

Facts regarding House Bill 483, Let them Spawn

HB483, Let them Spawn, has passed the House and moves on to the Senate. The purpose of H483 is to examine those fish stocks that historically provided tremendous commercial and recreational opportunities that no longer exist due to overfishing.

The purpose of this document is to point out and explain/refute misinformation provided during the debate in the House and continuing to circulate by those wishing to derail conservation of the marine resources for all:

- 1) Unintended consequences (Talking points) provided by DEQ and Division of Marine Fisheries (NCDMF).** These points are misleading and/or factually incorrect. Specifically, H483 will not result in the elimination of any fishery. The bill provides a slot limit option, currently employed for red drum, and would not require any changes to our current management strategy for that fishery.

Despite the Talking Points “bottom line” that length at maturity is not appropriate to apply to all fisheries, it unequivocally is the right approach for the species listed in the bill and the other species specifically managed by North Carolina.

Finally, the Talking Points raise the concern over losing certain species as bait if there is a minimum size limit on those species. Small mullet, historically used as bait, could be managed with the slot limit provision to allow this practice to continue with a daily limit of mullet for bait under an appropriate minimum size limit to ensure maturity.

The Division of Marine Fisheries website and the information provided to the public also help to refute many of their current claims against H483. The NCDMF website answers the question, “**Why do we have fisheries rules**”? In discussing various types of fisheries rules, they indicate that size limits “*are meant to protect fish of spawning size before they are caught*”. We agree. No where do they indicate that this may not be appropriate to apply to all fisheries. Additionally, of all the finfish fishery management plans developed by the NCDMF (southern flounder, estuarine striped bass, kingfishes, red drum, river herring, and spotted seatrout), it is noteworthy that only spotted seatrout have a size limit that permits all females the opportunity to spawn at least once, and many twice, which is consistent with H483. Further, red drum are the only species managed with a slot limit, which is also consistent with H483 and has been successful. These are the only two species that show any positive signs in population growth, age expansion, and harvest.

Further:

The Wildlife Resources Commission often applies size and creel limits along with harvest seasons, to address population declines. Limits on size, numbers of fish and/or seasons are implemented to reduce overall mortality on smaller, younger fish. For example in Jordan Reservoir after the crappie population had declined, biologists found very few older fish. Most crappie were reaching the established 8-inch minimum size limit by age 1 and were being harvested before they spawned for the first time. A 10-

inch minimum length limit and 20-fish daily creel were implemented to allow the crappie to spawn at least once and many to spawn twice before being subjected to angler harvest. Since that time, the crappie age distribution has expanded, and a quality fishery has been re-established and sustained.

- 2) **There was much discussion over the impacts of the bill to red drum, spotted seatrout, striped bass, menhaden, and other species not contained in the bill.** The fact is, the two species (red drum and spotted seatrout) currently managed by measures that mirror H483 are the only species thriving and rebuilding. The other species mentioned, estuarine striped bass, are stocked by the WRC in the Central and Southern regions. A moratorium is in place for these fisheries due to their declining status. The Roanoke River population, however, is a population sustained by natural production and is strictly managed by size and slot limits. Where slot limits and minimum size limits have been used to allow fish to spawn or protect the adult females (red drum, Albemarle Sound striped bass, and spotted seatrout), the stocks are rebuilding. It is noteworthy that the species used by those in opposition to the bill spoke of how great the red drum and spotted seatrout fisheries are. These fish are managed precisely as we propose under H483.
- 3) **Commercial landings are declining due to regulations.** False. Landings are declining because our fish stocks are collapsing. Waterfront Infrastructure important to fish processing has declined because owners sold their properties during the last real estate boom in the mid-2000s, or because adequate product for the business to survive is no longer available. The primary species that are managed by North Carolina and historically anchored the NC commercial fishery industry either have no regulations at all or no minimum size limits. These species include: spot, croaker, kingfishes, striped mullet, and bluefish. What regulations, specifically, account for the precipitous decline in our fisheries? This is a question for those who make this claim. We would argue that the landings of these species with no harvest and/or size limits are not being pursued because there are too few left to make it economically feasible.
- 4) **H483 will end commercial fishing and/or the shrimp trawl fishery.** The bill has no impact on the shrimp trawl fishery and the greater yield of fin fish due to protecting immature fish and harvesting larger fish will offset most of the losses from regulatory discards.
- 5) **H483 will eliminate striped mullet as bait.** False. The intent of the bill is to “Let them Spawn” by not harvesting them until they become mature. What was once a limited fall fishery for the roe (females with ovaries full of eggs) has become a fishery that operates more year-round. We know from experience that roe fisheries are unsustainable when no limits are placed on size or quantity. Based on the 2015 North Carolina Fishery Management Plan Amendment 1 for Striped Mullet, spawning stock biomass has declined, recruitment has declined, and fishing mortality has increased. While the

