

NOTE: The following materials are intended to provide a general overview of requirements applicable to shellfish aquaculture operations under the New Jersey Statutes Annotated and under the rules of the New Jersey Departments of Environmental Protection, Agriculture, and Health, as well as requirements applicable to shellfish aquaculture operations under the authority of the United States Army Corps of Engineers. These materials are for guidance only and do not reflect all requirements applicable to shellfish aquaculture; any individual or entity seeking to engage in shellfish aquaculture must comply with all requirements specified in the New Jersey Statutes, those codified in the New Jersey Administrative Code and with all applicable requirements of the United States Army Corps of Engineers.

Overview of Shellfish Aquaculture Authorizations

June 2022

Table 1. Commercial Aquaculture Authorizations

Process Step	Authorization	Agency	N.J.A.C. /U.S.C.	N.J.S.A.	Overview	State/Federal Contact
1	Commercial Shellfish License	NJDEP, Bureau of Shellfisheries	N/A	50	<ul style="list-style-type: none"> Required for the commercial harvest of shellfish Shellfish harvested using a commercial license can only be sold to Certified Dealers (or used for personal consumption) License fees can be accessed at https://www.nj.gov/dep/fgw/pdf/2018/comregs18.pdf Required for shellfish leases on Atlantic Coast 	<p><u>Atlantic Coast</u> Primary Contact: Megan Kelly P:(609)748-2040 Megan.Kelly@dep.nj.gov</p> <p>Secondary Contact: Jeff Normant P:(609)748-2039 Jeff.Normant@dep.nj.gov</p> <p><u>Delaware Bay</u> Primary Contact: Conor Davis P:(856)785-0730 Conor.Davis@dep.nj.gov</p> <p>Secondary Contact: Craig Tomlin P:(856)785-0730 Craig.Tomlin@dep.nj.gov</p> <p><u>Seed Importation</u> Contact: Megan Kelly P:(609)748-2040 Megan.Kelly@dep.nj.gov</p>

Process Step	Authorization	Agency	N.J.A.C./ U.S.C.	N.J.S.A .	Overview	State/Federal Contact
2	Commercial Shellfish Lease	NJDEP, Bureau of Shellfisheries and Shellfish Council	7:25-24	50	Objective of program is to provide bottom for use in the planting and cultivating of shellfish, including grow out of hatchery reared seed and layout (wet storage)	<p><u>Atlantic Coast</u> Primary Contact: Megan Kelly P:(609)748-2040 Megan.Kelly@dep.nj.gov</p> <p>Secondary Contact: Jeff Normant P:(609)748-2039 Jeff.Normant@dep.nj.gov</p> <p><u>Delaware Bay</u> Primary Contact: Conor Davis P:(856)785-0730 Conor.Davis@dep.nj.gov</p> <p>Secondary Contact: Craig Tomlin P:(856)785-0730 Craig.Tomlin@dep.nj.gov</p> <p><u>Seed Importation</u> Contact: Megan Kelly P:(609)748-2040 Megan.Kelly@dep.nj.gov</p>

Process Step	Authorization	Agency	N.J.A.C. /U.S.C.	N.J.S.A.	Overview	State/Federal Contact
3	Aquatic Farmer License	NJDA, Office of Aquaculture Coordination	2:89	4:27	<ul style="list-style-type: none"> • License for possession and ownership of aquatic crop • Application serves to identify items (structures or activities) which may require authorizations from other entities: <ul style="list-style-type: none"> ○ NJDEP ○ NJDOH ○ USACE 	Amanda Wenczel P:(609)913-6499 Amanda.Wenczel@ag.nj.gov Main Office:(609)292-3976
4A	Coastal Permit	NJDEP, Division of Land Resource Protection	7:7	13:19, 12:3, and 12:5-3	<ul style="list-style-type: none"> • Permits-by-rule 16, 17, and 18 <ul style="list-style-type: none"> ○ No application, fee, or review by the Department ○ Available for placement of: <ul style="list-style-type: none"> ▪ Upwellers and raceways ▪ Predator screens and oyster spat attraction devices in shellfish lease areas ▪ Shellfish cages in shellfish lease areas • General permits 30 and 31 <ul style="list-style-type: none"> ○ Requires application to NJDEP, \$1,000 application fee, and public notice ○ Generally issued within 90 days of receipt of a complete application ○ Available for: <ul style="list-style-type: none"> ▪ Commercial shellfish aquaculture activities ▪ Placement of shell in shellfish lease area <p>Aquaculture activities not listed above or that do not comply with the requirements of the specific permit require an individual permit</p>	Primary Contact: Kip Lewarn P: 609-633-2289 Kip.lewarn@dep.nj.gov Secondary Contact: Colleen Keller P:(609)633-2289 Colleen.Keller@dep.nj.gov

