



SENATE BILL 410: Marine Aquaculture Development Act.

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

2017-2018 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources. If favorable, re-refer to Rules and Operations of the Senate	Date:	April 20, 2017
Introduced by:	Sens. Cook, Sanderson, Tillman	Prepared by:	Jeff Hudson
Analysis of:	First Edition		Legislative Analyst

OVERVIEW: *Senate Bill 410 would establish a program for the permitting of marine aquaculture activities in coastal and ocean waters.*

[As introduced, this bill was identical to H524, as introduced by Reps. Boswell, Shepard, which is currently in House Environment.]

CURRENT LAW:

Under current law, the State has a program for permitting and leasing areas underlying coastal fishing waters and the water columns above those areas for the production of shellfish.

BILL ANALYSIS:

Sections 1 and 2 would establish a program for the permitting of marine aquaculture activities as follows:

- Define "marine aquaculture" as the propagation and rearing of aquatic species in controlled or selected environments, including, but not limited to, ocean ranching, marine hatcheries, and other deep water fish farming operations in the coastal and ocean waters of the State and, to the extent not inconsistent with federal law, to the limits of the United States exclusive economic zone and define "marine aquaculture facility" as any land, structure, or other appurtenance that is used for aquaculture, including, but not limited to, any laboratory, hatchery, rearing pond, raceway, pen, incubator, or other equipment used in aquaculture.
- Direct the Marine Fisheries Commission (MFC) to designate which species of fish, crustaceans, and shellfish could be produced and sold under a Marine Aquaculture Propagation and Production Facility License (Facility License).
- Authorize the MFC to adopt rules to establish a Facility License.
- Make it unlawful for a person other than the Facility License holder to take aquatic species from a licensed Facility. A violation of this provision would be a Class A1 misdemeanor, which could include a fine of not more than \$5,000.
- Authorize the Secretary of Environmental Quality to lease public bottom and the superjacent water column for use by a licensed Facility.
- Establish an initial lease application filing fee of \$200 and a renewal filing fee of \$100 as well as a \$10 per acre annual lease rental fee.

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Section 3 would direct the Division of Marine Fisheries of the Department of Environmental Quality (DMF) to:

- Request that the Mid Atlantic and South Atlantic Fishery Management Councils develop a Fishery Management Plan for regulating offshore aquaculture in federal waters offshore from the North Carolina coast.
- Petition the National Oceanic and Atmospheric Administration to initiate rule making proceedings to implement a comprehensive regulatory program for managing the development of an environmentally sound and economically sustainable aquaculture fishery in federal waters offshore from the North Carolina coast.

Section 3 would also direct DMF to provide an interim report to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources no later than February 1, 2018, regarding their progress in implementing this section and a final report on or before May 1, 2018, that includes the request and petition required by this section.

EFFECTIVE DATE:

The program for the permitting of marine aquaculture activities would become effective October 1, 2017. The remainder of the bill would become effective when the bill becomes law.