

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

H

1

HOUSE BILL 1076*

Short Title: Fishery Resource Grant Program.

(Public)

Sponsors: Representatives Preston, Redwine, Edwards, J. Robinson; and Cummings.

Referred to: Health and Environment.

May 13, 1996

A BILL TO BE ENTITLED

AN ACT TO COORDINATE THE FISHERY RESOURCE GRANT PROGRAM IN
THE NORTH CAROLINA SEA GRANT COLLEGE PROGRAM AT THE
UNIVERSITY OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

Section 1. Article 15 of Chapter 113 of the General Statutes is amended by adding a new section to read:

"§ 113-190. Fishery Resource Grant Program.

(a) Creation. – There is created within the Sea Grant College Program at The University of North Carolina, the Fishery Resource Grant Program. The purpose of the program is to work within priorities established by the Marine Fisheries Commission to protect and enhance the State's coastal fishery resources through individual grants in the following areas:

- (1) New fisheries equipment or gear;
- (2) Environmental pilot studies, including water quality and fisheries habitat;
- (3) Aquaculture or mariculture; or
- (4) Seafood technology.

(b) Annual Establishment of Priorities. – The Commission shall, in cooperation with fishermen, the Division of Marine Fisheries, and the Sea Grant College Program, establish priorities effective July 1 of each year for the grant program. The adoption of priorities by the Commission shall not be considered rule making within the meaning of the Administrative Procedure Act. The Commission shall provide public notice of its

1 proposed priorities at least 30 days before the Commission meeting prior to a final
2 determination of its priorities for the fiscal year.

3 (c) Procedure to Solicit Proposals. – Following the establishment of priorities by
4 the Commission, Sea Grant shall hold workshops within each of the coastal regions to
5 solicit applications and to assist fishermen in writing proposals. Sea Grant shall
6 encourage preproposal conferences between individuals in the fisheries industry and
7 those with technical or research background to work as partners in developing and
8 writing the proposals and in writing final report results. If the grants approved by the
9 Commission do not utilize all available funds, Sea Grant may solicit additional
10 applications for that grant period.

11 (d) Application for Grant Program. – An applicant may apply for grant funds to
12 the Sea Grant College Program. For purposes of this subsection, the primary applicant
13 listed on the application shall be a fisherman and every proposal shall include
14 substantial involvement of active North Carolina recreational or commercial fishermen,
15 aquaculturalists, or mariculturalists. An application shall include, but not be limited to,
16 the following:

17 (1) Name and address of the primary applicant;

18 (2) List of licenses issued to the applicant by the State of North Carolina;

19 (3) A description of the project;

20 (4) A detailed statement of the projected costs of the project including the
21 cost to plan and design the project;

22 (5) An explanation of how the project will enhance the fishery resource;

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

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

27 (e) Review Process. – Sea Grant shall conduct an anonymous peer review of all
28 applications for fisheries grants. Each application for a fisheries grant shall be reviewed
29 by at least one fisherman. Applications shall be confidential and shall not be defined as
30 a public record as defined under G.S. 132-1 until after the closing date for submission of
31 applications. Following the review of all proposals, Sea Grant shall rank proposals in
32 order of priority and shall present the recommendations to the Commission. Any
33 criterion used by Sea Grant in ranking proposals shall not require rule making within the
34 meaning of the Administrative Procedure Act, but such criteria shall be public records
35 as defined in G.S. 132-1.

36 (f) Award Process. – The Commission shall review the ranking of proposals, and
37 if consistent with the priority rankings established under subsection (e) of this section,
38 shall fund those proposals. Applications that include involvement by fishermen in the
39 project shall be accorded a priority in funding by the Commission. The Commission
40 shall award grants from funds allocated to the Department of Environment, Health, and
41 Natural Resources. The Commission shall distribute grant funding among the northern,
42 southern, central, and Pamlico coastal regions.

43 (g) Restrictions on Grants. – No member of the Commission may benefit
44 financially from a grant. If a grant recipient from a prior year has failed to perform a

1 grant project to the satisfaction of the Commission, the Commission may decline to
2 fund any new application involving the principal applicant.

3 (h) Grant Report. – Grant recipients shall prepare annual updates on projects that
4 are approved for funding over more than one year and shall submit a final written report
5 to the Commission upon conclusion of the project.

6 (i) Report on Grant Program. – Sea Grant shall report on an annual basis to the
7 Marine Fisheries Commission and the Joint Legislative Commission on Seafood and
8 Aquaculture."

9 Sec. 2. Of the funds appropriated to the Department of Environment, Health,
10 and Natural Resources, the sum of ten thousand dollars (\$10,000) may be used by the
11 Sea Grant College Program to administer the Fishery Resource Grant Program.

12 Sec. 3. This act is effective upon ratification.