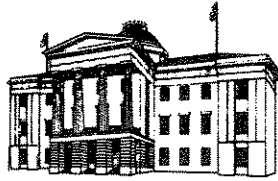


State of North Carolina



MICHAEL F. EASLEY
GOVERNOR

**EXECUTIVE ORDER NO. 122
REPLACING EXECUTIVE ORDER NO. 74
CONCERNING CREATION OF A PROGRAM OFFICE, A POLICY BOARD,
AND ADVISORY COMMITTEES, TO SUPPORT SUSTAINABLE NATURAL
RESOURCE AND ENVIRONMENTAL MANAGEMENT IN THE
ALBEMARLE-PAMLICO ESTUARINE SYSTEM**

WHEREAS, the Albemarle-Pamlico National Estuary Program (APNEP), formerly known as the Albemarle-Pamlico Estuarine Study, is a cooperative effort established by the State of North Carolina and the United States Environmental Protection Agency; and

WHEREAS, the mission of the APNEP is to identify, restore, and protect the significant resources in the Albemarle-Pamlico estuarine system in North Carolina and southeast Virginia; and

WHEREAS, the APNEP is a collaborative effort involving state, federal, regional, local, educational, and public entities in the protection and enhancement of the Albemarle-Pamlico estuarine system; and

WHEREAS, Congress designated the Albemarle-Pamlico estuarine system as an "estuary of national significance" in 1987; and

WHEREAS, the APNEP was the first National Estuary Program to be designated under Section 320 of the Clean Water Act; and

WHEREAS, the APNEP has provided extensive information and supported scientific research about natural resource and environmental issues facing the Albemarle-Pamlico estuary since 1987; and

WHEREAS, scientific information from the Albemarle-Pamlico Estuarine Study was combined with extraordinary involvement by citizens to develop a Comprehensive Conservation and Management Plan (CCMP) entitled "A Guide to Environmental and Economic Stewardship in the Albemarle-Pamlico Region" that was adopted in 1994; and

WHEREAS, the CCMP also recognizes that, from an ecological and economic standpoint, the most effective means to ensure the environmental health and sustainability of the

Albemarle-Pamlico estuarine system is to manage and protect the resources in the five major river basins of the watershed; and

WHEREAS, the CCMP also recognizes the importance of involving the public in making decisions regarding natural resource and environmental management, and research;

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

Section 1. Establishment.

An **Albemarle-Pamlico National Estuary Program Office** is hereby established to coordinate and facilitate the implementation and advancement of the CCMP, the APNEP mission, and the activities of the Policy Board and Advisory Committees. The APNEP Program Office shall serve as a conduit for information between the Policy Board, Advisory Committees, state and federal agencies, local government, tribes, academia, and the public. The Program Office will be located in the Offices of the Secretary of the North Carolina Department of Environment and Natural Resources (DENR).

A **Policy Board** for the Albemarle-Pamlico watershed shall be established to work with DENR and the Program Office to advise, support, evaluate, update, advocate, and guide the implementation of the CCMP and the APNEP mission.

A Committee of Citizen Advisors ("**Citizen Advisory Committee**") for the Albemarle-Pamlico watershed shall be established to advise and support the Policy Board, and to serve as liaisons to local agencies and interested parties regarding environmental and natural resource management concerns and issues relevant to implementation of the CCMP and the APNEP mission.

A Committee of Science and Technical Advisors ("**Science and Technical Advisory Committee**") for the Albemarle-Pamlico watershed shall be established to advise the Policy Board and agencies responsible for implementation of the CCMP on scientific and technical issues.

A Committee of Management Agency Representatives ("**Management Advisory Committee**") for the Albemarle-Pamlico watershed shall be established to facilitate and support the implementation and advancement of the CCMP management actions and the APNEP mission.

Section 2. Program Boundaries.

