

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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SENATE BILL 1352*

Short Title: Waterfront Access Study Committee. (Public)

Sponsors: Senators Albertson; Bingham, Purcell, and Weinstein.

Referred to: Rules and Operations of the Senate.

May 15, 2006

A BILL TO BE ENTITLED

1
2 AN ACT TO ESTABLISH THE WATERFRONT ACCESS STUDY COMMITTEE
3 AND TO DIRECT THE COMMITTEE TO STUDY THE LOSS OF DIVERSITY
4 OF USES ALONG THE COASTAL SHORELINE OF NORTH CAROLINA AND
5 HOW THESE LOSSES IMPACT ACCESS TO THE PUBLIC TRUST WATERS
6 OF THE STATE, AS RECOMMENDED BY THE JOINT LEGISLATIVE
7 COMMISSION ON SEAFOOD AND AQUACULTURE.

8 Whereas, there is a growing concern that the State may be experiencing a loss
9 of diversity of uses along its coastal shoreline as more people seek waterfront property;
10 and

11 Whereas, many of the State's waterfront uses such as public marinas, boat
12 building and boat servicing companies, commercial fishing facilities, fish houses, and
13 other commercial establishments that depend on water access are being replaced by
14 residential properties; and

15 Whereas, the North Carolina Marine Fisheries Commission and the North
16 Carolina Coastal Resources Commission have adopted resolutions recognizing the
17 importance of waterfront access issues; Now, therefore,
18 The General Assembly of North Carolina enacts:

19 **SECTION 1.** Committee Created. – There is created the Waterfront Access
20 Study Committee.

21 **SECTION 2.** Membership. – The Committee shall be comprised of 17
22 members as follows:

- 23 (1) The Director of the Sea Grant College Program of The University of
24 North Carolina or the Director's designee.
- 25 (2) The Senate Cochair of the Joint Legislative Commission on Seafood
26 and Aquaculture or the Cochair's designee.
- 27 (3) The House Cochair of the Joint Legislative Commission on Seafood
28 and Aquaculture or the Cochair's designee.
- 29 (4) The Chair of the Marine Fisheries Commission or the Chair's designee.

- 1 (5) The Chair of the Coastal Resources Commission or the Chair's
2 designee.
- 3 (6) The Director of the Division of Marine Fisheries or the Director's
4 designee.
- 5 (7) The Director of the Division of Coastal Management or the Director's
6 designee.
- 7 (8) A representative of a local government located in the Northeast
8 Coastal Region, as described by G.S. 143B-289.54(b), appointed by
9 the President Pro Tempore of the Senate.
- 10 (9) A representative of a local government located in the Central Coastal
11 Region, as described by G.S. 143B-289.54(b), appointed by the
12 Speaker of the House of Representatives.
- 13 (10) A representative of a local government located in the Southeast
14 Coastal Region, as described by G.S. 143B-289.54(b), appointed by
15 the President Pro Tempore of the Senate.
- 16 (11) An economist appointed by the Speaker of the House of
17 Representatives.
- 18 (12) A representative from the real estate development community
19 appointed by the President Pro Tempore of the Senate.
- 20 (13) A representative of the marine trades industry appointed by the
21 Speaker of the House of Representatives.
- 22 (14) A representative of the commercial fishing industry appointed by the
23 President Pro Tempore of the Senate.
- 24 (15) A representative of the recreational fishing industry appointed by the
25 Speaker of the House of Representatives.
- 26 (16) A social scientist appointed by the President Pro Tempore of the
27 Senate.
- 28 (17) A representative of the environmental community appointed by the
29 Speaker of the House of Representatives.

30 Members shall serve at the pleasure of the appointing authority

31 **SECTION 3.** Duties of the Committee. – The Committee, with the
32 assistance of the Sea Grant College Program of The University of North Carolina and
33 the North Carolina Coastal Resources Law, Planning, and Policy Center, shall study the
34 degree of loss and potential loss of the diversity of uses along the coastal shoreline of
35 North Carolina and how these losses impact access to the public trust waters of the
36 State. Specifically, the Committee shall:

- 37 (1) Gather information about local land-use management and zoning,
38 current shoreline development trends, and local tax rates, including tax
39 assessment trends for shoreline properties.
- 40 (2) Collect research and information from North Carolina and other states
41 and jurisdictions regarding incentive-based techniques and
42 management tools used to preserve waterfront diversity.
- 43 (3) Assess the applicability of such tools and techniques to the coastal
44 shorelines of North Carolina.

1 (4) Prepare a draft report with a statement of the issues, a summary of the
2 research, and recommendations to address issues of diversity of
3 waterfront use and access in North Carolina.

4 (5) Hold three public meetings to present the draft report and
5 recommendations to the public and user groups. One public meeting
6 shall be held in each of the three coastal regions described by
7 G.S. 143B-289.54(b).

8 **SECTION 4.** Vacancies. – Any vacancy shall be filled by the original
9 appointing authority.

10 **SECTION 5.** Quorum. – A quorum of the Committee shall be a majority of
11 its members.

12 **SECTION 6.** Chair. – The Director of the Sea Grant College Program of
13 The University of North Carolina or the Director's designee shall be the Chair of the
14 Committee.

15 **SECTION 7.** Meetings. – The Committee shall meet upon the call of the
16 Chair.

17 **SECTION 8.** Expenses of Members. – Members of the Committee shall
18 receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1,
19 138-5, or 138-6, as appropriate.

20 **SECTION 9.** Report. – The Committee may submit an interim report of its
21 study to the Joint Legislative Commission on Seafood and Aquaculture, the Marine
22 Fisheries Commission, and the Coastal Resources Commission no later than November
23 1, 2006. The Committee shall submit a final report of the results of its study, including
24 any legislative recommendations, to the Joint Legislative Commission on Seafood and
25 Aquaculture, the Marine Fisheries Commission, and the Coastal Resources Commission
26 no later than January 15, 2007.

27 **SECTION 10.** Expiration of Committee. – The Committee shall terminate
28 on January 31, 2007, or upon the filing of its final report, whichever occurs first.

29 **SECTION 11.** Funds. – There is appropriated from the General Fund to the
30 Sea Grant College Program of The University of North Carolina the sum of fifty
31 thousand dollars (\$50,000) for the 2006-2007 fiscal year for the costs of the Waterfront
32 Access Study Committee created by this act.

33 **SECTION 12.** This act becomes effective July 1, 2006.