

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

A BILL TO BE ENTITLED

AN ACT TO SUPPORT THE MARICULTURE INDUSTRY IN NORTH CAROLINA.

The General Assembly of North Carolina enacts:

PART I. FEE ROLLBACK FOR OYSTER PERMITS UNDER PRIVATE DOCKS

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 Subsections (l) and (m) of G.S. 113-210 are repealed.

PART II. SENATOR JEAN PRESTON MARINE SHELLFISH SANCTUARY

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

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

- (1) Location and delineation of the sanctuary. – The plan should include a location for the sanctuary that minimizes the impact on commercial trawling. In addition, the sanctuary should be gridded into areas leased to private parties for restoration and harvest and areas operated and maintained by the State for restoration that are not open for harvest. The leased and unleased areas should be arranged in a pattern where leased squares are surrounded on four sides by unleased squares.
- (2) Administration. – The plan should include the prices to be charged for the leased portions of the sanctuary, including an administration fee to be retained by the Division to support the leasing and monitoring program. The plan shall also provide that the balance of lease payments collected by the Division be transferred to the General Fund with a recommendation that some or all of the proceeds be used for the support of the State's special education programs in memory of Senator Jean Preston.
- (3) Funding. – The plan should include a request for appropriations sufficient to provide funds for the construction of appropriate bottom habitat and shellfish seeding and for Division staff necessary to conduct oyster restoration and monitoring activities. The plan should provide that, whenever possible, construction and shellfish seeding be carried out by contract with private entities.



1 (4) Commercial Fisherman Relief. – To promote the diversification of
2 commercial fishing opportunities, the plan should include a program to
3 award free or discounted leases under this section to commercial fishermen
4 who (i) have held one or more commercial fishing licenses continually for a
5 period of 10 or more years and (ii) receive at least fifty percent (50%) of
6 their income from commercial fishing with those licenses.

7 (5) Recommendations. – The plan should include recommendations for statutory
8 or regulatory changes needed to expedite the expansion of shellfish
9 restoration and harvesting in order to improve water quality, restore
10 ecological habitats, and expand the coastal economy.

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

15 16 **PART III. MARICULTURE STUDY**

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

26 27 **PART IV. EFFECTIVE DATE**

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