

1 HB361
2 148607-2
3 By Representatives Sessions, McMillan, Scott, Barton, Ison,
4 Fincher, Davis, Gaston, Buskey, Shiver, Baker, Faust and Laird
5 RFD: Agriculture and Forestry
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ENROLLED, An Act,

Relating to oyster aquaculture; to create the Shellfish Aquaculture Review Board; to require the board to develop an oyster aquaculture program for the leasing of submerged coastal lands to cultivate and harvest oysters for commercial purposes; and to authorize the Department of Conservation and Natural Resources to implement the leasing program.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

(1) BOARD. The Shellfish Aquaculture Review Board.

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

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

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

1 (c) The board shall consist of the following
2 members:

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

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

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

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

11 (5) One member appointed by the Governor
12 representing the Alabama Cooperative Extension System with
13 shellfish aquaculture expertise.

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

1 (d) Within 30 days of the effective date of this
2 act, the Commissioner of the Department of Conservation and
3 Natural Resources shall convene a meeting of the board to
4 elect from its members a chair, vice chair, and other officers
5 as the commissioner deems necessary. The board shall adopt
6 rules to govern its proceedings. A majority of the membership
7 of the board shall constitute a quorum for all meetings. A
8 written record shall be maintained of all meetings.

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

15 (f) In carrying out its mission, the board is
16 encouraged to act jointly and cooperatively with, and seek
17 input from, other state and federal agencies as it deems
18 appropriate, including, but not limited to, the Alabama
19 Department of Economic and Community Affairs, the National
20 Marine Fisheries Service, the United States Army Corps of
21 Engineers Mobile District, the United States Coast Guard, and
22 the Auburn University Marine Extension and Research Center.

23 (g) Within 90 days of convening and from time to
24 time, the board shall recommend to the department rules that
25 establish a program for the leasing of submerged land for

1 oyster aquaculture to be administered by the department. The
2 program shall, to the maximum extent possible, streamline the
3 application process so that leases may be issued in an
4 expeditious manner. This shall include coordinating with
5 federal agencies as appropriate, tracking the progress of each
6 application, and ensuring there is open and meaningful
7 communication between the applicant and the department during
8 each stage of the application process.

9 (h) The oyster aquaculture leasing program shall
10 ensure that aquaculture operations do not adversely impact
11 wild stocks of fish or impinge the oyster riparian rights of
12 any riparian owner of land under Section 9-12-20, Code of
13 Alabama 1975. Leasing shall be conducted in a manner that
14 considers potential conflicts presented by other uses of the
15 coastal waters, including navigation, recreation, and
16 commercial fishing.

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

19 Section 2. The commissioner of the department shall
20 adopt rules for the licensing of state lands for oyster
21 aquaculture in accordance with the recommendations of the
22 board and to implement this act. The fees for leasing land
23 pursuant to Section 1 shall be established by the State Lands
24 Division in a manner that encourages the economic viability of
25 oyster aquaculture in the state.

1 Section 3. All laws or parts of laws which conflict
2 with this act are repealed.

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

