



## *Shellfish Lease Update and Challenges*

*DEPARTMENT OF ENVIRONMENTAL QUALITY*

Marine Fisheries

Marine Fisheries Commission | Mike Graven and Anne Deaton | May 17, 2018



# *Shellfish Lease Challenges*

- **Lease siting and conflicts with public trust uses**
- **Potential for increasing litigation expenses**
- **Navigation hazards over bottom gear/cages**
- **Experience level of applicants varies**
- **Gear cleanup/abandonment**



# *Shellfish Lease Updates*

## **2017 Lease Applications**

- **50 Bottom Lease Applications**
- **46 Water Column Amendments**

## **2018 New Lease Applications**

- **24 Bottom Lease Applications**
- **21 Water Column Amendments**



# *Shellfish Lease Updates*

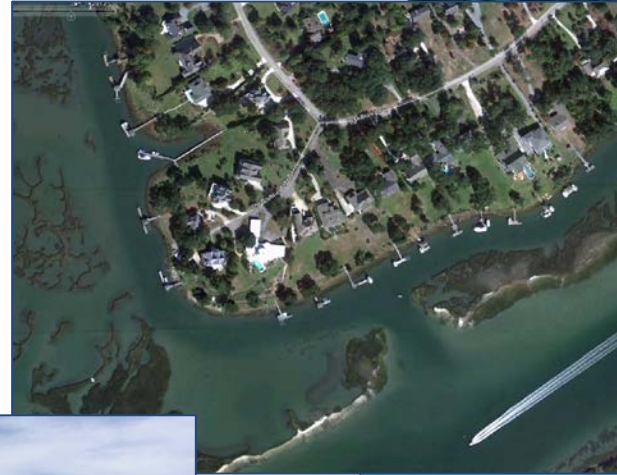
## **Address conflicts and navigational safety**

- **Staff is partnering with NOAA on a spatial analysis to address user conflicts – pilot project is in Bogue Sound**
- **The lease application review process continues to be improved**



# *Conflicting Uses*

- Navigation - boating
- Fishing – commercial/recreational
- Recreation - swimming, kayaking, etc.
- Hunting - duck blinds
- Waterfront development



# *Bottom Lease – cultch on bottom*



# Bottom Cages

## Bottom Cages

(triple stack configuration is 18 inches)



## Rack and Bag



# *Traditional vs Intensive Bottom Lease*





# Mariculture Gear used with Water Column Amendment



**Flip Bags**



**Lentz system**



**Adjustable Long Line**



**LowPro Grow Floating Cage**



**OysterGro™**



# *Marine Fisheries Commission Authority*



## **G.S. 113-201 (b)**

- Authority to make rules and take all steps necessary to develop and improve the cultivation, harvesting, and marketing of shellfish in North Carolina from public grounds and private beds.
- May limit the number of acres in any area that may be granted as shellfish cultivation leases

## **Lease Rules under 15A NCAC 03O .0201 address:**

- Standards and definitions
- Application processing
- Production requirements
- Marking
- Riparian property consent for leases within 100 feet of developed shoreline
- Renewal
- Reporting
- Cancellation/termination
- Transfer
- Protection of private shellfish interest



# Potential Commission Actions

- **Strengthen training requirements**

- 113-201(c) - authority to establish training requirements for new leases holders and transfer lease holders
- Rule 15A NCAC 03O .0202 requires a 70% passing score on a written examination
- Require additional field training requirements for new applicants/leaseholders

- **Mandate marking requirements for bottom gear**

- Current marking rule 15A NCAC 03O .0204 only applies to corner markings and water columns requirements

- **Require minimum clearance between bottom gear and water surface at low tide**

- Condition new leases to maintain minimum clearance at mean low water over any aquaculture gear for bottom leases that do not have a water column amendment



# *Potential Legislative Actions*



- **Appeal process for contested cases**
  - Establish a preemptive administrative remedy prior to the Office of Administrative Hearings appeal for contested cases
- **Lease siting near duck blinds**
  - Restrict the siting of new shellfish leases to a designated safe distance of duck blinds existing at the time of the lease investigation
- **Cumulative impacts**
  - Establish requirements to address multiple leases in a given area to minimize impacts
- **Performance bond or insurance**
  - Require a performance bond or insurance to address liability to the public and for derelict gear from and on a lease





*Questions?*