The boundaries of the Albemarle-Pamlico National Estuary Program are the geographic area of each of the following river basins as defined by the hydrologic boundaries ascribed to it by the North Carolina Department of Environment and Natural Resources:

1. Neuse (including areas of the White Oak River Basin that drain to Core and Bogue sounds),
2. Tar-Pamlico (including areas draining directly into the northern Pamlico Sound),
3. Roanoke (that portion of the basin below Lake Gaston dam),
4. Chowan (including the portion of the basin located in Virginia), and
5. Pasquotank (including waters and areas that drain directly into the Albemarle, Currituck, Croatan, and Roanoke sounds, as well as that portion of the basin located in Virginia).

Section 3. Policy Board.

A. Membership.

1. The Secretary of the Department of Environment and Natural Resources shall appoint or invite the initial Policy Board membership.
2. The Policy Board will be broad-based and include the following:
 - a. The Secretary of North Carolina Department of Environment and Natural Resources, or designee;
 - b. The Secretary of Natural Resources of the Commonwealth of Virginia, or designee, is invited to participate;
 - c. The Executive Director of the North Carolina Clean Water Management Trust Fund, or designee;
 - d. One representative of Partnership for the Sounds;
 - e. One representative of Cooperative Extension;
 - f. One representative of Sea Grant;
 - g. Two representatives from each of the Advisory Committees;
 - h. One who shall, at the time of appointment, is actively connected with higher education.
 - i. One who shall, at the time of appointment, is actively connected with local or regional planning;
 - j. One who shall, at the time of appointment, is actively connected with major business or industry;
 - k. One who shall, at the time of appointment, is actively connected with the commercial fishing or seafood industry;
 - l. One who shall, at the time of appointment, is actively connected with agriculture;
 - m. One who shall, at the time of appointment, is actively connected with forestry;
 - n. One who shall, at the time of appointment, is actively associated with a local, state, or national conservation organization;
 - o. One who shall, at the time of appointment, is actively connected with or have experience in finance/banking;
 - p. One who shall, at the time of appointment, is actively connected with communication media;
 - q. One at-large member; and

- r. A representative of the United States Environmental Protection Agency–National Estuary Program is invited to participate as a non-voting ex-officio member.
3. Members must reside or have interests within the program boundaries.
4. Each member shall serve a three-year term, renewable once consecutively. The membership will have staggered appointments so that one-third of the membership can be reappointed each year.
5. Vacancies shall be filled by appointment or invitation from the remaining Board members as set forth in the Board’s bylaws.
6. The Policy Board may expand its membership, as it deems necessary, upon two-thirds affirmative vote.

B. Duties.

1. The role of the Policy Board shall be to guide, evaluate, and support the CCMP implementation process and advancement of the CCMP and its management actions, and to ensure the highest level of collaboration, coordination, and cooperation among state and federal agencies, local governments, the public, and various interest groups.
2. The Policy Board shall consult the Advisory Committees for recommendations pertaining to implementation of CCMP management actions at the regional and local level, and the coordination and development of research and monitoring priorities.
3. The Policy Board shall advise the state, federal, and local agencies responsible for environmental and natural resource management about concerns and issues relevant to implementation of the CCMP.
4. The Policy Board shall make recommendations based on CCMP implementation progress and success, and shall identify and prioritize information needs as described in the CCMP.
5. The Policy Board shall evaluate the relevance of the CCMP and consult the Advisory Committees for recommendations on amending the CCMP to address new or emerging issues that may affect the significant natural resources of the Albemarle-Pamlico estuarine system.
6. The Policy Board shall be an advocate for the implementation of the CCMP and the APNEP mission and the APNEP.
7. The Policy Board, in cooperation with the Program Office, shall assist in the development of an annual report, budget, and work plan that address priorities for implementing and updating the CCMP.
8. The Policy Board will have no authority other than as an advisory body.
9. The Policy Board shall be responsible for determining its own rules of order, bylaws, chairmanship, attendance requirements, and other matters of protocol.

C. Meetings.

1. The Policy Board shall meet at least two times each year or more frequently if deemed appropriate by the Chair or upon request by the Program Director.

2. Federal, state, and local agencies with environmental management responsibilities in the Albemarle-Pamlico watershed are invited to participate in meetings of the Policy Board.
3. All meetings shall be open to the public and noticed in accordance with North Carolina's open meeting laws.

