

2017

**HOUSE
WILDLIFE RESOURCES**

MINUTES

HOUSE COMMITTEE ON WILDLIFE RESOURCES
2013 SESSION

Clerk: Susan Phillips 733-5988

<u>MEMBER</u>	<u>PHONE</u>	<u>OFFICE</u>	<u>SEAT</u>
Rep. Jay Adams, Chair	733-5988	2223	73
Rep. Chris Malone, Chair	715-3010	1229	38
Rep. William Brisson, Vice-chair	733-5772	405	23
Rep. Gale Adcock	733-5602	1211	119
Rep. Mike Clampitt	715-3005	1420	113
Rep. George Cleveland	715-6707	417A	8
Rep. Kevin Corbin	733-5859	2215	98
Rep. George Graham	733-5995	1321	79
Rep. Cody Henson	715-4466	537	101
Rep. Brendon Jones	733-5821	2217	88
Re. Marvin Lucas	733-5775	509	22
Rep. Larry Pittman	715-2009	1010	61
Rep. Michele Presnell	733-5732	418A	51
Rep. Brian Turner	715-3012	1209	120
Rep. Michael Wray	733-5662	503	24

<u>Staff</u>	<u>Phone</u>	<u>Office</u>
Mariah Matheson, Committee Assistant	733-2578	545
Jennifer McGinnis, Committee Counsel	733-2578	545
Augustus Willis, Committee Counsel	733-2578	545



HOUSE COMMITTEE ON WILDLIFE RESOURCES
2017-18 SESSION



Rep. Jay Adams, Chair



Rep. Chris Malone, Chair



**Rep. Bill Brisson,
Vice-Chair**



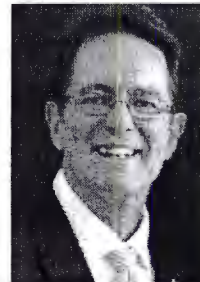
Rep. Gale Adcock



Rep. Mike Clampitt



**Rep. George
Cleveland**



Rep. Kevin Corbin



Rep. George Graham



Rep. Cody Henson



Rep. Brenden Jones



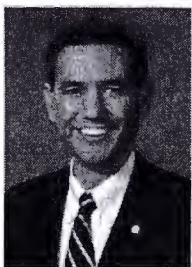
Rep. Marvin Lucas



Rep. Larry Pittman



Rep. Michele Presnell



Rep. Brian Turner



Rep. Michael Wray



**House Committee on Wildlife Resources
Tuesday, April 11, 2017 at 10:00 AM
Room 1425 of the Legislative Building**

MINUTES

The House Committee on Wildlife Resources met at 10:00 AM on April 11, 2017 in Room 1425 of the Legislative Building. Representatives Adams, Brisson, Clampitt, Cleveland, Corbin, G. Graham, Brenden Jones, Malone, Pittman, Presnell, and B. Turner attended.

Representative Jay Adams, Chair, presided.

The following bills were considered:

HB 74 Adopt Bobcat as State Cat. (Representatives B. Richardson, Horn, Ager, Gill)

Representative Ager was recognized to explain the bill to the committee. Rep. Corbin offered an amendment to the bill, which passed. After brief discussion, Representative Clampitt made a motion for a favorable report for the bill, as amended and rolled into a PCS, unfavorable report to the original bill. The motion carried and the bill, as amended and rolled into a PCS, received a favorable report.

HB 272 Fox and Coyote Trapping. (Representative Zachary)

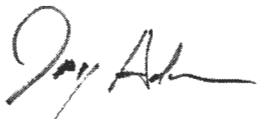
Representative Zachary was recognized to explain the proposed committee substitute to the committee. Rep. Pittman offered an amendment to the PCS, which passed. After brief discussion, Representative Cleveland made a motion for a favorable report for the PCS, as amended and rolled into a new PCS, unfavorable report to the original bill. The motion carried and the PCS, as amended and rolled into a new PCS, received a favorable report.

HB 559 Outdoor Heritage Enhanced. (Representatives Millis, J. Bell) was pulled from the calendar by the bill sponsors.

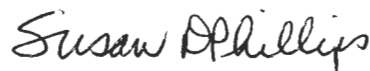
HB 614 Scientific Wildlife Management Act. (Representatives Malone, Adams, B. Turner)

Rep. Malone was recognized to explain the bill to the Committee. There was extensive discussion of the bill. Rep. Turner made a motion for a favorable report for the bill. The motion did not carry and the bill remains in the Wildlife Committee.

The meeting adjourned at 10:50 am.



Representative Jay Adams, Chair
Presiding



Susan Phillips, Committee Clerk



**House Committee on Wildlife Resources
Tuesday, April 11, 2017, 10:00 AM
1425 Legislative Building**

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 74	Adopt Bobcat as State Cat.	Representative B. Richardson Representative Horn Representative Ager Representative Gill Representative Zachary
HB 272	Fox and Coyote Trapping/Yadkin County.	
HB 559	Outdoor Heritage Enhanced.	Representative Millis Representative J. Bell
HB 614	Scientific Wildlife Management Act.	Representative Malone Representative Adams Representative B. Turner

Adjournment

**House Committee on Wildlife Resources
Tuesday, April 11, 2017, 10:00 AM
1425 Legislative Building**

AGENDA

Welcome and Opening Remarks

— No pages —

Introduction of Sgts at arms

David Harris

Warren Hawkins

David Linthicum

BILL NO. SHORT TITLE

HB 74 Adopt Bobcat as State Cat.

SPONSOR

**Rep B. Richardson,
Horn, Ager, Gill**

Amendment ??

All in favor of the amendment say aye,
opposed no. The amendment
passes/fails, we are back on the bill

Motion for a favorable report for the
bill as amended, rolled into a PCS
Second?

All in favor say aye, all opposed No

The Ayes have it, HB 74 as amended
gets a favorable report

NO AMENDMENT///Fails

Motion for a favorable report for
the bill, Second?

All in favor say aye, all opposed No

The Ayes have it, HB 74 gets a
favorable report

HB 272 **Fox and Coyote Trapping/Yadkin County.**

Rep Zachary

PCS Need a motion to bring the PCS before us...All in favor....Opposed? The PCS is before us

Motion for a favorable report for the PCS, unfavorable to the original bill, Second?

All in favor say aye, all opposed No

The Ayes have it, HB 272 gets a favorable report

HB 559 **Outdoor Heritage Enhanced.**

Rep Millis, J. Bell

*Pulled by
Sponsors*

Motion for a favorable report for the bill, Second?

All in favor say aye, all opposed No

The Ayes have it, HB 559 gets a favorable report

HB 614 **Scientific Wildlife Management Act.**

**Rep Malone,
Adams, B. Turner**

Motion for a favorable report for the bill, Second?

All in favor say aye, all opposed No

The Ayes have it, HB 614 gets a favorable report

Adjournment

Corrected #2: H 614 added to the meeting

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION**

You are hereby notified that the **House Committee on Wildlife Resources** will meet as follows:

DAY & DATE: Tuesday, April 11, 2017
TIME: 10:00 AM
LOCATION: 1425 LB
COMMENTS:

Rep. Jay Adams will chair the meeting

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
<u>HB 74</u>	Adopt Bobcat as State Cat.	Representative B. Richardson Representative Horn Representative Ager Representative Gill
<u>HB 272</u>	Fox and Coyote Trapping.	Representative Zachary
<u>HB 559</u>	Outdoor Heritage Enhanced.	Representative Millis Representative J. Bell
<u>HB 614</u>	Scientific Wildlife Management Act.	Representative Malone Representative Adams Representative B. Turner

Respectfully,

Representative Jay Adams, Co-Chair
Representative Chris Malone, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 1:11 PM on Wednesday, July 05, 2017.

____ Principal Clerk
____ Reading Clerk – House Chamber

Susan Phillips (Committee Assistant)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

1

HOUSE BILL 74

Short Title: Adopt Bobcat as State Cat. (Public)

Sponsors: Representatives B. Richardson, Horn, Ager, and Gill (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Wildlife Resources

February 9, 2017

A BILL TO BE ENTITLED

AN ACT ADOPTING THE BOBCAT AS THE OFFICIAL STATE CAT OF THE STATE OF
NORTH CAROLINA.

Whereas, the bobcat is a member of the North American cat family and is found
throughout North Carolina, especially in the wooded habitats of the coastal plain and mountains;
and

Whereas, the bobcat is easily recognized by its short "bobbed" tail, round face with
long hairs that resemble "sideburns," and pointed ears; and

Whereas, bobcats are somewhat larger than domestic cats, standing from 20 to almost
30 inches at the shoulder and weighing up to 40 pounds, with males being slightly larger than
females; and

Whereas, bobcats are carnivores usually preying on rabbits and mice, but are also
known to eat other animals, including deer, birds, raccoons, opossums, squirrels, and reptiles; and

Whereas, bobcats are active throughout the day, but are most active at dawn and dusk;
and

Whereas, adopting the bobcat as the official State cat of North Carolina would help
bring about awareness of this magnificent and beneficial animal; Now, therefore,
The General Assembly of North Carolina enacts:

SECTION 1. Chapter 145 of the General Statutes is amended by adding the following
new section to read:

"§ 145-49. State cat.

The bobcat is adopted as the official cat of the State of North Carolina."

SECTION 2. This act is effective when it becomes law.





HOUSE BILL 74: Adopt Bobcat as State Cat.

2017-2018 General Assembly

Committee:	House Wildlife Resources	Date:	April 11, 2017
Introduced by:	Reps. B. Richardson, Horn, Ager, Gill	Prepared by:	Augustus D. Willis
Analysis of:	First Edition		Committee Counsel

OVERVIEW: House bill 74 would adopt the bobcat as the official cat of the State of North Carolina.

[As introduced, this bill was identical to S197, as introduced by Sens. Lowe, McInnis, Smith-Ingram, which is currently in Senate Rules and Operations of the Senate.]

CURRENT LAW: North Carolina does not currently have an official State cat. The State has adopted 12 animals as State symbols, ranging from the State bird (cardinal) to the State freshwater trout (Souther Appalachian strain of brook trout) and the state marsupial (Virginia opossum). Animals that are designated as State symbols do not receive any special protections – the recognition is purely symbolic.

BILL ANALYSIS: House bill 74 would adopt the bobcat as the official cat of the State of North Carolina. Designation of the bobcat as the State cat would not affect any hunting or trapping regulations.

EFFECTIVE DATE: This act would become effective when it becomes law.

BACKGROUND: The bobcat is the only wild cat found in North Carolina. The bobcat can be found in all regions of the State. The Wildlife Resources Commission classifies the bobcat as a game species and furbearer, and allows hunting and trapping of bobcats during designated seasons.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 74

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H74-ATY-17 [v.1]

Page 1 of 1

Amends Title [NO]
First Edition

Date 4-11, 2017

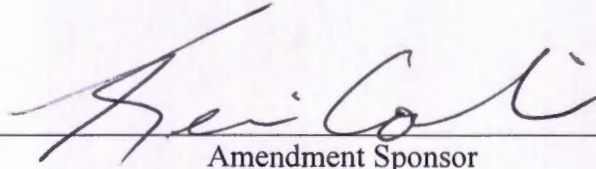
Representative

Corbin

1 moves to amend the bill on page 1, line 22 by rewriting the line to read:
2

3 "The bobcat, also known as the wildcat, is adopted as the official cat of the State of North
4 Carolina."
5
6

SIGNED


Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED

✓

FAILED

TABLED



* H 7 4 - A T Y - 1 7 - V - 1 *



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

D

HOUSE BILL 74
PROPOSED COMMITTEE SUBSTITUTE H74-PCS40452-TY-6

Short Title: Adopt Bobcat as State Cat.

(Public)

Sponsors:

Referred to:

February 9, 2017

A BILL TO BE ENTITLED

AN ACT ADOPTING THE BOBCAT AS THE OFFICIAL STATE CAT OF THE STATE OF
NORTH CAROLINA.

Whereas, the bobcat is a member of the North American cat family and is found throughout North Carolina, especially in the wooded habitats of the coastal plain and mountains; and

Whereas, the bobcat is easily recognized by its short "bobbed" tail, round face with long hairs that resemble "sideburns," and pointed ears; and

Whereas, bobcats are somewhat larger than domestic cats, standing from 20 to almost 30 inches at the shoulder and weighing up to 40 pounds, with males being slightly larger than females; and

Whereas, bobcats are carnivores usually preying on rabbits and mice, but are also known to eat other animals, including deer, birds, raccoons, opossums, squirrels, and reptiles; and

Whereas, bobcats are active throughout the day, but are most active at dawn and dusk; and

Whereas, adopting the bobcat as the official State cat of North Carolina would help bring about awareness of this magnificent and beneficial animal; Now, therefore, The General Assembly of North Carolina enacts:

SECTION 1. Chapter 145 of the General Statutes is amended by adding the following new section to read:

"§ 145-49. State cat.

The bobcat, also known as the wildcat, is adopted as the official cat of the State of North Carolina."

SECTION 2. This act is effective when it becomes law.



* H 7 4 - P C S 4 0 4 5 2 - T Y - 6 *

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

1

HOUSE BILL 272

Short Title: Fox and Coyote Trapping/Yadkin County. (Local)

Sponsors: Representative Zachary.

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

Referred to: Wildlife Resources

March 8, 2017

A BILL TO BE ENTITLED

AN ACT TO PERMIT FOX AND COYOTE TRAPPING IN YADKIN COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Notwithstanding any other provision of law, there is an open season for taking foxes by trapping from October 1 through March 31 of each year, with no tagging requirements prior to or after sale.

SECTION 1.(b) Notwithstanding any other provision of law, the open season for taking coyotes by trapping shall be October 1 through March 31 of each year.

SECTION 2. No bag limit applies to foxes or coyotes taken under this act.

SECTION 3. The Wildlife Resources Commission shall provide for the sale of foxes and coyotes taken lawfully pursuant to this act.

SECTION 4. This act applies only to the County of Yadkin.

SECTION 5. This act is effective when it becomes law.



* H 2 7 2 - V - 1 *

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

D

HOUSE BILL 272
PROPOSED COMMITTEE SUBSTITUTE H272-CSTY-2 [v.1]

03/21/2017 02:05:40 PM

Short Title: Fox and Coyote Trapping.

(Local)

Sponsors:

Referred to:

March 8, 2017

- 1 A BILL TO BE ENTITLED
2 AN ACT TO PERMIT FOX AND COYOTE TRAPPING IN DAVIE AND YADKIN
3 COUNTIES.
4 The General Assembly of North Carolina enacts:
5 **SECTION 1.(a)** Notwithstanding any other provision of law, there is an open
6 season for taking foxes by trapping from October 1 through March 31 of each year, with no
7 tagging requirements prior to or after sale.
8 **SECTION 1.(b)** Notwithstanding any other provision of law, the open season for
9 taking coyotes by trapping shall be October 1 through March 31 of each year.
10 **SECTION 2.** No bag limit applies to foxes or coyotes taken under this act.
11 **SECTION 3.** The Wildlife Resources Commission shall provide for the sale of
12 foxes and coyotes taken lawfully pursuant to this act.
13 **SECTION 4.** This act applies only to the Counties of Davie and Yadkin.
14 **SECTION 5.** This act is effective when it becomes law.



* H 2 7 2 - C S T Y - 2 *



HOUSE BILL 272: Fox and Coyote Trapping/Yadkin County.

2017-2018 General Assembly

Committee: House Wildlife Resources
Introduced by: Rep. Zachary
Analysis of: First Edition

Date: April 11, 2017
Prepared by: Mariah Matheson
Research Assistant

OVERVIEW: House Bill 272 would permit fox and coyote trapping in Yadkin County from October 1 through March 31 and allow for the sale of foxes and coyotes legally taken by trapping.

CURRENT LAW: Fox trapping currently is not permitted in Yadkin County, but year-round fox hunting with weapons is permitted. Fox trapping is allowed in 41 counties. In some counties, trappers are exempt from tagging requirements, and in some counties, the sale of foxes is prohibited.

It is legal to trap coyotes during the regulated trapping seasons established by the Wildlife Resources Commission (WRC). It is also legal to trap coyotes during any fox-trapping season established by statute or by local law, using methods described in statute.

BILL ANALYSIS: House Bill 272 would allow fox and coyote trapping in Yadkin County from October 1 to March 31. There would be no bag limit for foxes or coyotes taken by trapping. The bill would also direct the WRC to provide for the sale of foxes and coyotes taken legally pursuant to this act. The bill would impose no tagging requirements before or after sale. This bill would apply only to Yadkin County.

EFFECTIVE DATE: This bill would be effective when it becomes law.

BACKGROUND:

More information on fox trapping seasons for different counties can be found at:

http://www.ncwildlife.org/Regs/documents/fox_seasons_dates.pdf

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578





NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 272

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H272-ATY-19 [v.1]

Page 1 of 1

Amends Title [NO]

Date 4/11, 2017

~~First Edition~~

PCS H272-ATY-2 [v.1]

Representative Pittman

1 moves to amend the bill on page 1, line 6 by deleting "March 31" and substituting "February
2 28".
3
4

SIGNED

Harry D. Pittman

Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED

FAILED

TABLED



* H 2 7 2 - A T Y - 1 9 - V - 1 *



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

D

HOUSE BILL 272
PROPOSED COMMITTEE SUBSTITUTE H272-PCS40464-TY-2

Short Title: Fox and Coyote Trapping.

(Local)

Sponsors:

Referred to:

March 8, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO PERMIT FOX AND COYOTE TRAPPING IN DAVIE AND YADKIN
3 COUNTIES.
4 The General Assembly of North Carolina enacts:
5 **SECTION 1.(a)** Notwithstanding any other provision of law, there is an open
6 season for taking foxes by trapping from October 1 through February 28 of each year, with no
7 tagging requirements prior to or after sale.
8 **SECTION 1.(b)** Notwithstanding any other provision of law, the open season for
9 taking coyotes by trapping shall be October 1 through March 31 of each year.
10 **SECTION 2.** No bag limit applies to foxes or coyotes taken under this act.
11 **SECTION 3.** The Wildlife Resources Commission shall provide for the sale of
12 foxes and coyotes taken lawfully pursuant to this act.
13 **SECTION 4.** This act applies only to the Counties of Davie and Yadkin.
14 **SECTION 5.** This act is effective when it becomes law.



* H 2 7 2 - P C S 4 0 4 6 4 - T Y - 2 *



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

1

HOUSE BILL 559*

Short Title: Outdoor Heritage Enhanced. (Public)

Sponsors: Representatives Millis and J. Bell (Primary Sponsors).

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

Referred to: Wildlife Resources

April 5, 2017

A BILL TO BE ENTITLED

AN ACT TO EXPAND THE USE OF FIREARMS FOR HUNTING OF WILD ANIMALS
AND UPLAND GAME BIRDS ON SUNDAY AND TO ALLOW HUNTING OF
MIGRATORY BIRDS ON SUNDAY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 103-2 reads as rewritten:

"§ 103-2. Method of take when hunting on Sunday.

(a) Any landowner or member of the landowner's family, or any person with written permission from the landowner, ~~may~~may, subject to rules established by the Wildlife Resources Commission, hunt wild animals and upland game birds with the use of firearms on Sunday on the landowner's property, except that all of the following limitations apply:

(1) ~~Hunting on Sunday between 9:30 A.M. and 12:30 P.M. is prohibited, except on controlled hunting preserves licensed pursuant to G.S. 113-273(g).~~

(2) ~~Hunting of migratory birds on Sunday is prohibited.~~

(3) The use of a firearm to take deer that are run or chased by dogs on Sunday is prohibited.

(4) Hunting on Sunday within 500 yards of a place of worship or any accessory structure thereof, or within 500 yards of a residence not owned by the landowner, is ~~prohibited~~prohibited between 9:30 A.M. and 12:30 P.M. Hunting on Sunday is allowed on controlled hunting preserves licensed pursuant to G.S. 113-273(g) at any time.

(5) ~~Hunting on Sunday in a county having a population greater than 700,000 people is prohibited.~~

(a1) Any person may, subject to rules established by the Wildlife Resources Commission, hunt wild animals and upland game birds with the use of firearms on Sunday on public lands of the State managed for hunting, except that the following limitations apply:

(1) The use of a firearm to take deer that are run or chased by dogs on Sunday is prohibited.

(2) Hunting on Sunday within 500 yards of a place of worship or any accessory structure thereof, or within 500 yards of a residence, is prohibited between 9:30 A.M. and 12:30 P.M.

(a2) The hunting of migratory birds on Sunday is permitted on private lands, public lands, and public waters of the State, subject to rules adopted by the Wildlife Resources Commission.



1 (b) A person who hunts on Sunday in a manner prohibited under ~~subsection (a)~~ of this
2 section or rules adopted by the Wildlife Resources Commission shall be guilty of a Class 3
3 misdemeanor. Provided, that the provisions of this section are not applicable to military
4 reservations, the jurisdiction of which is exclusively in the federal government, to field trials
5 authorized by the Wildlife Resources Commission, or to actions taken in defense of a person's
6 property. Wildlife protectors are granted authority to enforce the provisions of this section."

7 **SECTION 2.** Notwithstanding G.S. 150B-21.2, the Wildlife Resources
8 Commission shall adopt permanent rules to regulate the time and location of Sunday hunting of
9 migratory birds consistent with this act, using the procedure and time lines for temporary rules
10 set forth in G.S. 150B-21.1(a3). Rules adopted by the Wildlife Resources Commission in
11 accordance with this section shall be subject to review by the Rules Review Commission as
12 provided by G.S. 150B-21.1(b); provided, however, that if the rules are approved by the Rules
13 Review Commission, they shall become effective as provided by G.S. 150B-21.3(b). Rules
14 adopted pursuant to this section shall not be subject to G.S. 150B-21.4.

15 **SECTION 3.** Section 1 of this act becomes effective when the rules required by
16 Section 2 of this act become effective. The remainder of this act is effective when it becomes
17 law.



HOUSE BILL 559: Outdoor Heritage Enhanced.

2017-2018 General Assembly

Committee: House Wildlife Resources
Introduced by: Reps. Millis, J. Bell
Analysis of: First Edition

Date: April 11, 2017
Prepared by: Augustus D. Willis
Committee Counsel

OVERVIEW: *House Bill 559 would expand Sunday hunting with firearms by removing certain restrictions on Sunday hunting on private land, allowing Sunday hunting on game lands, and allowing the hunting of migratory birds on Sunday, all subject to rules adopted by the Wildlife Resources Commission.*

[As introduced, this bill was identical to S624, as introduced by Sens. Alexander, McInnis, Britt, which is currently in Senate Rules and Operations of the Senate.]

CURRENT LAW: Currently, hunting with the use of firearms on Sundays is limited to private property in counties with 700,000 people or fewer, and subject to the following prohibitions on:

- The use of firearms to hunt between 9:30 A.M. and 12:30 P.M., except on licensed controlled hunting preserves.
- Hunting migratory birds.
- Use of firearms to hunt deer chased by dogs.
- Hunting within 500 yards of a place of worship or a residence not owned by the landowner.

Violations are punished as Class 3 misdemeanors.

BILL ANALYSIS:

Section 1 would remove the restrictions on hunting with the use of firearms on private land to allow hunting of wild animals and upland game birds in all counties, at any time, except for within 500 yards of a place of worship or residence not owned by the landowner, which would be prohibited between the hours of 9:30 A.M. and 12:30 P.M. Using dogs to hunt deer with the use of firearms would remain unlawful on Sundays.

The bill would also allow for the hunting of wild animals and upland game birds on public lands of the State that are managed for hunting, subject to the restrictions prohibiting the use of firearms to hunt deer chased by dogs and prohibiting the use of firearms to hunt within 500 yards of a place of worship or residence between the hours of 9:30 A.M. and 12:30 P.M.

The bill would further provide for the hunting of migratory birds on Sundays, on private lands, public lands, and public waters.

Hunting permitted within each of these provisions would all be subject to rules adopted by the Wildlife Resources Commission (WRC) and violations would remain Class 3 misdemeanors.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

House Bill 559

Page 2

Section 2 would require WRC to adopt rules to regulate the time and location of Sunday hunting of migratory birds pursuant to the procedures in the Administrative Procedure Act.

EFFECTIVE DATE: Section 1 of the act become effective when the rules required by Section 2 of the act are adopted. The remainder of the act would become effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

1

HOUSE BILL 614

Short Title: Scientific Wildlife Management Act. (Public)

Sponsors: Representatives Malone, Adams, and B. Turner (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Wildlife Resources

April 10, 2017

A BILL TO BE ENTITLED

AN ACT TO CONFIRM THAT NORTH CAROLINA CITIZENS HAVE A
FUNDAMENTAL PRIVILEGE TO HUNT AND FISH THE MARINE, ESTUARINE,
AND WILDLIFE RESOURCES OF THE STATE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113-131 reads as rewritten:

**"§ 113-131. Resources belong to public; stewardship of conservation agencies; grant and
delegation of powers; injunctive relief.**

(a) The marine and estuarine and wildlife resources of the State belong to the people of
the State as a whole. The Department and the Wildlife Resources Commission are charged with
stewardship of these resources.

(a1) The Department, the Marine Fisheries Commission, and the Wildlife Resources
Commission shall promote conservation and scientific management of marine, estuarine, and
wildlife resources. The people of the State shall have the fundamental privilege to hunt, trap,
fish, and harvest marine, estuarine, and wildlife resources subject only to the acts of the
General Assembly and regulations adopted by the Department, the Marine Fisheries
Commission, and the Wildlife Resources Commission to promote conservation and
management of these resources and preserve the ability of the people of the State to hunt and
fish. Public hunting and fishing shall be a preferred means of managing and controlling marine,
estuarine, and wildlife resources, provided that this section shall not be construed to modify or
repeal any provision of law relating to trespass or property rights.

...."

SECTION 2. G.S. 153A-129(b), as enacted by Section 5(b) of S.L. 2015-144, and
G.S. 103-2 are repealed.

SECTION 3. This act becomes effective October 1, 2017.







HOUSE BILL 614: Scientific Wildlife Management Act.

2017-2018 General Assembly

Committee: House Wildlife Resources
Introduced by: Reps. Malone, Adams, B. Turner
Analysis of: Filed Edition

Date: April 11, 2017
Prepared by: Jennifer McGinnis
Committee Counsel

OVERVIEW: *House Bill 614 would: (i) enact language providing that the people of the State have a fundamental privilege to hunt, trap, and fish, and that public hunting and fishing are the preferred means of management and control of marine, estuarine, and wildlife resources for the State agencies charged with those resources oversight; and, (ii) repeal statutory provisions related to hunting on Sundays.*

BILL ANALYSIS and CURRENT LAW:

Section 1 of the bill would add language to the statutes to provide that the people of the State have the fundamental privilege to hunt, trap, fish, and harvest marine, estuarine, and wildlife resources subject only to the acts of the General Assembly and regulations adopted by the State agencies with jurisdiction over such matters, to promote conservation and management of these resources and preserve the ability of the people of the State to hunt and fish. The language further establishes that public hunting and fishing "shall be a preferred means of managing and controlling marine, estuarine, and wildlife resources," provided that the language is not to be construed to modify or repeal any provision of law relating to trespass or property rights.

Current law provides that the marine and estuarine and wildlife resources of the State belong to the people of the State as a whole. The Department of Environmental Quality (DEQ) and the Wildlife Resources Commission (WRC) are charged with stewardship of these resources.

Section 2 of the bill would repeal the statute that allows hunting on Sundays. The bill would also repeal a provision that allowed counties to enact ordinances to prohibit Sunday hunting, effective October 1, 2017.

Current law authorizes hunting on Sundays, subject to the following restrictions:

- Hunting with firearms between the hours of 9:30 A.M. and 12:30 P.M. on Sunday is prohibited.
- Hunting migratory birds with firearms on Sunday is prohibited.
- The use of a firearm to take deer that are run or chased by dogs on Sunday is prohibited.
- Hunting on Sunday with a firearm within 500 yards of a place of worship or a residence not owned by the landowner is prohibited.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578



House Bill 614

Page 2

- Hunting on Sunday with a firearm in a county having a population greater than 700,000 people is prohibited.

The statutes also authorize the WRC, subject to requirements and limitations that may be established by statute, to establish by rule the manner of take for wild animals and wild birds, and to fix seasons and bag limits upon wild animals and wild birds authorized to be taken that it deems necessary or desirable in the interests of the conservation of wildlife resources.

EFFECTIVE DATE: This bill would become effective October 1, 2017.



**NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES**

WILDLIFE RESOURCES COMMITTEE REPORT

Representative Jay Adams, Co-Chair

Representative Chris Malone, Co-Chair

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL

HB 74

Adopt Bobcat as State Cat.

Draft Number: H74-PCS40452-TY-6

Serial Referral: None

Recommended Referral: None

Long Title Amended: No

Floor Manager: B. Richardson

HB 272

Fox and Coyote Trapping/Yadkin County.

Draft Number: H272-PCS40464-TY-2

Serial Referral: None

Recommended Referral: None

Long Title Amended: Yes

Floor Manager: Zachary

TOTAL REPORTED: 2



★ C M R 2 0 2 - V - 1 ★



VISITOR REGISTRATION SHEET

Wildlife Resources

Name of Committee

4-11-17

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

REV. MARK CREECH	CAL
John Rustin	NCFPC
JOE McCLeeS	McCLeeS Consult
Wm Jearn	PAN
Colin Campbell	N40
Tom BEAN	NCWF
Cassie Gavin	Sierra Club
Anthony Roulletti	NRA
A Godwin	WRC
Chris EMANUEL	EMANUEL Group



**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION**

You are hereby notified that the **House Committee on Wildlife Resources** will meet as follows:

DAY & DATE: Wednesday, April 19, 2017

TIME: 12:00 PM

LOCATION: 1425 LB

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
<u>HB 218</u>	Prohibit Hunting From ROW/Buncombe County.	Representative B. Turner Representative Ager Representative Fisher
<u>HB 309</u>	Responsible Deer Management Act.	Representative Pittman Representative Henson
<u>HB 559</u>	Outdoor Heritage Enhanced.	Representative Millis Representative J. Bell
<u>HB 648</u>	Responsible Deer Hunting.	Representative Malone Representative Adams

Respectfully,

Representative Jay Adams, Co-Chair
Representative Chris Malone, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 5:03 PM on Tuesday, April 11, 2017.

____ Principal Clerk
____ Reading Clerk – House Chamber

Susan Phillips (Committee Assistant)



Cancelled Notice

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION 2017-2018 SESSION

You are hereby notified that the **House Committee on Wildlife Resources** will **NOT** meet as follows:

DAY & DATE: Wednesday, April 19, 2017

TIME: 12:00 PM

LOCATION: 1425 LB

COMMENTS: This meeting will be rescheduled, please watch your email for updated day and time.

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
<u>HB 218</u>	Prohibit Hunting From ROW/Buncombe County.	Representative B. Turner Representative Ager Representative Fisher
<u>HB 309</u>	Responsible Deer Management Act.	Representative Pittman Representative Henson
<u>HB 559</u>	Outdoor Heritage Enhanced.	Representative Millis Representative J. Bell
<u>HB 648</u>	Responsible Deer Hunting.	Representative Malone Representative Adams

Respectfully,

Representative Jay Adams, Co-Chair
Representative Chris Malone, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 2:01 PM on Wednesday, July 05, 2017.

____ Principal Clerk
____ Reading Clerk – House Chamber

Susan Phillips (Committee Assistant)



House Committee on Wildlife Resources
Monday, April 24, 2017 at 3:00 PM
Room 1228/1327 of the Legislative Building

MINUTES

The House Committee on Wildlife Resources met at 3:00 PM on April 24, 2017 in Room 1228/1327 of the Legislative Building. Representatives Adams, Brisson, Clampitt, Cleveland, Corbin, Brenden Jones, Malone, Pittman, Presnell, B. Turner, and Wray attended.

Representative Chris Malone, Chair, presided.

The following bills were considered:

HB 559 Outdoor Heritage Enhanced. (Representatives Millis, J. Bell) Representative Brian Turner made a motion to bring the proposed committee substitute before the Committee. Representative Millis was recognized to present the bill. There was brief discussion, after which Representative Brian Turner made a motion for a favorable report for the Proposed Committee Substitute, unfavorable to the original bill. The motion carried and the PCS received a favorable report.


HB 545 Marine Fisheries Advisory Committee Reforms. (Representatives Boswell, Millis, Pittman) Representative Millis was recognized to present the bill. There was brief discussion, after which Representative Pittman made a motion for a favorable report for the bill with a referral to the Environment Committee. The motion carried and the bill received a favorable report with a referral to the Environment Committee.

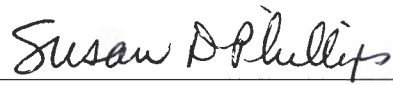
HB 218 Prohibit Hunting From ROW/Buncombe County. (Representatives B. Turner, Ager, Fisher) Representative Brian Turner was recognized to explain the bill to the committee. Rep. Presnell offered an amendment to the bill, which passed. After brief discussion, Representative Adams made a motion for a favorable report for the bill, as amended and rolled into a PCS, unfavorable report to the original bill. The motion carried and the bill, as amended and rolled into a PCS, received a favorable report.

HB 309 Responsible Deer Management Act. (Representatives Pittman, Henson) Representative Adams made a motion to bring the proposed committee substitute before the Committee. Representative Pittman was recognized to present the bill. There was brief discussion, after which Representative Cleveland made a motion for a favorable report for the Proposed Committee Substitute, unfavorable to the original bill with a referral to the Judiciary I Committee. The motion carried and the PCS received a favorable report.

HB 595 Adopt Official State Spider. (Representative Fisher) Representative Adams was recognized to explain the bill to the committee. After brief discussion, Representative Pittman made a motion for a favorable report for the bill. The motion carried and the bill received a favorable report.

The meeting adjourned at 3:45 pm.


Representative Chris Malone, Presiding Chair


Susan Phillips, Committee Clerk



Corrected #1: Please note time change and bills added

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION**

You are hereby notified that the **House Committee on Wildlife Resources** will meet as follows:

DAY & DATE: Monday, April 24, 2017

TIME: 3:00 PM

LOCATION: 1228/1327 LB

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
<u>HB 218</u>	Prohibit Hunting From ROW/Buncombe County.	Representative B. Turner Representative Ager Representative Fisher
<u>HB 309</u>	Responsible Deer Management Act.	Representative Pittman Representative Henson
<u>HB 545</u>	Marine Fisheries Advisory Committee Reforms.	Representative Boswell Representative Millis Representative Pittman
<u>HB 559</u>	Outdoor Heritage Enhanced.	Representative Millis Representative J. Bell
<u>HB 595</u>	Adopt Official State Spider.	Representative Fisher

Respectfully,

Representative Jay Adams, Co-Chair
Representative Chris Malone, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 3:34 PM on Monday, July 10, 2017.

____ Principal Clerk
____ Reading Clerk – House Chamber

Susan Phillips (Committee Assistant)



House Committee on Wildlife Resources
Monday, April 24, 2017, 3:00 PM
1228/1327 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 218	Prohibit Hunting From ROW/Buncombe County.	Representative B. Turner Representative Ager Representative Fisher
HB 309	Responsible Deer Management Act.	Representative Pittman Representative Henson
HB 545	Marine Fisheries Advisory Committee Reforms.	Representative Boswell Representative Millis Representative Pittman
HB 559	Outdoor Heritage Enhanced.	Representative Millis Representative J. Bell
HB 595	Adopt Official State Spider.	Representative Fisher

Adjournment



House Committee on Wildlife Resources
Monday, April 24, 2017, 3:00 PM
1228/1327 Legislative Building

AGENDA

Welcome and Opening Remarks

No Pages

Introduction of Sgts at Arms: Doug Harris, Warren Hawkins,

Malachi McCullough

Bills

BILL NO.

SHORT TITLE

SPONSOR

HB 559

**Outdoor Heritage
Enhanced.**

Millis, J. Bell

PCS

Need a motion to bring
the PCS before us...All in
favor....Opposed? The
PCS is before us

Motion for a favorable
✓ report for the PCS,
unfavorable to the original
bill, Second?

All in favor say aye, all
opposed No

The Ayes have it, HB 559
gets a favorable report



HB 595

**Adopt Official State
Spider.**

**Representative
Fisher**

Motion for a favorable
report for the bill,
Second?

All in favor say aye, all
opposed No

The Ayes have it, HB 595
gets a favorable report

HB 545

**Marine Fisheries
Advisory Committee
Reforms.**

**Boswell, Millis,
Pittman**

**Referral to
Environment**

Motion for a favorable
report for the bill, with a
referral to Environment

Second?

All in favor say aye, all
opposed No

The Ayes have it, HB 545
gets a favorable report
with a referral to
Environment



HB 218

**Prohibit Hunting From
ROW/Buncombe
County.**

**B. Turner,
Ager, Fisher**

Motion for a favorable
report for the bill,
Second?

All in favor say aye, all
opposed No

The Ayes have it, HB 218
gets a favorable report

HB 309

**Responsible Deer
Management Act.**

**Pittman,
Henson**

PCS

Need a motion to bring
the PCS before us...All in
favor....Opposed? The
PCS is before us

**Referral to
Judiciary I**

Motion for a favorable
report for the PCS,
unfavorable to the original
bill, with a referral to
Judiciary I
Second?

All in favor say aye, all
opposed No

The Ayes have it, HB 309
gets a favorable report
with a referral to Judiciary
I

Adjournment



10

11

12

4/24

Co-Chairs:

[illegible]



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

D

HOUSE BILL 559
PROPOSED COMMITTEE SUBSTITUTE H559-CSTY-10 [v.1]

4/23/2017 11:25:19 AM

Short Title: Outdoor Heritage Enhanced.

(Public)

Sponsors:

Referred to:

April 5, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO EXPAND THE USE OF FIREARMS FOR HUNTING OF WILD ANIMALS
3 AND UPLAND GAME BIRDS ON SUNDAY AND TO ALLOW HUNTING OF
4 MIGRATORY BIRDS ON SUNDAY.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 103-2 reads as rewritten:

7 "§ 103-2. Method of take when hunting on Sunday.

8 (a) Any landowner or member of the landowner's family, or any person with written
9 permission from the landowner, ~~may~~ may, subject to rules established by the Wildlife
10 Resources Commission, hunt wild animals and upland game birds with the use of firearms on
11 Sunday on the landowner's property, except that all of the following limitations apply:

12 (1) ~~Hunting on Sunday between 9:30 A.M. and 12:30 P.M. is prohibited, except~~
13 ~~on controlled hunting preserves licensed pursuant to G.S. 113-273(g).~~

14 (2) ~~Hunting of migratory birds on Sunday is prohibited.~~

15 (3) The use of a firearm to take deer that are run or chased by dogs on Sunday is
16 prohibited.

17 (4) Hunting on Sunday within 500 yards of a place of worship or any accessory
18 structure thereof, or within 500 yards of a residence not owned by the
19 landowner, is prohibited.

20 (5) ~~Hunting on Sunday in a county having a population greater than 700,000~~
21 ~~people is prohibited.~~

22 (a1) Any person may, subject to rules established by the Wildlife Resources
23 Commission, hunt wild animals and upland game birds with the use of firearms on Sunday on
24 public lands of the State managed for hunting, except that the following limitations apply:

25 (1) The use of a firearm to take deer that are run or chased by dogs on Sunday is
26 prohibited.

27 (2) Hunting on Sunday within 500 yards of a place of worship or any accessory
28 structure thereof, or within 500 yards of a residence, is prohibited.

29 (a2) The hunting of migratory birds on Sunday is prohibited unless authorized by
30 proclamation or rules of the Wildlife Resources Commission, subject to the following
31 limitation. The Wildlife Resources Commission shall not authorize hunting of migratory birds
32 on Sunday prior to March 1, 2018.

33 (1) Hunting on Sunday within 500 yards of a place of worship or any accessory
34 structure thereof, or within 500 yards of a residence, is prohibited.

35 (b) A person who hunts on Sunday in a manner prohibited under subsection (a) of this
36 section or rules adopted by the Wildlife Resources Commission shall be guilty of a Class 3



1 misdemeanor. Provided, that the provisions of this section are not applicable to military
2 reservations, the jurisdiction of which is exclusively in the federal government, to field trials
3 authorized by the Wildlife Resources Commission, or to actions taken in defense of a person's
4 property. Wildlife protectors are granted authority to enforce the provisions of this section."

5 **SECTION 2.** The Wildlife Resources Commission shall complete a study that
6 includes, but is not limited to, examining biological and resource management impacts,
7 economic impacts, and social impacts associated with hunting migratory birds on Sunday. The
8 Wildlife Resources Commission shall submit its findings to the Speaker of the House, President
9 Pro-Tempore of the Senate, and the chair or chairs of the House Committee on Wildlife
10 Resources no later than March 1, 2018.

11 **SECTION 3.** This act becomes effective when it becomes law.



HOUSE BILL 559: Outdoor Heritage Enhanced.

2017-2018 General Assembly

Committee: House Wildlife Resources
Introduced by: Reps. Millis, J. Bell
Analysis of: PCS to First Edition
H559-CSTY-10

Date: April 24, 2017
Prepared by: Augustus D. Willis
Committee Counsel

OVERVIEW: *House Bill 559 would expand Sunday hunting with firearms by removing certain restrictions on Sunday hunting on private land, allowing Sunday hunting on game lands, and allowing the hunting of migratory birds on Sunday, all subject to rules adopted by the Wildlife Resources Commission.*

[As introduced, this bill was identical to S624, as introduced by Sens. Alexander, McInnis, Britt, which is currently in Senate Rules and Operations of the Senate.]

CURRENT LAW: Currently, hunting with the use of firearms on Sundays is limited to private property in counties with 700,000 people or fewer, and subject to the following prohibitions on:

- The use of firearms to hunt between 9:30 A.M. and 12:30 P.M., except on licensed controlled hunting preserves.
- Hunting migratory birds.
- Use of firearms to hunt deer chased by dogs.
- Hunting within 500 yards of a place of worship or a residence not owned by the landowner.

Violations are punished as Class 3 misdemeanors.

BILL ANALYSIS:

Section 1 would remove the restrictions on hunting with the use of firearms on private land to allow hunting of wild animals and upland game birds in all counties, at any time, except for within 500 yards of a place of worship or residence not owned by the landowner, which would remain prohibited. Using dogs to hunt deer with the use of firearms would remain unlawful on Sundays.

The bill would also allow for the hunting of wild animals and upland game birds on public lands of the State that are managed for hunting, subject to the restrictions prohibiting the use of firearms to hunt deer chased by dogs and prohibiting the use of firearms to hunt within 500 yards of a place of worship or residence.

The bill would expressly prohibit the hunting of migratory birds on Sunday unless authorized by proclamation or rules of the Wildlife Resource Commission, however the WRC would not be able to authorize the hunting of migratory birds on Sunday prior to March 1, 2018. The prohibition on hunting within 500 yards of a place of worship or residence would apply to the hunting of migratory birds on Sunday if authorized by the WRC.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

House PCS 559

Page 2

Hunting permitted within each of these provisions would all be subject to rules adopted by the Wildlife Resources Commission (WRC) and violations would remain Class 3 misdemeanors.

Section 2 would require WRC to complete a study that includes the examination of biological and resource management impacts, economic impacts, and social impacts associated with the hunting of migratory birds on Sunday. The findings of this study would have to be submitted to the Speaker of the House, President Pro-Tem of the Senate, and the chairs of the House Committee on Wildlife Resources by March 1, 2018.

EFFECTIVE DATE: The act would be effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

1

HOUSE BILL 559*

Short Title: Outdoor Heritage Enhanced. (Public)

Sponsors: Representatives Millis and J. Bell (Primary Sponsors).

