

NORTH CAROLINA GENERAL ASSEMBLY
1971 SESSION

CHAPTER 346
HOUSE BILL 52

AN ACT TO CLARIFY THE PROVISIONS OF G.S. 113-205 AND TO CLARIFY ITS APPLICATION.

The General Assembly of North Carolina do enact:

Section 1. G.S. 113-205(a) is hereby rewritten to read as follows:

"(a) Every person claiming title to any part of the bed lying under navigable waters of any coastal county of North Carolina or any right of fishery in navigable waters of any coastal county superior to that of the general public must register the grant, charter, or other authorization under which he claims with the Commissioner. Such registration must be accompanied by a survey of the claimed area, meeting criteria established by the Commissioner for surveys of oyster and clam leases. All rights and titles not registered in accordance with this section on or before January 1, 1970, are hereby declared null and void. The Commissioner must give notice of this section at least once each calendar year for three years by publication in a newspaper, or newspapers of general circulation throughout all coastal counties of the State. For the purpose of this subsection, 'coastal county' shall mean all of the following counties: Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Chowan, Columbus, Craven, Currituck, Dare, Gates, Halifax, Hertford, Hyde, Martin, New Hanover, Northampton, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Tyrrell, and Washington. The provisions of this section shall not apply to the land lying under any private fish pond or irrigation pond."

Sec. 2. It is the purpose of this act to make it clear that the 1965 enactment of G.S. 113-205 does not apply to all navigable waters within the State, but only those waters in coastal counties that are navigable in law.

Sec. 3. No rights or titles or interests in any lands or beds lying under navigable waters shall be deemed to have been lost or declared null and void for failure to comply with G.S. 113-205(a), as originally enacted, with respect to any lands or beds under navigable waters not included within the scope of G.S. 113-205(a), as amended by this act.

Sec. 4. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 10th day of May, 1971.