Section 4. Advisory Committees.

A. Citizen Advisory Committee

1. Membership.
 - a. Citizen Advisory Committee (CAC) members must reside, or have interests, within the program boundaries of the Albemarle-Pamlico National Estuary Program.
 - b. Membership shall include:
 1. One representative of the Soil and Water Conservation Districts in North Carolina;
 2. One representative of the Soil and Water Conservation Districts in Virginia is invited;
 3. Two representatives from non-governmental environmental conservation organizations;
 4. One representative of environmental education;
 5. One representative of K-12 education;
 6. One representative from industry or business;
 7. One representative of agriculture;
 8. One representative of commercial fishing or the seafood industry;
 9. One representative of forestry;
 10. One representative of county government;
 11. One representative of municipal or town government;
 12. One representative from each of the following:
 - a. North Carolina League of Municipalities, and
 - b. North Carolina Association of County Commissioners;
 13. One representative from each of the following is invited:
 - a. Virginia Municipal League, and
 - b. Virginia Association of Counties;
 14. One representative is invited to represent the State recognized tribal organizations from within the program boundaries in North Carolina;
 15. One representative is invited to represent the State recognized tribal organizations from within the program boundaries in Virginia; and
 16. Six at-large positions.
 - c. The CAC may expand its membership to include other interested parties as it deems necessary and as set forth in the committee's bylaws.
 - d. Members shall serve a three-year term, renewable once consecutively. The membership will have staggered appointments so that one-third of the membership can be reappointed each year.

- e. The Director of the Albemarle-Pamlico National Estuary Program Office shall nominate the initial CAC membership to be approved by the Policy Board. In making his nominations, the Director shall, to the greatest extent possible, seek to ensure geographic, demographic and social balance, and willingness to serve.
 - f. Vacancies shall be filled by appointment or invitation from the remaining CAC members as set forth in the committee's bylaws.
2. Duties.
- a. The CAC shall be responsible for coordinating CCMP implementation strategies at a local level.
 - b. The CAC shall advise and consult with the Policy Board, Science and Technical Advisory Committee, Management Advisory Committee, the public, and various interest groups, as well as local agencies within the Albemarle-Pamlico watershed regarding implementation of CCMP management actions and advancement of the CCMP at the local level.
 - c. The CAC shall be an advocate for the implementation of the CCMP and the APNEP mission and the APNEP at the local level.
 - d. The CAC will have no authority other than as an advisory body.
 - e. The CAC shall select two members to serve on the Policy Board.
 - f. The CAC shall be responsible for determining its own rules of order, bylaws, chairmanship, attendance requirements, and other matters of protocol.
3. Meetings.
- a. The CAC shall meet at least two times each year, or more frequently if deemed appropriate or upon request by the Policy Board or the Program Director.
 - b. Federal, state, and local agencies with environmental management responsibilities in the Albemarle-Pamlico watershed are invited to participate in meetings of the CAC.
 - c. All meetings shall be open to the public and noticed in accordance with North Carolina's open meeting laws.

B. Science and Technical Advisory Committee

- 1. Membership.
 - a. The Science and Technical Advisory Committee (STAC) will be broad-based and should include scientists and researchers from local colleges, universities, and research institutions, as well as technical staff from federal, state, and local agencies, industry, and environmental organizations.
 - b. All members will be expected to have an advanced degree (Master's or above) and/or extensive experience (at least 6 years), with expertise in scientific and technical fields germane to the mission of the APNEP.
 - c. The Director of the Albemarle-Pamlico National Estuary Program Office shall nominate the initial STAC membership to be approved by the Policy Board. In making his nominations, the Director shall, to the greatest extent possible, seek to ensure broad-based science and technical representation

for research, monitoring, and resource management issues germane to the Albemarle-Pamlico watershed.

