

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 1112*

Short Title: Prohibit Shellfish Leases In Core Banks.

(Public)

Sponsors: Senators Perdue and Shaw.

Referred to: Agriculture/Environment/Natural Resources.

May 14, 1996

A BILL TO BE ENTITLED

**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.

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

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

9 Sec. 4. The Joint Legislative Commission on Seafood and Aquaculture shall
10 study the shellfish lease program and shall consider the following issues: (i) preservation
11 of areas used substantially by commercial and recreational fishermen; (ii) establishment
12 of a maximum percentage of available water body for leases; (iii) restrictions on shellfish
13 lease sizes and whether leases may be contiguous; (iv) production requirements; (v)
14 evaluation of profitability of leases after period of time; and (vi) any other related issues.
15 The Joint Legislative Commission shall report its findings and recommendations to the
16 1997 General Assembly.

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