

NCFA UPDATE: 03/05/2021
NORTH CAROLINA FISHERIES ASSOCIATION
"Serving the Commercial Fishing Families of North Carolina since 1952"
PO Box 86; Morehead City, NC 28557
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www.ncfish.org

LEGISLATIVE UPDATE FOR 3/5/2021

No action on any of the bills we listed previously so I'll save some space due to the length of NCFA's response to the Allen Jernigan message to some legislators. I will mention that there will probably be a meeting of the NC House Marine Resources Committee next week but nothing official yet. More than likely there will be 2 bills on the agenda but nothing earth shattering from our perspective.

Some time ago, Allen Jernigan sent an email message to some legislators about fisheries management in North Carolina. It was filled with quite a bit of misinformation, to use a polite term. Glenn Skinner provided an NCFA point by point response which I sent to the same email list that Mr. Jernigan used. It's my understanding that he felt that it was inappropriate for one of the legislators on his list to share his note with a "lobbyist". Allow me to address that.

For years, I've lived by the axiom, "The World is Run by Those Who Show Up". That's usually my response when someone complains about whatever influence the commercial fishing industry has in politics. We show up. When the legislature is in session in Raleigh, we're there. Most days there is nothing on their agenda that has anything to do with fish. Those are the days I meet with legislators or staff about how commercial fishing families are doing, how Covid has affected fishing, our religious beliefs, what they had for lunch, tractors, cows, their children, grandchildren, etc. etc. It's called building relationships. We may talk about what their constituents think about certain commercial fishing gear or practices. Building those relationships builds trust, so when a bill is introduced that we like or don't like, there's already a bridge so a legislator can simply ask, "What do y'all think about this bill".

Whenever someone sends an email to a legislator's official email, it is public record. If it involves opinions about fish, it's safe to assume it will be forwarded to me for comment regardless of the sender. It's rather expensive for NCFA to have someone in Raleigh all the time. It would be devastatingly disastrous though not to. Our positions on issues can be debated all day long. Our credibility, however, cannot.

Here is NCFA's response to the Allen Jernigan note to some legislators:

Recently many legislators received an email from Allen Jernigan about his frustrations with fisheries management in our state. Glenn Skinner, NCFA's Executive Director, went through Mr. Jernigan's email point by point and offers this response to help clarify some really bad information.

Mr. Jernigan's comments are in black and NCFA's in red.

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Jerry Schill

Hello, I hope everyone is well during these trying times.

I write you all out of frustration of how our coastal resources are being managed at NCDMF. It has become clear over the years that no matter who the director is, we face the same problems in regards to our style of management. That leads me to believe that senior staff is really who is running that show. The public has had enough.

NCFA response:

I hope no one at the General Assembly is naïve enough to believe that for decades “Senior NCDMF staff”, whoever they are, have controlled the management of North Carolinas fisheries. First NCDMF staff do not manage our coastal fisheries alone. DMF’s role in our management process is to collect fisheries data, prepare Fishery Management Plans (FMP’s) for the Marine Fisheries Commission (MFC), and to enforce the rules of the MFC. The MFC alone has rule making authority over our coastal fisheries. DMF staff receive their direction from the MFC and the, appropriately named, DMF Director which are both overseen by the Secretary of DEQ. The Director, Secretary, and all 9 MFC members are appointed by the Governor. Over the last 3 decades there have been 6 Governors, 9 Secretaries, 76 individual MFC members, and approximately 6 DMF Directors, all of which have the authority and ability to override the wishes of “Senior DMF Staff”. For Mr. Jernigan’s claims to be true each and every one of these individuals would have had to knowingly relinquish their authority to DMF staff for the last 30 years!

Right now senior NCDMF staff is pushing the NCMFC to reallocate southern flounder to the commercial sector at their meeting next week. Senior staff wants this reallocation to be a 73/27 split in favor of the commercial industry. This a poorly written document and I would like to point out some major issues myself and others have with this proposal, and the process as a whole.

