

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

Short Title: Waterfront Access Study Committee.

(Public)

Sponsors:

Referred to:

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 20
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.

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

41 Members shall serve at the pleasure of the appointing authority.

42 **SECTION 3.** Duties of the Committee. – The Committee, with the
43 assistance of the Sea Grant College Program of The University of North Carolina and
44 the North Carolina Coastal Resources Law, Planning, and Policy Center, shall study the

1 degree of loss and potential loss of the diversity of uses along the coastal shoreline of
2 North Carolina and how these losses impact access to the public trust waters of the
3 State. Specifically, the Committee shall:

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

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

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

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

26 **SECTION 7.** Meetings. – The Committee shall meet upon the call of the
27 Chair.

28 **SECTION 8.** Expenses of Members. – Members of the Committee shall
29 receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1,
30 138-5, or 138-6, as appropriate.

31 **SECTION 9.** Report. – The Committee may submit an interim report of its
32 study to the Joint Legislative Commission on Seafood and Aquaculture, the Marine
33 Fisheries Commission, and the Coastal Resources Commission no later than November
34 1, 2006. The Committee shall submit a final report of the results of its study, including
35 any legislative recommendations, to the Joint Legislative Commission on Seafood and
36 Aquaculture, the Marine Fisheries Commission, and the Coastal Resources Commission
37 no later than January 15, 2007.

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

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

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