



NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

BRAXTON C. DAVIS
Director

CRC-19-39

November 13, 2019

MEMORANDUM

TO: Coastal Resources Commission

FROM: Jonathan Howell

SUBJECT: Shellfish Lease Update

You will recall that the Divisions of Marine Fisheries and Coastal Management agreed in 2016 that DCM should have a role in the review of proposed shellfish leases and has been reviewing shellfish leases and providing comments for almost three complete shellfish leasing cycles.

Through these informal comments, DCM recommended DMF establish a 20' buffer adjacent to coastal wetlands. DCM also commented on navigational impacts associated with lease location, allowance and size of pilings on a lease and riparian property owner coordination whether private, public or governmental. As the process evolved and to provide clarity to DMF and growers, DCM began to explore activities determined to be exempt from CAMA. These activities were presented at the April CRC meeting at which time the Commission directed staff to explore General Permit language. Staff developed General Permit language and reached out to growers, regulatory agencies and DMF to receive feedback. This language was presented at the September meeting and introduced a riparian property and local government notification process, piling size limitations, limitations on floating upweller systems and other guidance associated with our rules. DCM staff also met with DMF to discuss how to better incorporate some of the CRC's concerns into the application process. To do this, DMF Staff proposed to draft rule language for Marine Fisheries Commission consideration that can be shared with the CRC at your February 2020 meeting.

In the meantime, in reviewing shellfish applications, DCM Staff has seen an increase in request for the type of structural components that may require a CAMA permit. This includes pilings to anchor gear, new growing systems, platforms to work and floating upweller systems. We are also seeing requests for enclosed floating structures to be used for processing, which may be inconsistent with your floating structures policy at 15A NCAC 07M .0600. To address some of these requests, DCM has decided to process these



activities through the Major Permit process (floating upwellers, pilings, Lentz System, etc.), but in the absence of specific use standards the outcome of these requests is unclear.

As the State continues to encourage the commercial cultivation of shellfish, DCM is seeking guidance from the Commission on how to best develop a management strategy for this emerging industry in estuarine and public trust waters. I will be providing additional information and review of the issue at our upcoming meeting.