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

Referred to: Wildlife Resources

April 5, 2017

A BILL TO BE ENTITLED
AN ACT TO EXPAND THE USE OF FIREARMS FOR HUNTING OF WILD ANIMALS
AND UPLAND GAME BIRDS ON SUNDAY AND TO ALLOW HUNTING OF
MIGRATORY BIRDS ON SUNDAY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 103-2 reads as rewritten:

"§ 103-2. Method of take when hunting on Sunday.

(a) Any landowner or member of the landowner's family, or any person with written permission from the landowner, ~~may~~ may, subject to rules established by the Wildlife Resources Commission, hunt wild animals and upland game birds with the use of firearms on Sunday on the landowner's property, except that all of the following limitations apply:

(1) ~~Hunting on Sunday between 9:30 A.M. and 12:30 P.M. is prohibited, except on controlled hunting preserves licensed pursuant to G.S. 113-273(g).~~

(2) ~~Hunting of migratory birds on Sunday is prohibited.~~

(3) The use of a firearm to take deer that are run or chased by dogs on Sunday is prohibited.

(4) Hunting on Sunday within 500 yards of a place of worship or any accessory structure thereof, or within 500 yards of a residence not owned by the landowner, is ~~prohibited~~ prohibited between 9:30 A.M. and 12:30 P.M. Hunting on Sunday is allowed on controlled hunting preserves licensed pursuant to G.S. 113-273(g) at any time.

(5) ~~Hunting on Sunday in a county having a population greater than 700,000 people is prohibited.~~

(a1) Any person may, subject to rules established by the Wildlife Resources Commission, hunt wild animals and upland game birds with the use of firearms on Sunday on public lands of the State managed for hunting, except that the following limitations apply:

(1) The use of a firearm to take deer that are run or chased by dogs on Sunday is prohibited.

(2) Hunting on Sunday within 500 yards of a place of worship or any accessory structure thereof, or within 500 yards of a residence, is prohibited between 9:30 A.M. and 12:30 P.M.

(a2) The hunting of migratory birds on Sunday is permitted on private lands, public lands, and public waters of the State, subject to rules adopted by the Wildlife Resources Commission.



1 (b) A person who hunts on Sunday in a manner prohibited under ~~subsection (a)~~ of this
2 section or rules adopted by the Wildlife Resources Commission shall be guilty of a Class 3
3 misdemeanor. Provided, that the provisions of this section are not applicable to military
4 reservations, the jurisdiction of which is exclusively in the federal government, to field trials
5 authorized by the Wildlife Resources Commission, or to actions taken in defense of a person's
6 property. Wildlife protectors are granted authority to enforce the provisions of this section."

7 **SECTION 2.** Notwithstanding G.S. 150B-21.2, the Wildlife Resources
8 Commission shall adopt permanent rules to regulate the time and location of Sunday hunting of
9 migratory birds consistent with this act, using the procedure and time lines for temporary rules
10 set forth in G.S. 150B-21.1(a3). Rules adopted by the Wildlife Resources Commission in
11 accordance with this section shall be subject to review by the Rules Review Commission as
12 provided by G.S. 150B-21.1(b); provided, however, that if the rules are approved by the Rules
13 Review Commission, they shall become effective as provided by G.S. 150B-21.3(b). Rules
14 adopted pursuant to this section shall not be subject to G.S. 150B-21.4.

15 **SECTION 3.** Section 1 of this act becomes effective when the rules required by
16 Section 2 of this act become effective. The remainder of this act is effective when it becomes
17 law.



NATIONAL SHOOTING SPORTS FOUNDATION, INC.

400 N. Capitol Street NW, Suite 490 • Washington, D.C. 20001 • Tel (202) 220-1340 • Fax (202) 220-1349
E-mail tsantos@nssf.org • nssf.org

TREVOR SANTOS
DIRECTOR, GOVERNMENT
RELATIONS/STATE AFFAIRS

April 21, 2017

Chairman Jay Adams
Chairman Chris Malone
Committee on Wildlife Resources
North Carolina General Assembly
Legislative Building
16 West Jones Street
Raleigh, NC 27601

Position: **Support**

Re: House Bill 559 – Outdoor Heritage Enhanced – Support

Dear Rep. Adams, Rep. Malone, and Members of the Committee:

On behalf of the National Shooting Sports Foundation (“NSSF”), I write today to express our support for House Bill 559 (“HB 559”), introduced by Representative Chris Millis. HB 559, also known as “Outdoor Heritage Enhanced,” would expand hunting opportunities for those wishing to participate on Sundays.

As the trade association for America’s firearms, ammunition, hunting, and recreational shooting sports industry, NSSF seeks to promote, protect and preserve hunting and the shooting sports. We have a membership of more than 13,000 manufacturers, distributors, firearms retailers, shooting ranges, and sportsmen’s organizations. Our manufacturer members make the firearms used by law-abiding North Carolina sportsmen and women, the U.S. military, and law enforcement agencies throughout the state.

The organizations who are members of the Sunday Hunting Coalition represent hundreds of thousands of North Carolina sportsmen, hunters, and gun owners – and tens of millions nationwide – who are committed to increasing the access and opportunity to hunt in North Carolina so that the heritage and tradition of hunting can be passed on and enjoyed by future generations. This important piece of legislation will expand the current Sunday hunting opportunities for sportsmen, women, and children in the state.

Great strides were made with the passage of the Outdoor Heritage Act of 2015 (“OHA”), but the time has come to improve on that legislation. North Carolina was one of the very few states left with a ban on Sunday hunting, but thanks to the passage of OHA, many people were able to get involved with hunting, given the extra weekend day to get afield. Even with the great progress made in 2015, HB 559 would improve on the OHA by allowing for migratory birds to be hunted on Sundays, as well as opening up public lands for hunting on Sundays. Many North Carolinians, and non-resident hunters for that matter, are not afforded the opportunity to hunt on Sundays simply because they cannot manage to pay for private property, whether it be leasing or even purchasing property. By opening up public lands to be used by the public, even more people will be able to enjoy hunting on Sundays



April 21, 2017

Page 2 of 2

during the regulated hunting seasons. Keep in mind, funds generated from hunting license sales go towards the purchase and management of public lands in the state. Shouldn't the people who are purchasing hunting licenses be given a chance to hunt the lands in which they are helping to pay for no matter what day of the week?

Sunday hunting is an excellent vehicle to recruit new hunter-conservationists. Hunting, fishing and other forms of outdoor recreation have proven physical, psychological, and educational benefits for our nation's young people. Despite these benefits, our country has experienced declining participation in hunting and other forms of wildlife dependent recreation over the past two decades. Due to the greater prevalence of academic, athletic, and other competing activities that take place on Saturday, it is likely that allowing Sunday hunting will more than double the number of days students can hunt.

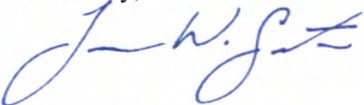
Hunting and associated industries represent the largest financial supporters of wildlife conservation throughout the United States, having contributed over \$10.3 billion to habitat conservation and wildlife management through Pittman Robertson excise tax payments since 1991. In addition to excise tax payments, hunting and fishing licenses constitute the second largest source of revenue for state fish and wildlife agencies. Excise tax contributions and license receipts will inevitably increase with the removal of Sunday hunting restrictions.

Finally, we must address the local county opt-out, which will begin in October of 2017. With the passage of the OHA, counties would be given the chance to opt-out after two seasons of hunting were allowed. NSSF takes serious issue with this measure for two reasons: (1) if certain counties choose to opt-out later this year and HB 559 were to be passed, waterfowl hunters would not have been given a chance to experience hunting on Sundays, and (2) counties around the state could begin banning hunting on Sunday - essentially undoing the great progress from 2015. Per biologists, Sunday hunting has no detrimental effect on wildlife populations. Additionally, state wildlife agencies and commissions are better positioned than legislators to set hunting seasons and dates.

NSSF would like to see the "county opt-out" removed so all North Carolinians are given the chance to experience hunting, seven days a week, as the seasons allow. The current county opt-out will likely create a patchwork of confusing laws throughout the state with regards to where Sunday hunting is legal, versus where it may not be legal. Enforcing such a patchwork of laws could certainly present a nightmare for law enforcement officials. How would one know where a county line may extend if they're hunting in the mountains or in the water?

For the above stated reasons, the National Shooting Sports Foundation supports expanding Sunday hunting, and therefore, supports the passage of House Bill 559. We welcome the opportunity to participate in this important public policy discussion and to make known our views.

Sincerely,



Trevor W. Santos





April 24, 2017

RE: Outdoor Heritage Enhanced - House Bill 559

Dear Members of the North Carolina House Committee on Wildlife Resources,

As the Congressional Sportsmen's Foundation state liaison for North Carolina, I respectfully urge you to support "Outdoor Heritage Enhanced" (HB 559), sponsored by North Carolina Legislative Sportsmen's Caucus Co-Chair Representative John Bell and Sportsmen's Caucus member Representative Chris Millis.

Founded in 1989, the Congressional Sportsmen's Foundation (CSF) has maintained a singleness of purpose that has guided the organization to become the most respected and trusted sportsmen's organization in the political arena. CSF's mission is to work with Congress, governors, and state legislatures to protect and advance hunting, angling, recreational shooting, and trapping. CSF assisted with the formation of the North Carolina Sportsmen's Caucus (Caucus) in 2006 and has since worked to support the Caucus in their efforts to protect and advance North Carolina's sporting heritage by supporting pro-sportsmen's legislation and state fish and wildlife management objectives. In 2015, we unequivocally supported efforts to expand seven-day hunting opportunities for North Carolinians with the passage of the Outdoor Heritage Act.

The Congressional Sportsmen's Foundation strongly supports measures that increase access and opportunity for sportsmen and women. The historic passage of the Outdoor Heritage Act greatly expanded opportunities for youth and families to spend time together hunting and, following the overwhelming success of these measures, we support further minimizing exceptions for increased access and opportunity for the public at large. Thus we are supportive of the provisions in the Outdoor Heritage Enhanced legislation that are essential to supporting North Carolina's outdoor heritage:

- *Permit seven-day hunting on public lands and public waters.* Access is one of the biggest barriers to hunter recruitment, retention, and reactivation, and every citizen should be afforded the opportunity to hunt regardless of whether they own or lease land. Currently, seven-day public land hunting is legal, in some capacity, in 45 states without issue.
- *Permit seven-day hunting from 9:30 a.m. to 12:30 p.m. if not within 500 yards of a place of worship or its accessory structure or not within 500 yards of a residence.* We respect the sanctity of Sunday morning hours, but hunting should be permitted during these hours when sufficient yardage distances buffer noise concerns.



- *Support studying the impacts of potentially allowing the hunting of migratory birds.*

Additionally, **we very much see the need to repeal or, at the minimum, push back the effective date for the county opt-out provision** (effective October 1, 2017) contained in the Outdoor Heritage Act. With two years of successful seven-day hunting on the books, we believe it is necessary that seven-day hunting is regulated uniformly across the state. In other states that have allowed county-by-county regulation of seven-day hunting, participation in hunting has been stifled due to confusing patchworks of different rules that can change from year to year. Sportsmen and women have had hunting privileges revoked, and the varying approaches discouraged participation in hunting because of the complexity of regulations. If the county opt-out is not repealed, North Carolinians that hunt in a county other than their county of residence, even if they are a landowner or lessee, would not be able to vote for the county officials that decide whether seven-day hunting is permitted. West Virginia's experience with this patchwork approach to seven-day hunting regulation ultimately led the state to regulate Sunday hunting uniformly statewide.

We respectfully urge you to strengthen and improve the Outdoor Heritage Act to support North Carolina's hunting heritage by repealing the county opt-out provision and supporting the measures in HB 559 that increase hunting access and opportunity for school-aged youth and adults with a traditional work week. As the North Carolina Wildlife Resources Commission stated in its 2015 resolution supporting the Outdoor Heritage Act, "Expanding hunting methods on Sunday substantially increases the number of hunting days for youths during the school year and provides additional options for hardworking adults with limited weekend hunting opportunities."

The benefits of hunting to conservation funding and the economy cannot be understated. State conservation programs for wildlife management, public land acquisitions, and habitat improvements are funded in large part by hunters. In 2015 alone, for example, North Carolina's hunters contributed more than \$29.68 million through the purchase of hunting licenses and hunting-related equipment. Economic contributions related to hunting are important as well as the more than 1.6 million sportsmen and women in North Carolina are a significant economic force spending more than \$2.3 billion, supporting more than 35,000 jobs, and generating more than \$259 million and state and local taxes in the state. As you consider HB 559, we hope that you take into account the critical importance of expanding hunting opportunities to the conservation programs and economy of North Carolina.

In closing, we also ask that you consider the successful track record of seven-day hunting in North Carolina (dating back to 2010), the benefits to the economy and conservation funding, and the importance of increasing opportunities for North Carolinians to hunt and thereby protect North Carolina's sporting heritage in perpetuity.

Thank you for your consideration.

Sincerely,



John Culclasure
Central Appalachian States Coordinator
Congressional Sportsmen's Foundation



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

1

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.





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

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

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

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

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

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

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

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

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

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

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





HOUSE BILL 545: Marine Fisheries Advisory Committee Reforms.

2017-2018 General Assembly

Committee:	House Wildlife Resources. If favorable, re- refer to Environment	Date:	April 24, 2017
Introduced by:	Reps. Boswell, Millis, Pittman	Prepared by:	Jeff Hudson
Analysis of:	First Edition		Legislative Analyst

OVERVIEW: *House Bill 545 would enhance the role of the advisory committees to the Marine Fisheries Commission in fisheries management in the State.*

CURRENT LAW:

Under current law, the Marine Fisheries Commission (MFC) is the State regulatory body for the management of the State's marine and estuarine fisheries resources. The MFC is assisted in its duties by the following advisory committees.

Three Standing Advisory Committees composed of commercial and recreational fishermen, scientists, and other persons who have expertise in the matters to be considered by the advisory committee to which they are appointed. The Standing Advisory Committees are:

- The Finfish Committee
- The Shellfish/Crustacean Advisory Committee
- The Habitat and Water Quality Committee

Two Regional Advisory Committees representing the northern and southern geographic regions of the State. The Regional Advisory Committees are:

- The Northern Regional Advisory Committee, encompassing areas from the Virginia line south through Hyde and Pamlico Counties and any counties to the west
- The Southern Regional Advisory Committee, encompassing areas from Carteret County south to the South Carolina line and any counties to the west

Fishery Management Plan Advisory Committees appointed to advise and assist the MFC in the development of Fishery Management Plans (FMPs) for the management of all of the State's commercially and recreationally significant fisheries. The Standing and Regional Advisory Committees also advise and assist the MFC in the development of FMPs.

BILL ANALYSIS:

House Bill 545 would make the following changes related to fisheries management and the role of the advisory committees:

- Direct the MFC to act consistently with State Fishery Management Plans.

Karen Cochrane-Brown
Director



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Division
919-733-2578



House Bill 545

Page 2

- Direct the MFC to state the basis for its rejection if it rejects the findings and recommendations of an advisory committee.
- Provide that each Standing Advisory Committee and each Regional Advisory Committee must meet at least once each calendar quarter and may hold additional meetings at the call of the Chair of the MFC.
- Direct the MFC to consult with the FMP Advisory Committee for a particular fishery before acting on a management measure considered in the development of the FMP for that fishery.

EFFECTIVE DATE: This act would become effective when it becomes law.



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

1

HOUSE BILL 218

Short Title: Prohibit Hunting From ROW/Buncombe County. (Local)

Sponsors: Representatives B. Turner, Ager, and Fisher (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

March 2, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAYS OF PUBLIC ROADS IN
3 BUNCOMBE COUNTY.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** It is unlawful to hunt, take, or kill any wild animal or wild bird with
6 firearm, bow and arrow, crossbow, or other deadly weapon on, from, or across the right-of-way of
7 any State-maintained road or highway, or to discharge any firearm, bow and arrow, crossbow, or
8 other deadly weapon on, from, or across the right-of-way of any State-maintained road or
9 highway.

10 **SECTION 2.** Violation of Section 1 of this act is a Class 3 misdemeanor.

11 **SECTION 3.** This act is enforceable by law enforcement officers of the Wildlife
12 Resources Commission, by sheriffs and deputy sheriffs, and by other peace officers with general
13 subject matter jurisdiction.

14 **SECTION 4.** This act applies only to Buncombe County.

15 **SECTION 5.** This act becomes effective October 1, 2017, and applies to acts
16 committed on or after that date.







HOUSE BILL 218: Prohibit Hunting From ROW/Buncombe County.

2017-2018 General Assembly

Committee: House Wildlife Resources
Introduced by: Reps. B. Turner, Ager, Fisher
Analysis of: First Edition

Date: April 19, 2017
Prepared by: Mariah Matheson
Research Assistant

BILL ANALYSIS: *House Bill 218 is a local bill that prohibits hunting from or across the right-of-way of any State-maintained road or highway in Buncombe County.*

BILL ANALYSIS: House Bill 218 does all of the following:

- Prohibits the discharge of any firearm, bow and arrow, crossbow, or other deadly weapon from, on, across, the right-of-way of any State-maintained road or highway.
- Prohibits hunting, taking, or killing any wild animal or wild bird with firearm, bow and arrow, crossbow, or other deadly weapon from, on, across, the right-of-way of any State-maintained road or highway.
- Provides that a violation of the bill is a Class 3 misdemeanor.¹
- Provides that the act is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by peace officers with general subject matter jurisdiction.

The act applies only to Buncombe County.

EFFECTIVE DATE: This act would become effective October 1, 2017, and applies to offenses committed on or after that date.

¹ Assuming no prior convictions, a Class III misdemeanor would be subject to 1 to 10 community service.

Karen Cochran-Brown
Director



Legislative Analysis
Division
919-733-2578



NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. First Ed

H. B. No. 218

DATE 4/24/17

S. B. No. _____

Amendment No. _____

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.) Presnell
Sen.)

1 moves to amend the bill on page 1, line 5

2 () WHICH CHANGES THE TITLE

3 by deleting the term "take,"

4 _____

5 _____

6 _____

7 _____

8 _____

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____

15 _____

16 _____

17 _____

18 _____

19 _____

SIGNED Rep. Michael Presnell

ADOPTED _____ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

D

HOUSE BILL 309
PROPOSED COMMITTEE SUBSTITUTE H309-CSRI-11 [v.2]
04/23/2017 08:48:47 PM

Short Title: Responsible Deer Management Act.

(Public)

Sponsors:

Referred to:

March 13, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THE WILDLIFE RESOURCES COMMISSION TO STUDY THE
3 NEED FOR AND ADVISABILITY OF IMPOSING A DUTY TO AVOID WANTON
4 WASTE ON PERSONS TAKING WILDLIFE WITH OR WITHOUT A DEPREDATION
5 PERMIT.
6 The General Assembly of North Carolina enacts:
7 **SECTION 1.** The Wildlife Resources Commission shall study the requirements
8 applicable to owners and lessees who take wildlife while committing depredations upon their
9 property, including requirements for disposition of wildlife taken, and associated reporting
10 requirements. The Commission shall particularly examine whether a duty of wanton waste
11 should be imposed on such persons. For purposes of this study, "wanton waste" shall mean to
12 kill or cripple a big game animal without making a reasonable effort to retrieve the animal and
13 properly dispose of it. The Commission shall report its findings, including any
14 recommendations for legislative action, to the 2018 General Assembly upon its convening.
15 **SECTION 2.** This act is effective when it becomes law.







HOUSE BILL 309: Responsible Deer Management Act.

2017-2018 General Assembly

Committee:	House Wildlife Resources. If favorable, re- refer to Judiciary I	Date:	April 24, 2017
Introduced by:	Reps. Pittman, Henson	Prepared by:	Jennifer McGinnis
Analysis of:	First Edition		Committee Counsel

OVERVIEW: House Bill 309 would require: (i) owners or lessees of property, who take wildlife while committing depredations on their property, to notify the Wildlife Resources Commission (WRC) within 24 hours of the taking; and (ii) WRC to impose a duty on owners or lessees of property who kill or cripple a big game animal while committing depredations on their property to avoid wanton waste with regard to such wildlife taken, i.e., to require such persons to make a reasonable effort to retrieve the animal and properly dispose of it.

CURRENT LAW: The statutes currently authorize the WRC to issue depredation permits to allow the taking, destruction, transfer, removal, transplanting, or driving away of undesirable, harmful, predatory, excess, or surplus wildlife or wildlife resources. No depredation permit is needed, however, for the owner or lessee of property to take wildlife while committing depredations upon their property.

The rule governing wildlife taken for depredations (see 15A NCAC 10B .0106) establishes the following pertinent requirements with respect to disposition of wildlife that is taken, and reporting of wildlife taken:

(e) Disposition of Wildlife Taken:

- (1) Generally. Except as provided by Subparagraphs (e)(2) through (5) of this Paragraph, any wildlife killed without a permit while committing depredations shall be buried or otherwise disposed of in a safe and sanitary manner on the property. Wildlife killed under a depredation permit may be transported to an alternate disposal site if desired. Anyone in possession of carcasses of animals being transported under a depredation permit shall have the depredation permit in his or her possession. Except as provided by Subparagraphs (e)(2) through (5) of this Rule, all wildlife killed under a depredation permit shall be buried or otherwise disposed of as stated on the permit.
- (2) Deer and feral swine. The edible portions of feral swine and deer may be retained by the landholder for consumption but shall not be transported from the property where the depredations took place without a valid depredation permit. The landholder may give a second party the edible portions of the feral swine and deer taken under the depredation permit. The receiver of the edible portions shall hold a copy of the depredation permit. The nonedible portions of any deer carcass, including head, hide, feet, and antlers, shall be disposed of as specified in Subparagraph (1) of this Paragraph or turned over to a wildlife enforcement officer for disposition.
- (3) Fox. Any fox killed under a depredation permit may be disposed of as described in Subparagraph (1) of this Paragraph or, upon compliance with the fur tagging requirements of 15A NCAC 10B .0400, the carcass or pelt thereof may be sold to a licensed fur dealer.
- (4) Furbearing Animals. The carcass or pelt of any furbearing animal killed during the open season for taking such furbearing animal for control of depredations to property, whether with or without a permit, may be sold to a licensed fur dealer provided that the person offering such carcass or pelt for sale has a valid hunting or trapping license; provided further that bobcats and otters may only be sold upon compliance with any required fur tagging requirement set forth in 15A NCAC 10B .0400.
- (5) Animals Taken Alive. Wild animals in the order Carnivora, armadillos, groundhogs, nutria, and beaver shall be humanely euthanized either at the site of capture or at a facility designed to humanely handle the euthanasia or

Karen Cochrane-Brown
Director



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House Bill 309

Page 2

released on the property where captured. Feral swine shall be euthanized while still in the trap in accordance with G.S. 113-291.12. For all other animals taken alive, the animal shall be euthanized or released on property with permission of the landowner. When the relocation site is public property, written permission shall be obtained from an appropriate local, state, or federal official before any animal may be released. Animals transported or held for euthanasia shall be euthanized within 12 hours of capture. Anyone in possession of live animals being transported for relocation or euthanasia under a depredation permit shall have the depredation permit in his or her possession.

(f) Reporting Requirements. Any landholder who kills an alligator; a coyote in the counties of Beaufort, Dare, Hyde, Tyrrell, or Washington; deer; Canada goose; bear; elk; or wild turkey under a valid depredation permit shall report such kill on the form provided with the permit and mail the form upon the expiration date to the Wildlife Resources Commission. Any landowner who kills a coyote in the counties of Beaufort, Dare, Hyde, Tyrrell, and Washington shall report such kill as directed on the form provided with the depredation permit. The killing and method of disposition of every alligator; coyote in the counties of Beaufort, Dare, Hyde, Tyrrell, and Washington; bear; or elk taken without a permit shall be reported to the Wildlife Resources Commission within 24 hours following the time of such killing.

BILL ANALYSIS: House Bill 309 would require owners or lessees of property who take wildlife while committing depredations on their property, to notify the WRC within 24 hours of the taking. The bill would also require the WRC to impose a duty of wanton waste on wildlife taken by an owner or lessee of land on their property. "Wanton waste," as defined by the bill means to kill or cripple a big game animal (defined under existing law to mean bear, wild turkey, and white-tailed deer) without making a reasonable effort to retrieve the animal and properly dispose of it.

EFFECTIVE DATE: The bill would become effective October 1, 2017.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

1

HOUSE BILL 309

Short Title: Responsible Deer Management Act. (Public)

Sponsors: Representatives Pittman and Henson (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Agriculture, if favorable, Judiciary I

March 13, 2017

A BILL TO BE ENTITLED
AN ACT TO IMPOSE A DUTY TO AVOID WANTON WASTE ON PERSONS TAKING
WILDLIFE UNDER A DEPREDAATION PERMIT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113-274 reads as rewritten:

"§ 113-274. Permits.

...

(c) The Wildlife Resources Commission may issue the following permits:

(1) Repealed by Session Laws 1979, c. 830, s. 1.

(1a) Depredation Permit. – Authorizes the taking, destruction, transfer, removal, transplanting, or driving away of undesirable, harmful, predatory, excess, or surplus wildlife or wildlife resources. Livestock or poultry owners shall be issued a depredation permit for coyotes upon request. The permit must state the manner of taking and the disposition of wildlife or wildlife resources authorized or required and the time for which the permit is valid, plus other restrictions that may be administratively imposed in accordance with rules of the Wildlife Resources Commission. No depredation permit or any license is needed for the owner or lessee of property to take wildlife while committing depredations upon the property. Any owner or lessee who takes wildlife while committing depredations upon the property will be required to notify the Wildlife Resources Commission within 24 hours utilizing an electronic mail or Internet-based reporting process. The Wildlife Resources Commission may regulate the manner of taking and the disposition of wildlife taken without permit or license, including wildlife killed accidentally by motor vehicle or in any other ~~manner-manner~~, and shall impose a duty to avoid wanton waste on wildlife taken by an owner or lessee of land on their property. For purposes of this subdivision, "wanton waste" shall mean to kill or cripple a big game animal without making a reasonable effort to retrieve the animal and properly dispose of it.

...."

SECTION 2. This act becomes effective October 1, 2017. Notwithstanding G.S. 150B-21.1, the Commission may issue temporary rules to implement the provisions of this act.



* H 3 0 9 - V - 1 *



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

1

HOUSE BILL 595

Short Title: Adopt Official State Spider. (Public)

Sponsors: Representative Fisher.

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

Referred to: ~~Rules, Calendar, and Operations of the House~~ Wildlife Resources

April 6, 2017

A BILL TO BE ENTITLED
AN ACT TO ADOPT THE GOLDEN SILK SPIDER AS THE OFFICIAL STATE SPIDER
OF THE STATE OF NORTH CAROLINA.

Whereas, the golden silk spider, *Nephila clavipes* (Linnaeus), is a common orb weaver found in North Carolina; and

Whereas, the golden silk spider is known for its golden colored silk, which is used to create a large, finely meshed, sticky web, often three feet in diameter, that is placed in insect flight paths on the edge of woodlands; and

Whereas, the golden silk spider bites only if held or pinched, which typically produces only localized pain; and

Whereas, the golden silk spider preys on a wide variety of small- to medium-sized insects, including mosquitoes, flies, bees, wasps, moths, and butterflies; and

Whereas, golden silk spider females can grow up to three inches and are among the largest non-tarantula-like spiders in North America; and

Whereas, the female golden silk spider is easily recognized by its large, cylindrical orange and brown body with furry tufts on its legs, while the male version is much smaller and is dark brown in color; and

Whereas, golden silk spiders are most active during late summer and fall; and

Whereas, during late fall, mature females produce at least two large egg sacs with several hundred eggs surrounded by a basket of curly yellow silk; and

Whereas, adopting the golden silk spider as the official State spider of North Carolina would help bring about awareness of this magnificent creature; Now, therefore, The General Assembly of North Carolina enacts:

SECTION 1. Chapter 145 of the General Statutes is amended by adding a new section to read:

"§ 145-49. State spider.

The golden silk spider, *Nephila clavipes* (Linnaeus), is adopted as the official spider of the State of North Carolina."

SECTION 2. This act is effective when it becomes law.







HOUSE BILL 595: Adopt Official State Spider.

2017-2018 General Assembly

Committee: House Wildlife Resources
Introduced by: Rep. Fisher
Analysis of: First Edition

Date: April 24, 2017
Prepared by: Mariah Matheson
Research Assistant

OVERVIEW: *House Bill 595 would adopt the golden silk spider as the official State spider of North Carolina.*

CURRENT LAW: North Carolina currently does not have an official State spider. The State has adopted 12 animals as State symbols, ranging from the State bird (the cardinal) to the State dog (the Plott Hound) to the State insect (the honeybee). Animals that are designated as State symbols do not receive any special protections – the recognition is purely symbolic.

BILL ANALYSIS: House Bill 595 would adopt the golden silk spider, *Nephila clavipes* (Linnaeus) as the official spider of the State of North Carolina.

EFFECTIVE DATE: This act would become effective when it becomes law.

BACKGROUND: The golden silk spider, *Nephila clavipes* (Linnaeus), is a common orb weaver found in North Carolina. It is known for its golden colored silk, which is used to create a large, finely meshed, sticky web, often three feet in diameter, that is placed in insect flight paths on the edge of woodlands. The golden silk spider bites only if held or pinched, which typically produces only localized pain. The golden silk spider preys on a wide variety of small- to medium-sized insects, including mosquitoes, flies, bees, wasps, moths, and butterflies. Golden silk spider females can grow up to three inches and are among the largest non-tarantula-like spiders in North America. The female golden silk spider is easily recognized by its large, cylindrical orange and brown body with furry tufts on its legs, while the male version is much smaller and is dark brown in color. The golden silk spiders are most active during late summer and fall. During late fall, mature females produce at least two large egg sacs with several hundred eggs surrounded by a basket of curly yellow silk.

Karen Cochrane-Brown
Director



H 5 9 5 - S M T F - 1 2 E 1 - V - 1

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.



**NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES**

WILDLIFE RESOURCES COMMITTEE REPORT

**Representative Jay Adams, Co-Chair
Representative Chris Malone, Co-Chair**

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL

HB 218	Prohibit Hunting From ROW/Buncombe County.
	Draft Number: H218-PCS10316-RI-16
	Serial Referral: None
	Recommended Referral: None
	Long Title Amended: No
	Floor Manager: B. Turner
HB 559	Outdoor Heritage Enhanced.
	Draft Number: H559-PCS40533-TY-10
	Serial Referral: None
	Recommended Referral: None
	Long Title Amended: No
	Floor Manager: Millis

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL AND RE-REFERRED

HB 309	Responsible Deer Management Act.
	Draft Number: H309-PCS30383-RI-11
	Serial Referral: JUDICIARY I
	Recommended Referral: None
	Long Title Amended: Yes
	Floor Manager: Pittman

TOTAL REPORTED: 3



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**NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES**

WILDLIFE RESOURCES COMMITTEE REPORT

**Representative Jay Adams, Co-Chair
Representative Chris Malone, Co-Chair**

FAVORABLE

HB 595

Adopt Official State Spider.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Fisher

FAVORABLE AND RE-REFERRED

HB 545

Marine Fisheries Advisory Committee Reforms.

Draft Number:	None
Serial Referral:	ENVIRONMENT
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Millis

TOTAL REPORTED: 2



★ C M R 3 0 7 - V - 1 ★



VISITOR REGISTRATION SHEET

House Committee on Wildlife Resources

4/24/2017

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
CHRIS SAUNDERS	NCDARS
DAVID SNEED	CCA NC
Andy Chase	KMA
JOHN CULCLASURE	CONGRESSIONAL SPORTSMEN'S FOUNDATION
JARR	OCTG
SURAN	Duke E.
TOM BEAN	NCWE
Robert Sparks	Daily Bulletin
Brooks Birey Fern	SECC
Paul Sharma	NCFB



VISITOR REGISTRATION SHEET

House Committee on Wildlife Resources

4/24/2017

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Terry Schill	NC Fishermen Assoc.
Joe McChes	McClees Consul
Henri Mee	"
John Rustie	NC Family
Trevor Santos	NSSF
Chris Williams	Delta Waterfowl
Kyle Briggs	NCWRC
Gordon Myers	NCWRC
Ashton Godwin	NCWRC
Stephen Kohn	ISMA



VISITOR REGISTRATION SHEET

House Committee on Wildlife Resources

4/24/2017

Name of Committee

Date _____

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

LUKE STANLEY

Jones Street (consulting)

Sillian Tohman

MWCLC



House Committee on Wildlife Resources
Tuesday, June 6, 2017 at 3:00 PM
Room 1228/1327 of the Legislative Building

MINUTES

The House Committee on Wildlife Resources met at 3:00 PM on June 6, 2017 in Room 1228/1327 of the Legislative Building. Representatives Adams, Adcock, Clampitt, Cleveland, Corbin, G. Graham, Brenden Jones, Lucas, Pittman, and B. Turner attended.

Representative Jay Adams, Chair, presided.

The following bills were considered:

HB 867 Coastal Fisheries Conservation/Econ. Dev. (Representatives Yarborough, J. Bell, Davis, Adams) Representatives Davis and Yarborough were recognized to present the bill to the Committee. Chairman Adams then welcomed public comments. The following spoke in opposition to the bill:

Rep. Beverly Boswell; Jerry Schill (NC Fisheries Assn); Clint Skinner (NCFA); Pam Morris (Carteret Catch); Terry Pratt (Albermarle Fishermen's Assn)

The following spoke in favor of the bill:

Jason Soper (NC Chamber); Allen Gant (NC Sound Economy); Ned Jones (Triangle Fly Fishers, NC Trout Unlimited)

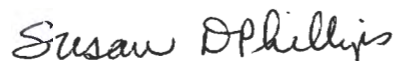
Andy Miller (NC DEQ) spoke in general about the bill.

Members of the Committee then asked questions of the public members and staff in attendance for several minutes.

The meeting adjourned at 3:50 pm.



Representative Jay Adams, Chair
Presiding



Susan Phillips, Committee Clerk



**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION**

You are hereby notified that the **House Committee on Wildlife Resources** will meet as follows:

DAY & DATE: Tuesday, June 6, 2017
TIME: 3:00 PM
LOCATION: 1228/1327 LB
COMMENTS: This bill is for discussion only

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
<u>HB 867</u>	Coastal Fisheries Conservation/Econ. Dev. For Discussion Only	Representative Yarborough Representative J. Bell Representative Davis Representative Adams

Respectfully,

Representative Jay Adams, Co-Chair
Representative Chris Malone, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 2:39 PM on Wednesday, July 05, 2017.

____ Principal Clerk
____ Reading Clerk – House Chamber

Susan Phillips (Committee Assistant)



House Committee on Wildlife Resources
Tuesday, June 6, 2017, 3:00 PM
1228/1327 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 867	Coastal Fisheries Conservation/Econ. Dev.	Representative Yarborough Representative J. Bell Representative Davis Representative Adams

Adjournment



House Committee on Wildlife Resources
Tuesday, June 6, 2017, 3:00 PM
1228/1327 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Lauren Barber, sponsored by Rep. John;

Alexius Bates, sponsored by Rep. Holley;

Casey Kruger, sponsored by Rep. John Bell

Kylee Mann, sponsored by Rep. Boswell

Luke Satsky, sponsored by Rep. Ball

Introduction of Sgts. At Arms:

David Leighton, Joe Crook, Warren Hawkins, Malachi McCullough, Russell Salisbury

Bill Discussion Only

BILL NO. SHORT TITLE

HB 867 Coastal Fisheries
Conservation/Econ.
Dev.

SPONSOR

Rep Yarborough
Rep J. Bell
Rep Davis
Rep Adams



Please state your name, what group you are affiliated with, if any, for the record. You may speak for up to 2 minutes.

Adjournment



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 867

Short Title: Coastal Fisheries Conservation/Econ. Dev. (Public)

Sponsors: Representatives Yarborough, J. Bell, Davis, and Adams (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Wildlife Resources, if favorable, Appropriations

April 21, 2017

A BILL TO BE ENTITLED
AN ACT TO ENSURE THE ECONOMIC DEVELOPMENT OF COASTAL NORTH
CAROLINA THROUGH THE RESTORATION AND LONG-TERM CONSERVATION
OF NORTH CAROLINA'S PUBLIC, COASTAL FISHERIES RESOURCES.

The General Assembly of North Carolina enacts:

SECTION 1. This act shall be known as the "Coastal Fisheries Conservation and
Economic Development Act of 2017."

CONSERVATION POLICY

SECTION 2.1. G.S. 143B-279.2 reads as rewritten:

"§ 143B-279.2. Department of Environmental Quality – duties.

It shall be the duty of the Department:

- (1) To provide for the protection of the environment;
- (1a) To administer the State Outer Continental Shelf (OCS) Task Force and coordinate State participation activities in the federal outer continental shelf resource recovery programs as provided under the OCS Lands Act Amendments of 1978 (43 USC §§ 1801 et seq.) and the OCS Lands Act Amendments of 1986 (43 USC §§ 1331 et seq.).
- (1b) To provide for the protection of the environment and public health through the regulation of solid waste and hazardous waste management and the administration of environmental health programs.
- (2) Repealed by Session Laws 1997-443, s. 11A.5, effective August 28, 1997.
- (2a) Repealed by Session Laws 2015-241, s. 14.30(kkk), effective July 1, 2015.
- (3) To provide for the conservation and management of the State's natural resources.
- (4) Repealed by Session Laws 2011-145, s. 13.11, effective July 1, 2011."

SECTION 2.2. G.S. 113-181(a) is recodified as G.S. 113-181(a1).

SECTION 2.3. G.S. 113-181, as amended by Section 2.2 of this act, reads as rewritten:

"§ 113-181. Duties-Declaration of policy; duties and powers of Department.

(a) North Carolina's marine and estuarine resources are a public trust resource belonging to all citizens of the State. It is declared to be in the interest of the public welfare of North Carolina that these resources be managed to ensure their long-term conservation. Coastal fisheries resources shall be conserved, protected, and enhanced for the benefit, use, and enjoyment of all current and future citizens and visitors to the State.



(a1) It is the duty of the Department to administer and enforce the provisions of this Subchapter pertaining to the conservation of marine and estuarine resources. In execution of this duty, the Department shall fully implement the policy set out in subsection (a) of this section and may collect such statistics, market information, and research data as is necessary or useful to the promotion of sports and commercial fisheries in North Carolina and the conservation of marine and estuarine resources generally; conduct or contract for research programs or research and development programs applicable to resources generally and to methods of cultivating, harvesting, marketing, or processing fish as may be beneficial in achieving the objectives of this Subchapter; enter into reciprocal agreements with other jurisdictions with regard to the conservation of marine and estuarine resources; and regulate placement of nets and other sports or commercial fishing apparatus in coastal fishing waters with regard to navigational and recreational safety as well as from a conservation standpoint.

(b) The Department is directed to make every reasonable effort to carry out the duties imposed in this Subchapter."

SECTION 2.4. G.S. 143B-289.51 reads as rewritten:

"§ 143B-289.51. Marine Fisheries Commission – creation; purposes.

(a) There is hereby created the Marine Fisheries Commission in the Department of Environmental Quality.

(a1) The legislative policy for the Department set out in G.S. 113-181(a) shall apply to the Marine Fisheries Commission in carrying out the functions, purposes, and duties set forth in subsection (b) of this section and in exercising the powers and duties set forth in G.S. 143B-289.52.

(a2) In exercising each of its various powers and duties, the Marine Fisheries Commission shall apply the following coastal fisheries policies and standards to its actions:

- (1) The paramount concern of conservation and management measures shall be the continuing health and abundance of the marine and estuarine resources of North Carolina.
- (2) Conservation and management measures shall be based upon the best available biological information; allocation decisions shall be based upon the best available sociological, economic, and other information deemed relevant by the Commission.
- (3) Conservation and management measures shall permit reasonable means and quantities of annual harvest, consistent with maintaining a viable residual stock biomass to ensure stock replenishment on a continuing basis.
- (4) When possible and practicable, stocks of fish shall be managed as a biological unit.
- (5) State coastal fishery management plans shall be developed as set out in G.S. 113-182.1 to implement conservation and management measures for all marine fishery resources of commercial, recreational, or ecological importance.
- (6) Conservation and management decisions shall be fair and equitable to all the people of the State and carried out in such a manner that no individual, corporation, or entity acquires an excessive share of any privileges extended by the State regarding the use of marine and estuarine resources.
- (7) Federal fishery management plans and fishery management plans of other states or interstate commissions shall be considered when developing State coastal fishery management plans. Inconsistencies should be avoided unless the Commission determines that the conflicting plan is not in the best interest of North Carolina fisheries.

(b) The functions, purposes, and duties of the Marine Fisheries Commission are to:

- (1) Manage, ~~restore, regulate, develop, and cultivate, conserve, protect, and regulate~~cultivate the marine and estuarine resources within its jurisdiction, as described in ~~G.S. 113-132~~G.S. 113-132, in a manner intended to conserve, protect, restore, and enhance those resources for the benefit of current and future generations of State citizens.

...."

SECTION 2.5. G.S. 143B-289.52(a) is recodified as G.S. 143B-289.52(a1).

SECTION 2.6. G.S. 143B-289.52, as amended by section 2.5 of this act, reads as rewritten:

"§ 143B-289.52. Marine Fisheries Commission – powers and duties.

(a) In adopting rules and exercising its other powers and duties under subsections (a1) through (i) of this section, the Commission shall implement the legislative policies set out in subsections (a1) and (a2) of G.S. 143B-289.51.

(a1) The Marine Fisheries Commission shall adopt rules to be followed in the management, protection, preservation, and enhancement of the marine and estuarine resources within its jurisdiction, as described in G.S. 113-132, including commercial and sports fisheries resources. The Marine Fisheries Commission shall have the power and duty:

- (1) To authorize, license, regulate, prohibit, prescribe, or restrict all forms of marine and estuarine resources in coastal fishing waters with respect to:
 - a. Time, place, character, or dimensions of any methods or equipment that may be employed in taking fish.
 - b. Seasons for taking fish.
 - c. Size limits on and maximum quantities of fish that may be taken, possessed, bailed to another, transported, bought, sold, or given away.
- (2) To provide fair regulation of commercial and recreational fishing groups in the interest of the public.
- (3) To adopt rules and take all steps necessary to develop and improve mariculture, including the cultivation, harvesting, and marketing of shellfish and other marine resources in the State, involving the use of public grounds and private beds as provided in G.S. 113-201.
- (4) To close areas of public bottoms under coastal fishing waters for such time as may be necessary in any program of propagation of shellfish as provided in G.S. 113-204.
- (5) In the interest of conservation of the marine and estuarine resources of the State, to institute an action in the superior court to contest the claim of title or claimed right of fishery in any navigable waters of the State registered with the Department as provided in G.S. 113-206(d).
- (5a) In the interest of conservation of the marine and estuarine resources of the State and in keeping with the public trust resource conservation policies set out in subsections (a1) and (a2) of G.S. 143B-289.51, to enact rules applicable to each State commercial or recreational fishery that eliminate bycatch mortality of nontargeted species. Where bycatch mortality cannot be eliminated entirely from a fishery, the Commission shall enact rules that minimize bycatch mortality of nontargeted species to the maximum practicable extent.

...."

SECTION 2.7. G.S. 113-129(1f) is recodified as G.S. 113-129(1g).

SECTION 2.8. G.S. 113-129, as amended by Section 2.7 of this act, reads as rewritten:

"§ 113-129. Definitions relating to resources.

