



## *Shellfish Aquaculture Update*

*NC DEPARTMENT OF ENVIRONMENTAL QUALITY*

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Marine Fisheries Commission | Beaufort, NC | Nov. 14, 2019





- Shellfish Aquaculture Bill
- User Conflict Study
- Recommendations
- Next Steps



# *Shellfish Aquaculture Bill*



## Session Law 2019-37; Senate Bill 648 (Shellfish Aquaculture Bill)

- An act to provide further support to the shellfish aquaculture industry in North Carolina
- Includes requirements for adopting rules



*Department of Environmental Quality*



# Shellfish Aquaculture Bill



## Section 1: Shellfish Aquaculture Enterprise Areas (SEA)

- Identify moratorium areas for potential SEAs
- MFC *may* adopt rules

## Section 2: Pamlico Sound Shellfish Aquaculture Pilot Project

## Section 3: Increase Production and Planting Requirements

- MFC *shall* adopt rules



# Shellfish Aquaculture Bill



**Section 4:** Transition of Terminated Leases and Gear Cleanup

**Section 5:** Transplanting of Seed Oysters/Clams Prohibited Waters

**Section 6:** Administrative Remedy for Shellfish Leasing Appeals

- MFC *shall* adopt rules, *may* adopt temporary rules

**Sections 7 & 8:** Moratorium New Hanover Area/Bogue Sound



Floating upwelling system  
(FLUPSY)



# Shellfish Aquaculture Bill



## Section 9: Reduce User Conflict Study

- Joint study by DMF and MFC
- MFC *shall* adopt rules

## Section 10: Penalties/Violations Study

- DMF, NC Department of Justice (DOJ),  
NC Sentencing and Policy Advisory Commission (SPAC)

## Section 11: Shellfish Loan Program Study

- NC Coastal Federation

## Section 12: Study Crop Insurance for Shellfish Aquaculture

- NC Dept. of Agriculture and Consumer Services



# Shellfish Aquaculture Bill



## 15A NCAC Rules impacted

- 03O .0201 Shellfish Lease Standards
- 03O .0202 Shellfish Lease Applications
- 03O .0203 Shellfish Lease Application Process
- 03O .0204 Marking Shellfish Leases
- 03O .0205 Lease Renewal
- 03O .0206 Lease Protest
- 03O .0207 Production Reports
- 03O .0208 Shellfish Lease Termination
- 03O .0209 Transfer of Interest
- 03O .0210 Shellfish Franchises
- 03O .0211 Protection Private Shellfish Interest

## Statutes impacted

- § 113-202 Shellfish Leases - Min Standards
- § 113-202.1 Shellfish Water Column - Min Standards
- § 113-203 Transplanting of Oysters and Clams
- § 143B-289.57 Marine Fisheries Commission Advisory Committees

## Statutes potentially impacted

- § 113-136, 187, 207, 208, 209, 218, 269



# Shellfish Aquaculture Bill



<b>Responsible Party</b>	<b>Study</b>	<b>Deadline</b>
DMF, MFC	User conflict Study	1/1/2020
DMF, DOJ, SPAC	Violations	3/1/2020
DMF	SEA moratorium areas	4/1/2020
DMF, MFC	User conflict (Rules/Policies)	3/1/2021
DMF	Pamlico Sound Project (Interim)	1/1/2025
DMF	Pamlico Sound Project (Final)	1/1/2030
NCCF	Loan program	3/15/2020
NCDA	Insurance program	11/1/2020





# User Conflict Study



## Introduction

- DMF and MFC to study how to reduce user conflict related to shellfish cultivation leases
- Completion deadline: Jan. 2020
- Adopt rules and reform internal operating procedures: Mar. 2021



