



# State of North Carolina

**ROY COOPER**  
GOVERNOR

February 18, 2022

**EXECUTIVE ORDER NO. 250**

## **ALBEMARLE-PAMLICO NATIONAL ESTUARY PARTNERSHIP**

**WHEREAS**, the Albemarle-Pamlico Estuary comprises one of the nation's largest estuaries, is distinguished by its remarkable biodiversity, natural resources, and history, and provides extensive benefits to North Carolina's economy; and

**WHEREAS**, the United States Congress designated the Albemarle-Pamlico Sounds as an "estuary of national significance" in 1987; and

**WHEREAS**, the protection and restoration of the Albemarle-Pamlico estuarine system supports its ecological integrity, the regional economy, and local communities, and plays an important role in increasing the resilience of coastal communities to the impacts of climate change; and

**WHEREAS**, the Albemarle-Pamlico National Estuary Partnership ("APNEP") excels as a science-based cooperative among the State of North Carolina, the Commonwealth of Virginia, the United States Environmental Protection Agency ("EPA"), and many other federal, state, and local agencies and organizations; and

**WHEREAS**, APNEP has a thirty-four year legacy of supporting and synthesizing scientific research and monitoring, and continues to provide extensive information that addresses natural resource and environmental issues; and

**WHEREAS**, the mission of APNEP is to identify, protect, and restore the significant natural resources of the Albemarle-Pamlico estuarine system; and

**WHEREAS**, scientific information from the Albemarle-Pamlico Estuarine Study (1987-1994) was combined with extraordinary citizen involvement to develop a Comprehensive Conservation and Management Plan ("CCMP") that was first adopted in 1994 and revised in 2012; and

**WHEREAS**, APNEP solicits and fosters meaningful community involvement to implement the CCMP, which guides efforts to identify, protect, and restore the region's significant resources; and

**WHEREAS**, the State of North Carolina is committed to protecting and restoring its natural resources and supports APNEP's mission by encouraging and supporting cooperation and collaborative partnerships among diverse stakeholders; and

**WHEREAS**, the impacts of climate change threaten North Carolina communities, especially coastal communities, and the Climate Risk Assessment and Resilience Plan, which was issued as required by Executive Order No. 80 (“North Carolina’s Commitment to Address Climate Change and Transition to a Clean Energy Economy”) recommends protecting, restoring, and properly managing estuaries as an important way to mitigate the risk of severe floods; and

**WHEREAS**, APNEP requires a legal framework specifying its governance structure and organizational processes; and

**WHEREAS**, an APNEP Office (“Office”) is necessary to coordinate and facilitate CCMP implementation and support APNEP’s mission; and

**WHEREAS**, on November 9, 2017, in Exec. Order No. 26, 32 N.C. Reg. 1172-1175 (Dec.15, 2017), the undersigned established the Office to facilitate CCMP implementation and support APNEP’s mission; and

**WHEREAS**, Executive Order No. 26 requires amending and restating to further align with the actions of the APNEP and to reflect current standards and procedures of the National Estuary Program.

**NOW, THEREFORE**, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

### **Section 1. Introduction**

This Executive Order amends and restates Executive Order No. 26, which established the Office and the Management Conference. Specifically, this Executive Order makes changes to the structure of the Leadership Council to streamline efforts to fulfill APNEP’s mission and collaborate with natural resource and environmental policymakers in the APNEP region. In addition, this Executive Order changes the “Implementation Advisory Committee” to the “Citizens Advisory Committee” to be consistent with other National Estuary Programs.

### **Section 2. Office and Host**

The Office shall be located in the North Carolina Department of Environmental Quality (“Department”) to coordinate and facilitate CCMP implementation and support APNEP’s mission. The Office shall serve as a conduit for information, collaboration, and coordination among the state and federal agencies, local governments, tribes, academia, and the public.

The Office shall consist of the Director of the Office (“Director”) along with the requisite staff necessary to meet the needs identified by the Management Conference, which is described in Section 3 of this Executive Order.

The Department shall serve as the host for the Office, and the Office will be housed within the Department’s Office of the Secretary. The Department shall efficiently assist in the operation and support of the Management Conference. The Department shall only be responsible for assisting with administrative and fiscal management of the APNEP-EPA cooperative agreement, which provides federal funds for APNEP, and for assisting with the management of other funding sources.

### **Section 3. Management Conference**

#### **A. Purpose**

1. A Management Conference consistent with Section 320 of the Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 – 1376, shall be established to advise, support, and guide CCMP implementation, and to assist the Office in

fulfilling its mission.

2. The Management Conference shall advise APNEP on APNEP's overall policy, budget, and community engagement direction.
3. The Management Conference shall review and revise the CCMP as necessary in response to changes in the environment or resource management actions.