The following definitions and their cognates apply in the description of the various marine and estuarine and wildlife resources:

- (1) Repealed by Session Laws 1979, c. 830, s. 1.
- (1a) Animals. – Wild animals, except when the context clearly indicates a contrary interpretation.
- (1b) Big Game. – Bear, wild turkey, and white-tailed deer.
- (1c) Birds. – Wild birds, except when the context clearly indicates a contrary interpretation.
- (1d) Boating and Fishing Access Area. – An area of land providing access to public waters and which is owned, leased, controlled, or managed by the Wildlife Resources Commission.
- (1e) Bushel. – A dry measure containing 2,150.42 cubic inches.
- (1f) Bycatch. – Marine and estuarine resources which are harvested in a fishery but which are not sold or kept for personal use or may not legally be sold or kept for personal use. The term includes economic discards, regulatory discards, and retained fish harvested incidental to a targeted species.
- (1g) Cervid or Cervidae. – All animals in the Family Cervidae (elk and deer).
- (2) Coastal Fisheries. – Any and every aspect of cultivating, taking, possessing, transporting, processing, selling, utilizing, and disposing of fish taken in coastal fishing waters, whatever the manner or purpose of taking, except for the regulation of inland game fish in coastal fishing waters which is vested in the Wildlife Resources Commission; and all such dealings with fish, wherever taken or found, by a person primarily concerned with fish taken in coastal fishing waters so as to be placed under the administrative supervision of the Department. Provided, that the Department is given no authority over the taking of fish in inland fishing waters. Except as provisions in this Subchapter or in regulations of the Marine Fisheries Commission authorized under this Subchapter may make such reference inapplicable, all references in statutes, regulations, contracts, and other legal or official documents to commercial fisheries apply to coastal fisheries.
- (3) Coastal Fishing. – All fishing in coastal fishing waters. Except as provisions in this Subchapter or in regulations of the Marine Fisheries Commission authorized under this Subchapter may make such references inapplicable, all references in statutes, regulations, contracts, and other legal or official documents to commercial fishing apply to coastal fishing.
- (4) Coastal Fishing Waters. – The Atlantic Ocean; the various coastal sounds; and estuarine waters up to the dividing line between coastal fishing waters and inland fishing waters agreed upon by the Marine Fisheries Commission and the Wildlife Resources Commission. Except as provisions in this Subchapter or changes in the agreement between the Marine Fisheries Commission and the Wildlife Resources Commission may make such reference inapplicable, all references in statutes, regulations, contracts, and other legal or official documents to commercial fishing waters apply to coastal fishing waters.
- (4a) Conservation. – The protection, preservation, restoration, and rational use of natural resources in a manner that promotes continuing and long-term quantity, quality, and ecosystem function of those resources, thereby protecting the resource's capacity for self-renewal as well as ensuring resource availability for use by future generations.

...

- (12c) Overfished. – The condition of a fishery that occurs when the spawning stock biomass of the fishery is below the level that is adequate for the recruitment class of a fishery to replace the spawning class of the fishery.
- (12d) Overfishing. – Fishing that causes a level of mortality that ~~prevents a fishery from producing a sustainable harvest~~ may prevent conservation of a fishery or fish stock by reducing the spawning stock biomass of the fishery to a level that causes the fishery to be overfished.
- (13) Private Pond. – A body of water arising within and lying wholly upon a single tract of privately owned land, from which fish cannot escape and into which fish cannot enter from public fishing waters at any time, except that all publicly owned ponds and lakes are classified as public fishing waters. In addition, the private owners of abutting tracts of land on which a pond not exceeding 10 acres is or has been established may by written agreement cooperate to maintain that pond as a private pond if it otherwise meets the requirements of this definition. If a copy of the agreement has been filed with the Wildlife Resources Commission and the pond in fact meets the requirements of this definition, it attains the status of private pond either 60 days after the agreement has been filed or upon the Commission's approving it as private, whichever occurs first.
- (13a) Public Fishing Waters; Public Waters. – Coastal fishing waters, inland fishing waters, or both.
- (13b) Public Hunting Grounds. – Privately owned lands open to the public for hunting under the terms of a cooperative agreement between the owner and the Wildlife Resources Commission.
- (13c) Raptor. – A migratory bird of prey authorized under federal law and regulations for the taking of quarry by falconry.
- (14) Shellfish. – Mollusca, specifically including oysters, clams, mussels, and scallops.
- ~~(14a) Sustainable harvest. – The amount of fish that can be taken from a fishery on a continuing basis without reducing the stock biomass of the fishery or causing the fishery to become overfished.~~

...."

SECTION 2.9. G.S. 113-224(b) reads as rewritten:

"(b) The Fisheries Director or a designee of the Fisheries Director ~~shall not~~ may enter into an agreement with the National Marine Fisheries Service of the United States Department of Commerce allowing Division of Marine Fisheries inspectors to accept delegation of law enforcement powers over matters within the jurisdiction of the National Marine Fisheries Service."

FISHERY MANAGEMENT PLANS

SECTION 3. G.S. 113-182.1 reads as rewritten:

"§ 113-182.1. Fishery Management Plans.

(a) The Department shall prepare proposed Fishery Management Plans for adoption by the Marine Fisheries Commission for all commercially or recreationally significant species or fisheries that comprise State marine or estuarine resources. Proposed Fishery Management Plans shall be developed in accordance with the Priority List, Schedule, and guidance criteria established by the Marine Fisheries Commission under G.S. 143B-289.52.

(b) The goal of the plans shall be to ensure the long-term viability of the State's commercially and recreationally significant species or fisheries. Each plan shall be designed to reflect fishing practices so that one plan may apply to a specific fishery, while other plans may be based on gear or geographic areas. Nevertheless, in accordance with the policy standards set

out in G.S. 143B-289.51(a2), stocks of fish, when possible and practicable, shall be managed as a biological unit. Each plan shall:

- (1) Contain necessary information pertaining to the fishery or fisheries, including management goals and objectives, all biological and ecological data necessary for the conservation of the fishery, status of relevant fish stocks, stock assessments for multiyear species, fishery habitat and water quality considerations consistent with Coastal Habitat Protection Plans adopted pursuant to G.S. 143B-279.8, social and economic impact of the fishery to the State, and user conflicts.
- (2) ~~Recommend those management actions pertaining to the fishery or fisheries.~~
- (3) ~~Include conservation and management measures that will~~measures that would provide the greatest overall benefit to the State, particularly with respect to food production, recreational opportunities, and the protection of marine ecosystems, and that will produce a sustainable harvest ensuring the conservation of marine and estuarine resources and ecosystems and protecting those resources from overexploitation. In order to achieve coastal fisheries conservation and restoration, plan management measures shall include all of the following:
 - a. Biological benchmarks for a species based on precautionary principles of fisheries management, in order to measure progress in conservation of the fishery.
 - b. Threshold biomass levels consistent with conservation of a proportion of the unfished adult stock biomass sufficient to prevent overfishing.
 - c. Target biomass levels that exceed the threshold biomass level sufficiently to provide a conservation buffer between the threshold and target biomass levels.
 - d. An ecosystem buffer, set as a percentage of the stock biomass based on the species life, history, characteristics, and contribution to ecosystem stability that is added to the target biomass level to ensure stock conservation by accounting for forage species, species diversity, and other critical ecosystem functions.
 - e. Minimum size limits that would allow at least seventy-five percent (75%) of juvenile fishes to survive harvest mortality and reach spawning age.
 - f. An assessment of stock status and target biomass levels, as it relates to overfishing, and management measures to end overfishing and restore stock conservation within two years from plan adoption.
 - g. Allowable catch limits for commercial and recreational fisheries with accountability measures in the event catch limits are exceeded.
 - h. Management measures to minimize bycatch mortality of nontargeted species in the fishery under consideration.
 - i. Management measures related to the annual collection and analysis of stock size and age structure data as a measure of stock health and conservation status.
- (4) Repealed by Session Laws 2010-13, s. 1, effective June 23, 2010.
- (5) Specify a time period, not to exceed two years from the date of the adoption of the plan, to end overfishing. ~~This subdivision shall not apply if the Fisheries Director determines that the biology of the fish, environmental conditions, or lack of sufficient data make implementing the requirements of~~

~~this subdivision incompatible with professional standards for fisheries management.~~

(a) At the Commission's first regular meeting following the end of the two-year period, the Division shall report to the Commission whether overfishing has ended under plan management rules. Where the Commission determines that management measures under a plan have been insufficient to end overfishing within two years, the Commission shall utilize its supplemental authority under subdivision (e1) of this section to implement those measures necessary to end overfishing immediately. The Commission shall concurrently begin the process of adopting those permanent rules necessary to end overfishing. While the Commission is developing and implementing supplemental rules, the Fisheries Director shall exercise the Director's delegated proclamation authority under G.S. 143B-289.52(a)(8) to close the fishery to further harvest until the supplemental rules are in effect.

(b) Where the Commission determines that overfishing is occurring in a fishery at any time following the initial two-year overfishing assessment period under a plan, the management requirements for an overfished stock under sub-subdivision a. of this subdivision shall apply.

(6) Specify a time period, not to exceed 10 years from the date of the adoption of the plan, for achieving a sustainable harvest. conservation in a fishery. This subdivision shall not apply if the Fisheries Director determines that the biology of the fish, environmental conditions, or lack of sufficient data make implementing the requirements of this subdivision incompatible with professional standards for fisheries management. In the event that the Commission is unable to achieve conservation in a fishery within 10 years despite closing the fishery to further harvest, the Commission shall recommend to the Joint Legislative Commission on Governmental Operations those actions of other state agencies or proposed legislation the Commission finds necessary to restore the fishery.

(7) Include a standard of at least fifty percent (50%) probability of achieving sustainable harvest for the fishery or fisheries. This subdivision shall not apply if the Fisheries Director determines that the biology of the fish, environmental conditions, or lack of sufficient data make implementing the requirements of this subdivision incompatible with professional standards for fisheries management.

(8) Recommend appropriate management actions pertaining to the fishery or fisheries as directed in this subsection. In doing so, the plan shall contain scientific data or other objective information that reasonably demonstrates that the time periods and standards specified in subdivisions (5) and (6) of this subsection will be achieved by the actions recommended in the plan. If such data are not available, then the plan shall recommend those management measures most likely to conserve and protect the fishery resource under consideration, thereby ensuring that the stock remains biologically viable.

(c) To assist the Commission in the development of each Fishery Management Plan, the Chair of the Marine Fisheries Commission shall appoint a fishery management plan advisory committee. Each fishery management plan advisory committee shall be composed of commercial fishermen, recreational fishermen, and scientists, all with expertise in the fishery

for which the Fishery Management Plan is being developed there is hereby established a council to be known as the Marine Fisheries Resources Advisory Council.

(1) Membership and terms. – The Marine Fisheries Resources Advisory Council shall consist of not more than 20 members appointed by the Marine Fisheries Commission. The Council shall be composed of persons with appropriate expertise in coastal fishery resources. Counties and cities in the coastal area may nominate candidates for consideration by the Commission. The terms of all Council members serving on the Council on January 1, 2018, shall expire on July 31, 2018. A new Council shall be appointed in the manner provided by this subsection with terms beginning on August 1, 2018, and expiring on June 30, 2020. Thereafter, members shall be appointed to two-year terms beginning on July 1 of even-numbered years and expiring on June 30 of the next even-numbered year. Members may be reappointed at the discretion of the Commission, provided that one-half of the membership at the beginning of any two-year term is a resident of counties in the coastal area.

(2) Functions and duties. – The Advisory Council shall assist the Division and Commission in an advisory capacity in Fishery Management Plan development regarding all of the following:

- a. On matters which may be submitted to it by either of them, including technical questions relating to the development of rules.
- b. On such other matters pertaining to Plan development as the Council considers appropriate.

(c1) The Department shall consult with the regional advisory committees established pursuant to G.S. 143B-289.57(e) regarding the preparation of each Fishery Management Plan. ~~Before submission of a plan for review by the Joint Legislative Commission on Governmental Operations, the Department shall review any comment or recommendation regarding the plan that a regional advisory committee submits to the Department within the time limits established in the Schedule for the development and adoption of Fishery Management Plans established by G.S. 143B-289.52. Before the Commission adopts a management measure to implement a plan, the Commission shall review any comment or recommendation regarding the management measure that a regional advisory committee submits to the Commission. Plan and shall inform the Commission of any comment or recommendation regarding plan management measures submitted to it by a regional advisory committee.~~

(d) Each Fishery Management Plan shall be reviewed at least once every five years. The Marine Fisheries Commission may revise the Priority List and guidance criteria whenever it determines that a revision of the Priority List or guidance criteria will facilitate or improve the development of Fishery Management Plans or is necessary to restore, conserve, or protect the marine and estuarine resources of the State. The Marine Fisheries Commission may not revise the Schedule for the development of a Fishery Management Plan, once adopted, without the approval of the Secretary of Environmental Quality.

(e) The Secretary of Environmental Quality shall monitor progress in the development and adoption of Fishery Management Plans in relation to the Schedule for development and adoption of the plans established by the Marine Fisheries Commission. The Secretary of Environmental Quality shall report to the Joint Legislative Commission on Governmental Operations within 30 days of the completion or substantial revision of each proposed Fishery Management Plan. The Joint Legislative Commission on Governmental Operations shall review each proposed Fishery Management Plan within 30 days of the date the proposed Plan is submitted by the Secretary. The Joint Legislative Commission on Governmental Operations may submit comments and recommendations on the proposed Plan to the Secretary within 30 days of the date the proposed Plan is submitted by the Secretary.

(e1) ~~If the Secretary determines that it is in the interest of the long-term viability of a fishery, the Secretary may authorize the Commission to~~ The Commission may develop temporary management measures to supplement an existing Fishery Management Plan pursuant to this subsection if it determines that it is necessary to the long-term viability of a species or fishery; alternatively, if the Secretary makes a similar determination and requests action by the Commission, the Commission shall develop temporary management measures to supplement an existing Fishery Management Plan pursuant to this subsection. Development of temporary management measures pursuant to this subsection is exempt from subsections (c), (c1), and (e) of this section and the Priority List, Schedule, and guidance criteria established by the Marine Fisheries Commission under G.S. 143B-289.52. However, the Commission shall consult with the regional advisory committees regarding the development of any temporary management measures and review any comment or recommendation regarding the management measure that a regional advisory committee submits to the Commission. During the next review period for a Fishery Management Plan supplemented pursuant to this subsection, the Commission shall either incorporate the temporary management measures into the revised Fishery Management Plan or the temporary management measures shall expire on the date the revised Fishery Management Plan is adopted.

(f) The Marine Fisheries Commission shall adopt rules to implement Fishery Management Plans in accordance with Chapter 150B of the General Statutes.

(g) To achieve ~~sustainable harvest~~ conservation of a fishery or fish stock under a Fishery Management Plan, the Marine Fisheries Commission may include in the Plan a recommendation that the General Assembly (i) limit the number of fishermen authorized to participate in the fishery and (ii) appropriate program funding to reduce economic burdens to commercial license holders due to changes in fishery participation prohibitions. The Commission may recommend that the General Assembly limit participation in a fishery only if the Commission determines that ~~sustainable harvest~~ fishery conservation cannot otherwise be achieved. In determining whether to recommend that the General Assembly limit participation in a fishery, the Commission shall consider all of the following factors:

- (1) Current participation in and dependence on the fishery.
- (2) Past fishing practices in the fishery.
- (3) Economics of the fishery.
- (4) Capability of fishing vessels used in the fishery to engage in other fisheries.
- (5) Cultural and social factors relevant to the fishery and any affected fishing communities.
- (6) Capacity of the fishery to support biological parameters.
- (7) Equitable resolution of competing social and economic interests.
- (8) Any other relevant considerations."

TEMPORARY RULES

SECTION 4. G.S. 150B-21.1(a) is amended by adding a new subdivision to read:

"(7a) The need for the Marine Fisheries Commission to establish any of the following in order to comply with subdivisions (5) and (6) of G.S. 113-182.1(b) or G.S. 113-182.1(e1):

- a. Fishing seasons, including provisions for manner of take or any other conditions required for the implementation of such seasons.
- b. Fishing size and harvest limits."

JOBS AND INVESTMENTS TO SUPPORT COMMERCIAL FISHERIES

SECTION 5. There is appropriated from the General Fund to the Division of Marine Fisheries of the Department of Environmental Quality the sum of seven hundred fifty thousand dollars (\$750,000) in recurring funds for the following purposes:

- (1) A study by the Division of the impact to holders of commercial fishing licenses due to changes to rules and Fisheries Management Plans resulting from this act.
- (2) The design and implementation of a fisheries license buyback program for impacted commercial license holders.
- (3) The extension and expansion of programs to remove crab pots and other derelict fishing gear from northeastern, eastern, and southeastern North Carolina waters, with preference for program participants granted to transitioning commercial license holders.
- (4) The expansion of aquaculture and shellfish leasing programs, including training and start-up funding for new participants in those programs, with preference given to transitioning commercial license holders.

SECTION 6. This act is effective when it becomes law.



HOUSE BILL 867: Coastal Fisheries Conservation/Econ. Dev.

2017-2018 General Assembly

Committee:	House Wildlife Resources. If favorable, re- refer to Appropriations	Date:	June 6, 2017
Introduced by:	Reps. Yarborough, J. Bell, Davis, Adams	Prepared by:	Augustus D. Willis Committee Counsel
Analysis of:	First Edition		

OVERVIEW: *House Bill 867 would make various changes related to the management of marine fisheries in North Carolina.*

BILL ANALYSIS:

Section 1 would set forth the title of the act as the "Coastal Fisheries Conservation and Economic Development Act of 2017."

Section 2.1 would amend the list of duties of the Department of Environmental Quality (Department) to specify that the conservation of the State's natural resources is a duty of the Department.

Section 2.2 would make a conforming change.

Section 2.3 would make changes to the statute setting forth the duties and powers of the Department to declare that the State's marine and estuarine resources are a public trust resource and that coastal fisheries resources shall be conserved, protected, and enhanced for the benefit, use, and enjoyment of all current and future citizens and visitors to the State. Section 2.3 would specify that it is a duty of the Department to implement this policy.

Section 2.4 would amend the laws pertaining to the creation and purpose of the Marine Fisheries Commission (Commission) to state that the legislative policy for the Department as set forth in Section 2.3 of the bill would apply to the Commission in exercising its powers and duties. Section 2.4 would also set forth standards the Commission would have to apply in exercising its powers and duties.

Section 2.5 would make a conforming change.

Section 2.6 would amend the laws pertaining to the powers and duties of the Commission to state that the legislative policy for the Department as set forth in Section 2.3 would apply to Commission. Section 2.6 also adds the power and duty of the Commission to enact rules applicable to each State commercial or recreational fishery that eliminate bycatch mortality of nontargeted species and, if bycatch mortality of nontargeted species couldn't be eliminated entirely from a fishery, would require the Commission to enact rules that minimize bycatch mortality of nontargeted species to the maximum practicable extent.

Section 2.7 would make a conforming change.

Section 2.8 would make changes to the definitions relating to marine resources, including:

- Defining the terms "bycatch," and "conservation;"
- Amending the definition for "overfishing;" and
- Deleting the term "sustainable harvest."

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

House Bill 867

Page 2

Section 2.9 would amend the laws pertaining to cooperative agreements by the Department to remove the prohibition on the Fisheries Director or designee entering into an agreement with the National Marine Fisheries Service of the US Department of Commerce to allow Division of Marine Fisheries inspectors to accept delegation of law enforcement powers over matters within the jurisdiction of the National Marine Fisheries Service.

Section 3 would amend the laws pertaining to fishery management plans to do the following:

- Require stocks of fish to be managed as a biological unit when possible and practicable;
- Require each fishery management plan to contain necessary information pertaining to all biological and ecological data necessary for the conservation of the fishery;
- Modify the requirements of recommendations for management actions to require that recommendations include specified items;
- Remove a provision allowing for waiver of the requirement that a fishery management plan specify a time period, not to exceed 2 years from the adoption of the plan, to end overfishing if the Fisheries Director makes a determination that doing so is incompatible with professional standards for fisheries management. Instead, the bill would require the Division to report to the Commission at the Commission's first regular meeting following the end of the two year meeting. If the Commission determines that management measures under a plan have been insufficient to end overfishing within two years, the Commission would be required to exercise its supplemental authority to implement measures necessary to end overfishing immediately. The Commission would be required to concurrently begin the process of adopting permanent rules necessary to end overfishing. In the meantime, the Fisheries Director would be required to close the fishery to further harvest until the supplemental rules are in effect. These management requirements would apply where the Commission determines that overfishing is occurring in a fishery at any time following the initial two-year overfishing assessment period under a plan.
- Remove a provision allowing for waiver of the requirement that a fishery management plan specify a time period, not to exceed 10 years from the date of adoption of the plan, for achieving a sustainable harvest if the Fisheries Director determines that doing so is incompatible with professional standards for fisheries management. Instead, if the Commission is unable to achieve conservation in a fishery within 10 years despite closing the fishery to further harvest, the Commission would be required to recommend to the Joint Legislative Commission on Governmental Operations those actions of other state agencies or proposed legislation the Commission finds necessary to restore the fishery.
- Remove the requirement that a fishery management plan include a standard of at least 50% probability of achieving sustainable harvest for the fishery.
- Add a requirement that a fishery management plan recommend appropriate management actions pertaining to the fishery. In doing so, the plan would be required to contain scientific data or other objective information that reasonably demonstrates that the time periods and standards required by law will be achieved by the actions recommended in the plan. If such data are unavailable, then the plan would be required to recommend those management measures most likely to conserve and protect the fishery resource under consideration, ensuring that the stock remains biologically viable.
- Eliminate advisory committees for each fisheries management plan and instead establish a Marine Fisheries Resources Advisory Council consisting of no more than 20 members appointed to two year terms by the Commission and composed of persons with appropriate expertise in

House Bill 867

Page 3

coastal fishery resources. Counties and cities in the coastal area would be able to nominate candidates for consideration by the Commission. One-half of the membership of the membership at the beginning of any two-year term would have to be a resident of the coastal area. The Advisory Council would assist the Division and Commission in an advisory capacity in Fishery Management Plan development.

- Eliminate requirements that the Department review any comment or recommendation regarding a fishery management plan and instead simply require the Department to inform the Commission of any comment or recommendation regarding plan management measures submitted to it by a regional advisory committee.
- Eliminate the requirement that the Secretary authorize the Commission to develop temporary management measures to supplement an existing fishery management plan. Instead, the bill would allow the Commission to develop such temporary supplemental measures if it determines that it is necessary to the long-term viability of a species or fishery. The Commission would be required to do so if requested by the Secretary. The bill would also include a requirement that the Commission consult with the regional advisory committees regarding the development of any temporary management measures and review any comment or recommendation regarding the management measure that a regional advisory committee submits to the Commission.
- Allows for the Commission to include in a fisheries management plan a recommendation that the General Assembly appropriate program funding to reduce economic burdens to commercial license holders due to changes in fishery participation prohibitions. The bill also makes conforming changes to replace the term "sustainable harvest."

Section 4 would make changes to the statutes governing administrative procedure to allow the Commission to establish temporary rules pertaining to fishing seasons, including provisions for manner of take and fishing size and harvest limits.

Section 5 would appropriate \$750,000 from the General Fund to the Division of Marine Fisheries for the following:

- A study by the Division on the impact to holders of commercial fishing licenses due to changes to rules and Fisheries Management Plans resulting from this bill;
- The design and implementation of a fisheries license buyback program for impacted commercial license holders;
- The extension and expansion of programs to remove crab pots and other derelict fishing gear from northeastern, eastern, and southeastern North Carolina waters, with a preference for program participants granted to transitioning commercial license holders;
- The expansion of aquaculture and shellfish leasing programs, including training and start-up funding for new participants in those programs, with preference given to transitioning commercial license holders.

EFFECTIVE DATE: This bill would be effective when it becomes law.



Speaker REGISTRATION SHEET

Wildlife Resources

June 6, 2017

Name of Committee

Date _____

Speakers

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS[illegible]



Speaker REGISTRATION SHEET

Wildlife Resources

Name of Committee

June 6, 2017

Date _____

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

✓ Andy Miller

$$D \subseteq Q$$

wants to speak, but won't
say if he is pro or con

12



Speaker REGISTRATION SHEET

Wildlife Resources

June 6, 2017

Name of Committee

Date _____

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

✓ Pam Morris

Carteret Catch ²³² Davis Lane
Smyrna, NC C#W



From the Desk of Former North Carolina Marine Fisheries Commissioners

From: Dr. B.J. Copeland-former MFC **scientist** member
Dr. Allyn Powell-former MFC **scientist** member
Dr. Barbara Garrity-Blake-former MFC **at large** member
Mr. Bradley Styron-former MFC **commercial** member
Mr. Jess Hawkins-former MFC **at large** member
Mr. Rusty Russ-former MFC **recreational** member
Mr. Mikey Daniels-former MFC **commercial** member
Mr. Edward Lee Mann-former MFC **recreational** member

To: Members of the North Carolina General Assembly

Subject: Recent action of the NCMFC concerning the N.C. Wildlife Federation petition on shrimp trawling

Date: April 25, 2017

All of us have had the honor of serving on the North Carolina Marine Fisheries Commission (MFC), which is empowered by the General Assembly to conserve our state's fishery resources and to provide fair regulation of commercial and recreational fishing groups. We have had to make difficult decisions serving in slots assigned to scientists, recreational fishermen, at-large and commercial fishermen positions. We would like to draw your attention to a serious situation involving the conservation of North Carolina's marine and estuarine resources.

As former MFC members, we are expressing our deep concern that recent actions of the current MFC run contrary to the spirit and law contained in the 1997 Fisheries Reform Act (FRA), keystone legislation that improved and professionalized the way fisheries are managed in North Carolina. A centerpiece of the FRA is the development of fisheries management plans (FMP), with the participation of citizen advisory committees and guidance from the Division of Marine Fisheries (DMF) staff, who provide scientific data, management options, and support for the process.

The MFC recently approved a Petition for Rulemaking (Petition) submitted by the North Carolina Wildlife Federation (NCWF) and Southern Environmental Law Center (SELC). The 100-page Petition proposed measures that would substantially impact North Carolina's shrimp trawl fishery, one of our state's most lucrative and important fisheries, as well as impact other fisheries managed jointly by North Carolina and the Atlantic States Marine Fisheries Commission. Rather than offer an exhaustive list of petition details, we draw your attention to why the MFC approval of the Petition undermines the process and framework established by the FRA.

1. The North Carolina Shrimp FMP had just undergone its statutory-mandated five-year update, which involved two years of scientific assessment, stakeholder input, and public meetings. The MFC approved the FMP and new regulations implementing the FMP went into effect on January 1, 2017. Also, a finfish bycatch reduction study recommended by the FMP was underway and had produced very promising results. Despite these factors, the MFC approved the Petition calling for numerous and substantial restrictions on shrimp trawling to go to public hearing and that were inconsistent with the N.C. Shrimp Fishery FMP.



If the MFC still felt it was necessary to pursue additional measures for the shrimp trawl fishery considering these facts, they could have voted to initiate a new Amendment to the Shrimp FMP and request the Secretary of the Department of Environmental Quality approve the new FMP schedule. Such action would have been within the statutory authority of the FRA. Instead, the MFC made an decision to manage our resources by Petition or an emergency as perceived by the petitioners.

2. MFC approval of the Petition for Rulemaking discourages stakeholders who desire to serve on MFC advisory committees (AC's), which is a key component of the FRA. The General Assembly established AC's for the MFC and requires that they provide advice in managing coastal fisheries. The General Assembly mandated that the AC's be composed of a fair representation of recreational and commercial fishermen; scientists also serve on the committees. The stakeholders who serve on FMP AC's often commit to attending frequent meetings over a two year period to help prepare the planning document. The work they had just accomplished during the two year revision of the NC Shrimp Trawl FMP was rejected for the measures contained in the Petition. Also, the Shrimp FMP AC members were not asked by the MFC to provide advice on the Petition.

The MFC did convene their five standing and regional ACs to review and vote on the Petition. After hearing from the petitioners, a DMF review of the Petition, and the public, all five ACs voted overwhelmingly to recommend denial of the Petition. Out of 44 individuals reviewing the Petition, only four – two of whom were MFC members – voted in support. Over 1000 people, most who were fishermen and associates, attended this meeting and were opposed to the Petition.

3. At the MFC meeting on Feb. 14 - 15, DMF again reviewed the Petition, pointing out that its provisions ran contrary to the existing Shrimp FMP, was inconsistent with current FMPs for spot and Atlantic croaker, lacked a thorough assessment of data on impacts of shrimp trawling, posed a socioeconomic hardship, and affected other fisheries besides shrimp trawling. An Assistant Attorney General with the Department of Justice outlined administrative and policy implications of passing the Petition and provided a forecast of complex and undoubtedly costly outcomes. In summary, the MFC chose to subvert the FRA process, ignore overwhelming public input, DMF concerns, counsel from the Attorney General's office and all advisory committees by voting 5-3 in favor of the Petition.

We believe our FRA management system has worked well, improving the health of stocks and fostering public input and participation. Actions like this generate dismay and uncertainty that proves corrosive to a management system predicated on scientific data-driven decisions, stakeholder participation, and balanced interests. North Carolina now faces a situation that undermines the fisheries management plan process and creates a crisis of faith among our advisors, fishing public, seafood-associated businesses, local governments and seafood consumers. North Carolina is now confronted with a drawn-out review, an economic impact study (a fiscal note that results in a substantial impact), and another hearing(s) that will only deepen distrust and costs – all of it unnecessary and expensive.

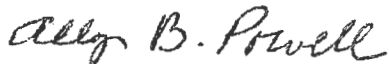


Thank you for your work on behalf of the citizens of North Carolina, and please do not hesitate to contact us if we can be of any assistance to you or your staff.

Sincerely,



Dr. B.J. Copeland-former MFC **scientist** member



Dr. Allyn Powell-former MFC **scientist** member



Dr. Barbara Garrity-Blake-former MFC **at large** member



Mr. Bradley Styron-former MFC **commercial** member



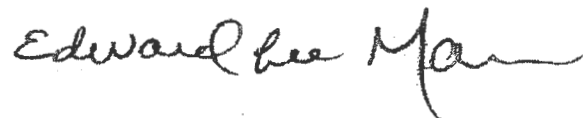
Mr. Jess Hawkins-former MFC **at large** member



Mr. Rusty Russ-former MFC **recreational** member



Mr. Mikey Daniels-former MFC **commercial** member



Mr. Edward Lee Mann-former MFC **recreational** member





January 20, 2017

NCWF Petition
Marine Fisheries Commission Office
N.C. Division of Marine Fisheries
PO Box 769
Morehead City, N.C. 28557

VIA Electronic Mail
NCWFPetition@ncdenr.gov

CAMDEN

CHOWAN

CURRITUCK

DARE

GATES

HYDE

PASQUOTANK

PERQUIMANS

TYRRELL

WASHINGTON

COLUMBIA

CRESWELL

DUCK

EDENTON

ELIZABETH CITY

GATESVILLE

HERTFORD

KILL DEVIL HILLS

KITTY HAWK

MANTEO

NAGS HEAD

PLYMOUTH

ROPER

SOUTHERN SHORES

WINFALL

Re: *Comments on the Petition to amend Limit Headrope Length
and Trawling Days*

Dear Sir and/or Madame:

On behalf of the Albemarle Commission Region R Council of Governments and Economic Development District's Board of Delegates which comprises the counties of Camden, Chowan, Currituck, Dare, Gates, Hyde, Pasquotank, Perquimans, Tyrrell, and Washington. Please accept the following comments on the proposed petition for rulemaking to amend 15A Admin Code 3L and to designate special secondary nursery areas and reduce bycatch mortality in North Carolina coastal fishing waters.

The North Carolina Wildlife Federation has filed a Petition for Rulemaking to amend 15A Admin. Code 3L .0101, 3L .0103, 3M .0522, 3M .0523, 3N .0523, 3N 0151, and 3R .0105 to Designate Special Secondary Nursery Areas and Reduce Bycatch Mortality in North Carolina Coastal Fishing Waters. The Albemarle Commission strives to promote and ensure the viability and sustainability of North Carolina's valuable fisheries resources for all citizens including consumers demanding fresh North Carolina seafood.

The Albemarle Commission strongly opposes the proposed rulemaking reclassifying internal coastal waters as secondary nursery areas.

The Albemarle Region has a 300-year history of commercial fishing in Pamlico Sound and relies greatly on commercial fishing as their second largest industry supporting the Hyde County economy. Because of the strength of the commercial fishing industry in our Region, hundreds of people in the Albemarle Region rely on shrimp trawling to support their families, surrounding businesses, communities and the local economy. the Albemarle Region's shrimp fishermen are small, family-owned, independent businesses that sell to seafood dealers that seasonally employ hundreds more and whose expenditures spread through the communities in the region.

Importantly, trawl effects greatly depend on the design of the gear, intensity of use and location used. The largest proportion of the bottom of the Pamlico Sound is soft, muddy bottom or soft, sandy bottom, where shrimp trawls and their doors have not been found to be highly destructive.

According to Harrington, D.L. and R.A. Vendetti in 1996, as much as 70% of the juvenile finfish are excluded with finfish excluders and North Carolina was the first state to require finfish excluders in shrimp trawls in its internal waters.

In 2004, D. Corbett et al. found that shrimp trawl effects on the bottom found in most of the Pamlico Sound have been described by scientists as similar to harsh winter storms with short term impacts, and further in 2012, R.A. Deehr, found that scientists have found that trawling disturbance can stimulate an increase in population numbers of bottom invertebrates and that predators of those invertebrates were more common in areas not open to trawling.

Next, trawls are designed to be selective for target species by modifying the mesh size, modifying the design, and speed of tow and shrimp trawls in North Carolina are required to use finfish excluders to allow small fish to escape. It should be noted that shrimp trawlers are also required to use Turtle Excluder Devices (TEDs) to allow sea turtles to escape and scientists have documented that TEDs exclude significant amounts of juvenile finfish.

As you are aware, the Albemarle-Pamlico Sound, which is the largest brackish water body in any one state in the United States of America, is unique in its characteristics and cannot be compared to water bodies in other states. Pamlico Sound is also one of the few water bodies that support commercial quantities of pink, white and brown shrimp in the south Atlantic.

Even further, North Carolina is the only state that has formally designated nursery areas for juvenile fish, shrimp and crabs. All bottom-disturbing fishing gear is prohibited in these areas, including shrimp trawls and has been prohibited for over 35 years. The greatest majority of bays and creeks of western and northern Pamlico Sound are classified as secondary nursery areas to protect these populations. North Carolina has

124,000 acres of estuarine areas are classified as primary or secondary nursery areas. An additional 47,000 acres of brackish waters are classified as special secondary nursery areas. These areas are closed to trawling, but may be opened when the majority of juvenile fish have migrated from the areas. In 2006 almost 92,000 acres in the Pamlico, Pungo and Neuse Rivers were closed to shrimp trawling as part of the North Carolina Shrimp Fisheries Management Plan. In total, almost 1,000,000 acres of internal coastal waters are closed to trawling in North Carolina representing approximately 48% of the total.



Since 1987 North Carolina has not allowed trawling in Albemarle Sound and has closed extensive areas of submerged aquatic vegetation located on the eastern shore of the Outer Banks from Oregon Inlet to the mouth of Core Sound to shrimp trawling in 1994. These areas serve as nurseries for juvenile fish and shrimp. With these closures, shrimp trawl fishermen try to fish in areas that maximize shrimp catch and minimize finfish bycatch. High amounts of finfish bycatch increase fuel costs and labor costs in addition to decreasing the economic quality of the shrimp caught. Shrimp trawl fishermen currently avoid high amounts of bycatch at every opportunity.

By characterizing bycatch in the North Carolina shrimp trawl fishery is difficult due to factors including but not limited to distribution of the bycatch species, variation in fishing effort, variations in gear, the seasonality of the fishery, and mortality of the bycatch species. The Director of the North Carolina Division of Marine Fisheries recognized in August of 2013 that 4.5 lbs. of fish per lb. of shrimp is "not a good estimate" and is "not the appropriate way to characterize bycatch." With the variation of the number of finfish to shrimp in a shrimp trawl is tremendous. Scientists studying bycatch in North Carolina have cautioned that finfish/shrimp ratios tend to overestimate bycatch.

Note that the survival rates of discarded finfish from the shrimp trawl catches are also difficult to accurately calculate. Survival rates are greatly influenced by trawl tow times, water temperatures, catch volumes, and the time it takes to cull the fish. Studies have shown that creatures of the ecosystem where the shrimp are caught do consume large quantities of the discarded finfish that die. Blue Crabs and other benthic invertebrates, birds and bottlenose dolphins all consume discarded finfish. Also, North Carolina is recognized by other states and the federal government as having one of the best fisheries data collection programs in the country. Since 1978, North Carolina has been collecting detailed biological data on spot, Atlantic croaker, and gray trout; species most common in shrimp trawl bycatch. Data collected by the North Carolina Division of Marine Fisheries is used to assess population levels and to identify sources of fishing mortality.

In 2010 Atlantic Croaker Stock Assessment Report for Peer Review, prepared by the Atlantic States Marine Fisheries Commission, states that in a 2010 stock assessment of Atlantic croaker, that while there was too much uncertainty in the models to precisely determine if the population was overfished, scientists state it is unlikely the stock is overfished based on other population data. Spot is not classified as overfished but are classified as concerned by the North Carolina Division of Marine Fisheries, primarily based on landings. However, scientists recognize it is very difficult to determine population status from landings data. In 2009 the Atlantic States Marine Fisheries Commission found in their Weakfish Stock Assessment Report that there is little evidence that overfishing is occurring on weakfish and they believe other factors besides fishing are causing the weakfish stock decline. Further in 2005 the South



Atlantic Shrimp FMP found that while reviewing the stock status of weakfish, spot and Atlantic croaker, they could find no evidence to indicate that the mortality of shrimp trawls with TEDs was having a significant adverse effect on those populations

North Carolina has produced a fishery management plan for shrimp and other species. In addition, the federal government has developed a FMP for shrimp in the south Atlantic, with numerous amendments. None of these plans, amendments, or addendums has recommended a ban on inside shrimp trawling in North Carolina to ensure sustainability of these fisheries resources.

As always, should you have any questions or comments, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink that reads "Cathy Davison". The script is fluid and cursive, with the first letters of each word being capitalized and prominent.

Cathy Davison, ICMA-CM
Executive Director

cc: Board of Delegates



January 11, 2017

Mr. Sammy Corbett, Chairman
Marine Fisheries Commission Office
N.C. Division of Marine Fisheries
PO Box 769
Morehead City, NC 28557

Dear Mr. Corbett:

The American Shrimp Processors Association (ASPA) writes to the commission to encourage the commission to deny the petition request currently seeking to restrict shrimp trawling in inshore North Carolina state waters. According to a 2014 report by the International Trade Commission, members of ASPA process more than seventy percent of the shrimp harvested in the Gulf and South Atlantic. Membership in ASPA ranges from North Carolina to Texas. Like commercial shrimpers, members of ASPA are multi-generational, family-owned and privately-held businesses. Collectively, with commercial shrimpers, these businesses form an integral part of small coastal communities throughout the Gulf and South Atlantic areas. Not only do these small businesses contribute substantially to the economic well-being of coastal areas, but they are also the backbones of coastal ambiance.

As Executive Director of the American Shrimp Processors Association and as a former university researcher, I have spent more than four decades working with a variety of seafood industries. Many times, I have seen actions like those proposed under the current petition. Justification for this and other similar petitions is most often structured so that it appears to be protecting some part of the natural resource. In fact, these kinds of petitions are nothing more than an effort to reallocate some often unnamed renewable resource.

Suffice it to say, no user group is more concerned about the health of our marine resources than those who depend on it for their livelihood. Commercial fishing industries of all types have a long history of adapting to changes necessary to ensure continuation of their industry and businesses.

Unfortunately, we are likely to see more actions like this petition--not only in North Carolina but also in other coastal states-- as competition for a share of resources intensifies.





(continued)

We encourage the commission to carefully consider this petition for what it is--an effort to reallocate some resource other than the shrimp fishery. We believe any management decision should be based on hard science. Should you need additional information, please feel free to contact me.

Sincerely,

C. David Veal, Ph.D.



January 6, 2016

Chairman Sammy Corbett
NC Marine Fisheries Commission
Division of Marine Fisheries
NC Box 769
Morehead City, NC 28557

Dear Chairman Corbett:

On behalf of the North Carolina Restaurant & Lodging Association (NCRLA) and our state's more than 20,000 restaurants and hotels, I write to express the Association's opposition to the November 2, 2016 petition from the North Carolina Wildlife Federation proposing changes to designated nursery areas and shrimp harvesting.

While we share the concern about keeping our coastal environment healthy and productive for generations to come, the proposed changes would make it difficult for shrimpers to continue harvesting and may threaten the viability of North Carolina's shrimping industry, which is a vital source of fresh seafood served at North Carolina restaurants and hotels.

We ask that the NC Marine Fisheries Commission deny the petition and continue discussions with all interested parties about ways ensure a productive yet sustainable shrimp industry for our state.

Thank you for your consideration.

Sincerely,



Lynn D. Minges
President & CEO





Steve Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Division of Marketing

Joe Sanderson
Director

January 20, 2017

MEMORANDUM

To: NCWF Petition
Marine Fisheries Commission Office
N.C. Division of Marine Fisheries
P.O. Box 769
Morehead City, N.C. 28557

From: John Aydlett
Seafood Marketing Specialist
N.C. Department of Agriculture and Consumer Services

Subject: Marine Fisheries Commission's Consideration of NCWF Petition for Rulemaking

The North Carolina Department of Agriculture and Consumer Services would like to thank you for the opportunity to comment on the N.C. Wildlife Federation's petition for rulemaking.

The department fully supports the state's commercial fishing industry. Through a variety of programs, our Marketing Division promotes North Carolina's seafood and aquaculture industries throughout the state and beyond its borders. Our staff works directly with fishermen, processors, retailers, aquaculture producers, local catch groups and the N.C. Commercial Fishermen's Association. We see the hard work that goes on behind the scenes to put these seafood products on consumers' tables, and we understand the total economic impact that this industry has on our state and especially its coastal counties.

The economic impact extends beyond the dockside value, as the multiplier effect is great when you consider everyone that touches this product. Commercial fishing and related businesses contribute greatly to the economy of Eastern North Carolina.

We respectfully ask that, before implementing additional regulations, the Marine Fisheries Commission allow more time for recent changes to demonstrate their effectiveness. Further, the commission should consider the economic risk to this industry from increased regulation that may not be necessary.

While appropriate regulations are necessary to protect our natural resources, we also want to see the commercial fishing industry in North Carolina remain viable and sustainable.



Demand for local seafood has increased thanks in part to the nationwide local-food movement. This industry has the potential for major in-state growth. Today's consumers want to know where their seafood was caught and when. This trend is starting to change how we market North Carolina seafood, and is increasing the overall value of North Carolina-branded products.

Consumers want N.C. seafood in restaurants and retailers. Marketing in-state is more profitable than shipping long distances.

North Carolina seafood catch groups have worked hard to make this happen, and to help improve awareness of the industry and educate the public regarding how they are regulated to protect our state's resources.

We ask the commission to consider the direct and indirect jobs, income, livelihoods, community health and heritage that will be lost if these regulations are implemented. Many, many hardworking coastal families provide consumers with a delicious and sought-after product. They deserve the opportunity to keep it on the table for North Carolinians to enjoy.



Jan. 9, 2017

To: NCFMC Commissioners, NCDMF Director, Nancy Fish and AC members

Subject: Comments not supporting NCWF Shrimp Petition

The Ocracoke Working Watermen's Association (OWWA) and Ocracoke seafood company are writing you regarding the NCWF's petition to change/expand nursery areas designation, reduction to 3 days that shrimpers can harvest shrimp and changes to gear specifications.

OWWA fishermen believe significant changes to nursery designation and changes to the shrimp harvest should be implemented by using the FMP process outlined in the Fishery Reform Act. The petition attempts to impose sweeping changes to NC fishery regulations (not just shrimping) by sidestepping the FMP process that allows all stake holders multiple layers and opportunities to give input. Furthermore, NCDMF should be allowed time to analyze impacts to all potential fisheries and quantify economic ramifications. Like the Southern Flounder Supplement, a majority voting block of NCMFC Commissioners who have no academic or field experience managing shrimp will likely try to impose significant economic hardship on this fishery. Also, the NCMFC proposes to act before NCDMF can complete the ongoing finfish bycatch reduction research and offer its science based recommendations to the Crustacean Committee were it can be discussed by all stakeholders.

