



## North Carolina Wildlife Federation

*Affiliated with the National Wildlife Federation*

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### **One Mission, One Commission**

#### **Executive Statement**

Efficiency and science-based management are critical aspects of any professional natural resource management program. The missions of the North Carolina Wildlife Resources Commission (WRC agency and commissioners), North Carolina Division of Marine Fisheries (DMF) and North Carolina Marine Fisheries Commission (MFC) to protect and enhance the public trust, natural resources and habitats of North Carolina are closely aligned, but areas of duplication, redundancy, uncertainty, and inefficiency exist. Similarly, areas of synergy exist that could be improved through agency and commission consolidation. A merger of the agencies and commissions would save significant funds, reduce bureaucracy, reduce public confusion, and increase effectiveness of natural resource management in North Carolina.

#### Duplicated functions within Agencies

Specifically, joint management functions such as law enforcement (including aerial operations), biological sampling of the same stocks, public input, rulemaking, administration of the N.C. Administrative Code and regulatory processes, and management decisions could all be streamlined through a thoughtful consolidation. Designation of coastal, joint and inland waters would no longer be necessary. Duplicated routine administrative functions such as purchasing, warehousing, human resources, office management, information technology, and license sales could be reduced or eliminated.

#### Science-based fish and wildlife management

The North American Model of Wildlife Conservation provides two basic principles for management of public trust natural resources. One, that fish and wildlife belong to all citizens; and two, that they must be managed in a way that their populations will be sustained forever. In

order to achieve these principles, decisions must be based on facts, professional experience, and commitment to shared underlying principles, facilitated by trained biologists and scientists. A science-based management protocol is not driven by economic considerations. The mission statement of DMF that states it is “dedicated to ensuring sustainable marine and estuarine fisheries and habitats for the benefit and health of the people of North Carolina,” is consistent with the North American Model of Wildlife Conservation, but is not being met as the data and fish stock research prove.

### Two different agencies managing some of the same fish species

Inland waters under the jurisdiction of the WRC are home to multiple, co-managed diadromous and interjurisdictional species (e.g., Striped Bass, Alewife, Blueback Herring, Atlantic and Shortnose Sturgeons, Hickory Shad, American Shad, and American Eel) that occur in both fresh and salt water. These species must travel through DMF- managed coastal waters to reach WRC-managed inland waters to spawn or grow. In addition to these co-managed species, many others (e.g., Spot, Atlantic Croaker, Red Drum, flounders (Gulf, Southern and Summer), Weakfish, Spotted Seatrout, and Striped Mullet) occur in coastal, joint, and/or inland waters. The management objectives of the two agencies may conflict. While the WRC manages for both abundance and quality fisheries, with less consideration of short-term economic impacts, the DMF is charged with managing for the maintenance of harvest at maximum levels. The WRC approach is often more consistent with best management practices.

### Failing Report Card: A look at N.C. marine fishery stocks

A review of species landed by commercial interests in North Carolina that also provide significant benefits to recreational fishing and ecosystem function of inland waters illustrates the sustainability problem. The review detailed below examined American Shad, Hickory Shad, American Eel, White Perch, Yellow Perch, Striped Bass, and river herring (Alewife and Blueback). Peak landings for those seven species during the time series of landings since 1972 were 15.1 million pounds. Landings in 1997 when the Fisheries Reform Act was passed were 1.6 million pounds. **Landings in 2018 were 0.4 million pounds, a 75% decline since 1997 and a 98% decline from the peak.**

A review of the marine species that depend on estuarine and/or inland waters during parts of their life history and provide valuable ecosystem functions to inland and coastal waters included Spot, Atlantic Croaker, Weakfish, and Southern Flounder. Peak landings of these four species

were 54.6 million pounds. Landings in 1997 when the Fisheries Reform Act was passed were 20.9 million pounds. **Landings in 2018 were 2.7 million pounds, an 87% decline since 1997 and a 95% decline from the peak.** Blue Crab, historically N.C.'s most valuable fishery, has declined from a peak of 65.7 million pounds to 16.4 million pounds in 2018, a 75% decline.

Conservation and professional science-based management of natural resources should be both efficient and insulated from politics.

As DMF is housed within the N.C. Department of Environmental Quality (DEQ) and overseen by a Secretary and Deputy Secretary who are political appointees, more political oversight and interference is likely, handcuffing professional management and science-backed decision-making. While DMF biologists provide adequate data and analysis, MFC and/or departmental policy decisions often neglect those findings.

