

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

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**SENATE BILL 1352\***  
**Agriculture/Environment/Natural Resources Committee Substitute Adopted  
6/15/06**  
**Agriculture/Environment/Natural Resources Committee Substitute #2 Adopted  
6/26/06**  
**House Committee Substitute Favorable 7/18/06**

Short Title: Waterfront Access Study Committee.

(Public)

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Sponsors:

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Referred to:

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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 21  
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.

- 1 (2) The Senate Cochair of the Joint Legislative Commission on Seafood  
2 and Aquaculture or the Cochair's designee.
- 3 (3) The House Cochair of the Joint Legislative Commission on Seafood  
4 and Aquaculture or the Cochair's designee.
- 5 (4) The Chair of the Marine Fisheries Commission or the Chair's designee.
- 6 (5) The Chair of the Coastal Resources Commission or the Chair's  
7 designee.
- 8 (6) The Chair of the Wildlife Resources Commission or the Chair's  
9 designee.
- 10 (7) The Director of the Division of Marine Fisheries or the Director's  
11 designee.
- 12 (8) The Director of the Division of Coastal Management or the Director's  
13 designee.
- 14 (9) The President of the North Carolina Recreation and Parks Association  
15 or the President's designee. The individual who serves in this position  
16 must also be a director of a public parks and recreation agency located  
17 in a coastal region as described in G.S. 143B-289.54(b).
- 18 (10) A representative of a local government located in the Northeast  
19 Coastal Region, as described by G.S. 143B-289.54(b), appointed by  
20 the President Pro Tempore of the Senate.
- 21 (11) A representative of a local government located in the Central Coastal  
22 Region, as described by G.S. 143B-289.54(b), appointed by the  
23 Speaker of the House of Representatives.
- 24 (12) A representative of a local government located in the Southeast  
25 Coastal Region, as described by G.S. 143B-289.54(b), appointed by  
26 the President Pro Tempore of the Senate.
- 27 (13) An economist appointed by the Speaker of the House of  
28 Representatives.
- 29 (14) A representative of the residential building industry who builds in a  
30 coastal region as described in G.S. 143B-289.54(b), appointed by the  
31 President Pro Tempore of the Senate.
- 32 (15) A realtor licensed under Chapter 93A of the General Statutes,  
33 appointed by the Speaker of the House of Representatives.
- 34 (16) An individual involved in economic development in a coastal region as  
35 described in G.S. 143B-289.54(b), appointed by the President Pro  
36 Tempore of the Senate.
- 37 (17) A representative of the marine trades industry appointed by the  
38 Speaker of the House of Representatives.
- 39 (18) A representative of the commercial fishing industry appointed by the  
40 President Pro Tempore of the Senate.
- 41 (19) A representative of the recreational fishing industry appointed by the  
42 Speaker of the House of Representatives.
- 43 (20) A social scientist appointed by the President Pro Tempore of the  
44 Senate.

1           (21) A representative of the environmental community appointed by the  
2           Speaker of the House of Representatives.

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

- 9           (1) Gather information about local land-use management and zoning,  
10           current shoreline development trends, and local tax rates, including tax  
11           assessment trends for shoreline properties.  
12           (2) Collect research and information from North Carolina and other states  
13           and jurisdictions regarding incentive-based techniques and  
14           management tools used to preserve waterfront diversity.  
15           (3) Assess the applicability of such tools and techniques to the coastal  
16           shoreslines of North Carolina.  
17           (4) Prepare a draft report with a statement of the issues, a summary of the  
18           research, and recommendations to address issues of diversity of  
19           waterfront use and access in North Carolina.  
20           (5) Hold three public meetings to present the draft report and  
21           recommendations to the public and user groups. One public meeting  
22           shall be held in each of the three coastal regions described by  
23           G.S. 143B-289.54(b).

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

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

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

31           **SECTION 7.** Meetings. – The Committee shall meet upon the call of the  
32 Chair.

33           **SECTION 8.** Expenses of Members. – Members of the Committee shall  
34 receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1,  
35 138-5, or 138-6, as appropriate.

36           **SECTION 9.** Report. – The Committee may submit an interim report of its  
37 study to the Joint Legislative Commission on Seafood and Aquaculture, the Marine  
38 Fisheries Commission, and the Coastal Resources Commission no later than January 15,  
39 2007. The Committee shall submit a final report of the results of its study, including any  
40 legislative recommendations, to the Joint Legislative Commission on Seafood and  
41 Aquaculture, the Marine Fisheries Commission, and the Coastal Resources Commission  
42 no later than April 15, 2007.

43           **SECTION 10.** Expiration of Committee. – The Committee shall terminate  
44 on April 15, 2007, or upon the filing of its final report, whichever occurs first.

1           **SECTION 11.** Funding. – From funds appropriated to the General  
2 Assembly, the Legislative Services Commission shall allocate funds for the purpose of  
3 conducting the study provided for in this act.

4           **SECTION 12.** This act is effective when it becomes law.