Process Step	Authorization	Agency	N.J.A.C /U.S.C	N.J.S.A.	Overview	State/Federal Contact
4B	Tidelands grant, lease, or license	NJDEP Bureau of Tidelands Management and Tidelands Resource Council	N/A	12:3	<ul style="list-style-type: none"> • License for structural aquaculture within State-owned tidelands • Valid for 7-year term • Renewable and revocable • Applicant must be owner of upland property adjacent to the project site. Where applicant is not the owner, permission of owner is required, or statutory 6-month notification process required • Generally issued within 90 days of receipt of complete application provided applicant has obtained all required DEP coastal permits and the applicant meets ownership/statutory notice process requirement above • Fees per year and rates per square foot vary, please refer to https://www.nj.gov/dep/landuse/download/TD_009.pdf for additional information -Minimum fee of \$100 per year • Application fee of \$100 • Application is available at https://www.nj.gov/dep/landuse/download/TD_028.pdf 	<p>For general questions concerning application submittal, contact: Michael Cuccia Technical Support Center P:(609)292-2573 office C: (609) 256-0290 cell Michael.Cuccia@dep.nj.gov</p> <p>For other inquires contact: Contact: Kim Todash Kimberly.Todash@dep.nj.gov</p> <p><u>Contact: Randy Bearce</u> Randy.Bearce@dep.nj.gov P:(609)292-2573</p>

Process Step	Authorization	Agency	N.J.A.C./ U.S.C.	N.J.S.A.	Overview	State/Federal Contact
4C	Nationwide Permit (NWP)	US Army Corps of Engineers (USACE)	33 U.S.C. 403 and 33 U.S.C. 1344	N/A	<ul style="list-style-type: none"> GP NWP 48 authorizes: <ul style="list-style-type: none"> Installation of buoys, floats, racks, trays, nets, lines, tubes, containers, and other structures for new and continuing commercial shellfish mariculture operations Discharges of dredged or fill material into waters of the United States necessary for shellfish seeding, rearing, cultivating, transplanting, and harvesting activities The placement of shellfish seed and/or suitable substrate to increase shellfish production may be considered fill for purposes of this permit Shellfish seed consists of immature individual shellfish or individual shellfish attached to shells or shell fragments (i.e., spat on shell). Suitable substrate may consist of shellfish shells, shell fragments, or other appropriate materials placed into waters for shellfish habitat GP NWP 48 does not authorize: <ul style="list-style-type: none"> Attendant features such as docks, piers, boat ramps, stockpiles, or staging areas, or the deposition of shell material back into waters of the United States as waste 	<p>Contact: Philadelphia District Office P: (215) 656-6728 philadelphiadistrict@usace.army.mil napregulatory@usace.army.mil</p>

Process Step	Authorization	Agency	N.J.A.C. / U.S.C.	N.J.S.A.	Overview	State/Federal Contact
4C (Cont.)					<ul style="list-style-type: none"> GP NWP 55 authorizes: <ul style="list-style-type: none"> Installation of buoys, long-lines, floats, anchors, rafts, racks, and other similar structures in marine and estuarine waters, including structures anchored to the seabed in waters overlying the outer continental shelf, for seaweed mariculture activities Structures for bivalve shellfish mariculture if shellfish production is a component of an integrated multi-trophic mariculture system (e.g., the production of seaweed and bivalve shellfish on the same structure or a nearby mariculture structure that is part of the single and complete project) GP NPW 55 does not authorize: <ul style="list-style-type: none"> Attendant features such as docks, piers, boat ramps, stockpiles, or staging areas, or the deposition of shell material back into waters of the United States as waste Projects to be "piecemealed" to avoid the limits in an NWP authorization. A single and complete project is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers 	

