

1 (5) The area leased must not include an area designated for inclusion in
2 the Department's Shellfish Management Program.

3 (6) The area leased must not include an area which the State Health
4 Director has recommended be closed to shellfish harvest by reason of
5 pollution.

6 (b) ~~The Marine Fisheries Commission~~ Secretary may delete any part of an area
7 proposed for lease or may condition a lease to protect the public interest with respect to
8 the factors enumerated in subsection (a) of this section. ~~The Marine Fisheries Commission~~
9 Secretary may not grant a new lease in an area heavily used for recreational purposes.

10 (c) No person, including a corporate entity, or single family unit may acquire and
11 hold by lease, lease renewal, or purchase more than 50 acres of public bottoms under
12 shellfish cultivation leases.

13 (d) Any person desiring to apply for a lease must make written application to the
14 Secretary on forms prepared by the Department containing such information as deemed
15 necessary to determine the desirability of granting or not granting the lease requested.
16 Except in the case of renewal leases, the application must be accompanied by a map or
17 diagram made at the expense of the applicant, showing the area proposed to be leased.

18 The map or diagram must conform to standards prescribed by the Secretary
19 concerning accuracy of map or diagram and the amount of detail that must be shown. If
20 on the basis of the application information and map or diagram the Secretary deems that
21 granting the lease would benefit the shellfish culture of North Carolina, the Secretary, in
22 the case of initial lease applications, must order an investigation of the bottom proposed
23 to be leased. The investigation is to be made by the Secretary or his authorized agent to
24 determine whether the area proposed to be leased is consistent with the standards in
25 subsection (a) and any other applicable standards under this Article and the rules
26 of the Marine Fisheries Commission. In the event the Secretary finds the application
27 inconsistent with the applicable standards, the Secretary shall recommend that the
28 application be denied or that a conditional lease be issued which is consistent with the
29 applicable standards. In the event the Secretary authorizes amendment of the
30 application, the applicant must furnish a new map or diagram meeting requisite
31 standards showing the area proposed to be leased under the amended application. At the
32 time of making application for an initial lease, the applicant must pay a filing fee of one
33 hundred dollars (\$100.00).

34 (e) The area of bottom applied for in the case of an initial lease or amended
35 initial lease must be as compact as possible, taking into consideration the shape of the
36 body of water, the consistency of the bottom, and the desirability of separating the
37 boundaries of a leasehold by a sufficient distance from any known natural shellfish bed
38 to prevent the likelihood of disputes arising between the leaseholder and members of the
39 public taking shellfish from the natural bed.

40 (f) Within a reasonable time after receipt of an application that complies with
41 subsection (d), the Secretary shall notify the applicant whether he recommends
42 approval, disapproval, or modification of the lease application. In the event the
43 Secretary recommends approval or a modification to which the applicant agrees, the
44 Secretary shall conduct a public hearing in the county where the proposed leasehold

1 lies. The Secretary must publish at least two notices of the intention to lease in a
2 newspaper of general circulation in the county in which the proposed leasehold lies. The
3 first publication must precede the public hearing by more than 20 days; the second
4 publication must follow the first by seven to 11 days. The notice of intention to lease
5 must contain a sufficient description of the area of the proposed leasehold that its
6 boundaries may be established with reasonable ease and certainty and must also contain
7 the date, hour and place of the hearing. The Secretary's recommendation of disapproval
8 shall become the final agency decision ~~of on~~ the application unless the applicant ~~requests~~
9 ~~in writing~~ initiates a contested case by filing a petition under G.S. 150B-23 within 20
10 days of notice of such ~~action an administrative hearing before the Marine Fisheries~~
11 ~~Commission.~~ action.

