

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 547
HOUSE BILL 1074

AN ACT TO PROHIBIT THE ISSUANCE OF NEW SHELLFISH CULTIVATION LEASES IN CORE BANKS, TO ESTABLISH A MORATORIUM ON SHELLFISH LEASES IN THE REMAINING AREA IN CARTERET COUNTY, AND TO REQUIRE THAT THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE STUDY THE SHELLFISH LEASE PROGRAM.

The General Assembly of North Carolina enacts:

Section 1. (a) Notwithstanding G.S. 113-202, the Secretary of the Department of Environment, Health, and Natural Resources shall not grant shellfish cultivation leases for the area along Portsmouth Island and Core Banks in Carteret County.

(b) For purposes of this act the area along Portsmouth Island and Core Banks is the area bounded by a line beginning at the northern tip of Portsmouth Island at 35°03'42"N - 76°02'06"W and running 339°M to a point on North Rock at 35°06'18"N - 76°04'00"W, thence 243°M to Hodges Reef Light at 35°02'42"N - 76°10'00"W, thence, 229.5°M to Marker No. 37 located 0.9 miles off Bells Point at 34°43'30"N - 76°29'00"W, thence, 207°M to the Cape Lookout Lighthouse at 34°37'24"N - 76°31'30"W, thence enclosed on the east by Core Banks and Portsmouth Island back to the point of beginning.

Sec. 2. This act does not prohibit the renewal or transfer of shellfish cultivation leases in Core Sound in accordance with G.S. 113-202 if the lease being renewed or transferred existed prior to or on the effective date of this act.

Sec. 3. Notwithstanding G.S. 113-202, a moratorium on new shellfish cultivation leases shall be imposed in the remaining area of Carteret County not described in Section 1 of this act. During the moratorium, a comprehensive study of the shellfish lease program shall be conducted. The moratorium established under this section shall expire July 1, 1997.

Sec. 4. The Joint Legislative Commission on Seafood and Aquaculture shall study the shellfish lease program and shall consider the following issues: (i) preservation of areas used substantially by commercial and recreational fishermen; (ii) establishment of a maximum percentage of available water body for leases; (iii) restrictions on shellfish lease sizes and whether leases may be contiguous; (iv) production requirements; (v) evaluation of profitability of leases after period of time; and (vi) any other related issues. The Joint Legislative Commission shall report its findings and recommendations to the 1997 General Assembly.

Sec. 5. This act is effective May 1, 1996, and applies to any pending shellfish cultivation application or lease.

In the General Assembly read three times and ratified this the 23rd day of May, 1996.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives