

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1369*

Short Title: Shellfish Lease Amendments.

(Public)

Sponsors: Representatives Redwine, Chapin, Grady, James, Smith, and Thompson.

Referred to: Environment.

May 28, 1992

A BILL TO BE ENTITLED

AN ACT TO AMEND THE GENERAL STATUTES RELATING TO SHELLFISH
LEASES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 113-184(a) reads as rewritten:

"(a) It is unlawful to carry aboard any vessel subject to licensing requirements under Article 14 under way or at anchor in coastal fishing waters during the regular closed oyster season any scoops, scrapes, dredges, or winders such as are usually or can be used for taking oysters. Provided that when such vessels are engaged in lawfully permitted oyster harvesting operations on any privately held shellfish bottom lease under G.S. 113-202 or G.S. 113-205, the vessel shall be exempt from this requirement."

Sec. 2. G.S. 113-202(n) reads as rewritten:

"(n) Upon final termination of any leasehold, the bottom in question is thrown open to the public for use in accordance with laws and rules governing use of public grounds generally. ~~Agents of the Secretary are required as soon as possible after termination of lease to remove all markers denominating the area of the leasehold as a private bottom.~~ Within 30 days of final termination of the leasehold, the former leaseholder shall remove all abandoned markers denominating the area of the leasehold as a private bottom. The State may, after 10 days' notice to the owner of the abandoned markers thereof, remove the abandoned structure and have the area cleaned up. The cost of such removal and cleanup shall be payable by the owner of the abandoned markers and the State may bring suit to recover the costs thereof."

Sec. 3. This act is effective upon ratification.