

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2017

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SENATE JOINT RESOLUTION 205

Sponsors: Senators Cook, Sanderson (Primary Sponsors); and Rabin.

Referred to: Rules and Operations of the Senate

March 8, 2017

1 A JOINT RESOLUTION OF SUPPORT FOR REVISIONS TO POLICIES OF THE U.S. ARMY
2 CORPS OF ENGINEERS TO ALLOW SHELLFISH CULTIVATION AND
3 AQUACULTURE ACTIVITIES IN NORTH CAROLINA WATERS CONTAINING
4 SUBMERGED AQUATIC VEGETATION.

5 Whereas, under current policies of the Wilmington District of the U.S. Army Corps of
6 Engineers, shellfish cultivation and aquaculture activities are banned in areas of North Carolina
7 sounds and estuaries containing submerged aquatic vegetation (SAV), a policy that is stricter than
8 policies used in other coastal states, including the Commonwealth of Virginia; and

9 Whereas, Section 11 of the 2015 Farm Act (S.L. 2015-263) allows the Marine
10 Fisheries Commission to issue shellfish cultivation leases in areas containing SAV to the extent
11 allowed by federal law; and

12 Whereas, the 2016 Stock Status Report of the Division of Marine Fisheries continues
13 to classify the eastern oyster as a species of concern, with juvenile abundance indices for 2015
14 well below the average for the prior 10 years; and

15 Whereas, the encouragement of oyster cultivation and aquaculture has the potential to
16 increase water quality due to the ability of adult oysters to filter between 13 and 50 gallons of
17 water a day; and

18 Whereas, oyster beds provide food and habitat for more than 300 other species,
19 including crabs, shrimp, and multiple juvenile and adult fish species; and

20 Whereas, portions of coastal waters with SAV in many cases were historically viable
21 oyster producing sites; and

22 Whereas, the amendment of the Regional Conditions for Nationwide Permits to allow
23 shellfish bottom leases in areas containing SAV under certain circumstances would encourage the
24 expansion of shellfish cultivation and aquaculture in these areas and provide a source of economic
25 development in coastal portions of the State; Now, therefore,

26 Be it resolved by the Senate, the House of Representatives concurring:

27 **SECTION 1.** The General Assembly supports the revision of section 3.8 of the
28 proposed 2017 Regional Conditions for Nationwide Permits under section 404 of the Clean Water
29 Act for the Wilmington District of the U.S. Army Corps of Engineers to replace the current ban on
30 adverse impacts to submerged aquatic vegetation with a requirement that adverse impacts are
31 allowed if an essential fish habitat consultation under the federal Magnuson-Stevens Fisheries
32 Conservation and Management Act has been completed.

33 **SECTION 2.** The Secretary of State shall transmit copies of this resolution to the
34 Wilmington District, the South Atlantic Division, and the Chief of Engineers and Commanding
35 General of the U.S. Army Corps of Engineers.

36 **SECTION 3.** This resolution is effective upon ratification.

