shell bed or
25 reef, where oysters naturally spawn and grow under the tidal waters
26 of the State, shall be culled as soon as **[the same]** they are emptied
27 out of the tongs or dredges on the culling board, conveyor, culling
28 device, or deck of the boat or vessel employed for the purpose, and
29 before **[the same]** they are shoveled back from the culling board or
30 portion of the deck used for emptying the tongs or dredges.

31 (cf: P.L.1981, c.62, s.2)

32

33 34. (New section) The department, in consultation with the
34 Shellfisheries Council, may adopt, pursuant to the "Administrative
35 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
36 regulations regarding the use of leased bottom, including the
37 removal of shell.

38

39 35. R.S.50:2-8 is amended to read as follows:

40 50:2-8. Such culling shall be so close that three bushels of
41 oysters, oyster shells and other material taken from any part of a
42 boat or vessel, after having been shoveled back from the culling
43 board, conveyor, culling device or that part of the boat or vessel
44 used for emptying the tongs and dredges, shall not contain more
45 than 15% of shells and other material.

1 All shells and other material , except oysters and clams, shall be
2 immediately thrown back upon the beds or grounds from which
3 they **【shall have been】** were taken.

4 (cf: P.L.1979, c.199, s.34)

5
6 36. R.S.50:2-9 is amended to read as follows:

7 50:2-9. When the person in charge of any boat or vessel licensed
8 under the provisions of this Title, or any person holding a tonger's
9 license, is hailed or signaled by any officer or other representative
10 of the department and refuses to stop and permit **【such officer or】**
11 the officers or representatives to board **【his】** the boat, vessel or
12 other craft and examine the oysters, oyster shells and other material
13 thereon or if having permitted the **【officer or】** officers or
14 representatives to board, and a violation of R.S.50:2-7 or R.S.50:2-8
15 having been found, refuses to comply with an order **【that he】** to
16 recull **【such】** the oysters and oyster shells or immediately throw
17 them upon the beds or grounds from which they were taken, the
18 commissioner, in addition to the penalties provided in section 73 of
19 P.L.1979, c.199 (C.23:2B-14), may revoke the license of **【such】** the
20 boat or vessel and the license of the tonger and the department may
21 seize and secure **【any such】** the boat, vessel and equipment **【and】** .
22 The commissioner shall immediately thereafter give notice thereof
23 to the Superior Court which shall summarily hear and determine
24 whether there was a violation of this section, and if it does so
25 determine, it may direct the confiscation and forfeiture of the
26 vessel, boat and equipment for the use of the department. The
27 commissioner may dispose of **【such】** the confiscated and forfeited
28 property at **【his】** the commissioner's discretion.

29 (cf: P.L.1991, c.91, s.475)

30
31 37. R.S.50:2-10 is amended to read as follows:

32 50:2-10. No boat, or vessel, propelled wholly or in part by
33 steam, naphtha, gasoline, electricity or any other mechanical motive
34 power, shall engage in the catching or taking of shellfish from any
35 of the natural beds, under the tidal waters of this State, while so
36 mechanically propelled, except as otherwise specifically provided
37 in **【sections 50:3-6 and 50:4-2 of this Title】** R.S.50:3-6 and
38 R.S.50:4-2 .

39 (cf: P.L.1971, c.185, s.1)

40
41 38. R.S.50:2-10.1 is amended to read as follows:

42 50:2-10.1. No person shall use or employ any boat or other
43 vessel propelled wholly or in part by steam, naphtha, gasoline,
44 electricity or any other mechanical motive power, or any motor
45 driven apparatus, for the purpose of catching or taking of clams
46 from any of the waters of this State, whereby the soil or bottom on
47 or in which the clams are found is agitated or disturbed by the

1 **propellor** propeller wheel or wheels of **such** the boat or vessel
2 or by any other motor or mechanically driven apparatus thereon for
3 the purpose of catching or taking clams as aforesaid, except by
4 permit issued by the **Department of Environmental Protection**
5 department with the approval of the council for taking clams from
6 the waters of the **Raritan bay, Sandy Hook bay, Shrewsbury river**
7 **or Navesink river** Delaware Bay .
8 (cf: P.L.1979, c.199, s.36)

9
10 39. R.S.50:2-11 is amended to read as follows:

11 50:2-11. No person shall dredge upon, or throw, cast or drag an
12 oyster dredge or any other instrument or appliance used for catching
13 **clams or oysters** shellfish , or assist in so doing, or **tread for**
14 **clams** collect shellfish by any means , upon any of the lands lying
15 under the tidal waters of this State before sunrise or after sunset, or
16 at any time on Sunday, except that clams may be taken from the
17 waters of Raritan **bay** Bay, Sandy Hook **bay** Bay, Shrewsbury
18 **river** River or Navesink **river** River on Sunday. The
19 department, in consultation with the council, may adopt, pursuant to
20 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
21 seq.), rules and regulations for the harvest of oysters on Sunday
22 during specific times, in specific areas, and using specific methods
23 of harvest. The maintenance of leases, limited to the moving and
24 planting of shell, oyster and clam seed and the use of bagless oyster
25 scrapes, shall be permitted on Sunday.

26 (cf: P.L.1979, c.199, s.37)

27
28 40. R.S.50:2-12 is amended to read as follows:

29 50:2-12. Seed oysters of any size and hard shell clams
30 measuring less than **1 1/2** 1.5 inches (38 millimeters) in length
31 caught and taken from any of the **natural oyster or clam** unleased
32 shellfish beds or grounds under the tidal waters of this State shall
33 not be sold **and** , purchased, transported, or taken out of this State
34 **for the purpose of planting on grounds in any other state,**
35 excepting for methods of aquaculture approved by the
36 commissioner. No person may sell natural seed oysters or clams in
37 violation of this section nor shall any person purchase or transport
38 such oysters or clams in violation of this section.

39 Possession of such oysters or clams outside of the boundaries of
40 this State shall be prima facie evidence of violation of this section
41 , except for shellfish seed produced under an aquatic farmer license
42 in a hatchery or on leased bottom using aquaculture methods
43 approved by the commissioner .

44 (cf: P.L.1979, c.199, s.38)

45
46 41. The caption to chapter 3 of Title 50 of the Revised Statutes
47 is amended to read as follows:

1 Chapter 3. REGULATIONS APPLICABLE TO DELAWARE
2 RIVER, DELAWARE BAY AND THEIR TRIBUTARIES [;
3 DEPARTMENT OF] , AND MAURICE RIVER COVE
4 (cf: Caption, chapter 3, Title 50 of the Revised Statutes)

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

7 50:3-1. No boat or vessel shall be used or employed in the
8 catching or taking of oysters in the Delaware [river] River,
9 Delaware [bay] Bay or [Maurice river cove,] their tributaries in
10 this State, without a license for that purpose issued by the
11 commissioner.

12 (cf: P.L.1979, c.199, s.39)

13

14 43. R.S.50:3-2 is amended to read as follows:

15 50:3-2. The Delaware Bay Section of the [council]
16 Shellfisheries Council may fix the license fee at any sum, except
17 that the fee shall be not less than \$10, or less than \$2 per gross ton
18 of the boat or vessel, whichever is greater, for boats or vessels
19 required to be licensed under R.S.50:3-1.

20 No license shall be issued for a period longer than one year.

21 All licenses shall be numbered and recorded by the
22 commissioner.

23 All fees for licenses collected pursuant to this section shall be
24 deposited in the "Oyster Resource Development Account,"
25 established pursuant to section 8 of P.L.1996, c.112 (C.23:3-12.2),
26 and shall be subject to all the terms and conditions of that section.

27 (cf: P.L.1996, c.112, s.3)

28

29 44. R.S.50:3-3 is amended to read as follows:

30 50:3-3. The commissioner, before issuing a license to any boat
31 or vessel as provided in this article, shall cause the [master or
32 captain] owner thereof to file with [him] the commissioner a
33 statement that [such] the boat or vessel is wholly owned [bona
34 fide] by legally domiciled residents [of] or by any entity
35 incorporated in this State; and no boat or vessel owned wholly or in
36 part by a nonresident and licensed in any other state to catch oysters
37 on natural beds or grounds in [such] that other state shall be
38 licensed in this State within the same year in which [such] the
39 license to catch oysters in [such] the other state shall have been or
40 shall be issued. The commissioner may revoke a license issued by
41 reason of a false statement filed by any applicant.

42 (cf: P.L.1979, c.199, s.41)

43

44 45. R.S.50:3-5 is amended to read as follows:

45 50:3-5. The commissioner may revoke the license of any boat or
46 vessel issued as provided in this article , the owner, captain, master
47 or person in charge of which boat or vessel shall violate or cause or

1 permit to be violated any of the provisions of this Title or any rule
2 or regulation of the [commissioner] department , and the
3 commissioner may refuse thereafter to allow any license to be
4 issued to the boat or vessel for such period of time as [he] the
5 commissioner shall fix.

6 (cf: P.L.1979, c.199, s.42)

7

8 46. R.S.50:3-6 is amended to read as follows:

9 50:3-6. No boat or vessel [, propelled wholly or in part by
10 mechanical power,] shall be operated in the catching or taking of
11 [oysters or clams] shellfish from any of the natural beds under the
12 tidal waters of the Delaware [river] River, Delaware [bay,] Bay
13 and their tributaries, in this State, [without first detaching and
14 removing the propeller, or wheel, from the driving shaft thereof;
15 except that any licensed vessel] while equipped with [not] more
16 than two dredges at any one time [may be propelled wholly or in
17 part by steam, naphtha, gasoline, electricity or any other mechanical
18 motive power, while being used in the catching or taking of oysters
19 and clams from the oyster beds under the tidal waters of this State
20 in Delaware river, Delaware bay, Maurice river cove and Cohansey
21 river, except] . No dredging shall be permitted within the beds,
22 [creek] creeks and rivers, [excluding the Cohansey river,]
23 described in [section 50:3-14 of this Title,] R.S.50:3-14, with the
24 exception of the Cohansey River and the lands under the waters of
25 Delaware [bay southwesterly of a line beginning at a point (x =
26 1,929,827.93) (y = 87,182.61) on the shore of Delaware bay in Cape
27 May county, said point being about 2,000 feet south-southwest of
28 Gus's Beach, and running thence N 67°-38 ' -05.3 " W 21,127.33
29 feet to a corner (x = 1,910,289.85) (y = 95,221.74) said corner
30 being on the line running from Dennis Creek Rear Range Light to
31 Brandywine Lighthouse and oysters and clams] Bay in the section
32 known as Areas 1, 2 and 3, described in R.S.50:1-23.

33 Shellfish may be caught and taken [therefrom] from the
34 Cohansey River and Areas 1, 2, and 3 by means of such boats and
35 dredges beginning at 6:00 Ante Meridian Standard Time, quitting at
36 2:30 Post Meridian Standard Time [, each day, except on
37 Saturdays,] Monday through Friday during the months of May and
38 June, subject to the power of [said Shell Fisheries] the
39 Shellfisheries Council, by rule [and] or regulation, to prohibit the
40 taking or catching of [oysters and clams] shellfish in such manner
41 from [such of said] any of those beds and for such time as, in the
42 judgment of [said Shell Fisheries Council] the council , may be
43 necessary in order to close [said] the beds for purposes of
44 conservation.

45 (cf: P.L.1953, c.260, s.2)

1 47. 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
3 catching or taking **[oysters or clams]** shellfish from any of the
4 natural beds or grounds in Delaware **[bay]** Bay or Delaware **[river]**
5 River above the line running direct from the mouth of Straight
6 **[creek]** Creek to Cross Ledge Shoal Old lighthouse, commonly
7 known and hereafter referred to as the "southwest **[line",]** line,"
8 except in that area known as Section "E" as defined in R.S.50:1-23,
9 the tooth bar of which dredge measures more than 54 inches across
10 from center of bolt hole to center of bolt hole where the frame
11 thereof is fastened to the tooth bar, or any dredge which measures
12 more than 5 feet 2 inches in width from the extreme outside to
13 outside of frame, or any dredge which measures more than 21
14 inches from center of tooth bar to center of cross bar, or any dredge
15 the bag of which contains more than 17 rows of 2 inch rings, or any
16 dredge the rings of which are less than 2 inches in diameter, inside
17 measurement, or any dredge the bag of which measures more than 5
18 feet around the bag from center of tooth bar to center of cross bar,
19 or any dredge which weighs more than 250 pounds.

20 (cf: P.L.1981, c.62, s.3)

21

22 48. R.S.50:3-8 is amended to read as follows:

23 50:3-8. **[Season for taking oysters.]** Except in that area known
24 as Section "E" as defined in R.S.50:1-23, no **[oysters shall be**
25 **dredged for, caught or taken]** person shall catch, take, or attempt to
26 catch or take oysters from any of the lands lying under the tidal
27 waters of the Delaware **[river]** River, Delaware **[bay]** Bay **[or**
28 **Maurice river cove]** or their tributaries, above the southwest line,
29 except at the times and in the manner prescribed by the
30 commissioner after consultation with the Delaware Bay Section of
31 the **[Shell Fisheries]** Shellfisheries Council.

32 (cf: P.L.1996, c.112, s.4)

33

34 49. R.S.50:3-9 is amended to read as follows:

35 50:3-9. **[Possession or sale of oysters taken out of season.]** No
36 person shall possess, sell or offer for sale any oysters caught or
37 taken from any natural oyster bed or ground where oysters naturally
38 spawn and grow under the tidal waters of the Delaware **[river]**
39 River , Delaware **[bay]** Bay or Maurice **[river cove]** River Cove
40 above the southwest line, except from and including April first to
41 and including June thirtieth of each year or as otherwise determined
42 by the commissioner after consultation with the Delaware Bay
43 Section of the Shellfisheries Council .

44 (cf: P.L.1995, c.67, s.2)

45

46 50. R.S.50:3-10 is amended to read as follows:

1 50:3-10. Nothing in this **[title]** Title shall strengthen, confirm or
2 verify the title of any person to any lands lying under the tidal
3 waters of the Delaware **[river]** River or Delaware **[bay]** Bay ,
4 above the southwest line.
5 (cf: R.S.50:3-10)

6
7 51. R.S.50:3-11 is amended to read as follows:

8 50:3-11. No oysters shall be dredged for, caught or taken from
9 that area known as Section "E" as defined in R.S.50:1-23 or from
10 any of the lands lying under the tidal waters of the Delaware **[bay]**
11 Bay and Maurice **[river cove]** River Cove below a line running
12 direct from the mouth of Straight **[creek]** Creek to Cross Ledge
13 Shoal Old lighthouse, commonly known and hereinafter referred to
14 as the "southwest line," at any time except from September 1 to
15 June 30 then next, both inclusive, of each year; **[but]** unless
16 authorized by the commissioner **[may, upon application, give**
17 **permission, in writing, to any lessee of oyster grounds to dredge,**
18 **catch or take oysters or to employ such methods for the protection**
19 **of the oysters on the grounds]** after consultation with the Delaware
20 Bay Section of the Shellfisheries Council .
21 (cf: P.L.1996, c.112, s.5)

22
23 52. R.S.50:3-12 is amended to read as follows:

24 50:3-12. The **[council]** department, after consultation with the
25 council, may upon application give permission, in writing, to any
26 prospective lessee to examine and inspect, with proper appliances,
27 any of the unleased lands of the State below the southwest line and
28 the area known as Section "E" as defined in R.S.50:1-23 for the
29 purpose of determining their suitability or adaptability for oyster
30 culture or propagation; but no oysters shall be permanently removed
31 from any **[such]** of those lands by virtue of any such permit. Any
32 individual given such permission shall be required to notify the
33 department via telephone each day prior to conducting an
34 inspection.
35 (cf: P.L.1979, c.199, s.45)

36
37 53. R.S.50:3-13 is amended to read as follows:

38 50:3-13. No person shall dredge upon or throw, cast or drag an
39 oyster or clam dredge, or any other instrument or appliance used for
40 catching **[oysters or clams]** shellfish , in that area known as Section
41 "E" as defined **[by]** in R.S.50:1-23 or upon any of the land of the
42 State lying under the tidal waters of the Delaware **[bay or Maurice**
43 **river cove]** Bay , in this State, below the southwest line, other than
44 land or ground for which **[such]** the person then holds a lease from
45 the **[Shell Fisheries]** Shellfisheries Council under this Title. A
46 lessee may, however, authorize another individual to dredge for

1 shellfish on the lease using authorized gear during the authorized
2 season. Any such authorization shall be in writing, signed by all
3 parties on forms provided by the Division of Fish and Wildlife, and
4 shall be in the dredger's possession at all times during dredging
5 operations.

6 (cf: P.L.1981, c.62, s.6)

7

8 54. R.S.50:3-14 is amended to read as follows:

9 50:3-14. a. No person shall use or cause to be used any dredge,
10 drag, scrape or other instrument, except hand tongs, for the purpose
11 of catching **[oysters]** shellfish from the following named beds,
12 creeks, and rivers of this State, along the shore of Delaware **[bay]**
13 Bay, the areas of which are described by **[co-ordinates]** coordinates
14 and bearings taken from the official survey base known as the "New
15 Jersey **[System of Plane Coordinates"]** system of plane
16 coordinates" as defined in article **[two]** 2 of chapter **[three]** 3 of
17 Title 51 **[in]** of the Revised Statutes, viz.:

18 (1) Elder point beds, Andrews ditch beds, East point beds,
19 described as follows: Beginning at a point with **[co-ordinates]**
20 coordinates **[X = 1,897,678 y = 132,207]** (X=104,451.54)
21 (Y=40,377.57) said point being now or formerly East Point
22 Lighthouse and running thence **[N 48°-23 ' -07 " W 9,400. feet]** N
23 48° 16' 48.910" W 2865.15 meters to a point **[X = 1,890,650 y =**
24 **138,450]** (X=102,312.9) (Y=42,284.30) on or near the east bank of
25 the mouth of New England **[creek]** Creek; thence following in an
26 easterly direction the shore line and crossing the mouth of the
27 Maurice **[river]** River and following the shore line to the point of
28 beginning; **[the]**

29 (2) High beds and Pepper beds, described as follows: Beginning
30 at a point with **[co-ordinates x = 1,897,678 y = 132,207]**
31 coordinates (X=104,451.5) (Y=40,377.57) said point being now or
32 formerly East Point Lighthouse and running thence **[S 55°-00 ' -26**
33 **" W 6,637. feet]** S 55° 06' 44.5440" W 2022.82 meters to a corner
34 **[x = 1,892,241 y = 128,401]** (X=102,792.2) (Y=39,220.58) in
35 Delaware Bay the same being corner number 2 of oyster ground
36 number 48 section C now or formerly leased by **[the Sockwell**
37 **Estate]** Robbins and Robbins Inc.; thence **[N 76°-54 ' -16 " W**
38 **1,063 feet]** N 76° 47' 57.9276" W 324.19 meters to a corner **[x =**
39 **1,891,205 y = 128,642]** (X=102,476.6) (Y=39,294.61) the same
40 being corner No. 3 of oyster ground No. **[20]** 22 section C now or
41 formerly leased by **[the six Robbins brothers]** Robbins and Robbins
42 Inc.; thence **[N 03°-14 ' -20 " W 9,824 feet]** N 03° 08' 00.7977" W
43 2994.17 meters to a point **[X = 1,890,650 y = 138,450]**
44 (X=102,312.9) (Y=42,284.30) on the east bank of the mouth of

1 New England Creek; thence S 48°-23 ' -07 " E [9,400.
2 feet] 2,865 meters to the point of beginning;

3 (3) Dividing Creek beds and Oranoken beds, described
4 as follows: Beginning at a point with [co-ordinates x = 1,881,141
5 y = 136,707] coordinates (X=99,599.58) (Y=41,933.40) said point
6 being located on the meadow land at Kenny's Point about [2000
7 yards] 1,829 meters east south east of the mouth of Dividing
8 Creek and running thence [S 39°-26 ' -34 " W 6,469. feet]
9 S 39° 32' 52.0432" W 2,276.59 meters to a corner in Delaware Bay
10 [x = 1,877,031 y = 131,711] (X=98,158.25) (Y=40,237.93); thence
11 [N 69°-06 ' -42 " W 5,651. feet] N 69° 00' 23.9963" W 2179.71
12 meters to a corner [X = 1,871,751 y = 133,726]
13 (X=96,123.23)(Y=41,018.83) on the meadow land said corner being
14 about [1166 yards south south east] 880 meters south west of the
15 mouth of Oranoken Creek; thence following the shore line
16 in a [north] north east and east south east direction, crossing the
17 mouths of Oranoken Creek and Dividing Creek to
18 the point of beginning;

19 (4) Nantuxent Creek beds, Beach Creek beds,
20 Goshen Creek, Dennis Creek, East Creek,
21 West Creek, West Creek beds at the mouth of West
22 Creek, Dividing Creek and its tributaries,
23 Oranoken Creek and its tributaries, Little Brothers and Big
24 Brothers Creeks, Straight Creek, Fishing Creek
25 Creek in Cumberland County, Oyster Creek, [Fortesque
26 creek] Fortescue Creek, [Beaden's creek] Beadons Creek, Sow
27 and Pigs Creek, Dare's Creek, Padgett's Creek
28 Creek, Nantuxent Creek, Cedar Creek, Back
29 Creek, Middle Marsh Creek, Stow Creek,
30 [Bidwell's ditch] Bidwell Creek, Nantuxent beds at the mouth of
31 Nantuxent Creek, Back Creek beds at the mouth of
32 Back Creek, the Nantuxent beds and Back Creek
33 beds taking in that area north of a line running direct from
34 Nantuxent Point to Ben Davis Point, Cohansey beds at the mouth of
35 Cohansey River, said beds taking in that area north of a line
36 extending from the south bank of the mouth of Middle Marsh
37 Creek direct to Cohansey Point, and Maurice River
38 and Cohansey River; except that during May and June in
39 any year oysters may be taken from the beds in the Cohansey
40 River and Stow Creek by means of [patent tongs,
41 and] dredges [may be used in the Cohansey river] .

