



REQUEST FOR BOARD ACTION

ITEM NO. 10.

DATE OF MEETING: May 2, 2011

REQUESTED BY: Board of Commissioners

SHORT TITLE: Discussion and Possible Resolution Regarding Previous Board of Commissioner's Decision Opposing HB 353 "Game Fish Status"

BACKGROUND: At the April 4, 2011 Board meeting the Board of Commissioners adopted a resolution opposing "Game Fish Status" for Red Drum, Striped Bass and Spotted Sea Trout. This was in response to HB 353 introduced in the General Assembly that if passed would make this designation.

At the April 18, 2011 BOCC meeting, the Board agreed to place the issue on the May 2, 2011 meeting agenda for further discussion and consideration.

SPECIFIC ACTION REQUESTED: To hold discussion and to reconsider the issue, and possibly consider a resolution regarding the "Game Fish Status" resolution adopted April 4, 2011.

COUNTY MANAGER'S RECOMMENDATION

The County Manager has no recommendation on this issue.

JB
Initial

RESOLUTION

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

the Board hereby *(as determined by the Board)*. 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



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.

MB
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 Williams SECONDED Rivenbark

APPROVED X DENIED UNANIMOUS

YEA VOTES: Brown ___ Tate ___ Rivenbark ___ Ward ___ Williams ___

George R. Brown 4/4/11
George R. Brown, Chairman Date

Rail Butz 4/4/11
ATTEST Date



Board of Commissioners
George R. Brown, Jr., Chairman
Jimmy T. Tate, Vice-Chairman
F.D. Rivenbark
Chester L. Ward
J. David Williams, Jr.

Rick Benton, County Manager
Trey Thurman, County Attorney

**RESOLUTION BY THE PENDER COUNTY BOARD OF COMMISSIONERS
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 Pender 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 4th day of April, 2011.


George R. Brown, Jr., Chairman

ATTEST:


Rick Benton, Clerk to the Board

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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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

- 1 A BILL TO BE ENTITLED
2 AN ACT TO DESIGNATE RED DRUM, SPOTTED SEA TROUT, AND STRIPED BASS
3 AS COASTAL GAME FISH; TO PROHIBIT THE TAKING OF COASTAL GAME FISH
4 OTHER THAN BY HOOK-AND-LINE; TO PROHIBIT THE SALE OF COASTAL
5 GAME FISH; AND TO COMPENSATE COMMERCIAL FISHERMEN FOR CERTAIN
6 LOSSES DUE TO THE DESIGNATION AND PROHIBITION.
7 The General Assembly of North Carolina enacts:
8 SECTION 1. Article 15 of Chapter 113 of the General Statutes is amended by
9 adding a new section to read:
10 "§ 113-192. Coastal game fish.
11 (a) Designation. – The General Assembly hereby designates all of the following species
12 as coastal game fish:
13 (1) Red drum (*Sciaenops ocellatus*).
14 (2) Spotted sea trout (*Cynoscion nebulosus*).
15 (3) Striped bass (*Morone saxatilis*).
16 (b) Requirements. – Species designated as coastal game fish under subsection (a) of this
17 section are subject to all of the following requirements:
18 (1) In coastal fishing waters, they may only be taken by hook-and-line.
19 (2) They may not be bought, sold, bartered, or exchanged.
20 (3) They may not be possessed for the purpose of purchase, sale, barter,
21 exchange, or for transport or shipment in commerce within the State or for
22 export from the State."
23 SECTION 2.(a) Notwithstanding G.S. 113-175.1, the Marine Fisheries
24 Commission shall make mitigation payments from the North Carolina Marine Resources Fund
25 to commercial fishermen licensed under Article 14A of this Chapter who can demonstrate
26 actual financial losses due to a coastal game fish designation under G.S. 113-192, as enacted by
27 Section 1 of this act.
28 SECTION 2.(b) Subject to the limitation contained in subsection (c) of this
29 section, the Marine Fisheries Commission shall make mitigation payments for all of the
30 following:
31 (1) The average annual income to a commercial fisherman from the sale of fish
32 designated as coastal game fish under G.S. 113-192 over the period 2008
33 through 2010. The Marine Fisheries Commission shall make an annual
34 payment in this amount to an eligible commercial fisherman in the years
35 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.(c)** 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.