

From: abobdillard [<mailto:gbobdillard@gmail.com>]

Sent: Thursday, May 14, 2015 9:16 AM

To: Fish, Nancy

Subject: Flounder stock management

May 14, 2015

I am a resident of Pamlico County, I vote here and own property in the county. I am also a recreational fisherman and am concerned with the state of our fisheries. Too many of our most sought after fish, namely the red drum, speckled trout and flounder populations reflect a lack of vision and leadership from our state's fisheries managers. It is time to change the way we manage these fish.

Presently, you are in the process of reviewing the supplement process for the southern flounder. The DMF has proposed reducing the recreational harvest on these fish to one fish per day. I find this proposal lacking especially when you consider the recreational harvest of these fish comprises around 21.4 percent of the total harvest. The commercial harvest comprises 78.6 percent. It is time to balance the equation.

Accordingly, I support no further reductions in the recreational harvest. I also support a moratorium on the large mesh gill net fishery. In conjunction with the moratorium have a spawning season closure for pound nets to facilitate a more equitable allocation.

Adjust the commercial size limit to 15 inches. Institute an immediate moratorium on new pound net applications. If large mesh gill nets are retained, institute a moratorium on all new gill net applications. Manage the southern flounder under a TAC. DMF leadership has raised concerns about managing these fish under a TAC. They already manage the red drum and striped bass under a TAC (CAP) and the same can apply to flounder. Balance the recreational/commercial split under a TAC to 50/50.

Sincerely,
Bob Dillard
1202 Neuse Drive
Oriental, NC 28571
gbobdillard@gmail.com

Darrin McBride
P.O. Box 581
Frisco, NC 27936
(910)-231-2617
May 18, 2015

To whom it may concern,

My name is Darrin McBride, I am a native of Frisco, North Carolina on the Outer Banks and I am writing to express my complete and total opposition to the proposed 25% to 60% reduction of Southern Flounder harvests that is currently being discussed on your legislature. My reasons for opposing said bill are that it will have a devastating economic impact on the island and region in which I live, there is little or no concrete evidence to support your claim of a shortage of flounders in North Carolina waters, and you will be depriving the state of a vital resource that is part of the heritage of our great state,

First and foremost if you follow through with your proposal of a 25% to 60% reduction of flounder harvests you will be inflicting a devastating blow to fishing communities and tourist destinations throughout the state. Thousands of individuals in North Carolina rely on the flounder as a means to make a living whether it is through commercial harvests, recreational charters, or serving the delicacy in their restaurants or retail storefronts. This is particularly so in the fall months. Many rely on the flounder as a primary target species to harvest during the fall no matter if they are commercial or recreational charter fishermen. By enacting the proposal you will be removing this vital economic resource from the fall months and as a result removing countless business revenue and tax dollars from the community. Less money will be spent at local businesses as a result, in turn taking money out of the pockets of those local business owners who count on the fishermen and restaurant owners to spend money in their establishment after the tourists have gone home for the winter. In addition, you will be causing a hefty burden for restaurant owners and retail owners and workers, who rely on the flounder to draw hungry guests to their tables and storefronts, who will be forced to raise prices considerably, or worse take flounder from their menu as supplies are sure to be less resulting in prices potentially too high to justify continuing to feature flounder on their menu. Tourists come to North Carolina to eat and catch flounder and may choose to vacation closer to home if they cannot come harvest and dine on flounders in the same fashion they have enjoyed for many years passed. Also, individuals who work in the infrastructure that supports our commercial and recreational fisheries will also be impacted as there could be more than half of their work removed as a result of your proposed reduction. So many will be impacted economically in our state that the true impact cannot even be put into words here.

In addition to opposing the reduction because of the economic impact that will surely come as a result, I also oppose to reduction because I believe there is little or no evidence to support your claims that there is a shortage of Southern Flounders. Every region is different, and every year is completely different. Some years are better than others, and every year teaches you something new. I fished commercially full time for more than five years and I can tell you that no two years are the same and catches vary from year to year, and are often heavily impacted by weather events, temperatures, and timing for seasonal changes. There is no way true scientific data

backing your claims of a shortage of flounders can be credible without looking at ten to twenty years of data minimal and I know there is no way a study backing your claims has been in place for that extended period. My request and proposal would be at the very least the DMF leave regulations as they currently stand and begin a study to back your claims and look at multiple years, five to ten years minimal, and not just one or two because there is no way you can accurately assess stocks with ANY less than five to ten years. I believe if you are honest with your data and look at the situation in its entirety you will see that the stocks of flounder are as stable as ever.

Finally, I believe the proposed reduction of flounder harvests is wrong and should be abandoned is that, by enacting said such a reduction would surely significantly remove the importance of one of our states great symbols of heritage, the Flounder. North Carolina has many coastal communities that rely on the flounder as a fish to harvest, serve, sell, and represent their economy and community. My home of Frisco and to a greater extent Hatteras Island, fits this description perfectly. Flounder is synonymous with Hatteras, as tourists flock here to eat and catch flounders and enjoy the traditional heritage of a local fishing community. We are a fishing and tourist community who has always relied on the flounder in the spring summer and fall. Past gill net restrictions have lessened this in the spring and summer and the new proposed reduction will all but eradicate the flounder from the economy and heritage my community and those like mine. We need the flounder in the fall to help us keep food on our tables and roofs over our heads. I beg you not to penalize hard working honest individuals who rely on this great fish for our livelihoods.

I thank you for your time in reading my letter. Please understand that there is no way I can fully express in this letter how bad of an idea the proposal is or how severe the impact will be for my community and those like mine if the proposed reduction is carried out. Nor can I fully explain the extent of those impacted by the proposed legislation without composing pages upon pages upon pages, and I believe in doing so my plea would be lost. So please reconsider and abandon the proposed reduction of Flounder, and take more time to accurately assess stocks, economic impact, and regional differences in harvest methods, numbers of fishermen, and economic reliance on the flounder. Thousands stand to lose or be displaced if you carry out your proposed reduction. In a position of power and authority comes great responsibility and I beg you to consider the weight of your decision and act wisely and consider all of those who will be harmed as result of the wrong decision.

Sincerely,

[Darrin McBride](#)

From: Robert Berger [<mailto:bergermansemail@yahoo.com>]
Sent: Thursday, May 14, 2015 9:26 AM
To: Fish, Nancy
Subject: Current Legislation

May 14, 2015

I am a resident of Pamlico County, I vote here and own property in the county. I am also a recreational fisherman and am concerned with the state of our fisheries.

Too many of our most sought after fish, namely the red drum, specs and flounder populations reflect a lack of vision and leadership from our state's fisheries managers. It is time to change the way we manage these fish.

Presently, you are in the process of reviewing the supplement process for the southern flounder. The DMF has proposed reducing the recreational harvest on these fish to one fish per day. I find this proposal lacking especially when you consider the recreational harvest of these fish comprises around 21.4 percent of the total harvest. The commercial harvest comprises 78.6 percent. It is time to balance the equation. You need to reduce the area that these nets are allowed. Consider moving back boundaries below Oriental.

Accordingly, I support no further reductions in the recreational harvest. I also support a moratorium on the large mesh gill net fishery. In conjunction with the moratorium have a spawning season closure for pound nets to facilitate a more equitable allocation.

Adjust the commercial size limit to 15 inches. Institute an immediate moratorium on new pound net applications. If large mesh gill nets are retained, institute a moratorium on all new gill net applications.

Manage the southern flounder under a TAC. DMF leadership has raised concerns about managing these fish under a TAC. They already manage the red drum and striped bass under a TAC (CAP) and the same can apply to flounder.

Balance the recreational/commercial split under a TAC to 50/50.

Sincerely,

Robert Berger
6110 Horton road
Oriental

From: Harriett Blood [<mailto:hblood@embarqmail.com>]

Sent: Sunday, May 17, 2015 9:09 PM

To: Fish, Nancy

Subject: NC Anglers

May 14, 2015

I am a resident of Pamlico County, I vote here and own property in the county. I am also a recreational fisherman and am concerned with the state of our fisheries.

Too many of our most sought after fish, namely the red drum, specs and flounder populations reflect a lack of vision and leadership from our state's fisheries managers It is time to change the way we manage these fish.

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Balance the recreational/commercial split under a TAC to 50/50.

Sincerely,

Matthew Bolyard
Oriental, NC

From: Don & Betty CALLAHAN [<mailto:donjcal@embarqmail.com>]

Sent: Monday, May 18, 2015 9:38 AM

To: Fish, Nancy

Subject:

nancy

I am a resident of Pamlico County, I vote here and own property in the county. I am also a recreational fisherman and am concerned with the state of our fisheries.

Too many of our most sought after fish, namely the red drum, specs and flounder populations reflect a lack of vision and leadership from our state's fisheries managers It is time to change the way we manage these fish.

Presently, you are in the process of reviewing the supplement process for the southern flounder. The DMF has proposed reducing the recreational harvest on these fish to one fish per day. I find this proposal lacking especially when you consider the recreational harvest of these fish comprises around 21.4 percent of the total harvest. The commercial harvest comprises 78.6 percent. It is time to balance the equation.