42 b. No licenses shall be issued by the [division] Division of Fish
43 and Wildlife contrary to this section. The department, in
44 consultation with the council, may permit the use of hand scrapes or

1 mechanically-retrieved oyster scrapes in certain beds, creeks and
2 tributaries to harvest specific quantities of oysters, provided such
3 use will not be detrimental to the resource in those areas.

4 (cf: P.L.1953, c.261, s.1)

5

6 55. R.S.50:3-15 is amended to read as follows:

7 50:3-15. No person shall gather, scrape, rake or tong any oysters
8 in or upon the beds, rivers or creeks of this State named in [section
9 50:3-14 of this Title] R.S.50:3-14 , for and during the period from
10 June 30 until September 1 in each and every year [; but this] . This
11 closed season shall not apply to the following beds [(a)] , from
12 which oysters may be taken only during the months of April, May,
13 June, September, October and November between sunrise and
14 sunset, except on Sunday:

15 a. at the mouth of Maurice [river] River, described as follows:
16 Beginning at a point with [co-ordinates x=1,897,678 y=132,207]
17 coordinates (X=104,451.5)(Y=40,377.57) said point being now or
18 formerly East Point Lighthouse and running thence [N 48`-23 ' -07
19 " W 9,400 feet] N 48° 16' 48.4910" W 2865.15 meters to a point
20 [x=1,890,650 y=138,450] (X=102,312.9)(Y=42,284.30) on or near
21 the east bank of the mouth of New England [creek] Creek; thence
22 following in an easterly direction the shore line and crossing the
23 mouth of the Maurice [river] River and following the shore line to
24 the point of beginning, and in Maurice [river, from which oysters
25 may be taken between sunrise and sunset at any time, except on
26 Sundays] River; or

27 [(b) to] b. the Nantuxent beds in that area at the mouth of
28 Nantuxent [creek] Creek , Back [creek] Creek and Cedar [creek]
29 Creek and the Cohansey beds at the mouth of Cohansey [river,
30 from which oysters may be taken at any time between sunrise and
31 sunset, except on Sunday] River, provided, however, that any
32 oysters so taken shall be 3 inches from hinge to mouth or longer; or

33 [(c) to] c. the Back [creek] Creek beds at the mouth of Back
34 [creek] Creek, Back [creek] Creek from the mouth to the south
35 bank of the mouth of Tweed [creek] Creek, which areas are
36 described as follows: Beginning at the intersection of the southerly
37 bank of the mouth of Tweed [creek] Creek with the westerly bank
38 of Back [creek] Creek, said intersection being at high-water mark,
39 thence from said point in a southeasterly, southwesterly, and
40 southerly direction, being along the westerly bank of Back [creek]
41 Creek and the westerly shore of Nantuxent Cove to a point on the
42 said shore, said point being [N 71` E 700 feet more or less from the
43 Sextant tower on] at or near Ben Davis Point
44 (X=82,032.21)(Y=51,070.56); thence [N 71` E 4,300 feet more or
45 less to a stake set in] N 77° 09' 23.4025" E 1,420.56 meters to a

1 point in Nantuxent Cove (X=83,417.22)(Y=51,386.33) ; thence [N
2 19' E 3,300 feet more or less to a stake set at the highwater mark]
3 N 20° 02' 18.8773" E 1,129.71 meters to a point along the north
4 shore of Nantuxent Cove; thence bounding on the said high-water
5 mark in a general westerly direction to the mouth of Back [creek]
6 Creek , thence along the easterly bank of Back [creek] Creek in a
7 general, easterly, northerly and northwesterly direction to a point
8 due east from the southerly bank of the mouth of Tweed [creek]
9 Creek; thence crossing Back [creek] Creek in a due west direction
10 to the place of beginning [, from which oysters may be taken only
11 during the months of April, May, June, September, October and
12 November between sunrise and sunset, except on Sunday] .
13 (cf: P.L.1979, c.199, s.77)

14

15 56. Section 3 of P.L.1952, c.184 (C.50:3-15.1) is amended to
16 read as follows:

17 3. a. No oysters which measure less than three inches from
18 hinge to mouth shall at any time be taken from the waters in or
19 upon any of the beds, rivers or creeks of this State named in
20 [section] R.S.50:3-14, or be in the possession of any person after
21 being so taken; except that this prohibition shall not apply to spat or
22 blisters adhering so closely as to be impossible to remove without
23 destruction; but in no case shall this exception amount to more than
24 [ten per centum (10%)] 10% of any catch or cargo; but this
25 minimum size shall not apply to [(a)] :

26 (1) Elder point beds, Andrews ditch beds, East point beds, as the
27 same are described in [section 50:3-14 of the Revised Statutes]
28 R.S.50:3-14 ; [(b)]

29 (2) Maurice [river] River beds; [(c)]

30 (3) Nantuxent beds at the mouth of Nantuxent [creek] Creek ;
31 [(d)]

32 (4) Back [creek] Creek beds at the mouth of Back [creek]
33 Creek ; [(e)]

34 (5) Back [creek] Creek from the mouth thereof to the south bank
35 of the mouth of Tweed [creek] Creek ; and [(f)]

36 (6) Cohansey beds at the mouth of Cohansey [river] River .

37 b. This section shall not apply to oysters produced on
38 aquaculture leases.

39 (cf: P.L.1952, c.184, s.3)

40

41 57. Section 1 of P.L.1966, c.52 (C.50:3-16.1) is amended to read
42 as follows:

43 1. The area southwest of the Clam Line and southeast of the
44 Brandywine-Dennis Creek Line more fully described by coordinates
45 and bearings taken from the official survey base known as the "New
46 Jersey [System of Plane Coordinates]" system of plane

1 coordinates" as defined in article 2 of chapter 3 of Title 51 **[in]** of
 2 the Revised Statutes, viz.: **[beginning]** Beginning at a point in
 3 Delaware Bay **[(X = 1,910,289.85) (Y = 95,221.74)]**
 4 **(X=108,274.8)(Y=29,097.81)** said point being the intersection of
 5 the Clam Line with the Brandywine-Dennis Creek Line; and
 6 running thence **[S 67°-38 ' -05.3 " E 21,127.33 feet]** S 67° 31'
 7 48.16" E 21,126.46 meters to a point where the Clam Line
 8 intersects the shore line of Cape May County **[(X = 1,929,827.93)**
 9 **(Y = 87,182.61)]** **(X=114,225.3)(Y=26,636.70)** said point being
 10 about **[2000 feet]** 200 meters south southwest of **[Gus's Beach]**
 11 Rutgers Cape Shore Laboratory ; thence following the high water
 12 mark along the shore line of Cape May County in a southerly
 13 direction its various courses and distances to a point **[(X =**
 14 **1,913,191.01) (Y = 37,809.97)]** **(X=109,127.0)(Y=11,597.75)**
 15 located on the Cape May Point Lighthouse-Brandywine Shoal
 16 Lighthouse Line; thence along this line **[N 65°-43 ' -09.6 " W**
 17 **44,130.11 feet]** N 65° 36' 53.5" W 44,128.37 meters to Brandywine
 18 Shoal Lighthouse **[(X = 1,872,964.55) (Y = 55,956.58)]**
 19 **(X=96,876.60)(Y=17,150.99)**, thence along the Brandywine-Dennis
 20 Creek Line **[N 43°-32 ' -56.9 " E 54,175.00 feet]** N 43° 39'
 21 13.6495" E 16,511.99247 meters to the place of beginning, shall be
 22 divided into three **[(3)]** areas, to be known as follows:

23 Area No. 1--Tongers Area.

24 Area No. 2--Natural Seed Bed Area.

25 Area No. 3--Shellfish Dredging Area.

26 (cf: P.L.1966, c.52, s.1)

27

28 58. Section 3 of P.L.1966, c.52 (C.50:3-16.3) is amended to read
 29 as follows:

30 3. Area No. 1--Tongers Area is described as follows:

31 **[beginning]** Beginning at a point **[(X = 1,921,393.68) (Y =**
 32 **90,652.96)]** **(X=111,656.5)(Y=27,699.12)** said point located on the
 33 Clam Line 1 1/2 nautical miles off shore; and running thence **[S**
 34 **67°-38 ' -05.3 " E 9,120.30 feet]** S 67° 31' 50.66" E 9,119.92
 35 meters to a point where the Clam Line intersects the shore line of
 36 Cape May County **[(X = 1,929,827.93) (Y = 87,182.61)]**
 37 **(X=114,225.3)(Y=26,636.70)** said point also being about **[2000**
 38 **feet]** 200 meters south south west of **[Gus's Beach]** Rutgers Cape
 39 Shore Laboratory ; thence following the high water mark along the
 40 shore line of Cape May County in a southerly direction its various
 41 courses and distances to a point **[(X = 1,913,191.01) (Y =**
 42 **37,809.97)]** **(X=109,127.0)(Y=11,597.75)** located on the Cape May
 43 Point Lighthouse-Brandywine Shoal Lighthouse Line; thence along
 44 this line **[N 65°-43 ' -09.6 " W 10,920.30 feet]** N 65° 36' 53.99" W
 45 10,919.86 meters to a point **[(X = 1,903,236.69) (Y = 42,300.47)]**

1 (X=106,095.5)(Y=12,971.93) located on the Cape May Point
2 Lighthouse-Brandywine Shoal Lighthouse Line; thence **[N 05°-23 '**
3 **-37.6 " E 32,025.80 feet]** N 05° 29' 54.29" E 32,024.59 meters to a
4 point **[(X = 1,906,247.10) (Y = 74,184.49)]**
5 (X=107,030.8)(Y=22,688.13) in Delaware Bay; thence **[S 60°-50 ' -**
6 **30 " E 5700 feet]** S 60° 45' 15.72" E 5,698.81 meters to a point
7 **[(X = 1,911,224.78) (Y = 71,409.29)]**
8 (X=108,546.4)(Y=21,839.51) in Delaware Bay; thence **[N 27°-51 ' -**
9 **-02.8 " E 21,767.00 feet]** N 27° 57' 28.84" E 21,764.48 meters to
10 the place of beginning.

11 (cf: P.L.1966, c.52, s.3)

12

13 59. Section 4 of P.L.1966, c. 52 (C.50:3-16.4) is amended to
14 read as follows:

15 4. It shall be lawful to catch or take shellfish in Area No. 1 by
16 the use of a **[Shinnecock]** Shinnecock Rake, hand tongs or one
17 mechanically-retrieved hand scrape or dredge per vessel, weight not
18 to exceed 60 pounds, the tooth bar of which shall not exceed 30
19 inches from center of bolt hole to center of bolt hole where the
20 frame thereof is fastened to the tooth bar, with power and in the
21 manner, now or hereafter prescribed by law. The department, in
22 consultation with the council, may adopt, pursuant to the
23 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
24 seq.), rules and regulations governing the harvest of shellfish in
25 Area No. 1 including, but not limited to, daily catch limits.

26 (cf: P.L.1966, c.52, s.4)

27

28 60. Section 5 of P.L.1966, c.52 (C.50:3-16.5) is amended to read
29 as follows:

30 5. a. No person shall catch or take any shellfish from the natural
31 shellfish beds contained within **[said]** Area No. 1 unless there shall
32 have been first issued by the **[Council]** department for each boat or
33 vessel, so to be used or employed therein, a special license
34 authorizing the catching or taking of shellfish within **[said]** that
35 area, which shall be issued for a term not longer than [1] one year
36 and shall contain an agreement on the part of the holder thereof that
37 any person or officer or other representative of the department
38 authorized by rule or regulation [of said council] to make
39 inspections of [such] that area may board [said] the boat or vessel
40 to inspect shellfish therein contained, and all licenses issued under
41 [this act] P.L.1966, c.52 (C.50:3-16.1 et seq.) shall be numbered.

42 b. The holder of a special license issued pursuant to this section
43 shall submit monthly reports of shellfish harvested and submit a fee
44 of not less than \$1.25 per bushel of shellfish harvested which shall
45 be deposited in the "Oyster Resource Development Account,"

1 established pursuant to section 8 of P.L.1996, c.112 (C.23:3-12.2).
2 (cf: P.L.1979, c.199, s.48)

3

4 61. Section 6 of P.L.1966, c.52 (C.50:3-16.6) is amended to read
5 as follows:

6 6. Application for **[such]** a license for Area No. 1 shall be made
7 to **[said council]** the department on a form prescribed by the
8 **[council]** department by the owner of the vessel to be licensed or
9 the master or captain of **[such]** the vessel acting for **[such]** the
10 owner, which application shall state, under oath, that **[such]** the
11 boat or vessel is wholly owned bona fide by a **[citizen or citizens or**
12 **actual]** legally domiciled resident or residents of this State, or
13 entities incorporated in this State, who have been such for 12
14 months next preceding the making of **[said]** the application, and
15 shall contain a provision that the holder of the license applied for
16 thereby consents to the agreements to be set forth in **[such]** the
17 license as prescribed by section **[10 of this act]** 5 of P.L.1966, c.52
18 (C.50:3-16.5) . **[Said]** The oath may be administered by any
19 member of the **[council or the chief of the section]** department and
20 **[must]** shall be in writing signed by the person making the **[same]**
21 oath in the presence of the person administering **[the same]** it .

22 (cf: P.L.1966, c.52, s.6)

23

24 62. Section 7 of P.L.1966, c.52 (C.50:3-16.7) is amended to read
25 as follows:

26 7. Each application for a license for Area No. 1 shall be
27 accompanied by a license fee in an amount to be fixed by the
28 council but not **[exceeding \$4.00]** less than \$4 per ton on the gross
29 tonnage measurement of the boat or vessel to be licensed but a
30 minimum fee of **[\$25.00]** \$50 shall be charged for each boat or
31 vessel licensed. In the event that the license is refused, the license
32 fee accompanying the application shall be returned to the applicant.

33 (cf: P.L.1966, c.52, s.7)

34

35 63. Section 8 of P.L.1966, c.52 (C.50:3-16.8) is amended to read
36 as follows:

37 8. The **[council]** department may revoke any license for Area
38 No. 1 issued under **[this act]** P.L.1966, c.52 (C.50:3-16.1 et seq.)
39 by reason of a false oath made by any owner or master in applying
40 therefor, or for any other violation of P.L.1966, c.52 (C.50:3-16.1 et
41 seq.), after due hearing.

42 (cf: P.L.1966, c.52, s.8)

43

44 64. Section 9 of P.L.1966, c.52 (C.50:3-16.9) is amended to read
45 as follows:

1 9. No oysters shall be dredged for or harvested in Area No. 1
 2 except between the hours of 6 o'clock ante meridian and 2:30
 3 o'clock post meridian, Standard Time, on the days of the week,
 4 except Saturdays and Sundays **[**, during the months beginning with
 5 the month of October in 1 year and ending with the month of April
 6 in the next year **]** . The department, in consultation with the
 7 council, may adopt, pursuant to the "Administrative Procedure
 8 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations
 9 regarding the season for the harvest of oysters from Area No. 1 .
 10 (cf: P.L.1966, c.52, s.9)

11
 12 65. Section 10 of P.L.1966, c.52 (C.50:3-16.10) is amended to
 13 read as follows:

14 10. Area No. 2--Natural Seed Bed Area is described as follows:
 15 **[beginning] Beginning** at a point **[(X = 1,910,289.85) (Y =**
 16 **95,221.74)]** (X=108,274.8)(Y=29,097.81) said point being the
 17 intersection of the Clam Line with the Brandywine-Dennis Creek
 18 Line; and running thence **[S 67°-38' -05.3 " E. 12,007.03 feet] S**
 19 **67° 31' 48.16" E 12,006.54 meters** along the Clam Line to a point
 20 **[(X = 1,921,393.68) (Y = 90,652.96)]**
 21 (X=111,656.5)(Y=27,699.12) the same being the northwest corner
 22 of Area No. 1--Tongers Area; thence **[S 27°-51' -02.8 " W**
 23 **21,767.00 feet] S 27° 57' 28.84" W 21,764.48 meters** along the
 24 western side of Area No. 1 to a point **[(X = 1,911,224.78) (Y =**
 25 **71,407.29)]** (X=108,546.4)(Y=21,838.90); thence **[N 60°-50' -30**
 26 **" W 17,638.66 feet] N 60° 44' 33.5" W 17,636.99 meters** to a point
 27 **[(X = 1,895,821.35) (Y = 80,001.28)]**
 28 (X=103,856.4)(Y=24,466.84) said point located on the Brandywine-
 29 Dennis Creek Line; thence along this line **[N 43°-32' -56.9 " E**
 30 **21,000.00 feet] N 43° 39' 13.93" E 20,999.27 meters** to the place of
 31 beginning.

32 (cf: P.L.1966, c.52, s.10)

33
 34 66. Section 12 of P.L.1966, c.52 (C.50:3-16.12) is amended to
 35 read as follows:

36 12. Area No. 3--**[Oyster, Clam and Crab] Shellfish** Dredging
 37 Area is described as follows: **[beginning] Beginning** at a point **[(X**
 38 **= 1,895,821.35) (Y = 80,001.28)]** (X=103,856.4)(Y=24,466.84)
 39 said point being on the Brandywine-Dennis Creek Line; and
 40 running thence **[S 60°-50' -30 " E 11,938.66 feet] S 60° 44' 12.53"**
 41 **E 11,938.89 meters** along the southern boundary line of Area No. 2
 42 to a point **[(X = 1,906,247.10) (Y = 74,184.47)]**
 43 (X=107,030.8)(Y=22,688.13) said point being on the western side
 44 of Area No. 1 and on the southern side of Area No. 2; thence along
 45 the western side of Area No. 1 **[S 05°-23' -37.6 " W 32,025.80**
 46 **feet] S 05° 29' 54.29" W 32,024.59 meters** to a point **[(X =**

1 1,903,236.69) (Y = 42,300.47)] (X=106,095.5)(Y=12,971.93) said
2 point located on the Cape May Point Lighthouse-Brandywine Shoal
3 Lighthouse Line; thence along said line **[N 65°-43 ' -09.6 " W**
4 **33,209.81 feet]** N 65° 36' 53.00" W 33,208.51 meters to
5 Brandywine Shoal Lighthouse **[(X = 1,872,964.55) (Y =**
6 **55,956.58)]** (X=96,876.60)(Y=17,150.99); thence along the
7 Brandywine-Dennis Creek Line **[N 43°-32 ' -56.9 " E 33,175.00**
8 **feet]** N 43° 39' 13.43" E 33,173.81 meters to the place of
9 beginning.
10 (cf: P.L.1966, c.52, s.12)

11

12 67. Section 13 of P.L.1966, c.52 (C.50:3-16.13) is amended to
13 read as follows:

14 13. It shall be lawful to catch and take **[oysters, clams and**
15 **crabs]** shellfish in that portion of the Delaware **[bay]** Bay,
16 hereinbefore described as Areas Nos. 2 and 3, upon compliance
17 with the provisions of this Title and any rules and regulations issued
18 pursuant thereto.