12 (g) ~~Protests to the granting of a proposed lease shall be made either in writing~~
13 ~~under oath prior to the public hearing held by the Secretary or by testimony under oath~~
14 ~~during the public hearing.~~ After consideration of the ~~protests~~ public comment received
15 and any additional investigations he orders to evaluate the ~~protests,~~ comments, the
16 Secretary shall ~~send to~~ notify the applicant and ~~protesting parties~~ in person or by
17 certified or registered mail of his final recommendation decision on the lease
18 application. The Secretary shall also notify persons who submitted comments at the
19 public hearing and requested notice of the lease decision. An applicant who is
20 dissatisfied with the Secretary's decision may commence a contested case by filing a
21 petition under G.S. 150B-23 within 20 days after receiving the Secretary's notice of his
22 decision, as may other persons meeting the requirements of G.S. 150B-23. In the event
23 the Secretary's ~~final recommendation decision~~ is a modification to which the applicant
24 agrees, the lease applicant must furnish an amended map or diagram before the
25 Secretary's ~~final recommendation~~ can be presented to the Marine Fisheries Commission.
26 lease can be issued by the Secretary. In the event the Secretary's ~~final recommendation~~
27 ~~is inconsistent with a protest, the person filing the protest may request in writing within~~
28 ~~20 days of notice of such action an administrative hearing before the Marine Fisheries~~
29 ~~Commission.~~ The Secretary's final recommendation of disapproval decision
30 disapproving an application shall become the final agency decision of on the application
31 unless the applicant ~~requests in writing~~ initiates a contested case by filing a petition
32 under G.S. 150B-23 within 20 days of notice of such ~~action an administrative hearing~~
33 ~~before the Marine Fisheries Commission.~~ action.

34 (h) The Secretary shall present all lease applications recommended for approval
35 ~~to the Marine Fisheries Commission for final determination.~~ In addition to his final
36 recommendation, the Secretary shall present the official record of the application as
37 developed pursuant to the requirements of this action. The applicants and persons who
38 protested the application shall be given an opportunity to present oral and written
39 arguments based on the official record. Unless the Marine Fisheries Commission, in its
40 discretion, refers the matter for an administrative hearing, the Marine Fisheries
41 Commission shall determine all lease applications presented by the Secretary during the
42 public meetings when the matter is presented. ~~The Marine Fisheries Commission,~~
43 Secretary, in its ~~his~~ discretion, may lease or decline to lease public bottoms in
44 accordance with its ~~his~~ duty to conserve the marine and estuarine resources of the State.

1 ~~More than 20 days prior to an administrative hearing conducted pursuant to this~~
2 ~~section, the Secretary must publish notice of the hearing in a newspaper of general~~
3 ~~circulation in the county where the proposed leasehold lies. The hearing shall be~~
4 ~~conducted in the county where the proposed leasehold lies. Protests to the granting of~~
5 ~~the proposed lease may be made during the administrative hearing by parties to the~~
6 ~~hearing, intervening parties, and witnesses for parties. When administrative hearings~~
7 ~~have been conducted pursuant to this section, the Marine Fisheries Commission shall~~
8 ~~determine the lease applications during the public meeting when the proposal for~~
9 ~~decision is presented by the hearing officer(s).~~

10 (i) ~~After a lease application is approved by the Marine Fisheries Commission,~~
11 ~~Secretary, the applicant shall submit to the Secretary a survey of the area approved for~~
12 ~~leasing and define the bounds of the area approved for leasing with markers in~~
13 ~~accordance with the rules of the Commission. The survey shall conform to standards~~
14 ~~prescribed by the Secretary concerning accuracy of survey and the amount of detail to~~
15 ~~be shown. When an acceptable survey is submitted, the boundaries are marked and all~~
16 ~~fees and rents due in advance are paid, the Secretary shall execute the lease on forms~~
17 ~~approved by the Attorney General. If the applicant and the Secretary are unable to agree that~~
18 ~~the area approved for lease is that shown in the survey, the Secretary shall report the matter~~
19 ~~with reasonable dispatch to the Marine Fisheries Commission for resolution. The Secretary is~~
20 ~~authorized, with the approval of the lessee, to amend an existing lease by reducing the~~
21 ~~area under lease or by combining contiguous leases without increasing the total area~~
22 ~~leased.~~

