

15A NCAC 030 .0202 SHELLFISH LEASE APPLICATIONS

(a) Application forms are available from the Division of Marine Fisheries, 3441 Arendell Street, Morehead City, NC 28557 for persons desiring to apply for a shellfish lease. Each application shall be accompanied by a map or diagram prepared at the applicant's expense including an inset vicinity map showing the location of the proposed shellfish lease with detail sufficient to permit on-site identification pursuant to G.S. 113-202(d1).

(b) As a part of the application, the applicant shall submit a Shellfish Lease Management Plan for the area to be leased for shellfish aquaculture purposes on a form provided by the Division that shall:

- (1) state the methods through which the applicant will cultivate and produce shellfish consistent with the requirements in accordance with Rule .0201 of this Section;
- (2) state the time intervals during which phases of cultivation and production will be achieved;
- (3) state the materials and techniques that will be utilized in management of the shellfish lease;
- (4) forecast the results expected to be achieved by the Shellfish Lease Management Plan activities;
- (5) describe the productivity of any other shellfish leases or franchises held by the applicant; and
- (6) state the locations of each corner defining the area to be leased with no more than eight corners.

(c) The completed application, map or diagram, and Shellfish Lease Management Plan for the requested shellfish lease shall be accompanied by the non-refundable filing fee set forth in G.S. 113-202(d1), G.S. 113-202.1(c)(1), and G.S. 113-202.2(c)(1). An incomplete application shall be returned and not considered further until re-submitted complete with all required information.

(d) Applicants and transferees not currently holding a shellfish lease, and applicants and transferees holding one or more shellfish leases that are not meeting production requirements, shall complete the Shellfish Aquaculture Education Program provided by the Division. The Shellfish Aquaculture Education Program shall provide the applicant information on shellfish aquaculture including:

- (1) shellfish lease application process;
- (2) shellfish lease requirements and techniques;
- (3) shellfish sanitation and National Shellfish Sanitation Program requirements;
- (4) shellfish harvest requirements;
- (5) aquaculture permits;
- (6) best management practices; and
- (7) shellfish lease user conflict avoidance.

(e) After an application is deemed to have met all requirements and is accepted by the Division, the applicant shall mark the area for which a shellfish lease is requested with stakes at each corner in accordance with Rule .0204(a)(1)(A) of this Section. The applicant shall attach to each stake a sign, provided by the Division containing the name of the applicant, the date the application was filed, and the estimated acres. The applicant shall be responsible for ensuring the sign remains in place until the shellfish lease application process is completed.

*History Note: Authority G.S. 113-134; 113-182; 113-201; 113-202; 113-206; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. April 1, 2011; September 1, 2005; May 1, 1997; September 1, 1991;
Readopted Eff. August 23, 2022.*