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Sincerely,

Donald Callahan

donjcal@embarqmail.com

Mary Carolan
P.O. Box 272
Frisco, NC 27936
May 18, 2015

To whom it may concern,

My name is Mary Carolan, I am a native of Frisco, North Carolina on the Outer Banks and I am writing to express my complete and total opposition to the proposed 25% to 60% reduction of Southern Flounder harvests that is currently being discussed on your legislature. My reasons for opposing said bill are that it will have a devastating economic impact on the island and region in which I live, there is little or no concrete evidence to support your claim of a shortage of flounders in North Carolina waters, and you will be depriving the state of a vital resource that is part of the heritage of our great state,

First and foremost if you follow through with your proposal of a 25% to 60% reduction of flounder harvests you will be inflicting a devastating blow to fishing communities and tourist destinations throughout the state. Thousands of individuals in North Carolina rely on the flounder as a means to make a living whether it is through commercial harvests, recreational charters, or serving the delicacy in their restaurants or retail storefronts. This is particularly so in the fall months. Many rely on the flounder as a primary target species to harvest during the fall no matter if they are commercial or recreational charter fishermen. By enacting the proposal you will be removing this vital economic resource from the fall months and as a result removing countless business revenue and tax dollars from the community. Less money will be spent at local businesses as a result, in turn taking money out of the pockets of those local business owners who count on the fishermen and restaurant owners to spend money in their establishment after the tourists have gone home for the winter. In addition, you will be causing a hefty burden for restaurant owners and retail owners and workers, who rely on the flounder to draw hungry guests to their tables and storefronts, who will be forced to raise prices considerably, or worse take flounder from their menu as supplies are sure to be less resulting in prices potentially too high to justify continuing to feature flounder on their menu. Tourists come to North Carolina to eat and catch flounder and may choose to vacation closer to home if they cannot come harvest and dine on flounders in the same fashion they have enjoyed for many years passed. Also, individuals who work in the infrastructure that supports our commercial and recreational fisheries will also be impacted as there could be more than half of their work removed as a result of your proposed reduction. So many will be impacted economically in our state that the true impact cannot even be put into words here.

In addition to opposing the reduction because of the economic impact that will surely come as a result, I also oppose to reduction because I believe there is little or no evidence to support your claims that there is a shortage of Southern Flounders. Every

region is different, and every year is completely different. Some years are better than others, and every year teaches you something new. I fished commercially full time for more than five years and I can tell you that no two years are the same and catches vary from year to year, and are often heavily impacted by weather events, temperatures, and timing for seasonal changes. There is no way true scientific data backing your claims of a shortage of flounders can be credible without looking at ten to twenty years of data minimal and I know there is no way a study backing your claims has been in place for that extended period. My request and proposal would be at the very least the DMF leave regulations as they currently stand and begin a study to back your claims and look at multiple years, five to ten years minimal, and not just one or two because there is no way you can accurately assess stocks with ANY less than five to ten years. I believe if you are honest with your data and look at the situation in its entirety you will see that the stocks of flounder are as stable as ever.

Finally, I believe the proposed reduction of flounder harvests is wrong and should be abandoned is that, by enacting said such a reduction would surely significantly remove the importance of one of our states great symbols of heritage, the Flounder. North Carolina has many coastal communities that rely on the flounder as a fish to harvest, serve, sell, and represent their economy and community. My home of Frisco and to a greater extent Hatteras Island, fits this description perfectly. Flounder is synonymous with Hatteras, as tourists flock here to eat and catch flounders and enjoy the traditional heritage of a local fishing community. We are a fishing and tourist community who has always relied on the flounder in the spring summer and fall. Past gill net restrictions have lessened this in the spring and summer and the new proposed reduction will all but eradicate the flounder from the economy and heritage my community and those like mine. We need the flounder in the fall to help us keep food on our tables and roofs over our heads. I beg you not to penalize hard working honest individuals who rely on this great fish for our livelihoods.

I thank you for your time in reading my letter. Please understand that there is no way I can fully express in this letter how bad of an idea the proposal is or how severe the impact will be for my community and those like mine if the proposed reduction is carried out. Nor can I fully explain the extent of those impacted by the proposed legislation without composing pages upon pages upon pages, and I believe in doing so my plea would be lost. So please reconsider and abandon the proposed reduction of Flounder, and take more time to accurately assess stocks, economic impact, and regional differences in harvest methods, numbers of fishermen, and economic reliance on the flounder. Thousands stand to lose or be displaced if you carry out your proposed reduction. In a position of power and authority comes great responsibility and I beg you to consider the weight of your decision and act wisely and consider all of those who will be harmed as result of the wrong decision.

Sincerely,

Mary Carolan

Comments to share

Sent from my iPhone

Begin forwarded message:

From: steven j craven <oakisl@aol.com>

Date: May 16, 2015 at 7:58:30 AM EDT

To: "annabarriosbeckwith@yahoo.com" <annabarriosbeckwith@yahoo.com>

Subject: Triad Saltwater Anglers

You recently received a email from one of our members Mr. Bob Miller. I just wanted to to let you know that I totally agree with him. We really need common sense along with the science to regulate our fisheries. Recreational fishermen are a asset to our state and we need to protect their rights to enjoy their experiences fishing in our state. All the research I have done tells me that we are the only coastal state that even allows gill nets. I have long wondered why.

Steve Craven

President Triad Saltwater Anglers

To whom it may concern,

My name is Stephen Heinz, I'm from Buxton, North Carolina on the Outer Banks and I am writing to express my complete and total opposition to the proposed 25% to 60% reduction of Southern Flounder harvests that is currently being discussed on your legislature. My reasons for opposing said bill are that it will have a devastating economic impact on the island and region in which I live, there is little or no concrete evidence to support your claim of a shortage of flounders in North Carolina waters, and you will be depriving the state of a vital resource that is part of the heritage of our great state,

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your data and look at the situation in its entirety you will see that the stocks of flounder are as stable as ever.

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Sincerely, Stephen Heinz

May 15, 2015

I am a resident of Pamlico County; I live here, I own property here, I pay taxes here. I am also a recreational fisherman who believes the current state of our southern flounder fishery reflects a lack of vision and leadership from our state's fisheries managers....that encompasses the last 30 years!

The DMF/MFC for the last 23 years, think about that, 23 years, nearly a quarter of a century have developed rules and regulations, have drawn on the wisdom of advisory committees, have gone through who knows how many members of the MFC and staff members of the DMF and what has been the result for southern flounder....over fished. In short failure.

Now, you the MFC are involved in the supplemental process that creates an opportunity to develop a new strategy for resource management and conservation that produces an equitable distribution of the harvest, or you can choose status quo that locks us in to the present situation of an over capitalized large mesh gill net fishery at the expense of all other user groups, including commercial as well as recreational fishermen.

At the same time, this over capitalized large mesh gill net fishery sucks up dwindling funds from the DMF for observers and staff time and energy required to keep the mesh in the water. A mindset that plagues the DMF....gear management rather than resource management. This approach also results in the by catch of red drum, turtles and now sturgeon and controversy.

The DMF has one proposal that would reduce recreational harvest to one fish per day! At a time when already the commercial sector takes nearly 79 percent of the flounder, recreational around 21 percent. And they want to penalize those of us taking less than a quarter of the fish. Enlightened leadership, indeed.

Recreational fishermen statewide are hard pressed to catch a legal southern flounder for a meal. Yet, hundreds of thousands of pounds of these prize fish are shipped to markets elsewhere for the profits of a few. The tax paying citizens of North Carolina, the recreational fishermen, are left holding the bag and it more often than not it doesn't include a legal sized flounder.

No more reductions on recreational fishermen.

Here are my non scientific proposals for southern flounder (I don't believe the DMF staff recommendations are based upon science either, by the way)

1. Institute an immediate moratorium on large mesh gill nets. Develop

season closures from north to south that fairly distributes the catch of flounder to the pound nets. But, more importantly, allows the spawning females to escape.

2. Commercial size limit of 15 inches, same as recreational.

3. Immediate moratorium on all new pound net applications. If, you cannot or refuse to adopt a moratorium on large mesh gill nets, institute a moratorium on all new applications for large mesh license.

4. Manage flounder under a TAC. The DMF staff claim they cannot manage this fishery under a TAC. They manage the red drum and striped bass under a TAC (CAP), they can manage this fishery under a TAC. Just another excuse to keep the gear in the water. Indicates the mind set of the DMF, gear management rather than resource management.

5. Currently, recreational harvest is 21.4 percent and commercial harvest is 78.6 percent. Ensure the TAC allocates a 50/50 split.

6. If you refuse to adopt a moratorium on large mesh gill nets, and a 15 inch size limit, set a season closure of October 15th.

Thank you and good luck in your efforts to finally succeed where so many of your predecessors have failed.

Tim Hergenrader
106 Black Horse Run S.
New Bern, NC 28560
252-571-2615

-----Original Message-----

From: Cliff & Nancy Hill [<mailto:chill6@embarqmail.com>]

Sent: Thursday, May 14, 2015 10:00 AM

To: Fish, Nancy

Subject: recreational fishermen input to the DMV

May 14, 2015

I am a resident of Pamlico County, I vote here and own property in the county. I am also a recreational fisherman and am very concerned with the state of our fisheries.

Too many of our most sought after fish, namely the red drum, specs and flounder populations reflect a lack of vision and leadership from our state's fisheries managers. It is time to change the way we manage these fish.