23 (j) Initial leases begin upon the issuance of the lease by the Secretary and expire
24 at noon on the first day of April following the tenth anniversary of the granting of the
25 lease. Renewal leases are issued for a period of 10 years effective from the time of
26 expiration of the previous lease. At the time of making application for renewal of a
27 lease, the applicant must pay a filing fee of fifty dollars (\$50.00). The rental for initial
28 leases is one dollar (\$1.00) per acre for all leases entered into before July 1, 1965, and
29 for all other leases until noon on the first day of April following the first anniversary of
30 the lease. Thereafter, for initial leases entered into after July 1, 1965, and from the
31 beginning for renewals of leases entered into after said date, the rental is five dollars
32 (\$5.00) per acre per year. Rental must be paid annually in advance prior to the first day
33 of April each year. Upon initial granting of a lease, the pro rata amount for the portion
34 of the year left until the first day of April must be paid in advance at the rate of one
35 dollar (\$1.00) per acre per year; then, on or before the first day of April next, the lessee
36 must pay the rental for the next full year.

37 (k) Except as restricted by this Subchapter, leaseholds granted under this section
38 are to be treated as if they were real property and are subject to all laws relating to
39 taxation, sale, devise, inheritance, gift, seizure and sale under execution or other legal
40 process, and the like. Leases properly acknowledged and probated are eligible for
41 recordation in the same manner as instruments conveying an estate in real property.
42 Within 30 days after transfer of beneficial ownership of all or any portion of or interest
43 in a leasehold to another, the new owner must notify the Secretary of such fact. Such

1 transfer is not valid until notice is furnished the Secretary. In the event such transferee is
2 a nonresident, the Secretary must initiate proceedings to terminate the lease.

3 (l) Upon receipt of notice by the Secretary of any of the following occurrences,
4 he must commence action to terminate the leasehold:

5 (1) Failure to pay the annual rent in advance.

6 (2) Failure to file information required by the Secretary upon annual
7 remittance of rental or filing false information on the form required to
8 accompany the annual remittance of rental.

9 (3) Failure by new owner to report a transfer of beneficial ownership of all
10 or any portion of or interest in the leasehold.

11 (4) Failure to mark the boundaries in the leasehold and to keep them
12 marked as required in the rules of the Marine Fisheries Commission.

13 (5) Failure to utilize the leasehold on a continuing basis for the
14 commercial production of shellfish.

15 (6) Transfer of all or part of the beneficial ownership of a leasehold to a
16 nonresident.

17 (7) Substantial breach of compliance with the provisions of this Article or
18 of rules of the Marine Fisheries Commission governing use of the
19 leasehold.

20 The Marine Fisheries Commission is authorized to make rules defining commercial
21 production of shellfish, based upon the productive potential of particular areas climatic
22 or biological conditions at particular areas or particular times, availability of seed
23 shellfish, availability for purchase by lessees of shells or other material to which oyster
24 spat may attach, and the like. Commercial production may be defined in terms of
25 planting effort made as well as in terms of quantities of shellfish harvested. Provided,
26 however, that if a lessee has made a diligent effort to effectively and efficiently manage
27 his lease according to accepted standards and practices in such management, and
28 because of reasons beyond his control, such as acts of God, such lessee has not and
29 cannot meet the requirements set out by the Marine Fisheries Commission under the
30 provisions of this paragraph of this subsection, his leasehold shall not be terminated
31 under subdivision (5) of this subsection.