Process Step	Authorization	Agency	N.J.A.C./ U.S.C.	N.J.S.A.	Overview	State/Federal Contact
4C (Cont.)					<ul style="list-style-type: none"> GP NPW 56 authorizes: <ul style="list-style-type: none"> Installation of cages, net pens, anchors, floats, buoys, and other similar structures in marine and estuarine waters, including structures anchored to the seabed in waters overlying the outer continental shelf, for finfish mariculture activities Structures for bivalve shellfish mariculture if shellfish production is a component of an integrated multi-trophic mariculture system (e.g., the of production of bivalve shellfish or seaweed on the structure used for finfish mariculture, or a nearby mariculture structure that is part of the single and complete project) GP NPW 56 does not authorize: <ul style="list-style-type: none"> Attendant features such as docks, piers, boat ramps, stockpiles, or staging areas, or the deposition of shell material back into waters of the United States as waste Projects to be "piecemealed" to avoid the limits in an NWP authorization. A single and complete project is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers 	

Process Step	Authorization	Agency	N.J.A.C. / U.S.C	N.J.S.A.	Overview	State/Federal
5	Shellfish Seed Importation	NJDEP, Bureau of Shellfisheries	N/A	50:1-5 et seq. and 4:27	<ul style="list-style-type: none"> In accordance with N.J.S.A. 50:1-34 and 1-35, permission from the DEP Commissioner is required to import shellfish seed from outside of New Jersey DEP must review the species, quantity, source, location and condition of the seed and determine that the importation will not be detrimental to native shellfish or the shellfish industry 	Megan Kelly P:(609)748-2040 Megan.Kelly@dep.nj.gov

Process Step	Authorization	Agency	N.J.A.C. /U.S.C.	N.J.S.A.	Overview	State/Federal Contact
6	Commercial Shellfish Aquaculture Permit	NJDEP, Bureau of Marine Water Monitoring	7:12-9:15	2C:64 4:27 13:1D-9 23:2B-1 50:1-5 et seq. 58:24	<ul style="list-style-type: none"> Authorizes the growing of shellfish in waters classified as Approved or Conditionally Approved and harvest for direct marketing No application fees Application form: https://www.nj.gov/dep/bmw/docs/consolidated_app2017.pdf One-week turnaround from complete application 	Primary Contact: Sarah K. Gentile P:(609)748-2001 Sarah.Gentile@dep.nj.gov Secondary Contact: Bob Schuster P:(609)748-2017 Robert.Schuster@dep.nj.gov