OWWA fishermen are also concerned that this is a disguised attempt to impose changes to the gillnet and crabbing industry. While the petition does not come out and recommend changes to gillnet or crabbing regulations, it is our belief that changing the nursery designation to NC's sounds and near shore ocean waters will have impacts on our fisheries regulations.

Ocracoke Seafood Company depends on shrimpers visiting our fish house to pack out fresh shrimp which is sold in our seafood retail or packed out for wholesale. Ocracoke Seafood Company's seafood retail has a reputation with Ocracoke residents and tourists for carrying only NC Catch shrimp. Fresh NC shrimp are the backbone of our retail sales which has significant effects on Ocracoke Seafood Company's ability to stay profitable. Having shrimp boats pack out on Ocracoke on a regular basis provides a very fresh product that is highly valued by our customers. A three-day work week will prevent multiple deliveries through the week from vessels transiting Pamlico Sound. Ocracoke Seafood Company and Hyde County can ill afford to lose any economic activity, jobs and revenue associated with the shrimping fishery.

OWWA fishermen do not agree with the petitions premise that NC's sounds and ocean waters should have their current nursery designation changed. If you look hard enough, a juvenile fish can be found in any environment. Non-Governmental Organizations continue to make the argument that NC commercial fisheries are the primary cause for problems with stocks. Issues like pollution (turbidity from rivers, pesticides, herbicides, high nitrogen levels), loss of habitat and development (housing and marinas) rarely get the attention they deserve. While most NC commercial fisheries show a decline in fishermen recruitment and effort, recreational fisheries continue to grow and its impacts on stocks is still poorly quantified.

We appreciate the opportunity to send in our comments.

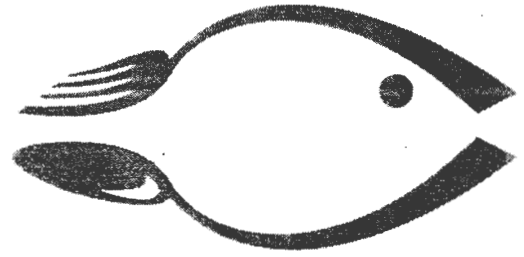
Thank you,
Hardy Plyler

Hardy Plyler
Vince O'Neal
Bill Evans
Farris O'Neal
David Hilton
Ernest Dosier
Erick O'Neal
Rex O'Neal
James B. Gaskill
Morty Gaskill
Wade Austin
Steve Wilson
Jesse Spencer
Danny Worsley
Andy O'Neal
John Ferrara
Jerry Lukefahr
Gene Ballance
Fletcher O'Neal
David O'Neal
Lewis O'Neal
Earl Gaskins
Kenneth Tillet
John Paul
Monroe Gaskill
Robbie Lewis
Arlene Burleigh
Jimmy O'Neal
Ikey O'Neal
R.T. O'Neal
Albert O'Neal
Dan Garrish
Reid Robinson
Teresa Ray
Jordy Jenkins
Bob Jenkins
Logan Jenkins

O.W.W.A.
P.O. Box 1165
416 Irvin Garrish Hwy.
Ocracoke, NC
27960
info@ocracokewatermen.org



OUTER BANKS CATCH



POB 305, Manteo, NC 27954

Jan. 26, 2017

Comments on North Carolina Wildlife Federation petition

Outer Banks Catch is a nonprofit that focuses on providing fact-based education to consumers about the commercial fishing industry and communities, and the habitat and water quality needed to maintain a robust fishery.

The petition filed by the North Carolina Wildlife Federation based on the work of Jack Travelstead, an employee of the Coastal Conservation Association, and former Division of Marine Fisheries director, Louis Daniel, now contracted with NCWF, contains few statements that Outer Banks Catch could provide to the public and stand behind their legitimacy.

According to the Marine Fisheries Commission's guidelines for consideration of petitions, the submitted document is incomplete without an economic impact statement. Without the information, according to the rules, this petition should not be accepted for review.

Information presented by Division of Marine Fisheries staff at the recent hearing debunked many of the assertions put forth by the petitioner.

This petition is based on incomplete science, misrepresented studies, devoid of proper economic impact and doesn't address the continuing loss of water quality and habitat.

The information included in the document does the industry, science and consumers a grave injustice. For the above reasons, Outer Banks Catch opposes consideration of this petition.

Outer Banks Catch Board of Directors
Sandy Semans Ross, executive director





January 4, 2017

Mr. Sammy Corbett
Chairman, NC Marine Fisheries Commission
NC Box 769
Morehead City, NC 28557

Regarding the petition of November 2 from the North Carolina Wildlife Federation proposing changes to designated nursery areas and shrimp harvesting, we find it necessary to express our concern on a matter so important to our industry.

While we share the concern in keeping our coastal environment healthy and productive for all for generations to come, we feel the petition as proposed would essentially make it so prohibitive for shrimpers to continue harvesting and may result in the collapse of North Carolina's shrimping industry, and significantly impact the economy of the state, and in particular, Dare and the other coastal counties.

Specifically:

- The most recent shrimp harvest value of almost \$17 million represents nearly 18% of the entire commercial landings of finfish and shellfish, 50% the value of the entire finfish landings, and is second only to blue crabs in single species in overall value.
- Limiting harvest to only three days in daytime only will make it untenable for many to continue in the industry, leading to significant economic impacts, including the loss of one of our most prized foods, and increased reliance on imported shrimp, much of which has serious food safety and other ethical and quality issues. The effect would go well beyond the commercial fishing industry, and include the restaurant/hospitality and retail industries, and by extension, all others in our coastal economy.
- By catch concerns are already being addressed and improved upon including NCMFC's approval of Amendment 1 to the Shrimp Fishery Management Plan in February 2014 with a three year plan for further bycatch reduction, with much of the gear changes currently being implemented.
- The petition, which was built on the premise of protecting the integrity of North Carolina's entire ecosystem, omitted the mention of anything other than trawl impacts on these special secondary nursery areas, to include water quality and other human impacts.

With these concerns in mind, we asked that NCMFC deny the NCWF petition as written and continue to the efforts currently in place, and necessary amendments, to ensure a productive yet sustainable shrimp industry that is so important to all. Thank you for your time and consideration.

On behalf of the membership of the Outer Banks Restaurant Association, as resolved at our regularly scheduled meeting, January 4, 2016, respectfully,

Daniel Lewis, President

Dare County Restaurant Association
dba Outer Banks Restaurant Association
PO Box 2283
Kill Devil Hills, NC 27948





RESOLUTION OPPOSING THE PETITION FOR RULEMAKING DESIGNATING SPECIAL SECONDARY NURSERY AREAS

WHEREAS, a petition for rulemaking to designate Special Secondary Nursery Areas and create spot and Atlantic croaker size limits has been submitted to the North Carolina Marine Fisheries Commission by the North Carolina Wildlife Federation; and

WHEREAS, the petition proposes to designate all inshore coastal and ocean waters of North Carolina out to three miles as Special Secondary Nursery Areas to address finfish bycatch and would close such waters to shrimp trawling unless opened by the Division of Marine Fisheries; and

WHEREAS, the petition recommends substantial new restrictions on what days shrimp trawls can be used, what hours trawls can be utilized, and the sizes of shrimp trawls; and

WHEREAS, the North Carolina General Assembly, through the Fisheries Reform Act, clearly desired that such comprehensive changes in management measures for important recreational and commercial species in North Carolina be developed through Fisheries Management Plans; and

WHEREAS, the North Carolina Division of Marine Fisheries and North Carolina Marine Fisheries Commission just completed a 2015 Amendment to the North Carolina Shrimp Fishery Management Plan that addressed finfish bycatch and prohibiting additional trawling areas; and

WHEREAS, the 2015 Amendment to the North Carolina Shrimp Fishery Management Plan did not find it necessary and in the best interests of North Carolina to implement the measures proposed by the North Carolina Wildlife Federation after two years of public deliberation; and

WHEREAS, the shrimp fishery is one of North Carolina's most important fishery economically, being worth over \$11 million wholesale annually to our economy, and supporting hundreds of dealers and thousands of fishermen each year; and

WHEREAS, trawls harvest over 95% of the shrimp landed commercially in North Carolina; and

WHEREAS, shrimp is the most consumed seafood in the United States and the United States is the second highest consumer of seafood in the world; and



WHEREAS, the North Carolina shrimp trawl fishery provides much-desired domestic seafood to consumers in the United States and the petitions recommendations would deprive consumers access to a healthy, sustainable resource; and

WHEREAS, the North Carolina Division of Marine Fisheries utilized scientifically rigorous methods that led the Marine Fisheries Commission to classify current primary and secondary nursery areas; and

WHEREAS, the North Carolina Wildlife Federation did not utilize the same thorough analyses to recommend the special secondary nursery areas in estuarine waters and provided no data to show that near shore coastal waters serve as secondary nursery areas; and

WHEREAS, North Carolina has been a leader in conserving juvenile finfish in the shrimp trawl fishery by being the first state to require bycatch reduction devices to allow a large percentage of juvenile fish to escape and the only state to require two finfish excluders; and

WHEREAS, Atlantic croaker and spot fishery management plans prepared by the Atlantic States Marine Fisheries Commission, who are authorized by federal law to conserve these species, have not recommended additional size limits for spot and Atlantic croaker; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Carteret Catch opposes the petition for rulemaking requesting that all waters of North Carolina, not classified as a nursery area, be designated as a special secondary nursery area and request that the North Carolina Marine Fisheries Commission deny the aforementioned petition.



From: Debbie Hamrick
To: SVC_DENR.DMF.NCWFPetition
Cc: Mitchell Peele
Subject: North Carolina Wildlife Federation Petition for Rulemaking
Date: Tuesday, January 24, 2017 12:25:54 PM

To Whom It May Concern:

North Carolina Farm Bureau is our state's largest general agricultural advocacy organization, representing more than 500,000 member families. We believe that North Carolina citizens should have access to foods produced on our lands and from our waters. We support the right of the commercial fishermen to make a living providing food to the consumer.

We support basing access of fisheries by commercial fishermen and recreational fishermen on sound science, or the best available data. We support trawling in North Carolina's estuaries until sound science supports otherwise.

Adding further restrictions to our state's commercial fishermen operating in our estuaries would be an economic hardship on the entire industry, generating year-round negative economic consequences throughout these communities. We encourage you to deny the Wildlife Federation Petition for Rulemaking.

Sincerely,

Debbie Hamrick
Director Specialty Crops
North Carolina Farm Bureau Federation
PO Box 27766
Raleigh, NC 27611-7766
(919) 334-2977
Cell: (919) 302-9538
debbie.hamrick@ncfb.org



Resolutions/Letters Opposing Recent Actions of the Marine Fisheries Commission

State Governments:

1. N.C. Department of Agriculture and Consumer Services
2. Letter signed by 8 former members of the North Carolina Marine Fisheries Commission AGAINST the actions of the current Commission.

Organizations:

1. North Carolina Farm Bureau
2. North Carolina Restaurant Association
3. Outer Banks Restaurant Association
4. Southern Albemarle Association
5. American Shrimp Association
6. Ocracoke Working Watermen's Association
7. Outer Banks Catch
8. Carteret Catch
9. Pamlico County Farm Bureau Board of Directors

County Governments:

1. Pasquotank
2. Perquimans
3. Beaufort
4. Brunswick
5. Carteret
6. Dare
7. Hyde
8. Pamlico
9. Tyrell
10. Camden
11. Onslow
12. Currituck

Municipal Governments:

1. Morehead City
2. Kill Devil Hills
3. Nags Head
4. Beaufort
5. Kitty Hawk
6. Manteo



Board of Commissioners

Mark Mansfield, Chair
Robin Comer, Vice-Chair
Bob Cavanaugh
Jimmy Farrington
Jonathan Robinson
Bill Smith
Ed Wheatly



County Manager
Tommy R. Burns

Clerk to the Board
Rachel B. Hammer

January 25, 2017

The Honorable Governor Roy Cooper
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

Dear Governor Cooper:

The Carteret County Board of Commissioners, while sitting in regular session on Monday, January 23, 2017, adopted the enclosed Resolution in opposition of the Petition for Rulemaking submitted by the North Carolina Wildlife Federation.

As noted in the Resolution, the Board of Commissioners respectfully requests that immediate action be taken to deny the Petition for Rulemaking submitted by the North Carolina Wildlife Federation.

We appreciate your consideration.

Sincerely,

Rachel B. Hammer
Clerk to the Board

/rbh
Enclosure

copy: Senator Norman W. Sanderson
Representative Pat McElraft
Mr. Sammy Corbett, NCMFC Chairman
Dr. Braxton Davis, NCDMF Director



Board of Commissioners
Mark Mansfield, Chair
Robin Comer, Vice-Chair
Bob Cavanaugh
Jimmy Farrington
Jonathan Robinson
Bill Smith
Ed Wheatly



County Manager
Tommy R. Burns

Clerk to the Board
Rachel B. Hammer

**CARTERET COUNTY BOARD OF COMMISSIONERS
RESOLUTION IN OPPOSITION OF THE
PETITION FOR RULEMAKING
SUBMITTED BY THE NORTH CAROLINA WILDLIFE FEDERATION**

WHEREAS, the Carteret County Marine Fisheries Advisory Committee has recommended that the North Carolina Marine Fisheries Committee ("MFC") deny the Petition for Rulemaking submitted by the North Carolina Wildlife Federation; and

WHEREAS, the Carteret County Board of Commissioners support the position of the Carteret County Marine Fisheries Advisory Committee; and

WHEREAS, the rules proposed in the Petition would close the internal coastal waters and near-shore oceanic waters of North Carolina to trawling unless opened by the North Carolina Division of Marine Fisheries; and

WHEREAS, the North Carolina General Assembly, through the Fisheries Reform Act, clearly desired that such comprehensive changes in management measures for important recreational and commercial species in North Carolina be developed through Fisheries Management Plans ("FMP's"); and

WHEREAS, the North Carolina Division of Marine Fisheries and North Carolina Marine Fisheries Commission just completed in 2015 an amendment to the North Carolina Shrimp Fishery Management Plan that addressed finfish bycatch and prohibiting additional trawling areas; and

WHEREAS, the 2015 Amendment to the North Carolina Shrimp Fishery Management Plan did not find it necessary and in the best interests of North Carolina to implement the measures proposed by the North Carolina Wildlife Federation after two years of public deliberation; and

WHEREAS, the shrimp fishery is North Carolina's most important fishery economically; and


WHEREAS, the proposals being considered will have a substantial economic impact on many small businesses, have significant negative effects on coastal communities and negatively impact the availability of North Carolina shrimp to consumers;

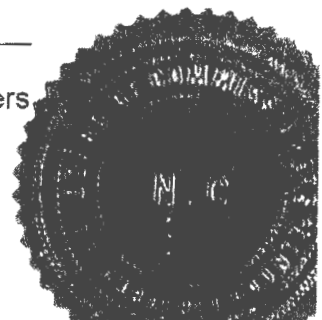
NOW, THEREFORE, BE IT RESOLVED, that the Carteret County Board of Commissioners respectfully requests that immediate action be taken to deny the Petition for Rulemaking submitted by the North Carolina Wildlife Federation.

Adopted this the 23rd day of January, 2017.

ATTEST:


Rachel B. Hammer
Clerk to the Board


Mark Mansfield, Chairman
Carteret County Board of Commissioners





Marine Fisheries Advisory Board

Jonathan Robinson, Chairman

John T. Salter

Jess Hawkins

Leslie Daniels

William Rice

Allyn B. Powell

Bradley Styron

Leslie "Sonny" Davis

Keith Mason

Ron McPherson

Thomas Carl McArthur, Jr.



December 14, 2016

Mr. Sammy Corbett
North Carolina Marine Fisheries Commission
P. O. Box 769
Morehead City, North Carolina 28557

Dear Mr. Corbett:

The Carteret County Marine Fisheries Advisory Committee recommends that the North Carolina Marine Fisheries Committee ("MFC") deny the Petition for Rulemaking submitted by the North Carolina Wildlife Federation that proposes to designate the internal coastal and near oceanic waters of North Carolina special secondary nursery areas. The rules proposed in the Petition would close the internal coastal waters and near-shore oceanic waters of North Carolina to trawling unless opened by the North Carolina Division of Marine Fisheries (DMF), establish a shrimp size for shrimp trawling season to open, establish a more restrictive headrope size for shrimp trawls, create a trawl tow time for shrimp trawling, further restrict the taking of shrimp to daylight hours and three days per week, require the use of two DMF certified bycatch reduction devices in shrimp trawls, and create a recreational size limit of 8 inches for spot and 10 inches for croaker.

The Petition should be denied by the MFC because of several substantial and pertinent reasons. First, the Petition should be denied because such comprehensive changes to fisheries should be developed by fishery management plans (FMP's). The North Carolina General Assembly, through the Fisheries Reform Act, clearly desired that such comprehensive changes in management measures for important recreational and commercial species in North Carolina be developed through FMP's.

Secondly, the petition should be denied because these issues were recently discussed and addressed by the 2015 Shrimp FMP after two years of development. Bycatch and habitat protection measures were deliberated by the DMF and MFC Shrimp FMP Advisory Committee through the development of the FMP. Recommendations were reviewed by several other MFC advisory committees. Many public meetings were held where stakeholders provided input.



Thirdly, the petition should be denied because the cost factors described in the petition are clearly inadequately described. This omission is significant because the shrimp fishery is North Carolina's most important fishery economically.

The proposals will have a substantial economic impact on many small businesses, have significant negative effects on coastal communities and negatively impact the availability of North Carolina shrimp to consumers, which is why we are recommending that the MFC deny the Petition for Rulemaking submitted by the North Carolina Wildlife Federation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jonathan Robinson".

Jonathan Robinson, Chairman
Carteret County Marine Fisheries Advisory Board

/rbh

copy: Governor-Elect Roy Cooper
Senator Norman W. Sanderson
Representative Pat McElraft
Representative Tim Moore
Dr. Braxton Davis



COMMISSIONERS

Cecil Perry, Chairman
Dr. William R. Sternitt, Vice-Chairman
Jeff Dixon
Lloyd E. Griffin, III
Joseph S. Winslow, Jr.
Frankie Meads
Bettie J. Parker



COUNTY MANAGER
Rodney Bunch

COUNTY ATTORNEY
R. Michael Cox

CLERK TO THE BOARD
Lynn Scott

COUNTY OF PASQUOTANK

Post Office Box 39
Elizabeth City, North Carolina 27907-0039
(252)335-0865
Fax (252)335-0866

February 8, 2017

The Honorable Bill Cook
N.C. Senate
16 W. Jones Street, Room 1026
Raleigh, NC 27601-2808

RE: Designation of Special Secondary Nursery Areas

Dear Senator Cook,

Enclosed please find a resolution adopted by the Pasquotank County Board of Commissioner on February 6, 2017 opposing the designation of special secondary nursery areas.

Sincerely yours,

A handwritten signature in cursive script that reads "Lynn Scott".

Lynn Scott,
Clerk to the Board

Enclosure



COMMISSIONERS

Cecil Perry, Chairman
Dr. William R. Sterritt, Vice-Chairman
Jeff Dixon
Lloyd E. Griffin, III
Joseph S. Winslow, Jr.
Frankie Meads
Bettie J. Parker



COUNTY MANAGER
Rodney Bunch

COUNTY ATTORNEY
R. Michael Cox

CLERK TO THE BOARD
Lynn Scott

COUNTY OF PASQUOTANK

RESOLUTION OPPOSING THE DESIGNATION OF SPECIAL SECONDARY NURSERY AREAS

WHEREAS, a petition for rulemaking to designate Special Secondary Nursery Areas and Reduce Bycatch Mortality has been submitted to the NC Marine Fisheries Commission by the NC Wildlife Federation; and

WHEREAS, the petition seeks to designate all inshore and ocean waters out to three miles as Special Secondary Nursery Areas and define the type of gear and how and when gear may be used during shrimp season; and

WHEREAS, if adopted, the petition would severely limit shrimp trawling, which would have a devastating impact on commercial fishing families by arbitrarily impairing their livelihood and depriving American tables of fresh, healthy catches of North Carolina harvested shrimp; and

WHEREAS, shrimp trawling has been a vibrant and successful part of North Carolina's heritage and culture for all of its history and represents a means by which generations of commercial watermen create jobs, provide for their families, and contribute to the economic wellbeing of North Carolina's coastal communities; and


WHEREAS, existing state and federal regulations provide ample provisions for monitoring and regulation of commercial shrimping with serious penalties and sanctions for rule violations, which have proven to be effective in preventing overfishing and waste.

NOW THEREFORE BE IT RESOLVED that the Pasquotank County Board of Commissioners hereby opposes the petition for rulemaking to Designate Special Secondary Nursery Areas and Reduce Bycatch Mortality In North Carolina Coastal Fishing Waters as set forth by the NC Wildlife Federation and strongly urges the North Carolina Marine Fisheries Commission to reject it.

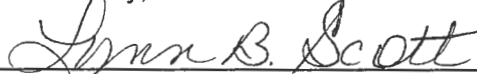
BE IT FURTHER RESOLVED that the Pasquotank County Board of Commissioners asks all coastal communities to support North Carolina's working watermen by adopting similar resolutions in opposition of this petition for rulemaking that would put North Carolina shrimping in jeopardy.

Adopted this the 6th day of February, 2017.

Pasquotank County Board of Commissioners


Cecil Perry, Chairman

ATTEST:


Lynn B. Scott, Clerk to the Board





MARY P. HUNNICUTT
CLERK TO BOARD

W. FRANK HEATH, III
COUNTY MANAGER

PERQUIMANS COUNTY BOARD OF COMMISSIONERS

P.O. BOX 45
HERTFORD, NORTH CAROLINA 27944
TELEPHONE: 1-252-426-7550

T. KYLE JONES
CHAIRMAN
FONDELLA A. LEIGH
VICE CHAIR
JOSEPH W. HOFFLER
EDWARD R. MUZZULIN
WALLACE E. NELSON
CHARLES WOODARD
W. HACKNEY HIGH, JR.
COUNTY ATTORNEY

April 3, 2017

Mr. Sammy Corbett
North Carolina Marine Fisheries Commission
P.O. Box 769
Morehead City, NC 28557

Re: Petition for Rulemaking

Dear Mr. Corbett:

I am writing to you on behalf of the Perquimans County Board of Commissioners. At their April 3, 2017 regular meeting, the Board voted to send this letter that supports Hyde County's Resolution recommending that the North Carolina Marine Fisheries Committee (MFC) deny the Petition for Rulemaking submitted by the North Carolina Wildlife Federation that proposes to designate the internal coastal and near oceanic waters of North Carolina special secondary nursery areas. The rules proposed in the Petition would close the internal coastal waters and near-shore oceanic waters of North Carolina to trawling unless opened by the North Carolina Division of Marine Fisheries (DMF), establish a shrimp size for shrimp trawling season to open, establish a more restrictive head rope size for shrimp trawls, create a trawl tow time for shrimp trawling, further restrict the taking of shrimp to daylight hours and three days per week, require the use of two DMF certified bycatch reduction devices in shrimp trawls, and create a recreational size limit of 8 inches for spot and 10 inches for croaker. The passage of this amendment would substantially affect the North Carolina residents, tourists, restaurants, and seafood retail.

A copy of the letter of support for Hyde County's Resolution opposing the Petition for Rulemaking will be forwarded to Governor Elect Roy Cooper, our Legislative Delegation, and each county in the State of North Carolina.

Sincerely yours,



T Kyle Jones, Chairman

TKJ/mh

cc: Representative Bob Steinburg
Senator Bill Cook
Governor Roy Cooper
Perquimans County Board of Commissioners

Tim Moore, Speak of the House
Phil Berger, President Pro Tempore
99 County Board of Commissioners

Perquimans County's Vision:

To be a community of opportunity in which to live, learn, work, prosper and play.



BOARD OF COMMISSIONERS

Frankie Waters, Chairman
Jerry E. Langley, Vice Chairman
Gary Brinn
Ronald Buzzeo
Ed Booth
Jerry Evans
Hood Richardson



**BEAUFORT COUNTY
NORTH CAROLINA**

COUNTY OFFICIALS

Brian M. Alligood, County Manager
Katie Mosher, Clerk to the Board
Anita Radcliffe, Finance Director
David Francisco, County Attorney

February 7, 2017

NC Division of Marine Fisheries
Attn: Sammy Corbett, Chairman
3441 Arendell Street
Morehead City, NC 28577

Dear Chairman Corbet,

The Beaufort County Board of Commissioners would like to express their opposition designate special secondary nursery areas and reduce bycatch mortality. I have included the resolution that was approved by the Board at their regularly held February 6, 2016 Board of Commissioners meeting. Please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kathleen Mosher".

Kathleen Mosher, CMC, NCCCC
Clerk to the Board of County Commissioners
Beaufort County





RESOLUTION OPPOSING THE DESIGNATION OF SPECIAL SECONDARY NURSERY AREAS

WHEREAS, A PETITION FOR RULEMAKING TO DESIGNATE Special Secondary Nursery Areas and Reduce Bycatch Mortality has been submitted to the NC Marine Fisheries Commission by the NC Wildlife Foundation; and

WHEREAS, the petition seeks to designate all inshore and ocean waters out to three miles as Special Secondary Nursery Areas and define the type of gear and how and when gear may be used during shrimp season; and

WHEREAS, if adopted, the petition would severely limit shrimp trawling, which would have a devastating impact on commercial fishing families by arbitrarily impairing their livelihood and depriving American tables of fresh, healthy catches of North Carolina harvested shrimp; and

WHEREAS, shrimp trawling has been a vibrant and successful part of North Carolina's heritage and culture for all of its history and represents a means by which generations of commercial watermen create jobs, provide for their families, and contribute to the economic wellbeing of North Carolina's coastal communities; and

WHEREAS, existing state and federal regulations provide ample provisions for monitoring and regulation of commercial shrimping with serious penalties and sanctions for rule violations, which have proven to be effective in preventing overfishing and waste.

NOW THEREFORE BE IT RESOLVED that the Beaufort County Board of Commissioners hereby opposes the petition for rulemaking to Designate Special Secondary Nursery Areas and Reduce Bycatch Mortality in North Carolina Coastal Fishing Waters as set forth by the NC Wildlife Federation and strongly urges the North Carolina Marine Fisheries Commission to reject it.

BE IT FURTHER RESOLVED that the Beaufort County Board of Commissioners asks all coastal communities to support North Carolina's working watermen by adopting similar resolutions in opposition of this petition for rulemaking that would put North Carolina shrimping in jeopardy.

Adopted this the 6th day of February, 2017.

Frankie Waters, Chairman
Beaufort County Board of Commissioners

Kathleen Mosher, CMC, NCCCC
Clerk to the Board of Commissioners

County of Brunswick
Office of the County Commissioners



RESOLUTION

OPPOSING THE DESIGNATION OF SPECIAL SECONDARY NURSERY AREAS

WHEREAS, a petition for rulemaking to designate Special Secondary Nursery Areas and Reduce Bycatch Mortality has been submitted to the NC Marine Fisheries Commission by the NC Wildlife Federation; and

WHEREAS, the petition seeks to designate all inshore and ocean waters out to three miles as Special Secondary Nursery Areas and define the type of gear and how and when gear may be used during shrimp season; and

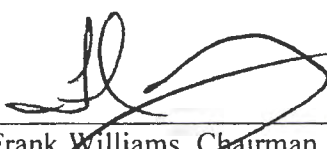
WHEREAS, if adopted, the petition would severely limit shrimp trawling, which would have a devastating impact on commercial fishing families by arbitrarily impairing their livelihood and depriving American tables of fresh, healthy catches of North Carolina harvested shrimp; and

WHEREAS, shrimp trawling has been a vibrant and successful part of North Carolina's heritage and culture for all of its history and represents a means by which generations of commercial watermen create jobs, provide for their families, and contribute to the economic wellbeing of North Carolina's coastal communities; and

WHEREAS, existing state and federal regulations provide ample provisions for monitoring and regulation of commercial shrimping with serious penalties and sanctions for rule violations, which have proven to be effective in preventing overfishing and waste.


NOW THEREFORE BE IT RESOLVED that the Brunswick County Board of Commissioners hereby urges the North Carolina Marine Fisheries Commission to make no changes to the relevant rules until such time as the matter has been further evaluated and the regulatory means have been found to achieve the desired resource outcomes without severe negative impacts to the commercial fishing industry in North Carolina.

This the 6th day of February, 2017.



Frank Williams, Chairman
Brunswick County Commissioners

Attest:



Andrea White
Clerk to the Board







**RESOLUTION
OPPOSING THE DESIGNATION OF SPECIAL SECONDARY NURSERY AREAS**

WHEREAS, a petition for rulemaking to designate Special Secondary Nursery Areas and Reduce Bycatch Mortality has been submitted to the NC Marine Fisheries Commission by the NC Wildlife Federation; and

WHEREAS, the petition seeks to designate all inshore and ocean waters out to three miles as Special Secondary Nursery Areas and define the type of gear and how and when gear may be used during shrimp season; and

WHEREAS, if adopted, the petition would severely limit shrimp trawling, which would have a devastating impact on commercial fishing families by arbitrarily impairing their livelihood and depriving American tables of fresh, healthy catches of North Carolina harvested shrimp; and

WHEREAS, shrimp trawling has been a vibrant and successful part of North Carolina's heritage and culture for all of its history and represents a means by which generations of commercial watermen create jobs, provide for their families, and contribute to the economic wellbeing of North Carolina's coastal communities; and

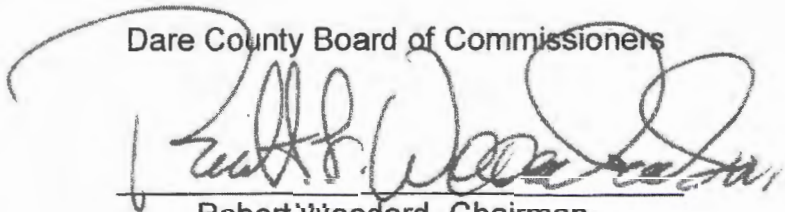
WHEREAS, existing state and federal regulations provide ample provisions for monitoring and regulation of commercial shrimping with serious penalties and sanctions for rule violations, which have proven to be effective in preventing overfishing and waste.

NOW THEREFORE BE IT RESOLVED that the Dare County Board of Commissioners hereby opposes the petition for rulemaking to Designate Special Secondary Nursery Areas and Reduce Bycatch Mortality In North Carolina Coastal Fishing Waters as set forth by the NC Wildlife Federation and strongly urges the North Carolina Marine Fisheries Commission to reject it.

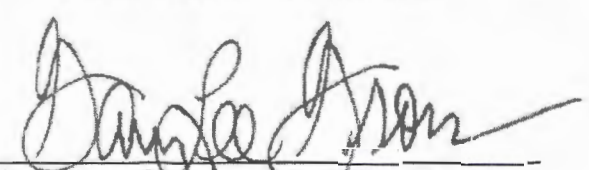
BE IT FURTHER RESOLVED that the Dare County Board of Commissioners asks all coastal communities to support North Carolina's working watermen by adopting similar resolutions in opposition of this petition for rulemaking that would put North Carolina shrimping in jeopardy.

Adopted this the 3rd day of January, 2017.

Dare County Board of Commissioners


Robert Woodard, Chairman

ATTEST:


Gary Lee Gross, Clerk to the Board





**RESOLUTION IN OPPOSITION TO PETITION FOR RULEMAKING TO AMEND 15A
ADMIN. CODE 3L .0101, 3L .0103, 3M .0522, 3M .0523, 3N .0151, AND 3R .0105 TO
DESIGNATE SPECIAL SECONDARY NURSERY AREAS AND REDUCE BYCATCH
MORTALITY IN NORTH CAROLINA COASTAL FISHING WATERS AS PRESENTED BY
THE NORTH CAROLINA WILDLIFE FEDERATION**

WHEREAS, The North Carolina Wildlife Federation has filed a Petition for Rulemaking to amend 15A Admin. Code 3L .0101, 3L .0103, 3M .0522, 3M .0523, 3N .0523, 3N .0151, and 3R .0105 to Designate Special Secondary Nursery Areas and Reduce Bycatch Mortality in North Carolina Coastal Fishing Waters.

WHEREAS, Hyde County strives to promote and ensure the viability and sustainability of North Carolina's valuable fisheries resources for all citizens including consumers demanding fresh North Carolina seafood.

WHEREAS, Hyde County strongly supports this resolution against rulemaking that proposes reclassifying internal coastal waters as secondary nursery areas.

WHEREAS, Hyde County has a 300 year history of commercial fishing in Pamlico Sound and relies greatly on commercial fishing as their second largest industry supporting the Hyde County economy.

WHEREAS, hundreds of people in Hyde County rely on shrimp trawling to support their families, surrounding businesses, communities and the local economy. Hyde County's shrimp fishermen are small, family-owned, independent businesses that sell to seafood dealers that seasonally employ hundreds more and whose expenditures spread through the communities in Hyde County.

WHEREAS, trawl effects greatly depend on the design of the gear, intensity of use and location used. The largest proportion of the bottom of the Pamlico Sound is soft, muddy bottom or soft, sandy bottom, where shrimp trawls and their doors have not been found to be highly destructive.

WHEREAS, D. Corbett et al. 2004, found that shrimp trawl effects on the bottom found in most of the Pamlico Sound have been described by scientists as similar to harsh winter storms with short term impacts.

WHEREAS, R.A. Deehr 2012, found that scientists have found that trawling disturbance can stimulate an increase in population numbers of bottom invertebrates and that predators of those invertebrates were more common in areas not open to trawling.

WHEREAS, trawls are designed to be selective for target species by modifying the mesh size, modifying the design, and speed of tow and shrimp trawls in North Carolina are required to use finfish excluders to allow small fish to escape.

WHEREAS, according to Harrington, D.L. and R.A. Vendetti in 1996, as much as 70% of the juvenile finfish are excluded with finfish excluders and North Carolina was the first state to require finfish excluders in shrimp trawls in its internal waters.

WHEREAS, shrimp trawlers are also required to use Turtle Excluder Devices (TEDs) to allow sea turtles to escape and scientists have documented that TEDs exclude significant amounts of juvenile finfish.



WHEREAS, the Albemarle-Pamlico Sound, which is the largest brackish water body in any one state in the United States of America, is unique in its characteristics and cannot be compared to water bodies in other states.

WHEREAS, Pamlico Sound is one of the few water bodies that support commercial quantities of pink, white and brown shrimp in the south Atlantic.

WHEREAS, North Carolina is the only state that has formally designated nursery areas for juvenile fish, shrimp and crabs. All bottom-disturbing fishing gear is prohibited in these areas, including shrimp trawls and has been prohibited for over 35 years. The greatest majority of bays and creeks of western and northern Pamlico Sound are classified as secondary nursery areas to protect these populations.

WHEREAS, 124,000 acres of estuarine areas are classified as primary or secondary nursery areas. An additional 47,000 acres of brackish waters are classified as special secondary nursery areas. These areas are closed to trawling, but may be opened when the majority of juvenile fish have migrated from the areas. In 2006 almost 92,000 acres in the Pamlico, Pungo and Neuse Rivers were closed to shrimp trawling as part of the North Carolina Shrimp Fisheries Management Plan. In total almost 1,000,000 acres of internal coastal waters are closed to trawling in North Carolina representing approximately 48% of the total.

WHEREAS, North Carolina has not allowed trawling in Albemarle Sound since 1987. North Carolina closed extensive areas of submerged aquatic vegetation located on the eastern shore of the Outer Banks from Oregon Inlet to the mouth of Core Sound to shrimp trawling in 1994. These areas serve as nurseries for juvenile fish and shrimp.

WHEREAS, shrimp trawl fishermen try to fish in areas that maximize shrimp catch and minimize finfish bycatch. High amounts of finfish bycatch increase fuel costs and labor costs in addition to decreasing the economic quality of the shrimp caught. Shrimp trawl fishermen currently avoid high amounts of bycatch at every opportunity.

WHEREAS, characterizing bycatch in the North Carolina shrimp trawl fishery is difficult due to factors including but not limited to distribution of the bycatch species, variation in fishing effort, variations in gear, the seasonality of the fishery, and mortality of the bycatch species. The Director of the North Carolina Division of Marine Fisheries recognized in August of 2013 that 4.5 lbs of fish per lb. of shrimp is "not a good estimate" and is "not the appropriate way to characterize bycatch."

WHEREAS, the variation of the amount of finfish to shrimp in a shrimp trawl is tremendous. Scientists studying bycatch in North Carolina have cautioned that finfish/shrimp ratios tend to overestimate bycatch.

WHEREAS, survival rates of discarded finfish from the shrimp trawl catches are also difficult to accurately calculate. Survival rates are greatly influenced by trawl tow times, water temperatures, catch volumes, and the time it takes to cull the fish. Studies have shown that creatures of the ecosystem where the shrimp are caught do consume large quantities of the discarded finfish that die. Blue Crabs and other benthic invertebrates, birds and bottlenose dolphins all consume discarded finfish.

WHEREAS, North Carolina is recognized by other states and the federal government as having one of the best fisheries data collection programs in the country. Since 1978, North Carolina has been collecting detailed biological data on spot, Atlantic croaker, and gray trout; species most common in shrimp trawl bycatch. Data collected by the North Carolina Division of Marine Fisheries is used to assess population levels and to identify sources of fishing mortality.



WHEREAS, the 2010 Atlantic Croaker Stock Assessment Report for Peer Review, prepared by the Atlantic States Marine Fisheries Commission, states that in a 2010 stock assessment of Atlantic croaker, that while there was too much uncertainty in the models to precisely determine if the population was overfished, scientists state it is unlikely the stock is overfished based on other population data.

WHEREAS, spot are not classified as overfished but are classified as concerned by the North Carolina Division of Marine Fisheries, primarily based on landings. However, scientists recognize it is very difficult to determine population status from landings data.

WHEREAS, the Atlantic States Marine Fisheries Commission found in their Weakfish Stock Assessment Report in 2009 that there is little evidence that overfishing is occurring on weakfish and they believe other factors besides fishing are causing the weakfish stock decline.

WHEREAS, federal scientists in the 2005 South Atlantic Shrimp FMP found that while reviewing the stock status of weakfish, spot and Atlantic croaker, they could find no evidence to indicate that the mortality of shrimp trawls with TEDs was having a significant adverse effect on those populations.

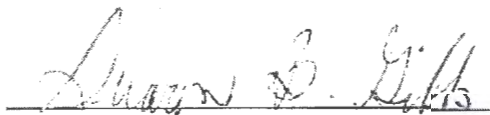
WHEREAS, North Carolina has produced a fishery management plan for shrimp and other species. In addition, the federal government has developed a FMP for shrimp in the south Atlantic, with numerous amendments. None of these plans, amendments, or addendums has recommended a ban on inside shrimp trawling in North Carolina to ensure sustainability of these fisheries resources.

WHEREAS, Hyde County, North Carolina, located on the Pamlico Sound, is made up of small fishing and farming communities. Nearly half of Hyde County's economy is heavily reliant on the commercial fishing industry, namely the shrimp fishery, and a reclassification of most internal coastal waters as secondary nursery areas would be a crippling blow to an already economically distressed county.

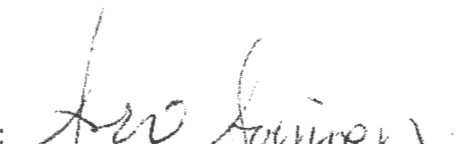
NOW, THEREFORE, BE IT RESOLVED that rulemaking reclassifying most internal coastal waters as special secondary nursery areas is not needed to improve fisheries management. The proposed reclassification will have a devastating impact on commercial fishing families and coastal fishing communities. The proposed reclassification will eliminate the availability to consumers of North Carolina harvested shrimp; a public resource to North Carolina residents, tourists, restaurants, and seafood retail.

NOW, THEREFORE, BE IT FURTHER RESOLVED that on behalf of the citizens of Hyde County, the Greater Hyde County Chamber of Commerce's Board of Directors strongly urge the North Carolina Marine Fisheries Commission to reject the proposed rule petition. Copies of this resolution in opposition to rule making that proposes reclassifying most internal coastal waters as secondary nursery areas will be forwarded to the Honorable Roy Cooper, NC Governor, Nancy Fish, NCDMF Commission Liaison, the Hyde County Legislative Delegation to the North Carolina General Assembly the North Carolina Chamber

Adopted this the 10th day of January, 2017, in Hyde County, North Carolina.



SIGNATURE OF CHAMBER PRESIDENT

ATTEST: 
EXECUTIVE DIRECTOR



COUNTY OF HYDE

Board of Commissioners

Earl Pugh, Jr., Chair
Barry Swindell, Vice-Chair
Benjamin Simmons, III
Tom Pahl
Dick Tunnell

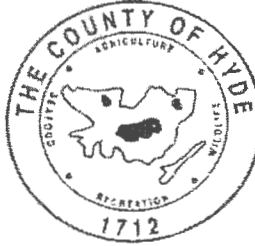
30 Oyster Creek Road
PO Box 188

SWAN QUARTER, NORTH CAROLINA 27885
252-926-4400
252-926-3701 Fax

Bill Rich
County Manager

Fred Holscher
County Attorney

Lois Stotesberry, CMC, NCCCC
Clerk to the Board



January 3, 2017

Mr. Sammy Corbett
North Carolina Marine Fisheries Commission
P.O. Box 769
Morehead City, NC 28557

Dear Mr. Corbett:

The Hyde County Board of Commissioners, through attached resolution, recommends that the North Carolina Marine Fisheries Committee (MFC) deny the Petition for Rulemaking submitted by the North Carolina Wildlife Federation that proposes to designate the internal coastal and near oceanic waters of North Carolina special secondary nursery areas. The rules proposed in the Petition would close the internal coastal waters and near-shore oceanic waters of North Carolina to trawling unless opened by the North Carolina Division of Marine Fisheries (DMF), establish a shrimp size for shrimp trawling season to open, establish a more restrictive headrope size for shrimp trawls, create a trawl tow time for shrimp trawling, further restrict the taking of shrimp to daylight hours and three days per week, require the use of two DMF certified bycatch reduction devices in shrimp trawls, and create a recreational size limit of 8 inches for spot and 10 inches for croaker.

The Petition should be denied by the MFC because of several substantial and pertinent reasons. First, the Petition should be denied because such comprehensive changes to fisheries should be developed by fishery managements plans (FMP's). The North Carolina General Assembly, through the Fisheries Reform Act, clearly desired that such comprehensive changes in management measures for important recreational and commercial species in North Carolina be developed through FMP's.

Secondly, the Petition should be denied because these issues were recently discussed and addressed by the 2015 Shrimp FMP after two years of development. Bycatch and habitat protection measures were deliberated by the DMF and MFC Shrimp FMP Advisory Committee through the development of the FMP. Recommendations were reviewed by several other MFC advisory committees. Many public meetings were held where stakeholders provided input.



Thirdly, the Petition should be denied because the cost factors described in the Petition are clearly inadequately described. This omission is significant because the shrimp fishery is North Carolina's most important fishery economically.

The proposals will have a substantial economic impact on many small businesses, have significant negative effects on coastal communities and negatively impact the availability of North Carolina shrimp to consumers, which is why we are recommending that the MFC deny the Petition for Rulemaking submitted by the North Carolina Wildlife Federation.