32 (m) In the event the leaseholder takes steps within 30 days to remedy the situation
33 upon which the notice of intention to terminate was based and the Secretary is satisfied
34 that continuation of the lease is in the best interests of the shellfish culture of the State,
35 the Secretary may discontinue termination procedures. Where there is no discontinuance
36 of termination procedures, the leaseholder may ~~appeal to the Marine Fisheries Commission.~~
37 initiate a contested case by filing a petition under G.S. 150B-23 within 30 days of
38 receipt of notice of intention to terminate. The Secretary shall make the final agency
39 decision of all lease terminations. Where there is no appeal, or where an appeal does not
40 prevail, the leaseholder does not initiate a contested case, or the Secretary's final
41 decision upholds termination, the Secretary must send a final letter of termination to the
42 leaseholder. The final letter of termination may not be mailed sooner than 30 days after
43 receipt by the leaseholder of the Secretary's notice of intention to ~~terminate.~~ terminate, or
44 of the Secretary's final agency decision, as appropriate. The lease is terminated effective

1 at midnight on the day the final notice of termination is served on the leaseholder. The
2 final notice of termination may not be issued pending hearing of ~~any appeal by the Marine~~
3 ~~Fisheries Commission~~ a contested case initiated by the leaseholder.

4 Service of any notice required in this subsection may be accomplished by certified
5 mail, return receipt requested; personal service by any law-enforcement officer; or upon
6 the failure of these two methods, publication. Service by publication shall be
7 accomplished by publishing such notices in a newspaper of general circulation within
8 the county where the lease is located for at least once a week for three successive
9 weeks. The format for notice by publication shall be approved by the Attorney General.

10 (n) Upon final termination of any leasehold, the bottom in question is thrown
11 open to the public for use in accordance with laws and rules governing use of public
12 grounds generally. Within 30 days of final termination of the leasehold, the former
13 leaseholder shall remove all abandoned markers denominating the area of the leasehold
14 as a private bottom. The State may, after 10 days' notice to the owner of the abandoned
15 markers thereof, remove the abandoned structure and have the area cleaned up. The
16 cost of such removal and cleanup shall be payable by the owner of the abandoned
17 markers and the State may bring suit to recover the costs thereof.

18 (o) Every year between January 1 and February 15 the Secretary must mail to all
19 leaseholders a notice of the annual rental due and include forms designed by him for
20 determining the amount of shellfish or shells planted on the leasehold during the
21 preceding calendar year, and the amount of harvest gathered. Such forms may contain
22 other pertinent questions relating to the utilization of the leasehold in the best interests
23 of the shellfish culture of the State, and must be executed and returned by the
24 leaseholder with the payment of his rental. Any leaseholder or his agent executing such
25 forms for him who knowingly makes a false statement on such forms is guilty of a
26 misdemeanor punishable in the discretion of the court.

27 (p) All leases and renewal leases granted after the effective date of this Article
28 are made subject to this Article and to reasonable amendment of governing statutes,
29 rules of the Marine Fisheries Commission, and requirements imposed by the Secretary
30 or his agents in regulating the use of the leasehold or in processing applications of
31 rentals. This includes such statutory increase in rentals as may be necessitated by
32 changing conditions and refusal to renew lease after expiration, in the discretion of the
33 ~~Marine Fisheries Commission~~ Secretary. No increase in rentals, however, may be given
34 retroactive effect.

35 The General Assembly declares it to be contrary to public policy to the oyster and
36 clam bottoms which were leased prior to January 1, 1966, and which are not being used
37 to produce oysters and clams in commercial quantities to continue to be held by private
38 individuals, thus depriving the public of a resource which belongs to all the people of
39 the State. Therefore, when the Secretary determines, after due notice to the lessee, and
40 after opportunity for the lessee to be heard, that oysters or clams are not being produced
41 in commercial quantities, due to the lessee's failure to make diligent effort to produce
42 oysters and clams in commercial quantities, the Secretary may decline to renew, at the
43 end of the current term, any oyster or clam bottom lease which was executed prior to
44 January 1, 1966. The lessee may appeal the denial of the Secretary to renew the lease to

1 ~~the Marine Fisheries Commission in which event the lessee shall be granted an opportunity to~~
2 ~~be heard, de novo, by the Marine Fisheries Commission and by initiating a contested case~~
3 ~~pursuant to G.S. 150B-23. In such contested cases, the burden of proof, by the greater~~
4 ~~weight of the evidence, shall be on the lessee. The Marine Fisheries Commission, by~~
5 ~~majority vote, may affirm or reverse the action of the Secretary. No appeal shall be allowed~~
6 ~~from the action of the Marine Fisheries Commission. Secretary.~~

7 (q) Repealed by Session Laws 1983, c. 621, s. 16, effective July 1, 1983."

