

ASSEMBLY ENVIRONMENT, SCIENCE AND TECHNOLOGY  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2023**

with committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 10, 1996

The Assembly Environment, Science and Technology Committee reports favorably Assembly Bill No. 2023 with committee amendments.

As amended, the bill would make several changes to existing laws that affect the oyster industry in the Delaware bay, and enable the Commissioner of Environmental Protection, in conjunction with the Delaware Bay Section of the Shell Fisheries Council, to pursue a variety of strategies for the preservation and use of the oyster resource in the Delaware bay.

The bill would increase the membership of the Shell Fisheries Council from nine to 10 members, and require that two of the members be residents of Cape May county. The bill also would require that the Shell Fisheries Council fix license fees at not less than \$10, or not less than \$2 per gross ton of the vessel, whichever is greater, for boats or vessels required to be licensed under R.S.50:3-1.

In addition, the bill would establish the "Oyster Resource Development Account" within the hunters' and anglers' license fund established by R.S.23:3-11 and R.S.23:3-12 as a separate and dedicated account for the enhancement and management of the oyster resource in the Delaware bay. The bill would direct the Commissioner of Environmental Protection, in consultation with the Delaware Bay Section of the Shell Fisheries Council, to fix fees for all oysters landed from the Delaware bay, Delaware river, and their tributaries. These fees and fees collected for licenses pursuant to R.S.50:3-2 and section 4 of P.L.1945, c.39 (C.50:3-20.13) are to be deposited in the "Oyster Resource Development Account" and disbursed only for the enhancement and management of the oyster resource in the Delaware bay in the amounts and manner prescribed by the Commissioner of Environmental Protection, after consultation with the Delaware Bay Section of the Shell Fisheries Council. The bill would direct the Department of Environmental Protection to adopt rules and regulations necessary to administer the fund and repeal existing rules and regulations establishing the "oyster cultch program" and the

"Oyster Cultch Fund." The bill would direct that any moneys remaining in the "Oyster Cultch Fund" upon the date of the repeal of the rules and regulations establishing the fund be deposited in the "Oyster Resource Development Account."

The committee amendments revise the definition of "oysters landed" and make several clarifying and technical amendments. The committee amendments define "oysters landed" as oysters taken for any purpose other than replanting, instead of oysters harvested for sale. The committee amendments also exempt conchs from the definition of shellfish because, as specified in the amendments, conchs are currently regulated under State laws affecting other types of fish. The committee amendments also clarify that of the two Cape May county members of the Shell Fisheries Council, one shall serve on the Delaware Bay Section and one on the Atlantic Coast Section of the Shell Fisheries Council. In the event only one member from Cape May county has been appointed and has qualified as a member of the council, the qualified member may elect to serve in both sections of the council and participate in the exercise of the powers and performance of the duties of each of the sections until a second member from Cape May county has been appointed and has qualified as a member of the council. Finally, the committee amendments delete the exemption of oyster planters from State licensing requirements and licensing fees.