NCFA response:

The MFC is looking at options for implementing harvest quotas in the Southern Flounder fishery for both the commercial and recreational sectors. At its November 2020 meeting the MFC asked DMF to review several allocation options ranging from a 50%/50% split to a 70%/30% split.

Traditionally the commercial sector has harvested 73% of Southern Flounder harvested in NC and the recreational sector accounts for 27%.

As Mr. Jernigan noted the options being discussed (50/50 to 70/30 split) do represent a reallocation of the resource but not in the commercial fishermen’s favor, as he claims. In

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fact the options being discussed represent a 3% to 23% increase for the recreational sector. Prior to the adoption of the Southern Flounder FMP in 2005 the recreational sector averaged less than 15% of the annual flounder harvest but has since increased to the current 27% due to an inability to control recreational effort.

Some would argue that a reallocation in the recreational sectors favor has already occurred.

1. Senior staff has made it where the southern flounder advisory committee can no longer make suggestions. The public can no longer give public comment at these AC meetings. The AC members now only vote on NCDMF senior staff's proposals. I guess that is one way to control the outcome.

NCFA response:

The current Advisory Committee (AC) process is an attempt by the Division to streamline or speedup the FMP process. The AC will be working with the Plan Development Team to develop the final draft FMP to be reviewed by the public and MFC. Public comment will be allowed at the MFC meetings and when the Standing Advisory Committees review the MFC's preferred management options.

2. We are managing a destructive large mesh gill net fishery for flounder in this state. This large mesh flounder fishery is known for killing protected species, unsustainable amounts of bycatch and the State of NC was even sued a few years back over the amount of sea turtles being killed here in NC in this fishery. THIS LARGE MESH SOUTHERN FLOUNDER GILL NET FISHERY DOES NOT EXIST ANYWHERE else in the United States. All other states banned this outdated antiquated gear years ago. Is it not time for us to do the same? Especially when looking at further restricting the public's access? NCDMF has the numbers on this gear, total participants and income. The income is marginal at best. The NCDMF can also show you where this is a part time fishery for almost all participants. Why not address this gear instead of killing billions of dollars on the recreational side? Why penalize the public for years of mismanagement by NCDMF staff? Is it not time to address the real problem?

NCFA response:

The large mesh gillnet fishery for flounder is currently closed with the exception of a few weeks in the fall. Many other states have prohibited or severely restricted the use of gillnets but have not prevented the "overfishing" of Southern Flounder. Southern Flounder stocks are struggling throughout their entire U.S. range from NC to Texas.

Almost every state is considering or has already implemented new harvest restrictions for Southern Flounder, to address overfishing, despite the gillnet restrictions implemented decades ago.

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As Mr. Jernigan mentioned NCDMF has data on large mesh gillnets including harvest data, discard data, interactions with protected and endangered species, and economic data. This data is collected by both State and Federal observers and DMF staff on fishermen's vessels and at the fish houses.

NCDMF also has recreational data, though less robust, for comparison if any Legislators are interested in requesting it.

3. Pound nets. Where do I start with that? The fishery is in such dire shape, that NCDMF senior staff seeks to further restrict the public's access. Meanwhile, new pound net permits ARE STILL BEING APPROVED. That's right. NCDMF senior staff is approving more commercial industry access while looking for ways to further restrict recreational access. Now, pound nets are a better and somewhat cleaner way to harvest southern flounder at times. They also kill a lot of unintended species like Sea turtles and the State of NC does not have an Incidental Take Permit for this fishery. The state does have an "ITP" for the Large Mesh Gill net fishery. These pound nets to date have also been operating without any kind of quota for many years. Shouldn't we put a quota on this fishery and stop approving new permits before we restrict the public's access? This is also a fishery that exists nowhere else in the entire United States for Southern flounder.

NCFA response:

The number of pound nets in no way impacts recreational access or allocation. As noted above the MFC is moving forward with a quota for both sectors and the quota will not change once implemented.

Increased commercial effort will result in less fish for each individual commercial fisherman only, as the total commercial quota will be divided among more individual fishermen.

The recreational quota will remain the same and be managed separately.