Sincerely,



Earl Pugh, Jr. Chairman
Hyde County Board of Commissioners

EP/roj

cc: Governor-Elect Roy Cooper
Senator Norman W. Sanderson
Representative Pat McElraft
Representative Tim Moore
Dr. Braxton Davis



**RESOLUTION IN OPPOSITION TO PETITION FOR RULEMAKING TO AMEND 15A
ADMIN. CODE 3L .0101, 3L .0103, 3M .0522, 3M .0523, 3N .0151, AND 3R .0105 TO
DESIGNATE SPECIAL SECONDARY NURSERY AREAS AND REDUCE BYCATCH
MORTALITY IN NORTH CAROLINA COASTAL FISHING WATERS AS PRESENTED BY
THE NORTH CAROLINA WILDLIFE FEDERATION**

WHEREAS, The North Carolina Wildlife Federation has filed a Petition for Rulemaking to amend 15A Admin. Code 3L .0101, 3L .0103, 3M .0522, 3M .0523, 3N .0151, and 3R .0105 to Designate Special Secondary Nursery Areas and Reduce Bycatch Mortality in North Carolina Coastal Fishing Waters.

WHEREAS, Hyde County strives to promote and ensure the viability and sustainability of North Carolina's valuable fisheries resources for all citizens including consumers demanding fresh North Carolina seafood.

WHEREAS, Hyde County strongly supports this resolution against rulemaking that proposes reclassifying internal coastal waters as secondary nursery areas.

WHEREAS, Hyde County has a 300 year history of commercial fishing in Pamlico Sound and relies greatly on commercial fishing as their second largest industry supporting the Hyde County economy.

WHEREAS, hundreds of people in Hyde County rely on shrimp trawling to support their families, surrounding businesses, communities and the local economy. Hyde County's shrimp fishermen are small, family-owned, independent businesses that sell to seafood dealers that seasonally employ hundreds more and whose expenditures spread through the communities in Hyde County.

WHEREAS, trawl effects greatly depend on the design of the gear, intensity of use and location used. The largest proportion of the bottom of the Pamlico Sound is soft, muddy bottom or soft, sandy bottom, where shrimp trawls and their doors have not been found to be highly destructive.

WHEREAS, D. Corbett et al. 2004, found that shrimp trawl effects on the bottom found in most of the Pamlico Sound have been described by scientists as similar to harsh winter storms with short term impacts.

WHEREAS, R.A. Deehr 2012, found that scientists have found that trawling disturbance can stimulate an increase in population numbers of bottom invertebrates and that predators of those invertebrates were more common in areas not open to trawling.

WHEREAS, trawls are designed to be selective for target species by modifying the mesh size, modifying the design, and speed of tow and shrimp trawls in North Carolina are required to use finfish excluders to allow small fish to escape.

WHEREAS, according to Harrington, D.L. and R.A. Vendetti in 1996, as much as 70% of the juvenile finfish are excluded with finfish excluders and North Carolina was the first state to require finfish excluders in shrimp trawls in its internal waters.

WHEREAS, shrimp trawlers are also required to use Turtle Excluder Devices (TEDs) to allow sea turtles to escape and scientists have documented that TEDs exclude significant amounts of juvenile finfish.



WHEREAS, the Albemarle-Pamlico Sound, which is the largest brackish water body in any one state in the United States of America, is unique in its characteristics and cannot be compared to water bodies in other states.

WHEREAS, Pamlico Sound is one of the few water bodies that support commercial quantities of pink, white and brown shrimp in the south Atlantic.

WHEREAS, North Carolina is the only state that has formally designated nursery areas for juvenile fish, shrimp and crabs. All bottom-disturbing fishing gear is prohibited in these areas, including shrimp trawls and has been prohibited for over 35 years. The greatest majority of bays and creeks of western and northern Pamlico Sound are classified as secondary nursery areas to protect these populations.

WHEREAS, 124,000 acres of estuarine areas are classified as primary or secondary nursery areas. An additional 47,000 acres of brackish waters are classified as special secondary nursery areas. These areas are closed to trawling, but may be opened when the majority of juvenile fish have migrated from the areas. In 2006 almost 92,000 acres in the Pamlico, Pungo and Neuse Rivers were closed to shrimp trawling as part of the North Carolina Shrimp Fisheries Management Plan. In total almost 1,000,000 acres of internal coastal waters are closed to trawling in North Carolina representing approximately 48% of the total.

WHEREAS, North Carolina has not allowed trawling in Albemarle Sound since 1987. North Carolina closed extensive areas of submerged aquatic vegetation located on the eastern shore of the Outer Banks from Oregon Inlet to the mouth of Core Sound to shrimp trawling in 1994. These areas serve as nurseries for juvenile fish and shrimp.

WHEREAS, shrimp trawl fishermen try to fish in areas that maximize shrimp catch and minimize finfish bycatch. High amounts of finfish bycatch increase fuel costs and labor costs in addition to decreasing the economic quality of the shrimp caught. Shrimp trawl fishermen currently avoid high amounts of bycatch at every opportunity.

WHEREAS, characterizing bycatch in the North Carolina shrimp trawl fishery is difficult due to factors including but not limited to distribution of the bycatch species, variation in fishing effort, variations in gear, the seasonality of the fishery, and mortality of the bycatch species. The Director of the North Carolina Division of Marine Fisheries recognized in August of 2013 that 4.5 lbs. of fish per lb. of shrimp is "not a good estimate" and is "not the appropriate way to characterize bycatch."

WHEREAS, the variation of the amount of finfish to shrimp in a shrimp trawl is tremendous. Scientists studying bycatch in North Carolina have cautioned that finfish/shrimp ratios tend to overestimate bycatch.

WHEREAS, survival rates of discarded finfish from the shrimp trawl catches are also difficult to accurately calculate. Survival rates are greatly influenced by trawl tow times, water temperatures, catch volumes, and the time it takes to cull the fish. Studies have shown that creatures of the ecosystem where the shrimp are caught do consume large quantities of the discarded finfish that die. Blue Crabs and other benthic invertebrates, birds and bottlenose dolphins all consume discarded finfish.

WHEREAS, North Carolina is recognized by other states and the federal government as having one of the best fisheries data collection programs in the country. Since 1978, North Carolina has been collecting detailed biological data on spot, Atlantic croaker, and gray trout; species most common in shrimp trawl bycatch. Data collected by the North Carolina Division of Marine Fisheries is used to assess population levels and to identify sources of fishing mortality.



WHEREAS, the 2010 Atlantic Croaker Stock Assessment Report for Peer Review, prepared by the Atlantic States Marine Fisheries Commission, states that in a 2010 stock assessment of Atlantic croaker, that while there was too much uncertainty in the models to precisely determine if the population was overfished, scientists state it is unlikely the stock is overfished based on other population data.

WHEREAS, spot are not classified as overfished but are classified as concerned by the North Carolina Division of Marine Fisheries, primarily based on landings. However, scientists recognize it is very difficult to determine population status from landings data.

WHEREAS, the Atlantic States Marine Fisheries Commission found in their Weakfish Stock Assessment Report in 2009 that there is little evidence that overfishing is occurring on weakfish and they believe other factors besides fishing are causing the weakfish stock decline.

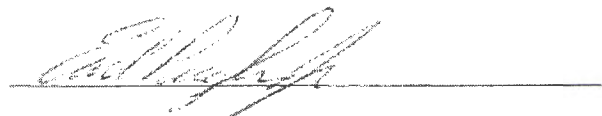
WHEREAS, federal scientists in the 2005 South Atlantic Shrimp FMP found that while reviewing the stock status of weakfish, spot and Atlantic croaker, they could find no evidence to indicate that the mortality of shrimp trawls with TEDs was having a significant adverse effect on those populations.

WHEREAS, North Carolina has produced a fishery management plan for shrimp and other species. In addition, the federal government has developed a FMP for shrimp in the south Atlantic, with numerous amendments. None of these plans, amendments, or addendums has recommended a ban on inside shrimp trawling in North Carolina to ensure sustainability of these fisheries resources.

NOW, THEREFORE, BE IT RESOLVED that rulemaking reclassifying most internal coastal waters as special secondary nursery areas is not needed to improve fisheries management. The proposed reclassification will have a devastating impact on commercial fishing families and coastal fishing communities. The proposed reclassification will eliminate the availability to consumers of North Carolina harvested shrimp; a public resource to North Carolina residents, tourists, restaurants, and seafood retail.

NOW, THEREFORE, BE IT FURTHER RESOLVED that on behalf of the citizens of Hyde County, the Hyde County Board of Commissioners strongly urge the North Carolina Marine Fisheries Commission to reject the proposed rule petition. Copies of this resolution in opposition to rule making that proposes reclassifying most internal coastal waters as secondary nursery areas will be forwarded to the Honorable Roy Cooper, NC Governor Elect, Nancy Fish, NCDMF Commission Liaison, the Hyde County Legislative Delegation to the North Carolina General Assembly and each county in the great state of North Carolina.

Adopted this the 3rd day of January, 2017, in Hyde County, North Carolina.



SIGNATURE OF BOARD CHAIR

ATTEST: 
CLERK TO THE BOARD





COUNTY OF CURRITUCK

RESOLUTION OPPOSING THE DESIGNATION OF SPECIAL SECONDARY NURSERY AREAS

WHEREAS, a petition for rulemaking to designate Special Secondary Nursery Areas and Reduce Bycatch Mortality has been submitted to the NC Marine Fisheries Commission by the NC Wildlife Federation; and

WHEREAS, the petition seeks to designate all inshore and ocean waters out to three miles as Special Secondary Nursery Areas and define the type of gear and how and when gear may be used during shrimp season; and

WHEREAS, if adopted, the petition would severely limit shrimp trawling, which would have a devastating impact on commercial fishing families by arbitrarily impairing their livelihood and depriving American tables of fresh, healthy catches of North Carolina harvested shrimp; and

WHEREAS, shrimp trawling has been a vibrant and successful part of North Carolina's heritage and culture for all of its history and represents a means by which generations of commercial watermen create jobs, provide for their families, and contribute to the economic wellbeing of North Carolina's coastal communities; and

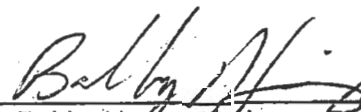
WHEREAS, existing state and federal regulations provide ample provisions for monitoring and regulation of commercial shrimping with serious penalties and sanctions for rule violations, which have proven to be effective in preventing overfishing and waste.

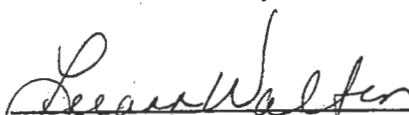
NOW THEREFORE BE IT RESOLVED that the Currituck County Board of Commissioners hereby opposes the petition for rulemaking to Designate Special Secondary Nursery Areas and Reduce Bycatch Mortality in North Carolina Coastal Fishing Waters as set forth by the NC Wildlife Federation and strongly urges the North Carolina Marine Fisheries Commission to reject it.

BE IT FURTHER RESOLVED that the Currituck County Board of Commissioners asks all coastal communities to support North Carolina's working watermen by adopting similar resolutions in opposition of this petition for rulemaking that would put North Carolina shrimping in jeopardy.

Adopted this the 6th day of March, 2017.




Bobby Harig, Chairman
Currituck County Board of Commissioners

ATTEST: 
Leeann Walton, Clerk to the Board



RESOLUTION IN OPPOSITION TO PETITION FOR RULEMAKING TO AMEND 15A ADMIN. CODE 3L .0101, 3L .0103, 3M .0522, 3M .0523, 3N .0151, AND 3R .0105 TO DESIGNATE SPECIAL SECONDARY NURSERY AREAS AND REDUCE BYCATCH MORTALITY IN NORTH CAROLINA COASTAL FISHING WATERS AS PRESENTED BY THE NORTH CAROLINA WILDLIFE FEDERATION

WHEREAS, The North Carolina Wildlife Federation has filed a Petition for Rulemaking to amend 15A Admin. Code 3L .0101, 3L .0103, 3M .0522, 3M .0523, 3N .0523, 3N 0151, and 3R .0105 to Designate Special Secondary Nursery Areas and Reduce Bycatch Mortality in North Carolina Coastal Fishing Waters.

WHEREAS, Pamlico County strives to promote and ensure the viability and sustainability of North Carolina's valuable fisheries resources for all citizens including consumers demanding fresh North Carolina seafood.

WHEREAS, Pamlico County strongly supports this resolution against rulemaking that proposes reclassifying internal coastal waters as secondary nursery areas.

WHEREAS, Pamlico County has long history of commercial fishing in Pamlico Sound and relies greatly on commercial fishing as one of the largest industries supporting the Pamlico County economy.

WHEREAS, hundreds of people in Pamlico County rely on shrimp trawling to support their families, surrounding businesses, communities and the local economy. Pamlico County's shrimp fishermen are small, family-owned, independent businesses that sell to seafood dealers that seasonally employ hundreds more and whose expenditures spread through the communities in Pamlico County.

WHEREAS, trawl effects greatly depend on the design of the gear, intensity of use and location used. The largest proportion of the bottom of the Pamlico Sound is soft, muddy bottom or soft, sandy bottom, where shrimp trawls and their doors have not been found to be highly destructive.

WHEREAS, D. Corbett et al. 2004, found that shrimp trawl effects on the bottom found in most of the Pamlico Sound have been described by scientists as similar to harsh winter storms with short term impacts.

WHEREAS, R.A. Deehr 2012, found that scientists have found that trawling disturbance can stimulate an increase in population numbers of bottom invertebrates and that predators of those invertebrates were more common in areas not open to trawling.

WHEREAS, trawls are designed to be selective for target species by modifying the mesh size, modifying the design, and speed of tow and shrimp trawls in North Carolina are required to use finfish excluders to allow small fish to escape.

WHEREAS, according to Harrington, D.L. and R.A. Vendetti in 1996, as much as 70% of the juvenile finfish are excluded with finfish excluders and North Carolina was the first state to require finfish excluders in shrimp trawls in its internal waters.

WHEREAS, shrimp trawlers are also required to use Turtle Excluder Devices (TEDs) to allow sea turtles to escape and scientists have documented that TEDs exclude significant amounts of juvenile finfish.



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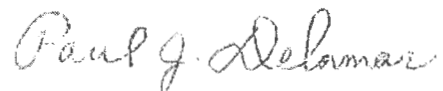
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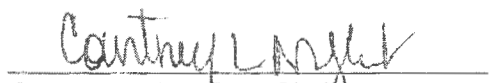
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NOW, THEREFORE, BE IT FURTHER RESOLVED, that on behalf of the citizens of Pamlico County, the Pamlico County Board of Commissioners strongly urge the North Carolina Marine Fisheries Commission to reject the proposed rule petition. Copies of this resolution in opposition to rule making that proposes reclassifying most internal coastal waters as secondary nursery areas will be forwarded to the Honorable Roy Cooper, NC Governor, Nancy Fish, NCDMF Commission Liaison, the Pamlico County Legislative Delegation to the North Carolina General Assembly and each county in the great state of North Carolina.

Adopted this the 17th day of January, 2017, in Pamlico County, North Carolina.



Paul J. Delamar, Chairman


Courtney L. Norfleet, Clerk to the Board





COUNTY OF PAMLICO

DEPARTMENT OF ECONOMIC
DEVELOPMENT
POST OFFICE BOX 776
BAYBORO, NORTH CAROLINA 28515
(252) 745-3081
FAX (252) 745-3754

January 24, 2017

Mr. Sammy Corbett
NC Marine Fisheries Association
P.O. Box 769
Morehead City, NC 2855

Dear Mr. Corbett,

We are writing you to request your assistance with an urgent matter that would have severe economic, environmental and social impact on all of North Carolina. This office has deep concerns regarding the Rulemaking Petition brought by the North Carolina Wildlife Federation and Southern Environmental Law and how it will detrimentally impact on all of North Carolina.

The Petition is an admitted attempt by the Petitioners to circumvent already established processes, precedent, Division of Marine Fisheries authority and a newly implemented, as of January 2017 Shrimp FMP, completed by the Division of Marine Fisheries and relevant committees. The Petition was voted down by the NC Marine Fisheries Committee that advises the NC Marine Fisheries Commission at a committee meeting held in New Bern, North Carolina on January 17, 2017.

The Petition, which has inaccurate statistical representations and is still being presented for a vote before the NC Marine Fisheries Commission on February 15th and 16th, would cause the majority of remaining 6,500+ persons employed in the seafood industry in North Carolina to be unemployed. This is after already losing nearly 40% of that industry's jobs due to regulations and imports. Most of the jobs that will be lost are well paying jobs in low income, rural areas that are not seeing much investment in economic development by the State of North Carolina. The Petition will cause significant seafood industry jobs loss in Eastern North Carolina and result in a large economic impact on surrounding businesses, communities and tourism.



If the Petition is passed by the Commission, resulting significant jobs losses in North Carolina's seafood industry could cause additional issues impacting marine species arising from unregulated foreign commercial fishermen. These outside interests would naturally seek to fill the niche previously filled by regulated NC commercial fishermen. Their unregulated attempts to meet the increased demand for seafood in North Carolina and the world would decimate many North Carolina marine species.

Please read the attached study done by Rebecca A. Deehra, Coastal Resources Management Program, East Carolina University, Greenville, NC. This scientific study shows that there are surprising benefits as a result of shrimp trawling and was an outcome the study author had not anticipated.

The attached Pamlico County Economic Snapshot shows a brief synopsis of Pamlico County's direct seafood jobs loss over the last 15+ years and economic multiplier of those losses on other businesses and their communities due to regulations on the seafood industry in North Carolina. It can be used to extrapolate the total impacts in jobs and tax revenues lost to the state and its communities.

Thank you for your assistance in encouraging the NC Fisheries Commission to strike down this Petition that is detrimental to the well-being of the State of North Carolina and circumvents the authority and due process carried by the Division of Marine Fisheries.

Respectfully submitted,

Beth Bucksot
Director of Planning and Economic Development
Pamlico County, NC





RESOLUTION 17-001
Opposing the Designation of Special Secondary Nursery Areas

WHEREAS, a petition for rulemaking to designate Special Secondary Nursery Areas and Reduce Bycatch Mortality has been submitted to the NC Marine Fisheries Commission by the NC Wildlife Federation; and,

WHEREAS, the petition seeks to designate all inshore and ocean waters out to three miles as Special Secondary Nursery Areas and define the type of gear and how and when gear may be used during shrimp season; and,

WHEREAS, if adopted, the petition would severely limit shrimp trawling, which would have a devastating impact on commercial fishing families by arbitrarily impairing their livelihood and depriving American tables of fresh, healthy catches of North Carolina harvested shrimp; and,

WHEREAS, shrimp trawling has been a vibrant and successful part of North Carolina's heritage and culture for all of its history and represents a means by which generations of commercial watermen create jobs, provide for their families, and contribute to the economic wellbeing of North Carolina's coastal communities; and

WHEREAS, existing state and federal regulations provide ample provisions for monitoring and regulation of commercial shrimping with serious penalties and sanctions for rule violations, which have proven to be effective in preventing overfishing and waste.

NOW THEREFORE BE IT RESOLVED that the Onslow County Board of Commissioners hereby opposes the petition for rulemaking to Designate Special Secondary Nursery Areas and Reduce Bycatch Mortality in North Carolina Coastal Fishing Waters as set forth by the NC Wildlife Federation and strongly urges the North Carolina Marine Fisheries Commission to reject it.

BE IT FURTHER RESOLVED that the Onslow County Board of Commissioners asks all coastal communities to support North Carolina's working watermen by adopting similar resolutions in opposition of this petition for rulemaking that would put North Carolina shrimping in jeopardy.

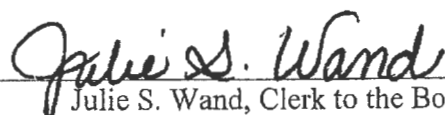
Adopted this the 6th day of February, 2017.

Onslow County Board of Commissioners





Jack Bright, Chairman

ATTEST: 

Julie S. Wand, Clerk to the Board





COUNTY OF PAMLICO

DEPARTMENT OF ECONOMIC
DEVELOPMENT
POST OFFICE BOX 776
BAYBORO, NORTH CAROLINA 28515
(252) 745-3081
FAX (252) 745-3754

**Rule Making Petition Commission Hearing
"Pamlico County: An Economic Snapshot"
February 15th and 16th, 2017
Wilmington, NC**

Pamlico County: An Economic Snapshot of Effects of Regulations on Coastal and Inner Banks Communities.

- Pamlico County- population 13,144 -500 reside in a State residential housing facility- Pamlico Correctional Facility, a state prison
- Real population numbers contributing to the local economy are just over 12,500 persons. If you remove the children and retired populations out of the 12,500 free population, of those, approximately 5,500 – 6,000 are of working age
- In the last 15 years in Pamlico County lost over 1,200 direct jobs in the seafood industry
- Most of those who worked in seafood industry were of the age to have families. Most families have 4 persons. $1,200 \times 4 = 4,800$ persons immediately impacted by jobs loss. If you want to remove any variables in family members numbers you can take away 800 people and still have 4,000 persons in those fishing communities directly impacted by jobs loss
- If you add in the loss of over 600 migrant workers the economic impact soars even more.
- In a 6 year span we lost 86 non seafood related Chamber of Commerce businesses. 84 went out of business and 2 moved. 80% were in communities impacted by seafood regulations and rising fuel costs. These were not seafood businesses but were businesses that saw loss of income due to the decline of local fishing fleets packing out in their communities.
- If you multiply this across the state and you look at the income lost by families and communities and the tax revenues lost by towns, counties and the State of NC it is significant. Add in lost jobs from the multiplier effect of supporting businesses and it is scary.
- For Pamlico County, the NC Department of Commerce numbers and Census Bureau numbers regarding the economic impact of fishing industry are way off. This is probably the case for most small coastal communities in the State. For an example: Census data shows 0 jobs and 0



economic impact of the fishing industry on Pamlico County. Actual numbers from ticketed landings numbers in 2013 are approximately 383 direct jobs; Income impacts: \$7,260,000. Total economic impact to the county: \$17,356,000.

- Seafood Industry to the State of North Carolina from ticketed landings, impacts for 2013 were: 6,745 direct jobs; Income impacts: \$127,709,000. Total economic impact to the state: \$305,293,000
- If you multiply the losses across the state and look at the income lost by families and communities and the tax revenues lost by towns, counties and the State of NC it is significant. Add in lost jobs from the multiplier of supporting businesses and it is scary.

Thank you for taking the time to read the "Pamlico County: An Economic Snapshot". We are respectfully asking you to strike down the Rulemaking Petition and to allow the precedent of due process through procedures already in place to continue. If you have further questions. Please feel free to contact this office.

Respectfully submitted,

Beth Bucksot
Director of Planning and Economic Development
Pamlico County, NC
PO Box 776
Bayboro, NC 28515
(252)-745-3081
beth.bucksot@pamlicocounty.org





BOARD OF COMMISSIONERS

CLAYTON D. RIGGS
Chairman

G. TOM WHITE
Vice Chairman

GARRY W. MILES
RANDY KRAINIAK
ROSS H. ALLEN



CAMDENCOUNTY

new energy. new vision.

MICHAEL E. BRITTLER
County Manager

ANGELA L. WOOTEN
Clerk to the Board

JOHN S. ABRAMS
County Attorney

RESOLUTION No. 2017-02-02

Opposing the Designation of Special Secondary Nursery Areas

WHEREAS, a petition for rulemaking to designate Special Secondary Nursery Areas and Reduce Bycatch Mortality has been submitted to the NC Marine Fisheries Commission by the NC Wildlife Federation; and,

WHEREAS, the petition seeks to designate all inshore and ocean waters out to three miles as Special Secondary Nursery Areas and define the type of gear and how and when gear may be used during shrimp season; and,

WHEREAS, if adopted, the petition would severely limit shrimp trawling, which would have a devastating impact on commercial fishing families by arbitrarily impairing their livelihood and depriving American tables of fresh, healthy catches of North Carolina harvested shrimp; and,

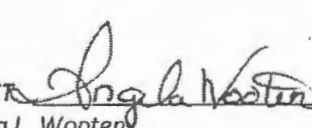
WHEREAS, shrimp trawling has been a vibrant and successful part of North Carolina's heritage and culture for all of its history and represents a means by which generations of commercial watermen create jobs, provide for their families, and contribute to the economic wellbeing of North Carolina's coastal communities; and

WHEREAS, existing state and federal regulations provide ample provisions for monitoring and regulation of commercial shrimping with serious penalties and sanctions for rule violations, which have proven to be effective in preventing overfishing and waste.

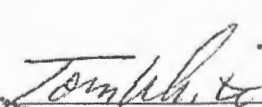
NOW THEREFORE BE IT RESOLVED that the Camden County Board of Commissioners hereby opposes the petition for rulemaking to Designate Special Secondary Nursery Areas and Reduce Bycatch Mortality in North Carolina Coastal Fishing Waters as set forth by the NC Wildlife Federation and strongly urges the North Carolina Marine Fisheries Commission to reject it.

BE IT FURTHER RESOLVED that the Camden County Board of Commissioners asks all coastal communities to support North Carolina's working watermen by adopting similar resolutions in opposition of this petition for rulemaking that would put North Carolina shrimping in jeopardy.

ADOPTED this 20th day of February, 2017.

ATTEST 
Angela L. Wooten
Clerk to the Board




Vice Chairman Tom White
Camden County Board of Commissioners

COPY



2-2-17

To: Mr. Corbett
MFC Chairman
P O Box 769
Morehead City 28557

From: Pamlico County Farm Bureau Board of Directors

Dear Mr. Corbett,

Pamlico County Farm Bureau represents roughly 2,200 member families within the community and many of which are directly or indirectly tied to the commercial fishing industry.

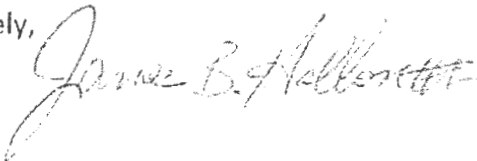
We believe that North Carolina citizens should have access to foods produced on our lands and from our waters. We support the right of the commercial fishermen to make a living providing food to the consumer.

On November 2, 2016 the NC Wildlife Federation filed a petition with the North Carolina Marine Fisheries Division to turn the Pamlico Sound, adjacent waters including the ocean (out to three miles) into a secondary nursery area. By doing so, this would eliminate night trawling, reduce tow times and ultimately reduce the work week for shrimpers to three days a week. This ruling would devastate our community and eliminate the fishery and other associated fisheries such as oyster dredging, crab trawling, peeler crab trawling and many more from our community and state.

We support basing access of fisheries by commercial fishermen and recreational fishermen on sound science. We support trawling in North Carolina's estuaries until sound science supports otherwise.

Adding further restrictions to our state's commercial fishermen operating in our estuaries would be an economic hardship on the entire industry, generating year-round negative economic consequences throughout these communities. We solicit your support in opposing the Wildlife Federation Petition for Rulemaking.

Sincerely,

A handwritten signature in dark ink, appearing to read "James B. Hollister". The signature is fluid and cursive, with a long horizontal stroke at the end.

Pamlico County Board of Directors



**RESOLUTION IN OPPOSITION TO PETITION FOR RULEMAKING TO AMEND 15A
ADMIN. CODE 3L .0101, 3L .0103, 3M .0522, 3M .0523, 3N .0151, AND 3R .0105 TO
DESIGNATE SPECIAL SECONDARY NURSERY AREAS AND REDUCE BYCATCH
MORTALITY IN NORTH CAROLINA COASTAL FISHING WATERS AS PRESENTED BY
THE NORTH CAROLINA WILDLIFE FEDERATION**

WHEREAS, The North Carolina Wildlife Federation ("the Federation") has filed a Petition ("Petition") for Rulemaking to amend 15A Admin. Code 3L .0101, 3L .0103, 3M .0522, 3M .0523, 3N .0151, and 3R .0105 to Designate Special Secondary Nursery Areas and Reduce Bycatch Mortality in North Carolina Coastal Fishing Waters.

WHEREAS, Tyrrell County strives to promote and ensure the viability and sustainability of North Carolina's valuable fisheries resources for all citizens including consumers demanding fresh North Carolina seafood.

WHEREAS, Tyrrell County strongly endorses support of this resolution against rulemaking that proposes reclassifying internal coastal waters as secondary nursery areas.

WHEREAS, Tyrrell County has a long history of commercial fishing in the Pamlico Sound and relies greatly on commercial fishing as one of the largest industries supporting the Tyrrell County economy.

WHEREAS, hundreds of people in Tyrrell County rely on shrimp trawling to support their families, surrounding businesses, communities and the local economy.

WHEREAS, trawl effects greatly depend on the design of the gear, intensity of use and location used. The largest proportion of the bottom of the Pamlico Sound is soft, muddy bottom or soft, sandy bottom, where shrimp trawls and their doors have not been found to be highly destructive.

WHEREAS, D. Corbett et al. 2004, found that shrimp trawl effects on the bottom found in most of the Pamlico Sound have been described by scientists as similar to harsh winter storms with short term impacts.

WHEREAS, R.A. Deehr 2012, found that scientists have found that trawling disturbance can stimulate an increase in population numbers of bottom invertebrates and that predators of those invertebrates were more common in areas not open to trawling.

WHEREAS, trawls are designed to be selective for certain sized fish by modifying the mesh size, modifying the design, and speed of tow. Shrimp trawls in North Carolina are required to use finfish excluders to allow small fish to escape.

WHEREAS, according to Harrington, D.L. and R.A. Vendetti in 1996, as much as 70% of the juvenile finfish are excluded with finfish excluders. North Carolina was the first state to require finfish excluders in shrimp trawls in its internal waters.

WHEREAS, shrimp trawlers are also required to use Turtle Excluder Devices (TEDs) to allow sea turtles to escape. Scientists have documented that TEDs exclude significant amounts of juvenile finfish.

WHEREAS, the Albemarle-Pamlico Sound, which is the largest brackish water body in any one state in the United States of America, is unique in its characteristics and cannot be compared to water bodies in other states. The Albemarle-Pamlico Sound is large and dynamic but relatively shallow.



WHEREAS, Pamlico Sound is one of the few water bodies that support commercial quantities of pink, white and brown shrimp in the south Atlantic.

WHEREAS, North Carolina is the only state that has formally designated nursery areas for juvenile fish, shrimp and crabs. All bottom-disturbing fishing gear is prohibited in these areas, including shrimp trawls and has been prohibited for over 35 years. The greatest majority of bays and creeks of western and northern Pamlico Sound are classified as secondary nursery areas to protect these populations.

WHEREAS, 124,000 acres of estuarine areas are classified as primary or secondary nursery areas. An additional 47,000 acres of brackish waters are classified as special secondary nursery areas. These areas are closed to trawling, but may be opened when the majority of juvenile fish have migrated from the areas. In 2006 almost 92,000 acres in the Pamlico, Pungo and Neuse Rivers were closed to shrimp trawling as part of the North Carolina Shrimp Fisheries Management Plan. In total almost 1,000,000 acres of internal coastal waters are closed to trawling in North Carolina representing approximately 48% of the total.

WHEREAS, North Carolina has not allowed trawling in Albemarle Sound since 1987. North Carolina closed extensive areas of submerged aquatic vegetation located on the eastern shore of the Outer Banks from Oregon Inlet to the mouth of Core Sound to shrimp trawling in 1994. These areas serve as nurseries for juvenile fish and shrimp.

WHEREAS, shrimp trawl fishermen try to fish in areas that maximize shrimp catch and minimize finfish bycatch. High amounts of finfish bycatch increase fuel costs and labor costs in addition to decreasing the economic quality of the shrimp caught. Shrimp trawl fishermen currently avoid high amounts of bycatch at every opportunity.

WHEREAS, characterizing bycatch in the North Carolina shrimp trawl fishery is difficult due to factors including but not limited to distribution of the bycatch species, variation in fishing effort, variations in gear, the seasonality of the fishery, and mortality of the bycatch species. The Director of the North Carolina Division of Marine Fisheries recognized in August of 2013 that 4.5 pounds of fish per pound of shrimp is "not a good estimate" and is "not the appropriate way to characterize bycatch."

WHEREAS, the variation of the amount of finfish to shrimp in a shrimp trawl is tremendous. Scientists studying bycatch in North Carolina have cautioned that finfish/shrimp ratios tend to overestimate bycatch.

WHEREAS, survival rates of discarded finfish from the shrimp trawl catches are also difficult to accurately calculate. Survival rates are greatly influenced by trawl tow times, water temperatures, catch volumes, and the time it takes to cull the fish. Studies have shown that creatures of the ecosystem where the shrimp are caught do consume large quantities of the discarded finfish that die. Blue Crabs and other benthic invertebrates, birds and bottlenose dolphins all consume discarded finfish.

WHEREAS, North Carolina is recognized by other states and the federal government as having one of the best fisheries data collection programs in the country. Since 1978, North Carolina has been collecting detailed biological data on spot, Atlantic croaker, and gray trout; species most common in shrimp trawl bycatch. Data collected by the North Carolina Division of Marine Fisheries is used to assess population levels and to identify sources of fishing mortality.

WHEREAS, the 2010 Atlantic Croaker Stock Assessment Report for Peer Review, prepared by the Atlantic States Marine Fisheries Commission, states that in a 2010 stock assessment of Atlantic croaker, it found that while there was too much uncertainty in the models to precisely determine if the population was overfished, scientists state it is unlikely the stock is overfished based on other population data.



WHEREAS, spot are not classified as overfished but are classified as concerned by the North Carolina Division of Marine Fisheries. However, scientists recognize it is very difficult to determine population status from landings data.

WHEREAS, the Atlantic States Marine Fisheries Commission found in their Weakfish Stock Assessment Report in 2009 that there is little evidence that overfishing is occurring on weakfish and they believe other factors besides fishing are causing the weakfish stock decline.

WHEREAS, federal scientists in the 2005 South Atlantic Shrimp FMP found that while reviewing the stock status of weakfish, spot and Atlantic croaker, they could find no evidence to indicate that the mortality of shrimp trawls with TEDs was having a significant adverse effect on those populations.

WHEREAS, North Carolina has produced a fishery management plan for shrimp and other species. In addition, the federal government has developed a FMP for shrimp in the south Atlantic, with numerous amendments. None of these plans, amendments, or addendums has recommended a ban on inside shrimp trawling in North Carolina to ensure sustainability of these fisheries resources.

NOW, THEREFORE, BE IT RESOLVED that rulemaking reclassifying most internal coastal waters as secondary nursery areas is not needed to improve fisheries management. The proposed reclassification will have a devastating impact on commercial fishing families and coastal fishing communities. The proposed reclassification will eliminate the availability to consumers of North Carolina harvested shrimp; a public resource to North Carolina residents, tourists, restaurants, and seafood retail.

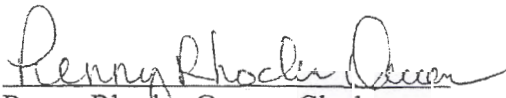
NOW, THEREFORE, BE IT FURTHER RESOLVED that on behalf of the citizens of Tyrrell County, the Tyrrell County Board of Commissioners strongly urge the North Carolina Marine Fisheries Commission to reject the proposed rule. Copies of this resolution in opposition to rule making that proposes reclassifying most internal coastal waters as secondary nursery areas will be forwarded to the Honorable Governor Roy Cooper, The Honorable Senator Erica Smith-Ingram, the Honorable Representative Bob Steinburg and Nancy Fish, North Carolina Division of Marine Fisheries Commission Liaison.

Adopted this the 17th day of January, 2017, in Tyrrell County, North Carolina.



Leroy Spivey, Chairman

ATTEST

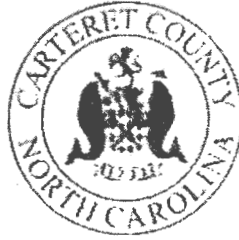


Penny Rhodes Owens, Clerk



Board of Commissioners

Mark Mansfield, Chair
Robin Comer, Vice-Chair
Bob Cavanaugh
Jimmy Farrington
Jonathan Robinson
Bill Smith
Ed Wheatly



County Manager
Tommy R. Burns

Clerk to the Board
Rachel B. Hammer

January 25, 2017

The Honorable Governor Roy Cooper
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

Dear Governor Cooper:

The Carteret County Board of Commissioners, while sitting in regular session on Monday, January 23, 2017, adopted the enclosed Resolution in opposition of the Petition for Rulemaking submitted by the North Carolina Wildlife Federation.

As noted in the Resolution, the Board of Commissioners respectfully requests that immediate action be taken to deny the Petition for Rulemaking submitted by the North Carolina Wildlife Federation.

We appreciate your consideration.

Sincerely,

A handwritten signature in cursive script, reading "Rachel B. Hammer".

Rachel B. Hammer
Clerk to the Board

/rbh

Enclosure

copy: Senator Norman W. Sanderson
Representative Pat McElraft
Mr. Sammy Corbett, NCMFC Chairman
Dr. Braxton Davis, NCDMF Director



Board of Commissioners
Mark Mansfield, Chair
Robin Comer, Vice-Chair
Bob Cavanaugh
Jimmy Farrington
Jonathan Robinson
Bill Smith
Ed Wheatly



County Manager
Tommy R. Burns

Clerk to the Board
Rachel B. Hammer

**CARTERET COUNTY BOARD OF COMMISSIONERS
RESOLUTION IN OPPOSITION OF THE
PETITION FOR RULEMAKING
SUBMITTED BY THE NORTH CAROLINA WILDLIFE FEDERATION**

WHEREAS, the Carteret County Marine Fisheries Advisory Committee has recommended that the North Carolina Marine Fisheries Committee ("MFC") deny the Petition for Rulemaking submitted by the North Carolina Wildlife Federation; and

WHEREAS, the Carteret County Board of Commissioners support the position of the Carteret County Marine Fisheries Advisory Committee; and

WHEREAS, the rules proposed in the Petition would close the internal coastal waters and near-shore oceanic waters of North Carolina to trawling unless opened by the North Carolina Division of Marine Fisheries; and

WHEREAS, the North Carolina General Assembly, through the Fisheries Reform Act, clearly desired that such comprehensive changes in management measures for important recreational and commercial species in North Carolina be developed through Fisheries Management Plans ("FMP's"); and

WHEREAS, the North Carolina Division of Marine Fisheries and North Carolina Marine Fisheries Commission just completed in 2015 an amendment to the North Carolina Shrimp Fishery Management Plan that addressed finfish bycatch and prohibiting additional trawling areas; and

WHEREAS, the 2015 Amendment to the North Carolina Shrimp Fishery Management Plan did not find it necessary and in the best interests of North Carolina to implement the measures proposed by the North Carolina Wildlife Federation after two years of public deliberation; and

WHEREAS, the shrimp fishery is North Carolina's most important fishery economically; and

WHEREAS, the proposals being considered will have a substantial economic impact on many small businesses, have significant negative effects on coastal communities and negatively impact the availability of North Carolina shrimp to consumers;

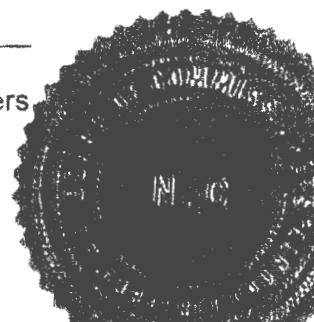
NOW, THEREFORE, BE IT RESOLVED, that the Carteret County Board of Commissioners respectfully requests that immediate action be taken to deny the Petition for Rulemaking submitted by the North Carolina Wildlife Federation.

Adopted this the 23rd day of January, 2017.

ATTEST:

A handwritten signature in cursive script, appearing to read "Rachel B. Hammer".
Rachel B. Hammer
Clerk to the Board

A handwritten signature in cursive script, appearing to read "Mark Mansfield".
Mark Mansfield, Chairman
Carteret County Board of Commissioners





Marine Fisheries Advisory Board

Jonathan Robinson, Chairman

John T. Salter

Jess Hawkins

Leslie Daniels

William Rice

Allyn B. Powell

Bradley Styron

Leslie "Sonny" Davis

Keith Mason

Ron McPherson

Thomas Carl McArthur, Jr.



December 14, 2016

Mr. Sammy Corbett
North Carolina Marine Fisheries Commission
P. O. Box 769
Morehead City, North Carolina 28557

Dear Mr. Corbett:

The Carteret County Marine Fisheries Advisory Committee recommends that the North Carolina Marine Fisheries Committee ("MFC") deny the Petition for Rulemaking submitted by the North Carolina Wildlife Federation that proposes to designate the internal coastal and near oceanic waters of North Carolina special secondary nursery areas. The rules proposed in the Petition would close the internal coastal waters and near-shore oceanic waters of North Carolina to trawling unless opened by the North Carolina Division of Marine Fisheries (DMF), establish a shrimp size for shrimp trawling season to open, establish a more restrictive headrope size for shrimp trawls, create a trawl tow time for shrimp trawling, further restrict the taking of shrimp to daylight hours and three days per week, require the use of two DMF certified bycatch reduction devices in shrimp trawls, and create a recreational size limit of 8 inches for spot and 10 inches for croaker.

The Petition should be denied by the MFC because of several substantial and pertinent reasons. First, the Petition should be denied because such comprehensive changes to fisheries should be developed by fishery management plans (FMP's). The North Carolina General Assembly, through the Fisheries Reform Act, clearly desired that such comprehensive changes in management measures for important recreational and commercial species in North Carolina be developed through FMP's.

Secondly, the petition should be denied because these issues were recently discussed and addressed by the 2015 Shrimp FMP after two years of development. Bycatch and habitat protection measures were deliberated by the DMF and MFC Shrimp FMP Advisory Committee through the development of the FMP. Recommendations were reviewed by several other MFC advisory committees. Many public meetings were held where stakeholders provided input.



Thirdly, the petition should be denied because the cost factors described in the petition are clearly inadequately described. This omission is significant because the shrimp fishery is North Carolina's most important fishery economically.

The proposals will have a substantial economic impact on many small businesses, have significant negative effects on coastal communities and negatively impact the availability of North Carolina shrimp to consumers, which is why we are recommending that the MFC deny the Petition for Rulemaking submitted by the North Carolina Wildlife Federation.

Sincerely,



Jonathan Robinson, Chairman
Carteret County Marine Fisheries Advisory Board

/rbh

copy: Governor-Elect Roy Cooper
Senator Norman W. Sanderson
Representative Pat McElraft
Representative Tim Moore
Dr. Biraxton Davis



COMMISSIONERS

Cecil Perry, Chairman
Dr. William R. Sterritt, Vice-Chairman
Jeff Dixon
Lloyd E. Griffin, III
Joseph S. Winslow, Jr.
Frankie Meads
Bettie J. Parker



COUNTY MANAGER
Rodney Bunch

COUNTY ATTORNEY
R. Michael Cox

CLERK TO THE BOARD
Lynn Scott

COUNTY OF PASQUOTANK

Post Office Box 39
Elizabeth City, North Carolina 27907-0039
(252)335-0865
Fax (252)335-0866

February 8, 2017

The Honorable Bill Cook
N.C. Senate
16 W. Jones Street, Room 1026
Raleigh, NC 27601-2808

RE: Designation of Special Secondary Nursery Areas

Dear Senator Cook,

Enclosed please find a resolution adopted by the Pasquotank County Board of Commissioner on February 6, 2017 opposing the designation of special secondary nursery areas.

Sincerely yours,

A handwritten signature in cursive script that reads "Lynn Scott".

