

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 545

Short Title: Marine Fisheries Advisory Committee Reforms. (Public)

Sponsors: Representatives Boswell, Millis, and Pittman (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Wildlife Resources, if favorable, Environment

April 3, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO ENSURE MEANINGFUL PUBLIC PARTICIPATION IN FISHERIES
3 MANAGEMENT BY ENHANCING THE ROLE OF PUBLIC ADVISORY
4 COMMITTEES.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 143-289.52(a) reads as rewritten:

7 "(a) The Marine Fisheries Commission shall adopt rules to be followed in the
8 management, protection, preservation, and enhancement of the marine and estuarine resources
9 within its jurisdiction, as described in G.S. 113-132, including commercial and sports fisheries
10 resources. The Marine Fisheries Commission shall have the power and duty:

11 ...

12 (10) To adopt Fishery Management Plans as provided in G.S. 113-182.1, to
13 establish a Priority List to determine the order in which Fishery Management
14 Plans are developed, to establish a Schedule for the development and
15 adoption of each Fishery Management Plan, and to establish guidance
16 criteria as to the contents of Fishery Management Plans. In exercising its
17 rule-making powers for the management, protection, preservation, and
18 enhancement of the marine and estuarine resources, the Commission shall, to
19 the maximum extent practicable, act consistently with the Fishery
20 Management Plans adopted for those resources.

21 ...

22 (14) When it rejects findings and recommendations submitted by advisory
23 committees established under G.S. 143-289.57, to provide and adopt by
24 resolution a statement of basis for the rejection."

25 **SECTION 2.** G.S. 143B-289.57 reads as rewritten:

26 "§ 143B-289.57. **Marine Fisheries Commission Advisory Committees established;**
27 **members; selection; duties.**

28 (a) The Commission shall be assisted in the performance of its duties by four standing
29 advisory committees and four regional advisory committees. Each standing and regional
30 advisory committee shall consist of no more than 11 members. The Chair of the Commission
31 shall designate one member of each advisory committee to serve as Chair of the committee.
32 Members shall serve staggered three-year terms as determined by the Commission. The
33 Commission shall establish other policies and procedures for standing and regional advisory
34 committees that are consistent with those governing the Commission as set out in this Part.



1 (b) The Chair of the Commission shall appoint the following standing advisory
2 committees:

3 (1) The Finfish Committee, which shall consider matters concerning finfish.

4 (2), (3) Repealed by Session Laws 2012-190, s. 4(a), and Session Laws
5 2012-200, s. 16(a), effective July 1, 2012.

6 (3a) The Shellfish/Crustacean Advisory Committee, which shall consider matters
7 concerning oysters, clams, scallops, other molluscan shellfish, shrimp, and
8 crabs.

9 (4) The Habitat and Water Quality Committee, which shall consider matters
10 concerning habitat and water quality that may affect coastal fisheries
11 resources.

12 (c) Each standing advisory committee shall be composed of commercial and
13 recreational fishermen, scientists, and other persons who have expertise in the matters to be
14 considered by the advisory committee to which they are appointed. In making appointments to
15 advisory committees, the Chair of the Commission shall ensure that both commercial and
16 recreational fishing interests are fairly represented and shall consider for appointment persons
17 who are recommended by groups representing commercial fishing interests, recreational fishing
18 interests, environmental protection and conservation interests, and other groups interested in
19 coastal fisheries management.

20 (d) Each standing advisory committee shall review all matters referred to the committee
21 by the Commission and shall make findings and recommendations on these matters. A standing
22 advisory committee may, on its own motion, make findings and recommendations as to any
23 matter related to its subject area. The Commission, in the performance of its duties, shall
24 consider all findings and recommendations submitted by standing advisory committees. Each
25 standing committee shall meet at least once each calendar quarter and may hold additional
26 meetings at any time and place within the State at the call of the Chair of the Commission.

27 (e) The Chair of the Commission shall appoint a Northern Regional Advisory
28 Committee, encompassing areas from the Virginia line south through Hyde and Pamlico
29 Counties and any counties to the west, and a Southern Regional Advisory Committee,
30 encompassing areas from Carteret County south to the South Carolina line and any counties to
31 the west. In making appointments to regional advisory committees, the Chair of the
32 Commission shall ensure that both commercial and recreational fishing interests are fairly
33 represented. The regional advisory committees shall each meet at least once each calendar
34 quarter and may hold additional meetings at any time and place within the area each committee
35 represents at the call of the Chair of the Commission."

36 **SECTION 3.** G.S. 113-182.1(c) reads as rewritten:

37 "(c) To assist in the development of each Fishery Management Plan, the Chair of the
38 Marine Fisheries Commission shall appoint a fishery management plan advisory committee.
39 Each fishery management plan advisory committee shall be composed of commercial
40 fishermen, recreational fishermen, and scientists, all with expertise in the fishery for which the
41 Fishery Management Plan is being developed. Before taking action on any management
42 measure considered in the development of a fishery management plan, the Commission shall
43 consult with the fishery management plan advisory committee for that fishery."

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