Table 2. Other authorizations available for shellfish aquaculture operations

Authorization	Agency	N.J.A.C.	N.J.S.A.	Overview	State/Federal Contact
Soft Clam and/or hard clam depuration plant permit	NJDEP, Bureau of Marine Water Monitoring	7:12-9.5	2C:64 4:27 13:1D-9 23:2B-1 50:1-5 et seq. 58:24	<ul style="list-style-type: none"> • Authorizes a depuration plant to possess soft and/or hard clams harvested from Restricted waters for further processing • \$25 permit fee • Application form: https://www.nj.gov/dep/bmw/docs/consolidatedapp2017.pdf • One-week turnaround time from complete application 	<p>Primary Contact: Sarah K. Gentile P:(609)748-2001 Sarah.Gentile@dep.nj.gov</p> <p>Secondary Contact: Bob Schuster P:(609)748-2017 Robert.Schuster@dep.nj.gov</p>
Soft clam and/or hard clam depuration harvester permit	NJDEP, Bureau of Marine Water Monitoring	7:12-9.6	2C:64 4:27 13:1D-9 23:2B-1 50:1-5 et seq. 58:24	<ul style="list-style-type: none"> • Allows soft and/or hard clams to be harvested from Restricted waters and ultimately marketed after processing through a depuration plant operating pursuant to a certification issued by the Department of Health under N.J.A.C. 8:13-2 and a Soft and/or Hard Clam Depuration Plant Permit issued under N.J.A.C. 7:12-9.5 • \$25 permit fee • Application form: https://www.nj.gov/dep/bmw/docs/consolidatedapp2017.pdf • One-week turnaround time from complete application 	<p>Primary Contact: Sarah K. Gentile P:(609)748-2001 Sarah.Gentile@dep.nj.gov</p> <p>Secondary Contact: Bob Schuster P:(609)748-2017 Robert.Schuster@dep.nj.gov</p>
Permit for the Harvest of Surf Clams from Prohibited Waters for Bait	NJDEP, Bureau of Marine Water Monitoring	7:12-9.7	2C:64 4:27 13:1D-9 23:2B-1 50:1-5 et seq. 58:24	<ul style="list-style-type: none"> • Authorizes the harvest of surf clams from waters in the Atlantic Ocean classified as Prohibited for bait and not for human consumption • \$25 permit fee • Application form: https://www.nj.gov/dep/bmw/docs/consolidatedapp2017.pdf • One-week turnaround time from complete applications 	<p>Primary Contact: Sarah K. Gentile P:(609)748-2001 Sarah.Gentile@dep.nj.gov</p> <p>Secondary Contact: Bob Schuster P:(609)748-2017 Robert.Schuster@dep.nj.gov</p>

Authorization	Agency	N.J.A.C.	N.J.S.A.	Overview	State/Federal Contact
Permit for the Harvest of Hard Clams or Oysters from Restricted Waters and Relay to Approved Waters	NJDEP, Bureau of Marine Water Monitoring	7:12-9.8	2C:64 4:27 13:1D-9 23:2B-1 50:1-5 et seq. 58:24	<ul style="list-style-type: none"> •Authorizes the harvest of hard clams or oysters from waters classified as Restricted for relay to a relay lease(s) in waters classified as Approved for purposes of reduction of pathogens prior to direct marketing •\$25 permit fee •Application form: https://www.nj.gov/dep/bmw/docs/consolidatedapp2017.pdf •One-week turnaround time from complete application 	<p>Primary Contact: Sarah K. Gentile P:(609)748-2001 Sarah.Gentile@dep.nj.gov</p> <p>Secondary Contact: Bob Schuster P:(609)748-2017 Robert.Schuster@dep.nj.gov</p>
Permit for the Harvest of Seed Oysters and/or Seed Clams from Restricted Waters and Transplant to Approved Waters	NJDEP, Bureau of Marine Water Monitoring	7:12-9.9	2C:64 4:27 13:1D-9 23:2B-1 50:1-5 et seq. 8:24	<ul style="list-style-type: none"> •Authorizes the harvest of seed oysters and/or seed clams from waters classified as Restricted for transplant to a lease(s) in waters classified as Approved for grow-out and reduction of pathogens prior to direct marketing •\$25 permit fee •Application form: https://www.nj.gov/dep/bmw/docs/consolidatedapp2017.pdf •One-week turnaround time from complete application 	<p>Primary Contact: Sarah K. Gentile P:(609)748-2001 Sarah.Gentile@dep.nj.gov</p> <p>Secondary Contact: Bob Schuster P:(609)748-2017 Robert.Schuster@dep.nj.gov</p>
Permit for Shellfish Research in Waters Other Than Approved	NJDEP, Bureau of Marine Water Monitoring	7:12-9.10	2C:64 4:27 13:1D-9 23:2B-1 50:1-5 et seq. 58:24	<ul style="list-style-type: none"> •Authorizes the collection of shellfish from waters classified as other than approved for scientific research •\$25 permit fee •Application form: https://www.nj.gov/dep/bmw/docs/consolidatedapp2017.pdf •One-week turnaround time from complete application 	<p>Primary Contact: Sarah K. Gentile P:(609)748-2001 Sarah.Gentile@dep.nj.gov</p> <p>Secondary Contact: Bob Schuster P:(609)748-2017 Robert.Schuster@dep.nj.gov</p>

