GENERAL ASSEMBLY OF NORTH CAROLINA

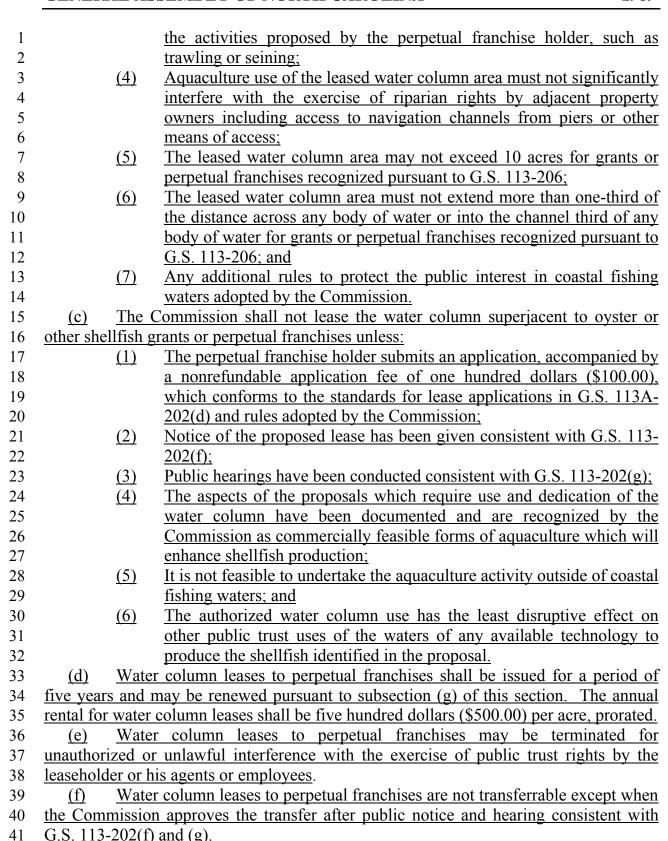
SESSION 1989

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SENATE BILL 1509

Short Title: Aquaculture Shellfish Franchises.			(Public)	
Sponsors	: Senat	tor Basnight.		
Referred	to: Ma	arine Resources.		
		June 4, 1990		
		A BILL TO BE ENTITLED		
AN ACT	ТО Т	AUTHORIZE WATER COLUMN LEASES FOR A	AQUACULTURE	
WITH	HIN RE	ECOGNIZED SHELLFISH FRANCHISES.		
The Gene	eral As	sembly of North Carolina enacts:		
	Section	on 1. Article 16 of Chapter 113 of the General Statut	es is amended by	
adding a	new se	ection to read:		
" <u>§ 113-20</u>		Water column leases for aquaculture for perpetual f		
<u>(a)</u>		acrease the productivity of shellfish grants and perpet		
		e recognized under G.S. 113-206, the Marine Fisheries	•	
		column superjacent to such grants or perpetual franc	*	
		chises') under the terms of this section when it deter	_	
		nefit from the lease. Perpetual franchises with water co		
•		sh in commercial quantities at four times the minimum	•	
	sued ur	nder G.S. 113-202, or any higher quantity required by	the Commission	
by rule.	G : 1		1 11 4 41	
(b)		ble areas for the authorization of water column us	e snall meet the	
iollowing		num standards:	t mat aiomifiaamtler	
	<u>(1)</u>	Aquaculture use of the leased water column area mus	t not significantly	
	(2)	impair navigation; The leased water column area must not be within a n	aviantian ahannal	
	<u>(2)</u>	The leased water column area must not be within a namarked or maintained by a State or federal agency;	avigation channel	
	(3)	•	area traditionally	
	(3)	The leased water column area must not be within an	area traditionally	

used and available for fishing or hunting activities incompatible with



After public notice and hearing consistent with G.S. 113-202(f) and (g), the

Commission may renew a water column lease, in whole or in part, if the leaseholder has

produced commercial quantities of shellfish and has otherwise complied with this

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 section and the rules of the Commission. Renewals may be denied or reduced in scope when the public interest so requires. Appeal of renewal decisions shall be conducted in accordance with G.S. 113-202(p). Renewals are subject to the lease terms and rates set out in subsection (d) of this section.

- (h) The procedures and requirements of G.S. 113-202 shall apply to proposed water column leases or water column leases of perpetual franchises considered under this section except that more specific provisions of this section control conflicts between the two sections.
- (i) Demonstration or research aquaculture development projects may be authorized for two years with no more than one renewal and when the project is proposed or formally sponsored by an educational institution which conducts aquaculture research or demonstration projects. Production of shellfish with a sales value in excess of one thousand dollars (\$1,000) per acre per year shall constitute commercial production. Demonstration or research aquaculture development projects shall be exempt from the rental rate in subsection (d) of this section unless commercial production occurs as a result of the project."
 - Sec. 2. This act is effective upon ratification.