

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1272*

Agriculture/Environment/Natural Resources Committee Substitute Adopted 5/31/00

House Committee Substitute Favorable 7/7/00

Short Title: SCFL Holders Take Crabs/CRC Temp. Rule.

(Public)

Sponsors:

Referred to:

May 17, 2000

A BILL TO BE ENTITLED

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

14 The General Assembly of North Carolina enacts:

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

16 "Section 4.(b) SCFL ~~Not~~ Valid to Take Crabs. ~~—Notwithstanding G.S. 113-168.2,~~
17 ~~it is unlawful for any person to take crabs as part of a commercial fishing operation from~~
18 ~~the coastal fishing waters of North Carolina under a SCFL or any other license issued by~~

1 ~~the Division other than an interim crab license issued pursuant to this section.—A person~~
2 ~~who holds a SCFL or a RSCFL may take crabs as part of a commercial fishing operation~~
3 ~~from the coastal fishing waters of North Carolina."~~

4 Section 2. Between the date on which this act becomes effective and ending 1
5 October 2000, a person who holds an interim crab license established under Section 4 of
6 S.L. 1999-209 may apply for a Standard Commercial Fishing License (SCFL) from the
7 pool of available licenses established under Section 5.2 of S.L. 1997-400, as amended by
8 Section 4.24 of S.L. 1998-225, as provided in this section. Notwithstanding subsections
9 (c), (e), and (f) of Section 5.2 of S.L. 1997-400, as amended by Section 4.24 of S.L.
10 1998-225, the Marine Fisheries Commission shall increase the number of SCFLs in the
11 pool of available licenses to the extent necessary to allow the Division of Marine
12 Fisheries to issue a SCFL to each person who holds an interim crab license; who applies
13 for a SCFL between the date this act becomes effective and 1 October 2000; and who
14 qualifies for a SCFL under the eligibility criteria established pursuant to subsection (h) of
15 Section 5.2 of S.L. 1997-400, as amended by Section 4.24 of S.L. 1998-225. The
16 Division of Marine Fisheries may issue only one SCFL to a person under this section
17 regardless of the number of interim crab licenses the person holds. The duration of and
18 fee for a SCFL issued pursuant to this section shall be as provided in G.S. 113-168.1 and
19 G.S. 113-168.2, regardless of when the SCFL is issued.

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

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