

## REQUEST FOR BOARD ACTION

ITEM NO. 14

**DATE OF MEETING:** April 4, 2011

**REQUESTED BY:** Commissioner Williams

**SHORT TITLE:** Resolution Opposing "Game Fish Status" Designation for Red Drum, Striped Bass and Spotted Sea Trout

**BACKGROUND:** A bill has been filed (House Bill 353) in the General Assembly to designate Red Drum, Striped Bass, and Spotted Sea Trout as "coastal game fish", to prohibit the taking of coastal game fish other than by hook-and-line, to prohibit the sale of coastal game fish, and to compensate commercial fishermen for certain losses due to the designation and prohibition. This designation will negatively impact the essential function of commercial fishermen in providing wholesome food while they struggle to earn a living and contribute to the state's economy. The proposal would allocate 100% of these resources to 3% of the population and to specific user groups and would hurt local coastal economies. North Carolina is recognized as a leading producer of seafood, and has one of the most diverse fisheries in the nation.

A resolution opposing this designation and honoring the Fisheries Reform Act is attached for discussion.

**SPECIFIC ACTION REQUESTED:** To consider a resolution entitled "Resolution Opposing "Game Fish Status" and Honoring the Fisheries Reform Act by Continuing to Make all Fish Species Available for the Benefit and Enjoyment of all North Carolina Citizens".

**COUNTY MANAGER'S RECOMMENDATION**

Respectfully recommend approval.

Initial

**RESOLUTION**

**NOW, THEREFORE BE IT RESOLVED** by the Pender County Board of Commissioners that:

the Board hereby adopts the resolution entitled "Resolution Opposing "Game Fish Status" and Honoring the Fisheries Reform Act by Continuing to Make all Fish Species Available for the Benefit and Enjoyment of all North Carolina Citizens". The Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution.

**AMENDMENTS:**

MOVED \_\_\_\_\_ SECONDED \_\_\_\_\_

APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ UNANIMOUS \_\_\_\_\_

YEA VOTES: Brown \_\_\_ Tate \_\_\_ Rivenbark \_\_\_ Ward \_\_\_ Williams \_\_\_

\_\_\_\_\_  
George R. Brown, Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
ATTEST

\_\_\_\_\_  
Date

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

H

1

HOUSE BILL 353

Short Title: Designation of Coastal Game Fish. (Public)

Sponsors: Representatives McCormick, Glazier, Ingle, and Samuelson (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Commerce and Job Development Subcommittee on Business and Labor.

March 16, 2011

A BILL TO BE ENTITLED

AN ACT TO DESIGNATE RED DRUM, SPOTTED SEA TROUT, AND STRIPED BASS AS COASTAL GAME FISH; TO PROHIBIT THE TAKING OF COASTAL GAME FISH OTHER THAN BY HOOK-AND-LINE; TO PROHIBIT THE SALE OF COASTAL GAME FISH; AND TO COMPENSATE COMMERCIAL FISHERMEN FOR CERTAIN LOSSES DUE TO THE DESIGNATION AND PROHIBITION.

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:

**"§ 113-192. Coastal game fish.**

(a) Designation. – The General Assembly hereby designates all of the following species as coastal game fish:

- (1) Red drum (*Sciaenops ocellatus*).
- (2) Spotted sea trout (*Cynoscion nebulosus*).
- (3) Striped bass (*Morone saxatilis*).

(b) Requirements. – Species designated as coastal game fish under subsection (a) of this section are subject to all of the following requirements:

- (1) In coastal fishing waters, they may only be taken by hook-and-line.
- (2) They may not be bought, sold, bartered, or exchanged.
- (3) They may not be possessed for the purpose of purchase, sale, barter, exchange, or for transport or shipment in commerce within the State or for export from the State."