Presently, you are in the process of reviewing the supplement process for the southern flounder. The DMF has proposed reducing the recreational harvest on these fish to one fish per day. I find this proposal lacking especially when you consider the recreational harvest of these fish comprises around 21.4 percent of the total harvest. The commercial harvest comprises 78.6 percent. It is time to balance the equation.

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In conjunction with the moratorium have a spawning season closure for pound nets to facilitate a more equitable allocation.

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Balance the recreational/commercial split under a TAC to 50/50.

Sincerely,

Cliff Hill

PO Box 866

Oriental NC

-----Original Message-----

From: Gaither Midgette [<mailto:gaithermidgette@yahoo.com>]

Sent: Monday, May 18, 2015 6:49 PM

To: Fish, Nancy

Subject: Flounder reduction

I'm Gaither Midgette a pound netter in alb sound I oppose to any flounder reduction plan I don't even know why this has come up we'll I do know why it just another nail in the coffin! Flounders are not in distress any flounder fisherman can tell u that I can show u all the juvenile fish you want to see if I could close my panels. When they went to a 14in min I took It upon my self after the first year to take out the 5 1/2 in panel and put in 5 3/4 in panels this let more of the small fish out so I didn't have to handle them. I've heard talk of going to a bigger fish/ shorting the season any of these will put me out of business I realize that is the goal. It has nothing to do with fish stocks! I'm 4th gen commercial fisherman my grandfather and great grandfather fished pound nets in the same general area I'm in I'm the last of my family fishing when I go that's it I have 2 girls I'd like to put through school.Its sad what's being done to the fisherman in N.C! Nancy please send this to whoever needs to see it I might not make the meeting I need to work every day I can to support my girls. Thank you Gaither

-----Original Message-----

From: Paul Nancy Miller [<mailto:nette33@earthlink.net>]

Sent: Thursday, May 14, 2015 12:40 PM

To: Fish, Nancy

Cc: gbobdillard@gmail.com

Subject: Harvesting of fish in NC waters

May 14, 2015

I am a resident of Pamlico County, I vote here and own property in the county. I am also a recreational fisherman and am concerned with the state of our fisheries.

Too many of our most sought after fish, namely the red drum, specs and flounder populations reflect a lack of vision and leadership from our state's fisheries managers. It is time to change the way we manage these fish.

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Balance the recreational/commercial split under a TAC to 50/50.

Sincerely,

Paul Miller
252-249-1443



NC Division of Marine Fisheries
3441 Arendell Street
Morehead City, NC 28557

May 14, 2015

Dr Daniel,

This letter is to help you understand that there is no depletion in North Carolina's southern flounder stocks. I want to insure that there are no changes to the southern flounder fishery that is so important to our NC economy and to our state's coastal communities. The value of the southern flounder fishery is one of the highest of any seafood that is available to the consumer in our state.

I am providing facts and figures below that will help you understand that there is no need for further restrictions or a closure. The commercial southern flounder fishery is not "trending downward" -

- From 2004 through 2013, the 10-year average landings of southern flounder were just over 2 million pounds.
- From 2004 to 2009, fishermen were allowed to catch and set flounder nets 365 days per year.
- Beginning in 2009-2010, a new regulation restricted large mesh nets to 40 hours per week. Over half the state is restricted to 4 days per week with night time soaks only.
- In 2011, there were only 1.2 million pounds caught by commercial fishermen.
- In 2013 there were close to 2.2 million pounds caught by commercial fishermen.
- In 2013, southern flounder landings in Dare County were 1.3 million pounds.
- In 2013, from June 1 to November 30, there were only 70 days in which large mesh nets were able to be used from Oregon Inlet down to South Carolina. Fishermen could only set nets 4 days per week. Plus, there was a 2-month closure during this time frame to all large mesh nets.
- The point being, the largest body of water in the state had only 70 days that allowed fishermen to use nets for southern flounder in 2013, and still the commercial landings exceeded the 10-year average by 200,000 pounds, even though half of the 10-year average allowed flounder fishing with nets 365 days per year.

- In 2014, southern flounder landings went down to 1.66 million pounds because the state shut down fishing with large mesh nets during peak flounder fishing times, in peak areas.
- In 2014, from Currituck and Albemarle Sounds south to the SC line, there were only 82 days open to set large mesh gill nets for flounder.

In summary, more southern flounder are being caught with much less fishing time.

The southern flounder fishery management plan cannot compare landings from years ago when fishermen could 365 days a day, and now only about half of the state's coastal areas allow flounder nets to be used 70 days per year. Even the NC State Biologist disagrees with the MFC about a depletion of southern flounder.

All of the above information came from the NCDMF statistics office and from NCDMF Proclamations that show a marked decrease in fishing time. By proof from NCDMF Proclamations, southern flounder are underfished now more than ever, NOT overfished. Southern flounder are considered a depleted stock by the NCDMF, but there is not one bit of scientific data to back up this myth.

Thank you for your time and consideration in this matter.

Yours truly,

Andrew Berry

Andrew Berry
 NCWU Board Member
 252-722-4293
Bowhunterab14@gmail.com

Board of Directors

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Tom Harper	Bradley Styron
Glen Hopkins	Duke Spencer
Rom Whitaker	

AB: mm
 Cc: MFC
 Nancy Fish, Liaison
 NCDENR Secretary van der Vaart
 NCGA Senators and Representatives



NC Division of Marine Fisheries
3441 Arendell Street
Morehead City, NC 28557

May 14, 2015

Dr Daniel,

The North Carolina Watermen United (NCWU) would like to comment on the southern flounder fishery.

In 2013, NCWU requested that the minimum size for flounder be reduced to 14 inches for the recreational and charter/headboat sectors. Many of our non-commercial fishermen are being disenfranchised because of the large number of flounder just under the minimum retention size. Reducing the size by merely an inch would take the pressure off, as anglers would more quickly catch their limit - or enough to eat – and stop targeting flounder.

In February 2015, we asked that no action be taken in the flounder fishery, because two of three assessors in the Peer Review for the stock assessment rejected it. Then the Division issued a Flounder FMP Supplement process including a 25 – 60% reduction for the fishery.

NC scientists and biologists believe that the 2007-2008 model does not take into account the migration of the southern flounder and should not have been used for the 2014 assessment. Neither the state nor the stakeholders know the flounder population status. Many of the scientists and biologists also believe that the 25 – 60% reduction was selected arbitrarily with an explanation that the catch/efforts are “trending downward.” There is also concern by scientists, biologists and NCWU that the supplement process is too quick, does not require an FMP Advisory Committee for the MFC, does not require MRC Regional Advisory Committee review and does not require a report to an appropriate Committee of the NC General Assembly. We would like an independent review of the supplemental (temporary) management measures and a “new” stock assessment.

We have joined with many fishermen and other groups, including the North Carolina Fisheries Association (NCFA), the Ocracoke Working Waterman’s Association (OWWA) and the Carteret County Fishing Association (CCFA) on this issue. Our members have been working with many Boards of

Commissioners including Carteret, Currituck, Dare, Hyde, Pasquotank, Perquimans and Tyrrell Counties that have issued Proclamations against the supplement process and the 25 – 60% reduction because of the economic impact to each County.

One of our NCWU Board members, Andrew Berry, has compiled data showing that the landings of southern flounder by the commercial fleet have remained consistent from 2004 – 2013, in spite of the limitations imposed, mostly because of the ITP for Sea Turtles, to reduce the fishery from 365 days per year to about 70 days per year. Because of severe restrictions and closures, the 2014 landings were less.

We believe that no action should be taken until a new stock assessment is available.

We have all of the cited materials on file and are willing to discuss this issue further at any time.

Yours truly,

BOARD OF DIRECTORS

Britt Shackelford

Britt Shackelford
President, NCWU
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252-473-8078

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BTS: mm

Cc: MFC
Nancy Fish, Liaison
NCDENR Secretary Van der Vaart
NCGA Senators and Representatives

May 17, 2015

Dear Marine Fisheries Commissioners,

As a recreational fishermen, I have followed the downward slide of North Carolina's southern flounder for the last several years. These fish need a break and you can give it to them.

I would like to see you do what is necessary to have the following three items occur:

1. at least a 50% reduction in the harvest of southern flounder by commercial fishermen.
2. a yearly Total Allowable Catch (TAC) for southern flounder. Without a TAC, you can not have a harvest reduction that will work. An unlimited harvest has gotten us into this situation and we will not correct our problems until a TAC is in place.
3. suspend the harvest of southern flounder by gillnets. Doing this will achieve most of the 50% reduction requested above and solve many, many problems for our inshore marine fisheries.

Please support these three simple changes and help our southern flounder begin the recovery that we all so desperately want.

Thank you,

Everett Pesci
Greenville, NC 27858
ebpesci@gmail.com



May 14, 2015

Sammy Corbett, Chair
North Carolina Division of Marine Fisheries
3441 Arendell Street
Morehead City, NC 28557

RE: Southern Flounder Draft Supplemental Comments

Dear Chairman Corbett:

Please accept the following comments on behalf of the North Carolina Chapter of the Recreational Fishing Alliance (RFA-NC) in regards to pending action for the Southern Flounder fishery. The comments were developed with input gathered from members of RFA-NC who include private anglers, for-hire owners/operators, scientists and others closely involved with the fishery. In addition, the comments were prepared after careful and thorough review of the support materials provided by North Carolina Division of Marine Fisheries (NCDMF) in regards to southern flounder. Our comments reflect the chapter's desire to see the southern flounder fishery managed in a responsible manner that also provides reasonable and equitable opportunities for the recreational fishing community to access this important fishery.

