

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 2814

Short Title: Shellfish Protection Programs/Staff/Funds. (Public)

Sponsors: Representatives Harrison, Underhill, Wainwright, Justice (Primary Sponsors); Glazier, Hackney, Insko, Luebke, Martin, Preston, Stiller, Weiss, Wilkins, and Wray.

Referred to: Appropriations.

May 30, 2006

A BILL TO BE ENTITLED

1 AN ACT TO APPROPRIATE FUNDS TO PROTECT SHELLFISH RESOURCES,
2 TO SUPPORT PERSONNEL TO STAFF SHELLFISH RESOURCE PROGRAMS,
3 TO ESTABLISH A POSITION FOR A PROFESSOR OF SHELLFISH
4 RESEARCH AND TWO RESEARCH ASSISTANT POSITIONS IN THE
5 UNIVERSITY SYSTEM, AND TO ESTABLISH AND FUND A FISHERY
6 RESOURCE GRANT PROGRAM.
7

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** There is appropriated from the General Fund to the
10 Department of Environment and Natural Resources the sum of one hundred
11 seventy-nine thousand dollars (\$179,000) in recurring funds for the 2006-2007 fiscal
12 year to be allocated to the Shellfish Sanitation and Recreational Water Quality Section
13 in the Division of Environmental Health as follows:

- 14 (1) Of the funds appropriated by this section, the sum of sixty-two
15 thousand dollars (\$62,000) shall be used each fiscal year to support a
16 position for a GIS staff person.
17 (2) Of the funds appropriated by this section, the sum of one hundred
18 seventeen thousand dollars (\$117,000) shall be used each fiscal year to
19 support two positions for shoreline surveyors to expand the pilot
20 program that examines the sources of pollution that affect shellfish
21 growing areas to all shellfish growing areas in the coastal region.

22 **SECTION 2.** There is appropriated from the General Fund to the
23 Department of Environment and Natural Resources the sum of seventy-five thousand
24 dollars (\$75,000) for the 2006-2007 fiscal year to create an oyster ombudsman pilot
25 program in a regional office of the Department of Environment and Natural Resources.
26 The oyster ombudsman would organize public and private partnerships to protect and
27 restore oyster-growing areas and act on behalf of oysters.

1 **SECTION 3.** There is appropriated from the General Fund to the
2 Department of Environment and Natural Resources the sum of five hundred forty-five
3 thousand dollars (\$545,000) for the 2006-2007 fiscal year to be allocated to the Division
4 of Marine Fisheries to support five positions to map shellfish resources in the highly
5 productive southern and central estuaries. Shellfish mapping is a priority of the Coastal
6 Habitat Protection Plan.

7 **SECTION 4.** There is appropriated from the General Fund to the Board of
8 Governors of The University of North Carolina the sum of five hundred thousand
9 dollars (\$500,000) for the 2006-2007 fiscal year to establish a position for a professor of
10 shellfish research, a technician position, and a postdoctorate student position in The
11 University System.

12 **SECTION 5.** There is appropriated from the General Fund to the
13 Department of Environment and Natural Resources, Division of Marine Fisheries, the
14 sum of five hundred thousand dollars (\$500,000) in recurring funds for the 2006-2007
15 fiscal year to establish the Shellfish Resource Grant Program.

16 **SECTION 6.** Article 15 of Chapter 113 of the General Statutes is amended
17 by adding a new section to read:

18 **"§ 113-200.1. Fishery Resource Grant Program.**

19 (a) Creation. – There is created within the Sea Grant College Program at The
20 University of North Carolina the Shellfish Resource Grant Program. The purpose of the
21 program is to work within priorities established by the Grants Committee to protect and
22 enhance the State's coastal fishery resources through individual grants in the following
23 areas:

- 24 (1) New shellfish fisheries equipment or gear.
- 25 (2) Environmental pilot studies, including water quality and shellfisheries
26 habitat.
- 27 (3) Aquaculture or mariculture of marine dependent species.
- 28 (4) Seafood technology.

29 (b) Definition; Annual Establishment of Priorities. – For purposes of this section,
30 the term "shellfishing related industry" means any of the following: (i) commercial
31 fishing; (ii) recreational fishing; (iii) aquaculture; (iv) mariculture; and (v) handling of
32 seafood products, including seafood dealing and seafood processing. The Grants
33 Committee shall, in cooperation with persons involved in fishing related industries, the
34 Division of Marine Fisheries, and the Sea Grant College Program, establish funding
35 priorities effective July 1 of each year for the grant program. In adopting priorities, the
36 Grants Committee is exempt from Article 2A of Chapter 150B of the General Statutes.
37 The Grants Committee shall provide public notice of its proposed priorities at least 30
38 days before the Grants Committee meeting prior to a final determination of its priorities
39 for the fiscal year.