It is important to note that WRC commissioners have no mandated financial incentives related to their decisions. WRC decisions are not immune from political considerations, but in our opinion are generally less influenced by them. The DMF process for implementing management measures is complex and time-consuming. Public meeting periods typically last more than a year, and are coupled with reviews and input from executive and legislative interests, political operatives, and commissioners who have financial interests in the outcomes. This process often takes years. The recreational/conservation proponents urge for reductions while commercial interests demand status quo, or delay. Often, the DEQ Secretary makes unilateral decisions on management actions--to avoid political fallout--that are inconsistent with the science, and rarely made in the best interest of the resource or the general public. It is impossible to properly and adequately manage the natural resources and supporting ecosystems of this state under these often conflicting management scenarios.

### Institutional processes

From an outcomes standpoint, the successes of the DMF, formerly referred to as the N.C. Bureau of Commercial Fisheries, are minimal in comparison to those of the WRC. The condition of marine and estuarine resources and their associated habitats continues to degrade. Since 1997, when the Fishery Reform Act was developed to protect and enhance the marine resources and associated habitats of our state, only one stock (Albemarle-Roanoke Striped Bass) has been declared recovered, a goal of the Fishery Management Plan process. No habitats have been restored or further protected, a goal of the Coastal Habitat Protection Plan. In fact, the situation has worsened dramatically, with moratoriums on harvest, listings of endangered species, and

collapsing fisheries. While responsibility for some of these conditions must be shared with federal and interjurisdictional management agencies, many are not, and under our current management authority and practice these conditions are unlikely to change. Again, the condition of our marine resources in 2019 is largely due to unchecked partisan politics, and managing for short-term economics versus long-term resource and economic sustainability.

### Two separate commissions

Consolidation of commissions would also improve the marine fisheries program by removing the archaic criteria of the MFC member selection based on economic interests of the industry it regulates, as currently mandated by the statute. The three Commercial seats on the commission, two fishermen and a dealer, must make 50% of their income from commercial fishing. The Recreational Industry seat must also make 50% of his/her income from a sportfishing related business. Two at-large seats can be filled by anyone, vested in the industry or not. It is only the two recreational fishermen on the commission who can have no financial interest in the resources they manage, a significant minority. There is no specification for the scientist seat.

Commissioners who, again as mandated by the statute, represent special interests have consistently rejected management options that are based upon research and analysis by trained biologists and statisticians for conservation and management of the marine fisheries. The record is filled with specific examples. Further, those commissioners are expected to be mindful of the special interests they represent, which leads to conflict, instead of consensus for the benefit of the marine fisheries resources. A geographical, statewide representation of commissioners, established through a process such as that used to appoint district WRC commissioners, would acknowledge that N.C.'s estuarine and marine fishery resources are also held in trust for all N.C. residents, not just those who benefit most from them. Geographical, statewide appointment of commissioners is far superior to the current MFC process and should engender more positive outcomes as important conservation principles are applied to the serious management issues confronting fisheries today.

### Politics Should Not Direct Natural Resource Management

The WRC is a constitutionally-independent commission established by statute having individual members who answer only to the entity that appointed them, i.e. Governor, Speaker, or Senate Pro Tem, as specified in statute. The WRC as an agency answers only to the Wildlife Resources Commission. That means that even though it is housed within the DEQ organizational chart, its Secretary has no oversight authority. The MFC is different because the DMF is subject to the DEQ Secretary's oversight. That means that while the MFC can make regulatory policy independently of the Secretary, it is dependent on the DMF to implement the decisions.

Therefore, the Secretary can block the MFC at the implementation stage. Furthermore, to amend or supplement management plans of a particular species in times of need, permission must be granted by the Secretary.

There is further evidence of the differences between DMF and WRC in hiring processes and appointments. All state coastal fisheries management agencies— DMF, DEQ, and MFC—are executive branch agencies in all respects, given that the Fisheries Director is appointed by the Governor; DEQ Secretary and other DEQ leaders are appointed by the Governor; and all members of the MFC are appointed by the Governor, whereas WRC Commissioners hire and employ the WRC Director, there are no political appointees made to oversee the WRC, and WRC Commissioner appointments are shared by the Governor, Speaker of the House, and Senate Pro Tem.

### **Summary Statement**

Logically and fiscally, a merger is both overdue and greatly needed for the citizens of North Carolina and their public trust resources. Collectively, we know what to do and how to do it. The WRC can only accomplish so much within its agency purview, when every step toward conservation of jointly-managed fishery resources is met with DMF and MFC resistance by increasing harvest on already depleted stocks, failing to end overfishing, failing to rebuild stocks that are overfished, and failing to protect nursery habitats from destructive fishing practices.

While the WRC and DMF missions are closely aligned, the conservation management efforts of the WRC are severely compromised for jointly managed species by the historic extraction management practices of the DMF. By merging the two entities into a single Fisheries and Wildlife Resources Commission (WRC), and separating the stewardship of the resource from the influence of partisan commissioners and the DEQ, a conservation ethic should prevail. The long-term benefits to the commercial and recreational sector will be measurable, timely and apparent as stocks rebuild and critical habitats are restored.