# User Conflict Study

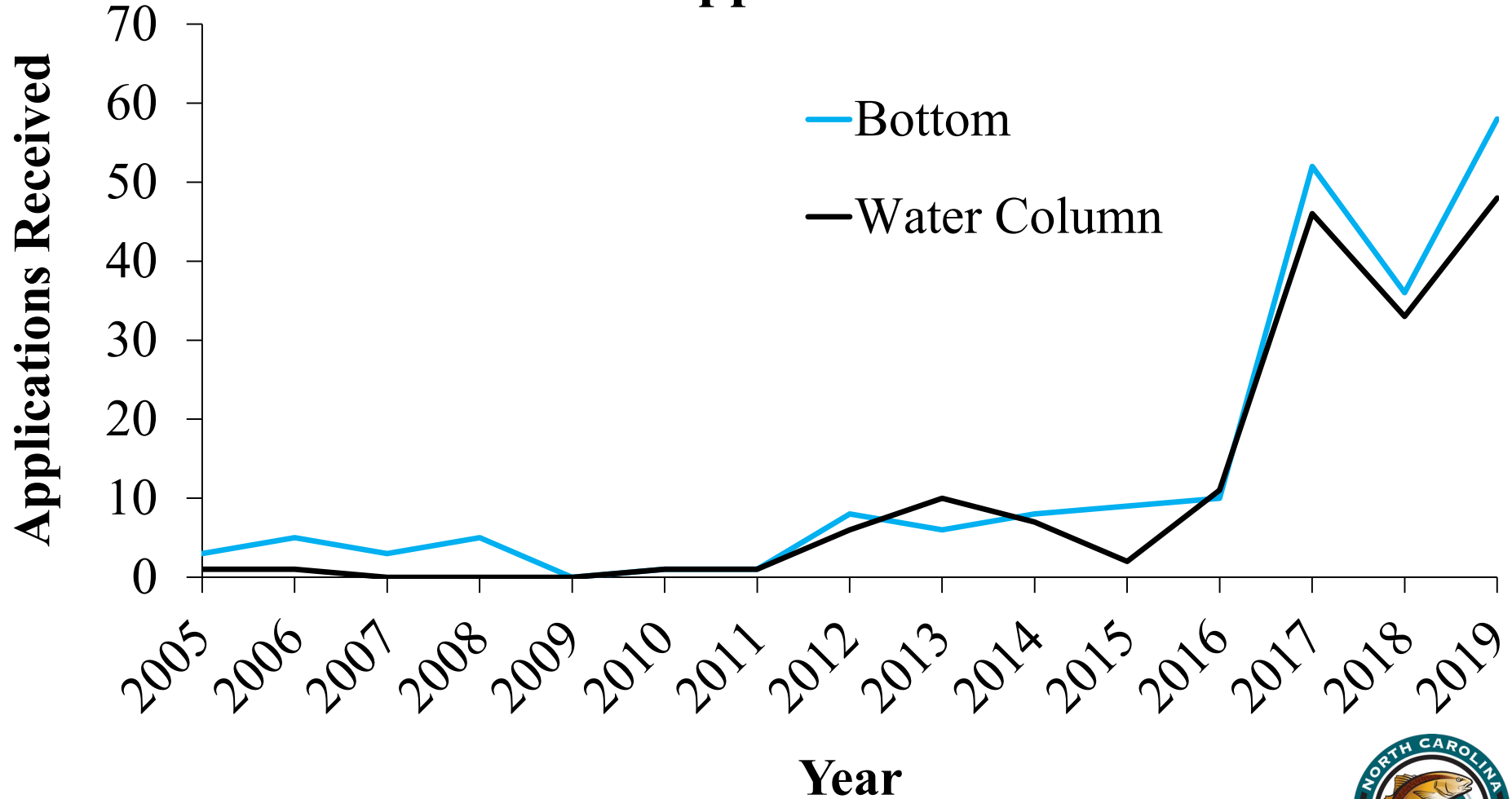
## Background

- Shellfish Lease Program
- Federal Permitting
- Increase in Shellfish Lease Applications and Resulting User Conflicts
- Increase in Legal Challenges
- Shellfish Lease Program is Under-Resourced



