

# ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 607

AMENDMENT NO. A5  
(to be filled in by  
Principal Clerk)

S607-ATQ-100 [v.1]

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Amends Title [NO]  
Fourth Edition

Date \_\_\_\_\_, 2024

Representative Dixon

1 moves to amend the bill on page 29, lines 17 and 18, by inserting between those lines:

2  
3 **"EXCLUDE AQUACULTURE FROM THE DEFINITION OF "DEVELOPMENT" FOR**  
4 **PURPOSES OF CAMA AND LIMIT THE AUTHORITY OF THE MARINE FISHERIES**  
5 **COMMISSION TO ADOPT RULES REGULATING AQUACULTURE EQUIPMENT**

6 SECTION 16.1.(a) G.S. 113A-103 reads as rewritten:

7 "§ 113A-103. Definitions.

8 ...

9 (5) a. "Development" means any activity in a duly designated area of  
10 environmental concern (except as provided in paragraph b of this  
11 subdivision) involving, requiring, or consisting of the construction or  
12 enlargement of a structure; excavation; dredging; filling; dumping;  
13 removal of clay, silt, sand, gravel or minerals; bulkheading, driving of  
14 pilings; clearing or alteration of land as an adjunct of construction;  
15 alteration or removal of sand dunes; alteration of the shore, bank, or  
16 bottom of the Atlantic Ocean or any sound, bay, river, creek, stream,  
17 lake, or canal; or placement of a floating ~~structure~~-structure, except a  
18 floating structure used primarily for aquaculture as defined in  
19 G.S. 106-758 and associated with an active shellfish cultivation lease  
20 area or franchise, in an area of environmental concern identified in  
21 G.S. 113A-113(b)(2) or (b)(5).

22 b. The following activities including the normal and incidental  
23 operations associated therewith shall not be deemed to be development  
24 under this section:

25 ...

26 4. The use of any land for the purposes of planting, growing, or  
27 harvesting plants, crops, trees, or other agricultural or forestry  
28 products, including normal private road construction, raising  
29 livestock or poultry, uses related to aquaculture and  
30 aquaculture facilities as defined in G.S. 106-758 and  
31 associated with an active shellfish cultivation lease area or  
32 franchise, or for other agricultural purposes except where



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1 excavation or filling affecting estuarine waters (as defined in  
2 G.S. 113-229) or navigable waters is involved;

3 ...

4 (5a) "Floating structure" means any structure, not a boat, supported by a means of  
5 floatation, designed to be used without a permanent foundation, which is used  
6 or intended for human habitation or commerce. A structure shall be considered  
7 a floating structure when it is inhabited or used for commercial purposes for  
8 more than thirty days in any one location. A boat may be considered a floating  
9 structure when its means of propulsion has been removed or rendered  
10 inoperative.

11 ...."

12 **SECTION 16.1.(b)** G.S. 143B-289.52 is amended by adding a new subsection to  
13 read:

14 "(j) The Commission may not adopt rules regulating cages, poles, anchoring systems, or  
15 any above-water frames or structural supports used to suspend or hold in place equipment or  
16 floating structures used for aquaculture as defined in G.S. 106-758."

17 **SECTION 16.1.(c)** No later than August 1, 2024, the Department of Environmental  
18 Quality shall prepare and submit to the United States National Oceanic and Atmospheric  
19 Administration for approval by that agency the proposed changes made to Article 7 of Chapter  
20 113A of the General Statutes, as enacted by subsection (a) of this section. The Department of  
21 Environmental Quality shall report to the Environmental Review Commission on the status of  
22 their activities pursuant to this section quarterly, beginning September 1, 2024, until such time  
23 as the General Assembly repeals this reporting requirement.

24 **SECTION 16.1.(d)** Subsection (a) of this section becomes effective on the later of  
25 the following dates and applies to applications for permits pending or filed on or after that date:

26 (1) October 1, 2024.

27 (2) The first day of a month that is 60 days after the Secretary of the Department  
28 of Environmental Quality certifies to the Revisor of Statutes that the National  
29 Oceanic and Atmospheric Administration has approved the changes made to  
30 Article 7 of Chapter 113A of the General Statutes, as enacted by subsection  
31 (a) of this section, as required by subsection (c) of this section. The Secretary  
32 shall provide this notice along with the effective date of subsection (a) of this  
33 section on its website. The remainder of this section is effective when it  
34 becomes law."

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36  
37

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SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

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