

# **NORTH CAROLINA GENERAL ASSEMBLY**



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## **JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE**

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### **REPORT TO THE 2010 REGULAR SESSION OF THE 2009 GENERAL ASSEMBLY**

**APRIL 27, 2010**

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# TRANSMITTAL LETTER

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April 27, 2010

TO THE MEMBERS OF THE 2010 REGULAR SESSION  
OF THE 2009 GENERAL ASSEMBLY

Pursuant to G.S. 120-70.62(8), the Joint Legislative Commission on Seafood and Aquaculture submits its report and recommendations to the 2010 Regular Session of the 2009 General Assembly.

Respectfully submitted,

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Senator Charles W. Albertson

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Representative William L. Wainwright

Co-Chairs  
Joint Legislative Commission on Seafood and Aquaculture

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## STATUTORY AUTHORITY

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### Article 12F.

#### Joint Legislative Commission on Seafood and Aquaculture.

##### **§ 120-70.60. Commission established.**

The Joint Legislative Commission on Seafood and Aquaculture is hereby established as a permanent joint committee of the General Assembly. As used in this Article, the term "Commission" means the Joint Legislative Commission on Seafood and Aquaculture. (1989, c. 802, s. 12.1; 2002-165, s. 1.3.)

##### **§ 120-70.61. Membership; cochairs; vacancies; quorum.**

(a) The Joint Legislative Commission on Seafood and Aquaculture shall consist of 15 members: four Senators appointed by the President Pro Tempore of the Senate; four Representatives appointed by the Speaker of the House of Representatives; four members appointed by the Governor; and three members appointed by the Commissioner of Agriculture. The members shall serve at the pleasure of their appointing officer.

(b) The President Pro Tempore of the Senate shall designate one Senator to serve as cochair, and the Speaker of the House of Representatives shall designate one Representative to serve as cochair.

(c) Except as otherwise provided in this section, a legislative member of the Commission shall serve for so long as the member remains a member of the General Assembly and no successor has been appointed. A member of the General Assembly who does not seek reelection or is not reelected to the General Assembly may complete a term of service on the Commission until the day on which a new General Assembly convenes. A legislative member of the Commission who resigns or is removed from service in the General Assembly shall be deemed to have resigned or been removed from office on the Commission. Any vacancy that occurs on the Commission shall be filled in the same manner as the original appointment.

(d) A quorum of the Commission shall consist of eight members. (1989, c. 802, s. 12.1; 1991, c. 689, s. 184.1; 2005-386, s. 6; 2009-484, s. 9.)

##### **§ 120-70.62. Powers and duties.**

The Commission shall have the following powers and duties:

- (1) To monitor and study the current seafood industry in North Carolina including studies of the feasibility of increasing the State's production, processing, and marketing of seafood;
- (2) To study the potential for increasing the role of aquaculture in all regions of the State;
- (3) To evaluate the feasibility of creating a central permitting office for fishing and aquaculture matters;

- (4) To evaluate actions of the Division of Marine Fisheries of the Department of Environment and Natural Resources, the Wildlife Resources Commission of the Department of Environment and Natural Resources and of any other board, commission, department, or agency of the State or local government as such actions relate to the seafood and aquaculture industries;
- (5) To make recommendations regarding regulatory matters relating to the seafood and aquaculture industries including, but not limited to:
  - a. Increasing the State's representation and decision-making ability by dividing the State between the Atlantic and South Atlantic regions of the National Division of Marine Fisheries; and
  - b. Evaluating the necessity to substantially increase penalties for trespass and theft of shellfish and other aquaculture products;
- (6) To review and evaluate changes in federal law and regulations, relevant court decisions, and changes in technology affecting the seafood and aquaculture industries;
- (7) To review existing and proposed State law and rules affecting the seafood and aquaculture industries and to determine whether any modification of law or rules is in the public interest;
- (8) To make reports and recommendations, including draft legislation, to the General Assembly from time to time as to any matter relating to the powers and duties set out in this section; and
- (9) To undertake such additional studies as it deems appropriate or as may from time to time be requested by the President of the Senate, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, either house of the General Assembly, the Legislative Research Commission, or the Joint Legislative Commission on Governmental Operations, and to make such reports and recommendations to the General Assembly regarding such studies as it deems appropriate. (1989, c. 802, s. 12.1; 1997-443, s. 11A.119(a); 2005-386, s. 1.8.)

#### **§ 120-70.63. Additional powers.**

(a) The Commission, while in the discharge of official duties, may exercise all the powers of a joint committee of the General Assembly provided for under the provisions of G.S. 120-19, and G.S. 120-19.1 through G.S. 120-19.4. The Commission may meet at any time upon the call of either cochair, whether or not the General Assembly is in session. The Commission may meet in the Legislative Building or the Legislative Office Building upon the approval of the Legislative Services Commission.

(b) The Commission may contract for consultants or hire employees in accordance with G.S. 120-32.02. (1989, c. 802, s. 12.1; 2005-386, s. 1.9; 2006-255, s. 3.2.)

**§ 120-70.64. Compensation and expenses of members.**

Members of the Commission shall receive per diem and travel allowances in accordance with G.S. 120-3.1 for members who are legislators, and shall receive compensation and per diem and travel allowances in accordance with G.S. 138-5 for members who are not legislators. (1989, c. 802, s. 12.1.)

**§ 120-70.65. Staffing.**

The Legislative Services Officer shall assign as staff to the Commission professional employees of the General Assembly, as approved by the Legislative Services Commission. Clerical staff shall be assigned to the Commission through the offices of the Directors of Legislative Assistants of the Senate and House of Representatives. The expenses of employment of clerical staff shall be borne by the Commission. (1989, c. 802, s. 12.1; 1996, 2nd Ex. Sess., c. 18, s. 8(h); 2007-495, s. 13.)