Please reference the document entitled "Draft Supplement A to Amendment 1 of the N.C. Southern Flounder Fishery Management Plan, Implement Short-Term Measures to Address Stock Concerns" dated May 4, 2015. The purpose of the referenced document is to present short term management options to remedy our depleted southern flounder stock. The N.C. Marine Fisheries Commission (MFC) will decide at its May meeting to reject the draft supplement, approve the draft supplement as presented for public comment, or modify the draft supplement and approved the modified version for public comment (p.2).

Based on the referenced supplement (p. 4) the NCDMF determined the southern flounder stock assessment could not be used to define the stock status due to mixing of the stock on a regional scale. Due to concerns of southern flounder stock status, the MFC at its February 2015 meeting decided to pursue a supplement to reduce catch of southern flounder by no less than 25% and no greater than 60%.

RFA-NC agrees with the division's decision regarding the draft 2015 southern flounder stock assessment. However, it is recommended that the division pursue development of a valid stock assessment to determine if the stock is overfished or overfishing is occurring. The referenced supplement states that the NCDMF cannot quantify levels of sustainable harvest without a valid stock assessment; however, certain patterns in the southern flounder fishery and population are concerning and may warrant further management action (p.4). The RFA-NC concurs and requests that immediate action be taken. The supplement further states that the 2014 Southern Flounder Stock Assessment was not accepted for management use by the NCDMF due to legitimate and substantial concerns raised by three external peer reviewers, selected by the NCDMF. The RFA-NC requests that the 2014 draft stock assessment undergo additional peer review by reviewers selected by the NCDMF in collaboration with the RFA-NC and other stakeholders.

In addition, the RFA-NC requests that the MFC take **immediate** action to prevent further depletion of the southern flounder stock. Thus, the RFA-NC recommends that the MFC approve to modify the draft supplement and approve the modified version for public comment. The importance of allowing a public process to move forward cannot be over emphasized. Further, consideration of all public comment by the MFC for its August 19-21 meeting is extremely important in this case. Public comments would greatly assist the MFC in its selection of the preferred management option and final approval of the supplement. The RFA-NC overwhelmingly supports a public transparent process whereby the public is provided an opportunity to comment on a modified draft supplement. Our recommendations on this document are provided below. Please note that many recreational fisherman and RFA members work during the day or live far from New Bern and will not be able to attend the MFC May meeting. Thus, providing those fishermen an opportunity to comment on southern flounder, including our recommended options, is even more important.

The RFA-NC also concurs with resolutions to support the NC DMF use of the supplement process to implement reduction of southern flounder harvest recently adopted by Alamance County, Lenoir County, Town of Wallace, and Wayne County (see Directors report).

Since approximately 1989, the recreational sector has been subject to increased restrictions on southern flounder that have included increased minimum size limits and decreased bag limits. The recreational sector has endured six size limit increases from 13” in 1989 to the current 15” and two bag limit decreases from unlimited to the current bag limit of 6 fish per person/day (p.47). The commercial sector has and is allowed to catch an unlimited amount (i.e. no quota or Total Allowable Catch (TAC)) of flounder 11 months a year with a minimum size limit of 14” (p.48-51). Based on Table 1 (p.9) and Table 2 (p.11), the total recreational and commercial catch for 2011-2013 was 2,148,822 lbs as shown in Table 1 below. Of this total, the recreational industry caught 21.4% (459,177 lbs of the total 2,148,822 lbs) and the commercial industry caught 78.6% (1,689,645 lbs of the total 2,148,822lbs). The inequity in flounder harvest between recreational and commercial fishing is astounding. Further reductions to the recreational flounder catch would not be equitable, reasonable, or fair. The RFA-NC firmly believes that flounder reduction must be taken from the 79% side of the equation.

Table 1. Total landings (lbs) 2011-2013*

Sector	Landings (lbs)	Reference	Percent of Total
Commercial	1,689,645	Table 2, p.11	78.6
Recreational	459,177	Table 1, p.9	21.4
Total	2,148,822		100

*based on Table 1(p.9) and Table 2 (p.11) of draft supplement.

The referenced supplement provides five management options for MFC consideration which would be made available for public comment (p.1). These include:

1. Implement a season closure;
2. Increase the minimum size limit;
3. Decrease the recreational bag limit;
4. Implement a season closure and also increase the minimum size limit;
5. Implement a season closure, increase the minimum size limit, and decrease the recreational bag limit.

Our comments on each of these options, as presented in the referenced document, are as follows:

1. Season Closure (p.17). This option considers season closures of both commercial and recreational fisheries. NCDMF tagging data clearly indicate that southern flounder begin spawning migration to ocean waters in fall months. This time period is critical for spawning flounder. Should this option be selected, the RFA-NC recommends a commercial seasonal closure from October 1-December 31 resulting in an estimated reduction of 50% (see Table 4, p.19) which would **reduce the minimum catch reduction as requested by the MFC**. If option 1 is approved, RFA-NC suggests the development of effort controls to prevent a reattribution of commercial effort to which could potential negate or reduce the estimated 50% reduction. The RFA-NC strongly opposes any recreational closure from May through November in any year since it would adversely affect the ability of the for-hire industry to work within the tourism season and allow recreational fisherman to enjoy the fall fishing season.
2. Minimum Size Increase (p.23). Increasing the minimum size limit is a management tool that has always been used by the NCDMF to help end overfishing. Data provided in the referenced document and other NCDMF documents clearly indicate this management measure applied to the recreational industry is not successful (Table A1.1, p.47). However, the referenced document (p. 26 and Table 11) states that “increasing the minimum size limit to 16” would reduce commercial catch by an estimated 32% which would **reduce the minimum catch reduction as requested by the MFC** (p.28). The RFA-NC therefore recommends that the commercial minimum size limit be increased to 16”. The recreational minimum size limit must remain at 15”.
3. Decrease the recreational bag limit (p.31). According to the referenced document the hook and line recreational fishery contributed the most to reductions from recreational bag limit decreases because of the greater harvest from this gear. Based on estimated catch reductions shown in Table 17 (p.32), the reduction from decreasing to a one-fish recreational bag limit is less than 23% and **does not meet the minimum catch reduction requested by the MFC**. Therefore, the RFA-NC does not support this option. Moreover, we feel that increasing the recreational bag limit to 8 fish per person/day would not adversely impact the southern flounder stock.
4. Season closure and increase the minimum size limit (p.32). This option proposes to combine a season closure with a minimum size limit increase. For reasons described above, the RFA-NC supports a commercial fishing season closure from November 16-December 31 and increasing the commercial minimum size limit to 16” resulting in a commercial reduction by 36% to meet **the minimum catch reduction as requested by the MFC** (Table 18, p.33). Consistent with RFA-NC’s comment in regards to Option 1, effort controls should be developed to prevent redistribution of commercial effort in response to a seasonal closure. As stated above, we cannot support any recreational closure or recreational minimum size limit reduction. ***This is the preferred option of the RFA-NC.***
5. Season closure, increase the minimum size limit, and decrease the recreational bag limit (p.37). As stated above, the recreational industry has taken the biggest reduction in southern flounder since 1989. The RFA-NC cannot support any further reductions in bag limits in order to allow the commercial industry to harvest more southern flounder. We request that this option be eliminated from further consideration.

The RFA-NC recommends the MFC approve the draft supplement with modifications that would help prevent further depletion of the stock in a fair and equitable manner. It is highly recommended that the MFC approve a modified supplement that allows public comment on the

options below. As stated above, public comment on all options would greatly help the MFC with its selection of a preferred southern flounder management option.

1. Total closure of commercial gill nets (used for southern flounder). According to the referenced document, page 10, gill nets are used in most estuarine waters where regulations allow. Based on Table 2 (p.11) and Table 1 (p.9), Gill nets accounted for roughly 55.2% (932,792 lbs/1,689,645 lbs) of the commercial harvest and 43.4% (932,792/2,148,822) of the total recreational and commercial fishery harvest. **This single option would fully meet the catch reduction as requested by the MFC.** The RFA-NC recommends this option be given serious consideration in the modified supplement.
2. Prohibition of the issuance of future pound net permits. This motion failed to be approved at the February 2015 MFC meeting. Since that time, there have been numerous pound net permit applications submitted, as expected. Therefore, the RFA-NC recommends that issuance of new pound permits be immediately prohibited until southern flounder management decisions based on a new flounder stock assessment can be made.
3. A quota based fishery management option must be implemented for southern flounder similar to that used for summer flounder. Several issues regarding equal opportunity to land summer flounder and dealer reporting frequencies need to be resolved. The RFA-NC recommends the NCDMF pursue commercial and recreational quotas for southern flounder using a public process that includes an advisory panel. In the absence of the valid stock assessment and amended FMP, it is recommended the NCDMF **immediately** implement a total cap for commercial fishing of southern flounder. It is recommended that a commercial flounder harvest cap of 40% of the 2011-2013 commercial landings (see Table 2, p.11) be used until a science based commercial and recreational quota can be determined. The recommended cap on commercial landings that the NCDMF should consider are as follows:

Table 2. Proposed caps on commercial landings for southern flounder (40% reduction).*

Gear	2011-2013 landings (lbs)*	Proposed Landings Cap (lbs)
Gill Net	932,792	559,675
Pound Net	614,899	368,939
Gig	127,413	76,454

*based on Table 2, p.11 of draft supplement.

