

1 HB361  
2 148607-1  
3 By Representatives Sessions, McMillan, Scott, Barton, Ison,  
4 Fincher, Davis, Gaston, Buskey, Shiver, Baker, Faust and Laird  
5 RFD: Agriculture and Forestry  
6 First Read: 28-FEB-13

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8 SYNOPSIS: This bill would create an oyster aquaculture  
9 program for the leasing of submerged coastal lands  
10 to cultivate and harvest oysters for commercial  
11 purposes.

12 This bill would create a Shellfish  
13 Aquaculture Review Board to develop the oyster  
14 aquaculture leasing program.

15 This bill would authorize the Department of  
16 Conservation and Natural Resources to lease  
17 submerged coastal lands for oyster aquaculture.

18 This bill would direct the State Lands  
19 Division to establish fees for the leasing of lands  
20 in an economically viable manner.

21  
22 A BILL

23 TO BE ENTITLED

24 AN ACT

25  
26 Relating to oyster aquaculture; to create the  
27 Shellfish Aquaculture Review Board; to require the board to

1 develop an oyster aquaculture program for the leasing of  
2 submerged coastal lands to cultivate and harvest oysters for  
3 commercial purposes; and to authorize the Department of  
4 Conservation and Natural Resources to implement the leasing  
5 program.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. (a) For purposes of this section, the  
8 following words shall have the following meanings:

9 (1) BOARD. The Shellfish Aquaculture Review Board.

10 (2) DEPARTMENT. The Department of Conservation and  
11 Natural Resources.

12 (3) OYSTER AQUACULTURE. The cultivation and  
13 harvesting of hatchery-spawned oysters for commercial  
14 purposes.

15 (b) There is created the Shellfish Aquaculture  
16 Review Board, which shall be responsible for developing a  
17 shellfish aquaculture policy and implementing a sustainable  
18 program for leasing land in the coastal waters of Alabama for  
19 oyster aquaculture. For administrative purposes, the board  
20 shall be an administrative unit within the department.

21 (c) The board shall consist of the following  
22 members:

23 (1) The Commissioner of the Alabama Department of  
24 Conservation and Natural Resources or his or her designee.

25 (2) The Commissioner of the Alabama Department of  
26 Agriculture and Industries or his or her designee.

1                   (3) The Director of the Alabama Department of  
2 Environmental Management or his or her designee.

3                   (4) The Director of the Alabama Department of Public  
4 Health or his or her designee.

5                   (5) One member appointed by the Governor  
6 representing the Alabama Cooperative Extension System with  
7 shellfish aquaculture expertise.

8                   (6) Two members appointed by the Governor  
9 representing an association or associations organized and  
10 incorporated in the state, which substantially or fairly  
11 represent the commercial seafood fishermen and the seafood  
12 industry of the state, and whose membership is apportioned and  
13 fairly representative of the seafood interests as a whole,  
14 economically, educationally, socially, and effectively  
15 organized and experienced in the representation of all aspects  
16 of the seafood interests and in methods designed to increase  
17 or promote the increased use, consumption, marketing, and sale  
18 of seafood through the united efforts of the association.

19                   (d) Within 30 days of the effective date of this  
20 act, the Commissioner of the Department of Conservation and  
21 Natural Resources shall convene a meeting of the board to  
22 elect from its members a chair, vice chair, and other officers  
23 as the commissioner deems necessary. The board shall adopt  
24 rules to govern its proceedings. A majority of the membership  
25 of the board shall constitute a quorum for all meetings. A  
26 written record shall be maintained of all meetings.

1 (e) Members of the board shall receive reimbursement  
2 for travel expenses incurred in the performance of their  
3 duties. Any member of the board who is not employed by a state  
4 agency or governmental entity shall be compensated at a rate  
5 of one hundred dollars (\$100) per day which shall be paid by  
6 funds appropriated to the department.

7 (f) In carrying out its mission, the board is  
8 encouraged to act jointly and cooperatively with, and seek  
9 input from, other state and federal agencies as it deems  
10 appropriate, including, but not limited to, the Alabama  
11 Department of Economic and Community Affairs, the National  
12 Marine Fisheries Service, the United States Army Corps of  
13 Engineers Mobile District, the United States Coast Guard, and  
14 the Auburn University Marine Extension and Research Center.

15 (g) Within 90 days of convening and from time to  
16 time, the board shall recommend to the department rules that  
17 establish a program for the leasing of submerged land for  
18 oyster aquaculture to be administered by the department. The  
19 program shall, to the maximum extent possible, streamline the  
20 application process so that leases may be issued in an  
21 expeditious manner. This shall include coordinating with  
22 federal agencies as appropriate, tracking the progress of each  
23 application, and ensuring there is open and meaningful  
24 communication between the applicant and the department during  
25 each stage of the application process.

26 (h) The oyster aquaculture leasing program shall  
27 ensure that aquaculture operations do not adversely impact

1 wild stocks of fish or impinge the oyster riparian rights of  
2 any riparian owner of land under Section 9-12-20, Code of  
3 Alabama 1975. Leasing shall be conducted in a manner that  
4 considers potential conflicts presented by other uses of the  
5 coastal waters, including navigation, recreation, and  
6 commercial fishing.

7 (i) The oyster aquaculture leasing program shall  
8 prohibit the propagation of any nonnative species.

9 Section 2. The commissioner of the department shall  
10 adopt rules for the licensing of state lands for oyster  
11 aquaculture in accordance with the recommendations of the  
12 board and to implement this act. The fees for leasing land  
13 pursuant to Section 1 shall be established by the State Lands  
14 Division in a manner that encourages the economic viability of  
15 oyster aquaculture in the state.

16 Section 3. All laws or parts of laws which conflict  
17 with this act are repealed.

18 Section 4. This act shall become effective  
19 immediately following its passage and approval by the  
20 Governor, or its otherwise becoming law.