Panel clears bill updating shellfish laws

If the bill passes, new areas of the Delaware Bay would be available for aquaculture.

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TRENTON — A bill that would make dozens of changes to outdated state shellfish laws and open up new areas in the Delaware Bay for aquaculture cleared the Assembly Agriculture and Natural Resources committee Thursday.

The bill is scheduled for a state Senate committee vote Monday, meaning both houses could vote on it before the end of the year.

If passed, the bill would eliminate the “Clam Line” at around Green Creek that bans oyster harvesting below it in the lower Delaware Bay and allow the state Department of Environmental Protection to establish Aquaculture Development Zones.

That is good, said Gef Flimlin, of the New Jersey Aquaculture Association, because it would encourage people to innovate. It would allow a person to lease space from the state, which would hold the necessary permits, instead of the person going through the lengthy federal and state permitting process.

The state Division of Fish and Wildlife has already gotten the necessary state and federal permits to open four zones, according to the bill statement.

Shellfish are big business in New Jersey. In 2005, the federal National Oceanic and Atmospheric Administration said clams alone from 70 saltwater and 17 freshwater shellfish farms accounted for $2.1 million in sales. They are important enough that statutes governing shellfish get their own section of New Jersey law.

Assemblyman Nelson T. Alban, D-Cape May, Cumberland, Atlantic, said this provision is important for the Delaware Bay, the No. 2 fishery in the state.

Many of the other changes simplify and attempt to streamline the language of Title 50, which legislators said is close to a century old.

Assemblyman Douglas H. Fisher, D-Salem, Cumberland, Gloucester, said the legislation has been a long time coming. It changes language that could lead to a person growing clams being taxed twice, and extends the clamming license to all defined shellfish, while keeping some specific licenses. It would also start a shellfish license for nonresidents, with fees five to 10 times that of a resident license.

The partial changes that came from several years of discussion are welcome, but a comprehensive update is still needed, said John Knaute, the associate director of the Haskin Shellfish Research Laboratory at Rutgers University.

If you have a shellfish business, “You’ve gotta read the whole thing and even with an outline, it’s hard to follow,” he said. “There is a logic in it, but it’s lost in history.”

The bill is sponsored by Fisher and Alban in the Assembly and by Stephen M. Sweeney, D-Salem, Cumberland, Gloucester, in the Senate.

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