

**SENATE, No. 2617**

**STATE OF NEW JERSEY**  
**216th LEGISLATURE**

INTRODUCED DECEMBER 8, 2014

**Sponsored by:**  
**Senator GERALD CARDINALE**  
**District 39 (Bergen and Passaic)**

**SYNOPSIS**

Allows cultivation of commercial shellfish species in certain coastal and inner harbor waters for research and educational purposes.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning shellfish and supplementing Title 50 of the  
2 Revised Statutes.

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

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7 1. Notwithstanding any law, rule, or regulation to the contrary,  
8 the Department of Environmental Protection shall allow, for  
9 research or educational purposes or for ecological restoration, the  
10 cultivation of commercial shellfish species in coastal and inner  
11 harbor waters classified as contaminated.

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13 2. This act shall take effect immediately.

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16 STATEMENT

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18 This bill would require the Department of Environmental  
19 Protection (DEP) to allow, for research or educational purposes or  
20 for ecological restoration, the cultivation, commonly known as  
21 “gardening,” of commercial shellfish species in certain coastal and  
22 inner harbor waters.

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24 Oyster restoration is an important activity because oyster reefs  
25 can support the growth and recovery of an ecosystem by filtering  
26 pollution out of contaminated waters. The primary growers of  
27 shellfish in tainted or seasonally approved waters are environmental  
28 organizations, with the assistance of school groups, which are  
29 involved in legitimate scientific and educational efforts, including  
30 getting students involved as stewards of local waters. In those  
31 endeavors, a variety of commercial shellfish, including oysters,  
32 hard clams and blue mussels, are grown for study purposes. These  
33 shellfish are not fit for human consumption, with oysters measuring  
34 much smaller than market size, growing to about two inches  
35 compared to five-inch market sized oysters.

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37 On June 7, 2010, the DEP banned research-related gardening of  
38 commercial shellfish species in coastal and inner harbor waters  
39 classified as contaminated, which would interrupt more than 10  
40 years of environmentally sound research activity and the  
41 educational opportunities provided by these oyster reefs. The DEP  
42 news release states that the purpose of this ban is to minimize the  
43 negative impacts, and health hazards, if these shellfish are illegally  
44 harvested or poached and sold for consumption. This concern can  
45 be mitigated through adequate patrolling and enforcement to  
46 prevent the illegal harvesting of the oyster beds. Furthermore, the  
47 impact of the DEP decision may result in a possible loss of federal  
48 funds, in addition to the loss of economic activity in the State and  
49 the environmental and educational benefits of these oyster reefs.