

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

**H**

**D**

**HOUSE DRH80640-LH-274A (5/17)**

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

---

Sponsors: Representatives Harrison, Underhill, Wainwright, and Justice (Primary Sponsors).

---

Referred to:

---

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

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

**SECTION 2.** There is appropriated from the General Fund to the Department of Environment and Natural Resources the sum of seventy-five thousand dollars (\$75,000) for the 2006-2007 fiscal year to create an oyster ombudsman pilot program in a regional office of the Department of Environment and Natural Resources.

1 The oyster ombudsman would organize public and private partnerships to protect and  
2 restore oyster-growing areas and act on behalf of oysters.

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

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

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

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

20 **"§ 113-200.1. Fishery Resource Grant Program.**

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

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

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

42 (c) Procedure to Solicit Proposals. – Following the establishment of priorities by  
43 the Grants Committee, the Sea Grant College Program shall hold workshops within the  
44 northern, southern, central, and Pamlico Sound coastal regions to solicit applications

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

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

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

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

18 (3) A description of the project.

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

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

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

24 (7) Any other information necessary to make a recommendation on the  
25 application.

26 (e) Review Process. – The Sea Grant College Program shall conduct an  
27 anonymous peer review of all applications for fisheries grants. At least one of the peer  
28 reviewers shall be a person involved in a fishing related industry. An application is  
29 confidential and is not a public record under G.S. 132-1 until after the closing date for  
30 submission of applications. Following the review of all proposals, the Sea Grant College  
31 Program shall rank proposals in order of priority and shall present the recommendations  
32 to the Grants Committee. The Sea Grant College Program may adopt criteria to rank  
33 proposals. In adopting criteria, the Sea Grant College Program is exempt from Article  
34 2A of Chapter 150B of the General Statutes. Criteria adopted pursuant to this subsection  
35 are public records within the meaning of G.S. 132-1.

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

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

40 (2) Two employees of the Division of Marine Fisheries, appointed by the  
41 Fisheries Director.

42 (3) Two members of the Marine Fisheries Commission, appointed by the  
43 Chair of the Marine Fisheries Commission.

- 1           (4) One member of the Northeast Regional Advisory Committee  
2 established pursuant to G.S. 143B-289.57(e), appointed by the  
3 Northeast Regional Advisory Committee.
- 4           (5) One member of the Central Regional Advisory Committee established  
5 pursuant to G.S. 143B-289.57(e), appointed by the Central Regional  
6 Advisory Committee.
- 7           (6) One member of the Southeast Regional Advisory Committee  
8 established pursuant to G.S. 143B-289.57(e), appointed by the  
9 Southeast Regional Advisory Committee.
- 10          (7) One member of the Inland Regional Advisory Committee established  
11 pursuant to G.S. 143B-289.57(e), appointed by the Inland Regional  
12 Advisory Committee.

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

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

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

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

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