## **B. Membership**

1. The Management Conference shall consist of diverse stakeholders with interests in the Albemarle-Pamlico watershed and shall utilize a collaborative, consensus-building approach to implement the CCMP.
2. The Management Conference shall consist of three standing committees: a Leadership Council, a Citizen Advisory Committee, and a Science and Technical Advisory Committee.
3. The Director shall appoint the initial membership of the Management Conference and, to the greatest extent possible, shall ensure geographic and demographic diversity within the membership, as well as its members' willingness to serve.
4. Each standing committee shall establish bylaws, operating procedures, and leadership.
5. Membership additions and replacement to the Leadership Council and each of the advisory committees shall be determined under each entity's individual bylaws.

## **C. Leadership Council**

### **1. Purpose**

The Leadership Council shall work with the Office, advisory committees, and other groups to advise, support, evaluate, update, advocate for, and guide CCMP implementation. The Leadership Council is the primary guidance body for the Office.

### **2. Membership**

- a. The Leadership Council shall include the following voting members:
  - i. The Secretary of the Department or the Secretary's designee;
  - ii. The Secretary of the North Carolina Department of Natural and Cultural Resources or the Secretary's designee;
  - iii. Director of North Carolina Sea Grant or the Director's designee;
  - iv. Two members of the Citizen Advisory Committee (Section 3.D);
  - v. Two members of the Science and Technical Advisory Committee (Section 3.E);
  - vi. A representative of a local government or regional Council of Governments;
  - vii. An at-large member with vested interests in the region; and
  - viii. A representative of a local, state, or national conservation

organization.

- b. The Secretary of Natural Resources of the Commonwealth of Virginia, or the Secretary's designee, shall be invited to participate as a voting member.
- c. A representative of the EPA's National Estuary Program shall be invited to participate as a non-voting, ex-officio member.
- d. The Leadership Council may expand its membership, as it deems necessary, upon a two-thirds affirmative vote.

#### **D. Citizen Advisory Committee**

##### **1. Purpose**

The Citizen Advisory Committee shall work with the Leadership Council on CCMP implementation and meaningful community engagement activities. Committee members shall serve as liaisons to citizens, agencies, tribes, and relevant parties regarding environmental and natural resource management relevant to CCMP implementation. The Committee shall work to engage diverse communities and populations in its decisions and represent diverse perspectives within the Management Conference.

##### **2. Membership**

The membership of the Citizen Advisory Committee shall be broad-based and may include the following natural resource management interests within the Albemarle-Pamlico estuarine system: local governments; local or regional planning; environmental equity; commerce and industry; education; recreation; tourism; fishing or seafood industry; agriculture; forestry; military; tribal organizations; local, state, or national conservation organizations; soil and water conservation districts; finance; communications and media; local and state agencies; and federal agencies.

#### **E. Science and Technical Advisory Committee**

##### **1. Purpose**

The Science and Technical Advisory Committee shall provide independent advice to the Leadership Council and the Citizen Advisory Committee on scientific and technical issues, including ecosystem assessment and monitoring in support of CCMP implementation.

##### **2. Membership**

- a. The membership of the Science and Technical Advisory Committee shall be broad-based and may include scientists and technologists from local colleges, universities, and research institutes as well as technical staff from federal and local agencies, industry, and environmental organizations, with expertise in science and technology relevant to environment and natural resource management in the Albemarle-Pamlico estuarine system.
- b. Each member shall have substantive and extensive expertise in one or more scientific and technical fields germane to APNEP's mission and relevant to environment and natural resource management, including, but not limited to, landscape ecology, terrestrial ecology, wetlands ecology, submerged aquatic ecology, marine biology, fisheries and



wildlife science, hydrology, remote sensing, ecological assessment, engineering, agricultural technologies, forest technologies, soil conservation, water quality modeling, environmental policy, economics, public policy, planning, spatial statistics, education, and law.

**F. Administration and Expenses**

1. Each standing body within the Management Conference shall be responsible for determining its own meeting schedules, rules of order, terms of service, bylaws, chairmanship, attendance requirements, ad hoc committees, and other matters of protocol.
2. Members shall serve voluntarily and without compensation or per diems. Extraordinary expenses may be reimbursed subject to approval by the Director and in accordance with EPA cooperative agreement requirements, the Department's travel policies, state law, and the policies and regulations of the Office of State Budget and Management.

**Section 4. State Programmatic Support**

1. Executive Branch agencies of the State of North Carolina shall work cooperatively with the Management Conference and the Office on actions to implement the CCMP.
2. Council of State agencies of the State of North Carolina and the North Carolina Wildlife Resources Commission are invited to work cooperatively with the Management Conference and the Office on CCMP implementation.
3. Campuses and institutes of the University of North Carolina system are invited to work cooperatively with the Management Conference and the Office on CCMP implementation.

**Section 5. Effect and Duration**

This Executive Order amends and restates Executive Order No. 26 and supersedes and rescinds any other previous executive orders to the extent that they conflict with this Executive Order. This Executive Order is effective immediately and shall remain in effect until November 9, 2025 unless earlier rescinded or replaced.

**IN WITNESS WHEREOF**, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 18<sup>th</sup> day of February in the year of our Lord two thousand and twenty-two.

  
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Roy Cooper  
Governor

**ATTEST:**

  
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Elaine F. Marshall  
Secretary of State

