

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

SESSION LAW 2000-142
SENATE BILL 1272

AN ACT TO CHANGE THE DATE BY WHICH THE HOLDER OF A STANDARD COMMERCIAL FISHING LICENSE WILL BE ALLOWED TO TAKE CRABS; TO ALLOW THE HOLDER OF AN INTERIM CRAB LICENSE TO OBTAIN A STANDARD COMMERCIAL FISHING LICENSE; AND TO AUTHORIZE THE COASTAL RESOURCES COMMISSION TO ADOPT TEMPORARY RULES TO ESTABLISH CRITERIA FOR EXCEPTIONS TO THE REGULATORY REQUIREMENT, EFFECTIVE 1 AUGUST 2000, OF A THIRTY-FOOT DEVELOPMENT SETBACK ALONG PUBLIC TRUST AND ESTUARINE WATERS TO ALLOW CONSTRUCTION OF RESIDENCES ON PREVIOUSLY PLATTED UNDEVELOPED LOTS OF FIVE THOUSAND SQUARE FEET OR LESS THAT ARE LOCATED IN INTENSIVELY DEVELOPED AREAS AND THAT WOULD OTHERWISE BE PROHIBITED UNDER CURRENT RULES.

The General Assembly of North Carolina enacts:

Section 1. Section 4.(b) of S.L. 1999-209 reads as rewritten:

"Section 4.(b) SCFL Not Valid to Take Crabs. —~~Notwithstanding G.S. 113-168.2, it is unlawful for any person to take crabs as part of a commercial fishing operation from the coastal fishing waters of North Carolina under a SCFL or any other license issued by the Division other than an interim crab license issued pursuant to this section. A person who holds a SCFL or a RSCFL may take crabs as part of a commercial fishing operation from the coastal fishing waters of North Carolina.~~"

Section 2. Between the date on which this act becomes effective and ending 1 October 2000, a person who holds an interim crab license established under Section 4 of S.L. 1999-209 may apply for a Standard Commercial Fishing License (SCFL) from the pool of available licenses established under Section 5.2 of S.L. 1997-400, as amended by Section 4.24 of S.L. 1998-225, as provided in this section. Notwithstanding subsections (c), (e), and (f) of Section 5.2 of S.L. 1997-400, as amended by Section 4.24 of S.L. 1998-225, the Marine Fisheries Commission shall increase the number of SCFLs in the pool of available licenses to the extent necessary to allow the Division of Marine Fisheries to issue a SCFL to each person who holds an interim crab license; who applies for a SCFL between the date this act becomes effective and 1 October 2000; and who qualifies for a SCFL under the eligibility criteria established pursuant to subsection (h) of Section 5.2 of S.L. 1997-400, as amended by Section 4.24 of S.L. 1998-225. The Division of Marine Fisheries may issue only one SCFL to a person under this section regardless of the number of interim crab licenses

the person holds. The duration of and fee for a SCFL issued pursuant to this section shall be as provided in G.S. 113-168.1 and G.S. 113-168.2, regardless of when the SCFL is issued.

Section 3. Notwithstanding G.S. 150B-21.3(a) and 26 NCAC 2C.0102(11), the Coastal Resources Commission may adopt a temporary rule to establish criteria for exceptions to the regulatory requirement, effective 1 August 2000, of a 30-foot development setback along public trust and estuarine waters to allow construction of residences on previously platted undeveloped lots of 5,000 square feet or less that are located in intensively developed areas and that would otherwise be prohibited under rules adopted by the Commission pursuant to Article 7 of Chapter 113A of the General Statutes. The temporary rule shall become effective upon its adoption by the Commission and shall remain in effect until a permanent rule that replaces the temporary rule becomes effective.

Section 4. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 13th day of July, 2000.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 9:09 a.m. this 2nd day of August, 2000