



North Carolina Wildlife Federation

Affiliated with the National Wildlife Federation

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To: Chairman Rob Bizzell
From: North Carolina Wildlife Federation
Subject: Southern Flounder Fisheries Management

The North Carolina Wildlife Federation (NCWF) is submitting the following comments related to Amendment #3 to the Southern Flounder Fishery Management Plan (FMP). To illustrate our concerns, we reference a May 5, 2021 memo to the Marine Fisheries Commission (MFC) from the Division of Marine Fisheries (DMF) in which an update of southern flounder Amendment 2 was provided.

As background, the coast-wide, peer-reviewed stock assessment was published in January 2019 and assessed the southern flounder population through 2017. Results of the 2019 stock assessment form the basis for Amendments #2 and #3 and include the following direct statements:

- 1) Estimates of fishing mortality for the U.S. south Atlantic coast are largely a function of the commercial fishery operating in North Carolina.
- 2) The predicted fisheries-independent indices of relative abundance that were available were either flat or declining and show no substantial evidence of strong year classes entering the population in recent years.
- 3) The probability that the fishing mortality is above the threshold is 64%.
- 4) The probability that the that the Spawning Stock Biomass (SSB) is below the threshold is 100%
- 5) To reach the SSB target by 2028, total catch would need to be reduced by 72%.**

The statutory and public expectation for Amendment #2 was that overfishing would end in two years and measures would be put in place to rebuild by 2028. Amendment #3 is intended to provide the framework to continue progress from Amendment #2 towards the rebuilding goal in 2028.

At present (late 2021) Amendment #2 did not achieve its goals and Amendment #3, that is expected to address 2021 and beyond, was delayed because of a simple shift in the allocation that doesn't begin for two years.

The DMF memo referenced above states that the harvest reductions recommended by DMF were more conservative than the statutorily required minimum of a 31% harvest reduction to end overfishing and a 52% reduction to rebuild SSB in 10 years. Nowhere, however, does the stock assessment indicate that a 52% reduction will rebuild SSB to the target biomass in 10 years. The stock assessment actually states that a 72% reduction in harvest is required to

reach the SSB target by 2028. The claim that the 31% reduction ended overfishing is meaningless with regard to the rebuilding goal and is unsubstantiated.

DMF indicates in the memo that total allowable removals include the observed landings **and** the estimated dead discard values. This claim also appears to be unsubstantiated.

The DMF reports that actual overall landings that include “landings plus discards from all fleets” totaled 1,265,705 pounds. This value is 526,694 pounds greater than the 739,011 pound quota needed to reduce harvest by just 62% in 2019. Recall that the stock assessment stated a 72% reduction was required. There has been no justification given for the State failing to recommend the 72% reduction in 2019. The DMF has indicated that it was known that harvest reductions in 2019 would not be met before the season started, yet moved forward with an open season that significantly surpassed the allowable harvest.

Additionally, the commercial landings do not account for “landings plus discards from all fleets” as reported. Specifically, the 804,117 pounds of commercial landings in 2019 are only a fraction of total commercial removals. The DMF’s estimate appears to have only added 4,500 pounds of discards in all fisheries. The data contradict the DMF’s numbers.

The commercial landings reported do not include accurate discards from shrimp trawls, crab trawls, crab pots, seines, gill nets, and other fisheries during both closed and open seasons. Likewise, the landings do not include any southern flounder landed by holders of a Standard Commercial Fishing License who do not sell their catch, a number that is unknown but likely high. While the absolute magnitude of these removals is unknown, a best estimate would conservatively place the discards and unreported catches between an additional 250,000 to 300,000 pounds, bringing the total commercial removals to greater than 1.1 million pounds in 2019.

The recreational removals also appear underestimated. The memo indicates recreational landings in 2019 were 461,588 pounds. The recreational landings underestimate the mortality associated with released southern flounder and do not appear to include the harvest from Recreational Commercial Gear License holders. We also question how the gig harvest and discards are addressed and incorporated in to these estimates. The estimate of total recreational removals appears to be far greater than the reported 461,588 pounds.

As a result, the total harvest reductions reported by the DMF to the MFC are substantially less than the reductions calculated by DMF at 34.9% in 2019 and 51.7% in 2020. The recommended, peer-reviewed target was 72%.