40 (c) Procedure to Solicit Proposals. – Following the establishment of priorities by
41 the Grants Committee, the Sea Grant College Program shall hold workshops within the
42 northern, southern, central, and Pamlico Sound coastal regions to solicit applications
43 and to assist persons involved in fishing related industries in writing proposals. The Sea
44 Grant College Program shall encourage preproposal conferences among persons

1 involved in fishing related industries and those with technical or research backgrounds
2 to work as partners in developing and writing the proposals and in writing reports of
3 final results. If the grants approved by the Grants Committee do not utilize all available
4 funds, the Sea Grant College Program may advertise and solicit additional applications
5 during the applicable fiscal year.

6 (d) Application for Grant Program. – An applicant may apply for grant funds to
7 the Sea Grant College Program. For purposes of this subsection, every proposal shall
8 include substantial involvement of residents of North Carolina who are actively
9 involved in a fishing related industry. A proposal generated by a person not involved in
10 a fishing related industry may be eligible for funding only if the proposal includes
11 written endorsements supporting the project from persons or organizations representing
12 fishing related industries. An application shall include:

13 (1) Name and address of the primary applicant.

14 (2) List of marine fishing licenses issued under Chapter 113 of the General
15 Statutes to the applicant by the State of North Carolina.

16 (3) A description of the project.

17 (4) A detailed statement of the projected costs of the project, including the
18 cost to plan and design the project.

19 (5) An explanation of how the project will enhance the fishery resource.

20 (6) List of names and addresses of any other persons who will participate
21 in the project.

22 (7) Any other information necessary to make a recommendation on the
23 application.

24 (e) Review Process. – The Sea Grant College Program shall conduct an
25 anonymous peer review of all applications for fisheries grants. At least one of the peer
26 reviewers shall be a person involved in a fishing related industry. An application is
27 confidential and is not a public record under G.S. 132-1 until after the closing date for
28 submission of applications. Following the review of all proposals, the Sea Grant College
29 Program shall rank proposals in order of priority and shall present the recommendations
30 to the Grants Committee. The Sea Grant College Program may adopt criteria to rank
31 proposals. In adopting criteria, the Sea Grant College Program is exempt from Article
32 2A of Chapter 150B of the General Statutes. Criteria adopted pursuant to this subsection
33 are public records within the meaning of G.S. 132-1.

34 (e1) Grants Committee. – The Grants Committee shall consist of 11 members as
35 follows:

36 (1) Three employees of the Sea Grant College Program, appointed by the
37 Director of the Sea Grant College Program.

38 (2) Two employees of the Division of Marine Fisheries, appointed by the
39 Fisheries Director.

40 (3) Two members of the Marine Fisheries Commission, appointed by the
41 Chair of the Marine Fisheries Commission.

42 (4) One member of the Northeast Regional Advisory Committee
43 established pursuant to G.S. 143B-289.57(e), appointed by the
44 Northeast Regional Advisory Committee.

1 (5) One member of the Central Regional Advisory Committee established
2 pursuant to G.S. 143B-289.57(e), appointed by the Central Regional
3 Advisory Committee.

4 (6) One member of the Southeast Regional Advisory Committee
5 established pursuant to G.S. 143B-289.57(e), appointed by the
6 Southeast Regional Advisory Committee.

7 (7) One member of the Inland Regional Advisory Committee established
8 pursuant to G.S. 143B-289.57(e), appointed by the Inland Regional
9 Advisory Committee.

10 (f) Award Process. – The Grants Committee shall evaluate all grant proposals
11 and the results of the peer review and ranking conducted pursuant to subsection (e) of
12 this section. On the basis of this evaluation, the Grants Committee shall determine the
13 amount of funding, if any, to be awarded to each grant applicant. To the extent
14 practicable, the Grants Committee shall distribute grant funding among the northern,
15 southern, central, and Pamlico Sound coastal regions. Proposals for projects that include
16 involvement of persons involved in a fishing related industry shall be accorded a
17 priority in funding by the Grants Committee. Following approval by the Grants
18 Committee, the Sea Grant College Program shall award the grants.

19 (g) Restrictions on Grants. – No member of the Grants Committee may benefit
20 financially from a grant. If a grant recipient from a prior year has failed to perform a
21 grant project to the satisfaction of the Sea Grant College Program or the Grants
22 Committee, the Grants Committee may decline to fund any new application involving
23 the principal applicant.

24 (h) Grant Reports and Funding. – Grant recipients shall provide quarterly
25 progress reports to the Sea Grant College Program and shall submit invoices for
26 expenditures for each quarter. Twenty-five percent (25%) of the total grant award shall
27 be held until the grant recipient has completed the project and submitted a final written
28 report. The remainder of the grant award shall be distributed upon approval of each
29 quarterly report and upon verification of the expenditures.

30 (i) Report on Grant Program. – The Sea Grant College Program shall report on
31 the Fishery Resource Grant Program to the Marine Fisheries Commission and the Joint
32 Legislative Commission on Seafood and Aquaculture no later than January 1 of each
33 year."

34 **SECTION 7.** This act becomes effective July 1, 2006.