**SECTION 2.(a)** Notwithstanding G.S. 113-175.1, the Marine Fisheries Commission shall make mitigation payments from the North Carolina Marine Resources Fund to commercial fishermen licensed under Article 14A of this Chapter who can demonstrate actual financial losses due to a coastal game fish designation under G.S. 113-192, as enacted by Section 1 of this act.

**SECTION 2.(b)** Subject to the limitation contained in subsection (c) of this section, the Marine Fisheries Commission shall make mitigation payments for all of the following:

- (1) The average annual income to a commercial fisherman from the sale of fish designated as coastal game fish under G.S. 113-192 over the period 2008 through 2010. The Marine Fisheries Commission shall make an annual payment in this amount to an eligible commercial fisherman in the years 2012, 2013, and 2014.



- 1           (2)    The 2010 value of commercial fishing gear used in 2010 to exclusively take
- 2                    fish designated as coastal game fish under G.S. 113-192. The Marine
- 3                    Fisheries Commission shall make this payment in 2012.
- 4            **SECTION 2.(e)** Payments made under this section shall be limited to a total of one
- 5 million dollars (\$1,000,000).
- 6            **SECTION 2.(d)** The Marine Fisheries Commission may adopt any rules necessary
- 7 for the implementation of this section.
- 8            **SECTION 3.** This act becomes effective July 1, 2011.

*Board of Commissioners*

Douglas W. Harris, Chair  
John Gregory Lewis, Vice-Chair  
Robin Comer  
William Holt Faircloth  
Patrick "Pat" Joyce  
Jonathan Robinson  
Bill Smith



*Interim County Manager*

Wayne Deal  
Office: (252) 728-8450  
Fax: (252) 728-2092  
wayned@carteretcountygov.org  
www.carteretcountygov.org

*Clerk to the Board*  
Jeanette S. Deese, CMC, NCCCC

**RESOLUTION  
OPPOSING "GAME FISH STATUS"  
AND  
HONORING THE FISHERIES REFORM ACT BY CONTINUING  
TO MAKE ALL FISH SPECIES AVAILABLE  
FOR THE BENEFIT AND ENJOYMENT OF ALL NORTH CAROLINA CITIZENS**

**WHEREAS**, the Fisheries Reform Act (FRA) recognizes that commercial fishermen perform an essential function by providing wholesome food for the citizens of the State, while struggling to earn a living in an industry whose resources are managed by both State and Federal agencies and whose labor accounts for revenue, jobs, and a significant tax base; and

**WHEREAS**, as designating "Game Fish Status" for Red Drum, Striped Bass, Spotted Sea Trout and other fish species will deprive consumers in North Carolina and across the nation of access to fresh locally harvested seafood; and

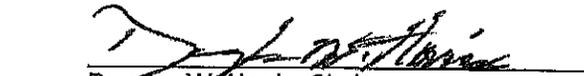
**WHEREAS**, allocating 100% of the resource to less than 3% of the population of our state and to specific user groups would be a travesty of fairness, a violation of the FRA, and devastating to the economies of coastal communities; and

**WHEREAS**, degrading a resource to "Game Fish Status Only" has never enhanced the resource, and will threaten coastal communities with the loss of jobs and access for all citizens; and

**WHEREAS**, North Carolina, as a recognized leading producer of seafood, has one of the most diverse fisheries in the United States and should be allowed to continue harvesting wild fish species in order to bring to market a wonderfully fresh, sustainably managed, revenue producing, protein resource for all its citizens.

**NOW, THEREFORE, BE IT RESOLVED** that the Carteret County Board of Commissioners requests the North Carolina General Assembly oppose "Game Fish Status" and honor The Fisheries Reform Act by continuing to make all fish species available for the benefit and enjoyment of all North Carolina citizens.

**ADOPTED**, this the 21<sup>st</sup> day of March 2011.

  
Douglas W. Harris, Chairman  
Carteret County Board of Commissioners

ATTEST:

  
Jeanette Deese, NCCCC  
Carteret County Clerk to the Board