Lynn Scott,
Clerk to the Board

Enclosure



COMMISSIONERS

Cecil Perry, Chairman
Dr. William R. Sterritt, Vice-Chairman
Jeff Dixon
Lloyd E. Griffin, III
Joseph S. Winslow, Jr.
Frankie Meads
Bettie J. Parker



COUNTY MANAGER
Rodney Bunch

COUNTY ATTORNEY
R. Michael Cox

CLERK TO THE BOARD
Lynn Scott

COUNTY OF PASQUOTANK

RESOLUTION OPPOSING THE DESIGNATION OF SPECIAL SECONDARY NURSERY AREAS

WHEREAS, a petition for rulemaking to designate Special Secondary Nursery Areas and Reduce Bycatch Mortality has been submitted to the NC Marine Fisheries Commission by the NC Wildlife Federation; and

WHEREAS, the petition seeks to designate all inshore and ocean waters out to three miles as Special Secondary Nursery Areas and define the type of gear and how and when gear may be used during shrimp season; and

WHEREAS, if adopted, the petition would severely limit shrimp trawling, which would have a devastating impact on commercial fishing families by arbitrarily impairing their livelihood and depriving American tables of fresh, healthy catches of North Carolina harvested shrimp; and

WHEREAS, shrimp trawling has been a vibrant and successful part of North Carolina's heritage and culture for all of its history and represents a means by which generations of commercial watermen create jobs, provide for their families, and contribute to the economic wellbeing of North Carolina's coastal communities; and


WHEREAS, existing state and federal regulations provide ample provisions for monitoring and regulation of commercial shrimping with serious penalties and sanctions for rule violations, which have proven to be effective in preventing overfishing and waste.

NOW THEREFORE BE IT RESOLVED that the Pasquotank County Board of Commissioners hereby opposes the petition for rulemaking to Designate Special Secondary Nursery Areas and Reduce Bycatch Mortality In North Carolina Coastal Fishing Waters as set forth by the NC Wildlife Federation and strongly urges the North Carolina Marine Fisheries Commission to reject it.

BE IT FURTHER RESOLVED that the Pasquotank County Board of Commissioners asks all coastal communities to support North Carolina's working watermen by adopting similar resolutions in opposition of this petition for rulemaking that would put North Carolina shrimping in jeopardy.

Adopted this the 6th day of February, 2017.

Pasquotank County Board of Commissioners


Cecil Perry, Chairman

ATTEST:


Lynn B. Scott, Clerk to the Board





MARY P. HUNNICUTT
CLERK TO BOARD

W. FRANK HEATH, III
COUNTY MANAGER

PERQUIMANS COUNTY BOARD OF COMMISSIONERS

P.O. BOX 45
HERTFORD, NORTH CAROLINA 27944
TELEPHONE: 1-252-426-7550

T. KYLE JONES
CHAIRMAN
FONDELLA A. LEIGH
VICE CHAIR
JOSEPH W. HOFFLER
EDWARD R. MUZZULIN
WALLACE E. NELSON
CHARLES WOODARD
W. HACKNEY HIGH, JR.
COUNTY ATTORNEY

April 3, 2017

Mr. Sammy Corbett
North Carolina Marine Fisheries Commission
P.O. Box 769
Morehead City, NC 28557

Re: Petition for Rulemaking

Dear Mr. Corbett:

I am writing to you on behalf of the Perquimans County Board of Commissioners. At their April 3, 2017 regular meeting, the Board voted to send this letter that supports Hyde County's Resolution recommending that the North Carolina Marine Fisheries Committee (MFC) deny the Petition for Rulemaking submitted by the North Carolina Wildlife Federation that proposes to designate the internal coastal and near oceanic waters of North Carolina special secondary nursery areas. The rules proposed in the Petition would close the internal coastal waters and near-shore oceanic waters of North Carolina to trawling unless opened by the North Carolina Division of Marine Fisheries (DMF), establish a shrimp size for shrimp trawling season to open, establish a more restrictive head rope size for shrimp trawls, create a trawl tow time for shrimp trawling, further restrict the taking of shrimp to daylight hours and three days per week, require the use of two DMF certified bycatch reduction devices in shrimp trawls, and create a recreational size limit of 8 inches for spot and 10 inches for croaker. The passage of this amendment would substantially affect the North Carolina residents, tourists, restaurants, and seafood retail.

A copy of the letter of support for Hyde County's Resolution opposing the Petition for Rulemaking will be forwarded to Governor Elect Roy Cooper, our Legislative Delegation, and each county in the State of North Carolina.

Sincerely yours,



T Kyle Jones, Chairman

TKJ/mh

cc: Representative Bob Steinburg
Senator Bill Cook
Governor Roy Cooper
Perquimans County Board of Commissioners

Tim Moore, Speak of the House
Phil Berger, President Pro Tempore
99 County Board of Commissioners

Perquimans County's Vision:

To be a community of opportunity in which to live, learn, work, prosper and play.



BOARD OF COMMISSIONERS

Frankie Waters, Chairman
Jerry E. Langley, Vice Chairman
Gary Brinn
Ronald Buzzeo
Ed Booth
Jerry Evans
Hood Richardson



**BEAUFORT COUNTY
NORTH CAROLINA**

COUNTY OFFICIALS

Brian M. Alligood, County Manager
Katie Mosher, Clerk to the Board
Anita Radcliffe, Finance Director
David Francisco, County Attorney

February 7, 2017

NC Division of Marine Fisheries
Attn: Sammy Corbett, Chairman
3441 Arendell Street
Morehead City, NC 28577

Dear Chairman Corbet,

The Beaufort County Board of Commissioners would like to express their opposition designate special secondary nursery areas and reduce bycatch mortality. I have included the resolution that was approved by the Board at their regularly held February 6, 2016 Board of Commissioners meeting. Please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script, which appears to read "Kathleen Mosher".

Kathleen Mosher, CMC, NCCCC
Clerk to the Board of County Commissioners
Beaufort County





RESOLUTION OPPOSING THE DESIGNATION OF SPECIAL SECONDARY NURSERY AREAS

WHEREAS, A PETITION FOR RULEMAKING TO DESIGNATE Special Secondary Nursery Areas and Reduce Bycatch Mortality has been submitted to the NC Marine Fisheries Commission by the NC Wildlife Foundation; and

WHEREAS, the petition seeks to designate all inshore and ocean waters out to three miles as Special Secondary Nursery Areas and define the type of gear and how and when gear may be used during shrimp season; and

WHEREAS, if adopted, the petition would severely limit shrimp trawling, which would have a devastating impact on commercial fishing families by arbitrarily impairing their livelihood and depriving American tables of fresh, healthy catches of North Carolina harvested shrimp; and

WHEREAS, shrimp trawling has been a vibrant and successful part of North Carolina's heritage and culture for all of its history and represents a means by which generations of commercial watermen create jobs, provide for their families, and contribute to the economic wellbeing of North Carolina's coastal communities; and

WHEREAS, existing state and federal regulations provide ample provisions for monitoring and regulation of commercial shrimping with serious penalties and sanctions for rule violations, which have proven to be effective in preventing overfishing and waste.

NOW THEREFORE BE IT RESOLVED that the Beaufort County Board of Commissioners hereby opposes the petition for rulemaking to Designate Special Secondary Nursery Areas and Reduce Bycatch Mortality in North Carolina Coastal Fishing Waters as set forth by the NC Wildlife Federation and strongly urges the North Carolina Marine Fisheries Commission to reject it.

BE IT FURTHER RESOLVED that the Beaufort County Board of Commissioners asks all coastal communities to support North Carolina's working watermen by adopting similar resolutions in opposition of this petition for rulemaking that would put North Carolina shrimping in jeopardy.

Adopted this the 6th day of February, 2017.

Frankie Waters, Chairman
Beaufort County Board of Commissioners

Kathleen Mosher, CMC, NCCCC
Clerk to the Board of Commissioners



County of Brunswick
Office of the County Commissioners



RESOLUTION

OPPOSING THE DESIGNATION OF SPECIAL SECONDARY NURSERY AREAS

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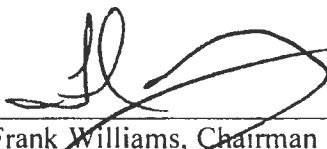
WHEREAS, if adopted, the petition would severely limit shrimp trawling, which would have a devastating impact on commercial fishing families by arbitrarily impairing their livelihood and depriving American tables of fresh, healthy catches of North Carolina harvested shrimp; and

WHEREAS, shrimp trawling has been a vibrant and successful part of North Carolina's heritage and culture for all of its history and represents a means by which generations of commercial watermen create jobs, provide for their families, and contribute to the economic wellbeing of North Carolina's coastal communities; and

WHEREAS, existing state and federal regulations provide ample provisions for monitoring and regulation of commercial shrimping with serious penalties and sanctions for rule violations, which have proven to be effective in preventing overfishing and waste.

NOW THEREFORE BE IT RESOLVED that the Brunswick County Board of Commissioners hereby urges the North Carolina Marine Fisheries Commission to make no changes to the relevant rules until such time as the matter has been further evaluated and the regulatory means have been found to achieve the desired resource outcomes without severe negative impacts to the commercial fishing industry in North Carolina.

This the 6th day of February, 2017.



Frank Williams, Chairman
Brunswick County Commissioners

Attest:



Andrea White
Clerk to the Board







**RESOLUTION
OPPOSING THE DESIGNATION OF SPECIAL SECONDARY NURSERY AREAS**

WHEREAS, a petition for rulemaking to designate Special Secondary Nursery Areas and Reduce Bycatch Mortality has been submitted to the NC Marine Fisheries Commission by the NC Wildlife Federation; and

WHEREAS, the petition seeks to designate all inshore and ocean waters out to three miles as Special Secondary Nursery Areas and define the type of gear and how and when gear may be used during shrimp season; and

WHEREAS, if adopted, the petition would severely limit shrimp trawling, which would have a devastating impact on commercial fishing families by arbitrarily impairing their livelihood and depriving American tables of fresh, healthy catches of North Carolina harvested shrimp; and

WHEREAS, shrimp trawling has been a vibrant and successful part of North Carolina's heritage and culture for all of its history and represents a means by which generations of commercial watermen create jobs, provide for their families, and contribute to the economic wellbeing of North Carolina's coastal communities; and

WHEREAS, existing state and federal regulations provide ample provisions for monitoring and regulation of commercial shrimping with serious penalties and sanctions for rule violations, which have proven to be effective in preventing overfishing and waste.

NOW THEREFORE BE IT RESOLVED that the Dare County Board of Commissioners hereby opposes the petition for rulemaking to Designate Special Secondary Nursery Areas and Reduce Bycatch Mortality In North Carolina Coastal Fishing Waters as set forth by the NC Wildlife Federation and strongly urges the North Carolina Marine Fisheries Commission to reject it.

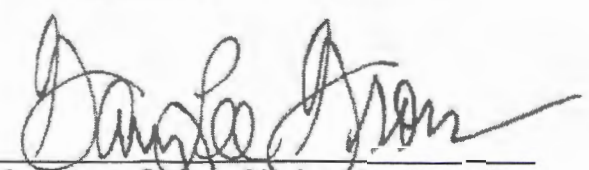
BE IT FURTHER RESOLVED that the Dare County Board of Commissioners asks all coastal communities to support North Carolina's working watermen by adopting similar resolutions in opposition of this petition for rulemaking that would put North Carolina shrimping in jeopardy.

Adopted this the 3rd day of January, 2017.

Dare County Board of Commissioners


Robert Woodard, Chairman

ATTEST:


Gary Lee Gross, Clerk to the Board





**RESOLUTION IN OPPOSITION TO PETITION FOR RULEMAKING TO AMEND 15A
ADMIN. CODE 3L .0101, 3L .0103, 3M .0522, 3M .0523, 3N .0151, AND 3R .0105 TO
DESIGNATE SPECIAL SECONDARY NURSERY AREAS AND REDUCE BYCATCH
MORTALITY IN NORTH CAROLINA COASTAL FISHING WATERS AS PRESENTED BY
THE NORTH CAROLINA WILDLIFE FEDERATION**

WHEREAS, The North Carolina Wildlife Federation has filed a Petition for Rulemaking to amend 15A Admin. Code 3L .0101, 3L .0103, 3M .0522, 3M .0523, 3N .0151, and 3R .0105 to Designate Special Secondary Nursery Areas and Reduce Bycatch Mortality in North Carolina Coastal Fishing Waters.

WHEREAS, Hyde County strives to promote and ensure the viability and sustainability of North Carolina's valuable fisheries resources for all citizens including consumers demanding fresh North Carolina seafood.

WHEREAS, Hyde County strongly supports this resolution against rulemaking that proposes reclassifying internal coastal waters as secondary nursery areas.

WHEREAS, Hyde County has a 300 year history of commercial fishing in Pamlico Sound and relies greatly on commercial fishing as their second largest industry supporting the Hyde County economy.

WHEREAS, hundreds of people in Hyde County rely on shrimp trawling to support their families, surrounding businesses, communities and the local economy. Hyde County's shrimp fishermen are small, family-owned, independent businesses that sell to seafood dealers that seasonally employ hundreds more and whose expenditures spread through the communities in Hyde County.

WHEREAS, trawl effects greatly depend on the design of the gear, intensity of use and location used. The largest proportion of the bottom of the Pamlico Sound is soft, muddy bottom or soft, sandy bottom, where shrimp trawls and their doors have not been found to be highly destructive.

WHEREAS, D. Corbett et al. 2004, found that shrimp trawl effects on the bottom found in most of the Pamlico Sound have been described by scientists as similar to harsh winter storms with short term impacts.

WHEREAS, R.A. Deehr 2012, found that scientists have found that trawling disturbance can stimulate an increase in population numbers of bottom invertebrates and that predators of those invertebrates were more common in areas not open to trawling.

WHEREAS, trawls are designed to be selective for target species by modifying the mesh size, modifying the design, and speed of tow and shrimp trawls in North Carolina are required to use finfish excluders to allow small fish to escape.

WHEREAS, according to Harrington, D.L. and R.A. Vendetti in 1996, as much as 70% of the juvenile finfish are excluded with finfish excluders and North Carolina was the first state to require finfish excluders in shrimp trawls in its internal waters.

WHEREAS, shrimp trawlers are also required to use Turtle Excluder Devices (TEDs) to allow sea turtles to escape and scientists have documented that TEDs exclude significant amounts of juvenile finfish.



WHEREAS, the Albemarle-Pamlico Sound, which is the largest brackish water body in any one state in the United States of America, is unique in its characteristics and cannot be compared to water bodies in other states.

WHEREAS, Pamlico Sound is one of the few water bodies that support commercial quantities of pink, white and brown shrimp in the south Atlantic.

WHEREAS, North Carolina is the only state that has formally designated nursery areas for juvenile fish, shrimp and crabs. All bottom-disturbing fishing gear is prohibited in these areas, including shrimp trawls and has been prohibited for over 35 years. The greatest majority of bays and creeks of western and northern Pamlico Sound are classified as secondary nursery areas to protect these populations.

WHEREAS, 124,000 acres of estuarine areas are classified as primary or secondary nursery areas. An additional 47,000 acres of brackish waters are classified as special secondary nursery areas. These areas are closed to trawling, but may be opened when the majority of juvenile fish have migrated from the areas. In 2006 almost 92,000 acres in the Pamlico, Pungo and Neuse Rivers were closed to shrimp trawling as part of the North Carolina Shrimp Fisheries Management Plan. In total almost 1,000,000 acres of internal coastal waters are closed to trawling in North Carolina representing approximately 48% of the total.

WHEREAS, North Carolina has not allowed trawling in Albemarle Sound since 1987. North Carolina closed extensive areas of submerged aquatic vegetation located on the eastern shore of the Outer Banks from Oregon Inlet to the mouth of Core Sound to shrimp trawling in 1994. These areas serve as nurseries for juvenile fish and shrimp.

WHEREAS, shrimp trawl fishermen try to fish in areas that maximize shrimp catch and minimize finfish bycatch. High amounts of finfish bycatch increase fuel costs and labor costs in addition to decreasing the economic quality of the shrimp caught. Shrimp trawl fishermen currently avoid high amounts of bycatch at every opportunity.

WHEREAS, characterizing bycatch in the North Carolina shrimp trawl fishery is difficult due to factors including but not limited to distribution of the bycatch species, variation in fishing effort, variations in gear, the seasonality of the fishery, and mortality of the bycatch species. The Director of the North Carolina Division of Marine Fisheries recognized in August of 2013 that 4.5 lbs of fish per lb. of shrimp is "not a good estimate" and is "not the appropriate way to characterize bycatch."

WHEREAS, the variation of the amount of finfish to shrimp in a shrimp trawl is tremendous. Scientists studying bycatch in North Carolina have cautioned that finfish/shrimp ratios tend to overestimate bycatch.

WHEREAS, survival rates of discarded finfish from the shrimp trawl catches are also difficult to accurately calculate. Survival rates are greatly influenced by trawl tow times, water temperatures, catch volumes, and the time it takes to cull the fish. Studies have shown that creatures of the ecosystem where the shrimp are caught do consume large quantities of the discarded finfish that die. Blue Crabs and other benthic invertebrates, birds and bottlenose dolphins all consume discarded finfish.

WHEREAS, North Carolina is recognized by other states and the federal government as having one of the best fisheries data collection programs in the country. Since 1978, North Carolina has been collecting detailed biological data on spot, Atlantic croaker, and gray trout; species most common in shrimp trawl bycatch. Data collected by the North Carolina Division of Marine Fisheries is used to assess population levels and to identify sources of fishing mortality.



WHEREAS, the 2010 Atlantic Croaker Stock Assessment Report for Peer Review, prepared by the Atlantic States Marine Fisheries Commission, states that in a 2010 stock assessment of Atlantic croaker, that while there was too much uncertainty in the models to precisely determine if the population was overfished, scientists state it is unlikely the stock is overfished based on other population data.

WHEREAS, spot are not classified as overfished but are classified as concerned by the North Carolina Division of Marine Fisheries, primarily based on landings. However, scientists recognize it is very difficult to determine population status from landings data.

WHEREAS, the Atlantic States Marine Fisheries Commission found in their Weakfish Stock Assessment Report in 2009 that there is little evidence that overfishing is occurring on weakfish and they believe other factors besides fishing are causing the weakfish stock decline.

WHEREAS, federal scientists in the 2005 South Atlantic Shrimp FMP found that while reviewing the stock status of weakfish, spot and Atlantic croaker, they could find no evidence to indicate that the mortality of shrimp trawls with TEDs was having a significant adverse effect on those populations.

WHEREAS, North Carolina has produced a fishery management plan for shrimp and other species. In addition, the federal government has developed a FMP for shrimp in the south Atlantic, with numerous amendments. None of these plans, amendments, or addendums has recommended a ban on inside shrimp trawling in North Carolina to ensure sustainability of these fisheries resources.

WHEREAS, Hyde County, North Carolina, located on the Pamlico Sound, is made up of small fishing and farming communities. Nearly half of Hyde County's economy is heavily reliant on the commercial fishing industry, namely the shrimp fishery, and a reclassification of most internal coastal waters as secondary nursery areas would be a crippling blow to an already economically distressed county.

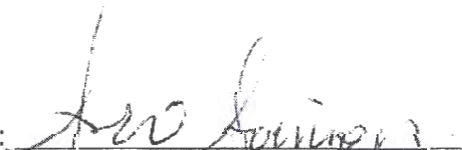
NOW, THEREFORE, BE IT RESOLVED that rulemaking reclassifying most internal coastal waters as special secondary nursery areas is not needed to improve fisheries management. The proposed reclassification will have a devastating impact on commercial fishing families and coastal fishing communities. The proposed reclassification will eliminate the availability to consumers of North Carolina harvested shrimp; a public resource to North Carolina residents, tourists, restaurants, and seafood retail.

NOW, THEREFORE, BE IT FURTHER RESOLVED that on behalf of the citizens of Hyde County, the Greater Hyde County Chamber of Commerce's Board of Directors strongly urge the North Carolina Marine Fisheries Commission to reject the proposed rule petition. Copies of this resolution in opposition to rule making that proposes reclassifying most internal coastal waters as secondary nursery areas will be forwarded to the Honorable Roy Cooper, NC Governor, Nancy Fish, NCDMF Commission Liaison, the Hyde County Legislative Delegation to the North Carolina General Assembly the North Carolina Chamber

Adopted this the 10th day of January, 2017, in Hyde County, North Carolina.



SIGNATURE OF CHAMBER PRESIDENT

ATTEST: 
EXECUTIVE DIRECTOR

COUNTY OF HYDE

Board of Commissioners

Earl Pugh, Jr., Chair
Barry Swindell, Vice-Chair
Benjamin Simmons, III
Tom Pahl
Dick Tunnell

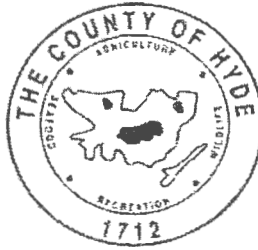
30 Oyster Creek Road
PO Box 188

SWAN QUARTER, NORTH CAROLINA 27885
252-926-4400
252-926-3701 Fax

Bill Rich
County Manager

Fred Holscher
County Attorney

Lois Stotesberry, CMC, NCCCC
Clerk to the Board



January 3, 2017

Mr. Sammy Corbett
North Carolina Marine Fisheries Commission
P.O. Box 769
Morehead City, NC 28557

Dear Mr. Corbett:

The Hyde County Board of Commissioners, through attached resolution, recommends that the North Carolina Marine Fisheries Committee (MFC) deny the Petition for Rulemaking submitted by the North Carolina Wildlife Federation that proposes to designate the internal coastal and near oceanic waters of North Carolina special secondary nursery areas. The rules proposed in the Petition would close the internal coastal waters and near-shore oceanic waters of North Carolina to trawling unless opened by the North Carolina Division of Marine Fisheries (DMF), establish a shrimp size for shrimp trawling season to open, establish a more restrictive headrope size for shrimp trawls, create a trawl tow time for shrimp trawling, further restrict the taking of shrimp to daylight hours and three days per week, require the use of two DMF certified bycatch reduction devices in shrimp trawls, and create a recreational size limit of 8 inches for spot and 10 inches for croaker.

The Petition should be denied by the MFC because of several substantial and pertinent reasons. First, the Petition should be denied because such comprehensive changes to fisheries should be developed by fishery managements plans (FMP's). The North Carolina General Assembly, through the Fisheries Reform Act, clearly desired that such comprehensive changes in management measures for important recreational and commercial species in North Carolina be developed through FMP's.

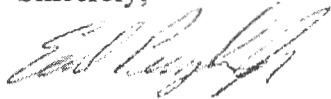
Secondly, the Petition should be denied because these issues were recently discussed and addressed by the 2015 Shrimp FMP after two years of development. Bycatch and habitat protection measures were deliberated by the DMF and MFC Shrimp FMP Advisory Committee through the development of the FMP. Recommendations were reviewed by several other MFC advisory committees. Many public meetings were held where stakeholders provided input.



Thirdly, the Petition should be denied because the cost factors described in the Petition are clearly inadequately described. This omission is significant because the shrimp fishery is North Carolina's most important fishery economically.

The proposals will have a substantial economic impact on many small businesses, have significant negative effects on coastal communities and negatively impact the availability of North Carolina shrimp to consumers, which is why we are recommending that the MFC deny the Petition for Rulemaking submitted by the North Carolina Wildlife Federation.

Sincerely,



Earl Pugh, Jr. Chairman
Hyde County Board of Commissioners

EP/roj

cc: Governor-Elect Roy Cooper
Senator Norman W. Sanderson
Representative Pat McElraft
Representative Tim Moore
Dr. Braxton Davis



**RESOLUTION IN OPPOSITION TO PETITION FOR RULEMAKING TO AMEND 15A
ADMIN. CODE 3L .0101, 3L .0103, 3M .0522, 3M .0523, 3N .0151, AND 3R .0105 TO
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WHEREAS, The North Carolina Wildlife Federation has filed a Petition for Rulemaking to amend 15A Admin. Code 3L .0101, 3L .0103, 3M .0522, 3M .0523, 3N .0151, and 3R .0105 to Designate Special Secondary Nursery Areas and Reduce Bycatch Mortality in North Carolina Coastal Fishing Waters.

WHEREAS, Hyde County strives to promote and ensure the viability and sustainability of North Carolina's valuable fisheries resources for all citizens including consumers demanding fresh North Carolina seafood.

WHEREAS, Hyde County strongly supports this resolution against rulemaking that proposes reclassifying internal coastal waters as secondary nursery areas.

WHEREAS, Hyde County has a 300 year history of commercial fishing in Pamlico Sound and relies greatly on commercial fishing as their second largest industry supporting the Hyde County economy.

WHEREAS, hundreds of people in Hyde County rely on shrimp trawling to support their families, surrounding businesses, communities and the local economy. Hyde County's shrimp fishermen are small, family-owned, independent businesses that sell to seafood dealers that seasonally employ hundreds more and whose expenditures spread through the communities in Hyde County.

WHEREAS, trawl effects greatly depend on the design of the gear, intensity of use and location used. The largest proportion of the bottom of the Pamlico Sound is soft, muddy bottom or soft, sandy bottom, where shrimp trawls and their doors have not been found to be highly destructive.

WHEREAS, D. Corbett et al. 2004, found that shrimp trawl effects on the bottom found in most of the Pamlico Sound have been described by scientists as similar to harsh winter storms with short term impacts.

WHEREAS, R.A. Deehr 2012, found that scientists have found that trawling disturbance can stimulate an increase in population numbers of bottom invertebrates and that predators of those invertebrates were more common in areas not open to trawling.

WHEREAS, trawls are designed to be selective for target species by modifying the mesh size, modifying the design, and speed of tow and shrimp trawls in North Carolina are required to use finfish excluders to allow small fish to escape.

WHEREAS, according to Harrington, D.L. and R.A. Vendetti in 1996, as much as 70% of the juvenile finfish are excluded with finfish excluders and North Carolina was the first state to require finfish excluders in shrimp trawls in its internal waters.

WHEREAS, shrimp trawlers are also required to use Turtle Excluder Devices (TEDs) to allow sea turtles to escape and scientists have documented that TEDs exclude significant amounts of juvenile finfish.



WHEREAS, the Albemarle-Pamlico Sound, which is the largest brackish water body in any one state in the United States of America, is unique in its characteristics and cannot be compared to water bodies in other states.

WHEREAS, Pamlico Sound is one of the few water bodies that support commercial quantities of pink, white and brown shrimp in the south Atlantic.

WHEREAS, North Carolina is the only state that has formally designated nursery areas for juvenile fish, shrimp and crabs. All bottom-disturbing fishing gear is prohibited in these areas, including shrimp trawls and has been prohibited for over 35 years. The greatest majority of bays and creeks of western and northern Pamlico Sound are classified as secondary nursery areas to protect these populations.

WHEREAS, 124,000 acres of estuarine areas are classified as primary or secondary nursery areas. An additional 47,000 acres of brackish waters are classified as special secondary nursery areas. These areas are closed to trawling, but may be opened when the majority of juvenile fish have migrated from the areas. In 2006 almost 92,000 acres in the Pamlico, Pungo and Neuse Rivers were closed to shrimp trawling as part of the North Carolina Shrimp Fisheries Management Plan. In total almost 1,000,000 acres of internal coastal waters are closed to trawling in North Carolina representing approximately 48% of the total.

WHEREAS, North Carolina has not allowed trawling in Albemarle Sound since 1987. North Carolina closed extensive areas of submerged aquatic vegetation located on the eastern shore of the Outer Banks from Oregon Inlet to the mouth of Core Sound to shrimp trawling in 1994. These areas serve as nurseries for juvenile fish and shrimp.

WHEREAS, shrimp trawl fishermen try to fish in areas that maximize shrimp catch and minimize finfish bycatch. High amounts of finfish bycatch increase fuel costs and labor costs in addition to decreasing the economic quality of the shrimp caught. Shrimp trawl fishermen currently avoid high amounts of bycatch at every opportunity.

WHEREAS, characterizing bycatch in the North Carolina shrimp trawl fishery is difficult due to factors including but not limited to distribution of the bycatch species, variation in fishing effort, variations in gear, the seasonality of the fishery, and mortality of the bycatch species. The Director of the North Carolina Division of Marine Fisheries recognized in August of 2013 that 4.5 lbs. of fish per lb. of shrimp is "not a good estimate" and is "not the appropriate way to characterize bycatch."

WHEREAS, the variation of the amount of finfish to shrimp in a shrimp trawl is tremendous. Scientists studying bycatch in North Carolina have cautioned that finfish/shrimp ratios tend to overestimate bycatch.

WHEREAS, survival rates of discarded finfish from the shrimp trawl catches are also difficult to accurately calculate. Survival rates are greatly influenced by trawl tow times, water temperatures, catch volumes, and the time it takes to cull the fish. Studies have shown that creatures of the ecosystem where the shrimp are caught do consume large quantities of the discarded finfish that die. Blue Crabs and other benthic invertebrates, birds and bottlenose dolphins all consume discarded finfish.

WHEREAS, North Carolina is recognized by other states and the federal government as having one of the best fisheries data collection programs in the country. Since 1978, North Carolina has been collecting detailed biological data on spot, Atlantic croaker, and gray trout; species most common in shrimp trawl bycatch. Data collected by the North Carolina Division of Marine Fisheries is used to assess population levels and to identify sources of fishing mortality.



WHEREAS, the 2010 Atlantic Croaker Stock Assessment Report for Peer Review, prepared by the Atlantic States Marine Fisheries Commission, states that in a 2010 stock assessment of Atlantic croaker, that while there was too much uncertainty in the models to precisely determine if the population was overfished, scientists state it is unlikely the stock is overfished based on other population data.

WHEREAS, spot are not classified as overfished but are classified as concerned by the North Carolina Division of Marine Fisheries, primarily based on landings. However, scientists recognize it is very difficult to determine population status from landings data.

WHEREAS, the Atlantic States Marine Fisheries Commission found in their Weakfish Stock Assessment Report in 2009 that there is little evidence that overfishing is occurring on weakfish and they believe other factors besides fishing are causing the weakfish stock decline.

WHEREAS, federal scientists in the 2005 South Atlantic Shrimp FMP found that while reviewing the stock status of weakfish, spot and Atlantic croaker, they could find no evidence to indicate that the mortality of shrimp trawls with TEDs was having a significant adverse effect on those populations.

WHEREAS, North Carolina has produced a fishery management plan for shrimp and other species. In addition, the federal government has developed a FMP for shrimp in the south Atlantic, with numerous amendments. None of these plans, amendments, or addendums has recommended a ban on inside shrimp trawling in North Carolina to ensure sustainability of these fisheries resources.

NOW, THEREFORE, BE IT RESOLVED that rulemaking reclassifying most internal coastal waters as special secondary nursery areas is not needed to improve fisheries management. The proposed reclassification will have a devastating impact on commercial fishing families and coastal fishing communities. The proposed reclassification will eliminate the availability to consumers of North Carolina harvested shrimp; a public resource to North Carolina residents, tourists, restaurants, and seafood retail.

NOW, THEREFORE, BE IT FURTHER RESOLVED that on behalf of the citizens of Hyde County, the Hyde County Board of Commissioners strongly urge the North Carolina Marine Fisheries Commission to reject the proposed rule petition. Copies of this resolution in opposition to rule making that proposes reclassifying most internal coastal waters as secondary nursery areas will be forwarded to the Honorable Roy Cooper, NC Governor Elect, Nancy Fish, NCDMF Commission Liaison, the Hyde County Legislative Delegation to the North Carolina General Assembly and each county in the great state of North Carolina.

Adopted this the 3rd day of January, 2017, in Hyde County, North Carolina.



SIGNATURE OF BOARD CHAIR

ATTEST: 
CLERK TO THE BOARD



COUNTY OF CURRITUCK

RESOLUTION OPPOSING THE DESIGNATION OF SPECIAL SECONDARY NURSERY AREAS

WHEREAS, a petition for rulemaking to designate Special Secondary Nursery Areas and Reduce Bycatch Mortality has been submitted to the NC Marine Fisheries Commission by the NC Wildlife Federation; and

WHEREAS, the petition seeks to designate all inshore and ocean waters out to three miles as Special Secondary Nursery Areas and define the type of gear and how and when gear may be used during shrimp season; and

WHEREAS, if adopted, the petition would severely limit shrimp trawling, which would have a devastating impact on commercial fishing families by arbitrarily impairing their livelihood and depriving American tables of fresh, healthy catches of North Carolina harvested shrimp; and

WHEREAS, shrimp trawling has been a vibrant and successful part of North Carolina's heritage and culture for all of its history and represents a means by which generations of commercial watermen create jobs, provide for their families, and contribute to the economic wellbeing of North Carolina's coastal communities; and

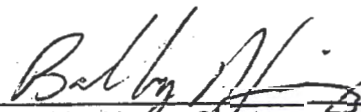
WHEREAS, existing state and federal regulations provide ample provisions for monitoring and regulation of commercial shrimping with serious penalties and sanctions for rule violations, which have proven to be effective in preventing overfishing and waste.

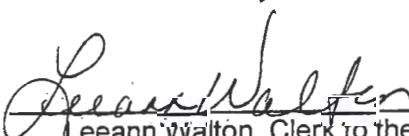
NOW THEREFORE BE IT RESOLVED that the Currituck County Board of Commissioners hereby opposes the petition for rulemaking to Designate Special Secondary Nursery Areas and Reduce Bycatch Mortality in North Carolina Coastal Fishing Waters as set forth by the NC Wildlife Federation and strongly urges the North Carolina Marine Fisheries Commission to reject it.

BE IT FURTHER RESOLVED that the Currituck County Board of Commissioners asks all coastal communities to support North Carolina's working watermen by adopting similar resolutions in opposition of this petition for rulemaking that would put North Carolina shrimping in jeopardy.

Adopted this the 6th day of March, 2017.




Bobby Harig, Chairman
Currituck County Board of Commissioners

ATTEST: 
Leeann Walton, Clerk to the Board



RESOLUTION IN OPPOSITION TO PETITION FOR RULEMAKING TO AMEND 15A ADMIN.
CODE 3L .0101, 3L .0103, 3M .0522, 3M .0523, 3N .0151, AND 3R .0105 TO DESIGNATE SPECIAL
SECONDARY NURSERY AREAS AND REDUCE BYCATCH MORTALITY IN NORTH
CAROLINA COASTAL FISHING WATERS AS PRESENTED BY THE NORTH CAROLINA
WILDLIFE FEDERATION

WHEREAS, The North Carolina Wildlife Federation has filed a Petition for Rulemaking to amend 15A Admin. Code 3L .0101, 3L .0103, 3M .0522, 3M .0523, 3N .0151, and 3R .0105 to Designate Special Secondary Nursery Areas and Reduce Bycatch Mortality in North Carolina Coastal Fishing Waters.

WHEREAS, Pamlico County strives to promote and ensure the viability and sustainability of North Carolina's valuable fisheries resources for all citizens including consumers demanding fresh North Carolina seafood.

WHEREAS, Pamlico County strongly supports this resolution against rulemaking that proposes reclassifying internal coastal waters as secondary nursery areas.

WHEREAS, Pamlico County has long history of commercial fishing in Pamlico Sound and relies greatly on commercial fishing as one of the largest industries supporting the Pamlico County economy.

WHEREAS, hundreds of people in Pamlico County rely on shrimp trawling to support their families, surrounding businesses, communities and the local economy. Pamlico County's shrimp fishermen are small, family-owned, independent businesses that sell to seafood dealers that seasonally employ hundreds more and whose expenditures spread through the communities in Pamlico County.

WHEREAS, trawl effects greatly depend on the design of the gear, intensity of use and location used. The largest proportion of the bottom of the Pamlico Sound is soft, muddy bottom or soft, sandy bottom, where shrimp trawls and their doors have not been found to be highly destructive.

WHEREAS, D. Corbett et al. 2004, found that shrimp trawl effects on the bottom found in most of the Pamlico Sound have been described by scientists as similar to harsh winter storms with short term impacts.

WHEREAS, R.A. Deehr 2012, found that scientists have found that trawling disturbance can stimulate an increase in population numbers of bottom invertebrates and that predators of those invertebrates were more common in areas not open to trawling.

WHEREAS, trawls are designed to be selective for target species by modifying the mesh size, modifying the design, and speed of tow and shrimp trawls in North Carolina are required to use finfish excluders to allow small fish to escape.

WHEREAS, according to Harrington, D.L. and R.A. Vendetti in 1996, as much as 70% of the juvenile finfish are excluded with finfish excluders and North Carolina was the first state to require finfish excluders in shrimp trawls in its internal waters.

WHEREAS, shrimp trawlers are also required to use Turtle Excluder Devices (TEDs) to allow sea turtles to escape and scientists have documented that TEDs exclude significant amounts of juvenile finfish.



WHEREAS, the Albemarle-Pamlico Sound, which is the largest brackish water body in any one state in the United States of America, is unique in its characteristics and cannot be compared to water bodies in other states.

WHEREAS, Pamlico Sound is one of the few water bodies that support commercial quantities of pink, white and brown shrimp in the south Atlantic.

WHEREAS, North Carolina is the only state that has formally designated nursery areas for juvenile fish, shrimp and crabs. All bottom-disturbing fishing gear is prohibited in these areas, including shrimp trawls and has been prohibited for over 35 years. The greatest majority of bays and creeks of western and northern Pamlico Sound are classified as secondary nursery areas to protect these populations.

WHEREAS, 124,000 acres of estuarine areas are classified as primary or secondary nursery areas. An additional 47,000 acres of brackish waters are classified as special secondary nursery areas. These areas are closed to trawling, but may be opened when the majority of juvenile fish have migrated from the areas. In 2006 almost 92,000 acres in the Pamlico, Pungo, and Neuse Rivers were closed to shrimp trawling as part of the North Carolina Shrimp Fisheries Management Plan. In total almost 1,000,000 acres of internal coastal waters are closed to trawling in North Carolina representing approximately 48% of the total.

WHEREAS, North Carolina has not allowed trawling in Albemarle Sound since 1987. North Carolina closed extensive areas of submerged aquatic vegetation located on the eastern shore of the Outer Banks from Oregon Inlet to the mouth of Core Sound to shrimp trawling in 1994. These areas serve as nurseries for juvenile fish and shrimp.

WHEREAS, shrimp trawl fishermen try to fish in areas that maximize shrimp catch and minimize finfish bycatch. High amounts of finfish bycatch increase fuel costs and labor costs in addition to decreasing the economic quality of the shrimp caught. Shrimp trawl fishermen currently avoid high amounts of bycatch at every opportunity.

WHEREAS, characterizing bycatch in the North Carolina shrimp trawl fishery is difficult due to factors including but not limited to distribution of the bycatch species, variation in fishing effort, variations in gear, the seasonality of the fishery, and mortality of the bycatch species. The Director of the North Carolina Division of Marine Fisheries recognized in August of 2013 that 4.5 lbs. of fish per lb. of shrimp is "not a good estimate" and is "not the appropriate way to characterize bycatch."

WHEREAS, the variation of the amount of finfish to shrimp in a shrimp trawl is tremendous. Scientists studying bycatch in North Carolina have cautioned that finfish/shrimp ratios tend to overestimate bycatch.

WHEREAS, survival rates of discarded finfish from the shrimp trawl catches are also difficult to accurately calculate. Survival rates are greatly influenced by trawl tow times, water temperatures, catch volumes, and the time it takes to cull the fish. Studies have shown that creatures of the ecosystem where the shrimp are caught do consume large quantities of the discarded finfish that die. Blue Crabs and other benthic invertebrates, birds and bottlenose dolphins all consume discarded finfish.

WHEREAS, North Carolina is recognized by other states and the federal government as having one of the best fisheries data collection programs in the country. Since 1978, North Carolina has been collecting detailed biological data on spot, Atlantic croaker, and gray trout; species most common in shrimp trawl bycatch. Data collected by the North Carolina Division of Marine Fisheries is used to assess population levels and to identify sources of fishing mortality.



WHEREAS, the 2010 Atlantic Croaker Stock Assessment Report for Peer Review, prepared by the Atlantic States Marine Fisheries Commission, states that in a 2010 stock assessment of Atlantic croaker, that while there was too much uncertainty in the models to precisely determine if the population was overfished, scientists state it is unlikely the stock is overfished based on other population data.

WHEREAS, spot are not classified as overfished but are classified as concerned by the North Carolina Division of Marine Fisheries, primarily based on landings. However, scientists recognize it is very difficult to determine population status from landings data.

WHEREAS, the Atlantic States Marine Fisheries Commission found in their Weakfish Stock Assessment Report in 2009 that there is little evidence that overfishing is occurring on weakfish and they believe other factors besides fishing are causing the weakfish stock decline.

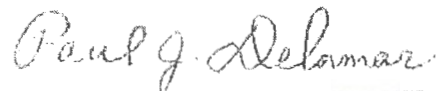
WHEREAS, federal scientists in the 2005 South Atlantic Shrimp FMP found that while reviewing the stock status of weakfish, spot and Atlantic croaker, they could find no evidence to indicate that the mortality of shrimp trawls with TEDs was having a significant adverse effect on those populations.

WHEREAS, North Carolina has produced a fishery management plan for shrimp and other species. In addition, the federal government has developed a FMP for shrimp in the south Atlantic, with numerous amendments. None of these plans, amendments, or addendums has recommended a ban on inside shrimp trawling in North Carolina to ensure sustainability of these fisheries resources.

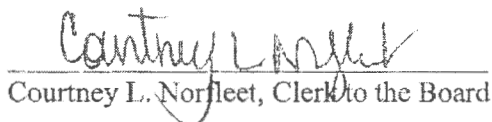
NOW, THEREFORE, BE IT RESOLVED, that rulemaking reclassifying most internal coastal waters as special secondary nursery areas is not needed to improve fisheries management. The proposed reclassification will have a devastating impact on commercial fishing families and coastal fishing communities. The proposed reclassification will eliminate the availability to consumers of North Carolina harvested shrimp; a public resource to North Carolina residents, tourists, restaurants, and seafood retail.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that on behalf of the citizens of Pamlico County, the Pamlico County Board of Commissioners strongly urge the North Carolina Marine Fisheries Commission to reject the proposed rule petition. Copies of this resolution in opposition to rule making that proposes reclassifying most internal coastal waters as secondary nursery areas will be forwarded to the Honorable Roy Cooper, NC Governor, Nancy Fish, NCDMF Commission Liaison, the Pamlico County Legislative Delegation to the North Carolina General Assembly and each county in the great state of North Carolina.

Adopted this the 17th day of January, 2017, in Pamlico County, North Carolina.



Paul J. Delamar, Chairman



Courtney L. Norfleet, Clerk to the Board



COUNTY OF PAMLICO

DEPARTMENT OF ECONOMIC
DEVELOPMENT
POST OFFICE BOX 776
BAYBORO, NORTH CAROLINA 28515
(252) 745-3081
FAX (252) 745-3754

January 24, 2017

Mr. Sammy Corbett
NC Marine Fisheries Association
P.O. Box 769
Morehead City, NC 2855

Dear Mr. Corbett,

We are writing you to request your assistance with an urgent matter that would have severe economic, environmental and social impact on all of North Carolina. This office has deep concerns regarding the Rulemaking Petition brought by the North Carolina Wildlife Federation and Southern Environmental Law and how it will detrimentally impact on all of North Carolina.

The Petition is an admitted attempt by the Petitioners to circumvent already established processes, precedent, Division of Marine Fisheries authority and a newly implemented, as of January 2017 Shrimp FMP, completed by the Division of Marine Fisheries and relevant committees. The Petition was voted down by the NC Marine Fisheries Committee that advises the NC Marine Fisheries Commission at a committee meeting held in New Bern, North Carolina on January 17, 2017.

The Petition, which has inaccurate statistical representations and is still being presented for a vote before the NC Marine Fisheries Commission on February 15th and 16th, would cause the majority of remaining 6,500+ persons employed in the seafood industry in North Carolina to be unemployed. This is after already losing nearly 40% of that industry's jobs due to regulations and imports. Most of the jobs that will be lost are well paying jobs in low income, rural areas that are not seeing much investment in economic development by the State of North Carolina. The Petition will cause significant seafood industry jobs loss in Eastern North Carolina and result in a large economic impact on surrounding businesses, communities and tourism.

If the Petition is passed by the Commission, resulting significant jobs losses in North Carolina's seafood industry could cause additional issues impacting marine species arising from unregulated foreign commercial fishermen. These outside interests would naturally seek to fill the niche previously filled by regulated NC commercial fishermen. Their unregulated attempts to meet the increased demand for seafood in North Carolina and the world would decimate many North Carolina marine species.

