

CA Statutes affecting Aquaculture

CA Public Resources Code

§ 826-828 – **Aquaculture Development Act**

The Legislature finds and declares that it is in the interest of the people of the state that the practice of aquaculture be encouraged in order to augment food supplies, expand employment, promote economic activity, increase native fish stocks, enhance commercial and recreational fishing, and protect and better use the land and water resources of the state.

The purpose of this chapter is to establish a policy and program toward improving the science and practice of aquaculture as a means of expanding aquaculture industry and related economic activity in the state.

As used in this chapter, "aquaculture" means the culture and husbandry of aquatic organisms, including, but not limited to, fish, shellfish, mollusks, crustaceans, kelp, and algae. Aquaculture shall not mean the culture and husbandry of commercially utilized inland crops, including, but not limited to, rice, watercress, and bean sprouts.

(re: CA Coastal Commission)

§ 30100.2 – **Aquaculture a form of agriculture**

"Aquaculture" means a form of agriculture as defined in Section 17 of the Fish and Game Code. Aquaculture products are agricultural products, and aquaculture facilities and land uses shall be treated as agricultural facilities and land uses in all planning and permit-issuing decisions governed by this division.

§ 30222.5 – **Oceanfront lands & aquaculture sites**

Oceanfront land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses.

§ 30411 – **Coastal Aquaculture Sites recognition**

(a) The Department of Fish and Game and the Fish and Game Commission are the principal state agencies responsible for the establishment and control of wildlife and fishery management programs and the commission shall not establish or impose any controls with respect thereto that duplicate or exceed regulatory controls established by these agencies pursuant to specific statutory requirements or authorization.

(b) (having to do with boating facilities)

(c) The Legislature finds and declares that salt water or brackish water aquaculture is a coastal-dependent use which should be encouraged to augment food supplies and to further the policies set forth in Chapter 4 (commencing with Section 825) of Division 1. The Department of Fish and Game may identify coastal sites it determines to be appropriate for aquaculture facilities. If the

department identifies these sites, it shall transmit information identifying the sites to the commission and the relevant local government agency. The commission, and where appropriate, local governments, shall, consistent with the coastal planning requirements of this division, provide for as many coastal sites identified by the Department of Fish and Game for any uses that are consistent with the policies of Chapter 3 (commencing with Section 30200) of this division.

(d) Any agency of the state owning or managing land in the coastal zone for public purposes shall be an active participant in the selection of suitable sites for aquaculture facilities and shall make the land available for use in aquaculture when feasible and consistent with other policies of this division and other provisions of law.

Food and Agriculture Code

FAC §23.5 (1983)

Ch. 1300 sec.28

The commercial production of fish propagated and raised by a registered aquaculturist pursuant to Section 15101 of the Fish and Game Code in the State is a growing industry and provides a healthful and nutritious food product and, as a commercial operation, utilizes management, land, water, and feed as do other agricultural enterprises. Therefore, the commercial production of that fish and marine life shall be considered a branch of the agricultural industry of the State for the purpose of any law which provides for the benefit or protection of the agricultural industry of the State except those laws relating to plant quarantine or pest control. (Amended by Stats. 1983, Ch. 1300, Sec. 28)

FAC §25.5 (1983)

"Aquaculture" means that form of agriculture devoted to the propagation, cultivation, maintenance, harvesting, processing, distribution, and marketing of aquatic plants and animals in marine, brackish, and fresh water. "Aquaculture" does not include species of ornamental marine or freshwater plants and animals not utilized for human consumption or bait purposes that are maintained in closed systems for personal, pet industry, or hobby purposes.

Fish & Game Code

§ 15100 - Duties of Aquaculture Coordinator

There is within the department an aquaculture coordinator who shall perform all of the following duties:

- (a) Promote understanding of aquaculture among public agencies and the general public.
- (b) Propose methods of reducing the negative impact of public regulation at all levels of government on the aquaculture industry.
- (c) Provide information on all aspects of regulatory compliance to the various sectors of the aquaculture industry.
- (d) Provide such advice to aquaculturists on project siting and facility design that may be needed to comply with regulatory requirements.

AQUACULTURE DEVELOPMENT COMMITTEE

(Statutes describing duties & membership)

CA FGC. CODE § 15700 – Appointment of Members

The director shall appoint an Aquaculture Development Committee consisting of the following persons:

- (a) At least 12 members representing all sectors of the fresh and salt water aquaculture industry.
- (b) One member representing the department, two members from and chosen by the University of California, one with expertise in aquaculture science and one with expertise in outreach to the fisheries community, and one member each from and chosen by the Department of Food and Agriculture, the California Coastal Commission, the State Lands Commission, the State Water Resources Control Board, the State Department of Health Services, and the Joint Legislative Committee on Fisheries and Aquaculture. The member of the committee appointed by the Joint Legislative Committee on Fisheries and Aquaculture shall meet and, except as otherwise provided by the California Constitution, advise the committee to the extent that this advisory participation is not incompatible with his or her position as a Member of the Legislature.

CA FGC. CODE § 15701 – Term of Membership & Compensation

- (a) The term of membership for members other than representatives of public agencies shall be three years. The representatives of public agencies shall serve at the pleasure of the agency that the member represents.
- (b) Members of the committee shall serve without compensation.

CA FGC. CODE § 15702 – Duty of Committee

- (a) The committee shall be advisory to the director on all matters pertaining to aquaculture and shall coordinate activities among public entities.
- (b) The committee shall assist the director in developing and implementing a state aquaculture plan, identify the opportunities for regulatory relief, assist in development of research and development priorities, assist in the development of criteria to assure that publicly financed pilot programs are compatible with industry needs, and identify other opportunities for industrial development.

CA FGC. CODE § 15703 – Committee Meetings: frequency

The committee shall meet on the call of the director, but not less than twice each year.