**§ 120-70.66. Funding.**

From funds available to the General Assembly, the Legislative Services Commission shall allocate monies to fund the Joint Legislative Commission on Seafood and Aquaculture. (1989, c. 802, s. 12.1.)



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## COMMISSION MEMBERSHIP

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### **President Pro Tempore of the Senate** **Appointments:**

***Sen. Charles W. Albertson, Co-Chair***  
136 Henry Dunn Picket Road  
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### **Speaker of the House of Representatives** **Appointments:**

***Representative William L. Wainwright, Co-Chair***  
P. O. Box 33  
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Jacksonville, NC 28540

**Commission Staff:**

Jeffery Hudson, Commission Counsel  
Jennifer McGinnis, Commission Counsel  
Tim Dodge, Commission Counsel  
Mariah Matheson, Commission Assistant  
Cindy Davis, Commission Clerk

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# COMMISSION PROCEEDINGS

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The Joint Legislative Commission on Seafood and Aquaculture met three times during the interim between the 2009 Regular Session and 2010 Regular Session:

[January 27, 2010 – 10:00 a.m.](#)

Soundside Hall  
North Carolina Aquarium  
Pine Knoll Shores, North Carolina

1. Call to order  
Senator Albertson, presiding
2. Introductory remarks by Co-chairs  
Representative William Wainwright  
Senator Charles Albertson
3. Report to Commission and explanation of agenda items  
Jeff Hudson  
Commission Counsel
4. [Report on the Waterfront Access and Marine Industry Fund](#)  
Louis Daniel, Director  
Division of Marine Fisheries, Department of Environment and Natural Resources (DENR)
5. [Reports on efforts to market North Carolina seafood and to encourage consumption of locally caught seafood](#)  
William Small, Seafood Marketing Specialist  
Marketing Division, Department of Agriculture and Consumer Services  
  
Barry Nash, Seafood Technology and Marketing Specialist  
North Carolina Sea Grant  
  
[Pam Morris, President](#)  
Carteret Catch  
  
Mike Johnson, Chairman  
Dare County Commission for Working Watermen  
Commissioner, Dare County Board of Commissioners  
  
David Hilton, President  
Ocracoke Working Watermen's Association  
President, Ocracoke Seafood Company

[Scott Baker on Brunswick Catch](#)

Fisheries Specialist, North Carolina Sea Grant

6. Report on the Fisheries Resource Grant Program  
Mike Voiland, Executive Director  
North Carolina Sea Grant

[Steve Rebach, Associate Director](#)

North Carolina Sea Grant

7. [Report on State efforts to address unauthorized interactions with endangered and threatened sea turtles](#)  
Louis Daniel, Director  
Division of Marine Fisheries, DENR
8. Report on the activities of the Atlantic States Marine Fisheries Commission  
Louis Daniel, Director  
Division of Marine Fisheries, DENR
9. Commission discussion and announcements
10. Adjourn

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**March 30, 2010 – 10:00 a.m.**

Auditorium  
North Carolina Aquarium  
Manteo, North Carolina

1. Call to order  
Representative William Wainwright, presiding
3. Introductory remarks by Co-chairs  
Representative William Wainwright  
Senator Charles Albertson
3. Report to Commission and explanation of agenda items  
Jeff Hudson  
Commission Counsel
4. [Annual report on the development, adoption, and implementation of the Coastal Habitat Protection Plan](#)  
[Jimmy Johnson, Eastern Regional Field Officer](#)  
Office of Conservation and Community Affairs, Department of Environment and Natural Resources
5. [Annual report on the development, adoption, and implementation of Fishery Management Plans](#)  
Louis Daniel, Director  
Division of Marine Fisheries, Department of Environment and Natural Resources (DENR)
6. [Report on the implementation of the Coastal Recreational Fishing License and on the Marine Resources Fund and the Marine Resources Endowment Fund](#)  
Louis Daniel, Director  
Division of Marine Fisheries, DENR
7. [Annual Report on the Shellfish Rehabilitation Program](#)  
Louis Daniel, Director  
Division of Marine Fisheries, DENR
8. [Review of the Fisheries Reform Act process for management of the marine resources of the State](#)  
Louis Daniel, Director  
Division of Marine Fisheries, DENR
9. Commission discussion and announcements
10. Adjourn

**April 27, 2010 – 10:00 a.m.**

Auditorium  
Fort Fisher Aquarium  
Kure Beach, North Carolina

1. Call to order  
Representative William Wainwright, presiding
4. Introductory remarks by Co-chairs  
Representative William Wainwright  
Senator Charles Albertson
3. Report to Commission and explanation of agenda items  
Jeff Hudson  
Commission Counsel
4. Consideration of legislative proposals from the Marine Fisheries Commission  
Louis Daniel, Director  
Division of Marine Fisheries, Department of Environment and Natural Resources
  - a. [Fishery Management Plan Supplements](#)
  - b. [Study FMP Development Process](#)
  - c. [Observer Coverage Gear Permits](#)
  - d. [Suspension and Revocation of Fishing Licenses](#)
  - e. [Extend Credit for Oyster Shell Recycling](#)
  - f. [Improve Success of FMPs](#)  
Jeff Hudson, Commission Counsel
  - g. [Promote North Carolina Seafood Marketing](#)
5. [Report on the impacts of endocrine disruptors on North Carolina fisheries](#)  
B.J. Copeland, Vice Chairman  
Marine Fisheries Commission
6. Consideration of draft commission report to the 2010 Regular Session
7. Commission discussion and announcements
8. Adjourn

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## LEGISLATIVE PROPOSALS

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