19 (cf: P.L.1980, c.120, s.4)

20

21 68. Section 14 of P.L.1966, c.52 (C.50:3-16.14) is amended to
22 read as follows:

23 14. a. No person shall catch or take any shellfish from the
24 natural shellfish beds, contained within **[said]** Areas Nos. 2 and 3,
25 unless there shall have been first issued by the **[council]**
26 department for each boat or vessel, so to be used or employed
27 therein, a special license authorizing the catching or taking of
28 shellfish within **[said]** those areas, which shall be issued for a term
29 not longer than **[1]** one year and shall contain an agreement on the
30 part of the holder thereof:

31 **[(a)]** (1) That any person or officer or other representative of the
32 department authorized by rule or regulation of **[said council]** the
33 department to make inspections of such areas may board **[said]** the
34 boat or vessel to inspect shellfish therein contained **[,]** ; and

35 **[(b)]** (2) That **[such]** the holder **[will deliver or cause to be**
36 **delivered to said council the shells taken in said areas in the process**
37 **of opening or shucking, from 40% of all of the oysters taken from**
38 **under the tidal waters of said areas and delivered by such holder or**
39 **for his account to any shucking houses, pursuant to chapter 39 of**
40 **the laws of 1945, at the times and in the manner prescribed therein,**

41 (c) That such holder will, in the case of oysters packed and
42 shipped or otherwise sold in the shells by him to persons not
43 required to be licensed under this act, pay to the State of New
44 Jersey the true, fair, cash market value of the oyster shells so
45 packed and shipped and otherwise sold, as fixed by the Council of
46 Shell Fisheries Shellfisheries Council, under the provisions of this

1 act, on the basis of one bushel of shells for each bushel of oysters so
2 sold or shipped which payments shall be made as statements are
3 submitted] of a special license issued pursuant to this section shall
4 submit monthly reports of shellfish harvested and submit a fee of
5 not less than \$1.25 per bushel of shellfish harvested which shall be
6 deposited in the "Oyster Resource Development Account"
7 established pursuant to section 8 of P.L.1996, c.112 (C.23:3-12.2) .

8 b. All licenses issued under [this act] P.L.1966, c.52 (C.50:3-
9 16. 1 et seq.) shall be numbered.

10 (cf: P.L.1980, c.120, s.5)

11
12 69. Section 15 of P.L.1966, c.52 (C.50:3-16.15) is amended to
13 read as follows:

14 15. Application for [such] a license for Areas Nos. 2 and 3 shall
15 be made to [said council] the department on a form prescribed by
16 the [council] department by the owner of the vessel to be licensed
17 or the master or captain of [such] the vessel acting for [such] the
18 owner, which application shall state, under oath, that [such] the
19 boat or vessel is wholly owned bona fide by a [citizen or citizens or
20 actual] legally domiciled resident or residents of this State, or
21 entities incorporated in this State, who have been such for 12
22 months next preceding the making of [said] the application, and
23 shall contain a provision that the holder of the license applied for
24 thereby consents to the agreements to be set forth in [such] the
25 license as prescribed by section [9 of this act] 14 of P.L.1966, c.52
26 (C.50:3-16.14) . [Said] The oath may be administered by any
27 member of the [council or the chief of the section] department and
28 [must] shall be in writing signed by the person making the [same]
29 oath in the presence of the person administering [the same] it .

30 (cf: P.L.1966, c.52, s.15)

31
32 70. Section 16 of P.L.1966, c.52 (C.50:3-16.16) is amended to
33 read as follows:

34 16. Each application for a license for Areas Nos. 2 and 3 shall
35 be accompanied by a license fee in an amount to be fixed by the
36 council but not [exceeding \$4.00] less than \$4 per ton on the gross
37 tonnage measurement of the boat or vessel to be licensed but a
38 minimum fee of [\$50.00] \$50 shall be charged for each boat or
39 vessel licensed. In the event that the license is refused, the license
40 fee accompanying the application shall be returned to the applicant.

41 (cf: P.L.1966, c.52, s.16)

42
43 71. Section 17 of P.L.1966, c.52 (C.50:3-16.17) is amended to
44 read as follows:

45 17. The [council] department may revoke any license for Areas
46 Nos. 2 and 3 issued under [this act] P.L.1966, c.52 (C.50:3-16.1 et

1 seq.) by reason of a false oath made by any owner or master in
2 applying therefor, or for any other violation of P.L.1966, c.52
3 (C.50:3-16.1 et seq.), after due hearing.
4 (cf: P.L.1966, c.52, s.17)
5

6 72. Section 18 of P.L.1966, c.52 (C.50:3-16.18) is amended to
7 read as follows:

8 18. No oyster **【,** which shall measure**】** that measures less than 3
9 inches from hinge to bill **【,** shall at any time be taken from the
10 waters of Areas Nos. 2 and 3 or be possessed by any person after
11 being so taken, except spats or blisters, adhering so closely as to be
12 impossible to remove without destruction, not amounting in any
13 case to more than 10% of any catch or cargo.
14 (cf: P.L.1980, c.120, s.6)
15

16 73. Section 19 of P.L.1966, c.52 (C.50:3-16.19) is amended to
17 read as follows:

18 19. No shellfish shall be dredged for or harvested in Areas Nos.
19 2 and 3 except between **【the hours of 6 o'clock ante meridian and**
20 **2:30 o'clock post meridian, Standard Time,】** sunrise and sunset
21 the days of the week, except Saturdays and Sundays, during the
22 months beginning with the month of October in **【1】** one year and
23 ending with the month of April in the next year.
24 (cf: P.L.1980, c.120, s.7)
25

26 74. Section 20 of P.L.1966, c.52 (C.50:3-16.20) is amended to
27 read as follows:

28 20. No person shall use any dredge for the purpose of catching
29 or taking shellfish from **【said】** Areas Nos. 2 and 3, the tooth bar of
30 which dredge measures more than 54 inches across from center of
31 bolt hole to center of bolt hole where the frame thereof is fastened
32 to the tooth bar, or any dredge which measures more than 5 feet 2
33 inches in width from the extreme outside to outside of frame, or any
34 dredge which measures more than 21 inches from center of tooth
35 bar to center of cross bar, or any dredge the bag of which contains
36 more than 17 rows of 2-inch rings, or any dredge the rings of which
37 are less than 2 inches in diameter, inside measurement, or any
38 dredge the bag of which measures more than 5 feet around the bag
39 from center of tooth bar to center of cross bar, or any dredge which
40 weighs more than 190 pounds.
41 (cf: P.L.1980, c.120, s.8)
42

43 75. Section 21 of P.L.1966, c.52 (C.50:3-16.21) is amended to
44 read as follows:

45 21. The council may, subject to the approval of the
46 commissioner, by rule **【and】** or regulation, prohibit the taking or
47 catching of shellfish in **【such area】** Area No. 1 or Areas Nos. 2 and

1 3 at such times as, in the judgment of the council, may be necessary
2 to close **【said】** the beds or any part thereof for conservation or
3 resource management purposes.

4 (cf: P.L.1979, c.199, s.50)

5

6 76. Section 22 of P.L.1966, c.52 (C.50:3-16.22) is amended to
7 read as follows:

8 22. All applications for licenses for Area No. 1 and for Areas
9 Nos. 2 and 3 made under **【this act】** P.L.1966, c.52 (C.50:3-16.1 et
10 seq.) shall be filed, and all licenses issued under **【this act】**
11 P.L.1966, c.52 (C.50:3-16.1 et seq.) shall be recorded, in books to
12 be kept for **【said】** those purposes by the department.

13 (cf: P.L.1979, c.199, s.51)

14

15 77. Section 1 of P.L.1945, c.39 (C.50:3-20.10) is amended to
16 read as follows:

17 1. As used in **【this act, the terms】** P.L.1945, c.39 (C.50:3-20.10
18 et seq.) :

19 "Oyster dealer" means any person who, for himself or as an
20 agent or broker, purchases from oyster planters, within this State,
21 oysters so originating, in the shells, for purpose of resale or
22 shipment for resale or for use other than the use of himself and his
23 family, in the shells, and, also, any person who plants and grows
24 oysters so originating and packs and ships or otherwise sells oysters
25 so originating, in the shells, to person not required to be licensed
26 under P.L.1945, c.39 (C.50:3-20.10 et seq.).

27 "Oyster planter" means any person who plants and grows oysters
28 so originating and who sells oysters so planted and grown, in the
29 shells, to persons required to be licensed under P.L.1945, c.39
30 (C.50:3-20.10 et seq.).

31 "Oyster shucking house" means a plant for the opening,
32 shucking, processing and packing of oysters which originate on the
33 natural oyster beds in the tidal waters of the Delaware **【river】**
34 River, the Delaware **【bay】** Bay or the Maurice **【river】** River cove
35 or any of their tributaries **【**;

36 "Oyster planter" means any person who plants and grows oysters
37 so originating and who sells oysters so planted and grown, in the
38 shells, to persons required to be licensed under this act;

39 "Oyster dealer" means any person who, for himself or as an
40 agent or broker, purchases from oyster planters, within this State,
41 oysters so originating, in the shells, for purpose of resale or
42 shipment for resale or for use other than the use of himself and his
43 family, in the shells, and, also, any person who plants and grows
44 oysters so originating and packs and ships or otherwise sells
45 oysters so originating, in the shells, to person not required to be
46 licensed under this act **【**.

47 (cf: P.L.1945, c.39, s.1)

1 78. Section 2 of P.L.1945, c.39 (C.50:3-20.11) is amended to
2 read as follows:

3 2. **【It shall be unlawful for any person to】** No person shall
4 operate within this State an oyster shucking house or **【to】** engage in
5 or carry on the business of an oyster planter or an oyster dealer, as
6 defined in section 1 of P.L.1945, c.39 (C.50:3-20.10), without first
7 obtaining a license for this purpose from the commissioner as
8 provided in P.L.1945, c.39 (C.50:3-20.10 et seq.) .
9 (cf: P.L.1996, c.112, s.6)

10

11 79. Section 3 of P.L.1945, c.39 (C.50:3-20.12) is amended to
12 read as follows:

13 3. Such license, when issued, shall authorize the licensee to
14 operate the oyster shucking house therein named or to engage in
15 and conduct the business of an oyster planter or an oyster dealer, as
16 the case may be, for the term of one year beginning on **【the**
17 **fifteenth day of August】** January 1 and ending on **【the fourteenth**
18 **day of August following】** December 31 of the year issued .
19 (cf: P.L.1945, c.39, s.3)

20

21 80. Section 4 of P.L.1945, c.39 (C.50:3-20.13) is amended to
22 read as follows:

23 4. The license required pursuant to P.L.1945, c.39 (C.50:3-20.10
24 et seq.) to conduct an oyster shucking house or to engage in and
25 conduct the business of an oyster planter or an oyster dealer shall
26 be issued upon the payment of a license fee of \$100. All license
27 fees collected shall be deposited in the "Oyster Resource
28 Development Account," established pursuant to section 8 of
29 P.L.1996, c.112 (C.23:3-12.2), and shall be subject to all the terms
30 and conditions of that section.
31 (cf: P.L.1996, c.112, s.7)

32

33 81. Section 12 of P.L.1945, c.39 (C.50:3-20.21) is amended to
34 read as follows:

35 12. All moneys received as license fees **【and in lieu of the return**
36 **of oyster shells】** under the provisions of **【this act】** P.L.1945, c.39
37 (C.50:3-20.10 et seq.) shall be used by the commissioner for the
38 purchase of **【oyster shells and】** either cultch or oysters , or both,
39 which shall be spread over and planted in **【said】** natural oyster beds
40 and seed grounds of the State and to establish and maintain oyster
41 sanctuaries.

42 (cf: P.L.1979, c.199, s.59)

43

44 82. Section 13 of P.L.1945, c.39 (C.50:3-20.22) is amended to
45 read as follows:

46 13. The commissioner **【shall have power to make】** may adopt,
47 pursuant to the "Administrative Procedure Act," P.L.1968, c.410

1 (C.52:14B-1 et seq.), rules and regulations for the carrying out of
2 the purposes of, and enforcement of, the provisions of **[this act]**
3 P.L.1945, c.39 (C.50:3-20.10 et seq.) .
4 (cf: P.L.1979, c.199, s.60)
5

6 83. The caption to chapter 4 of Title 50 of the Revised Statutes
7 is amended to read as follows:

8 Chapter 4. REGULATIONS APPLICABLE TO ATLANTIC
9 COAST **【; DEPARTMENT OF ATLANTIC COAST】**
10 (cf: Caption, chapter 4, Title 50 of the Revised Statutes)
11

12 84. R.S.50:4-2 is amended to read as follows:

13 50:4-2. No person shall use or cause to be used any dredge with
14 bag or pocket, drag or scrape upon any of the natural oyster or clam
15 beds under the tidal waters of the Atlantic seaboard of this State and
16 tributaries thereof, except Delaware **【bay】 Bay** , and no license
17 shall be issued by the commissioner contrary to this section; but this
18 section shall not prohibit the use of any fork, hoe or drag used by
19 hand in the taking of soft clams; nor shall it prohibit the **【catching**
20 **of oysters with hand power dredges from the natural oyster grounds**
21 **of this State north of Shrewsbury river】** harvest of oysters with
22 oyster dredges on designated leases used for oyster culture within
23 the Mullica River-Great Bay estuary ; nor shall it prohibit the taking
24 of crabs with dredges; **【nor shall it prohibit the taking of clams with**
25 **power dredges from specified leased lands under said waters, except**
26 **Delaware bay, with the approval of the Commissioner of**
27 **Environmental Protection and under such conditions and**
28 **supervision as he may prescribe, and under rules and regulations of**
29 **the Shell Fisheries Council】** ; nor shall it preclude the department
30 from adopting, pursuant to the "Administrative Procedure Act,"
31 P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations
32 governing the harvest of specific shellfish from specific areas by
33 specific means, including, but not limited to, drags and scrapes .

34 (cf: P.L.1980, c.120, s.9)
35

36 85. R.S.50:4-3 is amended to read as follows:

37 50:4-3. No person shall dredge upon, throw, cast or drag an
38 oyster dredge, use oyster tongs, rakes, forks or other instruments or
39 appliances used for catching **【oysters or clams】 shellfish** , or tread
40 for **【clams】 shellfish** , upon any of the leased lands of this State
41 lying under the tidal waters of the Atlantic seaboard or tributaries
42 thereof, above Cape May Point, other than land or ground for which
43 **【such】 the person or 【his】 the person's** employer then holds a lease
44 from the council. A lessee may, however, authorize another validly
45 licensed individual to harvest shellfish on the lease using authorized
46 gear during the authorized season.

47 (cf: P.L.1983, c.219, s.2)

1 86. The following sections are repealed:
2 Section 2 of P.L.1966, c.52 (C.50:3-16.2); and
3 Sections 5 through 11, inclusive, of P.L.1945, c.39 (C.50:3-20.14
4 through C.50:3-20.20).

5
6 87. This act shall take effect immediately, except that sections
7 20 and 21 of this act shall take effect two years after the date of
8 enactment of this act but the Commissioner of Environmental
9 Protection may take such anticipatory administrative action in
10 advance thereof as shall be necessary for the implementation of
11 sections 20 and 21.

12
13
14 STATEMENT
15

16 This bill would generally revise and update the shellfisheries
17 laws in Title 50 of the Revised Statutes. These laws provide the
18 statutory authority for the regulations governing shellfish issues
19 related to both “wild” harvest and aquaculture.

20 The bill would remove antiquated provisions in the law which
21 have not been applicable to the shellfish management programs of
22 the Department of Environmental Protection (DEP) for many years,
23 and would add new provisions which reflect the needs of both
24 resource managers and resource users, particularly with respect to
25 the oyster fishery in Delaware Bay. Two specific changes relevant
26 to Delaware Bay are the removal of the current prohibition on
27 aquaculture leasing in the lower Delaware Bay (i.e., below the
28 “Clam Line”) and the removal of language that could be interpreted
29 to require oyster harvesters to be charged twice for oysters
30 originating from the State’s natural seed beds. The removal of the
31 current prohibition on aquaculture leasing in the lower Delaware
32 Bay will allow the DEP to establish an “Aquaculture Development
33 Zone” (ADZ) where aquaculturists can employ innovative shellfish
34 culture practices. To facilitate this initiative, the Division of Fish
35 and Wildlife has obtained the State and Federal permits necessary
36 for four ADZs in Delaware Bay.

37 The bill also would extend the current clamming license to all
38 defined shellfish species (while retaining some specific license
39 types) and establish a nonresident commercial shellfish license with
40 fee ranges of five to ten times the resident license fee.

41 In addition, the bill would adjust the membership of the
42 Shellfisheries Council, and of the Delaware Bay Section and the
43 Atlantic Coast Section of the council, to provide greater flexibility
44 in membership while maintaining provisions for geographical
45 representation. This change is intended to reduce quorum issues
46 which have arisen over the years due to chronic vacancies on the
47 council from specific counties.

1 The bill also would update various geographic and metes and
2 bounds descriptions and place names.

3 Finally, the bill would repeal certain shellfisheries statutes that
4 (1) require the Commissioner of Environmental Protection to mark
5 certain areas in Delaware Bay with buoys, (2) impose certain
6 restrictions and requirements on oyster dealers, planters, and
7 shucking houses, and (3) require the Shellfisheries Council to
8 perform a survey and set certain prices.

ASSEMBLY AGRICULTURE AND NATURAL RESOURCES
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4479

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 6, 2007

The Assembly Agriculture and Natural Resources Committee reports favorably and with committee amendments Assembly Bill No. 4479.

This bill, as amended, would generally revise and update the shellfisheries laws in Title 50 of the Revised Statutes. These laws provide the statutory authority for the regulations governing shellfish issues related to both “wild” harvest and aquaculture.

The bill, as amended, would remove antiquated provisions in the law which have not been applicable to the shellfish management programs of the Department of Environmental Protection (DEP) for many years, and would add new provisions which reflect the needs of both resource managers and resource users, particularly with respect to the oyster fishery in Delaware Bay. Two specific changes relevant to Delaware Bay are the removal of the current prohibition on aquaculture leasing in the lower Delaware Bay (i.e., below the “Clam Line”) and the removal of language that could be interpreted to require oyster harvesters to be charged twice for oysters originating from the State’s natural seed beds. The removal of the current prohibition on aquaculture leasing in the lower Delaware Bay will allow the DEP to establish an “Aquaculture Development Zone” (ADZ) where aquaculturists can employ innovative shellfish culture practices. To facilitate this initiative, the Division of Fish and Wildlife has obtained the State and Federal permits necessary for four ADZs in Delaware Bay.

The bill, as amended, also would extend the current clamming license to all defined shellfish species (while retaining some specific license types) and establish a nonresident commercial shellfish license with fee ranges of five to ten times the resident license fee.

In addition, the bill would adjust the membership of the Shellfisheries Council, and of the Delaware Bay Section and the Atlantic Coast Section of the council, to provide greater flexibility in membership while maintaining provisions for geographical representation. This change is intended to reduce quorum issues

which have arisen over the years due to chronic vacancies on the council from specific counties.

The bill also would update various geographic and metes and bounds descriptions and place names.

Finally, the bill would repeal certain shellfisheries statutes that (1) require the Commissioner of Environmental Protection to mark certain areas in Delaware Bay with buoys, (2) impose certain restrictions and requirements on oyster dealers, planters, and shucking houses, and (3) require the Shellfisheries Council to perform a survey and set certain prices.

The committee amendments make technical and clarifying changes to the bill. The amendments make the bill identical to Senate Bill No. 2893 as it was amended and reported by the Senate Environment Committee.

SENATE, No. 2893

STATE OF NEW JERSEY
212th LEGISLATURE

INTRODUCED NOVEMBER 8, 2007

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Salem, Cumberland and Gloucester)

SYNOPSIS

Revises statutory law concerning shellfisheries.

CURRENT VERSION OF TEXT

As introduced.