4. A valid southern flounder assessment is essential to ensuring sustainable southern flounder stocks. The RFA-NC requests that the 2014 stock assessment undergo additional peer review by reviewers selected by the NCDMF in collaboration with the RFA-NC and other stakeholders.
5. Recreational Commercial Gear Licenses (RCGL) holders are allowed to use limited amounts of commercial gears such as gill nets, trawls, pots and seines. The RFA-NC recommends a moratorium on all gear permitted by RCGL's.
6. Develop and implement species specific reporting for all commercial fisherman and dealers in the southern flounder and summer flounder fisheries. RFA-NC suggest that this program should be implemented over 2 fishing seasons with NCDMF providing mandatory workshops on proper species identification. A forthcoming southern flounder stock assessment will require highquality fisheries dependent information to properly assess the stock. NCMFC should move away from using the location of commercial fishing activity as the determining factor for flounder species identification and instead rely on using accepted identifying features to distinguish between the two species.

Thank you for reading our comments. To iterate, the RFA-NC recommends that the MFC approve to modify the draft supplement and approve the modified version for public comment. The RFA-NC overwhelmingly supports a public process whereby the public is provided an opportunity to comment on a modified draft supplement for southern flounder.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Schoonmaker". The signature is fluid and cursive, with a large initial "R" and "S".

Capt. Robert Schoonmaker
RFA-NC Chairman

cc: Ms. Anna Beckwith, MFC
Mr. Mikey Daniels, MFC
Mr. Kelly Darden, MFC
Mr. Mark Gorges, MFC
Mr. Chuck Laughridge, MFC
Mr. Joe Shute, MFC
Mr. Mike Wicker, MFC
Ms. Alison Willis, MFC
Mr. Donald van der Vaart, NC DENR

May 18, 2015

Sammy Corbett, Chair
North Carolina Division of Marine Fisheries
3441 Arendell Street
Morehead City, NC 28557

RE: Short-Term Management Measures to Address Southern Flounder Stock Concerns

Dear Chairman Corbett,

Please accept the following comments as my personal concerns and recommendations in regards to the upcoming discussions and actions for the southern flounder fishery. These comments were developed after careful and thorough review of the original FMP (2005), supplement A to the FMP (2011), Amendment 1 (2013), Supplement A to Amendment 1, stock assessments, NC General Statutes and numerous personal conversations and exchanges of information with commercial and recreational fishermen, for-hire operators, conservation groups, fish biologists, DMF staff, Dr. Daniel and members of the MFC.

Under G.S. 113-182.1(e1), Secretary van der Vaart has authorized short-term management measures to address stock concerns via a supplement to Amendment 1 of the FMP. The Division has offered five management options to reduce annual catch by 25% to 60% and increase escapement. The consideration of the MFC is not bound to the Division's recommendations. The Secretary has authorized the Commission to adopt supplemental, temporary management measures for the Southern Flounder FMP.

(e1) If the Secretary determines that it is in the interest of the long-term viability of a fishery, the Secretary may authorize the Commission to develop temporary management measures to supplement an existing Fishery Management Plan pursuant to this subsection. Development of temporary management measures pursuant to this subsection is exempt from subsections (c), (c1), and (e) of this section and the Priority List, Schedule, and guidance criteria established by the Marine Fisheries Commission under G.S. 143B-289.52. During the next review period for a Fishery Management Plan supplemented pursuant to this subsection, the Commission shall either incorporate the temporary management measures into the revised Fishery Management Plan or the temporary management measures shall expire on the date the revised Fishery Management Plan is adopted.

G.S. 113-182.1 charges the Commission with a goal of implementing measures through its rulemaking authority. After thorough review and given that the state of the fishery is such that the Secretary has determined there are long-term viability concerns, it is my opinion that the Division's recommendations have failed to meet the requirement of G.S. 113-182.1 (b) to address the benchmark goal of every FMP, which is to ensure the long-term viability of the State's commercially and recreationally significant species or fisheries.

§ 113-182.1. Fishery Management Plans.

(b)The goal of the plans shall be to ensure the long-term viability of the State's commercially and recreationally significant species or fisheries.

Not only is the Commission legally authorized to pursue temporary management options under the supplement process, it is the Commission’s ethical and statutory duties to identify and place into rule those options which will ensure the long-term viability of the Southern flounder fishery.

Pursuant to-

§ 143B-289.52. Marine Fisheries Commission - powers and duties.

(a) The Marine Fisheries Commission shall adopt rules to be followed in the management, protection, preservation, and enhancement of the marine and estuarine resources within its jurisdiction, as described in G.S. 113-132, including commercial and sports fisheries resources. The Marine Fisheries Commission shall have the power and duty:

(1) To authorize, license, regulate, prohibit, prescribe, or restrict all forms of marine and estuarine resources in coastal fishing waters with respect to:

- a. Time, place, character, or dimensions of any methods or equipment that may be employed in taking fish.
- b. Seasons for taking fish.
- c. Size limits on and maximum quantities of fish that may be taken, possessed, bailed to another, transported, bought, sold, or given away.

(2) To provide fair regulation of commercial and recreational fishing groups in the interest of the public.

§ 113-132. Jurisdiction of fisheries agencies.

(a)The Marine Fisheries Commission has jurisdiction over the conservation of marine and estuarine resources. Except as may be otherwise provided by law, it has jurisdiction over all activities connected with the conservation and regulation of marine and estuarine resources, including the regulation of aquaculture facilities as defined in G.S. 106-758 which cultivate or rear marine and estuarine resources.

§ 143B-289.52. Marine Fisheries Commission - powers and duties

c) The Commission is authorized to authorize, license, prohibit, prescribe, or restrict:

(1) The opening and closing of coastal fishing waters, except as to inland game fish, whether entirely or only as to the taking of particular classes of fish, use of particular equipment, or as to other activities.

- (2) The possession, cultivation, transportation, importation, exportation, sale, purchase, acquisition, and disposition of all marine and estuarine resources and all related equipment, implements, vessels, and conveyances as necessary to carry out its duties.

The Commission has the jurisdiction, authority and duty to independently take under consideration options other than those proposed by the DMF; I urge the Commission to modify the draft supplement and approve the modified version for public comment.

The public, through letters like mine and through organizations like the CCA, NCWF and RFA, have provided valuable input; I'm sure members of the Commission have their own options for consideration. I implore the Commission to allow these ideas to be formed into motion in order to not only be put forward for consideration, but to be passed by a supermajority. Failure to do so will disenfranchise a large segment of the population from the process, the southern flounder fishery, and likely result in continuation of the twenty-three years of failed recovery of this important stock.

It is important to remember that the May meeting is about options; the August meeting is about selecting the preferred option or combination of options to enter into temporary rulemaking. Why would anyone be against making additional management options available, if those options are needed to ensure the long-term viability of the southern flounder fishery?

I respectfully submit two management options for consideration:

- 1) Closure of the southern flounder gill net fishery from Jan 1 to Feb 15 and from April 15 through Dec 31 for all internal coastal waters per the Commission's power and duty to authorize, license, regulate, prohibit, prescribe, or restrict in regards to time, place, character, or dimensions of any methods or equipment that may be employed in taking fish.
- 2) Implementation of a commercial TAC or quota per the Commission's power and duty to authorize, license, prohibit, prescribe, or restrict in regards to the possession, cultivation, transportation, importation, exportation, sale, purchase, acquisition, and disposition of all marine and estuarine resources.

The intent of the supplement is clear and that is to reduce catch by no less than 25% and no greater than 60%; that need is based on valid data inputs from the 2014 stock assessment showing indications that the stock is overfished and that overfishing is occurring supported by the facts that a very high fraction of the harvest consists of immature fish and there exists a consistent pattern of multi-decadal decline in recruitment and abundance.

From the 2014 stock assessment- by the NCDMF Southern Flounder Plan Development Team

“Fisheries for southern flounder target and discard smaller, mostly immature fish. Harvest or discarding of small fish can result in suboptimal fishery efficiency because larger harvested fish may yield a greater total catch in weight, even if the total number of harvested fish is less to larger fish and reducing mortalities from discards.”

“High fishing mortality on pre-spawning fish is also of concern, especially in conjunction with the pattern of declining recruitment. When fish are harvested prior to maturation and spawning, the reproductive potential of a fish stock can be severely compromised, resulting in poor recruitment of new fish to the population. This fishing strategy has the potential to limit rebuilding of the stock by limiting reproductive potential.”

On April 20, 2015, I had a personal conversation with Dr. Louis Daniel III, Director of the NCDMF. During that conversation I specifically asked Dr. Daniel if a 40% catch reduction was needed. Dr. Daniel replied that all indications are that at least a 40% reduction is needed. Dr. Daniel said that the 2005 FMP required a 38% reduction and that was never met. Dr. Daniel further stated that since 2005 NC, SC, GA and FLA landings are down and the age structure is shrinking to the point that today we are fishing with 75% of landings consisting of juvenile fish.

Other biologists that I have spoken with have concurred with Dr. Daniel’s 40% minimum catch reduction target with the upper range being 55%.

It is important to note that the majority, if not all, catch reductions in the southern flounder fishery have been borne by the recreational sector through restrictions in bag and size limits. The recreational sector has seen size limits increase from 13” to 15” and bag limits decrease from unlimited to six fish. The commercial sector is allowed to catch unlimited amounts for 11 months of the year with a minimum size limit of 14”.