8 Sec. 2. G.S. 113-202.1 reads as rewritten:

9 **"§ 113-202.1. Water column leases for aquaculture.**

10 (a) To increase the productivity of leases for shellfish culture issued under G.S.
11 113-202, the ~~Marine Fisheries Commission Secretary~~ may amend shellfish cultivation
12 leases to authorize use of the water column superjacent to the leased bottom under the
13 terms of this section when ~~it~~ he determines the public interest will benefit from
14 amendment of the leases. Leases with water column amendments must produce
15 shellfish in commercial quantities at four times the minimum production rate of leases
16 issued under G.S. 113-202, or any higher quantity required by the Marine Fisheries
17 Commission through duly adopted rules.

18 (b) Suitable areas for the authorization of water column use shall meet the
19 following minimum standards:

- 20 (1) Aquaculture use of the leased area must not significantly impair
21 navigation;
- 22 (2) The leased area must not be within a navigation channel marked or
23 maintained by a state or federal agency;
- 24 (3) The leased area must not be within an area traditionally used and
25 available for fishing or hunting activities incompatible with the
26 activities proposed by the leaseholder, such as trawling or seining;
- 27 (4) Aquaculture use of the leased area must not significantly interfere with
28 the exercise of riparian rights by adjacent property owners including
29 access to navigation channels from piers or other means of access; and
- 30 (5) Any additional standards, established by the Commission in duly
31 adopted rules, to protect the public interest in coastal fishing waters.

32 (c) The ~~Commission Secretary~~ shall not amend shellfish cultivation leases to
33 authorize use of the water column unless:

- 34 (1) The leaseholder submits an application, accompanied by a
35 nonrefundable application fee of one hundred dollars (\$100.00), which
36 conforms to the standards for lease applications in G.S. 113-202(d)
37 and the duly adopted rules of the Commission;
- 38 (2) The proposed amendment has been noticed consistent with G.S. 113-
39 202(f);
- 40 (3) Public hearings have been conducted consistent with G.S. 113-202(g);
- 41 (4) The aspects of the proposals which require use and dedication of the
42 water column have been documented and are recognized by the
43 ~~Commission Secretary~~ as commercially feasible forms of aquaculture
44 which will enhance shellfish production on the leased area;

1 (5) It is not feasible to undertake the aquaculture activity outside of coastal
2 fishing waters; and

3 (6) The authorized water column use has the least disruptive effect on
4 other public trust uses of the waters of any available technology to
5 produce the shellfish identified in the proposal.

6 (d) Amendments of shellfish cultivation leases to authorize use of the water
7 column are issued for a period of five years or the remainder of the term of the lease,
8 whichever is shorter. The annual rental for water column amendments is five hundred
9 dollars (\$500.00) per acre, prorated. The rental is in addition to that required in G.S.
10 113-202.

11 (e) Amendments of shellfish cultivation leases to authorize use of the water
12 column are subject to termination in accordance with the procedures established in G.S.
13 113-202 for the termination of shellfish cultivation leases. Additionally, such
14 amendments may be terminated for unauthorized or unlawful interference with the
15 exercise of public trust rights by the leaseholder, agents and employees of the
16 leaseholder.

17 (f) Amendments of shellfish cultivation leases to authorize use of the water
18 column are not transferrable except when the ~~Commission~~ Secretary approves the
19 transfer after public notice and hearing consistent with subsection (c) of this section.

