

CALIFORNIA CA AQUACULTURE

STATE LAW

AQUACULTURE IS AGRICULTURE

Introduction

Frequently fish and shellfish farmers are confronted with local regulatory interpretation that prevents aquaculture from being treated as an agricultural pursuit. When this occurs, it prevents aquaculture from receiving the benefits afforded to more traditional forms of agriculture. To address this issue, the California State Legislature passed a series of legislative acts that were placed into the California code of law. The legislative intent was to recognize aquaculture as a form of agriculture so that it would be treated as agriculture in all matters pertaining to state law. The following are California State laws stipulating aquaculture as a form of agriculture (Page 2).

Regulatory Assistance

California Farm Bureau Federation: Most problems associated with the recognition that aquaculture is agriculture occur at the county level. County governments do not always follow state regulations and may use the option of local jurisdiction. This can cause problems associated with the permit process involving site location, facility expansion, sale of commodities, water regulations, and/or access to agricultural benefits. If you have difficulties with these or similar related processes, you may be required to appear and seek a determination before your local county Board of Supervisors. Assistance with these problems is available to members of the California Farm Bureau Federation (CFBF). The CFBF has an aquaculture commodity component that addresses this and similar issues and develops

CFBF aquaculture issues and policies for the state and the national organization. For information about the CFBF and its aquaculture commodity activities, contact the following:

California Farm Bureau Federation
1601 Exposition Boulevard
Sacramento, CA 95815
(916) 924-4000

The State Aquaculture Development Committee:

The Aquaculture Development Committee is comprised of representatives of various state government, state agencies and the University of California. The committee oversees the production of a document entitled *A Guide to California State Permits, Licenses, Laws and Regulations Affecting California's Aquaculture Industry* to provide assistance to prospective and existing fish and shellfish farmers (ASAQ-19). The "permit guide" attempts to compile and centralize regulations of the state agencies responsible for aquaculture registration. It is a compendium of information and regulations

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California Public Resource Code

(Division 1, Chapter 4)

California Aquaculture Development Act, 1983

PRC 30100.2 1983 131 30

30100.2. "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.

Fish and Game Code

FGC 17 1983 131 1

17. "Aquaculture" means that form of agriculture devoted to the propagation, cultivation, maintenance, and harvesting 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; however, these species continue to be regulated under Chapter 2 (commencing with Section 2116) of Division 4.

Food and Agriculture Code

FAC 23.5 1983 Chap 1300 Sec 28

23.5 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)

Labor Code

LAB 6302 1984 13171

6302. As used in this division:

- (a) "Director" means the Director of Industrial Relations.
- (b) "Department" means the Department of Industrial Relations.
- (c) "Insurer includes the State Compensation Insurance Fund and any private company, corporation, mutual association, and reciprocal or interinsurance exchange, authorized under the laws of this State to insure employers against liability for compensation under this part and under Division 4 (commencing with Section 3201), and any employer to whom a certificate of consent to self-insure has been issued.
- (d) "Division" means the Division of Occupational Safety and Health.
- (e) "Standards Board" means the Occupational Safety and Health Standards Board within the department.
- (f) "Appeals Board" means the Occupational Safety and Health Appeals Board within the department.
- (g) "Aquaculture" means a form of agriculture as defined in Section 17 of the Fish and Game Code.
- (h) "Serious" injury or illness: means any injury or illness occurring in a place of employment or in connection with any employment which requires. . .

which prospective and active aquaculturists may use as a basic guide to the many existing codes affecting the industry. Copies of the document may be obtained by contacting:

Aquaculture Coordinator
Department of Fish and Game
1416 Ninth Street
Sacramento, California 95814
PH: (916) 653-9583

References & Selected Readings

- Anon. 1994.** A guide to California state permits, licenses, laws and regulations affecting California's aquaculture industry (Sectional Loose-Leif).
- Anon. 1996.** California Public Resource Code.
- Anon. 1996.** California Food and Agriculture Code.
- Anon. 1996.** California Food and Agriculture Code.
- Anon. 1996.** California Labor Code.
- Conte, F.S. 1996.** Permits, licenses, laws and regulations: A guide for aquaculture in California. U.C. Davis, Department of Animal Science Aquaculture Flier ASAQ-B18. 2 pp.

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