

Southern Flounder Update Leads to More Questions Than Answers

During the February 2023 quarterly business meeting of the NC Marine Fisheries Commission (MFC), the Division of Marine Fisheries (DMF) provided the Commission a with very informative update on their efforts to manage the Southern Flounder fishery.

While informative, there were portions of the presentation, which sparked concern for the NCFA, causing us to seek clarification from the DMF, which is why these issues were not included in last week's newsletter.

When DMF provided the Commission with the preliminary 2022 Southern Flounder data, for both the commercial and recreational sectors, there were two issues that immediately caught our attention, one with the commercial data and one with the recreational.

Commercial

The preliminary data showed that the commercial sector came in at just under their Total Allowed Landings (TAL), for 2022, leaving about 10,746 pounds of their quota unharvested. While the sector, as a whole, only harvested 97% of their quota, DMF noted that the pound net fisheries in the Central and Southern areas had exceeded their TAC (Total Allowed Catch) which is the portion of the quota allocated to those specific gear/area combinations, by 5,145 and 3,496 pounds respectively. Staff made it clear that it was the intent of the DMF to require pound for pound payback of these overages, which would not only reduce the TAC for the central and southern pound net fisheries in 2023, but also reduce the entire 2023 commercial quota by 8,631 pounds.

Again, the commercial sector did not even catch our entire quota, in 2022, much less exceed it but somehow the Division determined that accountability measures, adopted through Amendment 3, had been triggered and the industry should be penalized. Amendment 3 clearly states that "For the commercial fishery, if the combined TAL for all gear and area combinations are not exceeded at the end of the fishing year, accountability measures will not be applied."

That said, it was clear, to us, that accountability measures should not be applied, as the combined TAL had not been exceeded, and we questioned DMF's interpretation of Amendment 3.

We are pleased to say that DMF quickly responded, confirming that we were indeed correct and that unless the finalized data showed the combined TAL for all gear and area combinations has been exceeded, which is unlikely, there will be no reduction in either the 2023 TAL or TAC for the central and southern pound net fisheries.

Again, we are pleased with the Divisions response to our concerns but, in our opinion, one question remains unanswered.

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Why would the Division even consider penalizing the commercial sector when we did not exceed the 2022 quota?

Were they attempting to use the commercial quota as some sort of conservation buffer to make up for the State's continued inability to effectively manage the recreational removals of Southern Flounder?

That is right, even with a recreational quota and "accountability" that sector, once again, failed to achieve the desired reduction in total removals of Southern Flounder. Which brings us to our concerns with the recreational data.

Recreational

The preliminary recreational data shows, that sector has exceeded their 2022 TAL by, at least, 51,666 pounds, which will be deducted from their 2023 TAL to meet the accountability requirements of Amendment 3. I say "at least" because there is an ongoing concern with the way DMF calculates the recreational total removals of Southern Flounder. Total removals are the combination of fish harvested and dead discards (the fish that die after being caught and released) and, in the flounder fishery, are calculated in pounds of removals for both sectors.

This presents quite a problem in the recreational fishery because, unlike the commercial fishery, the fish being released are never observed by DMF samplers, meaning the average length and weight is unknown. Simply put, in order to assess, manage, or monitor this fishery, using total removals in pounds, DMF must know the average weight of both the fish harvested and dead discards.

In order to overcome this data gap Division staff assigned an average weight of 0.21 pounds, derived from a South Carolina tagging study, to Southern Flounder discards in NC's recreational hook and line fishery. This average weight, of just over one fifth of a pound, was applied to hook and line dead discards from 1989-2017 and used in the stock assessment to estimate total pounds of recreational removals.

No one knows if the 0.21-pound estimate was appropriate for 1989-2017, when the recreational bag limit was higher and harvest was allowed year around, but I think it is safe to say that everyone knows the average flounder being released has been much larger, than one fifth of a pound, since the adoption of Amendment 2 in 2019.

Unfortunately, DMF is still using the 0.21-pound average discard weight to estimate the annual reductions in total removals and monitor recreational compliance with the quota implemented in 2022.

This is troubling to the NCFA because success or failure when managing a fish stock is dependent on the Divisions ability to accurately estimate and control the total pounds of fish removed from this stock.