20 (g) After public notice and hearing consistent with subsection (c) of this section,
21 the ~~Commission~~ Secretary may renew an amendment, in whole or in part, when the
22 leaseholder has produced commercial quantities of shellfish and has otherwise complied
23 with the rules of the Commission. Renewals may be denied or reduced in scope when
24 the public interest so requires. Appeal of renewal decisions shall be conducted in
25 accordance with G.S. 113-202(p). Renewals are subject to the lease terms and rates
26 established in subsection (d) of this section.

27 (h) The procedures and requirements of G.S. 113-202 shall apply to proposed
28 amendments or amendments of shellfish cultivation leases considered under this section
29 except more specific provisions of this section control conflicts between the two
30 sections.

31 (i) To the extent required by demonstration or research aquaculture development
32 projects, the ~~Commission~~ Secretary may amend existing leases and issue leases that
33 authorize use of the bottom and the water column. Demonstration or research
34 aquaculture development projects may be authorized for two years with no more than
35 one renewal and when the project is proposed or formally sponsored by an educational
36 institution which conducts research or demonstration of aquaculture. Production of
37 shellfish with a sales value in excess of one thousand dollars (\$1,000) per acre per year
38 shall constitute commercial production. Demonstration or research aquaculture
39 development projects shall be exempt for the rental rate in subsection (d) of this section
40 unless commercial production occurs as a result of the project."

41 Sec. 3. G.S. 113-202.2 reads as rewritten:

42 "**§ 113-202.2. Water column leases for aquaculture for perpetual franchises.**

43 (a) To increase the productivity of shellfish grants and perpetual franchises for
44 shellfish culture recognized under G.S. 113-206, the ~~Marine Fisheries Commission~~

1 Secretary may lease the water column superjacent to such grants or perpetual franchises
2 (hereinafter 'perpetual franchises') under the terms of this section when it determines the
3 public interest will benefit from the lease. Perpetual franchises with water column
4 leases must produce shellfish in commercial quantities at four times the minimum
5 production rate of leases issued under G.S. 113-202, or any higher quantity required by
6 the Marine Fisheries Commission by rule.

7 (b) Suitable areas for the authorization of water column use shall meet the
8 following minimum standards:

- 9 (1) Aquaculture use of the leased water column area must not significantly
10 impair navigation;
- 11 (2) The leased water column area must not be within a navigation channel
12 marked or maintained by a State or federal agency;
- 13 (3) The leased water column area must not be within an area traditionally
14 used and available for fishing or hunting activities incompatible with
15 the activities proposed by the perpetual franchise holder, such as
16 trawling or seining;
- 17 (4) Aquaculture use of the leased water column area must not significantly
18 interfere with the exercise of riparian rights by adjacent property
19 owners including access to navigation channels from piers or other
20 means of access;
- 21 (5) The leased water column area may not exceed 10 acres for grants or
22 perpetual franchises recognized pursuant to G.S. 113-206;
- 23 (6) The leased water column area must not extend more than one-third of
24 the distance across any body of water or into the channel third of any
25 body of water for grants or perpetual franchises recognized pursuant to
26 G.S. 113-206; and
- 27 (7) Any additional rules to protect the public interest in coastal fishing
28 waters adopted by the Commission.

29 (c) ~~The Commission~~ Secretary shall not lease the water column superjacent to
30 oyster or other shellfish grants or perpetual franchises unless:

- 31 (1) The perpetual franchise holder submits an application, accompanied by
32 a nonrefundable application fee of one hundred dollars (\$100.00),
33 which conforms to the standards for lease applications in G.S. 113-
34 202(d) and rules adopted by the Commission;
- 35 (2) Notice of the proposed lease has been given consistent with G.S. 113-
36 202(f);
- 37 (3) Public hearings have been conducted consistent with G.S. 113-202(g);
- 38 (4) The aspects of the proposals which require use and dedication of the
39 water column have been documented and are recognized by the
40 ~~Commission~~ Secretary as commercially feasible forms of aquaculture
41 which will enhance shellfish production;
- 42 (5) It is not feasible to undertake the aquaculture activity outside of coastal
43 fishing waters; and

1 (6) The authorized water column use has the least disruptive effect on
2 other public trust uses of the waters of any available technology to
3 produce the shellfish identified in the proposal.

