



This Bill Analysis reflects the contents of the bill as it was presented in committee.

SENATE JOINT RESOLUTION 205: Resolution to Allow SAV Oyster Leasing.

2017-2018 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	April 20, 2017
Introduced by:	Sens. Cook, Sanderson	Prepared by:	Mariah Matheson Research Assistant
Analysis of:	First Edition		

OVERVIEW: Senate Joint Resolution 205 supports revisions to policies of the United States Army Corps of Engineers (Corps) to allow shellfish cultivation and aquaculture activities in North Carolina waters containing submerged aquatic vegetation (SAV).

CURRENT LAW: Section 3.8 of the Corps' "2012 Regional Conditions for Nationwide Permits (NWP) in the Wilmington District"¹ prohibits any adverse impacts to submerged aquatic vegetation by any NWP within any of the twenty coastal counties defined by North Carolina's Coastal Area Management Act of 1974.

BILL ANALYSIS: SJR 205 would provide that the General Assembly supports the revision of section 3.8 of the proposed "2017 Regional Conditions for Nationwide Permits" under section 404 of the Clean Water Act for the Wilmington District of the Corps, to replace the current ban on adverse impacts to submerged aquatic vegetation with a requirement that adverse impacts are allowed if an essential fish habitat consultation under the federal Magnuson-Stevens Fisheries Conservation and Management Act has been completed.

The Secretary of State must transmit copies of this resolution to the Wilmington District, the South Atlantic Division, and the Chief of Engineers and Commanding General of the Corps.

EFFECTIVE DATE: This resolution would become effective upon ratification.

BACKGROUND: Under Section 404(e) of the Clean Water Act, the Corps can issue general permits to authorize activities that have minimal individual and cumulative adverse environmental effects. General permits can be issued for a period of no more than five years. A nationwide permit is a general permit that authorizes activities across the country, unless a district or division commander revokes the nationwide permit in a state or other geographic region. Nationwide permits authorize a wide variety of activities such as mooring buoys, residential developments, utility lines, road crossings, mining activities, wetland and stream restoration activities, and commercial shellfish aquaculture activities.

The Magnuson-Stevens Fishery Conservation and Management is the primary law governing marine fisheries management in U.S. federal waters. Passed in 1976, the Act fosters long-term biological and economic sustainability of the nation's marine fisheries out to 200 nautical miles from shore. Key objectives of the Magnuson-Stevens Act are to: prevent overfishing, rebuild overfished stocks, increase long-term economic and social benefits, and ensure a safe and sustainable supply of seafood.

¹ http://www.saw.usace.army.mil/Portals/59/docs/regulatory/regdocs/NWP2012/SAW_RCs_Final_SAD_approved_2012-03-29.pdf

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578