Please read the attached study done by Rebecca A. Deehra, Coastal Resources Management Program, East Carolina University, Greenville, NC. This scientific study shows that there are surprising benefits as a result of shrimp trawling and was an outcome the study author had not anticipated.

The attached Pamlico County Economic Snapshot shows a brief synopsis of Pamlico County's direct seafood jobs loss over the last 15+ years and economic multiplier of those losses on other businesses and their communities due to regulations on the seafood industry in North Carolina. It can be used to extrapolate the total impacts in jobs and tax revenues lost to the state and its communities.

Thank you for your assistance in encouraging the NC Fisheries Commission to strike down this Petition that is detrimental to the well-being of the State of North Carolina and circumvents the authority and due process carried by the Division of Marine Fisheries.

Respectfully submitted,

Beth Bucksot
Director of Planning and Economic Development
Pamlico County, NC



RESOLUTION 17-001
Opposing the Designation of Special Secondary Nursery Areas

WHEREAS, a petition for rulemaking to designate Special Secondary Nursery Areas and Reduce Bycatch Mortality has been submitted to the NC Marine Fisheries Commission by the NC Wildlife Federation; and,

WHEREAS, the petition seeks to designate all inshore and ocean waters out to three miles as Special Secondary Nursery Areas and define the type of gear and how and when gear may be used during shrimp season; and,

WHEREAS, if adopted, the petition would severely limit shrimp trawling, which would have a devastating impact on commercial fishing families by arbitrarily impairing their livelihood and depriving American tables of fresh, healthy catches of North Carolina harvested shrimp; and,

WHEREAS, shrimp trawling has been a vibrant and successful part of North Carolina's heritage and culture for all of its history and represents a means by which generations of commercial watermen create jobs, provide for their families, and contribute to the economic wellbeing of North Carolina's coastal communities; and

WHEREAS, existing state and federal regulations provide ample provisions for monitoring and regulation of commercial shrimping with serious penalties and sanctions for rule violations, which have proven to be effective in preventing overfishing and waste.

NOW THEREFORE BE IT RESOLVED that the Onslow County Board of Commissioners hereby opposes the petition for rulemaking to Designate Special Secondary Nursery Areas and Reduce Bycatch Mortality in North Carolina Coastal Fishing Waters as set forth by the NC Wildlife Federation and strongly urges the North Carolina Marine Fisheries Commission to reject it.

BE IT FURTHER RESOLVED that the Onslow County Board of Commissioners asks all coastal communities to support North Carolina's working watermen by adopting similar resolutions in opposition of this petition for rulemaking that would put North Carolina shrimping in jeopardy.

Adopted this the 6th day of February, 2017.

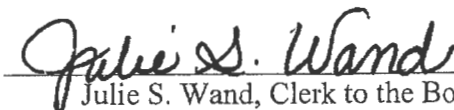
Onslow County Board of Commissioners





Jack Bright, Chairman

ATTEST:



Julie S. Wand, Clerk to the Board





COUNTY OF PAMLICO

DEPARTMENT OF ECONOMIC
DEVELOPMENT
POST OFFICE BOX 776
BAYBORO, NORTH CAROLINA 28515
(252) 745-3081
FAX (252) 745-3754

**Rule Making Petition Commission Hearing
"Pamlico County: An Economic Snapshot"
February 15th and 16th, 2017
Wilmington, NC**

Pamlico County: An Economic Snapshot of Effects of Regulations on Coastal and Inner Banks Communities.

- Pamlico County- population 13,144 -500 reside in a State residential housing facility- Pamlico Correctional Facility, a state prison
- Real population numbers contributing to the local economy are just over 12,500 persons. If you remove the children and retired populations out of the 12,500 free population, of those, approximately 5,500 – 6,000 are of working age
- In the last 15 years in Pamlico County lost over 1,200 direct jobs in the seafood industry
- Most of those who worked in seafood industry were of the age to have families. Most families have 4 persons. $1,200 \times 4 = 4,800$ persons immediately impacted by jobs loss. If you want to remove any variables in family members numbers you can take away 800 people and still have 4,000 persons in those fishing communities directly impacted by jobs loss
- If you add in the loss of over 600 migrant workers the economic impact soars even more.
- In a 6 year span we lost 86 non seafood related Chamber of Commerce businesses. 84 went out of business and 2 moved. 80% were in communities impacted by seafood regulations and rising fuel costs. These were not seafood businesses but were businesses that saw loss of income due to the decline of local fishing fleets packing out in their communities.
- If you multiply this across the state and you look at the income lost by families and communities and the tax revenues lost by towns, counties and the State of NC it is significant. Add in lost jobs from the multiplier effect of supporting businesses and it is scary.
- For Pamlico County, the NC Department of Commerce numbers and Census Bureau numbers regarding the economic impact of fishing industry are way off. This is probably the case for most small coastal communities in the State. For an example: Census data shows 0 jobs and 0



economic impact of the fishing industry on Pamlico County. Actual numbers from ticketed landings numbers in 2013 are approximately 383 direct jobs; Income impacts: \$7,260,000. Total economic impact to the county: \$17,356,000.

- Seafood Industry to the State of North Carolina from ticketed landings, impacts for 2013 were: 6,745 direct jobs; Income impacts: \$127,709,000. Total economic impact to the state: \$305,293,000
- If you multiply the losses across the state and look at the income lost by families and communities and the tax revenues lost by towns, counties and the State of NC it is significant. Add in lost jobs from the multiplier of supporting businesses and it is scary.

Thank you for taking the time to read the "Pamlico County: An Economic Snapshot". We are respectfully asking you to strike down the Rulemaking Petition and to allow the precedent of due process through procedures already in place to continue. If you have further questions. Please feel free to contact this office.

Respectfully submitted,

Beth Bucksot
Director of Planning and Economic Development
Pamlico County, NC
PO Box 776
Bayboro, NC 28515
(252)-745-3081
beth.bucksot@pamlicocounty.org



BOARD OF COMMISSIONERS

CLAYTON D. RIGGS
Chairman

CL. TOM WHITE
Vice Chairman

GARRY W. MILLIGES
RANDY KRAINIAK
ROSS H. KILGORE



CAMDENCOUNTY

new energy. new vision.

MICHAEL E. BRITTLER
County Manager

ANGELA L. WOOTEN
Clerk to the Board

JOHN S. MORRISON
County Attorney

RESOLUTION No. 2017-02-02

Opposing the Designation of Special Secondary Nursery Areas

WHEREAS, a petition for rulemaking to designate Special Secondary Nursery Areas and Reduce Bycatch Mortality has been submitted to the NC Marine Fisheries Commission by the NC Wildlife Federation; and,

WHEREAS, the petition seeks to designate all inshore and ocean waters out to three miles as Special Secondary Nursery Areas and define the type of gear and how and when gear may be used during shrimp season; and,

WHEREAS, if adopted, the petition would severely limit shrimp trawling, which would have a devastating impact on commercial fishing families by arbitrarily impairing their livelihood and depriving American tables of fresh, healthy catches of North Carolina harvested shrimp; and,

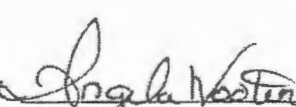
WHEREAS, shrimp trawling has been a vibrant and successful part of North Carolina's heritage and culture for all of its history and represents a means by which generations of commercial watermen create jobs, provide for their families, and contribute to the economic wellbeing of North Carolina's coastal communities; and

WHEREAS, existing state and federal regulations provide ample provisions for monitoring and regulation of commercial shrimping with serious penalties and sanctions for rule violations, which have proven to be effective in preventing overfishing and waste.

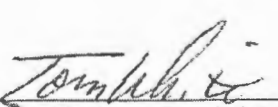
NOW THEREFORE BE IT RESOLVED that the Camden County Board of Commissioners hereby opposes the petition for rulemaking to Designate Special Secondary Nursery Areas and Reduce Bycatch Mortality in North Carolina Coastal Fishing Waters as set forth by the NC Wildlife Federation and strongly urges the North Carolina Marine Fisheries Commission to reject it.

BE IT FURTHER RESOLVED that the Camden County Board of Commissioners asks all coastal communities to support North Carolina's working watermen by adopting similar resolutions in opposition of this petition for rulemaking that would put North Carolina shrimping in jeopardy.

ADOPTED this 20th day of February, 2017.

ATTEST 
Angela L. Wooten
Clerk to the Board




Vice Chairman Tom White
Camden County Board of Commissioners

COPY



2-2-17

To: Mr. Corbett
MFC Chairman
P O Box 769
Morehead City 28557

From: Pamlico County Farm Bureau Board of Directors

Dear Mr. Corbett,

Pamlico County Farm Bureau represents roughly 2,200 member families within the community and many of which are directly or indirectly tied to the commercial fishing industry.

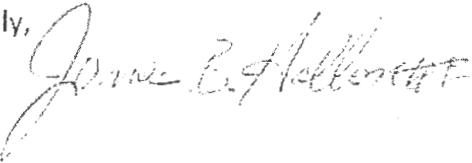
We believe that North Carolina citizens should have access to foods produced on our lands and from our waters. We support the right of the commercial fishermen to make a living providing food to the consumer.

On November 2, 2016 the NC Wildlife Federation filed a petition with the North Carolina Marine Fisheries Division to turn the Pamlico Sound, adjacent waters including the ocean (out to three miles) into a secondary nursery area. By doing so, this would eliminate night trawling, reduce tow times and ultimately reduce the work week for shrimpers to three days a week. This ruling would devastate our community and eliminate the fishery and other associated fisheries such as oyster dredging, crab trawling, peeler crab trawling and many more from our community and state.

We support basing access of fisheries by commercial fishermen and recreational fishermen on sound science. We support trawling in North Carolina's estuaries until sound science supports otherwise.

Adding further restrictions to our state's commercial fishermen operating in our estuaries would be an economic hardship on the entire industry, generating year-round negative economic consequences throughout these communities. We solicit your support in opposing the Wildlife Federation Petition for Rulemaking.

Sincerely,

A handwritten signature in dark ink, appearing to read "James B. Hollenbeck". The signature is fluid and cursive, written over a light blue horizontal line.

Pamlico County Board of Directors



**RESOLUTION IN OPPOSITION TO PETITION FOR RULEMAKING TO AMEND 15A
ADMIN. CODE 3L .0101, 3L .0103, 3M .0522, 3M .0523, 3N .0151, AND 3R .0105 TO
DESIGNATE SPECIAL SECONDARY NURSERY AREAS AND REDUCE BYCATCH
MORTALITY IN NORTH CAROLINA COASTAL FISHING WATERS AS PRESENTED BY
THE NORTH CAROLINA WILDLIFE FEDERATION**

WHEREAS, The North Carolina Wildlife Federation ("the Federation") has filed a Petition ("Petition") for Rulemaking to amend 15A Admin. Code 3L .0101, 3L .0103, 3M .0522, 3M .0523, 3N .0151, and 3R .0105 to Designate Special Secondary Nursery Areas and Reduce Bycatch Mortality in North Carolina Coastal Fishing Waters.

WHEREAS, Tyrrell County strives to promote and ensure the viability and sustainability of North Carolina's valuable fisheries resources for all citizens including consumers demanding fresh North Carolina seafood.

WHEREAS, Tyrrell County strongly endorses support of this resolution against rulemaking that proposes reclassifying internal coastal waters as secondary nursery areas.

WHEREAS, Tyrrell County has a long history of commercial fishing in the Pamlico Sound and relies greatly on commercial fishing as one of the largest industries supporting the Tyrrell County economy.

WHEREAS, hundreds of people in Tyrrell County rely on shrimp trawling to support their families, surrounding businesses, communities and the local economy.

WHEREAS, trawl effects greatly depend on the design of the gear, intensity of use and location used. The largest proportion of the bottom of the Pamlico Sound is soft, muddy bottom or soft, sandy bottom, where shrimp trawls and their doors have not been found to be highly destructive.

WHEREAS, D. Corbett et al. 2004, found that shrimp trawl effects on the bottom found in most of the Pamlico Sound have been described by scientists as similar to harsh winter storms with short term impacts.

WHEREAS, R.A. Deehr 2012, found that scientists have found that trawling disturbance can stimulate an increase in population numbers of bottom invertebrates and that predators of those invertebrates were more common in areas not open to trawling.

WHEREAS, trawls are designed to be selective for certain sized fish by modifying the mesh size, modifying the design, and speed of tow. Shrimp trawls in North Carolina are required to use finfish excluders to allow small fish to escape.

WHEREAS, according to Harrington, D.L. and R.A. Vendetti in 1996, as much as 70% of the juvenile finfish are excluded with finfish excluders. North Carolina was the first state to require finfish excluders in shrimp trawls in its internal waters.

WHEREAS, shrimp trawlers are also required to use Turtle Excluder Devices (TEDs) to allow sea turtles to escape. Scientists have documented that TEDs exclude significant amounts of juvenile finfish.

WHEREAS, the Albemarle-Pamlico Sound, which is the largest brackish water body in any one state in the United States of America, is unique in its characteristics and cannot be compared to water bodies in other states. The Albemarle-Pamlico Sound is large and dynamic but relatively shallow.

WHEREAS, Pamlico Sound is one of the few water bodies that support commercial quantities of pink, white and brown shrimp in the south Atlantic.

WHEREAS, North Carolina is the only state that has formally designated nursery areas for juvenile fish, shrimp and crabs. All bottom-disturbing fishing gear is prohibited in these areas, including shrimp trawls and has been prohibited for over 35 years. The greatest majority of bays and creeks of western and northern Pamlico Sound are classified as secondary nursery areas to protect these populations.

WHEREAS, 124,000 acres of estuarine areas are classified as primary or secondary nursery areas. An additional 47,000 acres of brackish waters are classified as special secondary nursery areas. These areas are closed to trawling, but may be opened when the majority of juvenile fish have migrated from the areas. In 2006 almost 92,000 acres in the Pamlico, Pungo and Neuse Rivers were closed to shrimp trawling as part of the North Carolina Shrimp Fisheries Management Plan. In total almost 1,000,000 acres of internal coastal waters are closed to trawling in North Carolina representing approximately 48% of the total.

WHEREAS, North Carolina has not allowed trawling in Albemarle Sound since 1987. North Carolina closed extensive areas of submerged aquatic vegetation located on the eastern shore of the Outer Banks from Oregon Inlet to the mouth of Core Sound to shrimp trawling in 1994. These areas serve as nurseries for juvenile fish and shrimp.

WHEREAS, shrimp trawl fishermen try to fish in areas that maximize shrimp catch and minimize finfish bycatch. High amounts of finfish bycatch increase fuel costs and labor costs in addition to decreasing the economic quality of the shrimp caught. Shrimp trawl fishermen currently avoid high amounts of bycatch at every opportunity.

WHEREAS, characterizing bycatch in the North Carolina shrimp trawl fishery is difficult due to factors including but not limited to distribution of the bycatch species, variation in fishing effort, variations in gear, the seasonality of the fishery, and mortality of the bycatch species. The Director of the North Carolina Division of Marine Fisheries recognized in August of 2013 that 4.5 pounds of fish per pound of shrimp is "not a good estimate" and is "not the appropriate way to characterize bycatch."

WHEREAS, the variation of the amount of finfish to shrimp in a shrimp trawl is tremendous. Scientists studying bycatch in North Carolina have cautioned that finfish/shrimp ratios tend to overestimate bycatch.

WHEREAS, survival rates of discarded finfish from the shrimp trawl catches are also difficult to accurately calculate. Survival rates are greatly influenced by trawl tow times, water temperatures, catch volumes, and the time it takes to cull the fish. Studies have shown that creatures of the ecosystem where the shrimp are caught do consume large quantities of the discarded finfish that die. Blue Crabs and other benthic invertebrates, birds and bottlenose dolphins all consume discarded finfish.

WHEREAS, North Carolina is recognized by other states and the federal government as having one of the best fisheries data collection programs in the country. Since 1978, North Carolina has been collecting detailed biological data on spot, Atlantic croaker, and gray trout; species most common in shrimp trawl bycatch. Data collected by the North Carolina Division of Marine Fisheries is used to assess population levels and to identify sources of fishing mortality.

WHEREAS, the 2010 Atlantic Croaker Stock Assessment Report for Peer Review, prepared by the Atlantic States Marine Fisheries Commission, states that in a 2010 stock assessment of Atlantic croaker, it found that while there was too much uncertainty in the models to precisely determine if the population was overfished, scientists state it is unlikely the stock is overfished based on other population data.

WHEREAS, spot are not classified as overfished but are classified as concerned by the North Carolina Division of Marine Fisheries. However, scientists recognize it is very difficult to determine population status from landings data.

WHEREAS, the Atlantic States Marine Fisheries Commission found in their Weakfish Stock Assessment Report in 2009 that there is little evidence that overfishing is occurring on weakfish and they believe other factors besides fishing are causing the weakfish stock decline.

WHEREAS, federal scientists in the 2005 South Atlantic Shrimp FMP found that while reviewing the stock status of weakfish, spot and Atlantic croaker, they could find no evidence to indicate that the mortality of shrimp trawls with TEDs was having a significant adverse effect on those populations.

WHEREAS, North Carolina has produced a fishery management plan for shrimp and other species. In addition, the federal government has developed a FMP for shrimp in the south Atlantic, with numerous amendments. None of these plans, amendments, or addendums has recommended a ban on inside shrimp trawling in North Carolina to ensure sustainability of these fisheries resources.

NOW, THEREFORE, BE IT RESOLVED that rulemaking reclassifying most internal coastal waters as secondary nursery areas is not needed to improve fisheries management. The proposed reclassification will have a devastating impact on commercial fishing families and coastal fishing communities. The proposed reclassification will eliminate the availability to consumers of North Carolina harvested shrimp; a public resource to North Carolina residents, tourists, restaurants, and seafood retail.

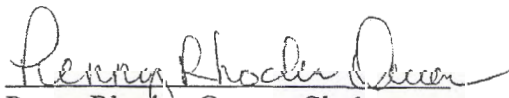
NOW, THEREFORE, BE IT FURTHER RESOLVED that on behalf of the citizens of Tyrrell County, the Tyrrell County Board of Commissioners strongly urge the North Carolina Marine Fisheries Commission to reject the proposed rule. Copies of this resolution in opposition to rule making that proposes reclassifying most internal coastal waters as secondary nursery areas will be forwarded to the Honorable Governor Roy Cooper, The Honorable Senator Erica Smith-Ingram, the Honorable Representative Bob Steinburg and Nancy Fish, North Carolina Division of Marine Fisheries Commission Liaison.

Adopted this the 17th day of January, 2017, in Tyrrell County, North Carolina.

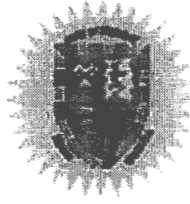


Leroy Spivey, Chairman

ATTEST


Penny Rhodes Owens, Clerk





Town of Beaufort NC

701 Front St. • P.O. Box 390 • Beaufort, N.C. 28516
252-728-2141 • 252-728-3982 fax • www.beaufortnc.org

**RESOLUTION OPPOSING THE DESIGNATION
OF SPECIAL SECONDARY NURSERY AREAS**

WHEREAS, a petition for rulemaking to designate Special Secondary Nursery Areas and Reduce Bycatch Mortality has been submitted to the NC Marine Fisheries Commission by the NC Wildlife Federation; and

WHEREAS, the petition seeks to designate all inshore and ocean waters out to three miles as Special Secondary Nursery Areas and define the type of gear and how and when gear may be used during shrimp season; and

WHEREAS, this petition seeks to bypass the science-based fisheries management process already in place at the NC Division of Marine Fisheries; and

WHEREAS, if adopted, the petition would severely limit shrimp trawling, which would have a devastating impact on commercial fishing families by arbitrarily impairing their livelihood and depriving American tables of fresh, healthy catches of North Carolina harvested shrimp; and

WHEREAS, shrimp trawling has been a vibrant and successful part of North Carolina's heritage and culture for all of its history and represents a means by which generations of commercial watermen create jobs, provide for their families, and contribute to the economic wellbeing of North Carolina's coastal communities; and

WHEREAS, The North Carolina Restaurant & Lodging Association (NCRLA), which represents the more than 20,000 restaurants and hotels in the state, has written to the NC Marine Fisheries Commission Division of Marine Fisheries expressing its opposition of the Nov. 2, 2016, petition from the NC Wildlife Federation proposing changes to designated nursery areas and shrimp harvesting; and

WHEREAS, the NC Restaurant & Lodging Association has asked that the NC Marine Fisheries Commission deny the petition and continue discussions with all interested parties about ways ensure a productive yet sustainable shrimp industry for our state; and

WHEREAS, the travel and tourism industry represents a significant portion of the economy in Beaufort, Carteret County, and the entire state of North Carolina; and

WHEREAS, existing state and federal regulations provide ample provisions for monitoring and regulation of commercial shrimping with serious penalties and sanctions for rule violations, which have proven to be effective in preventing overfishing and waste.

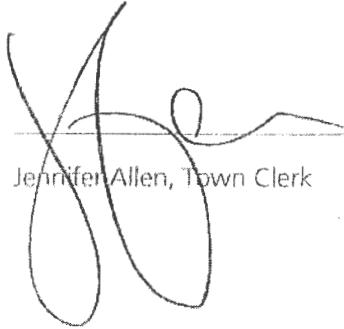
NOW, THEREFORE, BE IT RESOLVED that the Town of Beaufort Board of Commissioners hereby opposes the petition for rulemaking to Designate Special Secondary Nursery Areas and Reduce Bycatch Mortality in North Carolina Coastal Fishing Waters as set forth by the NC Wildlife Federation and strongly urges the North Carolina Marine Fisheries Commission to reject it.



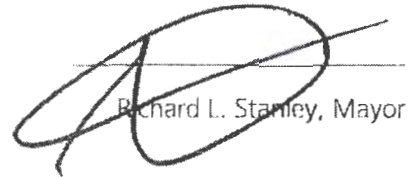
BE IT FURTHER RESOLVED that the Town of Beaufort Board of Commissioners asks all coastal communities to support North Carolina's working watermen by adopting similar resolutions in opposition of this petition for rulemaking that would put North Carolina shrimping in jeopardy.

Adopted this the 13th day of February, 2017.

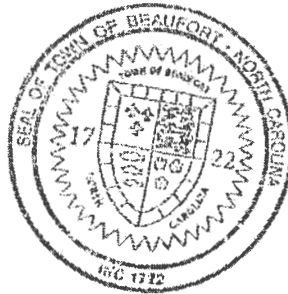
Attest:



Jennifer Allen, Town Clerk



Richard L. Stanley, Mayor





Robert C. Edwards
Mayor

Susie Walters
Mayor Pro Tem

Cliff Ogburn
Town Manager



Town of Nags Head

Post Office Box 99
Nags Head, North Carolina 27959
Telephone 252-441-5508
Fax 252-441-0776
www.nagsheadnc.gov

M. Renée Cahoon
Commissioner

John Ratzenberger
Commissioner

Marvin Demers
Commissioner

January 10, 2017

Mr. Sammy Corbett
Chairman
North Carolina Marine Fisheries Commission
3441 Arendell Street
Morehead City, NC 28557

RE: Support for North Carolina's Commercial Watermen

Dear Chairman Corbett:

Oh behalf of Nags Head's Board of Commissioners, I am writing to express our support for our state's commercial watermen. As such, we oppose the North Carolina Wildlife Federation's petition for rulemaking to Designate Special Secondary Nursery Areas and Reduce Bycatch Mortality in North Carolina Coastal Fishing Waters, which has been submitted to your organization.

This petition would severely limit shrimp trawling, which would have a devastating effect on our commercial fishing families and their small businesses, as well as negatively impact the availability of fresh, local shrimp. At a time when our state is seeking to support its citizens and businesses by promoting local businesses, limiting a citizen's ability to live and thrive in our great state doesn't make a lot of sense.

Commercial fishing lies at the heart of coastal North Carolina's heritage. It is critically important to our state's working watermen and their families, as well as to our state's economy. We implore you to make the right decision concerning the Wildlife Federation's petition by opposing it. Please do not put the success of North Carolina's shrimping industry, as well as all of those who rely on it, in jeopardy.

Sincerely,

Robert C. Edwards
Mayor



POST OFFICE BOX 549
101 VETERANS MEMORIAL DRIVE
KITTY HAWK, NC 27949



PHONE (252) 261-3552
FAX (252) 261-7900
TOWN WEB SITE: www.townofkittyhawk.org
EMAIL ADDRESS: info@kittyhawktown.net

**RESOLUTION
OPPOSING THE DESIGNATION OF SPECIAL SECONDARY NURSERY AREAS**

WHEREAS, a petition for rulemaking to designate Special Secondary Nursery Areas and Reduce Bycatch Mortality has been submitted to the NC Marine Fisheries Commission by the NC Wildlife Federation; and

WHEREAS, the petition seeks to designate all inshore and ocean waters out to three miles as Special Secondary Nursery Areas and define the type of gear and how and when gear may be used during shrimp season; and

WHEREAS, if adopted, the petition would severely limit shrimp trawling, which would have a devastating impact on commercial fishing families by arbitrarily impairing their livelihood and depriving American tables of fresh, healthy catches of North Carolina harvested shrimp; and

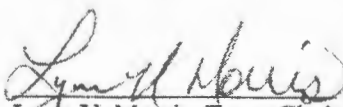
WHEREAS, shrimp trawling has been a vibrant and successful part of North Carolina's heritage and culture for all of its history and represents a means by which generations of commercial watermen create jobs, provide for their families, and contribute to the economic wellbeing of North Carolina's coastal communities; and

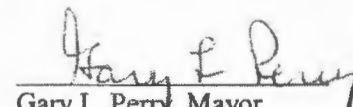
WHEREAS, existing state and federal regulations provide ample provisions for monitoring and regulation of commercial shrimping with serious penalties and sanctions for rule violations, which have proven to be effective in preventing overfishing and waste.

NOW THEREFORE BE IT RESOLVED that the Kitty Hawk Town Council hereby opposes the petition for rulemaking to Designate Special Secondary Nursery Areas and Reduce Bycatch Mortality in North Carolina Coastal Fishing Waters as set forth by the NC Wildlife Federation and strongly urges the North Carolina Marine Fisheries Commission to reject it.

BE IT FURTHER RESOLVED that the Kitty Hawk Town Council asks all coastal communities to support North Carolina's working watermen by adopting similar resolutions in opposition of this petition for rulemaking that would put North Carolina shrimping in jeopardy.

This the 6th day of February 2017.


Lynn U. Morris, Town Clerk


Gary L. Perry, Mayor





TOWN OF KILL DEVIL HILLS

Land Where Flight Began

RESOLUTION OPPOSING THE DESIGNATION OF SPECIAL SECONDARY NURSERY AREAS

WHEREAS, a petition for rulemaking to designate Special Secondary Nursery Areas and Reduce Bycatch Mortality has been submitted to the NC Marine Fisheries Commission by the NC Wildlife Federation; and

WHEREAS, the petition seeks to designate all inshore and ocean waters out to three miles as Special Secondary Nursery Areas and define the type of gear and how and when gear may be used during shrimp season; and

WHEREAS, if adopted, the petition would severely limit shrimp trawling, which would have a devastating impact on commercial fishing families by arbitrarily impairing their livelihood and depriving American tables of fresh, healthy catches of North Carolina harvested shrimp; and

WHEREAS, shrimp trawling has been a vibrant and successful part of North Carolina's heritage and culture for all of its history and represents a means by which generations of commercial watermen create jobs, provide for their families, and contribute to the economic wellbeing of North Carolina's coastal communities; and

WHEREAS, existing state and federal regulations provide ample provisions for monitoring and regulation of commercial shrimping with serious penalties and sanctions for rule violations, which have proven to be effective in preventing overfishing and waste.

NOW THEREFORE BE IT RESOLVED that the Kill Devil Hills Board of Commissioners hereby opposes the petition for rulemaking to Designate Special Secondary Nursery Areas and Reduce Bycatch Mortality in North Carolina Coastal Fishing Waters as set forth by the NC Wildlife Federation and strongly urges the North Carolina Marine Fisheries Commission to reject it.

BE IT FURTHER RESOLVED that the Kill Devil Hills Board of Commissioners asks all coastal communities to support North Carolina's working watermen by adopting similar resolutions in opposition of this petition for rulemaking that would put North Carolina shrimping in jeopardy.

This 9th day of January, 2017.



ATTEST:

Harriet B. Banner
Harriet B. Banner, Deputy Town Clerk

Sheila F. Davies

Sheila F. Davies, PhD, Mayor





**RESOLUTION 2017-01
OPPOSING THE DESIGNATION OF SPECIAL SECONDARY NURSERY AREAS**

WHEREAS, a petition for rulemaking to designate Special Secondary Nursery Areas and Reduce Bycatch Mortality has been submitted to the NC Marine Fisheries Commission by the NC Wildlife Federation; and

WHEREAS, the petition seeks to designate all inshore and ocean waters out to three miles as Special Secondary Nursery Areas and define the type of gear and how and when gear may be used during shrimp season; and

WHEREAS, if adopted, the petition would severely limit shrimp trawling, which would have a devastating impact on commercial fishing families by arbitrarily impairing their livelihood and depriving American tables of fresh, healthy catches of North Carolina harvested shrimp; and

WHEREAS, shrimp trawling has been a vibrant and successful part of North Carolina's heritage and culture for all of its history and represents a means by which generations of commercial watermen create jobs, provide for their families, and contribute to the economic wellbeing of North Carolina's coastal communities; and

WHEREAS, existing state and federal regulations provide ample provisions for monitoring and regulation of commercial shrimping with serious penalties and sanctions for rule violations, which have proven to be effective in preventing overfishing and waste.

NOW THEREFORE BE IT RESOLVED that the Town of Manteo Board of Commissioners hereby opposes the petition for rulemaking to Designate Special Secondary Nursery Areas and Reduce Bycatch Mortality In North Carolina Coastal Fishing Waters as set forth by the NC Wildlife Federation and strongly urges the North Carolina Marine Fisheries Commission to reject it.

BE IT FURTHER RESOLVED that the Town of Manteo Board of Commissioners asks all coastal communities to support North Carolina's working watermen by adopting similar resolutions in opposition of this petition for rulemaking that would put North Carolina shrimping in jeopardy.

Adopted this 4th day of January, 2017.

Town of Manteo Board of Commissioners



Becky Breiholz, Town Clerk

Jamie Daniels, Mayor



Resolutions/Letters Opposing HB 867

OPPOSED to HB 867:

1. Craven County
2. Dare County
3. Town of Manteo
4. Outer Banks Chamber of Commerce
5. Pamlico County

Due to HB 867 and the MFC voting to accept the NCWF petition for rulemaking, the following Counties submitted resolutions on Votes of No Confidence in the Marine Fisheries Commission:

1. Hyde County
2. Carteret County
3. Tyrell County
4. Dare County





Resolution
To Oppose North Carolina House Bill 867
Coastal Fisheries Conservation / Economic Development

WHEREAS, the State of North Carolina and particularly Eastern Carolina counties, have a long history and lineage of commercial fishing from the Algonquian Indians trading fish to the modern day commercial fishing industry; and

WHEREAS, North Carolina commercial fishermen have made extraordinary gains with science in protecting the environment which they rely on for their wellbeing and way of life, and want to protect the waters and fisheries for the next generation along with generations to come; and

WHEREAS, commercial fishing in North Carolina is in a state of change. There are a number of economic pressures bearing down on industry participants such as competition from imported seafood, closing working waterfronts, and ever increasing government regulations; and

WHEREAS, imported seafood is normally of lower quality, with little regulation and inspection of the product. Imported seafood has been known to have been raised in waters containing human or animal feces, and also injected with carboxymethyl cellulose, gelatin, and glucose; and

WHEREAS, due to recent appointments to the North Carolina Marine Fisheries Commission, the Commission has refused to listen and adhere to the advice of their own advisory committees including Finfish, Habitat and Water Quality, Shellfish / Crustacean, Northern Region, and Southern Region advisory committees; and

WHEREAS, the North Carolina Marine Fisheries Commission has gone against the advice of their advisory committees, and are currently trying to establish severe restrictions on the commercial fishing industry without scientific data or an economic impact study on which to base their restrictions. These restrictions go against the current Management Plan which requires future regulations be based on science and the data gathered; and

WHEREAS, House Bill 867 seeks to rewrite the North Carolina Fisheries Reform Act of 1997, which was passed after months of public scrutiny. House Bill 867 would reform the North Carolina Fisheries Reform Act of 1997 without such vetting from the public; and

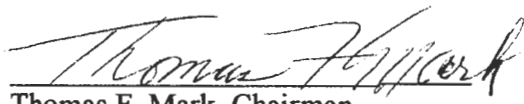
WHEREAS, House Bill 867 would eliminate the advisory committees which have a set amount of commercial fishermen, recreational fishermen, and scientists to advise the Commission and replace them with one, 20 member advisory committee appointed by the North Carolina Marine Fisheries Commission without any designation as to member's qualification or status in the industry; and



WHEREAS, House Bill 867 also offers a commercial fishing license buyback plan which also gives insight to the implied destruction of a way of life for so many North Carolina residents that would cause a harmful impact to the state's economy.

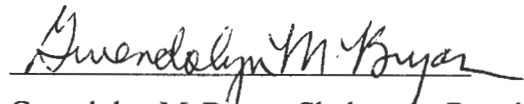
NOW THEREFORE BE IT RESOLVED that the Craven County Board of Commissioners hereby opposes North Carolina House Bill 867 in its entirety and respectfully requests that North Carolina Legislators reject this legislation and support the State of North Carolina's working watermen in order to sustain a way of life for many future generations and preserve a vital economic engine for North Carolina.

Adopted this the 15th day of May, 2017.



Thomas F. Mark, Chairman

Craven County Board of Commissioners



Gwendolyn M. Bryan, Clerk to the Board





Resolution
To Oppose North Carolina House Bill 867
Coastal Fisheries Conservation / Economic Development

WHEREAS, the State of North Carolina and Dare County have a long history and lineage of commercial fishing from the Algonquian Indians trading fish to the modern day commercial fishing industry; and

WHEREAS, North Carolina commercial fishermen have made extraordinary gains with science in protecting the environment which they rely on for their wellbeing and way of life, and want to protect the waters and fisheries for the next generation along with generations to come; and

WHEREAS, commercial fishing in North Carolina is in a state of change. There are a number of economic pressures bearing down on industry participants such as competition from imported seafood, closing working waterfronts, and ever increasing government regulations; and

WHEREAS, imported seafood is normally of lower quality, with little regulation and inspection of the product. Imported seafood has been known to have been raised in waters containing human or animal feces, and also injected with carboxymethyl cellulose, gelatin, and glucose; and

WHEREAS, due to recent appointments to the North Carolina Marine Fisheries Commission, the Commission has refused to listen and adhere to the advice of their own advisory committees including Finfish, Habitat and Water Quality, Shellfish / Crustacean, Northern Region, and Southern Region advisory committees; and

WHEREAS, the North Carolina Marine Fisheries Commission has gone against the advice of their advisory committees, and are currently trying to establish severe restrictions on the commercial fishing industry without scientific data or an economic impact study on which to base their restrictions. These restrictions go against the current Management Plan which requires future regulations be based on science and the data gathered; and

WHEREAS, House Bill 867 seeks to rewrite the North Carolina Fisheries Reform Act of 1997, which was passed after months of public scrutiny. House Bill 867 would reform the North Carolina Fisheries Reform Act of 1997 without such vetting from the public; and

WHEREAS, House Bill 867 would eliminate the advisory committees which have a set amount of commercial fishermen, recreational fishermen, and scientists to advise the Commission and replace them with one, 20 member advisory committee appointed by the North Carolina Marine Fisheries Commission without any designation as to member's qualification or status in the industry; and



WHEREAS, House Bill 867 also offers a commercial fishing license buyback plan which also gives insight to the implied destruction of a way of life for so many North Carolina residents that would cause a harmful impact to the state's economy.

NOW THEREFORE BE IT RESOLVED that the Dare County Board of Commissioners hereby opposes North Carolina House Bill 867 in its entirety and respectfully requests that North Carolina Legislators reject this legislation and support the State of North Carolina's working watermen in order to sustain a way of life for many future generations and preserve a vital economic engine for North Carolina.

Adopted this the 1st day of May, 2017.



Dare County Board of Commissioners

A handwritten signature in dark ink, appearing to read 'Robert Woodard', written over a horizontal line.

Robert Woodard, Chairman

ATTEST:

A handwritten signature in dark ink, appearing to read 'Gary Lee Gross', written over a horizontal line.

Gary Lee Gross, Clerk to the Board





**Resolution 2017-09
To Oppose North Carolina House Bill 867
Coastal Fisheries Conservation / Economic Development**

WHEREAS, the State of North Carolina and Dare County have a long history and lineage of commercial fishing from the Algonquian Indians trading fish to the modern day commercial fishing industry; and

WHEREAS, North Carolina commercial fishermen have made extraordinary gains with science in protecting the environment which they rely on for their wellbeing and way of life, and want to protect the waters and fisheries for the next generation along with generations to come; and

WHEREAS, commercial fishing in North Carolina is in a state of change. There are a number of economic pressures bearing down on industry participants such as competition from imported seafood, closing working waterfronts, and ever increasing government regulations; and

WHEREAS, imported seafood is normally of lower quality, with little regulation and inspection of the product. Imported seafood has been known to have been raised in waters containing human or animal feces, and also injected with carboxymethyl cellulose, gelatin, and glucose; and

WHEREAS, due to recent appointments to the North Carolina Marine Fisheries Commission, the Commission has refused to listen and adhere to the advice of their own advisory committees including Finfish, Habitat and Water Quality, Shellfish / Crustacean, Northern Region, and Southern Region advisory committees; and

WHEREAS, the North Carolina Marine Fisheries Commission has gone against the advice of their advisory committees, and are currently trying to establish severe restrictions on the commercial fishing industry without scientific data or an economic impact study on which to base their restrictions. These restrictions go against the current Management Plan which requires future regulations be based on science and the data gathered; and

WHEREAS, House Bill 867 seeks to rewrite the North Carolina Fisheries Reform Act of 1997, which was passed after months of public scrutiny. House Bill 867 would reform the North Carolina Fisheries Reform Act of 1997 without such vetting from the public; and

WHEREAS, House Bill 867 would eliminate the advisory committees which have a set amount of commercial fishermen, recreational fishermen, and scientists to advise the Commission and replace them with one, 20 member advisory committee appointed by the North Carolina Marine Fisheries Commission without any designation as to member's qualification or status in the industry; and

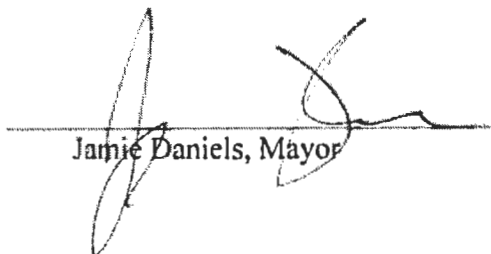


WHEREAS, House Bill 867 also offers a commercial fishing license buyback plan which also gives insight to the implied destruction of a way of life for so many North Carolina residents that would cause a harmful impact to the state's economy.


NOW THEREFORE BE IT RESOLVED that the Town of Manteo Board of Commissioners hereby opposes North Carolina House Bill 867 in its entirety and respectfully requests that North Carolina Legislators reject this legislation and support the State of North Carolina's working watermen in order to sustain a way of life for many future generations and preserve a vital economic engine for North Carolina.

Adopted this the 3rd day of May, 2017.

Town of Manteo Board of Commissioners


Jamie Daniels, Mayor

ATTEST:


Becky Breiholz, Town Clerk







The Outer Banks Chamber of Commerce

Serving Currituck and Dare Counties, Ocracoke Island

P.O. Box 1757 • 101 Town Hall Drive • Kill Devil Hills, NC 27948

252.441.8144 *Voice* • 252.441.0338 *Fax*

info@outerbankschamber.com

Resolution 17-05-15

Resolution

To Oppose North Carolina House Bill 867

Coastal Fisheries Conservation / Economic Development

WHEREAS, the State of North Carolina and the Outer Banks including Dare County, Currituck County and Ocracoke Island, have a long history and lineage of commercial fishing from the Algonquian Indians trading fish to the modern day commercial fishing industry; and

WHEREAS, North Carolina commercial fishermen have made extraordinary gains with science in protecting the environment which they rely on for their wellbeing and way of life, and want to protect the waters and fisheries for the next generation along with generations to come; and

WHEREAS, commercial fishing in North Carolina is in a state of change. There are a number of economic pressures bearing down on industry participants such as competition from imported seafood, closing working waterfronts, and ever increasing government regulations; and

WHEREAS, imported seafood is normally of lower quality, with little regulation and inspection of the product. Imported seafood has been known to have been raised in waters containing human or animal feces, and also injected with carboxymethyl cellulose, gelatin, and glucose; and

WHEREAS, due to recent appointments to the North Carolina Marine Fisheries Commission, the Commission has refused to listen and adhere to the advice of their own advisory committees including Finfish, Habitat and Water Quality, Shellfish / Crustacean, Northern Region, and Southern Region advisory committees; and

WHEREAS, the North Carolina Marine Fisheries Commission has gone against the advice of their advisory committees, and are currently trying to establish severe restrictions on the commercial fishing industry without scientific data or an economic impact study on which to base their restrictions. These restrictions go against the current Management Plan which requires future regulations be based on science and the data gathered; and

WHEREAS, House Bill 867 seeks to rewrite the North Carolina Fisheries Reform Act of 1997, which was passed after months of public scrutiny. House Bill 867 would reform the North Carolina Fisheries Reform Act of 1997 without such vetting from the public; and

WHEREAS, House Bill 867 would eliminate the advisory committees which have a set amount of commercial fishermen, recreational fishermen, and scientists to advise the Commission and replace them with one, 20 member advisory committee appointed by the North Carolina Marine Fisheries Commission without any designation as to member's qualification or status in the industry; and

Your key to information and services on North Carolina's Outer Banks!

www.outerbankschamber.com





The Outer Banks Chamber of Commerce

Serving Currituck and Dare Counties, Ocracoke Island

P.O. Box 1757 • 101 Town Hall Drive • Kill Devil Hills, NC 27948

252.441.8144 *Voice* • 252.441.0338 *Fax*

info@outerbankschamber.com

WHEREAS, House Bill 867 also offers a commercial fishing license buyback plan which also gives insight to the implied destruction of a way of life for so many North Carolina residents that would cause a harmful impact to the state's economy.

NOW THEREFORE BE IT RESOLVED that the Outer Banks Chamber of Commerce, representing approximately 1,050 business and organizations along coastal NE North Carolina, hereby opposes North Carolina House Bill 867 in its entirety and respectfully requests that North Carolina Legislators reject this legislation and support the State of North Carolina's working watermen in order to sustain a way of life for many future generations and preserve a vital economic engine for North Carolina.

Adopted this the 15th day of May, 2017.