From Supplement A to Amendment 1-

“The recreational hook and line fishery harvest of southern flounder peaked in 2010 (Figure 4). Harvest generally increased after the 2005 Southern Flounder FMP, but generally declined since 2011 when Supplement A implemented a 15-inch minimum size limit and six-fish bag limit for the recreational fishery.”

“Preliminary 2014 data indicates the lowest recreational southern flounder hook and line harvest since 1999.”

“Regulations implemented by the 2005 Southern Flounder FMP appear to not have impacted commercial landings, which increased until 2009 before decreasing in 2010 and 2011 and increasing again in 2012-2014.”

Total Average Catch for 2011 - 2014:

Commercial = 866,551 (76.6%)
Recreational = 264,152 (23.4%)
Total = 1,130,703

Commercial Average Catch for the period: 2011 - 2014

Gill Nets = 477,984
Pound Nets = 306,565
Gig = 71,753
Other = 10,249
Total = 866,551

Recreational Average Catch for the period: 2011 - 2014

Hook and Line = 210,491
Gig = 53,661
Total = 264,152

2011 - 2014 Average Total Catch numbers broken down in %:

Rec Gig: 4.75%
Rec H&L: 18.65%
Rec Total: 23.40%

Com GN: 42.30%
Com PN: 27.10%
Com Gig: 6.30%
Com Other: 0.9%
Com Total: 76.60%

The DMF draft supplement clearly states that “Determining reductions levels and methods that are equitable within the requested range among sectors, gears, and geographic regions will be difficult due to the nature of the southern flounder fishery.”

Being equitable among users should be a consideration. The inequity in flounder harvest between the recreational and commercial sectors is overwhelming. Further reductions to the recreational flounder harvest would be unreasonable; therefore I request that no further reductions be placed upon the recreational fishery. Reductions in recreational harvest will result in minimal reductions in total catch, yet come at tremendous economic and social costs to recreational fishermen and the recreational fishing industry.

Catch reduction efforts must concentrate on the 76.6% side of the equation and the source of the fisheries main problem, the gill net fishery. Gill nets account for 42.3% of total catch and 55.2% of commercial catch. A full season closure on catch from this single problematic gear would fully meet the 40% minimum catch reduction that Dr. Daniel has indicated is an absolute necessity.

It is my opinion, based on my research and conversations, that the southern flounder fishery will be extremely difficult to manage, possibly unmanageable, if it includes a gill net fishery.

The NCDMF recently conducted a study: SURVEY OF COMMERCIAL FISHING LICENSE HOLDERS FOR PERSONAL CONSUMPTION OF SEAFOOD CAUGHT WITH COMMERCIAL GEAR by John Hadley.

The survey found:

- 20% of commercial license holders do not sell any of their landings.
- 28% of commercial licenses are held mainly for personal consumption or donation.
- 45% of commercial license holders only sell part of their landings.
- 53% of commercial license holders use gill nets.
- 79% of unsold harvest was comprised of finfish.

The proliferation of gill nets in the southern flounder fishery is well documented. The low cost of the gear and reduced labor needs when compared to other commercial harvest methods have led to an over-capitalization of gill nets used by “part-time” commercial fishermen, whose landings may or may not be reported through the trip ticket program. As a result, regulations implemented by the 2005 FMP have not impacted commercial landings. Seasonal closures will not address these problems, but will instead place the burden of catch reduction on the pound net fishery- the “cleanest” fishery in regards to environmental impact and a fishery dominated by full-time working watermen on average earning \$21,819 annually from the southern flounder fishery.

Total Average Catch for 2011 - 2014:

Commercial = 866,551 (76.6%)

Recreational = 264,152 (23.4%)

Total = 1,130,703

A 40% total reduction is 452,281.

Full season closure on gill nets will reduce catch by 477,984 or 42.3%.

A 45% total reduction is 508,816.

This target can be met through a combination of a full season gill net closure and increasing the commercial minimum size limit to 15”, parity to the current recreational size limit.

Full season closure on gill nets: 477,984 reduction (42.3%)

Increasing commercial size limit to 15”: 56,535 reduction (5%)

Total reduction: 534,519 or 47.3%

A 50% total reduction is 565,352.

Option #1

This target can be met through a combination of a full season gill net closure, increasing the commercial minimum size limit to 15” and implementing a seasonal commercial closure for all gear types from Nov. 16 to Dec. 31.

Full season closure on gill nets: 477,984 reduction (42.3%)

Increasing commercial size limit to 15”: 56,535 reduction (5%)

Implementing a total commercial closure from Nov. 16 to Dec. 31: 22,614 reduction (2%)

Total reduction: 557,133 or 49.3%

Options #2

This target can be met through a combination of a full season gill net closure and implementing a seasonal commercial closure for all gear types from Nov. 1 to Dec. 31.

Full season closure on gill nets: 477,984 reduction (42.3%)

Implementing a total commercial closure from Nov. 1 to Dec. 31: 90,456 reduction (8%)

Total reduction: 556,440 or 50.3%

Notes:

- 1) The Commission should implement rule requiring 6” stretched mesh escape panels in the offshore corners of the pound to reduce regulatory discards in the pound net fishery if the commercial minimum size limit is increased from 14” to 15”.
- 2) The Commission will need rulemaking to move the following restrictions from proclamation to temporary rule under the supplement process.
 - Limit the yardage of gill nets used as runaround, strike or drop gill nets to 800 yards and of gill nets used as drift nets to 2,000 yards. The new regulations also limit the mesh sizes of gill nets used as runaround, strike, drop and drift gill nets to less than 5 inches.

This action will be necessary to aid in enforcement of seasonal closures in internal waters where harvest of southern flounder by means of gill nets is prohibited.

Runaround, strike and drop gill nets are defined in regulations as gill nets that are set and then immediately retrieved. Drift gill nets are defined as gill nets that are used to capture fish while they are moved by water currents and are actively fished and attended from deployment through retrieval.

Gill nets used in this manner have traditionally been shorter nets that can be quickly retrieved and had mesh lengths of less than 5 inches, designed to target mullet and spot. Gill nets used in this manner are allowed in waters that are closed to southern flounder harvest by means of a gill net.

History shows that some commercial fishermen will figure out a “fish around”-

“What we’ve seen over the past few weeks are fishermen setting large-mesh gill nets in waters closed to anchored gill nets, but not immediately retrieving them,” said Louis Daniel, director of the Division of Marine Fisheries. “Instead, these fishermen are staying out with the nets, using them in an anchored fashion to target flounder and only retrieving them if they hear a boat coming.” This activity has made enforcement of closures difficult, Daniel said. It could also compromise the state’s compliance with incidental take permits for sea turtles and Atlantic sturgeon, since those who use gill nets that are immediately retrieved are exempt from a requirement to hold an Estuarine Gill Net Permit. The incidental take permits require the division to identify all participants in North Carolina’s estuarine anchored gill net fishery.” <http://portal.ncdenr.org/web/mf/nr-46-2014>

The pound net and gig fisheries should be protected and given preference over the gill net fishery. These fisheries are considered “clean” and not subject to an ITP for endangered species. However, both the pound net fishery and the gig fishery do present concerns. Pound nets are extremely efficient at harvesting southern flounder and with the elimination of competing gear; CPUE should increase. There may be increased interest in permitting for pound net leases. The “part-time” nature of participation in the gill net fishery and seasonal closure of that fishery will certainly push some of those fishermen into the gig fishery.

- The Commission should implement a temporary moratorium of new pound net leases.
- The Commission should consider temporary trip limits in the commercial gig fishery.

History shows that pound nets are capable of catching every pound that the fishery can afford and substantially more than a successful recovery will allow. Due to that fact, the Commission must implement a commercial TAC or quota.

Total Average Catch for 2011 - 2014:

Commercial = 866,551 (76.6%)

Recreational = 264,152 (23.4%)

Total = 1,130,703

A 40% reduction allows for a commercial TAC of 414,270.

A 45% reduction allows for a commercial TAC of 357,735.

A 50% reduction allows for a commercial TAC of 301,200.

While the Division has been clear in its comments that staffing and technology limitations and reporting requirements will make implementation difficult, those comments are based on managing a TAC or quota with 854 participants and 165 dealers from the gill net fishery. Implementing a total seasonal closure in the gill net fishery will reduce participants by 73% and dealers by 70%, which should alleviate the Division’s concerns. The Division currently manages a quota within the red drum and striped bass fisheries and can certainly manage a southern flounder TAC or quota using similar methods.

In regards to these proposed rule changes-

Chapter 150B of state statute limits those situations in which an agency may adopt temporary rule, one of those exceptions to permanent rule is a “serious and unforeseen threat to the public health, safety or welfare” G.S. 150B-21.1(a)(1). In order for an FMP supplement to be prepared, the Secretary must have determined that the supplement is “in the interest of the long-term viability of a fishery”. Such actions are a departure from normal fisheries management processes and only can occur under very special circumstances. G.S. 113-182.1(e1) gives the Secretary authority to develop such temporary management measures to supplement an existing FMP. Due to the special circumstances requiring the Secretary to authorize measures in order to protect the welfare of the citizen’s public trust fishery, G.S. 150B-21.1 should apply to this process.

