

CALIFORNIA CA AQUACULTURE

PERMIT, LICENSES, LAWS AND REGULATIONS A GUIDE FOR AQUACULTURE IN CALIFORNIA

Introduction

Aquaculture is a form of agriculture, and therefore subject to an array of regulations and permits in California. The various jurisdictions impacting aquatic farming include federal, state, and local or county government. Federal regulations primarily deal with water pollution, navigable waters, and health standards in interstate commerce and are not addressed in this publication. Many other problems associated with the permitting process of aquaculture 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. For assistance with permitting problems at the local or county level, please refer to ASAQ-B3 (Conte, 1996). This publication will address the regulatory processes that impact aquaculture at the state level.

Legislative History

In the 1970s and early 1980s, California had the reputation of having the most complex and convoluted regulatory system in the nation. To overcome this obstacle to aquaculture development, the state enacted a series of changes. They included the California Aquaculture Development Act of 1979, which defines the role of the Department of Fish and Game, and the Fish and Game Commission, in governing the aquaculture industry. Senate Bill 1917 (1982) provides guidelines and authority for aquaculture regulations developed by the Fish and Game Commission.

SB 1917 also established three state committees to foster interaction among sectors of the aquaculture industry and government regulatory agencies, the Interagency Committee for Aquaculture Development, Aquaculture Industry Advisory Committee, and the Aquaculture Disease Committee. The principal charge of the Interagency Committee for Aquaculture Development was to work with the Aquaculture Industry Advisory Committee to produce a document that would clarify the aquaculture permit process. The result was the document, *A Guide to California State Permits, Licenses, Laws and Regulations Affecting California's Aquaculture Industry*. In 1987, passage of Assembly Bill 1589 established a position for an Aquaculture Coordinator within the Department of Fish and Game. The Aquaculture Coordinator has the lead responsibility for implementing aquaculture-related responsibilities of the Department, including chairing the committee with lead responsibility for producing the permit guide.

In 1995, the California Aquaculture Promotion Act dissolved the interagency and the industry advisory committees. In their place, the Act created the Aquaculture Development Committee which is chaired by the Aquaculture Coordinator. The major function of the Aquaculture

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Development Committee is to update the permit guide.

The Permit Guide

The document, *A Guide to California State Permits, Licenses, Laws and Regulations Affecting California's Aquaculture Industry*, has undergone several printings since its inception. The primary purposes of the guide are to serve as:

1. A compendium of information and regulations which prospective and active aquaculturists may use as a basic guide to the many existing codes affecting the industry.
2. A working document which may be used to review regulations and identify those which are having the greatest impacts on the industry.

The Permit Guide should be used as a reference. The material is organized under chapters which are named for the member agencies. For each agency represented on the Aquaculture Development Committee, a "Digest" is provided which describes the scope of the agency in regulating the aquaculture industry. When permits are regularly used in the regulation process, examples of the permits are provided. Verbatim laws and regulations are presented in the appendix.

The Permit Guide is a priced publication and copies 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

Conte, F.S. 1996. State Law: Aquaculture is Agriculture. U.C. Davis, Department of Animal Science Aquaculture Flier

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