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Remember, the DMF determined that total removals had to be reduced significantly, at least 52% - 72% to rebuild this stock within the statutory timelines, but if they fail to accurately estimate removals, they may fail to meet the required reductions.

For example, in 2022 DMF estimated that 241,445 flounder were killed as a result of discard mortality in the recreational hook and line fishery, with an estimated weight of just 50,704 pounds. When added to the pounds harvested recreationally, the Division estimated the 2022 recreational total removals at 222,321 pounds, representing a 59% reduction in removals from 2017 and exceeding the quota by more than 51,000 pounds. Of course, if the actual average discard weight was just 1.05 pounds, which is five times greater than the 0.21-pound proxy, used by the Division, the hook and line dead discards would increase dramatically, to 253,517 pounds, due to the significant numbers of fish being killed.

Under this, very plausible, scenario the recreational quota overage would exceed a quarter of a million pounds, consuming multiple years of the recreational quota and drastically reducing the estimated achieved reductions currently used by the Division. Overages of this level could jeopardize rebuilding and result in further cuts to the fishery in the future. I think we all can agree that is not a risk we can afford to take.

The worst part is it may not have to be this way!

For several years now, the DMF has been using hook and line gear to tag Southern Flounder and collecting discard data through the Catch U Later app, that has the potential to provide a more realistic estimate of the average discard weights in recent years.

DMF staff acknowledge that the average weight of recreational discards has likely increased under Amendments 2 and 3 due to fishing outside of the season, the one fish bag limit and availability of larger legal sized fish but continue to use the 0.21-pound average to manage the quota. If data exists that could help the Division better estimate total removals and manage the annual recreational quota it should be used.

Admittedly, I do not know what the tagging data or the Catch U Later app will show but I do know this. The Division was willing to err on the side of caution and deduct quota from our 2023 TAL when we were 10,746 pounds below our quota, but when it comes to the recreational sector, which has continually failed to meet the desired reduction, they seem to be throwing caution to the wind and knowingly underestimating their annual removals.

That said, DMF staff have always been open and honest within me regarding their concerns with the recreational data, especially discard data, and I hope to continue this conversation with them and work towards a solution to our concerns in the very near future.

Glenn Skinner, NCFA Executive Director

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MFC Meeting link for Southern Flounder

<https://www.youtube.com/live/NOdMSK-hqAg?feature=share>

South Atlantic Fisheries Management Council (SAFMC) meets this week (March 6-10) in Jekyll Island, GA.

Sign up for the webinar and review documents here:

<https://safmc.net/events/march-2023-council-meeting/>

LEGISLATIVE UPDATE: 3.6.2023

GENERAL ASSEMBLY

Fish was mentioned a few times during committee deliberations last week but had nothing to do with fisheries legislation. Since I am in Raleigh most of the days the Honorables are in session, I have the opportunity to talk to legislators about any number of subjects including educating them on the importance of March 1st. That would be National Pig Day, of course. Everybody should know that, especially a legislator. After session on March 1st, last Wednesday, I stopped by a florist in Garner and picked up a floral bouquet for Pam in honor of National Pig Day. I used to do that every year but have not done it for a while. She knows I like pigs as they are highly intelligent and very curious critters and my Air Force nickname was Pig Pen due to the dust I created when I slid into base when playing softball. Once again, I digress.

I gave comments to three Senate committees last week and mentioned to Senate Rules that the General Assembly was most responsible for my sense of humor. If one does not develop some humor after wandering the legislative halls for over 30 years, you will go nuts. For example, I told the Senators, y'all have been telling us for quite some time you cannot take up fish bills because they are too controversial. Too divisive. Yet here you are today discussing a marijuana bill and you have also talked about Medicaid expansion and sports gambling. Yet fish is too controversial! Yes, I told them, y'all are a hoot!

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In one of the other committee meetings on the same subject I said the marijuana bill is called The Compassionate Care Act. The Senate will talk about this but not fish! Fishermen in our state are hurting, but they do not want compassion. They want to work, and y'all need to be talking about it.

I suppose the committee Chairs could have called me out of order. But they did not. If that is the only way I can get them to consider talking about fish and helping the working class, I'll do it.

A belated Happy National Pig Day to y'all!

God bless,

Jerry