Authorization	Agency	N.J.A.C.	N.J.S.A.	Overview	State/Federal Contact
Permit for Shellfish Restoration and/or Enhancement in Waters Other Than Approved	NJDEP, Bureau of Marine Water Monitoring	7:12-9.11	2C:64 4:27 13:1D-9 23:2B-1 50:1-5 et seq. 58:24	<ul style="list-style-type: none"> • Authorizes the gardening of shellfish at a single site in waters other than Approved by a non-profit organization or government agency for purposes of restoring or enhancing the shellfish resource on enhancing water quality, and not for human consumption. • \$25 permit fee • Application form: https://www.nj.gov/dep/bmw/docs/consolidatedapp2017.pdf • One-week turnaround time from complete application 	<p>Primary Contact: Sarah K. Gentile P:(609)748-2001 Sarah.Gentile@dep.nj.gov</p> <p>Secondary Contact: Bob Schuster P:(609)748-2017 Robert.Schuster@dep.nj.gov</p>
Permit for Growing Seed in Waters Other Than Approved by a Non-profit Organization or Government Agency	NJDEP, Bureau of Marine Water Monitoring	7:12-9.12	2C:64 4:27 13:1D-9 23:2B-1 50:1-5 et seq. 58:24	<ul style="list-style-type: none"> • Authorizes a Non-profit Organization or Government Agency to conduct a project involving the distribution of seed to participants who will grow the seed at various locations in waters other than approved for relocation by the permittee to: • Approved or Conditionally Approved waters. • A project authorized under a Permit for Shellfish Restoration and/or Enhancement in Waters Other Than Approved (N.J.A.C. 7:12-9.11); or • Waters outside the boundaries of the State of New Jersey, subject to any required approval from the receiving state. • \$25 permit fee • Application form: https://www.nj.gov/dep/bmw/docs/consolidatedapp2017.pdf • One-week turnaround time from complete application 	
Permit for Short-term Use of Shellfish for Toxins Monitoring in Waters Other Than Approved	NJDEP, Bureau of Marine Water Monitoring	7:12-9.13	2C:64 4:27 13:1D-9 23:2B-1 50:1-5 et seq. 58:24	<ul style="list-style-type: none"> • Authorizes the placement of shellfish into waters other than approved for purposes of: • A remedial Investigation pursuant to the NJDEP's Technical Requirements for Site Remediation, N.J.A.C. 7:26E, or • A study approved by the NJDEPs Site Remediation Program where the applicant can demonstrate a specific need to study bioaccumulation of toxins in shellfish from known contaminated sites located in our impacting waters other than approved. • \$25 permit fee • Application form: https://www.nj.gov/dep/bmw/docs/consolidatedapp2017.pdf • One-week turnaround time from complete application 	

Authorization	Agency	N.J.A.C.	N.J.S.A.	Overview	State/Federal Contact
Permit for a Hatchery to Produce and Grow Seed or for a Nursery to Grow Seed	NJDEP, Bureau of Marine Water Monitoring	7:12-9.14	2C:64 4:27 13:1D-9 23:2B-1 50:1-5 et seq. 58:24	<ul style="list-style-type: none"> Authorizes a hatchery or nursery to produce and/or grow seed at a single site in or using waters classified as other than approved for sale or for relocation to Approved or Conditionally Approved waters \$25 permit fee Application form: https://www.nj.gov/dep/bmw/docs/consolidatedapp2017.pdf One-week turnaround time from complete application 	<p>Primary Contact: Sarah K. Gentile P:(609)748-2001 Sarah.Gentile@dep.nj.gov</p> <p>Secondary Contact: Bob Schuster P:(609)748-2017 Robert.Schuster@dep.nj.gov</p>
Certified dealer	NJ Department of Health	8:13	24:15	<ul style="list-style-type: none"> Establishes enforceable permitting, sanitation, temperature control, and Hazard Analysis and Critical Control Point (HACCP) recordkeeping standards for the handling, depuration, storage, and transportation of shellfish Authorizes a post-harvest shellfish operation to apply for certification through the NJ Department of Health to sell shellfish to wholesale or retail establishments in NJ or interstate Application form: https://www.nj.gov/health/ceohs/documents/food-drug-safety/wholesale_food_cosmetic_application.pdf No application fees Turnaround time is variable; from complete application approximately 4 to 6 weeks 	<p>Primary Contact: Virginia Wheatley P:(609)826-4935 Virginia.Wheatley@doh.nj.gov Public Health and Food Protection Program</p> <p>Secondary Contact: Loel Muetter P:(609)826-4935 Loel.Muetter@doh.nj.gov</p> <p>Public Health and Food Protection Program GO TO: NJDOH Seafood/Shellfish Project for more information. https://www.state.nj.us/health/ceohs/food-drug-safety/industry-service-programs/#3</p>