assessment does not indicate overfishing is occurring, the science is reported as unreliable for biomass determination. Since the 2015 plan was adopted, landings of striped mullet have declined, even in the absence of a minimum size or harvest limit. Further, striped mullet are critical components of the estuarine ecosystem, converting plant material into fish flesh and serving as important prey to many fish and marine mammals. H483 requires some immediate action by fishery managers to reduce the harvest of spawning fish. The primary harvest for striped mullet is commercial with reported recreational catches being very low. A commercial size limit would be one corrective action that would come from H483. Options exist in the bill that would allow the NCDMF and MFC, through the normal fishery management planning process, to address the continued use of juvenile striped mullet as bait. It is also possible that a limited exemption could be considered for “finger mullet”. For example, recreational fishermen, who primarily harvest small striped and white mullet for bait could be held to a maximum size with a number limit. For example, recreational fishermen could keep 50-100 fish less than 12 inches to be used as bait. This would allow for bait but prevent recreational fishermen from harvesting adult fish that they rarely do any way. Further, much of the larger mullet used as bait is harvested in the gill net fishery and sold to bait and tackle shops. If legally harvested and legally sold, recreational fishermen could use those mullet as bait as long as they have the receipt to show where the fish were purchased- just like river herring.

- 6) **The status of these stocks is based on landings and with effort reduced due to regulations, landings will obviously decline.** False. Stock assessments are not based on landings alone. The DMF has multiple programs to look at abundance of these fishes based on data that are independent of the commercial and recreational fisheries. Specifically, DMF employs fishery independent juvenile and adult abundance surveys through trawls, seines, and gill nets to determine relative abundance. These surveys are used as abundance indices and are independent of landings data. Additionally, DMF has a premiere age and growth lab to age fishes to determine stock health. The species listed in the bill have declining landings, coupled with declining indexes of abundance, and declining age/size structure*.
- 7) **Testimony suggested that juvenile croaker were so plentiful at fishing piers that there can't be a problem.** Larger and older fish out compete smaller fish for baits. This is why any new fishery harvests many larger, older fish. While the small croaker do indeed indicate that some level of spawning still occurs, stock assessments indicate that few larger, older croaker are in the population. This is a problem that must be addressed through a minimum size limit.
- 8) **H483 will compromise our standing with Atlantic States Marine Fisheries Commission (ASMFC).** False. In discussions with other state directors and the former chairman of the ASMFC, this is Fact. North Carolina needs to fix our issues before the other states step in. Further, there is no interstate plan for kingfishes, southern flounder,

or striped mullet—so N.C. is on its own with these three species. Spot, croaker, and bluefish are managed by the ASMFC and Federal Fishery Management Councils, yet no management requirements exist except a commercial quota on bluefish. For spot and croaker, the primary reason for no management is the uncontrolled NC shrimp trawl bycatch that would offset any savings from other states. However, the ASMFC has begun to notice the significant decline in these fisheries, which could lead to a management plan involving minimum size limits to enhance spawning health at a future date. Being proactive always garners favor with ASMFC and H483 would be welcomed by the ASMFC member states in hopes of seeing Pamlico Sound productivity improve. The impacts of H483 to the commercial and recreational fisheries for these species would lead to almost immediate improvement, coast wide. Finally, bluefish has no size limit under ASMFC or other Federal Fishery Management Councils, but precautionary management is wise, especially for a producer state such as North Carolina.

- 9) **Female harvest.** The accusatory premise/issue of targeting females is raised in opposition to H483. This possibility only applies to southern flounder and the bill provides for an appropriate slot limit to, not only protect female fish, but to allow the harvest of the currently underutilized males.*As an example, southern flounder live to age 10. In a healthy population, catches should be comprised mostly of fish aged 2-5 with fair representation of the older age classes. In the current southern flounder fishery, the catches are made up mostly of juvenile fish ages 1 and 2. The larger fish, which are predominately female, are gone, having been removed in early years by inadequate regulatory protections.

We offer this Fact Sheet to clarify the misleading and sometimes incorrect information circulated in an attempt to discredit and undermine Let them Spawn, H483. Let them Spawn can form the basis of recovery of finfish that have been overfished for years and for which no provisions have been made in management strategies to ensure adequate reproduction essential to healthy fish stocks.