4 (d) Water column leases to perpetual franchises shall be issued for a period of
5 five years and may be renewed pursuant to subsection (g) of this section. The annual
6 rental for water column leases shall be five hundred dollars (\$500.00) per acre, prorated,
7 or the then current renewal rate, whichever is greater.

8 (e) Water column leases to perpetual franchises may be terminated for
9 unauthorized or unlawful interference with the exercise of public trust rights by the
10 leaseholder or his agents or employees.

11 (f) Water column leases to perpetual franchises are not transferrable except when
12 the ~~Commission~~Secretary approves the transfer after public notice and hearing
13 consistent with G.S. 113-202(f) and (g).

14 (g) After public notice and hearing consistent with G.S. 113-202(f) and (g), the
15 ~~Commission~~Secretary may renew a water column lease, in whole or in part, if the
16 leaseholder has produced commercial quantities of shellfish and has otherwise complied
17 with this section and the rules of the Commission. Renewals may be denied or reduced
18 in scope when the public interest so requires. Appeal of renewal decisions shall be
19 conducted in accordance with G.S. 113-202(p). Renewals are subject to the lease terms
20 and rates set out in subsection (d) of this section.

21 (h) The procedures and requirements of G.S. 113-202 shall apply to proposed
22 water column leases or water column leases to perpetual franchises considered under
23 this section except that more specific provisions of this section control conflicts between
24 the two sections.

25 (i) Demonstration or research aquaculture development projects may be
26 authorized for two years with no more than one renewal and when the project is
27 proposed or formally sponsored by an educational institution which conducts
28 aquaculture research or demonstration projects. Production of shellfish with a sales
29 value in excess of one thousand dollars (\$1,000) per acre per year shall constitute
30 commercial production. Demonstration or research aquaculture development projects
31 shall be exempt from the rental rate in subsection (d) of this section unless commercial
32 production occurs as a result of the project."

33 Sec. 4. G.S. 143B-289.4(2) reads as rewritten:

34 "(2) The Marine Fisheries Commission shall have the power and duty to
35 establish standards and adopt rules:

36 (a) Implementing the provisions of Subchapter IV of Chapter 113
37 as provided in G.S. 113-134 of the General Statutes of the State
38 of North Carolina;

39 (b) For the disposition of confiscated property as set forth in G.S.
40 113-137;

41 (c) Governing all license requirements and taxes prescribed in
42 Chapter 113, Article 14;

43 (d) Governing the importation and exportation of fish, and
44 equipment that may be used in taking or processing fish, as

- 1 necessary to enhance the conservation of marine and estuarine
2 resources of North Carolina as provided in G.S. 113-160;
- 3 (e) Governing the possession, transportation and disposition of
4 seafood, as provided in G.S. 113-164;
- 5 (f) Regarding the disposition of the young of edible fish, as
6 provided by G.S. 113-185;
- 7 ~~(g) Regarding the leasing of public grounds for aquaculture,
8 including oysters and clam production, as provided in G.S. 113-
9 202;~~
- 10 (h) Governing utilization of private fisheries, as provided in G.S.
11 113-205;
- 12 (i) Imposing further restrictions upon the throwing of fish offal in
13 any coastal fishing waters, as provided in G.S. 113-265;
- 14 (j) Governing the location and utilization of artificial reefs in
15 coastal waters; and
- 16 (k) Regulating the placement of nets and other sports or
17 commercial fishing apparatus in coastal fishing waters with
18 regard to navigational or recreational safety as well as from a
19 conservation standpoint."

20 Sec. 5. This act is effective upon ratification.