Discards in many of the fisheries that have been omitted can be estimated. For example, landings of legal southern flounder from crab trawls or crab pots would all be discarded as that fishery mostly occurs outside the current season. Bycatch of undersized fishes will continue in these fisheries and likely increase as the population rebuilds. Additionally, small and large mesh gill nets, seines, shrimp trawls, etc., will continue, but all southern flounder must be discarded. No evidence suggests discard mortality is less than 100% in these fisheries but data do show that southern flounder is a primary bycatch species in some fisheries and common in others. Reviews of the shrimp, blue crab, and other FMPs actually contain some of the omitted information. Unfortunately, as the stock rebuilds, even from the reductions achieved thus far, bycatch and discard mortality will increase as will the continued overages from a directed fishery.

The peer-reviewed stock assessment is clear that the North Carolina commercial fishery has driven the assessment and the population towards collapse. Unfortunately, recreational catches have now increased due to greater abundance and concentrated effort during an open season. Yet the state continues to raise concerns about what other states are doing to curb harvest. It is important to note that the states of South Carolina, Georgia, and Florida have virtually no commercial southern flounder harvest and only a fraction of the commercial discards from shrimp trawls in the Atlantic Ocean.

Amendment #2 failed, and Amendment #3 is delayed. The North Carolina harvest reductions realized so far are not even close to the target. Yet the DMF memo states “that the harvest reductions recommended by DMF were more conservative than the statutorily required minimum.” The facts do not support that statement.

Bottom line: The total removals, based on the peer-reviewed assessment for 2019 and 2020 combined, should have been approximately 1.1 million pounds to achieve rebuilding by 2028. The DMF recommended 1.3 million pounds and indicates that overages in 2019 were expected. They should not have been. The reported removals were 2.20 million pounds, twice the recommended removals.

Based on our review, total removals were likely closer to 3.0 million pounds, yet no adjustments to total harvest has been made and an open, directed fishery was established for 2021. This action is inconsistent with best management practices.

The 72% reduction is now obsolete as a result of the significant overages in 2019 and 2020. Consequently, even if the 72% is finally achieved in 2021, the fishery can no longer meet the statutory rebuilding deadline by 2028. Bycatch and resultant discards in the recreational angling, recreational gig, recreational commercial gear license, commercial gill net, shrimp trawl, seine, crab pot, crab trawl, pound net, and other fisheries during the closed seasons will now remove more fish than is required to meet the rebuilding target. As a result, significant reductions in gear, especially shrimp trawls and gill nets, coupled with a complete moratorium on southern flounder harvest is the only remaining solution because we waited too long to take appropriate action.

Since this memo was constructed, we have reviewed answers to questions posed to the lead southern flounder biologist at DMF on or about August 12. The following statements were taken from DMF responses:

- 1) Commercial dead discards was less than 0.3% of the total removals in 2017.
- 2) Gill net discard mortality is 23%.
- 3) Bycatch estimates are only available for shrimp trawls and gill nets.
- 4) The current estimate used by DMF for shrimp trawl bycatch is 59,525 pounds for the entire south Atlantic fishery from NC to FL.
- 5) The DMF has estimated 15,682 dead discards for the commercial and recreational fishery combined.

These responses solidify our concerns. Commercial dead discards at 0.3% appears two orders of that is used to estimate a 23% discard mortality rate.

The estimated bycatch in the south Atlantic shrimp trawl fishery at 59,525 pounds is a fraction of the discards from North Carolina alone. Based on Brown (2015), a DMF shrimp trawl characterization study and the best data available, southern flounder discards were in excess of

150,000 pounds in 2014. Because the stock has likely improved since 2014, albeit slightly, shrimp trawl bycatch will only increase going forward.

The combined dead discards of 15,682 fish is confounding. The dead discards estimated from the recreational fishery alone exceeded 100,000 fish or 75,000 pounds and Recreational Commercial Gear License landings are not counted.

Due to failures over many MFC meetings and decisions over the years, a moratorium on southern flounder harvest may very well be the only option moving forward if the second rebuilding deadline is expected to be met in 2028, 13 years after the original deadline. Subsequently, we urge a concerted effort to reduce capacity in the commercial fishery through license reform that protects and preserves fishermen who land and sell seafood and ends the ability to use commercial gear for personal use or obtain commercial licenses to avoid recreational limits as previous MFC recommendations supported. Finally, the upcoming decisions on Amendment #2 to the Shrimp FMP may be the single most critical reform needed in our state to rebuild and preserve fisheries for the future. The NCWF has submitted voluminous comments on that subject for your review.

Sincerely,

A handwritten signature in black ink that reads "Tim Gestwicki". The signature is written in a cursive, flowing style.

Tim Gestwicki
Chief Executive Officer
North Carolina Wildlife Federation