

CHAPTER 137

AN ACT concerning the taking of shellfish, amending R.S.50:2-11, and supplementing Title 50 of the Revised Statutes.

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

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

Taking shellfish after sunset, before sunrise or on Sunday; prohibited, limited exceptions for Sunday.

50:2-11. No person shall dredge upon, or throw, cast, or drag an oyster dredge or any other instrument or appliance used for catching shellfish, or assist in so doing, or collect shellfish by any means, upon any of the lands lying under the tidal waters of this State before sunrise or after sunset, or at any time on Sunday, except that clams may be taken from the waters of the Raritan Bay, Sandy Hook Bay, Shrewsbury River, or Navesink River on Sunday, and except as provided in section 2 of P.L.2023, c.137 (C.50:2-11.1). The Department of Environmental Protection, in consultation with the Shellfisheries Council, may adopt, pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations for the harvest of oysters on Sunday during specific times, in specific areas, and using specific methods of harvest. The maintenance of leases, limited to the moving and planting of shell, oyster, and clam seed, and the use of bagless oyster scrapes, shall be permitted on Sunday.

C.50:2-11.1 Shellfish aquaculturist, structural aquaculture, shellfish collecting, catching on Sunday restriction, exempted, conditions, certain; definitions.

2. a. A shellfish aquaculturist who engages in structural aquaculture shall be exempt from the restriction on the collecting and catching of shellfish on Sunday, established pursuant to R.S.50:2-11, provided that the taking of shellfish on Sunday:

- (1) does not occur before sunrise or after sunset;
- (2) occurs only on leased aquaculture lands; and

(3) is done only for commercial purposes, as part of a structural aquaculture operation, in accordance with all applicable rules and regulations pertaining to the harvest of shellfish, including, but not limited to, those rules and regulations that are adopted pursuant to R.S.50:2-11.

b. As used in this section:

“Commercial purposes” means that the taking of shellfish is done for the purposes of commercial sale and not for other purposes, such as trade, barter, or personal consumption.

“Shellfish aquaculturist” means a person or entity that holds a valid commercial shellfish aquaculture permit and is directly engaged in shellfish aquaculture, which is a commercial activity that includes the breeding, raising, harvesting, stocking, feeding, transplanting, and protecting of shellfish, and the subsequent marketing, processing, and packaging of shellfish in controlled environments for commercial purposes.

“Structural aquaculture” means a type of shellfish aquaculture pursuant to which a shellfish aquaculturist uses one or more structures or structural systems to containerize shellfish, including, but not limited to, rack and bag structure systems, bottom cage systems, suspended or floating structure systems, or floating upweller or other nursery structure systems, to facilitate or manipulate the growth, appearance, or marketability of oysters or other shellfish being cultured for commercial purposes.

C.50:1-31.1 Commercial shellfish aquaculture permit holder, annual harvest report.

3. A person who holds a commercial shellfish aquaculture permit shall submit an annual harvest report, in writing, on or before December 31 of each year, to the Department of Environmental Protection. Each report shall disclose, for the annual reporting period, the amount of shellfish harvested by the permittee, from each State-leased aquaculture lease.

4. This act shall take effect immediately.

Approved August 16, 2023.