COMMITTEE REPORT

April 18, 2013

**H. 3920**

Introduced by Reps. Goldfinch, Clemmons, Hardwick and H.A. Crawford

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Read the first time April 10, 2013.

**THE COMMITTEE ON FISH, GAME AND FORESTRY**

To whom was referred a Concurrent Resolution (H. 3920) expressing the opposition of the members of the General Assembly of the State of South Carolina to any vessel monitoring systems off the coast of South Carolina or within the State associated with, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

GEORGE E. CAMPSEN III for Committee.

**A** **CONCURRENT RESOLUTION**

EXPRESSING THE OPPOSITION OF THE MEMBERS OF THE GENERAL ASSEMBLY OF THE STATE OF SOUTH CAROLINA TO ANY VESSEL MONITORING SYSTEMS OFF THE COAST OF SOUTH CAROLINA OR WITHIN THE STATE ASSOCIATED WITH THE SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL’S PROPOSED AMENDMENT 30 OR ANY FUTURE AMENDMENTS TO THE FISHERY MANAGEMENT PLAN FOR THE SNAPPER‑GROUPER FISHERY OF THE SOUTH ATLANTIC REGION, AND STRONGLY URGING THE SOUTH CAROLINIANS APPOINTED BY THE SECRETARY OF COMMERCE OF THE UNITED STATES TO SERVE ON THE SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL TO REFLECT THIS OPPOSITION IN THE COUNCIL’S DELIBERATIONS ON THESE MATTERS.

Whereas, the South Atlantic Fishery Management Council (SAFMC) is considering an amendment, and possibly future amendments, to the Fishery Management Plan for the Snapper‑Grouper Fishery of the South Atlantic Region to require vessel monitoring systems (VMS) on federally permitted commercial fishing vessels, including charter or head boats that also carry a commercial snapper‑grouper permit, even when carrying passengers for hire; and

Whereas, vessel monitoring systems would allow federal law enforcement and fishery officials to track commercial vessels at all times ‑ twenty‑four hours a day, seven days a week, three hundred sixty‑five days a year ‑ via satellite communications, even within South Carolina state waters or dockside in the State; and

Whereas, the average vessel monitoring system unit costs about three thousand five hundred dollars, and while there are currently reimbursements available from the National Oceanic and Atmospheric Administration (NOAA) for most of the unit cost, fishermen would be required to pay for the unit and its estimated three to four hundred dollars installation cost by a “qualified marine electrician” in advance and wait up to forty‑five days for reimbursement; and

Whereas, fishermen would be responsible for the vessel monitoring system service provider fees which are estimated to be over six hundred dollars a year, but could be much higher if it is determined that a higher rate of tracking is needed to capture all fishing locations; and

Whereas, vessel monitoring system maintenance, repairs and unit replacement costs would be the sole responsibility of fishermen; and

Whereas, it is estimated that the NOAA vessel monitoring system reimbursements would cost taxpayers over two million dollars at a time when federal budget deficits are out of control; and

Whereas, there is no mandate in the Magnuson‑Stevens Fishery Conservation and Management Act for regional fishery management councils to impose vessel monitoring system requirements on fishermen; and

Whereas, the proposed vessel monitoring systems are tracking devices that would be required on the private property of South Carolina citizens, which causes serious concern about infringement of rights of privacy guaranteed by the Constitution of the United States; and

Whereas, South Carolina commercial fishermen are already burdened by numerous fishery closures, overly restrictive catch limits, high fuel prices, costly new U.S. Coast Guard regulations, growing seafood imports and the ongoing economic recession; and

Whereas, federally mandated vessel monitoring systems would cause further economic harm to for‑hire (recreational) and commercial saltwater fishing activities, which are vital to the coastal economy of South Carolina and employs thousands of state residents directly and indirectly; and

Whereas, according to a 2008 University of South Carolina study, coastal tourism in South Carolina had a total economic impact of over seven billion dollars, employed nearly eighty‑one thousand South Carolinians, and generated over two billion dollars in salary and wages; and

Whereas, according to a 2006 American Sportfishing Association study, saltwater fishing in South Carolina had a total economic impact of over one billion dollars, employed nearly twelve thousand South Carolinians, and generated over three hundred thirty‑three million dollars in salary and wages; and

Whereas, according to a 2008 University of South Carolina study, commercial fishing in South Carolina had a total economic impact of nearly thirty‑four million dollars, employed nearly seven hundred South Carolinians, and generated nearly thirteen million dollars in salary and wages; and

Whereas, the SAFMC agreed to move consideration of required vessel monitoring systems forward by a vote of 10‑3, and during April 2013, the SAFMC is accepting public comment on requiring vessel monitoring systems; and

Whereas, three South Carolinians serve on SAFMC, nominated by the Governor and appointed by the United States Secretary of Commerce, including a “fisheries” representative chosen from the staff of the South Carolina Department of Natural Resources. Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

That the members of the General Assembly of the State of South Carolina, by this resolution, express their opposition to any requirement of government tracking devices or vessel monitoring systems off the coast of South Carolina associated with the SAFMC’s proposed amendment to the Fishery Management Plan for the Snapper‑Grouper Fishery of the South Atlantic Region and strongly urge the South Carolinians appointed by the Secretary of Commerce of the United States to serve on the South Atlantic Fishery Management Council to reflect this opposition in SAFMC’s deliberations on these matters.

Be it further resolved that the members of the General Assembly urge the SAFMC not to adopt any amendment that includes any vessel monitoring system requirements for vessels off the coast of South Carolina.

Be it further resolved that a copy of this resolution be forwarded to the South Carolina Department of Natural Resources, all South Carolina representatives on the SAFMC, the SAFMC, and the National Marine Fisheries Service.

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