There is one last issue that I would like to address. It is my opinion and that of others with whom I have spoken, that the process of public involvement in fisheries management issues is

tailored to produce an environment of intimidation. There is no better example than the Hergenrader petition hearing in New Bern. These types of gatherings serve no useful purpose in resource management other than to facilitate a mob mentality and ensure those who have the most numbers and the loudest voices get their way. That is no way to manage our public trust resources. Not only is it discouraging citizen involvement in open government, it is preventing public servants from performing their duties. I have personally experienced such intimidation, talked to other citizens who have also experienced intimidation and been told by members of the MFC and Division staff that intimidation, the fear of threats and violence against them or their personal property, has and is effecting decisions they are making on behalf of the resource. I urge the MFC to consider means of public involvement in fisheries management that is not designed to disenfranchise pro-resource citizens and recreational anglers who support rule change to revive our fisheries and protect our marine resources from exploitation, goals that serve all of NC's citizens and not just the ones who fish for profit.

Respectfully Submitted with Best Regards,

Rick Sasser
Goldsboro

Original Message-----

From: Mike [<mailto:mcshannon@suddenlink.net>]

Sent: Friday, May 15, 2015 11:35 AM

To: Fish, Nancy

Subject: Recreational limits on Southern Flounder

I am a resident of Craven County, I vote here and own property in the county. I am also a recreational fisherman and am concerned with the state of our fisheries.

Presently, you are in the process of reviewing the supplement process for the southern flounder. The DMF has proposed reducing the recreational harvest on these fish to one fish per day. I find this proposal lacking especially when you consider the recreational harvest of these fish comprises around 21.4 percent of the total harvest. The commercial harvest comprises 78.6 percent. It is time to balance the equation.

Accordingly, I support no further reductions in the recreational harvest. I also support a moratorium on the large mesh gill net fishery. In conjunction with the moratorium have a spawning season closure for pound nets to facilitate a more equitable allocation.

Adjust the commercial size limit to 15 inches. Institute an immediate moratorium on new pound net applications. If large mesh gill nets are retained, institute a moratorium on all new gill net applications.

Manage the southern flounder under a TAC. DMF leadership has raised concerns about managing these fish under a TAC. They already manage the red drum and striped bass under a TAC (CAP) and the same can apply to flounder.

Balance the recreational/commercial split under a TAC to 50/50.

Too many of our most sought after fish, namely the red drum, specs and flounder populations reflect a lack of vision and leadership from our state's fisheries managers It is time to change the way we manage these fish.

Sincerely,

--

Mike Shannon
1033 Barkentine Dr
New Bern, NC 28560
252-636-2529

From: Randy [<mailto:mrbookend@yahoo.com>]
Sent: Thursday, May 14, 2015 9:40 AM
To: Fish, Nancy
Subject: Southern Flounder

Hello Nancy,

My name is Randy Smith. For years I dreamed of owning a property on the water so I could go fishing and shrimping and crabbing. In the mid 1980's, I bought a boat but used it 3 times in 2 years so sold it due to my heavy work load and not being home.

Now I am retired and bought a beautiful place on Pierce Creek with access to the Neuse River in a wonderful little town of Oriental. Also bought a small 14 foot boat. But now I hear that fish populations are dwindling especially flounder not due to recreational fishing but rather to over harvesting by commercial fishing and allowing harvesting during spawning season.

Please support the following suggestions by a local Pamlico County club so that I do not feel that I may have made a mistake in choosing this area as my retirement spot. Plus I am sure that the better the recreational fishing, the more revenue is generated by people coming to this area to fish and spend their money in so many ways at many commercial businesses.

Please support the following:

I am a resident of Pamlico County in Oriental, I will vote here and own property in the county. I am also a recreational fisherman and am concerned with the state of our fisheries.

Too many of our most sought after fish, namely the red drum, specs and flounder populations reflect a lack of vision and leadership from our state's fisheries managers It is time to change the way we manage these fish.

Presently, you are in the process of reviewing the supplement process for the southern flounder. The DMF has proposed reducing the recreational harvest on these fish to one fish per day. I find this proposal lacking especially when you consider the recreational harvest of these fish comprises around 21.4 percent of the total harvest. The commercial harvest comprises 78.6 percent. It is time to balance the equation.

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Adjust the commercial size limit to 15 inches. Institute an immediate moratorium on new pound net applications. If large mesh gill nets are retained, institute a moratorium on all new gill net applications. Manage the southern flounder under a TAC. DMF leadership has raised concerns about managing these fish under a TAC. They already manage the red drum and striped bass under a TAC (CAP) and the same can apply to flounder.

Balance the recreational/commercial split under a TAC to 50/50.

Sincerely,

Randy

From: Michelle Speckine [<mailto:michellespeckine@gmail.com>]
Sent: Monday, May 18, 2015 10:23 PM
To: Fish, Nancy
Subject: Marine Fisheries

To whom it may concern,

My name is Michelle Speckine, I am a resident of Frisco, North Carolina on the Outer Banks and I am writing to express my complete and total opposition to the proposed 25% to 60% reduction of Southern Flounder harvests that is currently being discussed on your legislature. My reasons for opposing said bill are that it will have a devastating economic impact on the island and region in which I live, there is little or no concrete evidence to support your claim of a shortage of flounders in North Carolina waters, and you will be depriving the state of a vital resource that is part of the heritage of our great state,

First and foremost if you follow through with your proposal of a 25% to 60% reduction of flounder harvests you will be inflicting a devastating blow to fishing communities and tourist destinations throughout the state. Thousands of individuals in North Carolina rely on the flounder as a means to make a living whether it is through commercial harvests, recreational charters, or serving the delicacy in their restaurants or retail storefronts. This is particularly so in the fall months. Many rely on the flounder as a primary target species to harvest during the fall no matter if they are commercial or recreational charter fishermen. By enacting the proposal you will be removing this vital economic resource from the fall months and as a result removing countless business revenue and tax dollars from the community. Less money will be spent at local businesses as a result, in turn taking money out of the pockets of those local business owners who count on the fishermen and restaurant owners to spend money in their establishment after the tourists have gone home for the winter. In addition, you will be causing a hefty burden for restaurant owners and retail owners and workers, who rely on the flounder to draw hungry guests to their tables and storefronts, who will be forced to raise prices considerably, or worse take flounder from their menu as supplies are sure to be less resulting in prices potentially too high to justify continuing to feature flounder on their menu. Tourists come to North Carolina to eat and catch flounder and may choose to vacation closer to home if they cannot come harvest and dine on flounders in the same fashion they have enjoyed for many years passed. Also, individuals who work in the infrastructure that supports our commercial and recreational fisheries will also be impacted as there could be more than half of their work removed as a result of your proposed reduction. So many will be impacted economically in our state that the true impact cannot even be put into words here.

In addition to opposing the reduction because of the economic impact that will surely come as a result, I also oppose to reduction because I believe there is little or no evidence to support your claims that there is a shortage of Southern Flounders. Every region is different, and every year is completely different. Some years are better than others, and every year teaches you something new. I fished commercially full time for more than five years and I can tell you that no two years are the same and catches vary from year to year,

and are often heavily impacted by weather events, temperatures, and timing for seasonal changes. There is no way true scientific data backing your claims of a shortage of flounders can be credible without looking at ten to twenty years of data minimal and I know there is no way a study backing your claims has been in place for that extended period. My request and proposal would be at the very least the DMF leave regulations as they currently stand and begin a study to back your claims and look at multiple years, five to ten years minimal, and not just one or two because there is no way you can accurately access stocks with ANY less than five to ten years. I believe if you are honest with your data and look at the situation in its entirety you will see that the stocks of flounder are as stable as ever.

Finally, I believe the proposed reduction of flounder harvests is wrong and should be abandoned is that, by enacting said such a reduction would surely significantly remove the importance of one of our states great symbols of heritage, the Flounder. North Carolina has many coastal communities that rely on the flounder as a fish to harvest, serve, sell, and represent their economy and community. My home of Frisco and to a greater extent Hatteras Island, fits this description perfectly. Flounder is synonymous with Hatteras, as tourists flock here to eat and catch flounders and enjoy the traditional heritage of a local fishing community. We are a fishing and tourist community who has always relied on the flounder in the spring summer and fall. Past gill net restrictions have lessened this in the spring and summer and the new proposed reduction will all but eradicate the flounder from the economy and heritage my community and those like mine. We need the flounder in the fall to help us keep food on our tables and roofs over our heads. I beg you not to penalize hard working honest individuals who rely on this great fish for our livelihoods.

I thank you for your time in reading my letter. Please understand that there is no way I can fully express in this letter how bad of an idea the proposal is or how severe the impact will be for my community and those like mine if the proposed reduction is carried out. Nor can I fully explain the extent of those impacted by the proposed legislation without composing pages upon pages upon pages, and I believe in doing so my plea would be lost. So please reconsider and abandon the proposed reduction of Flounder, and take more time to accurately access stocks, economic impact, and regional differences in harvest methods, numbers of fishermen, and economic reliance on the flounder. Thousands stand to lose or be displaced if you carry out your proposed reduction. In a position of power and authority comes great responsibility and I beg you to consider the weight of your decision and act wisely and consider all of those who will be harmed as result of the wrong decision.