- d. Members should have expertise in science and technology relevant to environment and natural resource management, including but not limited to: landscape ecology, terrestrial ecology, wetlands ecology, submerged aquatic ecology, marine biology, hydrology, remote sensing, ecological assessment, engineering, agricultural technologies, forest technologies, soil conservation, water quality modeling, environmental policy, economics, public policy, planning, spatial statistics, and law.
 - e. Each member shall serve a three-year term, renewable once consecutively. The membership will have staggered appointments so that one-third of the membership can be reappointed each year.
 - f. Vacancies shall be filled by appointment or invitation from the remaining committee members as set forth in the committee's bylaws.
2. Duties.
- a. The STAC shall be responsible for recommending research and monitoring activities and needs related to CCMP implementation or advancement to the Policy Board and the Program Office.
 - b. The STAC shall advise and consult with the Policy Board, the public, and various interest groups, as well as local, state, and federal governments within program boundaries on scientific and technical issues affecting implementation and advancement of the CCMP management actions. Members shall advise these groups of actions and information relevant to research and monitoring issues in the Albemarle-Pamlico watershed.
 - c. The STAC will have no authority other than as an advisory body.
 - d. The STAC will serve as a forum for the exchange of scientific information about the Albemarle-Pamlico estuarine system.
 - e. The STAC shall select two members to serve on the Policy Board.
 - f. The STAC shall be responsible for determining its own rules of order, bylaws, chairmanship, attendance requirements, and other matters of protocol.
3. Meetings.
- a. The STAC shall meet at least two times each year, or more frequently if deemed appropriate or upon request by the Policy Board or the Program Director.
 - b. Federal, state, and local agencies with environmental management responsibilities in the Albemarle-Pamlico watershed are invited to participate in meetings of STAC.
 - c. All meetings shall be open to the public and noticed in accordance with North Carolina's open meeting laws.

C. Management Advisory Committee

1. Membership.
 - a. The Management Advisory Committee (MAC) will be broad-based and should include representation from federal, state, and local agencies with

- environmental and natural resource management responsibilities within the Albemarle-Pamlico watershed.
- b. The Director of the Albemarle-Pamlico National Estuary Program Office shall nominate the initial MAC membership to be approved by the Policy Board. In making appointments, the Policy Board shall, to the greatest extent possible, seek to ensure that appropriate management agencies are included.
 - c. The MAC may expand its membership as it deems necessary and as set forth in the committee's bylaws.
 - d. Vacancies shall be filled by appointment or invitation from the remaining committee as set forth in the committee's bylaws.
2. Duties.
- a. The MAC shall be responsible for coordinating, supporting, and advocating CCMP implementation strategies at a state and federal agency level.
 - b. The MAC shall advise and consult with the Policy Board, CAC, and STAC on the implementation of CCMP management actions and advancement of the CCMP at the federal, state, and local agency level.
 - c. The MAC will have no authority other than as an advisory body.
 - d. The MAC shall select two members to serve on the Policy Board.
 - e. The MAC shall be responsible for determining its own rules of order, bylaws, chairmanship, attendance requirements, and other matters of protocol.
 - f. The MAC will serve as a forum for the exchange of management information about the Albemarle-Pamlico estuarine system.
3. Meetings.
- a. The MAC shall meet at least two times each year, or more frequently if deemed appropriate or upon request by the Policy Board or Program Director.
 - b. All meetings shall be open to the public and noticed in accordance with North Carolina's open meeting laws.

Section 5. Compensation, Per Diems, and Expenses.

Members of the APNEP Policy Board and Advisory Committees shall serve voluntarily and without compensation or per diems. Extraordinary expenses may be reimbursed subject to approval by the Program Director.

Section 6. Effect of Other Executive Orders.

All other Executive Orders or portions of Executive Orders inconsistent herewith are hereby rescinded. This order specifically replaces Executive Order No. 74.

This Order shall become effective immediately and remain in effect until rescinded.

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 second day of August in the year of our Lord two thousand and seven, and of the Independence of the United States of America the two hundred and thirty-second.



A handwritten signature in cursive script, reading "Michael F. Easley", is positioned above a horizontal line.

Michael F. Easley
Governor

ATTEST:

A handwritten signature in cursive script, reading "Elaine F. Marshall", is positioned above a horizontal line.

Elaine F. Marshall
Secretary of State