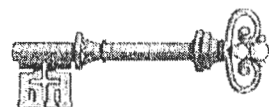
Outer Banks Chamber of Commerce

Brent Tomlinson, Chairman of the Board

Karen S. Brown, President & CEO

Your key to information and services on North Carolina's Outer Banks!

www.outerbankschamber.com



Pamlico County Resolution
To Oppose North Carolina House Bill 867
Coastal Fisheries Conservation / Economic Development

WHEREAS, the State of North Carolina and the area now known as Pamlico County have a long history of commercial and recreational fishing dating back hundreds of years; and

WHEREAS, North Carolina commercial and recreational fishermen have both been an integral part of extraordinary scientific gains made in the areas of environmental protection and the sustainability of fish stocks, which both groups also rely upon for their wellbeing and way of life; and

WHEREAS, commercial and recreational fishermen both work to protect the waters and fisheries for the next generation and future generations; and

WHEREAS, House Bill 867, is limited in its potential positive economic impact and may in fact be detrimental to coastal economic development and to the tax base in many small and already economically stressed communities; and

WHEREAS, commercial fishing, including seafood dealers and restaurants, in North Carolina has suffered and continues to endure many changes, such as competition from imported seafood, the closing of working waterfronts, increased government regulations and burdensome fuel costs which have already greatly reduced the numbers of remaining commercial fishermen; and

WHEREAS, some imported seafood is often lower in quality and may not have been raised in the same natural environment as locally harvested seafood; and

WHEREAS, House Bill 867 would change the current focus on sustainability of fish stocks, including conservation and environmental sustainability, to a purely conservation-only model without needed, fully unbiased scientific data, and threatens to create a lack of access to a stable local food source for North Carolina citizens and visitors; and

WHEREAS, House Bill 867 does not address the long term impacts of upstream contaminants on coastal fisheries and communities; and

WHEREAS, a proper required economic impact study was not prepared; and

WHEREAS, House Bill 867 would give the North Carolina Marine Fisheries Commission increased power and authority with less oversight and would remove full public, community, scientific, recreational and commercial input; and

WHEREAS, House Bill 867 seeks to rewrite the North Carolina Fisheries Reform Act of 1997, which was passed after months of public scrutiny, removing public vetting; and



WHEREAS, House Bill 867 would eliminate the currently mandated advisory committees which include a prescribed number of commercial fishermen, recreational fishermen, and scientists to advise the Commission and replace these committees with one, 20 member advisory committee appointed by the North Carolina Marine Fisheries Commission itself, without any designation as to any members' qualification or status in the industry; and

WHEREAS, House Bill 867 offers a commercial fishing license buyback plan which could further adversely affect a sustainable way of life for so many North Carolina residents and cause harmful impact to the aforementioned economically stressed communities; and

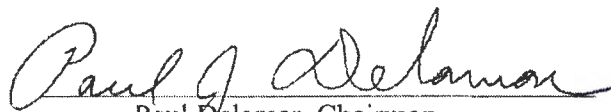
WHEREAS, there previously existed a commission that reported to the General Assembly regarding contentious fisheries issues and was more representative of all involved, House Bill 867 does not take into consideration input from the commercial fishing industry, communities or governments adversely impacted by the bill; and

WHEREAS, House Bill 867 is sponsored by persons whose districts will not be adversely impacted by its passing, who are not necessarily aware of fisheries history and current data related to North Carolina fisheries, and who may have not considered the impacts on low to moderate income coastal communities, businesses, schools, and local government tax base; and

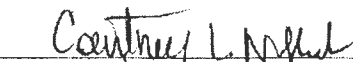
NOW THEREFORE, BE IT RESOLVED that the Pamlico County Board of Commissioners hereby steadfastly opposes North Carolina House Bill 867 in its entirety and respectfully requests that North Carolina Legislators reject this legislation and support the State of North Carolina's working watermen and local communities in order to sustain a vital economic engine for the State of North Carolina and its coastal communities by preserving our jobs, tax base and access to a sustainable food source for future generations.

Adopted this the 15th day of May, 2017.

Pamlico County Board of Commissioners


Paul Delamar, Chairman

ATTEST:


Courtney L. Norfleet, Clerk to the Board



COUNTY OF HYDE

Board of Commissioners

Earl Pugh, Jr., Chair
Barry Swindell, Vice-Chair
Benjamin Simmons, III
Tom Pahl
Dick Tunnell

30 Oyster Creek Road

PO Box 188

SWAN QUARTER, NORTH CAROLINA 27885

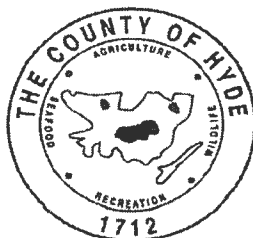
252-926-4400

252-926-3701 Fax

Bill Rich
County Manager

Fred Holscher
County Attorney

Lois Stotesberry, CMC, NCCCC
Clerk to the Board



HYDE COUNTY BOARD OF COMMISSIONERS RESOLUTION ON VOTE OF NO CONFIDENCE IN THE NORTH CAROLINA MARINE FISHERIES COMMISSION

WHEREAS, this Vote of No Confidence by the Hyde County Board of Commissioners in the North Carolina Marine Fisheries Commission is an alternative method to bring forth serious concerns relative to their support of the Petition for Rulemaking submitted by the North Carolina Wildlife Federation; and

WHEREAS, the shrimp fishery is North Carolina's most important fishery economically; and

WHEREAS, the rules proposed in the Petition would close the internal coastal waters and near-shore oceanic waters of North Carolina to trawling unless opened by the North Carolina Division of Marine Fisheries ("DMF"), and restrict the taking of shrimp to daylight hours and three days per week; and

WHEREAS, the proposals will have a substantial economic impact on many small businesses, have significant negative effects on coastal communities and negatively impact the availability of North Carolina shrimp to consumers; and

WHEREAS, the petition should have been denied because the cost factors described in the petition are clearly inadequately described. This omission is significant because the shrimp fishery is North Carolina's most important fishery economically; and

WHEREAS, the petition will designate all coastal fishing waters not already designated as nursery areas as special secondary nursery areas, including the ocean out to three miles; and

WHEREAS, the North Carolina General Assembly, through the Fisheries Reform Act, clearly desired that such comprehensive changes in management measures for important recreational and commercial species in North Carolina be developed through Fisheries Management Plans ("FMP's") and these issues were recently discussed and addressed by the 2015 Shrimp FMP after two years of development; and

WHEREAS, the Petition for Rulemaking has a component for potential regulation on property owners abutting these newly formed secondary nursery areas. Hyde County boasts some of the most beautiful waterfront properties in the state. The potential for regulations on these properties not only negatively affect one of Hyde County's greatest assets, but also has a negative impact on all citizens because of the potential loss of tax revenue; and

WHEREAS, the Petition for Rulemaking could also prove to be a hindrance to any needed and necessary dredging along our shoreline; and

WHEREAS, the Hyde County Board of Commissioners represent the people of Hyde County with a collective history of approximately 300 years of fishing experience, submitted a letter and corresponding resolution to the North Carolina Marine Fisheries Commission in January of 2017 recommending that they deny the Petition for Rulemaking submitted by the North Carolina Wildlife Federation that proposes to designate the internal coastal and near oceanic waters of North Carolina special secondary nursery areas; and

WHEREAS, at the January 15, 2017 hearing meeting in New Bern, there were five advisory boards in attendance; those five boards were comprised of 40 members; 32 of those members recommended to the Commission that they not enforce this new trawling ban and that the petition be denied; and

WHEREAS, on February 16, 2017, the North Carolina Marine Fisheries Commission met in Wilmington and against the advice of their advisory groups, granted this petition which has significant economic implications for Hyde County; and

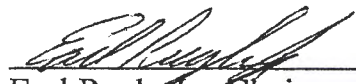
WHEREAS, while the North Carolina Marine Fisheries Commission did not violate the law and it is within their parameters to make such decisions, their decision was not within the spirit of the Fisheries Reform Act which calls for science to make decisions and not political science; and

WHEREAS, this Resolution is no reflection on the dedicated people that work in that Division; no criticism of the biologists; and no criticism of the Fisheries Reform Act; and

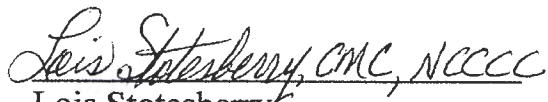
NOW, THEREFORE, BE IT RESOLVED, that the Hyde County Board of Commissioners stand steadfast in their resolve outlined in their January 3, 2017 Resolution, and stand behind and in support of our fishing industry within Hyde County; and

BE IT FURTHER RESOLVED, by a unanimous vote of those Commissioners present, that this action by the Hyde County Board of Commissioners shows a Vote of No Confidence in the North Carolina Marine Fisheries Commission because they clearly demonstrated that they do not have the objectivity to make sound decisions on this issue.

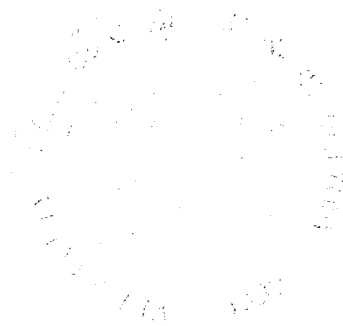
Adopted this the 6th day of March, 2017.



Earl Pugh, Jr., Chairman
Hyde County Board of Commissioners



Lois Stotesberry,
Clerk to the Board





Board of Commissioners

Mark Mansfield, Chair
Robin Comer, Vice-Chair
Bob Cavanaugh
Jimmy Farrington
Jonathan Robinson
Bill Smith
Ed Wheatly



County Manager
Tommy R. Burns

Clerk to the Board
Rachel B. Hammer

RECEIVED
Office of the Secretary

FEB 28 2017

February 21, 2017

Department of Environment
and Natural Resources

The Honorable Governor Roy Cooper
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

Dear Governor Cooper:

The Carteret County Board of Commissioners, while sitting in regular session on Monday, February 20, 2017, made a motion in support of the enclosed Resolution regarding a Vote of No Confidence in the North Carolina Marine Fisheries Commission relative to their support of the Petition for Rulemaking submitted by the North Carolina Wildlife Federation.

Sincerely,

A handwritten signature in cursive script, reading "Rachel B. Hammer".

Rachel B. Hammer
Clerk to the Board

/rbh
Enclosure

copy: Senator Norman W. Sanderson
Senator Richard Burr
Senator Phil Berger
Senator Harry Brown
Senator Thom Tillis
Representative Pat McElraft
NC House Speaker Tim Moore
Congressman Walter Jones
Sammy Corbett, Chairman, Marine Fisheries Commission
Braxton Davis, Director, NC Division of Marine Fisheries
Michael S. Regan, Secretary, NCDEQ
Members, Marine Fisheries Advisory Board
Walter Phillips, Editor/Publisher, *Carteret News Times*
Jackie Starkey, Reporter, *Carteret News Times*



Board of Commissioners

Mark Mansfield, Chair
Robin Comer, Vice-Chair
Bob Cavanaugh
Jimmy Farrington
Jonathan Robinson
Bill Smith
Ed Wheatly



County Manager
Tommy R. Burns

Clerk to the Board
Rachel B. Hammer

CARTERET COUNTY BOARD OF COMMISSIONERS
RESOLUTION ON VOTE OF NO CONFIDENCE
IN THE
NORTH CAROLINA MARINE FISHERIES COMMISSION

WHEREAS, this Vote of No Confidence by the Carteret County Board of Commissioners in the North Carolina Marine Fisheries Commission is an alternative method to bring forth serious concerns relative to their support of the Petition for Rulemaking submitted by the North Carolina Wildlife Federation; and

WHEREAS, the shrimp fishery is North Carolina's most important fishery economically; and

WHEREAS, the rules proposed in the Petition would close the internal coastal waters and near-shore oceanic waters of North Carolina to trawling unless opened by the North Carolina Division of Marine Fisheries ("DMF"), and restrict the taking of shrimp to daylight hours and three days per week; and

WHEREAS, the proposals will have a substantial economic impact on many small businesses, have significant negative effects on coastal communities and negatively impact the availability of North Carolina shrimp to consumers; and

WHEREAS, the petition should have been denied because the cost factors described in the petition are clearly inadequately described. This omission is significant because the shrimp fishery is North Carolina's most important fishery economically; and

WHEREAS, the petition will designate all coastal fishing waters not already designated as nursery areas as special secondary nursery areas, including the ocean out to three miles; and

WHEREAS, the North Carolina General Assembly, through the Fisheries Reform Act, clearly desired that such comprehensive changes in management measures for important recreational and commercial species in North Carolina be developed through Fisheries Management Plans ("FMP's"); and these issues were recently discussed and addressed by the 2015 Shrimp FMP after two years of development; and

WHEREAS, this Petition for Rulemaking has a component for potential regulation on property owners abutting these newly formed secondary nursery areas. Carteret County boasts some of the most beautiful and valuable waterfront properties. In fact, the current tax value of all waterfront properties in Carteret County is approximately \$4.3 billion which generates over \$13 million in tax dollars for the County. The potential for regulations on these properties not only negatively affect one of the County's greatest assets, but also has a negative impact on all citizens because of the potential loss of tax revenue; and

WHEREAS, this Petition for Rulemaking could also prove to be a hindrance to any needed and necessary dredging along our shoreline; and



WHEREAS, the Marine Fisheries Advisory Board, appointed by the Carteret County Board of Commissioners and with a collective history of approximately 400 years of fishing experience, submitted a letter to the North Carolina Marine Fisheries Commission in December of 2016 recommending that they deny the Petition for Rulemaking submitted by the North Carolina Wildlife Federation that proposes to designate the internal coastal and near oceanic waters of North Carolina special secondary nursery areas; and

WHEREAS, the Carteret County Board of Commissioners at their January 23, 2017 regular meeting, adopted a Resolution in support of the position of the Carteret County Marine Fisheries Advisory Committee to deny the Petition for Rulemaking submitted by the North Carolina Wildlife Federation; and

WHEREAS, at the January 15, 2017 hearing meeting in New Bern, there were five other advisory boards in attendance; those five boards were comprised of 40 different members; 32 of those members recommended to the Commission that they not enforce this new trawling ban and that the petition be denied; and

WHEREAS, on February 16, 2017, the North Carolina Marine Fisheries Commission met in Wilmington and against the advice of their advisory groups, granted this petition which has significant economic implications for Carteret County; and

WHEREAS, while the North Carolina Marine Fisheries Commission did not violate the law and it is within their parameters to make such decisions, their decision was not within the spirit of the Fisheries Reform Act which calls for science to make decisions and not political science; and

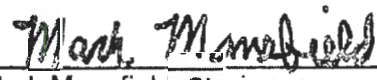
WHEREAS, this Resolution is no reflection on the dedicated people that work in that Division; no criticism of the biologists; and no criticism of the Fisheries Reform Act; and

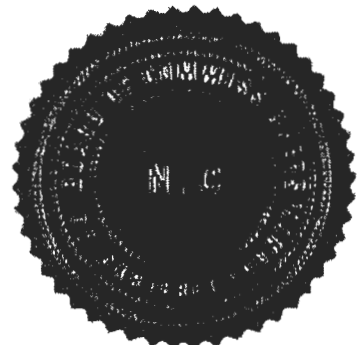
NOW, THEREFORE, BE IT RESOLVED, that the Carteret County Board of Commissioners stand steadfast in their resolve outlined in their January 23, 2017 Resolution, and stand behind and in support of our fishing industry within Carteret County; and

BE IT FURTHER RESOLVED, by a unanimous vote of those Commissioners present, that this action by the Carteret County Board of Commissioners shows a Vote of No Confidence in the North Carolina Marine Fisheries Commission because they clearly demonstrated that they do not have the objectivity to make sound decisions on this issue.

Adopted this the 20th day of February, 2017.


Rachel B. Hammer
Clerk to the Board

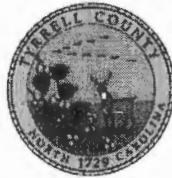

Mark Mansfield, Chairman
Carteret County Board of Commissioners





Tyrrell County Board of Commissioners

Post Office Box 449
Columbia, North Carolina 27925
Telephone (252) 796-1371



Leroy Spivey, Chairman
Carl Willis, Vice Chairman
Nathan T. Everett
Lawrence Swain
Nina Griswell

David L. Clegg, County Manager and Attorney
Penny Rhodes Owens, Clerk to the Board

TYRRELL COUNTY BOARD OF COMMISSIONERS RESOLUTION ON VOTE OF NO CONFIDENCE IN THE NORTH CAROLINA MARINE FISHERIES COMMISSION

WHEREAS, the shrimp fishery is North Carolina's most important fishery economically; and

WHEREAS, the rules proposed by the Marine Fisheries Commission would close the internal coastal waters and near-shore oceanic waters of North Carolina to trawling unless opened by the North Carolina Division of Marine Fisheries ("DMF"), and restrict the taking of shrimp to daylight hours and three days per week; and

WHEREAS, the proposals will have a substantial economic impact on many small businesses, have significant negative effects on coastal communities and negatively impact the availability of North Carolina shrimp to consumers; and

WHEREAS, the rules should have been denied because the cost factors described in the petition are clearly inadequately described. This omission is significant because the shrimp fishery is North Carolina's most important fishery economically; and

WHEREAS, the petition will designate all coastal fishing waters not already designated as nursery areas as special secondary nursery areas, including the ocean out to three miles; and

WHEREAS, the North Carolina General Assembly, through the Fisheries Reform Act, addressed these issues by the 2015 Shrimp FMP after two years of development; and

WHEREAS, the Petition for Rulemaking could also prove to be a hindrance to any needed and necessary dredging along our shoreline; and

WHEREAS, at the January 15, 2017 hearing meeting in New Bern, there were five advisory boards in attendance; those five boards were comprised of 40 members; 32 of those members recommended to the Commission that they not enforce this new trawling ban and that the petition be denied; and

WHEREAS, on February 16, 2017, the North Carolina Marine Fisheries Commission met in Wilmington and against the advice of their advisory groups, granted this petition; and

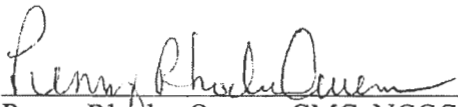


NOW, THEREFORE, BE IT RESOLVED, by a unanimous vote of those Commissioners present, that this action by the Tyrrell County Board of Commissioners shows a Vote of No Confidence in the North Carolina Marine Fisheries Commission because they clearly demonstrated that they do not have the objectivity to make sound decisions on this issue.

Adopted this the 21st day of March, 2017.



Leroy Spivey, Chairman
Tyrrell County Board of Commissioners



Penny Rhodes Owens, CMC, NCCCC
Clerk to the Board



County of Dare

Office of the Board of Commissioners

P.O. Box 1000 | Manteo, North Carolina 27954 | 252.475.5700

Robert Woodard
Chairman

Wally Overman
Vice-Chairman

Jack Shea
Margarette Umphlett
Steve House
Rob Ross
Danny Couch

Robert L. Outten
County Manager / Attorney

Gary Lee Gross
Clerk to the Board

March 2, 2017

Honorable Tim Moore
North Carolina House of Representatives
16 W. Jones Street, Room 2304
Raleigh, NC 27601-1096

Dear Speaker Moore,

I am writing on behalf of the Dare County Board of Commissioners to express concern about a recent action of the North Carolina Marine Fisheries Commission and to recommend options for you and the North Carolina General Assembly to consider.

As you may know, the NC Wildlife Federation submitted a petition to designate all inshore and ocean waters out to three miles as Special Secondary Nursery Areas and define the type of gear and how and when gear may be used during North Carolina's important shrimping season. This petition would severely limit, if not destroy, the shrimping industry, which would have a devastating impact on North Carolina's commercial fishing families.

Recently the Marine Fisheries Commission (MFC) ignored the recommendations made by all five of their own Advisory Committees to reject the petition for rulemaking and, in essence, turn its back on North Carolina's coastal communities.

Dare County and other coastal communities submitted unanimous resolutions opposing the petition because it lacked peer reviewed science and will essentially kill the commercial shrimping industry in North Carolina. This will cause irreparable harm to our watermen. It will also deprive consumers of fresh and healthy shrimp that are responsibly harvested from North Carolina waters.

At the recent MFC advisory committees meeting there was an outpouring of public support opposing the petition for rulemaking that would negatively impact all coastal waters representing a vast area of some three million acres of beneficial resources for the people of North Carolina.

We respectfully request that the North Carolina General Assembly take immediate action to dissolve the petition for rulemaking thereby preserving the future of North Carolina's commercial shrimping industry.

This latest action taken by the Marine Fisheries Commission makes it clear that changes need to be made in how our State's resources are managed. Accordingly, we urge you and the General Assembly to consider the following options –

Dissolve the current Marine Fisheries Commission and replace it with one that is more balanced to fairly represent both commercial and recreational interests.

Reconfigure how commercial and recreational fishing is regulated by –

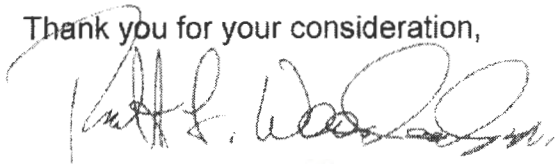
Placing commercial fishing under the North Carolina Department of Agriculture as an aquaculture subgroup; and, placing recreational fishing under the Wildlife Resources Commission.

Under this arrangement, the Division of Marine Fisheries would act in an advisory capacity to both entities and provide scientific information on issues as defined by the Division of Marine Fisheries amendment process.

There may be other options worthy of consideration, but this latest action by the Marine Fisheries Commission makes a compelling case that something needs to be done by the North Carolina General Assembly to provide fair and equitable treatment of both commercial and recreational fishing interests.

Dare County, as a coastal community, is actively involved in the issues confronting our commercial fishermen and meeting the needs of recreational anglers. We welcome the opportunity to work with you and others in the Legislature to help bring about the change that is needed to benefit everyone in North Carolina. I can be reached any time at 252-216-8240 or at woodard@darenc.com.

Thank you for your consideration,

A handwritten signature in dark ink, appearing to read 'R. L. Woodard Sr.', with a stylized, cursive script.

Robert L. "Bob" Woodard Sr., Chairman
Dare County Board of Commissioners



April 24, 2017

RE: Outdoor Heritage Enhanced - House Bill 559

Dear Members of the North Carolina House Committee on Wildlife Resources,

As the Congressional Sportsmen's Foundation state liaison for North Carolina, I respectfully urge you to support "Outdoor Heritage Enhanced" (HB 559), sponsored by North Carolina Legislative Sportsmen's Caucus Co-Chair Representative John Bell and Sportsmen's Caucus member Representative Chris Millis.

Founded in 1989, the Congressional Sportsmen's Foundation (CSF) has maintained a singleness of purpose that has guided the organization to become the most respected and trusted sportsmen's organization in the political arena. CSF's mission is to work with Congress, governors, and state legislatures to protect and advance hunting, angling, recreational shooting, and trapping. CSF assisted with the formation of the North Carolina Sportsmen's Caucus (Caucus) in 2006 and has since worked to support the Caucus in their efforts to protect and advance North Carolina's sporting heritage by supporting pro-sportsmen's legislation and state fish and wildlife management objectives. In 2015, we unequivocally supported efforts to expand seven-day hunting opportunities for North Carolinians with the passage of the Outdoor Heritage Act.

The Congressional Sportsmen's Foundation strongly supports measures that increase access and opportunity for sportsmen and women. The historic passage of the Outdoor Heritage Act greatly expanded opportunities for youth and families to spend time together hunting and, following the overwhelming success of these measures, we support further minimizing exceptions for increased access and opportunity for the public at large. Thus we are supportive of the provisions in the Outdoor Heritage Enhanced legislation that are essential to supporting North Carolina's outdoor heritage:

- *Permit seven-day hunting on public lands and public waters.* Access is one of the biggest barriers to hunter recruitment, retention, and reactivation, and every citizen should be afforded the opportunity to hunt regardless of whether they own or lease land. Currently, seven-day public land hunting is legal, in some capacity, in 45 states without issue.
- *Permit seven-day hunting from 9:30 a.m. to 12:30 p.m. if not within 500 yards of a place of worship or its accessory structure or not within 500 yards of a residence.* We respect the sanctity of Sunday morning hours, but hunting should be permitted during these hours when sufficient yardage distances buffer noise concerns.



- *Support studying the impacts of potentially allowing the hunting of migratory birds.*

Additionally, **we very much see the need to repeal or, at the minimum, push back the effective date for the county opt-out provision** (effective October 1, 2017) contained in the Outdoor Heritage Act. With two years of successful seven-day hunting on the books, we believe it is necessary that seven-day hunting is regulated uniformly across the state. In other states that have allowed county-by-county regulation of seven-day hunting, participation in hunting has been stifled due to confusing patchworks of different rules that can change from year to year. Sportsmen and women have had hunting privileges revoked, and the varying approaches discouraged participation in hunting because of the complexity of regulations. If the county opt-out is not repealed, North Carolinians that hunt in a county other than their county of residence, even if they are a landowner or lessee, would not be able to vote for the county officials that decide whether seven-day hunting is permitted. West Virginia's experience with this patchwork approach to seven-day hunting regulation ultimately led the state to regulate Sunday hunting uniformly statewide.

We respectfully urge you to strengthen and improve the Outdoor Heritage Act to support North Carolina's hunting heritage by repealing the county opt-out provision and supporting the measures in HB 559 that increase hunting access and opportunity for school-aged youth and adults with a traditional work week. As the North Carolina Wildlife Resources Commission stated in its 2015 resolution supporting the Outdoor Heritage Act, "Expanding hunting methods on Sunday substantially increases the number of hunting days for youths during the school year and provides additional options for hardworking adults with limited weekend hunting opportunities."

The benefits of hunting to conservation funding and the economy cannot be understated. State conservation programs for wildlife management, public land acquisitions, and habitat improvements are funded in large part by hunters. In 2015 alone, for example, North Carolina's hunters contributed more than \$29.68 million through the purchase of hunting licenses and hunting-related equipment. Economic contributions related to hunting are important as well as the more than 1.6 million sportsmen and women in North Carolina are a significant economic force spending more than \$2.3 billion, supporting more than 35,000 jobs, and generating more than \$259 million and state and local taxes in the state. As you consider HB 559, we hope that you take into account the critical importance of expanding hunting opportunities to the conservation programs and economy of North Carolina.

In closing, we also ask that you consider the successful track record of seven-day hunting in North Carolina (dating back to 2010), the benefits to the economy and conservation funding, and the importance of increasing opportunities for North Carolinians to hunt and thereby protect North Carolina's sporting heritage in perpetuity.

Thank you for your consideration.

Sincerely,



John Culclasure
Central Appalachian States Coordinator
Congressional Sportsmen's Foundation



VISITOR REGISTRATION SHEET

House Committee on Wildlife Resources 06/06/2017

Name of Committee

Date _____

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

Andrew Nathan

Terry Pratt

ALBEMARLE FISHERMENS ASSOC

Jerry Schill

MC Fisher

Glenn Skinner

NCFA



VISITOR REGISTRATION SHEET

House Committee on Wildlife Resources 06/06/2017

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Demi Davis	SELC
Brooks Raine-Pless	SELC
Mary Maloe Abail	SELC
Betsy McCorkle	KGANL
Liz Rutledge	NCWF
Sarah Hollis	NCWF
Dick Hamilton	NCWF
Dan Knight	NCWF
Mike Pless	w/c
Luslie Murray	NCGA
Edgar Miller	CTNL



VISITOR REGISTRATION SHEET

House Committee on Wildlife Resources 06/06/2017

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Kennedy Smith	NCFB
Daniel Radford	NCFB
Paul Sherman	NCFB
Robert Sparks	Daily Bulletin
Will Moose	.CCA NC
Tim Nifong	NC Sound Economy
DAVID SNEED	CCANC
Keith Johnson	CCANC
Sarah McQuinn	CCANC
Felix King	BP
Phu Gandon	MWC



VISITOR REGISTRATION SHEET

House Committee on Wildlife Resources 06/06/2017

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Tom Carpenter	4914 Paulson Dr Fayetteville, NC 28304
Ned Jones	TRIANGLE Fly Fishers & NC Trout Unlimited
Kim Sankar	NCKLA
Jason Soper	NC Chamber
John Carl	NCC
J. Turner	✓ Duke
Nathan Buback	PPAB
Tom Beard	NCWF
Tom Morris	222 Davis Lane Carteret Catch Smyrna, NC
Rachel Nixon	Smith Anderson
Beth Warren	
Scott Laster	KGANC



VISITOR REGISTRATION SHEET

House Committee on Wildlife Resources 06/06/2017

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

CAMERON BOLTES

GW Boats

JOHN CULLASONS

CONGRESSIONAL SPORTSMEN'S FEDTN

MAGHEIN UNIS

NC chamber

Mike Blanton

NC FFA

Joe McClees

McClees Consulting

Henri McClees

McClees Consulting, Inc.

Ashley Gsch

WRC

Broderick Myers

WRC

Tracy Kimbrell

Parker-Poe



**House Committee on Wildlife Resources
Wednesday, June 21, 2017 at 11:00 AM
Room 1228/1327 of the Legislative Building**

MINUTES

The House Committee on Wildlife Resources met at 11:00 AM on June 21, 2017 in Room 1228/1327 of the Legislative Building. Representatives Adams, Clampitt, Cleveland, Corbin, Henson, Lucas, Malone, Pittman, and Presnell attended.

Representative Chris Malone presided.

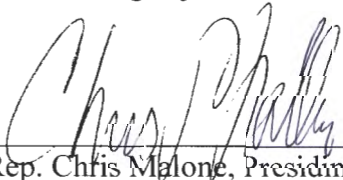
The following bills were considered:

SB 74 Update Rabies Control Laws. (Senator J. Davis) Senator Davis was recognized to explain the bill to the committee. After brief discussion, Representative Clampitt made a motion for a favorable report for the bill. The motion carried and the bill received a favorable report. Rep. Corbin will handle the bill on the House floor.

SB 217 Richmond/Right-of-Way Safety. (Senator McInnis) Senator McInnis was recognized to explain the bill to the committee. After brief discussion, Representative Cleveland made a motion for a favorable report for the bill. The motion carried and the bill received a favorable report. Rep. Zachary will handle the bill on the House floor.

SB 249 Coyote Bounty Pilot Program. (Senator McInnis) Senator McInnis was recognized to explain the bill to the committee. After brief discussion, Representative Cleveland made a motion for a favorable report for the bill. The motion carried and the bill received a favorable report. Rep. Zachary will handle the bill on the House floor.

The meeting adjourned at 10:35 am.



Rep. Chris Malone, Presiding Chair
Presiding



Susan Phillips, Committee Clerk



(2017-2018 Session)

[illegible]



**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION**

You are hereby notified that the **House Committee on Wildlife Resources** will meet as follows:

DAY & DATE: Wednesday, June 21, 2017

TIME: 11:00 AM

LOCATION: 1228/1327 LB

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
<u>SB 74</u>	Update Rabies Control Laws.	Senator J. Davis
<u>SB 217</u>	Richmond/Right-of-Way Safety.	Senator McInnis
<u>SB 249</u>	Coyote Bounty Pilot Program.	Senator McInnis

Respectfully,

Representative Jay Adams, Co-Chair
Representative Chris Malone, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 2:14 PM on Tuesday, June 20, 2017.

____ Principal Clerk
____ Reading Clerk – House Chamber

Susan Phillips (Committee Assistant)



House Committee on Wildlife Resources
Wednesday, June 21, 2017, 11:00 AM
1228/1327 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 74	Update Rabies Control Laws.	Senator J. Davis
SB 217	Richmond/Right-of-Way Safety.	Senator McInnis
SB 249	Coyote Bounty Pilot Program.	Senator McInnis

Adjournment



House Committee on Wildlife Resources

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Alexis Oliver, sponsored by Rep. Rosa Gill;

Rollie Tillman, IV, sponsored by Rep. Kelly Alexander

Introduction of Sgts at Arms

David Leighton, Joe Crook, Joe Austin and Russell Salisbury

BILL NO.	SHORT TITLE	SPONSOR
SB 74	Update Rabies Control Laws.	Sen. J. Davis

Motion for a favorable report

Corbin

Who will run the bill for you on the House floor?

SB 217	Richmond/Right-of-Way Safety.	Sen. McInnis
--------	----------------------------------	--------------

Zachery,

Motion for a favorable report



Who will run the bill for you on the House floor?



SB 249 Coyote Bounty Pilot Program.

Sen. McInnis

Motion for a favorable report

Who will run the bill for you on the House floor?

Adjournment



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S

2

SENATE BILL 74
Health Care Committee Substitute Adopted 4/6/17

Short Title: Update Rabies Control Laws.

(Public)

Sponsors:

Referred to:

February 15, 2017

1 A BILL TO BE ENTITLED
2 AN ACT IMPLEMENTING THE RECOMMENDATIONS AND GUIDELINES OF THE
3 NATIONAL ASSOCIATION OF STATE PUBLIC HEALTH VETERINARIANS
4 REGARDING THE MANAGEMENT OF DOGS, CATS, AND FERRETS EXPOSED TO
5 RABIES.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. G.S. 130A-197 reads as rewritten:

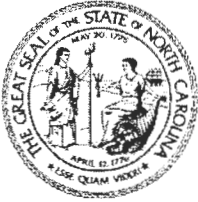
8 "§ 130A-197. ~~Infected animals to be destroyed; protection of vaccinated~~
9 ~~animals.~~ Management of dogs, cats, and ferrets exposed to rabies.

10 When the local health director reasonably suspects that an animal required to be vaccinated
11 under this Part has been exposed to the saliva or nervous tissue of a proven rabid animal or
12 animal reasonably suspected of having rabies that is not available for laboratory diagnosis, the
13 animal shall be considered to have been exposed to rabies. ~~An animal exposed to rabies shall be~~
14 ~~destroyed immediately by its owner, the county Animal Control Officer or a peace officer~~
15 ~~unless the animal has been vaccinated against rabies in accordance with this Part and the rules~~
16 ~~of the Commission more than 28 days prior to being exposed, and is given a booster dose of~~
17 ~~rabies vaccine within five days of the exposure. As an alternative to destruction, the animal~~
18 ~~may be quarantined at a facility approved by the local health director for a period up to six~~
19 ~~months, and under reasonable conditions imposed by the local health director.~~ The
20 recommendations and guidelines for rabies post-exposure management specified by the
21 National Association of State Public Health Veterinarians in the most current edition of the
22 Compendium of Animal Rabies Prevention and Control shall be the required control
23 measures."

24 SECTION 2. This act becomes effective October 1, 2017.







SENATE BILL 74: Update Rabies Control Laws.

2017-2018 General Assembly

Committee: House Wildlife Resources
Introduced by: Sen. J. Davis
Analysis of: Second Edition

Date: June 21, 2017
Prepared by: Mariah Matheson
Research Assistant

OVERVIEW: *Senate Bill 74 would require local health directors to use the guidelines issued by the National Association of State Public Health Veterinarians when deciding the proper control measures for a dog, cat, or ferret that has been exposed to rabies.*

CURRENT LAW: Under current law, an unvaccinated dog, cat, or ferret exposed to rabies must be either euthanized or quarantined for six months. Vaccinated pets exposed to rabies must be given a booster shot.

BILL ANALYSIS: Senate Bill 74 would require local health directors to follow the most current guidelines issued by the National Association of State Public Health Veterinarians when determining the proper control measures for a dog, cat, or ferret exposed to rabies.

The most recent guidelines, issued March 1, 2016,¹ state the proper control measures are:

- Animals with a current vaccine and animals that are overdue for a vaccine, but have documentation of previous vaccinations, should receive veterinary care, a rabies booster shot, and be kept under their owner's observation for 45 days.
- Unvaccinated animals should be euthanized; however, if the owner refuses to do so, they should receive immediate veterinary care and a rabies shot. Dogs and cats must be quarantined for four months, and ferrets must be quarantined for six months.
- Animals that are overdue for a vaccination and do not have any documentation of previous vaccinations can be treated as unvaccinated or undergo a prospective serological monitoring protocol to determine if the animal is demonstrating an adequate immune response

EFFECTIVE DATE: This bill would be effective October 1, 2017.

Jason Moran-Bates, Staff Attorney for the Legislative Analysis Division, substantially contributed to this summary.

¹ <http://avmajournals.avma.org/doi/pdf/10.2460/javma.248.5.505>

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S

1

SENATE BILL 217

Short Title: Richmond/Right-of-Way Safety. (Local)

Sponsors: Senator McInnis (Primary Sponsor).

Referred to: Rules and Operations of the Senate

March 9, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT THE DISCHARGE OF A FIREARM OR BOW AND ARROW FROM
3 THE RIGHT-OF-WAY IN RICHMOND COUNTY.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** It is unlawful to discharge a firearm or bow and arrow, or to attempt to
6 discharge a firearm or bow and arrow, from, on, across, or over the roadway or right-of-way of
7 any public road. For purposes of this section, the term "public road" shall not include any unpaved
8 roads within the Wildlife Resources Commission's Sandhills Game Land.

9 **SECTION 2.** Violation of the provisions of this act is punishable as a Class 3
10 misdemeanor.

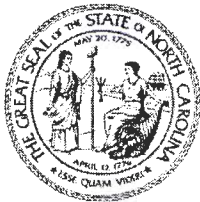
11 **SECTION 3.** This act is enforceable by law enforcement officers of the Wildlife
12 Resources Commission, by sheriffs and deputy sheriffs, and by other peace officers with general
13 subject matter jurisdiction.

14 **SECTION 4.** This act applies only to Richmond County.

15 **SECTION 5.** This act becomes effective October 1, 2017, and applies to offenses
16 committed on or after that date.







SENATE BILL 217: Richmond/Right-of-Way Safety.

2017-2018 General Assembly

Committee: House Wildlife Resources
Introduced by: Sen. McInnis
Analysis of: First Edition

Date: June 21, 2017
Prepared by: Mariah Matheson
Research Assistant

OVERVIEW: *Senate Bill 217 would prohibit the discharge or attempted discharge of a firearm or bow and arrow from or across the roadway or right-of-way of any public road in Richmond County. The act would be effective when it becomes law and would apply to offenses committed on or after that date.*

BILL ANALYSIS: Senate Bill 217 would do all of the following:

- Prohibit the discharge or attempted discharge of a firearm or bow and arrow from, on, across, or over the roadway or right-of-way of any public road in Richmond County. This does not include any unpaved roads within the Wildlife Resources Commission's Sandhills Game Land.
- Provide that a violation of the act would be a Class 3 misdemeanor.¹
- Provide that the act is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by peace officers with general subject matter jurisdiction.

EFFECTIVE DATE: This act would become effective October 1, 2017, and would apply to offenses committed on or after that date.

BACKGROUND: Similar local laws have been enacted in the following counties:

- Beaufort County – S.L. 2013-176
- Craven County (only applies to a portion of State Road 1862) – S.L. 2009-116
- Martin County – S.L. 2008-50
- Jackson County – S.L. 2008-18
- Tyrrell County (only prohibits reckless use of firearm, bow and arrow, or crossbow) – S.L. 2007-273
- Bertie County – S.L. 2007-313
- Cherokee and Clay Counties – S.L. 2004-63

Jessica Sammons, Staff Attorney for the Legislative Analysis Division, contributed to this summary.

¹ The punishment for a Class 3 misdemeanor for someone with no more than 3 prior convictions is a fine. For someone with five or more prior convictions, the punishment would be 1-20 days of community, intermediate, or active punishment. Fines for Class 3 misdemeanors generally may not exceed \$200. G.S. 15A-1340.23(b).

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 249

Short Title: Coyote Bounty Pilot Program. (Local)

Sponsors: Senators McInnis (Primary Sponsor); Brock and Pate.

Referred to: Rules and Operations of the Senate

March 15, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE A COYOTE TAGGING AND BOUNTY PROGRAM IN RICHMOND
3 COUNTY.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 153A-131 reads as rewritten:

6 "§ 153A-131. ~~Possession or harboring~~ Possession, harboring, or control of dangerous
7 animals.

8 A county may by ordinance regulate, restrict, or prohibit the possession or harboring of
9 animals which are dangerous to persons or property. No such ordinance shall have the effect of
10 permitting any activity or condition with respect to a wild animal which is prohibited or more
11 severely restricted by regulations of the Wildlife Resources ~~Commission~~ Commission, except that
12 the Commission shall permit a county to develop and implement a coyote tagging and bounty
13 program within the county that includes the following elements:

14 (1) The county may capture and tag, tattoo, or otherwise mark up to 10 coyotes
15 prior to releasing them. The county shall neuter any coyote captured under this
16 subdivision prior to release.

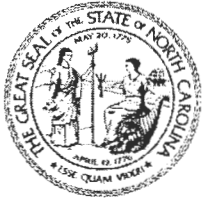
17 (2) The county or a local nonprofit organization may offer a bounty of not less than
18 five hundred dollars (\$500.00) per tagged coyote."

19 SECTION 2. This act applies to Richmond County only.

20 SECTION 3. This act is effective when it becomes law.







SENATE BILL 249: Coyote Bounty Pilot Program.

2017-2018 General Assembly

Committee: House Wildlife Resources
Introduced by: Sen. McInnis
Analysis of: First Edition

Date: June 21, 2017
Prepared by: Mariah Matheson
Research Assistant

OVERVIEW: *Senate Bill 249 would require the Wildlife Resources Commission (Commission) to develop and implement a coyote bounty pilot program in Richmond County.*

CURRENT LAW: Currently, there are no bag limits and no closed season on the hunting of coyotes. In Beaufort, Dare, Hyde, Tyrell, and Washington counties, the Commission prohibits the hunting of coyotes at night.

BILL ANALYSIS: The bill would require the Commission to develop and implement a coyote tagging and bounty program in Richmond County. The county would be allowed to capture and tag up to 10 coyotes prior to releasing them. The county would be required to neuter any coyotes captured under this program prior to release. The bill would also allow the county or a local nonprofit organization to offer a bounty of not less than \$500 per tagged coyote.

EFFECTIVE DATE: This bill would be effective when it becomes law and only applies to Richmond County.

Layla Cummings, Staff Attorney for the Legislative Analysis Division, substantially contributed to this summary.

Karen Cochrane-Brown
Director



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**NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES**

WILDLIFE RESOURCES COMMITTEE REPORT

Representative Jay Adams, Co-Chair

Representative Chris Malone, Co-Chair

FAVORABLE

SB 74 (CS#1)

Update Rabies Control Laws.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Clampitt

SB 217

Richmond/Right-of-Way Safety.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Zachary

SB 249

Coyote Bounty Pilot Program.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Zachary

TOTAL REPORTED: 3



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**House Pages
Assignments
Wednesday, June 21, 2017**

Committee	Room	Time	Staff	Comments	Member
State and Local Government II	544	10:00 AM	Vince Graham		Rep. Charles Graham
			Fischer Pearson		Rep. John Sauls
State and Local Government	423	10:00 AM	Isaac Brooks		Rep. Mike Clampitt
			Carter Brown		Rep. John Torbett
			Logan Martin		Rep. Verla Insko
Health	643	11:00 AM	Kari Davis		Rep. Nelson Dollar
			Evan Morris		Rep. Verla Insko
Wildlife Resources	1228/1327	11:00 AM	Alexis Oliver		Rep. Rosa Gill
			Rollie Tillman, IV		Rep. Kelly Alexander



Committee Sergeants at Arms

NAME OF COMMITTEE H C on Wildlife Resources

DATE: 6/21/2017 Room: 1228/1327

House Sgt-At Arms:

1. Name: David Leighton

2. Name: Joe Crook

3. Name: Russell Salisbury

4. Name: Joe Austin

5. Name: _____

Senate Sgt-At Arms:

1. Name: _____

2. Name: _____

3. Name: _____

4. Name: _____

5. Name: _____



VISITOR REGISTRATION SHEET

H C on Wildlife Resources

6/21/2017

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Lynette Tolson	NCA/HD
Dears Eatman	MDOT
Robert Sparks	Daily Bulletin
Richard Hamilton	NCWF
Ashley Crook	WRC
Carl Williams	NC DPH
Jillian Tolman	MWCCC
Sarah McQuillan	KGANC
Preston Howard	NCMA



VISITOR REGISTRATION SHEET

H C on Wildlife Resources

Name of Committee

6/21/2017

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

<i>[Signature]</i>	<i>[Signature]</i>
<i>[Signature]</i>	<i>[Signature]</i>
Ehan Holland	NCDH + CS
Harrison Walter	Speaker's Office
Dan Crawford	MLCC
Vincent Gauthier	NCLCV
Graham Jackson	NCLCV
Mike Blanton	NCEA
Jerry Schill	NCEA