S2893 SWEENEY

2

1 AN ACT concerning shellfisheries, amending and repealing various
2 parts of the statutory law, and supplementing Title 50 of the
3 Revised Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. Section 8 of P.L.1997, c.236 (C.4:27-8) is amended to read as
9 follows:

10 8. Within 180 days **[of]** after the effective date of **[this act]**
11 P.L.1997, c.236 (C.4:27-1 et seq.) , the Department of
12 Environmental Protection and the Department of Agriculture, in
13 consultation with the Aquaculture Advisory Council, the **[Shell**
14 **Fisheries]** Shellfisheries Council and the Pinelands Commission as
15 it affects the pinelands area designated pursuant to section 10 of
16 P.L.1979, c.111 (C.13:18A-11), jointly shall establish, according to
17 rules and regulations adopted pursuant to the "Administrative
18 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), appropriate
19 policies for the use of aquaculture leases in waters of the State and
20 for lands underneath waters of the State, including but not limited to
21 lease specifications, fees, royalty payments, and assignability and
22 termination of lease agreements. The policies shall provide for an
23 expeditious procedure for finalizing lease agreements. Lease
24 agreements shall convey a necessary degree of exclusivity to
25 minimize the risks to the aquaculturists caused by pollution,
26 vandalism, theft, and other forms of encroachment, while protecting
27 common use rights of the public, and assuring the integrity and
28 protection of the natural wild stocks and their habitat.

29 (cf: P.L.1997, c.236, s.8)

30
31 2. Section 4 of P.L.1979, c.199 (C.23:2B-4) is amended to read as
32 follows:

33 4. There is hereby created in the department a Marine Fisheries
34 Council, which shall consist of 11 members, nine of whom shall be
35 appointed by the Governor, with the advice and consent of the
36 Senate, of whom four shall represent and be knowledgeable of the
37 interests of sports fishermen, two shall be active commercial fin
38 fishermen, one shall be an active fish processor, and two shall
39 represent the general public; the other two members shall be the
40 chairmen of the two sections of the **[Shell Fisheries]** Shellfisheries
41 Council.

42 Of the nine members first to be appointed by the Governor, three
43 shall be appointed for a term of **[1]** one year, three for a term of
44 **[2]** two years, and three for a term of **[3]** three years. Thereafter,
45 all appointments shall be made for terms of **[3]** three years. All

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

Matter underlined thus is new matter.

S2893 SWEENEY

1 appointed members shall serve after the expiration of their terms
2 until their respective successors are appointed and shall qualify, and
3 any vacancy occurring in the appointed membership of the council,
4 by expiration of term or otherwise, shall be filled in the same
5 manner as the original appointment for the unexpired term only,
6 notwithstanding that the previous incumbent may have held over
7 and continued in office as aforesaid. The Governor may remove
8 any member of the council for cause upon notice and opportunity to
9 be heard.

10 Members of the council shall serve without compensation, but
11 shall be reimbursed for expenses actually incurred in attending
12 meetings of the council and in the performance of their duties as
13 members thereof.

14 The Governor shall appoint a chairman, from the citizen
15 members of the council, who shall serve at **[his]** the Governor's
16 pleasure. Six members of the council shall constitute a quorum to
17 transact its business.

18 (cf: P.L.1979, c.199, s.4)

19

20 3. Section 63 of P.L.1979, c.199 (C.23:2B-13) is amended to read
21 as follows:

22 63. Within **[1]** one year **[of]** after the effective date of **[this**
23 **act]** P.L.1979, c.199 (C.23:2B-1 et seq.) , the commissioner shall
24 review all rules and regulations previously adopted pursuant to the
25 provisions of Title 50 of the Revised Statutes for conformance to
26 the revisions to that Title contained herein and shall, after
27 consultation with the **[Shell Fisheries]** Shellfisheries Council,
28 amend or repeal any rules and regulations which are not in
29 conformance herewith.

30 (cf: P.L.1979, c.199, s.63)

31

32 4. Section 8 of P.L.1996, c.112 (C.23:3-12.2) is amended to read as
33 follows:

34 8. a. There is established within the "hunters' and anglers'
35 license fund," created pursuant to the provisions of R.S.23:3-11 and
36 R.S.23:3-12, a separate and dedicated account to be known as the
37 "Oyster Resource Development Account." This account shall be
38 credited with all revenues received from oysters landed from the
39 Delaware **[river]** River, Delaware **[bay]** Bay and their tributaries,
40 including, but not limited to, all fees collected pursuant to R.S.50:1-
41 18, R.S.50:3-2, and section 4 of P.L.1945, c.39 (C.50:3-20.13) , and
42 as provided in subsection c. of this section. The moneys in the
43 account shall be allocated to the Division of Fish **[, Game]** and
44 Wildlife within the Department of Environmental Protection and
45 shall be disbursed only for the enhancement and management of the
46 oyster resource in the Delaware **[bay]** Bay in the amounts and
47 manner prescribed by the commissioner, after consultation with the
48 Delaware Bay Section of the **[Shell Fisheries]** Shellfisheries
49 Council.

1 b. The Department of Environmental Protection shall adopt,
2 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
3 (C.52:14B-1 et seq.), rules and regulations necessary to administer
4 the "Oyster Resource Development Account," established pursuant
5 to subsection a. of this section.

6 c. Upon the adoption of the rules and regulations pursuant to
7 subsection b. of this section, the Department of Environmental
8 Protection shall repeal subchapter 4 of chapter 25A of Title 7 of the
9 New Jersey Administrative Code establishing the "oyster cultch
10 program" and the "Oyster Cultch Fund." The balance of the
11 moneys remaining in the "Oyster Cultch Fund" upon the date of the
12 repeal of the rules and regulations establishing the fund shall be
13 deposited in the "Oyster Resource Development Account,"
14 established pursuant to subsection a. of this section.
15 (cf: P.L.1996, c.112, s.8)

16

17 5. The caption to chapter 1 of Title 50 of the Revised Statutes is
18 amended to read as follows:

19 Chapter 1. **【BOARD OF SHELL FISHERIES】**
20 SHELLFISHERIES – POWERS AND DUTIES OF
21 DEPARTMENT, SHELLFISHERIES COUNCIL, LEASING, AND
22 PLANTING

23 (cf: Caption, chapter 1, Title 50 of the Revised Statutes)

24

25 6. R.S.50:1-5 is amended to read as follows:

26 50:1-5. a. The Commissioner of Environmental Protection shall
27 have full control and direction of the shellfish industry and resource
28 and of the protection of shellfish throughout the entire State, subject
29 to the provisions of this **【title】** Title . The commissioner shall
30 **【make】** adopt, pursuant to the "Administrative Procedure Act,"
31 P.L.1968, c.410 (C.52B-1 et seq.), such rules and regulations as
32 may be necessary for the preservation and improvement of the
33 shellfish industry and resource of the State, after consultation with
34 the **【Shell Fisheries】** Shellfisheries Council and subject to the
35 disapproval, as hereinbefore provided, of the Marine Fisheries
36 Council. With respect to aquaculture, the commissioner, in
37 consultation with the Secretary of Agriculture and the Shellfisheries
38 Council, shall establish appropriate policies for the use of
39 aquaculture leases in waters of the State and for lands underneath
40 waters of the State, including but not limited to lease specifications,
41 fees, and assignability and termination of lease agreements. The
42 Department of Health and Senior Services, pursuant to R.S.24:2-1,
43 shall regulate the safety of shellfish originating within the growing
44 waters of the State and from interstate commerce and international
45 sources.

46 b. For purposes of this **【title , "oysters landed" means oysters**
47 **taken for any purpose other than replanting; "shellfish"】** Title:

1 "Commissioner means the Commissioner of Environmental
2 Protection.

3 "Council" means the Shellfisheries Council created pursuant to
4 R.S.50:1-18.

5 "Department" means the Department of Environmental
6 Protection.

7 "Shellfish" means any species of benthic mollusks, except for
8 conchs (Busycon carica, Busycon contrarium and Busycotypus
9 canaliculatum), the harvest of which is regulated pursuant to section
10 6 of P.L.1979, c.199 (C.23:2B-6), section 2 of P.L.1941, c.211
11 (C.23:5-24.2) and the rules and regulations adopted pursuant
12 thereto, and shall include, but not be limited to, hard clams
13 (Mercenaria mercenaria), soft clams (Mya arenaria), surf clams
14 (Spisula solidissima) and oysters (Crassostrea virginica) [; and
15 "commissioner" means the Commissioner of Environmental
16 Protection].

17 (cf: P.L.1996, c.112, s.1)

18

19 7. The caption to article 4 of chapter 1 of Title 50 of the Revised
20 Statutes is amended to read as follows:

21 Article 4. **【DEPARTMENTS AND DIVISIONS OF BOARD】**
22 **SHELLFISHERIES COUNCIL**

23 (cf: Caption, article 4, chapter 1, Title 50 of the Revised Statutes)

24

25 8. R.S.50:1-18 is amended to read as follows:

26 50:1-18. a. The **【Shell Fisheries】** Shellfisheries Council shall
27 be composed of 10 members **【; one each residing in the counties of**
28 **Monmouth, Ocean, Burlington, Atlantic and Salem, two residents of**
29 **Cape May county, and three residents of Cumberland county;】** ,
30 each of whom shall be a resident of the counties of Atlantic,
31 Burlington, Cape May, Cumberland, Monmouth, Ocean, or Salem.

32 Each member shall be a licensed and practicing shellfisherman
33 and shall be chosen with due regard to **【his】** the person's knowledge
34 of and interest in the culture or harvesting of shellfish, the shellfish
35 industry and **【in】** the conservation and management of shellfish.

36 Each member of the council shall be appointed by the Governor,
37 with the advice and consent of the Senate, for a term of four years
38 and shall serve until a successor has been appointed and has
39 qualified.

40 Any vacancies in the membership of the council occurring other
41 than by expiration of term shall be filled by the Governor, with the
42 advice and consent of the Senate, for the unexpired term only. Any
43 member of the council may be removed from office by the
44 Governor, for cause, upon notice and opportunity to be heard.

45 The members of the council shall serve without compensation
46 but shall be reimbursed for necessary expenses incurred in the
47 performance of their duties. **【Each section of the council shall**
48 **annually elect a chairman of the council from its own members.】**

1 b. The council shall, subject to the approval of the
2 commissioner, formulate comprehensive policies for the
3 preservation and improvement of the shellfish industry and resource
4 of the State. The council shall also: (1) consult with and advise the
5 commissioner and the Marine Fisheries Council with respect to the
6 implementation of the shellfisheries program; (2) study the
7 activities of the shellfisheries program and hold hearings with
8 respect thereto as it may deem necessary or desirable; and (3)
9 initiate, by resolution of the council, proposed rules and regulations
10 concerning shellfish to the commissioner.

11 c. No lease of any of the lands of the State under the tidal waters
12 thereof, to be exclusively used and enjoyed by the lessee for the
13 planting and cultivating of shellfish, shall hereafter be allowed
14 except when approved by a majority of the appropriate section of
15 the council; and no such lease shall hereafter in any case be allowed
16 except when approved and signed by the commissioner.

17 d. The council shall be divided into two sections, one to be
18 known as the "Delaware Bay Section [,]" [consisting of the
19 members from the counties of Cumberland and Salem, and one of
20 the members from Cape May county,] and the other to be known as
21 the "Atlantic Coast Section [," consisting of the members from the
22 counties of Atlantic, Burlington, Ocean and Monmouth , and one of
23 the members from Cape May county. In the event only one member
24 from Cape May county has been appointed and has qualified as a
25 member of the council, the qualified member may elect to serve in
26 both sections of the council and participate in the exercise of the
27 powers and performance of the duties of each of the sections until a
28 second member from Cape May county has been appointed and has
29 qualified as a member of the council] ." The Delaware Bay Section
30 shall consist of five members from the counties of Cape May,
31 Cumberland, and Salem, with three members residing in
32 Cumberland County and the remaining two members residing in the
33 counties of Cape May or Salem. The Atlantic Coast Section shall
34 consist of five members from the counties of Atlantic, Burlington,
35 Cape May, Ocean, and Monmouth.

36 Except as provided in subsection e. of this section, the Delaware
37 Bay Section shall, subject to the approval of the commissioner,
38 exercise all the powers and perform all the duties of the council in
39 matters relating to the shellfish industry in the tidal waters of the
40 Delaware [river] River , Delaware [bay] Bay and their tributaries.

41 The Atlantic Coast Section shall, subject to the approval of the
42 commissioner, exercise all the powers and perform all the duties of
43 the council in matters relating to the shellfish industry in all of the
44 tidal waters of the State except in the tidal waters of the Delaware
45 [river] River , Delaware [bay] Bay and their tributaries.

46 Each section of the council shall annually elect a chairman and a
47 vice-chairman of the council. If the chairman is absent, then the

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7

1 vice-chairman shall exercise the powers and perform the duties of
2 the chairman.

3 e. The commissioner, in consultation with the Delaware Bay
4 Section of the **【Shell Fisheries】** Shellfisheries Council, shall fix
5 fees for all oysters **【landed from】** harvested from the natural seed
6 beds, Areas 1, 2 and 3 and those areas defined in R.S.50:3-14
7 within the Delaware **【river】** River, Delaware **【bay】** Bay and their
8 tributaries. These fees shall be collected by and allocated to the
9 Division of Fish **【, Game】** and Wildlife and shall be deposited in
10 the "Oyster Resource Development Account," established pursuant
11 to section 8 of P.L.1996, c.112 (C.23:3-12.2).

12 (cf: P.L.1996, c.112, s.2)

13

14 9. R.S.50:1-22 is amended to read as follows:

15 50:1-22. The commissioner shall establish and maintain several
16 offices located at places convenient to persons engaged in the
17 shellfish industry. The records of all leases and licenses issued **【by**
18 **him】** shall be kept therein. One office shall be located in the area
19 served by the Atlantic Coast Section and one office shall be located
20 in the area served by the Delaware Bay Section of the Shellfisheries
21 Council.

22 (cf: P.L.1979, c.199, s.16)

23

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

25 50:1-23. The **【Shell Fisheries】** Shellfisheries Council may lease
26 to applicants therefor any of the lands of the State under the tidal
27 waters thereof, to be exclusively used and enjoyed by each such
28 lessee for the planting and cultivating of **【oysters and claims】**
29 shellfish; except that no lands shall be leased above the southwest
30 line in the Delaware **【bay】** Bay, as defined in R.S.50:3-11, except
31 in Section E **【which shall consist of all area within the boundaries**
32 **described herein: Beginning at a point (X=1820400) (Y=146800)**
33 **said point being Channel Buoy R "32" and corner #1 of said section**
34 **and running thence N 28°-14 ' -14.2 " E 6612.18 feet to corner #2**
35 **(X=1826233) (Y=149914); thence S 56°-32 ' -38.4 " E 33401.27**
36 **feet to corner #3 being also corner #1 lot 530 section D leased**
37 **oyster ground lot (X=1854100) (Y=131500) located on or near the**
38 **southwest line; thence along the southwest line S 55°-16 ' -29.1 "**
39 **W 19222.67 feet to old Crossledge Lighthouse foundation being**
40 **corner #4 of the section (X=1838301) (Y=120550); thence N 16°-02**
41 **' -14.0 " W 17740.41 feet to corner #5 being also BR "WR" buoy**
42 **marking a wreck in the bay (X=1833400) (Y=137600); thence N**
43 **42°-42 ' -33.7 " W 3538.36 feet to a point in Delaware Bay being**
44 **corner #6 of section E (X=1831000) (Y=140200); thence S 70°-17 '**
45 **-31.3 " W 7116.88 feet to corner #7 being a point on the east side**
46 **of the Main Ship Channel in Delaware bay (X=1824300)**
47 **(Y=137800); thence N 23°-25 ' -43.3 " W 9818.67 feet to corner**
48 **#1 the place of beginning】** , described in subsection a. of this

1 section . Nor shall any lands be leased in any creek tributary to
2 Delaware **Bay** , nor any lands under the waters of Delaware
3 **Bay** southwesterly of a line beginning at a point (x=1,929,827.93)
4 (y=87,182.61) on the shore of Delaware bay in Cape May county,
5 said point being about 2,000 feet south-southwest of Gus's Beach,
6 and running thence N 67°-38' -05.3 " W 21,127.33 feet to a corner
7 (x=1,910,289.85) (y=95,221.74) said corner being on the line
8 running from Dennis Creek Rear Range Light to Brandywine
9 Lighthouse, nor the beds **Bay** in the sections known as Areas, 1, 2
10 and 3, described in subsection b. of this section. However, Area 1
11 described in section 3 of P.L.1966, c.52 (C.50:3-16.3) may be
12 leased and regulated for aquaculture practices under the authority of
13 the "New Jersey Aquaculture Development Act," P.L.1997, c.236
14 (C.4:27-1 et seq.). In addition, the department, in consultation with
15 the council, may establish aquaculture development zones for
16 approved aquaculture practices in specific creeks or tributaries of
17 the Delaware Bay.

18 On the Atlantic coast, no additional lands shall be leased at the
19 mouth of the Tuckahoe River and the Great Egg Harbor **Rivers**
20 River, nor the graveling beds at the mouth of Mullica **River**,
21 Parker's beds in Parker's **Cove** , Forked **River** beds,
22 Cedar **Creek** beds and Sloop **Creek** beds in
23 Barnegat **Bay** , nor any lands under the waters of the Mullica
24 **River** above a line extending in a westerly direction from
25 the south end of Deep Point; provided, however, that leases may be
26 granted for lands heretofore leased in **that** area in the Mullica
27 **River** , and except that no lands which lie under the waters
28 of the Navesink **River** or the Shrewsbury **River** , shall be
29 leased for the planting and cultivating of **shellfish** .

30 The council may grant, subject to the approval of the
31 commissioner, leases of new ground to educational institutions for
32 the purpose of research, education, or both. The department may
33 adopt, pursuant to the "Administrative Procedure Act," P.L.1968,
34 c.410 (C.52:14B-1 et seq.), rules and regulations governing those
35 leases, including, but not limited to, criteria for acquisition,
36 utilization, and renewal.

37 a. For the purposes of this section, Section E in Delaware Bay
38 shall consist of all of the area within the boundaries described
39 herein:

40 Beginning at a point (X=80,906.06) (Y=44,868.54) said point
41 being Channel Marker QR "32" and corner #1 of said section and
42 running thence N 62° 00' 30.69" E 2,015.32 meters to corner #2
43 (X=82,685.62) (Y=45,814.42); thence S 56° 26' 20.6587" E
44 10,180.43 meters to corner #3 being also corner #1 lot 530 section
45 D leased oyster ground lot (X=91,168.96) (Y=40,186.43) located on
46 or near the southwest line; thence along the southwest line S 55° 22'
47 47.4875" W 5,858.91 meters to Cross Ledge Shoal Old Lighthouse
48 foundation being corner #4 of the section (X=86,347.45)

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1 (Y=36,857.80); thence N 15° 55' 56.8215" W 5,407.14 meters to
2 corner #5 being also GR "WR" buoy marking a wreck in the bay
3 (X=84,863.17) (Y=42,057.23); thence N 42° 36' 15.5936" W
4 1,078.45 meters to a point in Delaware Bay being corner #6 of
5 section E (X=84,133.13) (Y=42,851.02); thence S 70° 23' 47.4333"
6 W 2,169.15 meters to corner #7 being a point on the east side of the
7 Main Ship Channel in Delaware Bay (X=82,089.71) (Y=42,123.25);
8 thence N 23° 19' 25.1298" W 2,989.59 meters to corner #1 the place
9 of beginning.

10 b. Areas 1, 2, and 3 in Delaware Bay shall consist of all area
11 within the boundaries described herein:

12 Southwesterly of a line beginning at a point (X=114225.30)
13 (Y=26636.70) on the shore of Delaware Bay in Cape May County,
14 said point being about 200 meters south-southwest of Rutgers Cape
15 Shore Laboratory, and running thence N 67° 31' 48.1592" W
16 6439.36 meters to a corner (X=108274.82) (Y=29097.81) said
17 corner being on the line running from Dennis Creek Rear Range
18 Light to Brandywine Lighthouse.