Sincerely,

Michelle Speckine

PO Box 581

Frisco, NC 27936

From: Bryan [<mailto:stanton8922@gmail.com>]

Sent: Monday, May 18, 2015 1:08 PM

To: Smith, Tricia

Subject: Concerned fisherman

My name is Bryan Stanton and I am a concerned recreational fisherman and I strongly disagree with the proposed regulations for southern flounder. I think the intentions are good but are being taken from the wrong angle. I fish all salt waters from Brunswick too pender county. And I can tell you from first hand experience that there are plenty of flounder in the icw and all of its creeks and bays but the problem here is length of fish due too being over fished by giggers. Recreational and commercial it is way over fished. The study's that you have proposed on the data of giggered fish commercially and recreationally are way underestimated. And as for the hook and line harvest folks around here aren't doing much damage because of that. When talking too a friend or stranger on how there fishing trips have been I hear the same thing everytime which is usually 1-3 keepers per vessel. And most say plenty of under regulation. What I am trying too say is the regulations should not be altered too much for the recreational fisher man we are the ones who work our tails off all week long just too be able too go out fishing for one day most of the time and that is all that can be afforded for most of the people who go out and target these fish. It really is not fair too us. If you want too close a season do it too the giggering crowd. It would most certainly have great effect on this species. And I mean commercially as well. I would support an 3 fish bag limit at 16-17 inches for hook and line..and an 18 to 20" for giggers. But would much rather see giggering closed too recreational fisherman and a big time reduction for commercial such as reducing the bag limit and certain days of the week. If you truly care about the fisheries and are not being tied up in the politics that go's with it.. The commercial industry should in no way dictate how the fisheries are managed. And should not have a bigger voice than the recreational fishing industries. Your proposals will cripple man many businesses. From the tackle stores too local restaurants gas stations , hotels any many more local small businesses will suffer because people from near and far will travel elsewhere..we need too think about the economy as well as the fisheries. And as for the nets I personally don't know what too say except that there are many folks with commercial licenses using these nets who don't depend on them for their livelihood and something needs too be done about that in some way or another. I am an 28 year old recreational fisherman who wants things to be done right and I am saying I do not agree with all of your data and proposed amendments.. I want the future too be bright for everyone and I think that the commercial fishing industry is mostly too blame for the so called depleted southern flounder. They must be regulated much much more than the hook and line guys if this species is too flourish!!!!

May 14, 2015

I am a resident of Craven County, I vote here and own property in the county. I am also a recreational fisherman and am concerned with the state of our fisheries.

Too many of our most sought after fish, namely the red drum, specs and flounder populations reflect a lack of vision and leadership from our state's fisheries managers. It is time to change the way we manage these fish.

Presently, you are in the process of reviewing the supplement process for the southern flounder. The DMF has proposed reducing the recreational harvest on these fish to one fish per day. I find this proposal lacking especially when you consider the recreational harvest of these fish comprises around 21.4 percent of the total harvest. The commercial harvest comprises 78.6 percent. It is time to balance the equation.

Accordingly, I support:

- * No further reductions in the recreational harvest
- * A moratorium on the large mesh gill net fishery
- * Have a spawning season closure for pound nets to facilitate a more equitable allocation
- * Adjust the commercial size limit to 15 inches
- * Institute an immediate moratorium on new pound net applications
- * If large mesh gill nets are retained, institute a moratorium on all new gill net applications
- * Manage the southern flounder under a TAC. DMF leadership has raised concerns about managing these fish under a TAC. They already manage the red drum and striped bass under a TAC (CAP) and the same can apply to flounder.
- * Balance the recreational/commercial split under a TAC to 50/50.

Sincerely,



Art Thinguldstad
906 Hawksbill Ct
New Bern NC 28560
252-675-3766

From: anna@downeastguideservice.com [<mailto:anna@downeastguideservice.com>]
Sent: Saturday, May 16, 2015 10:31 AM
To: Fish, Nancy
Subject: FW: NCDMF Proposed Changes

Please share with others

From: info@downeastguideservice.com
Sent: Friday, May 15, 2015 9:12 PM
To: anna@downeastguideservice.com
Subject: FW: NCDMF Proposed Changes

From: Triad Saltwater Anglers [<mailto:triadncwaterman@gmail.com>]
Sent: Friday, May 15, 2015 4:40 PM
To: annabarrriosbeckwith@yahoo.com; info@downeastguideservice.com
Cc: Steve Craven; John Cranford; Dieter Cardwell; Bob Miller
Subject: NCDMF Proposed Changes

Mrs. Beckwith,

Please share this message with anyone you feel is pertinent regarding this matter.

I am writing this message on behalf of Triad Saltwater Anglers. We are an organization of primarily recreational fishermen located in the Winston-Salem area. We are extremely concerned at how saltwater fishery management in North Carolina is being handled. We fully understand this resource is designated to be shared between all people of our State. With that in mind we are strongly of the opinion the NCDMF has for 25+ years has demonstrated a heavy handed, highly political bias in the favor of the commercial industry. This is demonstrated by the extreme reductions in catch limits placed on recreational fishermen while making minimal cuts to commercial limits and allowing the continued the use of highly destructive poorly managed gear.

To say we are highly concerned with the potential reduction in catch limits for summer flounder would be an understatement. Recreational fishermen played little if any role in causing the depletion of this stock and the thought the NCDMF is even considering placing the bulk of the burden on them is unconscionable. The commercial industry catches 80% of this species. It is statistically highly unlikely that reducing the recreational limit will have any significant effect on restoring the stock.

Let us all not forget this is a shared resource for the people of this State. That sharing goes far beyond the counting of who can keep the most fish and who can shout the loudest in meetings regarding these issues. Sharing also includes the total economic impact for the people in this State. It is common knowledge that the total economic impact of the recreational industry far

exceeds that of the commercial industry. Let us do all we can to promote fishing and tourism of all types to make a positive impact on all involved.

The Coastal Conservation Association of North Carolina has put together a good set of recommendations that will help get this species back on course. They are included below for your review and consideration.

May 13, 2015

Southern Flounder FMP Supplement Options The Coastal Conservation Association of North Carolina believes the current state of our southern flounder fishery reflects a lack of vision and leadership from our state's fisheries managers over the last thirty years. Now North Carolina's most valuable commercial and recreational finfish, southern flounder, is a shadow of its former abundance. Decades of non-action have ultimately resulted in a majority allocation of harvest and de facto prioritization to the destructive large mesh gill net fishery. To use today's fishery as a template for future management does nothing but preserve the trends and factors that led us to the situation where we are now: a collapsed fishery that demands the majority of the Division's time and resources while falling far short of its real potential. CCANC believes this supplement process creates an opportunity to create a new strategy where the resource is conserved and its economic potential realized. If the MFC chooses to remain with status quo they are locking in the source of all of our problems, an over-capitalized large mesh gill net fishery, at the expense of all other user groups: pound nets, gigs, recreational fishermen, the For-Hire industry and the public. Instead of focusing on "being equitable among users" we must concentrate on the source of the fisheries main problems and ask, what is best for the fishery and our coastal economy? That must start with placing the majority of the reductions on the large mesh gill net fishery. CCANC asks that no further reductions be placed upon the recreational fishery. All past cuts have been placed upon the backs of recreational anglers and have virtually eliminated the viability of NC's most popular recreational fishery. As documented in the supplement paper, reductions in recreational catch will result in minimal reductions in harvest, yet come at massive economic and social costs to recreational fishermen and the recreational fishing industry. While the stock assessment cannot determine what cuts should be, it is very clear that the stock is in dire shape and reductions must be made. As cuts will likely either be "fished around" by commercial gears or be less than modeled due to undocumented catches – CCANC believes that harvest of southern flounder must be cut by at least 40%. CCANC requests that NCMFC approve the following management options to be sent out for public comment:

Preferred Options

1. No reductions to the recreational bag limit and no changes to the recreational size limit.
2. Moratorium on the large mesh gill net fishery.
 - 2.1. In conjunction with a large mesh moratorium, have a spawning season closure that differs for north of Hatteras (Oct 1) and south of Hatteras (Nov 1) so pound net allocation will be more equitable.
3. Adjust the commercial size limit to 15"
 - 3.1. Require 6" escape panels on pound nets.
 - 3.2. If large mesh gill nets are to be retained, CCANC requests that we require a minimum mesh size of 6" transitioning to 6.25" by 2016 to reduce what is already an inappropriate number of discard.
4. Immediate moratorium on all new pound net applications.

5. If large-mesh gill nets are to be retained, CCANC requests an immediate moratorium on all new gill net permits to prevent continued over-capitalization of that gear.

6. Management of southern flounder under a TAC 6.1. While NCDMF leadership has raised concerns regarding the viability of managing with a TAC in the short term, CCANC believes if the NCDMF can manage our commercial red drum and striped bass fisheries with a TAC (CAP) then the same management option can be considered for Southern flounder.

6.2. Currently recreational harvest is 21.4% and commercial harvest is 78.6%. We request that a TAC allocate a 50/50 split between the recreational and commercial sectors.

7. Seasonal Closures

7.1. If the MFC is unwilling to place a moratorium on large mesh gill nets or manage under a TAC, we request that, in conjunction with raising the commercial size limit to 15," that the state-wide commercial season be closed by October 15th.

Thank you for your consideration in this matter. Working together we can rebuild this and other depleted fish stocks...working one sided we can watch as our precious resource is further depleted.

Sincerely,
Bob Miller
Triad Saltwater Anglers