

**WEEKLY UPDATE: 5/19/2017**  
**NORTH CAROLINA FISHERIES ASSOCIATION**  
**"Serving the Commercial Fishing Families of North Carolina since 1952"**  
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### **SOUTHERN FLOUNDER LAWSUIT SETTLED!**

Recap: The Carteret County Fisherman's Association, North Carolina Fisheries Association and several counties sued the NC Department of Environmental Quality, Division of Marine Fisheries and the Marine Fisheries Commission over the regulations they approved using a "Supplement" to the Southern Flounder Fishery Management Plan.

At the first hearing, a judge issued a temporary restraining order and at the next hearing a different judge issued an injunction, pending the hearing of the case. The injunction did allow certain parts of the regulation to remain in place, such as the 15 inch minimum size for both recreational and commercial fishermen, 6 inch minimum mesh size for large mesh gillnets, and pound net escape panels.

The court ordered a mediation and it was held on Thursday, May 11, 2017 in Beaufort. After several hours, they came to an agreement. The Marine Fisheries Commission voted on Wednesday of this week to approve the mediated agreement, which keeps the above regulations in place. In other words, the agreement eliminates the recreational fishing closure, keeps in place the commercial harvest from December 1 to January 1 of each successive year until changed by an amendment to the Fisheries Management Plan, NO quota on pound nets used to catch southern flounder and no daily reporting of catches of southern flounder by pound net fishermen.

The agreement also states that each party shall be responsible for payment of its legal fees.

There is one additional stipulation to the agreement: DEQ, DMF and the MFC cannot initiate or pursue any supplement for southern flounder prior to the next amendment of the Fisheries Management Plan for southern flounder!

Kudos to our attorneys, Steve Weeks and Todd Roessler, our fishermen who participated in the mediation and all who have contributed to our legal fund!

From the beginning of this process, NCFA insisted that an amendment to the southern flounder fishery management plan was the appropriate way to go, rather than the "quick and dirty" supplement process. We mentioned it every time we spoke about the issue. Our message was brief and consistent, yet the Marine Fisheries Commission chose to ignore that opinion. As a result, we filed a legal complaint and prevailed, but costing fishermen and taxpayers a good deal of money.

Making things even worse, a bill was recently filed in the North Carolina House, H-867, which would nullify our ability to address legal grievances such as this! At the Marine Fisheries Commission meeting held this week

in New Bern, there were comments made that the Commission should endorse H-867 to avoid the possibility of lawsuits, such as the one on southern flounder. There would be no redress of grievances. This Commission is indeed rogue and has no shame!

The Commission did vote to endorse H-867 with Alison Willis and Janet Rose voting in opposition. Sammy Corbett as Chairman, did not vote but spoke in opposition to the motion. Joe Shute abstained, so the vote was 5 – 2.

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### **LEGISLATIVE UPDATE:**

Not much activity on fisheries bills in the General Assembly this week, but a few stakeholders got together to talk about issues and see if there's any common ground. Not much was found but the talks will continue.

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### **MARINE FISHERIES COMMISSION MET IN NEW BERN**

The N.C. Marine Fisheries Commission met this week in New Bern. There were 2 significant decisions made:

The Commission voted to accept the mediated settlement agreement regarding the southern flounder lawsuit as explained above.

Also noted above, they voted to endorse H-867. The motion was as follows:

Motion by Brad Koury to have the chairman send a resolution in support of House Bill 867 to the Governor, Senate President Pro-Tem, Speaker of the House and full legislative body. This shall be done by email no later than May 25, 2017 and followed by a letter sent as above by May 31, 2017. Second by Rick Smith.

Other motions made at the MFC meeting will be in next week's update.

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### **CALENDAR**

June 5; NCFA Board; Noon; Civic Center in Washington NC

June 6 – 8; MAFMC Meeting; Norfolk, VA

June 12 – 16; SAFMC Meeting; Ponte Vedra Beach, FL