19 (cf: P.L.1981, c.62, s.1)

20

21 11. R.S.50:1-24 is amended to read as follows:

22 50:1-24. The power granted by this **[title]** Title to the council,
23 subject to the provisions of R.S.50:1-18, to lease lands under the
24 tidal waters of this State for the planting and culture of shellfish is
25 exclusive, and no other State agency may, in the name of the State
26 or otherwise, give, grant or convey to any person the exclusive right
27 to plant or take shellfish from any of **[such]** those waters; and no
28 grant or lease of lands under tidewater, whereon there are natural
29 oyster beds, shall be made by any other **[state]** State agency except
30 for the purpose of building wharves, bulkheads or piers.

31 (cf: P.L.1979, c.199, s.17)

32

33 12. R.S.50:1-25 is amended to read as follows:

34 50:1-25. No lease shall be granted to any person who is not at
35 the time of granting **[such]** the lease **[a resident of]** legally
36 domiciled or incorporated in this State.

37 (cf: P.L.1979, c.199, s.18)

38

39 13. R.S.50:1-27 is amended to read as follows:

40 50:1-27. The council, with the approval of the commissioner,
41 shall fix the term for which leases may be granted, **[not exceeding**
42 **30 years,]** the rental to be paid, the maximum size of any single
43 ground to be leased, and the total acreage which may be leased to
44 any person or persons.

45 (cf: P.L.1979, c.199, s.19)

46

47 14. R.S.50:1-28 is amended to read as follows:

1 50:1-28. The commissioner shall, **[from time to time,]** cause the
2 leased lands to be measured, and the metes and bounds thereof
3 ascertained and **[located by ranges, monuments or other means,]**
4 recorded so that the limits thereof may be accurately fixed and
5 easily located. The official survey base shall be the "New Jersey
6 system of plane coordinates" as defined in article 2 of chapter 3 of
7 Title 51 of the Revised Statutes. The department shall survey
8 parcels of bottom not leased at the time of application.

9 The commissioner shall cause the leased lands to be mapped, and
10 the maps to be filed in the office of the department.

11 The expense of surveying, measuring, locating and mapping any
12 ground or grounds shall be paid by the applicant therefor before
13 **[he]** the applicant shall be entitled to a lease or leases for the
14 **[same]** ground or grounds .

15 (cf: P.L.1979, c.199, s.20)

16

17 15. R.S.50:1-29 is amended to read as follows:

18 50:1-29. The commissioner shall cause leases, and assignments
19 and transfers thereof, to be recorded in books kept in the offices of
20 the department **[; and no]** . No assignment or transfer of any
21 ground or lease therefor shall be valid unless approved by the
22 commissioner and the council and forthwith recorded in the office
23 of the department.

24 (cf: P.L.1979, c.199, s.21)

25

26 16. R.S.50:1-30 is amended to read as follows:

27 50:1-30. The council , with the approval of the commissioner ,
28 may lease to applicants therefor any of the lands of this State that
29 have been or may hereafter be condemned pursuant to the
30 provisions of chapter **[14 of Title]** 24 of Title 58 of the Revised
31 Statutes.

32 (cf: P.L.1979, c.199, s.22)

33

34 17. R.S.50:1-31 is amended to read as follows:

35 50:1-31. The commissioner may **[make]** adopt, pursuant to the
36 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
37 seq.), such rules and regulations for the removal and distribution of
38 shellfish from lands leased under **[section 50:1-30 of this Title]**
39 R.S.50:1-30 , as in **[his]** the commissioner's judgment will be in
40 accord with the object of the condemnation. **[Such]** The rules and
41 regulations shall not be inconsistent with those adopted pursuant to
42 the provisions of chapter **[14 of Title 24]** 24 of Title 58 of the
43 Revised Statutes.

44 (cf: P.L.1979, c.199, s.23)

45

46 18. R.S.50:1-33 is amended to read as follows:

47 50:1-33. Nothing contained in this **[title]** Title shall be
48 construed to prevent the catching and taking of **[floating]** free

1 swimming fish from the tidal waters of this [state] State in any
2 lawful manner. Nothing in this section shall be construed to
3 prevent or prohibit lessees from pursuing either criminal or civil
4 actions, or both, that may be available for damage to aquaculture
5 gear and aquatic livestock on shellfish leases.

6 (cf: R.S.50:1-33)

7
8 19. The caption to article 6 of chapter 1 of Title 50 of the
9 Revised Statutes is amended to read as follows:

10 Article 6. PLANTING OF FOREIGN [OYSTERS OR]
11 SHELLFISH

12 (cf: Caption, article 6, chapter 1, Title 50 of the Revised Statutes)

13
14 20. R.S.50:1-34 is amended to read as follows:

15 50:1-34. a. No [oysters] shellfish , native to, or brought
16 directly or indirectly [,] from , any foreign country or any other
17 state , shall be planted or lodged in the waters of this State without
18 written permission issued by the commissioner, after notice to the
19 council [, for each separate shipment]. Application for such
20 permission shall be made in writing, and shall state:

21 [a.] (1) The species of [such oysters] shellfish ;

22 [b.] (2) The location from which they were, or are to be,
23 immediately taken;

24 [c.] (3) The source from which they were originally obtained;
25 and

26 [d.] (4) The [country to which their kind] geographic area to
27 which the species or strain is native.

28 The same information shall be shown upon a tag attached to [,]
29 or upon the billing accompanying each shipment upon its arrival in
30 this State.

31 b. The department shall adopt, pursuant to the "Administrative
32 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) and in
33 accordance with the provisions of the "New Jersey Aquaculture
34 Development Act," P.L.1997, c.236 (C.4:27-1 et seq.), rules and
35 regulations governing the importation and transportation of the
36 products of commercial aquaculture.

37 (cf: P.L.1979, c.199, s.24)

38
39 21. R.S.50:1-35 is amended to read as follows:

40 50:1-35. The commissioner may issue such permission after due
41 inspection and examination of the nature, species, quantity, source,
42 location of proposed planting or lodging, and the condition of the
43 [oysters] shellfish and after [his] the commissioner's
44 determination that the same will not be detrimental to the native
45 [oysters] shellfish or to the [oyster] shellfish industry of this State.

46 [Such] The permission shall specify the nature, species, quantity
47 and proposed location of planting or lodgment of the [oysters and

1 shall apply only to the particular shipment for which it is issued]
2 shellfish .

3 (cf: P.L.1979, c.199, s.25)

4

5 22. R.S.50:1-36 is amended to read as follows:

6 50:1-36. The commissioner shall **make such** charge, and
7 collect in advance, for the issuance of such permission, such sum of
8 money as may be necessary to defray the cost of the inspection,
9 examination and certification.

10 (cf: P.L.1979, c.199, s.26)

11

12 23. The caption to article 1 of chapter 2 of Title 50 of the
13 Revised Statutes is amended to read as follows:

14 Article 1. LICENSE FOR TAKING **OYSTERS OR CLAMS**
15 SHELLFISH

16 (cf: Caption, article 1, chapter 2, Title 50 of the Revised Statutes)

17

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

19 50:2-1. No person shall catch or take **clams** shellfish from any
20 of the natural **clam** grounds in the waters of this State, without
21 first obtaining a license from the commissioner. Such licenses shall
22 grant the privilege of taking **clams** shellfish upon any natural
23 **clam** ground of this State in waters classified as "Approved" or
24 "Seasonally Approved," as defined in rules and regulations adopted
25 by the department pursuant to the "Administrative Procedure Act,"
26 P.L.1968, c.410 (C.52:14B-1 et seq.) , except such as may be leased
27 by the council.

28 Any person whose shellfish license or harvesting privileges have
29 been revoked or suspended in another state shall not be eligible for
30 any New Jersey shellfish license during the period of revocation or
31 suspension in the other state.

32 This section shall not preclude the department from establishing
33 licenses for the harvest of specific shellfish from specific areas by
34 specific means.

35 (cf: P.L.1979, c.199, s.27)

36

37 25. R.S.50:2-2 is amended to read as follows:

38 50:2-2. The licenses required for the various categories of
39 harvesting, collecting, or culture of shellfish shall be as follows:

40 a. Recreational shellfish license. No resident's recreational
41 **clam** shellfish license shall be granted to any applicant who does
42 not present satisfactory evidence that **he is a resident of** the
43 person is legally domiciled in this State and pay the license fee
44 required pursuant to R.S.50:2-3. A nonresident's recreational
45 **clam** shellfish license shall be effective only in the months of
46 June, July, August, and September in any calendar year and shall
47 not be granted to a nonresident of this State without the payment of
48 the license fee required pursuant to R.S.50:2-3.

1 No holder of any recreational ~~clam~~ shellfish license may take
2 more than 150 ~~clams~~ shellfish per day or shall sell or offer for
3 sale ~~clams~~ shellfish taken under ~~said~~ the license and any such
4 sale or offer for sale shall constitute ground for the revocation of
5 ~~said~~ the license. No person shall take or catch more than 150
6 ~~clams~~ shellfish per day or sell any shellfish unless ~~such~~ the
7 person is a holder of a commercial ~~clam~~ shellfish license. [A
8 commercial clam license shall not be granted without the payment
9 of the fee required pursuant to R.S.50:2-3.]

10 b. Commercial shellfish license. No resident's commercial
11 shellfish license shall be granted to any applicant who does not
12 present satisfactory evidence that the person is legally domiciled or
13 incorporated in this State and pay the license fee required pursuant
14 to R.S.50.2-3. No nonresident's commercial shellfish license shall
15 be granted to any applicant who does not pay the license fee
16 required pursuant to R.S.50.2-3.

17 c. Aquatic farmer license. No aquatic farmer license shall be
18 granted to any applicant except as provided pursuant to the "New
19 Jersey Aquaculture Development Act," P.L.1997, c.236 (4:27-1 et
20 seq.) and any rules or regulations adopted pursuant thereto.
21 (cf: P.L.1988, c.35, s.1)

22

23 26. R.S.50:2-3 is amended to read as follows:

24 50:2-3. The license fee shall be fixed by the commissioner, with
25 the approval of the council, at not less than ~~[\$5.00 nor] \$10~~ or
26 more than ~~[\$10.00] \$20~~ for a resident's recreational ~~clam~~ shellfish
27 license, at not less than ~~[\$10.00 nor] \$20~~ or more than
28 ~~[\$20.00] \$40~~ for a nonresident's recreational ~~clam~~ shellfish
29 license, [and] at not less than ~~[\$25.00 nor] \$50~~ or more than
30 ~~[\$50.00] \$100~~ for a resident's commercial ~~clam~~ shellfish license
31 , and at not less than \$250 or more than \$500 for a nonresident's
32 commercial shellfish license. No fee shall be charged for a
33 recreational ~~clam~~ shellfish license to a person who is 62 or more
34 years of age, provided ~~such~~ the person is a resident of this State.
35 A juvenile recreational ~~clam~~ shellfish license shall be available
36 for ~~[\$2.00] \$2~~ for resident or nonresident persons under 14 years of
37 age.

38 (cf: P.L.1988, c.35, s.2)

39

40 27. Section 3 of P.L.1988, c.35 (C.50:2-3.1) is amended to read
41 as follows:

42 3. The "Shellfisheries Law Enforcement Fund" is established in
43 the Department of Environmental Protection. All ~~clam~~ shellfish
44 license fees collected pursuant to R.S.50:2-3 shall be deposited in
45 the fund. Moneys in the fund shall be allocated by the
46 Commissioner of the ~~Department of~~ Environmental Protection to
47 the Division of Fish ~~[, Game]~~ and Wildlife to enforce the laws

1 necessary for the protection of the shellfish resources of the State,
2 to enforce the prohibition of taking shellfish from any shellfish bed
3 condemned by the department pursuant to section 2 of P.L.1979,
4 c.321 (C.58:24-2), to increase the effectiveness of the relay and
5 depuration programs, and to enhance the productivity of the
6 **【natural clam】** shellfish beds in the State.
7 (cf: P.L.1988, c.35, s.3)

8

9 28. R.S.50:2-4 is amended to read as follows:

10 50:2-4. Each license shall be for the term of **【1】** one year from
11 January 1 of the year of issue, and shall be granted by the
12 commissioner. Each license shall be numbered and shall state the
13 name and residence of the licensee, and a record thereof shall be
14 kept by the commissioner.
15 (cf: P.L.1979, c.199, s.30)

16

17 29. R.S.50:2-5 is amended to read as follows:

18 50:2-5. Each licensee shall have the license **【on his person】**
19 readily accessible and shall exhibit it immediately for inspection to
20 any officer or employee of the department or other person
21 requesting to see the **【same】** license .
22 (cf: P.L.1979, c.199, s.31)

23

24 30. Section 1 of P.L.1950, c.310 (C.50:2-6.1) is amended to read
25 as follows:

26 1. No person shall take, harvest or dredge for surf clams
27 (**【Mactra】** *Spisula solidissima*) **【also known as Spisula solidissima】**
28 from any waters of this State without first obtaining a surf clam
29 license from the commissioner , except that the holder of a
30 recreational shellfish license may harvest up to 150 surf clams per
31 day from waters classified as "Approved," as defined in rules and
32 regulations adopted by the department pursuant to the
33 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
34 seq.), with hand implements only . The commissioner may issue
35 licenses for the harvesting of surf clams within the waters of this
36 State. **【Such】** The license shall be issued on a seasonal basis
37 pursuant to rules and regulations adopted by the commissioner.

38 Such licenses shall grant the privilege of gathering surf clams by
39 dredging, but only in the Atlantic **【ocean】** Ocean , but not in the
40 Delaware **【bay northerly of a line from Cape May Point lighthouse**
41 **tower to Brandywine lighthouse】** Bay north and west of the
42 COLREGS demarcation line which runs from Cape May Point
43 Lighthouse in Cape May, New Jersey to Harbor of Refuge
44 Lighthouse at Cape Henlopen, Delaware or in the Sandy Hook
45 **【bay】** Bay west of a line from the west point of Sandy Hook to
46 Roamer Shoal lighthouse. No boat or vessel shall be licensed under
47 **【this act】** P.L.1950, c.310 (C.50:2-6.1 et seq.) unless its bona fide

1 owner is **[a resident of]** an individual or entity legally domiciled or
2 incorporated in this State.

3 The commissioner may adopt rules and regulations regarding the
4 issuance procedures of such licenses.

5 The commissioner may issue permits for surf clam research,
6 inventory and educational projects. Nothing in this section shall be
7 construed to limit the activities of **[such]** those projects.

8 (cf: P.L.1991, c.79, s.1)

9
10 31. Section 2 of P.L.1950, c.310 (C.50:2-6.2) is amended to read
11 as follows:

12 2. Any such licensed dredging operation shall be limited to the
13 use of dredges that shall conform to any limits established by the
14 commissioner by rule or regulation adopted pursuant to the
15 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
16 seq.) . Notwithstanding any other provision of law, the
17 commissioner may adopt rules or regulations fixing the hours
18 during which dredging will be permitted. No such dredging
19 operation shall be permitted at any time between June 1 and
20 September 30 in each year, unless changed by emergency order or
21 regulation. Unless otherwise provided by rule or regulation, all surf
22 clams harvested within the waters of New Jersey (**[3]** three nautical
23 miles) shall not be taken into another state or the waters thereof
24 until **[said]** the clams have been first landed in New Jersey. It shall
25 be prima facie evidence of a violation of this section if a harvest
26 vessel is observed by radar or other means leaving the waters of
27 New Jersey and entering the waters of another state any time prior
28 to landing.

29 (cf: P.L.1991, c.79, s.2)

30
31 32. Section 3 of P.L.1950, c.310 (C.50:2-6.3) is amended to read
32 as follows:

33 3. The Commissioner of Environmental Protection with the
34 advice of the **[Shell Fisheries]** Shellfisheries Council shall adopt ,
35 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
36 (C.52:14B-1 et seq.), rules and regulations and amend or repeal
37 such rules and regulations from time to time as required for the
38 conservation, protection, management, and improvement of the surf
39 clam resource and industry. These rules and regulations may
40 include the imposition and collection of a per bushel fee for all surf
41 clams harvested within the waters of this State, provided that the fee
42 shall be in an amount not less than \$0.125 nor more than \$0.25 per
43 bushel. Emergency rules or regulations may be adopted where
44 immediate danger exists to the resource or industry.

45 The surf clam license fee shall be fixed pursuant to rule or
46 regulation in an amount not less than \$600 **[nor]** or more than
47 \$1,000 per license issued to an individual or entity legally
48 domiciled or incorporated in **[a bona fide]** New Jersey **[resident]** .

1 The surf clam bait license fee shall be fixed pursuant to rule or
2 regulation in an amount not less than \$100 **nor** or more than
3 \$200.

4 (cf: P.L.1991, c.79, s.3)

5

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

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

18 (cf: P.L.1981, c.62, s.2)

19

20 34. (New section) The department, in consultation with the
21 Shellfisheries Council, may adopt, pursuant to the "Administrative
22 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
23 regulations regarding the use of leased bottom, including the
24 removal of shell.

25

26 35. R.S.50:2-8 is amended to read as follows:

27 50:2-8. Such culling shall be so close that three bushels of
28 oysters, oyster shells and other material taken from any part of a
29 boat or vessel, after having been shoveled back from the culling
30 board, conveyor, culling device or that part of the boat or vessel
31 used for emptying the tongs and dredges, shall not contain more
32 than 15% of shells and other material.

33 All shells and other material , except oysters and clams, shall be
34 immediately thrown back upon the beds or grounds from which
35 they **shall have been** were taken.

36 (cf: P.L.1979, c.199, s.34)

37

38 36. R.S.50:2-9 is amended to read as follows:

39 50:2-9. When the person in charge of any boat or vessel licensed
40 under the provisions of this Title, or any person holding a tonger's
41 license, is hailed or signaled by any officer or other representative
42 of the department and refuses to stop and permit **such officer or**
43 the officers or representatives to board **his** the boat, vessel or
44 other craft and examine the oysters, oyster shells and other material
45 thereon or if having permitted the **officer or** officers or
46 representatives to board, and a violation of R.S.50:2-7 or R.S.50:2-8
47 having been found, refuses to comply with an order **that he** to
48 recall **such** the oysters and oyster shells or immediately throw

1 them upon the beds or grounds from which they were taken, the
2 commissioner, in addition to the penalties provided in section 73 of
3 P.L.1979, c.199 (C.23:2B-14), may revoke the license of **[such]** the
4 boat or vessel and the license of the tonger and the department may
5 seize and secure **[any such]** the boat, vessel and equipment **[and]** .
6 The commissioner shall immediately thereafter give notice thereof
7 to the Superior Court which shall summarily hear and determine
8 whether there was a violation of this section, and if it does so
9 determine, it may direct the confiscation and forfeiture of the
10 vessel, boat and equipment for the use of the department. The
11 commissioner may dispose of **[such]** the confiscated and forfeited
12 property at **[his]** the commissioner's discretion.

13 (cf: P.L.1991, c.91, s.475)

14

15 37. R.S.50:2-10 is amended to read as follows:

16 50:2-10. No boat, or vessel, propelled wholly or in part by
17 steam, naphtha, gasoline, electricity or any other mechanical motive
18 power, shall engage in the catching or taking of shellfish from any
19 of the natural beds, under the tidal waters of this State, while so
20 mechanically propelled, except as otherwise specifically provided
21 in **[sections 50:3-6 and 50:4-2 of this Title]** R.S.50:3-6 and
22 R.S.50:4-2 .

23 (cf: P.L.1971, c.185, s.1)

24

25 38. R.S.50:2-10.1 is amended to read as follows:

26 50:2-10.1. No person shall use or employ any boat or other
27 vessel propelled wholly or in part by steam, naphtha, gasoline,
28 electricity or any other mechanical motive power, or any motor
29 driven apparatus, for the purpose of catching or taking of clams
30 from any of the waters of this State, whereby the soil or bottom on
31 or in which the clams are found is agitated or disturbed by the
32 **[propellor]** propeller wheel or wheels of **[such]** the boat or vessel
33 or by any other motor or mechanically driven apparatus thereon for
34 the purpose of catching or taking clams as aforesaid, except by
35 permit issued by the **[Department of Environmental Protection]**
36 department with the approval of the council for taking clams from
37 the waters of the **[Raritan bay, Sandy Hook bay, Shrewsbury river**
38 **or Navesink river]** Delaware Bay .

