

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 1076\*  
Committee Substitute Favorable 5/30/96

Short Title: Fishery Resource Grant Program.

(Public)

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Sponsors:

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Referred to:

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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 of marine dependent species; or
- (4) Seafood technology.

1       **(b) Annual Establishment of Priorities.** – The Commission shall, in cooperation  
2 with fishermen, the Division of Marine Fisheries, and the Sea Grant College Program,  
3 establish priorities effective July 1 of each year for the grant program. The adoption of  
4 priorities by the Commission shall not be considered rule making within the meaning of  
5 the Administrative Procedure Act. The Commission shall provide public notice of its  
6 proposed priorities at least 30 days before the Commission meeting prior to a final  
7 determination of its priorities for the fiscal year.

8       **(c) Procedure to Solicit Proposals.** – Following the establishment of priorities by  
9 the Commission, Sea Grant shall hold workshops within each of the coastal regions to  
10 solicit applications and to assist persons involved in fishing industries in writing  
11 proposals. For purposes of this act, the term 'fishing industry' includes persons involved  
12 in: (i) commercial or recreational fishing; (ii) aquaculture or mariculture; or (iii) handling  
13 fish products such as seafood dealers or processors. Sea Grant shall encourage  
14 preproposal conferences between individuals in the fisheries industry and those with  
15 technical or research background to work as partners in developing and writing the  
16 proposals and in writing final report results. If the grants approved by the Commission  
17 do not utilize all available funds, Sea Grant may advertise and solicit additional  
18 applications during the applicable fiscal year.

19       **(d) Application for Grant Program.** – An applicant may apply for grant funds to  
20 the Sea Grant College Program. For purposes of this subsection, every proposal shall  
21 include substantial involvement of active North Carolina persons involved in a fishing  
22 industry. A proposal generated by a person not involved in a fishing industry may be  
23 eligible for funding only if the proposal includes written endorsements supporting the  
24 project from persons or organizations representing fishing industries. An application  
25 shall include, but not be limited to, the following:

- 26       (1) Name and address of the primary applicant;
- 27       (2) List of licenses issued to the applicant by the State of North Carolina;
- 28       (3) A description of the project;
- 29       (4) A detailed statement of the projected costs of the project including the  
30 cost to plan and design the project;
- 31       (5) An explanation of how the project will enhance the fishery resource;
- 32       (6) List of names and addresses of any other persons who will participate in  
33 the project; and
- 34       (7) Any other information necessary to make a recommendation on the  
35 application.

36       **(e) Review Process.** – Sea Grant shall conduct an anonymous peer review of all  
37 applications for fisheries grants. At least one of the peer reviewers shall be a person  
38 involved in a fishing industry. Applications shall be confidential and shall not be defined  
39 as a public record as defined under G.S. 132-1 until after the closing date for submission  
40 of applications. Following the review of all proposals, Sea Grant shall rank proposals in  
41 order of priority and shall present the recommendations to the Commission. Any  
42 criterion used by Sea Grant in ranking proposals shall not require rule making within the

1 meaning of the Administrative Procedure Act, but such criteria shall be public records as  
2 defined in G.S. 132-1.

3 (f) Award Process. – The Commission shall review the ranking of proposals, and  
4 if consistent with the priority rankings established under subsection (e) of this section,  
5 shall fund those proposals. Applications that include involvement by fishermen in the  
6 project shall be accorded a priority in funding by the Commission. Following approval  
7 by the Commission, the Sea Grant College Program shall award the grants. To the extent  
8 practicable, the Sea Grant College Program shall distribute grant funding among the  
9 northern, southern, central, and Pamlico coastal regions.

10 (g) Restrictions on Grants. – No member of the Commission may benefit  
11 financially from a grant. If a grant recipient from a prior year has failed to perform a  
12 grant project to the satisfaction of the Sea Grant College Program or the Commission, the  
13 Sea Grant College Program may decline to fund any new application involving the  
14 principal applicant.

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

21 (i) Report on Grant Program. – The Sea Grant College Program shall report on an  
22 annual basis to the Marine Fisheries Commission and the Joint Legislative Commission  
23 on Seafood and Aquaculture."

24 Sec. 2. Of the funds appropriated to the Department of Environment, Health,  
25 and Natural Resources, the sum of one million dollars (\$1,000,000) shall be transferred to  
26 the Board of Governors of The University of North Carolina for the Sea Grant College  
27 Program to administer the Fishery Resource Grant Program. The Sea Grant College  
28 Program may use up to twenty-five thousand dollars (\$25,000) for administrative  
29 expenses relating to the Fishery Resource Grant Program.

30 Sec. 3. Notwithstanding subsection (b) of Section 1 of this act, the Marine  
31 Fisheries Commission may establish priorities by September 1, 1996, for the 1996-97  
32 fiscal year. The Marine Fisheries Commission may adopt temporary rules to implement  
33 the provisions set forth in this act.

34 Sec. 4. This act is effective upon ratification.