

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 215*
Committee Substitute Favorable 4/21/99

Short Title: Extend Core Sound Moratorium.

(Public)

Sponsors:

Referred to:

March 2, 1999

A BILL TO BE ENTITLED

1
2 AN ACT TO EXTEND THE MORATORIUM ON ISSUING SHELLFISH
3 CULTIVATION LEASES IN CORE SOUND, TO REQUIRE THE DIVISION OF
4 MARINE FISHERIES AND THE PRIMARY INVESTIGATOR TO REPORT THE
5 RESULTS OF THE SHELLFISH MAPPING AND HUMAN USE MAPPING OF
6 CORE SOUND TO THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD
7 AND AQUACULTURE AND THE MARINE FISHERIES COMMISSION, TO
8 AUTHORIZE RATHER THAN REQUIRE THE SECRETARY OF
9 ENVIRONMENT AND NATURAL RESOURCES TO REQUIRE FISHERIES
10 LICENSE AGENTS TO POST BONDS, AND TO ESTABLISH AN INTERIM
11 CRAB LICENSE.

12 The General Assembly of North Carolina enacts:

13 Section 1. Section 3 of Chapter 547 of the 1995 Session Laws, Regular
14 Session 1996, as amended by subsection (b) of Section 1 of Chapter 633 of the 1995
15 Session Laws, Regular Session 1996; Section 27.33 of Chapter 18 of the 1996 Session
16 Laws, Second Extra Session; Section 12 of S.L. 1997-256; Section 8 of S.L. 1997-347;
17 Section 6.14 of S.L. 1997-400; Section 15 of S.L. 1998-23; and Section 1 of S.L. 1998-
18 56, reads as rewritten:

1 "Sec. 3. Notwithstanding G.S. 113-202, a moratorium on new shellfish cultivation
2 leases shall be imposed in the remaining area of Core Sound not described in Section 1 of
3 this act. During the moratorium, a comprehensive study of the shellfish lease program
4 shall be conducted. The moratorium established under this section covers that part of
5 Core Sound bounded by a line beginning at a point on Cedar Island at 35°00'39"N -
6 76°17'48"W, thence 109°(M) to a point in Core Sound 35°00'00"N - 76°12'42"W,
7 thence 229°(M) to Marker No. 37 located 0.9 miles off Bells Point at 34°43'30"N -
8 76°29'00"W, thence 207°(M) to the Cape Lookout Lighthouse at 34°37'24"N -
9 76°31'30"W, thence 12°(M) to a point at Marshallberg at 34°43'07"N - 76°31'12"W,
10 thence following the shoreline in a northerly direction to the point of beginning except
11 that the highway bridges at Salters Creek, Thorofare Bay, and the Rumley Bay ditch shall
12 be considered shoreline. The moratorium shall expire ~~July 1, 1999~~ October 1, 2001."

13 Section 2. The Division of Marine Fisheries and the Primary Investigator for
14 the Human Use Mapping Project in Core Sound shall report the results of the shellfish
15 mapping and human use mapping of Core Sound to the Joint Legislative Commission on
16 Seafood and Aquaculture and the Marine Fisheries Commission no later than October 1,
17 1999.

18 Section 3. G.S. 113-172(a) reads as rewritten:

19 "(a) The Secretary shall designate license agents for the Department. At least one
20 license agent shall be designated for each county that contains or borders on coastal
21 fishing waters. The Secretary may designate additional license agents in any county if the
22 Secretary determines that additional agents are needed to provide efficient service to the
23 public. The Division and license agents designated by the Secretary under this section
24 shall issue licenses authorized under this Article in accordance with this Article and the
25 rules of the Commission. The Secretary ~~shall~~ may require license agents to enter into a
26 contract that provides for their duties and compensation, post a bond, and submit to
27 reasonable inspections and audits. If a license agent violates any provision of this
28 Article, the rules of the Commission, or the terms of the contract, the Secretary may
29 initiate proceedings for the forfeiture of the license agent's bond and may summarily
30 suspend, revoke, or refuse to renew a designation as a license agent and may impound or
31 require the return of all licenses, moneys, record books, reports, license forms and other
32 documents, ledgers, and materials pertinent or apparently pertinent to the license agency.
33 The Secretary shall report evidence or misuse of State property, including license fees, by
34 a license agent to the State Bureau of Investigation as provided by G.S. 114-15.1."

35 Section 4.(a) Definitions. – The definitions set out in G.S. 113-168 shall apply to
36 this section.

37 Section 4.(b) SCFL Not Valid to Take Crabs. – Notwithstanding G.S. 113-168.2,
38 it is unlawful for any person to take crabs as part of a commercial fishing operation from
39 the coastal fishing waters of North Carolina under a SCFL or any other license issued by
40 the Division other than an interim crab license issued pursuant to this section.

41 Section 4.(c) Interim Crab License Required to Take Crabs as Part of a
42 Commercial Fishing Operation; Sale of Crabs. – Except as provided in subsection (j) of
43 this section, it is unlawful for any person to take crabs as part of a commercial fishing

1 operation from the coastal fishing waters of North Carolina without having first procured
2 an interim crab license. A person who works as a member of the crew of a vessel that is
3 taking crabs as part of a commercial fishing operation under the direction of a person
4 who holds an interim crab license is not required to hold an interim crab license. An
5 interim crab license entitles the holder to sell crabs taken under the interim crab license.

6 Section 4.(d) Eligibility for Interim Crab License. – Any person who held a valid
7 crab license issued pursuant to G.S. 113-153.1 during the period July 1, 1994, through
8 July 1, 1999, is eligible to receive an interim crab license. The Division shall issue an
9 interim crab license to any person who is eligible under this section upon receipt of an
10 application and required fees.

11 Section 4.(e) Duration; Fees. – The interim crab license expires on October 1,
12 2000. The fee for the interim crab license shall be seven dollars and fifty cents (\$7.50)
13 for a resident of this State and one hundred dollars (\$100.00) for a person who is not a
14 resident of this State.

15 Section 4.(f) General Provisions. – Subsections (c), (d), (e), (g), (h), and (i) of
16 G.S. 113-168.1 shall apply to the interim crab license.

17 Section 4.(g) License Issuance. – The Division shall issue an interim crab
18 license to eligible applicants at any office of the Division.

19 Section 4.(h) Assignment and Transfer Prohibited. – An interim crab license is
20 not transferable. Except as provided in subsection (j) of this section, it is unlawful to
21 buy, sell, lend, borrow, assign, or otherwise transfer an interim crab license, or to attempt
22 to buy, sell, lend, borrow, assign, or otherwise transfer an interim crab license.

23 Section 4.(i) Record-Keeping Requirements. – The record-keeping
24 requirements of G.S. 113-168.2(i) shall apply to the interim crab license.

25 Section 4.(j) Exemptions. – A person who is under 16 years of age is exempt
26 from the license requirements of this section if the person is accompanied by a parent,
27 grandparent, or guardian who holds an interim crab license or if the person has in the
28 person's possession a valid interim crab license issued to the person's parent, grandparent,
29 or guardian.

30 Section 4.(k) Note to G.S. 113-168.2. – The Revisor of Statutes shall set out
31 this section as a note to G.S. 113-168.2.

32 Section 5. This act becomes effective July 1, 1999. Section 4 of this act
33 expires October 1, 2000.