39 (cf: P.L.1979, c.199, s.36)

40

41 39. R.S.50:2-11 is amended to read as follows:

42 50:2-11. No person shall dredge upon, or throw, cast or drag an
43 oyster dredge or any other instrument or appliance used for catching
44 **[clams or oysters]** shellfish , or assist in so doing, or **[tread for**
45 **clams]** collect shellfish by any means , upon any of the lands lying
46 under the tidal waters of this State before sunrise or after sunset, or
47 at any time on Sunday, except that clams may be taken from the
48 waters of Raritan **[bay]** Bay, Sandy Hook **[bay]** Bay, Shrewsbury

1 **[river] River** or Navesink **[river] River** on Sunday. The
2 department, in consultation with the council, may adopt, pursuant to
3 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
4 seq.), rules and regulations for the harvest of oysters on Sunday
5 during specific times, in specific areas, and using specific methods
6 of harvest. The maintenance of leases, limited to the moving and
7 planting of shell, oyster and clam seed and the use of bagless oyster
8 scrapes, shall be permitted on Sunday.
9 (cf: P.L.1979, c.199, s.37)

10

11 40. R.S.50:2-12 is amended to read as follows:

12 50:2-12. Seed oysters of any size and hard shell clams
13 measuring less than **[1 1/2] 1.5** inches (38 millimeters) in length
14 caught and taken from any of the **[natural oyster or clam] unleased**
15 **shellfish** beds or grounds under the tidal waters of this State shall
16 not be sold **[and] , purchased, transported, or** taken out of this State
17 **[for the purpose of planting on grounds in any other state,**
18 **excepting for methods of aquaculture approved by the**
19 **commissioner. No person may sell natural seed oysters or clams in**
20 **violation of this section nor shall any person purchase or transport**
21 **such oysters or clams in violation of this section.**

22 Possession of such oysters or clams outside of the boundaries of
23 this State shall be prima facie evidence of violation of this section]
24 **, except for shellfish seed produced under an aquatic farmer license**
25 **in a hatchery or on leased bottom using aquaculture methods**
26 **approved by the commissioner .**

27 (cf: P.L.1979, c.199, s.38)

28

29 41. The caption to chapter 3 of Title 50 of the Revised Statutes
30 is amended to read as follows:

31 Chapter 3. REGULATIONS APPLICABLE TO DELAWARE
32 RIVER, DELAWARE BAY AND THEIR TRIBUTARIES **;**
33 **DEPARTMENT OF] , AND MAURICE RIVER COVE**

34 (cf: Caption, chapter 3, Title 50 of the Revised Statutes)

35

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

37 50:3-1. No boat or vessel shall be used or employed in the
38 catching or taking of oysters in the Delaware **[river] River,**
39 **Delaware [bay] Bay or [Maurice river cove,] their tributaries** in
40 this State, without a license for that purpose issued by the
41 commissioner.

42 (cf: P.L.1979, c.199, s.39)

43

44 43. R.S.50:3-2 is amended to read as follows:

45 50:3-2. The Delaware Bay Section of the **[council]**
46 **Shellfisheries Council** may fix the license fee at any sum, except
47 that the fee shall be not less than \$10, or less than \$2 per gross ton

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19

1 of the boat or vessel, whichever is greater, for boats or vessels
2 required to be licensed under R.S.50:3-1.

3 No license shall be issued for a period longer than one year.

4 All licenses shall be numbered and recorded by the
5 commissioner.

6 All fees for licenses collected pursuant to this section shall be
7 deposited in the "Oyster Resource Development Account,"
8 established pursuant to section 8 of P.L.1996, c.112 (C.23:3-12.2),
9 and shall be subject to all the terms and conditions of that section.
10 (cf: P.L.1996, c.112, s.3)

11

12 44. R.S.50:3-3 is amended to read as follows:

13 50:3-3. The commissioner, before issuing a license to any boat
14 or vessel as provided in this article, shall cause the **【master or**
15 **captain】** owner thereof to file with **【him】** the commissioner a
16 statement that **【such】** the boat or vessel is wholly owned **【bona**
17 **fide】** by legally domiciled residents **【of】** or by any entity
18 incorporated in this State; and no boat or vessel owned wholly or in
19 part by a nonresident and licensed in any other state to catch oysters
20 on natural beds or grounds in **【such】** that other state shall be
21 licensed in this State within the same year in which **【such】** the
22 license to catch oysters in **【such】** the other state shall have been or
23 shall be issued. The commissioner may revoke a license issued by
24 reason of a false statement filed by any applicant.

25 (cf: P.L.1979, c.199, s.41)

26

27 45. R.S.50:3-5 is amended to read as follows:

28 50:3-5. The commissioner may revoke the license of any boat or
29 vessel issued as provided in this article , the owner, captain, master
30 or person in charge of which boat or vessel shall violate or cause or
31 permit to be violated any of the provisions of this Title or any rule
32 or regulation of the **【commissioner】** department , and the
33 commissioner may refuse thereafter to allow any license to be
34 issued to the boat or vessel for such period of time as **【he】** the
35 commissioner shall fix.

36 (cf: P.L.1979, c.199, s.42)

37

38 46. R.S.50:3-6 is amended to read as follows:

39 50:3-6. No boat or vessel **【, propelled wholly or in part by**
40 **mechanical power,】** shall be operated in the catching or taking of
41 **【oysters or clams】** shellfish from any of the natural beds under the
42 tidal waters of the Delaware **【river】** River, Delaware **【bay,】** Bay
43 and their tributaries, in this State, **【without first detaching and**
44 **removing the propeller, or wheel, from the driving shaft thereof;**
45 **except that any licensed vessel】** while equipped with **【not】** more
46 than two dredges at any one time **【may be propelled wholly or in**
47 **part by steam, naphtha, gasoline, electricity or any other mechanical**

1 motive power, while being used in the catching or taking of oysters
 2 and clams from the oyster beds under the tidal waters of this State
 3 in Delaware river, Delaware bay, Maurice river cove and Cohansey
 4 river, except] . No dredging shall be permitted within the beds,
 5 [creek] creeks and rivers, [excluding the Cohansey river,]
 6 described in [section 50:3-14 of this Title,] R.S.50:3-14, with the
 7 exception of the Cohansey River and the lands under the waters of
 8 Delaware [bay southwesterly of a line beginning at a point (x =
 9 1,929,827.93) (y = 87,182.61) on the shore of Delaware bay in Cape
 10 May county, said point being about 2,000 feet south-southwest of
 11 Gus's Beach, and running thence N 67°-38 ' -05.3 " W 21,127.33
 12 feet to a corner (x = 1,910,289.85) (y = 95,221.74) said corner
 13 being on the line running from Dennis Creek Rear Range Light to
 14 Brandywine Lighthouse and oysters and clams] Bay in the section
 15 known as Areas 1, 2 and 3, described in R.S.50:1-23.

16 Shellfish may be caught and taken [therefrom] from the
 17 Cohansey River and Areas 1, 2, and 3 by means of such boats and
 18 dredges beginning at 6:00 Ante Meridian Standard Time, quitting at
 19 2:30 Post Meridian Standard Time [, each day, except on
 20 Saturdays,] Monday through Friday during the months of May and
 21 June, subject to the power of [said Shell Fisheries] the
 22 Shellfisheries Council, by rule [and] or regulation, to prohibit the
 23 taking or catching of [oysters and clams] shellfish in such manner
 24 from [such of said] any of those beds and for such time as, in the
 25 judgment of [said Shell Fisheries Council] the council , may be
 26 necessary in order to close [said] the beds for purposes of
 27 conservation.

28 (cf: P.L.1953, c.260, s.2)

29

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

31 50:3-7. No person shall use any dredge for the purpose of
 32 catching or taking [oysters or clams] shellfish from any of the
 33 natural beds or grounds in Delaware [bay] Bay or Delaware [river]
 34 River above the line running direct from the mouth of Straight
 35 [creek] Creek to Cross Ledge Shoal Old lighthouse, commonly
 36 known and hereafter referred to as the "southwest [line,] line."
 37 except in that area known as Section "E" as defined in R.S.50:1-23,
 38 the tooth bar of which dredge measures more than 54 inches across
 39 from center of bolt hole to center of bolt hole where the frame
 40 thereof is fastened to the tooth bar, or any dredge which measures
 41 more than 5 feet 2 inches in width from the extreme outside to
 42 outside of frame, or any dredge which measures more than 21
 43 inches from center of tooth bar to center of cross bar, or any dredge
 44 the bag of which contains more than 17 rows of 2 inch rings, or any
 45 dredge the rings of which are less than 2 inches in diameter, inside
 46 measurement, or any dredge the bag of which measures more than 5

1 feet around the bag from center of tooth bar to center of cross bar,
2 or any dredge which weighs more than 250 pounds.
3 (cf: P.L.1981, c.62, s.3)

4

5 48. R.S.50:3-8 is amended to read as follows:

6 50:3-8. **【Season for taking oysters.】** Except in that area known
7 as Section "E" as defined in R.S.50:1-23, no **【oysters shall be**
8 **dredged for, caught or taken】** person shall catch, take, or attempt to
9 catch or take oysters from any of the lands lying under the tidal
10 waters of the Delaware **【river】** River, Delaware **【bay】** Bay **【or**
11 **Maurice river cove】** or their tributaries, above the southwest line,
12 except at the times and in the manner prescribed by the
13 commissioner after consultation with the Delaware Bay Section of
14 the **【Shell Fisheries】** Shellfisheries Council.

15 (cf: P.L.1996, c.112, s.4)

16

17 49. R.S.50:3-9 is amended to read as follows:

18 50:3-9. **【Possession or sale of oysters taken out of season.】** No
19 person shall possess, sell or offer for sale any oysters caught or
20 taken from any natural oyster bed or ground where oysters naturally
21 spawn and grow under the tidal waters of the Delaware **【river】**
22 River , Delaware **【bay】** Bay or Maurice **【river cove】** River Cove
23 above the southwest line, except from and including April first to
24 and including June thirtieth of each year or as otherwise determined
25 by the commissioner after consultation with the Delaware Bay
26 Section of the Shellfisheries Council .

27 (cf: P.L.1995, c.67, s.2)

28

29 50. R.S.50:3-10 is amended to read as follows:

30 50:3-10. Nothing in this **【title】** Title shall strengthen, confirm or
31 verify the title of any person to any lands lying under the tidal
32 waters of the Delaware **【river】** River or Delaware **【bay】** Bay ,
33 above the southwest line.

34 (cf: R.S.50:3-10)

35

36 51. R.S.50:3-11 is amended to read as follows:

37 50:3-11. No oysters shall be dredged for, caught or taken from
38 that area known as Section "E" as defined in R.S.50:1-23 or from
39 any of the lands lying under the tidal waters of the Delaware **【bay】**
40 Bay and Maurice **【river cove】** River Cove below a line running
41 direct from the mouth of Straight **【creek】** Creek to Cross Ledge
42 Shoal Old lighthouse, commonly known and hereinafter referred to
43 as the "southwest line," at any time except from September 1 to
44 June 30 then next, both inclusive, of each year; **【but】** unless
45 authorized by the commissioner **【may, upon application, give**
46 **permission, in writing, to any lessee of oyster grounds to dredge,**
47 **catch or take oysters or to employ such methods for the protection**

1 of the oysters on the grounds] after consultation with the Delaware
2 Bay Section of the Shellfisheries Council .

3 (cf: P.L.1996, c.112, s.5)

4

5 52. R.S.50:3-12 is amended to read as follows:

6 50:3-12. The [council] department, after consultation with the
7 council, may upon application give permission, in writing, to any
8 prospective lessee to examine and inspect, with proper appliances,
9 any of the unleased lands of the State below the southwest line and
10 the area known as Section "E" as defined in R.S.50:1-23 for the
11 purpose of determining their suitability or adaptability for oyster
12 culture or propagation; but no oysters shall be permanently removed
13 from any [such] of those lands by virtue of any such permit. Any
14 individual given such permission shall be required to notify the
15 department via telephone each day prior to conducting an
16 inspection.

17 (cf: P.L.1979, c.199, s.45)

18

19 53. R.S.50:3-13 is amended to read as follows:

20 50:3-13. No person shall dredge upon or throw, cast or drag an
21 oyster or clam dredge, or any other instrument or appliance used for
22 catching [oysters or clams] shellfish , in that area known as Section
23 "E" as defined [by] in R.S.50:1-23 or upon any of the land of the
24 State lying under the tidal waters of the Delaware [bay or Maurice
25 river cove] Bay , in this State, below the southwest line, other than
26 land or ground for which [such] the person then holds a lease from
27 the [Shell Fisheries] Shellfisheries Council under this Title. A
28 lessee may, however, authorize another individual to dredge for
29 shellfish on the lease using authorized gear during the authorized
30 season. Any such authorization shall be in writing, signed by all
31 parties on forms provided by the Division of Fish and Wildlife, and
32 shall be in the dredger's possession at all times during dredging
33 operations.

34 (cf: P.L.1981, c.62, s.6)

35

36 54. R.S.50:3-14 is amended to read as follows:

37 50:3-14. a. No person shall use or cause to be used any dredge,
38 drag, scrape or other instrument, except hand tongs, for the purpose
39 of catching [oysters] shellfish from the following named beds,
40 creeks, and rivers of this State, along the shore of Delaware [bay]
41 Bay, the areas of which are described by [co-ordinates] coordinates
42 and bearings taken from the official survey base known as the "New
43 Jersey [System of Plane Coordinates]" system of plane
44 coordinates" as defined in article [two] 2 of chapter [three] 3 of
45 Title 51 [in] of the Revised Statutes, viz.:

46 (1) Elder point beds, Andrews ditch beds, East point beds,
47 described as follows: Beginning at a point with [co-ordinates]

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1 coordinates [X = 1,897,678 y = 132,207] (X=104,451.54)
2 (Y=40,377.57) said point being now or formerly East Point
3 Lighthouse and running thence [N 48°-23 ' -07 " W 9,400. feet] N
4 48° 16' 48.910" W 2865.15 meters to a point [X = 1,890,650 y =
5 138,450] (X=102,312.9) (Y=42,284.30) on or near the east bank of
6 the mouth of New England [creek] Creek; thence following in an
7 easterly direction the shore line and crossing the mouth of the
8 Maurice [river] River and following the shore line to the point of
9 beginning; [the]

10 (2) High beds and Pepper beds, described as follows: Beginning
11 at a point with [co-ordinates x = 1,897,678 y = 132,207]
12 coordinates (X=104,451.5) (Y=40,377.57) said point being now or
13 formerly East Point Lighthouse and running thence [S 55°-00 ' -26
14 " W 6,637. feet] S 55° 06' 44.5440" W 2022.82 meters to a corner
15 [x = 1,892,241 y = 128,401] (X=102,792.2) (Y=39,220.58) in
16 Delaware Bay the same being corner number 2 of oyster ground
17 number 48 section C now or formerly leased by [the Sockwell
18 Estate] Robbins and Robbins Inc.; thence [N 76°-54 ' -16 " W
19 1,063 feet] N 76° 47' 57.9276" W 324.19 meters to a corner [x =
20 1,891,205 y = 128,642] (X=102,476.6) (Y=39,294.61) the same
21 being corner No. 3 of oyster ground No. [20] 22 section C now or
22 formerly leased by [the six Robbins brothers] Robbins and Robbins
23 Inc.; thence [N 03°-14 ' -20 " W 9,824 feet] N 03° 08' 00.7977" W
24 2994.17 meters to a point [X = 1,890,650 y = 138,450]
25 (X=102,312.9) (Y=42,284.30) on the east bank of the mouth of
26 New England [creek] Creek; thence S 48°-23 ' -07 " E [9,400.
27 feet] 2,865 meters to the point of beginning;

28 (3) Dividing [creek] Creek beds and Oranoken beds, described
29 as follows: Beginning at a point with [co-ordinates x = 1,881,141
30 y = 136,707] coordinates (X=99,599.58) (Y=41,933.40) said point
31 being located on the meadow land at Kenny's Point about [2000
32 yards] 1,829 meters east south east of the mouth of Dividing
33 [creek] Creek and running thence [S 39°-26 ' -34 " W 6,469. feet]
34 S 39° 32' 52.0432" W 2,276.59 meters to a corner in Delaware Bay
35 [x = 1,877,031 y = 131,711] (X=98,158.25) (Y=40,237.93); thence
36 [N 69°-06 ' -42 " W 5,651. feet] N 69° 00' 23.9963" W 2179.71
37 meters to a corner [X = 1,871,751 y = 133,726]
38 (X=96,123.23)(Y=41,018.83) on the meadow land said corner being
39 about [1166 yards south south east] 880 meters south west of the
40 mouth of Oranoken [creek] Creek; thence following the shore line
41 in a [north] north east and east south east direction, crossing the
42 mouths of Oranoken [creek] Creek and Dividing [creek] Creek to
43 the point of beginning;

44 (4) Nantuxent [creek] Creek beds, Beach [creek] Creek beds,
45 Goshen [creek] Creek, Dennis [creek] Creek, East [creek] Creek,

1 West Creek, West Creek beds at the mouth of West
 2 Creek, Dividing Creek and its tributaries,
 3 Oranoken Creek and its tributaries, Little Brothers and Big
 4 Brothers Creeks, Straight Creek, Fishing Creek
 5 Creek in Cumberland County, Oyster Creek, Fortesque
 6 creek Fortescue Creek, Beaden's creek Beadons Creek, Sow
 7 and Pigs Creek, Dare's Creek, Padgett's Creek
 8 Creek, Nantuxent Creek, Cedar Creek, Back
 9 Creek, Middle Marsh Creek, Stow Creek,
 10 Bidwell's ditch Bidwell Creek, Nantuxent beds at the mouth of
 11 Nantuxent Creek, Back Creek beds at the mouth of
 12 Back Creek, the Nantuxent beds and Back Creek
 13 beds taking in that area north of a line running direct from
 14 Nantuxent Point to Ben Davis Point, Cohansey beds at the mouth of
 15 Cohansey River, said beds taking in that area north of a line
 16 extending from the south bank of the mouth of Middle Marsh
 17 Creek direct to Cohansey Point, and Maurice River
 18 and Cohansey River; except that during May and June in
 19 any year oysters may be taken from the beds in the Cohansey
 20 River and Stow Creek by means of patent tongs,
 21 and dredges may be used in the Cohansey river .

22 b. No licenses shall be issued by the Division of Fish
 23 and Wildlife contrary to this section. The department, in
 24 consultation with the council, may permit the use of hand scrapes or
 25 mechanically-retrieved oyster scrapes in certain beds, creeks and
 26 tributaries to harvest specific quantities of oysters, provided such
 27 use will not be detrimental to the resource in those areas.

28 (cf: P.L.1953, c.261, s.1)

29

30 55. R.S.50:3-15 is amended to read as follows:

31 50:3-15. No person shall gather, scrape, rake or tong any oysters
 32 in or upon the beds, rivers or creeks of this State named in section
 33 50:3-14 of this Title R.S.50:3-14 , for and during the period from
 34 June 30 until September 1 in each and every year ; but this . This
 35 closed season shall not apply to the following beds (a) , from
 36 which oysters may be taken only during the months of April, May,
 37 June, September, October and November between sunrise and
 38 sunset, except on Sunday:

39 a. at the mouth of Maurice River, described as follows:
 40 Beginning at a point with co-ordinates x=1,897,678 y=132,207
 41 coordinates (X=104,451.5)(Y=40,377.57) said point being now or
 42 formerly East Point Lighthouse and running thence N 48° -23 ' -07
 43 " W 9,400 feet N 48° 16' 48.4910" W 2865.15 meters to a point
 44 [x=1,890,650 y=138,450] (X=102,312.9)(Y=42,284.30) on or near
 45 the east bank of the mouth of New England Creek;
 46 following in an easterly direction the shore line and crossing the

1 mouth of the Maurice [river] River and following the shore line to
2 the point of beginning, and in Maurice [river, from which oysters
3 may be taken between sunrise and sunset at any time, except on
4 Sundays] River; or

5 [(b) to] b. the Nantuxent beds in that area at the mouth of
6 Nantuxent [creek] Creek , Back [creek] Creek and Cedar [creek]
7 Creek and the Cohansey beds at the mouth of Cohansey [river,
8 from which oysters may be taken at any time between sunrise and
9 sunset, except on Sunday] River, provided, however, that any
10 oysters so taken shall be 3 inches from hinge to mouth or longer; or

11 [(c) to] c. the Back [creek] Creek beds at the mouth of Back
12 [creek] Creek, Back [creek] Creek from the mouth to the south
13 bank of the mouth of Tweed [creek] Creek, which areas are
14 described as follows: Beginning at the intersection of the southerly
15 bank of the mouth of Tweed [creek] Creek with the westerly bank
16 of Back [creek] Creek, said intersection being at high-water mark,
17 thence from said point in a southeasterly, southwesterly, and
18 southerly direction, being along the westerly bank of Back [creek]
19 Creek and the westerly shore of Nantuxent Cove to a point on the
20 said shore, said point being [N 71` E 700 feet more or less from the
21 Sextant tower on] at or near Ben Davis Point
22 (X=82,032.21)(Y=51,070.56); thence [N 71` E 4,300 feet more or
23 less to a stake set in] N 77° 09' 23.4025" E 1,420.56 meters to a
24 point in Nantuxent Cove (X=83,417.22)(Y=51,386.33) ; thence [N
25 19` E 3,300 feet more or less to a stake set at the highwater mark]
26 N 20° 02' 18.8773" E 1,129.71 meters to a point along the north
27 shore of Nantuxent Cove; thence bounding on the said high-water
28 mark in a general westerly direction to the mouth of Back [creek]
29 Creek , thence along the easterly bank of Back [creek] Creek in a
30 general, easterly, northerly and northwesterly direction to a point
31 due east from the southerly bank of the mouth of Tweed [creek]
32 Creek; thence crossing Back [creek] Creek in a due west direction
33 to the place of beginning [, from which oysters may be taken only
34 during the months of April, May, June, September, October and
35 November between sunrise and sunset, except on Sunday] .