I've seen no data to support Mr. Jernigan's claim that pound nets in NC kill a lot of sea turtles but he is correct when he noted that NC does not have an Incidental Take Permit (ITP) for the pound net fishery. NC also does not have a I.T.P for our recreational hook and line fishery despite the, well documented, fact that significant numbers of sea turtles are accidentally \ illegally caught by NC anglers each year.

4. In the fall of 2020, a man enjoying an afternoon fishing from shore could not keep a legal southern flounder if he caught one with a hook and line. He could however, go buy that same identical southern flounder at the fish market caught from the same exact water. Need I say more?

NCFA response:

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In 2020 the recreational Southern Flounder season opened August 16 through September 30.

The commercial harvest season opened September 15 through October 6 in the Northern Area, October 1 through October 19 in the Central Area, and October 1 through November 2 for the Southern Area.

These seasons were adopted by the MFC to reduce both the recreational and commercial harvest of Southern Flounder by 72% and coincide with the peak fishing season for each sector.

It is well known that Mr. Jernigan targets Southern Flounder both recreationally and commercially in the Southern Management Area.

5. The recreational sector has taken all cuts on southern flounder over the past 2 decades with the most recent cut just a few years back when recreational anglers were cut from 6 to 4 fish. That was a 33% reduction and a reduction mandated by the ASMFC as part of their SUMMER flounder management. Well, once again senior staff came to the rescue of industry while throwing the recreational man off of the bus. The commercial industry received no cuts of any kind. Senior staff implemented the entire required ASMFC on the backs of the recreational angler. I have a recorded phone call on file with a senior staff member who at the time was the head flounder biologist at NCDMF. He explains to me in that phone call that while I am fishing here I am only catching summer flounder. 100 yards away a man with his gill net is only catching southern flounder, hence why recs have to take the cut. He must of thought I was born yesterday. This screams of regulatory capture, and there is even more asinine comments in the call. I have that recording for anyone who would like to hear it.

NCFA response:

In 2005 the MFC adopted measures to reduce commercial harvest of Southern Flounder by 15.1% and recreational harvest by 30.5% Commercial harvest and discards decreased but recreational harvest and discards continued to increase reaching a time series high in 2010, slowing rebuilding of the stock and prompting further management.

In 2010 management measures intended to reduce sea turtle interactions were accepted as the commercial management strategy for reducing flounder harvest and were predicted to achieve a 22.2% reduction.

In 2011 the recreational size limit increased to 15 inches and the bag limit decreased to 6 fish, this was predicted to reduce harvest by 20.2%,

In 2015 further restrictions were implemented to reduce commercial harvest of Southern Flounder by an estimated 18% to 24%.

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In 2019 measures were implemented (seasons) to achieve an equitable 62% harvest reduction for 2019 and a 72% harvest reduction for 2020 in both sectors, recreational and commercial.

To date the following harvest reductions have been implemented

	Commercial	Recreational
2005	15.1%	30.5%
2011	22.2%	20.2%
2015	18% to 24%	
2019	62%	62%
2020	72%	72% (10% increase from 2019)

6. Shrimp trawls got a free pass on Southern Flounder. I have been in and participated in these fishery all of my life. Shrimp trawls kill a ton of southern flounder as bycatch but again senior NCDMF staff did not address this. Again regulatory capture. Shouldn't this be looked at before a man with a rod and reel standing on a pier?

NCFA response:

North Carolina's commercial fishermen continue to work with State and Federal scientist to find new ways to reduce finfish bycatch in the shrimp trawl fishery, North Carolinas current requirements for bycatch reduction devices in the Pamlico Sound and its tributaries are the strictest in the Nation, reducing finfish bycatch by nearly twice the Federal requirements.

In addition to BRD requirements the State has permanently closed 996,690 acres (1,557 square miles) of estuarine waters and 138,561 acres (217 square miles) of ocean waters to shrimp trawling.

An additional 76,160 acres (119 square miles) of estuarine waters and 4,752 acres (7 square miles) of ocean waters are managed with seasonal closures.

All Inland Waters managed by the WRC are permanently closed to shrimp trawling and other commercial gears.

