

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2013

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SENATE BILL 808

Short Title: Oyster Industry Restoration Act. (Public)

Sponsors: Senators Cook, Sanderson, Brown (Primary Sponsors); and Newton.

Referred to: Agriculture/Environment/Natural Resources.

May 21, 2014

1 **A BILL TO BE ENTITLED**

2 **AN ACT TO SUPPORT THE MARICULTURE INDUSTRY IN NORTH CAROLINA.**

3 The General Assembly of North Carolina enacts:

4 **PART I. FEE ROLLBACK FOR OYSTER PERMITS UNDER PRIVATE DOCKS**

5 **SECTION 2.1.** Subsections (l) and (m) of G.S. 113-210 are repealed.

6 **PART II. SENATOR JEAN PRESTON MARINE SHELLFISH SANCTUARY**

7 **SECTION 2.1.(a)** It is the intent of the General Assembly to establish a marine
8 shellfish sanctuary in the Pamlico Sound to be named in honor of former Senator Jean Preston
9 and to be called the "Senator Jean Preston Marine Shellfish Sanctuary."

10 **SECTION 2.1.(b)** The Division of Marine Fisheries of the Department of
11 Environment and Natural Resources shall designate a contiguous area of approximately 10,000
12 acres within the Pamlico Sound as a recommendation to the Environmental Review
13 Commission for establishment of the "Senator Jean Preston Marine Shellfish Sanctuary" and
14 create a plan for managing the sanctuary that includes the following components:

15 (1) Location and delineation of the sanctuary. – The plan should include a
16 location for the sanctuary that minimizes the impact on commercial trawling.
17 In addition, the sanctuary should be gridded into areas leased to private
18 parties for restoration and harvest and areas operated and maintained by the
19 State for restoration that are not open for harvest. The leased and unleased
20 areas should be arranged in a pattern where leased squares are surrounded on
21 four sides by unleased squares.

22 (2) Administration. – The plan should include the prices to be charged for the
23 leased portions of the sanctuary, including an administration fee to be
24 retained by the Division to support the leasing and monitoring program. The
25 plan shall also provide that the balance of lease payments collected by the
26 Division be transferred to the General Fund with a recommendation that
27 some or all of the proceeds be used for the support of the State's special
28 education programs in memory of Senator Jean Preston.

29 (3) Funding. – The plan should include a request for appropriations sufficient to
30 provide funds for the construction of appropriate bottom habitat and shellfish
31 seeding and for Division staff necessary to conduct oyster restoration and
32 monitoring activities. The plan should provide that, whenever possible,
33 construction and shellfish seeding be carried out by contract with private
34 entities.



- (4) Commercial Fisherman Relief. – To promote the diversification of commercial fishing opportunities, the plan should include a program to award free or discounted leases under this section to commercial fishermen who (i) have held one or more commercial fishing licenses continually for a period of 10 or more years and (ii) receive at least fifty percent (50%) of their income from commercial fishing with those licenses.
 - (5) Recommendations. – The plan should include recommendations for statutory or regulatory changes needed to expedite the expansion of shellfish restoration and harvesting in order to improve water quality, restore ecological habitats, and expand the coastal economy.

SECTION 2.1.(c) No later than October 1, 2014, and quarterly thereafter until submission of a final plan to the Environmental Review Commission, the Department of Environment and Natural Resources shall report to the Environmental Review Commission regarding its implementation of this section and its recommended plan.

PART III. MARICULTURE STUDY

SECTION 3.1. The Joint Legislative Program Evaluation Oversight Committee shall consider including in the 2015 Work Plan for the Program Evaluation Division of the General Assembly a study of the North Carolina's shellfish lease and franchise program, including (i) the regulatory, statutory, and other obstacles faced by the private mariculture industry in establishing or expanding shellfish cultivation operations, (ii) a summary of shellfish leasing and franchising programs in other states and a comparison of the private mariculture industry in North Carolina compared to other states, and (iii) recommendations for best practices to achieve greater opportunities for North Carolina's mariculture industry and greater program efficiencies and outcomes.

PART IV. EFFECTIVE DATE

SECTION 4.1. Section 1.1 of this act becomes effective July 1, 2014. The remainder of this act is effective when it becomes law.