36 (cf: P.L.1979, c.199, s.77)

37

38 56. Section 3 of P.L.1952, c.184 (C.50:3-15.1) is amended to
39 read as follows:

40 3. a. No oysters which measure less than three inches from
41 hinge to mouth shall at any time be taken from the waters in or
42 upon any of the beds, rivers or creeks of this State named in
43 [section] R.S.50:3-14, or be in the possession of any person after
44 being so taken; except that this prohibition shall not apply to spat or
45 blisters adhering so closely as to be impossible to remove without
46 destruction; but in no case shall this exception amount to more than

1 **【ten per centum (10%)】** 10% of any catch or cargo; but this
2 minimum size shall not apply to **【(a)】** :

3 (1) Elder point beds, Andrews ditch beds, East point beds, as the
4 same are described in **【section 50:3-14 of the Revised Statutes】**
5 R.S.50:3-14 ; **【(b)】**

6 (2) Maurice **【river】** River beds; **【(c)】**

7 (3) Nantuxent beds at the mouth of Nantuxent **【creek】** Creek ;
8 **【(d)】**

9 (4) Back **【creek】** Creek beds at the mouth of Back **【creek】**
10 Creek ; **【(e)】**

11 (5) Back **【creek】** Creek from the mouth thereof to the south bank
12 of the mouth of Tweed **【creek】** Creek ; and **【(f)】**

13 (6) Cohansey beds at the mouth of Cohansey **【river】** River .

14 b. This section shall not apply to oysters produced on
15 aquaculture leases.

16 (cf: P.L.1952, c.184, s.3)

17

18 57. Section 1 of P.L.1966, c.52 (C.50:3-16.1) is amended to read
19 as follows:

20 1. The area southwest of the Clam Line and southeast of the
21 Brandywine-Dennis Creek Line more fully described by coordinates
22 and bearings taken from the official survey base known as the "New
23 Jersey **【System of Plane Coordinates】** system of plane
24 coordinates" as defined in article 2 of chapter 3 of Title 51 **【in】** of
25 the Revised Statutes, viz.: **【beginning】** Beginning at a point in
26 Delaware Bay **【(X = 1,910,289.85) (Y = 95,221.74)】**
27 (X=108,274.8)(Y=29,097.81) said point being the intersection of
28 the Clam Line with the Brandywine-Dennis Creek Line; and
29 running thence **【S 67°-38 ' -05.3 " E 21,127.33 feet】** S 67° 31'
30 48.16" E 21,126.46 meters to a point where the Clam Line
31 intersects the shore line of Cape May County **【(X = 1,929,827.93)**
32 **(Y = 87,182.61)】** (X=114,225.3)(Y=26,636.70) said point being
33 about **【2000 feet】** 200 meters south southwest of **【Gus's Beach】**
34 Rutgers Cape Shore Laboratory ; thence following the high water
35 mark along the shore line of Cape May County in a southerly
36 direction its various courses and distances to a point **【(X =**
37 **1,913,191.01) (Y = 37,809.97)】** (X=109,127.0)(Y=11,597.75)
38 located on the Cape May Point Lighthouse-Brandywine Shoal
39 Lighthouse Line; thence along this line **【N 65°-43 ' -09.6 " W**
40 **44,130.11 feet】** N 65° 36' 53.5" W 44,128.37 meters to Brandywine
41 Shoal Lighthouse **【(X = 1,872,964.55) (Y = 55,956.58)】**
42 (X=96,876.60)(Y=17,150.99), thence along the Brandywine-Dennis
43 Creek Line **【N 43°-32 ' -56.9 " E 54,175.00 feet】** N 43° 39'
44 13.6495" E 16,511.99247 meters to the place of beginning, shall be
45 divided into three **【(3)】** areas, to be known as follows:

46 Area No. 1--Tongers Area.

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27

1 Area No. 2--Natural Seed Bed Area.

2 Area No. 3--Shellfish Dredging Area.

3 (cf: P.L.1966, c.52, s.1)

4

5 58. Section 3 of P.L.1966, c.52 (C.50:3-16.3) is amended to read
6 as follows:

7 3. Area No. 1--Tongers Area is described as follows:

8 **【beginning】** Beginning at a point **【(X = 1,921,393.68) (Y =**
9 **90,652.96)】** (X=111,656.5)(Y=27,699.12) said point located on the
10 Clam Line 1 1/2 nautical miles off shore; and running thence **【S**
11 **67°-38 ' -05.3 " E 9,120.30 feet】** S 67° 31' 50.66" E 9,119.92
12 meters to a point where the Clam Line intersects the shore line of
13 Cape May County **【(X = 1,929,827.93) (Y = 87,182.61)】**
14 (X=114,225.3)(Y=26,636.70) said point also being about **【2000**
15 **feet】** 200 meters south south west of **【Gus's Beach】** Rutgers Cape
16 Shore Laboratory ; thence following the high water mark along the
17 shore line of Cape May County in a southerly direction its various
18 courses and distances to a point **【(X = 1,913,191.01) (Y =**
19 **37,809.97)】** (X=109,127.0)(Y=11,597.75) located on the Cape May
20 Point Lighthouse-Brandywine Shoal Lighthouse Line; thence along
21 this line **【N 65°-43 ' -09.6 " W 10,920.30 feet】** N 65° 36' 53.99" W
22 10,919.86 meters to a point **【(X = 1,903,236.69) (Y = 42,300.47)】**
23 (X=106,095.5)(Y=12,971.93) located on the Cape May Point
24 Lighthouse-Brandywine Shoal Lighthouse Line; thence **【N 05°-23 '**
25 **-37.6 " E 32,025.80 feet】** N 05° 29' 54.29" E 32,024.59 meters to a
26 point **【(X = 1,906,247.10) (Y = 74,184.49)】**
27 (X=107,030.8)(Y=22,688.13) in Delaware Bay; thence **【S 60°-50 ' -**
28 **30 " E 5700 feet】** S 60° 45' 15.72" E 5,698.81 meters to a point
29 **【(X = 1,911,224.78) (Y = 71,409.29)】**
30 (X=108,546.4)(Y=21,839.51) in Delaware Bay; thence **【N 27°-51 '**
31 **-02.8 " E 21,767.00 feet】** N 27° 57' 28.84" E 21,764.48 meters to
32 the place of beginning.

33 (cf: P.L.1966, c.52, s.3)

34

35 59. Section 4 of P.L.1966, c. 52 (C.50:3-16.4) is amended to
36 read as follows:

37 4. It shall be lawful to catch or take shellfish in Area No. 1 by
38 the use of a **【Shinnycok】** Shinnecock Rake, hand tongs or one
39 mechanically-retrieved hand scrape or dredge per vessel, weight not
40 to exceed 60 pounds, the tooth bar of which shall not exceed 30
41 inches from center of bolt hole to center of bolt hole where the
42 frame thereof is fastened to the tooth bar, with power and in the
43 manner, now or hereafter prescribed by law. The department, in
44 consultation with the council, may adopt, pursuant to the
45 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
46 seq.), rules and regulations governing the harvest of shellfish in

1 Area No. 1 including, but not limited to, daily catch limits.

2 (cf: P.L.1966, c.52, s.4)

3

4 60. Section 5 of P.L.1966, c.52 (C.50:3-16.5) is amended to read
5 as follows:

6 5. a. No person shall catch or take any shellfish from the natural
7 shellfish beds contained within **【said】** Area No. 1 unless there shall
8 have been first issued by the **【Council】** department for each boat or
9 vessel, so to be used or employed therein, a special license
10 authorizing the catching or taking of shellfish within **【said】** that
11 area, which shall be issued for a term not longer than **【1】** one year
12 and shall contain an agreement on the part of the holder thereof that
13 any person or officer or other representative of the department
14 authorized by rule or regulation **【of said council】** to make
15 inspections of **【such】** that area may board **【said】** the boat or vessel
16 to inspect shellfish therein contained, and all licenses issued under
17 **【this act】** P.L.1966, c.52 (C.50:3-16.1 et seq.) shall be numbered.

18 b. The holder of a special license issued pursuant to this section
19 shall submit monthly reports of shellfish harvested and submit a fee
20 of not less than \$1.25 per bushel of shellfish harvested which shall
21 be deposited in the "Oyster Resource Development Account,"
22 established pursuant to section 8 of P.L.1996, c.112 (C.23:3-12.2).
23 (cf: P.L.1979, c.199, s.48)

24

25 61. Section 6 of P.L.1966, c.52 (C.50:3-16.6) is amended to read
26 as follows:

27 6. Application for **【such】** a license for Area No. 1 shall be made
28 to **【said council】** the department on a form prescribed by the
29 **【council】** department by the owner of the vessel to be licensed or
30 the master or captain of **【such】** the vessel acting for **【such】** the
31 owner, which application shall state, under oath, that **【such】** the
32 boat or vessel is wholly owned bona fide by a **【citizen or citizens or**
33 **actual】** legally domiciled resident or residents of this State, or
34 entities incorporated in this State, who have been such for 12
35 months next preceding the making of **【said】** the application, and
36 shall contain a provision that the holder of the license applied for
37 thereby consents to the agreements to be set forth in **【such】** the
38 license as prescribed by section **【10 of this act】** 5 of P.L.1966, c.52
39 (C.50:3-16.5) . **【Said】** The oath may be administered by any
40 member of the **【council or the chief of the section】** department and
41 **【must】** shall be in writing signed by the person making the **【same】**
42 oath in the presence of the person administering **【the same】** it .

43 (cf: P.L.1966, c.52, s.6)

44

45 62. Section 7 of P.L.1966, c.52 (C.50:3-16.7) is amended to read
46 as follows:

1 7. Each application for a license for Area No. 1 shall be
 2 accompanied by a license fee in an amount to be fixed by the
 3 council but not ~~【exceeding \$4.00】~~ less than \$4 per ton on the gross
 4 tonnage measurement of the boat or vessel to be licensed but a
 5 minimum fee of ~~【\$25.00】~~ \$50 shall be charged for each boat or
 6 vessel licensed. In the event that the license is refused, the license
 7 fee accompanying the application shall be returned to the applicant.
 8 (cf: P.L.1966, c.52, s.7)

9
 10 63. Section 8 of P.L.1966, c.52 (C.50:3-16.8) is amended to read
 11 as follows:

12 8. The ~~【council】~~ department may revoke any license for Area
 13 No. 1 issued under ~~【this act】~~ P.L.1966, c.52 (C.50:3-16.1 et seq.)
 14 by reason of a false oath made by any owner or master in applying
 15 therefor, or for any other violation of P.L.1966, c.52 (C.50:3-16.1 et
 16 seq.), after due hearing.

17 (cf: P.L.1966, c.52, s.8)

18
 19 64. Section 9 of P.L.1966, c.52 (C.50:3-16.9) is amended to read
 20 as follows:

21 9. No oysters shall be dredged for or harvested in Area No. 1
 22 except between the hours of 6 o'clock ante meridian and 2:30
 23 o'clock post meridian, Standard Time, on the days of the week,
 24 except Saturdays and Sundays ~~【, during the months beginning with~~
 25 ~~the month of October in 1 year and ending with the month of April~~
 26 ~~in the next year】~~ . The department, in consultation with the
 27 council, may adopt, pursuant to the "Administrative Procedure
 28 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations
 29 regarding the season for the harvest of oysters from Area No. 1 .

30 (cf: P.L.1966, c.52, s.9)

31
 32 65. Section 10 of P.L.1966, c.52 (C.50:3-16.10) is amended to
 33 read as follows:

34 10. Area No. 2--Natural Seed Bed Area is described as follows:
 35 ~~【beginning】~~ Beginning at a point ~~【(X = 1,910,289.85) (Y =~~
 36 ~~95,221.74)】~~ (X=108,274.8)(Y=29,097.81) said point being the
 37 intersection of the Clam Line with the Brandywine-Dennis Creek
 38 Line; and running thence ~~【S 67°-38 ' -05.3 " E. 12,007.03 feet】~~ S
 39 67° 31' 48.16" E 12,006.54 meters along the Clam Line to a point
 40 ~~【(X = 1,921,393.68) (Y = 90,652.96)】~~
 41 (X=111,656.5)(Y=27,699.12) the same being the northwest corner
 42 of Area No. 1--Tongers Area; thence ~~【S 27°-51 ' -02.8 " W~~
 43 ~~21,767.00 feet】~~ S 27° 57' 28.84" W 21,764.48 meters along the
 44 western side of Area No. 1 to a point ~~【(X = 1,911,224.78) (Y =~~
 45 ~~71,407.29)】~~ (X=108,546.4)(Y=21,838.90); thence ~~【N 60°-50 ' -30~~
 46 ~~" W 17,638.66 feet】~~ N 60° 44' 33.5" W 17,636.99 meters to a point
 47 ~~【(X = 1,895,821.35) (Y = 80,001.28)】~~

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1 (X=103,856.4)(Y=24,466.84) said point located on the Brandywine-
2 Dennis Creek Line; thence along this line **[N 43°-32 ' -56.9 " E**
3 **21,000.00 feet]** N 43° 39' 13.93" E 20,999.27 meters to the place of
4 beginning.

5 (cf: P.L.1966, c.52, s.10)

6

7 66. Section 12 of P.L.1966, c.52 (C.50:3-16.12) is amended to
8 read as follows:

9 12. Area No. 3--**[Oyster, Clam and Crab]** Shellfish Dredging
10 Area is described as follows: **[beginning]** Beginning at a point **[(X**
11 **= 1,895,821.35) (Y = 80,001.28)]** (X=103,856.4)(Y=24,466.84)
12 said point being on the Brandywine-Dennis Creek Line; and
13 running thence **[S 60°-50 ' -30 " E 11,938.66 feet]** S 60° 44' 12.53"
14 E 11,938.89 meters along the southern boundary line of Area No. 2
15 to a point **[(X = 1,906,247.10) (Y = 74,184.47)]**
16 (X=107,030.8)(Y=22,688.13) said point being on the western side
17 of Area No. 1 and on the southern side of Area No. 2; thence along
18 the western side of Area No. 1 **[S 05°-23 ' -37.6 " W 32,025.80**
19 **feet]** S 05° 29' 54.29" W 32,024.59 meters to a point **[(X =**
20 **1,903,236.69) (Y = 42,300.47)]** (X=106,095.5)(Y=12,971.93) said
21 point located on the Cape May Point Lighthouse-Brandywine Shoal
22 Lighthouse Line; thence along said line **[N 65°-43 ' -09.6 " W**
23 **33,209.81 feet]** N 65° 36' 53.00" W 33,208.51 meters to
24 Brandywine Shoal Lighthouse **[(X = 1,872,964.55) (Y =**
25 **55,956.58)]** (X=96,876.60)(Y=17,150.99); thence along the
26 Brandywine-Dennis Creek Line **[N 43°-32 ' -56.9 " E 33,175.00**
27 **feet]** N 43° 39' 13.43" E 33,173.81 meters to the place of
28 beginning.

29 (cf: P.L.1966, c.52, s.12)

30

31 67. Section 13 of P.L.1966, c.52 (C.50:3-16.13) is amended to
32 read as follows:

33 13. It shall be lawful to catch and take **[oysters, clams and**
34 **crabs]** shellfish in that portion of the Delaware **[bay]** Bay,
35 hereinbefore described as Areas Nos. 2 and 3, upon compliance
36 with the provisions of this Title and any rules and regulations issued
37 pursuant thereto.

38 (cf: P.L.1980, c.120, s.4)

39

40 68. Section 14 of P.L.1966, c.52 (C.50:3-16.14) is amended to
41 read as follows:

42 14. a. No person shall catch or take any shellfish from the
43 natural shellfish beds, contained within **[said]** Areas Nos. 2 and 3,
44 unless there shall have been first issued by the **[council]**
45 department for each boat or vessel, so to be used or employed
46 therein, a special license authorizing the catching or taking of
47 shellfish within **[said]** those areas, which shall be issued for a term

1 not longer than **[1]** one year and shall contain an agreement on the
2 part of the holder thereof:

3 **[(a)]** **(1)** That any person or officer or other representative of the
4 department authorized by rule or regulation of **[said council]** the
5 department to make inspections of such areas may board **[said]** the
6 boat or vessel to inspect shellfish therein contained **[,]** ; and

7 **[(b)]** **(2)** That **[such]** the holder **[will deliver or cause to be**
8 **delivered to said council the shells taken in said areas in the process**
9 **of opening or shucking, from 40% of all of the oysters taken from**
10 **under the tidal waters of said areas and delivered by such holder or**
11 **for his account to any shucking houses, pursuant to chapter 39 of**
12 **the laws of 1945, at the times and in the manner prescribed therein,**

13 **(c)** That such holder will, in the case of oysters packed and
14 shipped or otherwise sold in the shells by him to persons not
15 required to be licensed under this act, pay to the State of New
16 Jersey the true, fair, cash market value of the oyster shells so
17 packed and shipped and otherwise sold, as fixed by the Council of
18 Shell Fisheries Shellfisheries Council, under the provisions of this
19 act, on the basis of one bushel of shells for each bushel of oysters so
20 sold or shipped which payments shall be made as statements are
21 submitted **] of a special license issued pursuant to this section shall**
22 **submit monthly reports of shellfish harvested and submit a fee of**
23 **not less than \$1.25 per bushel of shellfish harvested which shall be**
24 **deposited in the "Oyster Resource Development Account"**
25 **established pursuant to section 8 of P.L.1996, c.112 (C.23:3-12.2) .**

26 **b.** All licenses issued under **[this act]** P.L.1966, c.52 (C.50:3-
27 16. 1 et seq.) shall be numbered.

