

SENATE SENIOR CITIZENS, VETERANS' AFFAIRS AND
AGRICULTURE COMMITTEE

STATEMENT TO

SENATE, No. 1754

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 14, 1997

The Senate Senior Citizens, Veterans' Affairs and Agriculture Committee favorably reports Senate Bill No. 1754 with committee amendments.

This bill would establish a program to encourage the development of an aquaculture industry in the State. Aquaculture is an important and growing segment of agriculture. The bill would implement, in part, the "Aquaculture Development Plan," prepared by the Aquaculture Development Task Force pursuant to Executive Order No. 104 (1993). The plan presents a strong case for State investment in aquaculture and provides an approach for developing the industry.

This bill would codify a definition of aquaculture and clearly identify aquaculture as a component of agriculture. The bill would designate the Department of Agriculture as the lead agency for aquaculture marketing, promotion, advocacy and business development in New Jersey, and would continue the regulatory role of the Department of Environmental Protection in waters of the State. The bill also would designate the Aquaculture Technology Transfer Center, composed of the Multispecies Aquaculture Demonstration Facility at Rutgers, The State University, and the Aquaculture Training and Information Center at Cumberland County College, as the primary State facility for aquaculture education, extension, demonstration, and industry development and commercialization in the State. The bill also would declare that any person engaged in aquaculture shall have exclusive ownership of the aquatic organisms being aquacultured by that person.

The bill would establish the Office of Aquaculture Coordination in the Department of Agriculture. The office would be directed to prepare a guidebook explaining the permit process for receiving all necessary permits or other approvals or exemptions to engage in an aquaculture project in the State. The office would serve as resource for applicants and prospective applicants for aquaculture projects. The office shall establish, in cooperation with other permitting agencies, a permit coordination system whose purpose is to the

applicant in the completion of the application and to assist in the processing of the application. Finally, the office shall develop a protocol for authorizing an individual to engage in an aquaculture demonstration project.

Under provisions of the bill, a 13-member Aquaculture Advisory Council would be established. The advisory council would function in an advisory capacity to the Department of Agriculture and other state agencies on aquaculture matters. The advisory council is directed to review and update the Aquaculture Development Plan.

The bill would direct the Department of Agriculture, the Department of Environmental Protection, the Pinelands Commission as it affects the pinelands area, the Department of Commerce and Economic Development, and the Department of Health, after consultation with the Aquaculture Advisory Council, to enter into interagency memoranda of agreement concerning the implementation of the Aquaculture Development Plan, and delineating the financial and regulatory responsibility for aquaculture based upon the provisions of this act and any other applicable laws. In developing the interagency memoranda of agreement, the departments shall seek to develop provisions that foster the development of aquaculture in the State.

The bill would direct the Department of Environmental Protection to establish appropriate policies for the use of aquaculture leases in public waters and for lands underneath public waters, including but not limited to lease specifications, fees, royalty payments, and assignability and termination of lease agreements. The bill also would direct the Department of Environmental Protection and the Department of Agriculture to establish an interagency memorandum of agreement to expand current leasing programs for waters of the State and lands underneath waters of the State to include a statewide aquaculture leasing system.

The bill would direct the Department of Environmental Protection to review the laws, rules, and regulations pertaining to the taking, harvesting, possession, and use of fish, wildlife, shellfish, and plants with regard to the effect of those laws, rules, and regulations on the taking, harvesting, possession, use, and marketing of aquaculture products from public waters of the State. The review shall include, but need not be limited to, such factors as gear, season, area, and size limits. Based upon that review, the Department of Environmental Protection shall adopt modifications that would not cause significant harm to wild stocks, natural habitat, or the environment, so as to either exempt specific types of aquacultural practices from those rules and regulations or reduce any negative impact upon those practices to the maximum extent practicable and feasible. To the extent that modifications in the law are required to accomplish the purposes of this section, the Department of Environmental Protection and the various other entities conducting the review shall make recommendations accordingly to the Governor and the Legislature.

The Department of Environmental Protection would be directed to establish a program regulating the importation and transport of species used in aquaculture.

The bill would direct the Department of Environmental Protection to review the laws, rules, and regulations pertaining to endangered and nongame species, migratory birds, and fish and game species with regard to the application and effectiveness of those laws, rules, and regulations in the prevention of predation at aquaculture facilities or sites.

The bill would provide that an aquaculture site that was not originally a wetlands shall not be considered a wetlands because of subsequent growth or invasion of aquatic organisms at that site.

The bill would declare that all State financial and insurance programs that apply to agriculture would also apply to aquaculture. The bill also would direct the Department of Agriculture to provide, in conjunction with other relevant State and federal agencies, business and other technical assistance to the aquaculture industry.

The bill would direct the Department of Agriculture to prepare an aquatic health management plan designed to protect public and private aquaculturists and wild aquatic populations from the importation of non-endemic disease causing organisms.

The bill would direct the Department of Agriculture to adopt a comprehensive animal waste management program that shall provide for the proper disposal of animal wastes, including wastes generated from aquaculture.

The bill would direct the State Soil Conservation Committee to develop management practices for control of soil erosion and sedimentation for aquacultural systems.

The bill would direct the Department of Agriculture to establish a program for the licensure of the possession and ownership of aquacultured species.

The bill would direct the Office of State Planning to develop an aquaculture component for model planning and zoning ordinances.

The bill would direct the Department of Labor to review worker's compensation package coverages to assess their general applicability to aquaculture industry needs, and make recommendations accordingly to all appropriate entities with respect to any needed modifications.

The bill would direct the Department of Commerce and Economic Development, to the extent feasible, to develop and implement an information campaign to promote in-State and outside investments in aquaculture operations located or based in New Jersey.

The bill would direct the Department of Commerce and Economic Development to develop mechanisms for providing tax credits or reduced loan payments to a new aquaculture enterprise, and make recommendations accordingly to the Governor and the Legislature for any legislative action that may be necessary to implement those mechanisms.

The bill would direct the Department of Insurance to review

product liability insurance within the State and determine how the coverage might be extended to various segments of the aquaculture industry, and make recommendations accordingly to all appropriate entities regarding any modifications that should be made to existing insurance coverage plans.

The bill would add the New Jersey Aquaculture Association to the list of organizations represented at the annual State Agricultural Convention.

In addition, the bill would direct the Department of Environmental Protection to provide for the issuance of general permits for the discharge of pollutants from concentrated aquatic animal production facilities and aquacultural projects. The bill would also amend existing law regarding water diversion to treat aquaculture in the same manner as agriculture.

Finally, the bill would appropriate from the General Fund to the Department of Agriculture the sum of \$250,000 to implement their responsibilities pursuant to this act.

The committee amended the bill to include the Pinelands Commission, to the extent the pinelands area is affected, among the agencies directed to develop, or be consulted in the development of, various materials or policies to facilitate the growth of an aquaculture industry in the State. The committee amended the "Pinelands Protection Act" to include aquaculture in the definition of agriculture, the consequence of which is that aquaculture activities would not require a pinelands permit. Committee amendments also update certain references in the bill.