

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2017**  
**RATIFIED BILL**

**RESOLUTION 2017-10**  
**SENATE JOINT RESOLUTION 205**

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

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

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

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

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

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

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

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

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

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

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



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

In the General Assembly read three times and ratified this the 27<sup>th</sup> day of June,  
2017.

s/ Daniel J. Forest  
President of the Senate

s/ Tim Moore  
Speaker of the House of Representatives