28 (cf: P.L.1980, c.120, s.5)

29

30 69. Section 15 of P.L.1966, c.52 (C.50:3-16.15) is amended to
31 read as follows:

32 15. Application for **[such]** a license for Areas Nos. 2 and 3 shall
33 be made to **[said council]** the department on a form prescribed by
34 the **[council]** department by the owner of the vessel to be licensed
35 or the master or captain of **[such]** the vessel acting for **[such]** the
36 owner, which application shall state, under oath, that **[such]** the
37 boat or vessel is wholly owned bona fide by a **[citizen or citizens or**
38 **actual]** legally domiciled resident or residents of this State, or
39 entities incorporated in this State, who have been such for 12
40 months next preceding the making of **[said]** the application, and
41 shall contain a provision that the holder of the license applied for
42 thereby consents to the agreements to be set forth in **[such]** the
43 license as prescribed by section **[9 of this act]** 14 of P.L.1966, c.52
44 (C.50:3-16.14) . **[Said]** The oath may be administered by any
45 member of the **[council or the chief of the section]** department and
46 **[must]** shall be in writing signed by the person making the **[same]**

1 oath in the presence of the person administering **[the same]** it .
2 (cf: P.L.1966, c.52, s.15)

3

4 70. Section 16 of P.L.1966, c.52 (C.50:3-16.16) is amended to
5 read as follows:

6 16. Each application for a license for Areas Nos. 2 and 3 shall
7 be accompanied by a license fee in an amount to be fixed by the
8 council but not **[exceeding \$4.00]** less than \$4 per ton on the gross
9 tonnage measurement of the boat or vessel to be licensed but a
10 minimum fee of **[\$50.00]** \$50 shall be charged for each boat or
11 vessel licensed. In the event that the license is refused, the license
12 fee accompanying the application shall be returned to the applicant.
13 (cf: P.L.1966, c.52, s.16)

14

15 71. Section 17 of P.L.1966, c.52 (C.50:3-16.17) is amended to
16 read as follows:

17 17. The **[council]** department may revoke any license for Areas
18 Nos. 2 and 3 issued under **[this act]** P.L.1966, c.52 (C.50:3-16.1 et
19 seq.) by reason of a false oath made by any owner or master in
20 applying therefor, or for any other violation of P.L.1966, c.52
21 (C.50:3-16.1 et seq.), after due hearing.
22 (cf: P.L.1966, c.52, s.17)

23

24 72. Section 18 of P.L.1966, c.52 (C.50:3-16.18) is amended to
25 read as follows:

26 18. No oyster **[, which shall measure]** that measures less than 3
27 inches from hinge to bill **[,]** shall at any time be taken from the
28 waters of Areas Nos. 2 and 3 or be possessed by any person after
29 being so taken, except spats or blisters, adhering so closely as to be
30 impossible to remove without destruction, not amounting in any
31 case to more than 10% of any catch or cargo.
32 (cf: P.L.1980, c.120, s.6)

33

34 73. Section 19 of P.L.1966, c.52 (C.50:3-16.19) is amended to
35 read as follows:

36 19. No shellfish shall be dredged for or harvested in Areas Nos.
37 2 and 3 except between **[the hours of 6 o'clock ante meridian and**
38 **2:30 o'clock post meridian, Standard Time,]** sunrise and sunset on
39 the days of the week, except Saturdays and Sundays, during the
40 months beginning with the month of October in **[1]** one year and
41 ending with the month of April in the next year.
42 (cf: P.L.1980, c.120, s.7)

43

44 74. Section 20 of P.L.1966, c.52 (C.50:3-16.20) is amended to
45 read as follows:

46 20. No person shall use any dredge for the purpose of catching
47 or taking shellfish from **[said]** Areas Nos. 2 and 3, the tooth bar of
48 which dredge measures more than 54 inches across from center of

1 bolt hole to center of bolt hole where the frame thereof is fastened
2 to the tooth bar, or any dredge which measures more than 5 feet 2
3 inches in width from the extreme outside to outside of frame, or any
4 dredge which measures more than 21 inches from center of tooth
5 bar to center of cross bar, or any dredge the bag of which contains
6 more than 17 rows of 2-inch rings, or any dredge the rings of which
7 are less than 2 inches in diameter, inside measurement, or any
8 dredge the bag of which measures more than 5 feet around the bag
9 from center of tooth bar to center of cross bar, or any dredge which
10 weighs more than 190 pounds.

11 (cf: P.L.1980, c.120, s.8)

12

13 75. Section 21 of P.L.1966, c.52 (C.50:3-16.21) is amended to
14 read as follows:

15 21. The council may, subject to the approval of the
16 commissioner, by rule **[and]** or regulation, prohibit the taking or
17 catching of shellfish in **[such area]** Area No. 1 or Areas Nos. 2 and
18 3 at such times as, in the judgment of the council, may be necessary
19 to close **[said]** the beds or any part thereof for conservation or
20 resource management purposes.

21 (cf: P.L.1979, c.199, s.50)

22

23 76. Section 22 of P.L.1966, c.52 (C.50:3-16.22) is amended to
24 read as follows:

25 22. All applications for licenses for Area No. 1 and for Areas
26 Nos. 2 and 3 made under **[this act]** P.L.1966, c.52 (C.50:3-16.1 et
27 seq.) shall be filed, and all licenses issued under **[this act]**
28 P.L.1966, c.52 (C.50:3-16.1 et seq.) shall be recorded, in books to
29 be kept for **[said]** those purposes by the department.

30 (cf: P.L.1979, c.199, s.51)

31

32 77. Section 1 of P.L.1945, c.39 (C.50:3-20.10) is amended to
33 read as follows:

34 1. As used in **[this act, the terms]** P.L.1945, c.39 (C.50:3-20.10
35 et seq.) :

36 "Oyster dealer" means any person who, for himself or as an
37 agent or broker, purchases from oyster planters, within this State,
38 oysters so originating, in the shells, for purpose of resale or
39 shipment for resale or for use other than the use of himself and his
40 family, in the shells, and, also, any person who plants and grows
41 oysters so originating and packs and ships or otherwise sells oysters
42 so originating, in the shells, to person not required to be licensed
43 under P.L.1945, c.39 (C.50:3-20.10 et seq.).

44 "Oyster planter" means any person who plants and grows oysters
45 so originating and who sells oysters so planted and grown, in the
46 shells, to persons required to be licensed under P.L.1945, c.39
47 (C.50:3-20.10 et seq.).

1 "Oyster shucking house" means a plant for the opening,
2 shucking, processing and packing of oysters which originate on the
3 natural oyster beds in the tidal waters of the Delaware **[river]**
4 River, the Delaware **[bay]** Bay or the Maurice **[river]** River cove
5 or any of their tributaries **[**;

6 "Oyster planter" means any person who plants and grows oysters
7 so originating and who sells oysters so planted and grown, in the
8 shells, to persons required to be licensed under this act;

9 "Oyster dealer" means any person who, for himself or as an
10 agent or broker, purchases from oyster planters, within this State,
11 oysters so originating, in the shells, for purpose of resale or
12 shipment for resale or for use other than the use of himself and his
13 family, in the shells, and, also, any person who plants and grows
14 oysters so originating and packs and ships or otherwise sells
15 oysters so originating, in the shells, to person not required to be
16 licensed under this act **]** .

17 (cf: P.L.1945, c.39, s.1)

18

19 78. Section 2 of P.L.1945, c.39 (C.50:3-20.11) is amended to
20 read as follows:

21 2. **[It shall be unlawful for any person to]** No person shall
22 operate within this State an oyster shucking house or **[to]** engage in
23 or carry on the business of an oyster planter or an oyster dealer, as
24 defined in section 1 of P.L.1945, c.39 (C.50:3-20.10), without first
25 obtaining a license for this purpose from the commissioner as
26 provided in P.L.1945, c.39 (C.50:3-20.10 et seq.) .

27 (cf: P.L.1996, c.112, s.6)

28

29 79. Section 3 of P.L.1945, c.39 (C.50:3-20.12) is amended to
30 read as follows:

31 3. Such license, when issued, shall authorize the licensee to
32 operate the oyster shucking house therein named or to engage in
33 and conduct the business of an oyster planter or an oyster dealer, as
34 the case may be, for the term of one year beginning on **[the**
35 fifteenth day of August] January 1 and ending on **[the** fourteenth
36 day of August following] December 31 of the year issued .

37 (cf: P.L.1945, c.39, s.3)

38

39 80. Section 4 of P.L.1945, c.39 (C.50:3-20.13) is amended to
40 read as follows:

41 4. The license required pursuant to P.L.1945, c.39 (C.50:3-20.10
42 et seq.) to conduct an oyster shucking house or to engage in and
43 conduct the business of an oyster planter or an oyster dealer shall
44 be issued upon the payment of a license fee of \$100. All license
45 fees collected shall be deposited in the "Oyster Resource
46 Development Account," established pursuant to section 8 of
47 P.L.1996, c.112 (C.23:3-12.2), and shall be subject to all the terms

1 and conditions of that section.

2 (cf: P.L.1996, c.112, s.7)

3

4 81. Section 12 of P.L.1945, c.39 (C.50:3-20.21) is amended to
5 read as follows:

6 12. All moneys received as license fees **[and in lieu of the return**
7 **of oyster shells]** under the provisions of **[this act]** P.L.1945, c.39
8 (C.50:3-20.10 et seq.) shall be used by the commissioner for the
9 purchase of **[oyster shells and]** either cultch or oysters , or both,
10 which shall be spread over and planted in **[said]** natural oyster beds
11 and seed grounds of the State and to establish and maintain oyster
12 sanctuaries.

13 (cf: P.L.1979, c.199, s.59)

14

15 82. Section 13 of P.L.1945, c.39 (C.50:3-20.22) is amended to
16 read as follows:

17 13. The commissioner **[shall have power to make]** may adopt,
18 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
19 (C.52:14B-1 et seq.), rules and regulations for the carrying out of
20 the purposes of, and enforcement of, the provisions of **[this act]**
21 P.L.1945, c.39 (C.50:3-20.10 et seq.) .

22 (cf: P.L.1979, c.199, s.60)

23

24 83. The caption to chapter 4 of Title 50 of the Revised Statutes
25 is amended to read as follows:

26 Chapter 4. REGULATIONS APPLICABLE TO ATLANTIC
27 COAST **[; DEPARTMENT OF ATLANTIC COAST]**

28 (cf: Caption, chapter 4, Title 50 of the Revised Statutes)

29

30 84. R.S.50:4-2 is amended to read as follows:

31 50:4-2. No person shall use or cause to be used any dredge with
32 bag or pocket, drag or scrape upon any of the natural oyster or clam
33 beds under the tidal waters of the Atlantic seaboard of this State and
34 tributaries thereof, except Delaware **[bay]** Bay , and no license
35 shall be issued by the commissioner contrary to this section; but this
36 section shall not prohibit the use of any fork, hoe or drag used by
37 hand in the taking of soft clams; nor shall it prohibit the **[catching**
38 **of oysters with hand power dredges from the natural oyster grounds**
39 **of this State north of Shrewsbury river]** harvest of oysters with
40 oyster dredges on designated leases used for oyster culture within
41 the Mullica River-Great Bay estuary ; nor shall it prohibit the taking
42 of crabs with dredges; **[nor shall it prohibit the taking of clams with**
43 **power dredges from specified leased lands under said waters, except**
44 **Delaware bay, with the approval of the Commissioner of**
45 **Environmental Protection and under such conditions and**
46 **supervision as he may prescribe, and under rules and regulations of**
47 **the Shell Fisheries Council]** ; nor shall it preclude the department
48 from adopting, pursuant to the "Administrative Procedure Act,"

1 P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations
2 governing the harvest of specific shellfish from specific areas by
3 specific means, including, but not limited to, drags and scrapes .

4 (cf: P.L.1980, c.120, s.9)

5

6 85. R.S.50:4-3 is amended to read as follows:

7 50:4-3. No person shall dredge upon, throw, cast or drag an
8 oyster dredge, use oyster tongs, rakes, forks or other instruments or
9 appliances used for catching **[oysters or clams]** shellfish , or tread
10 for **[clams]** shellfish , upon any of the leased lands of this State
11 lying under the tidal waters of the Atlantic seaboard or tributaries
12 thereof, above Cape May Point, other than land or ground for which
13 **[such]** the person or **[his]** the person's employer then holds a lease
14 from the council. A lessee may, however, authorize another validly
15 licensed individual to harvest shellfish on the lease using authorized
16 gear during the authorized season.

17 (cf: P.L.1983, c.219, s.2)

18

19 86. The following sections are repealed:

20 Section 2 of P.L.1966, c.52 (C.50:3-16.2); and

21 Sections 5 through 11, inclusive, of P.L.1945, c.39 (C.50:3-20.14
22 through C.50:3-20.20).

23

24 87. This act shall take effect immediately, except that sections
25 20 and 21 of this act shall take effect two years after the date of
26 enactment of this act but the Commissioner of Environmental
27 Protection may take such anticipatory administrative action in
28 advance thereof as shall be necessary for the implementation of
29 sections 20 and 21.

30

31

32

STATEMENT

33

34 This bill would generally revise and update the shellfisheries
35 laws in Title 50 of the Revised Statutes. These laws provide the
36 statutory authority for the regulations governing shellfish issues
37 related to both “wild” harvest and aquaculture.

38 The bill would remove antiquated provisions in the law which
39 have not been applicable to the shellfish management programs of
40 the Department of Environmental Protection (DEP) for many years,
41 and would add new provisions which reflect the needs of both
42 resource managers and resource users, particularly with respect to
43 the oyster fishery in Delaware Bay. Two specific changes relevant
44 to Delaware Bay are the removal of the current prohibition on
45 aquaculture leasing in the lower Delaware Bay (i.e., below the
46 “Clam Line”) and the removal of language that could be interpreted
47 to require oyster harvesters to be charged twice for oysters
48 originating from the State’s natural seed beds. The removal of the
49 current prohibition on aquaculture leasing in the lower Delaware

1 Bay will allow the DEP to establish an “Aquaculture Development
2 Zone” (ADZ) where aquaculturists can employ innovative shellfish
3 culture practices. To facilitate this initiative, the Division of Fish
4 and Wildlife has obtained the State and Federal permits necessary
5 for four ADZs in Delaware Bay.

6 The bill also would extend the current clamming license to all
7 defined shellfish species (while retaining some specific license
8 types) and establish a nonresident commercial shellfish license with
9 fee ranges of five to ten times the resident license fee.

10 In addition, the bill would adjust the membership of the
11 Shellfisheries Council, and of the Delaware Bay Section and the
12 Atlantic Coast Section of the council, to provide greater flexibility
13 in membership while maintaining provisions for geographical
14 representation. This change is intended to reduce quorum issues
15 which have arisen over the years due to chronic vacancies on the
16 council from specific counties.

17 The bill also would update various geographic and metes and
18 bounds descriptions and place names.

19 Finally, the bill would repeal certain shellfisheries statutes that
20 (1) require the Commissioner of Environmental Protection to mark
21 certain areas in Delaware Bay with buoys, (2) impose certain
22 restrictions and requirements on oyster dealers, planters, and
23 shucking houses, and (3) require the Shellfisheries Council to
24 perform a survey and set certain prices.

SENATE ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE, No. 2893

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 3, 2007

The Senate Environment Committee favorably reports Senate Bill No. 2893 with committee amendments.

This bill would generally revise and update the shellfisheries laws in Title 50 of the Revised Statutes. These laws provide the statutory authority for the regulations governing shellfish issues related to both “wild” harvest and aquaculture.

The bill would remove antiquated provisions in the law which have not been applicable to the shellfish management programs of the Department of Environmental Protection (DEP) for many years, and would add new provisions which reflect the needs of both resource managers and resource users, particularly with respect to the oyster fishery in Delaware Bay. Two specific changes relevant to Delaware Bay are the removal of the current prohibition on aquaculture leasing in the lower Delaware Bay (i.e., below the “Clam Line”) and the removal of language that could be interpreted to require oyster harvesters to be charged twice for oysters originating from the State’s natural seed beds. The removal of the current prohibition on aquaculture leasing in the lower Delaware Bay will allow the DEP to establish an “Aquaculture Development Zone” (ADZ) where aquaculturists can employ innovative shellfish culture practices. To facilitate this initiative, the Division of Fish and Wildlife has obtained the State and Federal permits necessary for four ADZs in Delaware Bay.

The bill also would extend the current clamming license to all defined shellfish species (while retaining some specific license types) and establish a nonresident commercial shellfish license with fee ranges of five to ten times the resident license fee.

In addition, the bill would adjust the membership of the Shellfisheries Council, and of the Delaware Bay Section and the Atlantic Coast Section of the council, to provide greater flexibility in membership while maintaining provisions for geographical representation. This change is intended to reduce quorum issues which have arisen over the years due to chronic vacancies on the council from specific counties.

The bill also would update various geographic and metes and bounds descriptions and place names.

Finally, the bill would repeal certain shellfisheries statutes that (1) require the Commissioner of Environmental Protection to mark certain areas in Delaware Bay with buoys, (2) impose certain restrictions and requirements on oyster dealers, planters, and shucking houses, and (3) require the Shellfisheries Council to perform a survey and set certain prices.

The committee amendments make technical and clarifying changes to the bill.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 2893

STATE OF NEW JERSEY

DATED: DECEMBER 10, 2007

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2893 (1R).

This bill revises and updates the shellfisheries laws in Title 50 of the Revised Statutes. These laws provide the statutory authority for the regulations governing shellfish issues related to both “wild” harvest and aquaculture.

Specifically, the bill removes antiquated provisions in the law which have not been applicable to the shellfish management programs of the Department of Environmental Protection for many years, and adds new provisions which reflect the needs of both resource managers and resource users, particularly with respect to the oyster fishery in the Delaware Bay.

In addition, the bill revises many of the existing shellfish licenses and fees, extends the current clamming license to all defined shellfish species (while retaining some specific license types) and establishes a nonresident commercial shellfish license with fee ranges of five to ten times the resident license fee.

The bill adjusts the membership of the Shellfisheries Council to provide greater flexibility in membership while maintaining provisions for geographical representation. It also updates various geographic descriptions and place names, and repeals certain shellfisheries statutes.

FISCAL IMPACT:

The Office of Legislative Services estimates that the bill will increase revenues generated from shellfish licenses or related fees as a result of rate increases or new fees provided therein. Unfortunately, time constraints and other unknown variables preclude the calculation of cost and revenue estimates at this time. Since these revenues are statutorily dedicated to the Shellfisheries Law Enforcement Fund and the Oyster Resource Development Account to support enforcement and program operations, the bill will have no fiscal impact on the General Fund or on the State Budget. Further, any increase in operating expenses incurred by the Department of Environmental Protection or the Department of Agriculture under the bill should be offset by the aforementioned increase in license and fee revenues.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 2893

STATE OF NEW JERSEY 212th LEGISLATURE

DATED: DECEMBER 12, 2007

SUMMARY

- Synopsis:** Revises statutory law concerning shellfisheries.
- Type of Impact:** Increases in revenues from licenses and fees in the Shellfisheries Law Enforcement Fund and the Oyster Resource Development Account.
- Agencies Affected:** Departments of Environmental Protection and Agriculture

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate - See Comments Below		
State Revenue	Indeterminate - See Comments Below		

- The bill revises and updates the shellfisheries laws in Title 50 of the Revised Statutes, which provide the statutory authority for the regulations governing shellfish issues related to both “wild” harvest and aquaculture.
- The bill revises many of the existing shellfish licenses and fees, extends the current clamming license to all defined shellfish species and establishes a nonresident commercial shellfish license.
- The bill adjusts the membership of the Shellfisheries Council and repeals certain shellfisheries statutes concerning certain restrictions and requirements on oyster dealers, planters, and shucking houses.
- The Office of Legislative Services estimates that additional revenues will be generated from shellfish licenses or related fees as a result of rate increases or new fees provided under the bill. These revenues are statutorily dedicated for program support and should offset any related increases in program costs that may result from the bill.

BILL DESCRIPTION

Senate Bill No. 2893 (1R) of 2007 revises and updates the shellfisheries laws in Title 50 of the Revised Statutes. These laws provide the statutory authority for the regulations governing shellfish issues related to both “wild” harvest and aquaculture.

Specifically, the bill removes antiquated provisions in the law which have not been applicable to the shellfish management programs of the Department of Environmental Protection for many years, and adds new provisions which reflect the needs of both resource managers and resource users, particularly with respect to the oyster fishery in the Delaware Bay. In addition, the bill revises many of the existing shellfish licenses and fees, extends the current clamming license to all defined shellfish species (while retaining some specific license types) and establishes a nonresident commercial shellfish license with fee ranges of five to ten times the resident license fee.

The bill adjusts the membership of the Shellfisheries Council to provide greater flexibility in membership while maintaining provisions for geographical representation. It also updates various geographic descriptions and place names, and repeals certain shellfisheries statutes.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services estimates that the bill will increase revenues generated from shellfish licenses or related fees as a result of rate increases or new fees provided therein. Unfortunately, time constraints and other unknown variables preclude the calculation of cost and revenue estimates at this time. Since these revenues are statutorily dedicated to the Shellfisheries Law Enforcement Fund and the Oyster Resource Development Account to support enforcement and program operations, the bill will have no fiscal impact on the General Fund or on the State Budget. Further, any increase in operating expenses incurred by the Department of Environmental Protection or the Department of Agriculture under the bill should be offset by the aforementioned increase in license and fee revenues.

Section: Environment, Agriculture, Energy and Natural Resources

*Analyst: Richard M. Handelman
Senior Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-1 et seq.).