For comparison there are 1,041,480 acres (1,627 square miles) of estuarine waters and 582,694 acres (910 square miles) of ocean waters open to shrimping.

These are just a few points that I have, and I have many more on this topic if anyone would like to talk more. We can't fix southern flounder until we address the elephant in the room that is responsible for over 80% of the total harvest and an even higher number of discards. All these years senior staff has practiced gear management and not fisheries

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management. It is way past time for a change. The common recreational man should not be the ones paying the price for years of poor management and destructive gear use. Address the commercial gears and fix the problem.

NCFA response:

As you can clearly see NC and other States have already addressed commercial fishing gears, nearly to death, but have failed to prevent the decline of Southern Flounder stocks.

As Mr. Jernigan mentioned other coastal states from South Carolina to Texas have severely restricted gillnets, leaving recreational fishing as the major source of mortality for Southern Flounder.

Decades later these states are still forced to restrict recreational harvest for Southern Flounder, Speckled Trout, and Red Drum.

Why should you believe things would be different in NC?

Thank you for your time,

Douglas Allen Jernigan

910-467-1482

Information on Shrimp FMP Amendment 2

Contact: [Chris Stewart](#) or [Daniel Zapf](#) or [Jason Rock](#)

Amendment 2 Workshops

Based on feedback from the public and MFC, the N.C. Division of Marine Fisheries is examining management strategies to further reduce bycatch of non-target species in the shrimp trawl fishery and potential changes to existing shrimp management strategies that were adopted in the 2006 FMP, 2015 Amendment 1, and 2018 Revision to Amendment 1.

The N.C. Division of Marine Fisheries will hold Shrimp Fishery Management Plan Advisory Committee workshops over several days to review draft Amendment 2 to the plan. The purpose of the workshops is to further develop draft Amendment 2.

Workshop dates are scheduled for:

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Day 1: March 2 6 p.m. to 8:30 p.m.
Day 2: March 4 3 p.m. to 6 p.m.
Day 3: March 9 3 p.m. to 6 p.m.
Day 4: March 10 3 p.m. to 7 p.m.
Day 5: March 11 3 p.m. to 7 p.m.
Day 6: March 15 5 p.m. to 8 p.m.

While the workshops are open to the public to observe, no public comment will be accepted.

The advisory committee assists the division by providing input for consideration to refine management options in draft Amendment 2. Workshop-style meetings allow scientists, managers, and stakeholders to address questions, comments, and concerns more effectively and in a less formal setting. Based on the outcome of the workshops, the division will present a revised draft of Amendment 2 to the Marine Fisheries Commission later in 2021. Additional public review and comment on the draft plan will then be solicited and is critical input to completing the final plan.

News Release (Feb. 11, 2021)	Shrimp Fishery Management Plan Advisory Committee Workshops (WebEx Links, Meeting Materials)
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Amendment 2 Scoping Period

A scoping document period was held Jan. 7-21, 2020 to solicit public comments on potential management strategies for Amendment 2. Fisheries stakeholders provided in-person comments at three scoping meetings that were held in Washington, Morehead City, and Wilmington.

Scoping Document: Management Strategies for Amendment 2 (Feb. 2020)	Revision to Amendment 1 to the North Carolina Shrimp FMP (May 2018)
Shrimp FMP Amendment 1 (March 2015)	Shrimp Original FMP (April 2006)

Questions about the FMP Process? Contact Corrin Flora Fisheries Management Plan Coordinator, Morehead City at 252-808-8072.

Coastal Carolina Riverwatch (CCRW, with the assistance of the North Carolina Marine Fisheries Commission and the North Carolina Division of Marine Fisheries, is surveying NC fishing communities to determine the effects of water quality on our fisheries.

The survey is being administered by the Survey Research Center at East Carolina University. Survey results will help identify the water quality concerns and priorities of those engaged in fishing and shellfishing activities. Survey results will be made available publicly by CCRW. Individual responses will remain confidential.

It is very important that the perspectives of commercial fishing communities such as yourself are taken into account. The survey should take less than five minutes of your time. Please

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