Table 3. Supplemental documents applicable to shellfish aquaculture

Authorization	Agency	N.J.A.C.	N.J.S.A.	Overview	State/Federal Contact
Vibrio parahaemolyticus Control Plan	NJDEP, Bureau of Marine Water Monitoring; and NJ Department of Health	7:12-8.6; 8:13-1.7	2C:64 4:27 13:1D-9 23:2B-1 50:1-5 et seq. 58:24; 24:15	<ul style="list-style-type: none"> Plan addresses: <ul style="list-style-type: none"> Program coordination Response to potential outbreak Post-harvest time and temperature controls Hours of harvest for tidal and intertidal Hazard Analysis and Critical Control Points (HACCP) plan requirements Recommends additional best management practices to be implemented to further minimize risk from Vibrio 	<p>Primary Contact: Sarah K. Gentile P:(609)748-2001 Sarah.Gentile@dep.nj.gov</p> <p>Secondary Contact: Bob Schuster P:(609)748-2017 Robert.Schuster@dep.nj.gov</p>
BIOLOGICAL OPINION ON THE EFFECTS OF EXISTING AND EXPANDED STRUCTURAL AQUACULTURE OF NATIVE BIVALVES IN DELAWARE BAY, MIDDLE AND LOWER TOWNSHIPS, CAPE MAY COUNTY, NEW JERSEY ON THE FEDERALLY LISTED RED KNOT	NJDEP, Bureau of Shellfisheries and US Fish and Wildlife Service (USFWS)			<ul style="list-style-type: none"> Developed by USFWS in accordance with Section 7 of the Endangered Species Act of 1973 Addresses the effects of USACE authorizations for existing and expanded structural aquaculture in Middle and Lower Townships in Cape May County on the federally listed red knot Allows for adaptive management of structural aquaculture through the employment of 24 conservation measures which are categorized as operational, incentives to growers, transition for existing northern segment growers, and Tier 2 consultation process <ul style="list-style-type: none"> Conservation measures are actions to benefit or promote the recovery of listed species that are included by the Federal agency as an integral part of the proposed action DEP has committed to implementing all the conservation measures over the 10-year life of the PBO USACE has committed to reflect the conservation measures, to the extent 	<p><u>USFWS</u> Wendy Walsh, Endangered Species Biologist phone: (609) 382-5274 wendy_walsh@fws.gov</p> <p><u>NJDEP, Bureau of Shellfisheries</u> Primary Contact: Jenny Tomko P:(609)748-4341 Jenny.Tomko@dep.nj.gov</p> <p>Secondary Contact: Craig Tomlin P:(856)785-0574 Craig.Tomlin@dep.nj.gov</p>

(CALIDRIS CANUTUS RUFA) (2016)				<p>applicable, as conditions of its individual authorizations for structural aquaculture in the action area</p> <ul style="list-style-type: none"> ○ NJDEP, NJDA, USACE, and USFWS commit to periodic review of the conservation measures when additional information becomes available ○ Measures may be altered by agreement of NJDEP, NJDA, USACE, and USFWS so long as the types and levels of adverse effects (including incidental take) described in the biological opinion, and in any subsequent Tier 2 consultation documents, are not exceeded <ul style="list-style-type: none"> • Biological Opinion can be accessed at https://www.fws.gov/northeast/njfieldoffice/pdf/AquaculturePBO_20160401.pdf 	
--------------------------------------	--	--	--	---	--