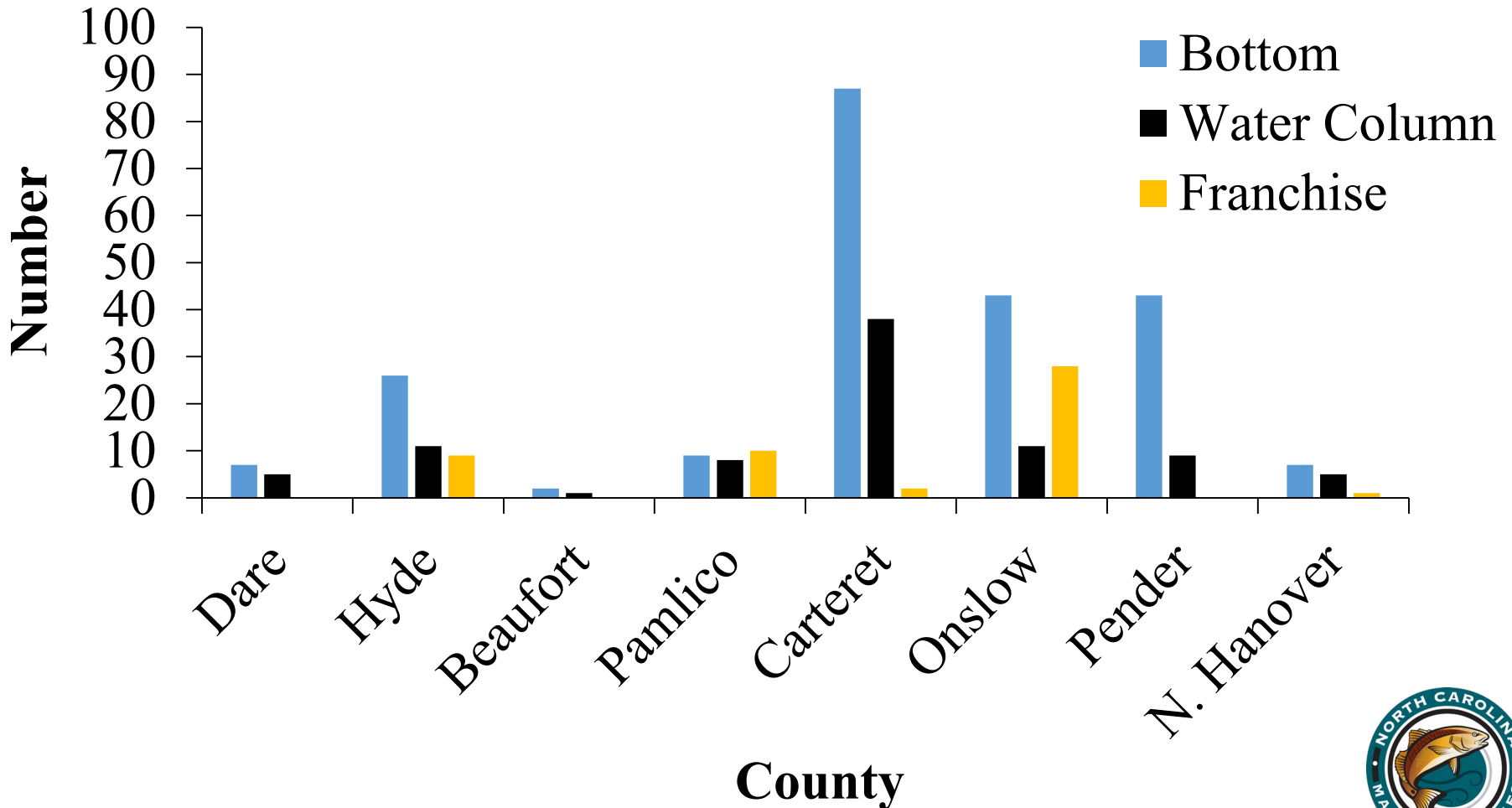


## Shellfish Lease Applications 2005 - 2019



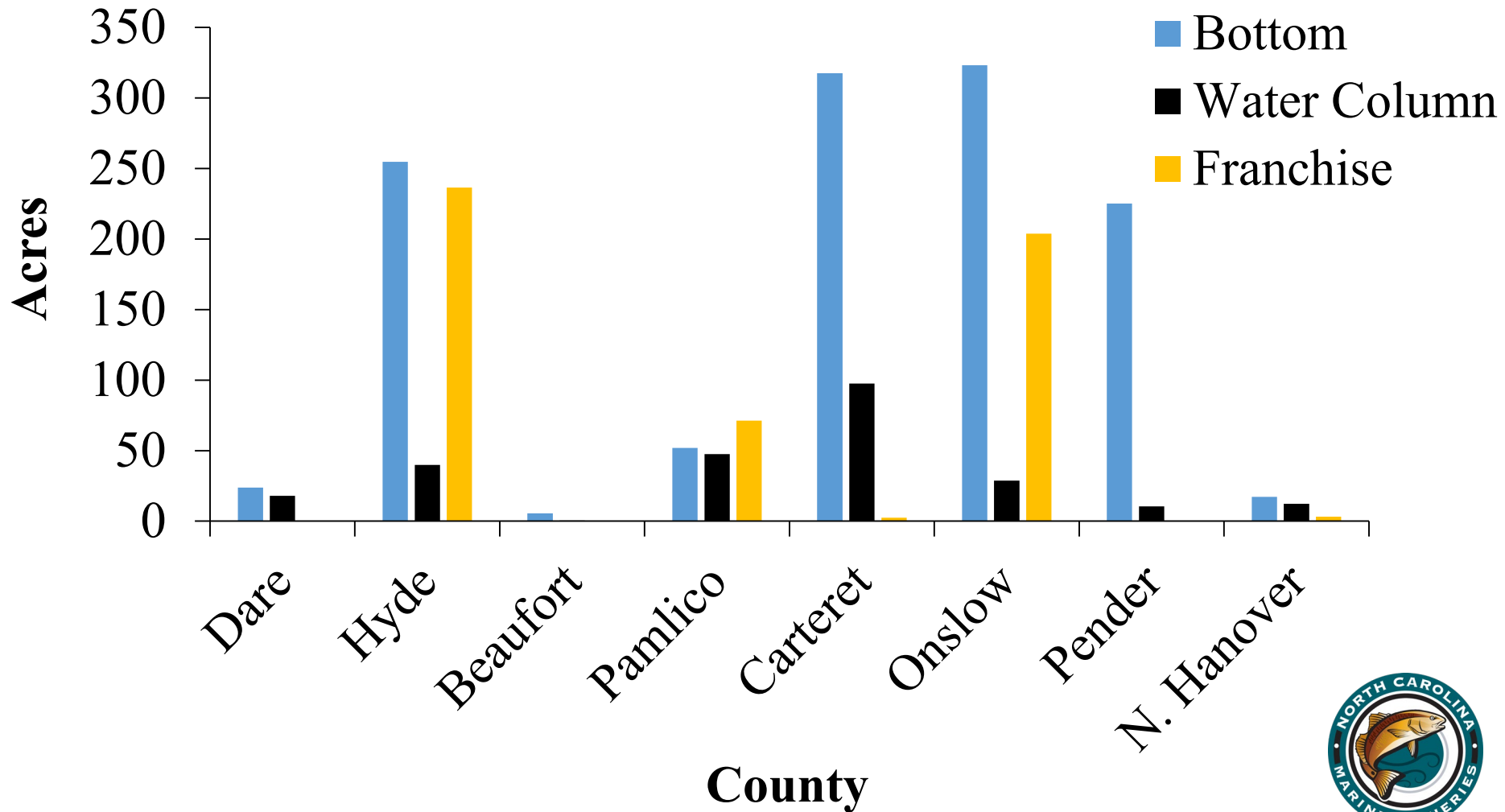


## Shellfish Leases: Total





## Shellfish Leases: Total Acres





## **Sources of Information Concerning User Conflicts**

- Previous Legislative Studies
  - 2016 – Shellfish Aquaculture Plan
  - 2018 – NC Strategic Plan for Shellfish Mariculture
- Collaboration and Public Outreach
- User Conflict Information From Other States
- Future Studies and Directives



## Recommendations

- Regulatory Reform
- Program Evaluation
- Collaboration
- Resource Assessment





## **Recommendation #1: Regulatory Reform**

- Riparian owner notifications
- Include MFC limit total acres
- 250 ft. setback between shellfish leases
- Developed shoreline setback to 250 ft.
- Marking requirements
- Training requirements
- Administrative remedy
- Minimum clearance for submerged gear on bottom leases







## Recommendation #2: Program Evaluation

- Best management practices for industry
- Utilize best available science
- Stakeholders working together to address user conflict issues
- Synchronize reporting and renewal requirements for shellfish leases and aquaculture permits





## Recommendation #3: Collaboration

- Identify further areas of collaboration
- Interstate Aquaculture Workgroup
- Inventory aquaculture information from all states
- Shellfish Aquaculture Training Program



# User Conflict Study



## Recommendation #4: Resource Assessment

- Evaluate staff and funding levels to implement recommendations



# *Next Steps*



## **Nov. 2019**

- MFC vote on approval of study
- Send to DEQ

## **Jan. 2020**

- Distribute for legislative review
- Begin work on rule revisions

## **Feb. 2020 – Feb. 2021**

- Update MFC on rule revisions

## **Mar. 2021**

- Rule revisions adopted

