COMMITTEE REPORT

March 28, 2012

**H. 4703**

Introduced by Reps. Pitts, Herbkersman, Parker, Hardwick, White, Erickson, Henderson, Limehouse, Sandifer, G.R. Smith, Spires and Tribble

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Read the first time January 31, 2012.

**THE COMMITTEE ON AGRICULTURE, NATURAL**

**RESOURCES AND ENVIRONMENTAL AFFAIRS**

To whom was referred a Concurrent Resolution (H. 4703)

to oppose and refuse to recognize or enforce the Coastal and Marine Spatial Plans created in South Carolina pursuant to the authority of the National Ocean, etc., respectfully

**REPORT:**

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

Amend the concurrent resolution, as and if amended, by deleting all after the title and inserting:

/ Whereas, by the authority of the federal Submerged Lands Act of 1953, the State of South Carolina owns and manages waters within three nautical miles of the coastline; and

Whereas, there are ongoing and new uses of the ocean that could benefit from taking a coastal and marine spatial planning approach that incorporates the best available data and actively engages key user groups in the management decisions; and

Whereas, the State must have a leadership role in the development of any coastal and marine spatial planning efforts that occur in or adjacent to state waters; and

Whereas, it is critical that recreational fisheries and other user groups have the opportunity to be represented and engaged in ocean management decisions; and

Whereas, the National Ocean policy calls for a Coastal and Marine Spatial Planning process that could impact activities in waters owned and managed by this State; and

Whereas, the South Carolina General Assembly recognizes that without adequate scientific evidence to support coastal and marine spatial planning, this planning could have a detrimental effect on the coastal economies of our State; and

Whereas, the South Carolina General Assembly is uncertain that the Regional Planning Bodies designated to formulate regional Coastal and Marine Spatial Plans will provide equal participation across “federal, state and tribal authorities”; and

Whereas, the official engagement of all stakeholders during the Regional Planning Body plan development process must be clearly defined and implemented; and

Whereas, coastal and marine spatial planning has in some cases failed to ensure the right of the public to access aquatic resources for legitimate conservation activities and recreational uses; and

Whereas, nevertheless, the South Carolina General Assembly recognizes the authority of the United States government to manage recreational fishing as a sustainable activity in federally controlled waters as stated in Presidential Executive Order 12962 as amended by Presidential Executive Order 13474, and, subsequently, the State of South Carolina will continue to manage and protect recreational fishing as a sustainable activity in any relevant conservation or management areas that fall under the authority of this State. 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, affirm the authority of the State of South Carolina in determining appropriate activities and uses of resources in state controlled waters, regardless of any Coastal and Marine Spatial Plans created pursuant to the National Oceans Policy, and recognize the critical role states and all ocean user groups must play in the creation of any Coastal and Marine Spatial Plans pursuant to the National Oceans Policy in federally controlled waters. /

Renumber sections to conform.

Amend title to read:

/ TO AFFIRM THE AUTHORITY OF THE STATE OF SOUTH CAROLINA IN DETERMINING APPROPRIATE ACTIVITIES AND USES OF RESOURCES IN WATERS CONTROLLED BY THE STATE AND TO RECOGNIZE THE CRITICAL ROLE OF STATES IN FEDERAL OCEAN PLANNING, INCLUDING THE GATHERING OF COASTAL AND MARINE SPATIAL DATA. /

NELSON L. HARDWICK for Committee.

**A** **CONCURRENT RESOLUTION**

TO OPPOSE AND REFUSE TO RECOGNIZE OR ENFORCE THE COASTAL AND MARINE SPATIAL PLANS CREATED IN SOUTH CAROLINA PURSUANT TO THE AUTHORITY OF THE NATIONAL OCEAN COUNCIL.

Whereas, the National Ocean policy calls for a Coastal and Marine Spatial Planning process to regulate activities in waters owned and managed by this State; and

Whereas, Executive Order 13547 signed by President Barack Obama on September 30, 2011, circumvents Congressional action to promote a predetermined agenda of water uses; and

Whereas, the South Carolina General Assembly recognizes that without adequate scientific evidence to support Coastal and Marine Spatial Planning, this planning will have a detrimental effect on the coastal economies of our State; and

Whereas, the necessity for the zoning of aquatic uses and the existence of conflicts among uses of aquatic and coastal resources has not been proven factual; and

Whereas, the South Carolina General Assembly is uncertain that “federal, state, and tribal authorities” who are to staff Regional Planning Bodies designated to formulate Coastal and Marine Spatial Plans will adequately represent all stakeholders during the development of those plans; and

Whereas, Coastal and Marine Spatial Planning has failed to ensure the right of the public to access aquatic resources for legitimate conservation activities and recreational uses; and

Whereas, nevertheless, the South Carolina General Assembly recognizes the authority of the United States government to manage recreational fishing as a sustainable activity in federally controlled waters as stated in Presidential Executive Order 12962 as amended by Presidential Executive Order 13474, and, subsequently, the State of South Carolina will continue to manage and protect recreational fishing as a sustainable activity in any relevant conservation or management areas that fall under the authority of this State. 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, oppose and refuse to recognize or enforce the Coastal and Marine Spatial Plans created in South Carolina pursuant to the authority of the National Ocean Council.

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