



North Carolina Department of Environment and Natural Resources

Beverly Eaves Perdue
Governor

Dee Freeman
Secretary

January 4, 2013

The Honorable Philip Berger, President Pro Tempore of the Senate
The Honorable Thom Tillis, Speaker of the House of Representatives
Joint Legislative Commission on Governmental Operations
North Carolina General Assembly
Legislative Building
16 West Jones Street
Raleigh, NC 27601

Dear Senator Berger and Representative Tillis:

Enclosed is the draft N.C. Southern Flounder Fishery Management Plan Amendment 1 submitted to me by the N.C. Marine Fisheries Commission for review. G.S. 113-182.1(e) requires that once I review any proposed fishery management plan, I report that plan to the Joint Legislative Commission on Governmental Operations. Your commission then has 30 days to submit comments and recommendations to me on the proposed plan.

For your convenience I have also attached an overview of the fishery management plan. Thank you for your assistance in this matter and please contact Division of Marine Fisheries Director Louis Daniel at 252-808-8013 if you have any questions.

Sincerely,

Dee Freeman

cc: Louis Daniel

Enclosures

Division of Marine Fisheries' Overview of Amendment 1 to the Southern Flounder Fishery Management Plan December 2012



This amendment updates the Southern Flounder Fishery Management Plan that was completed in 2005. The purpose of Amendment 1 is to implement management measures that will restore the N.C. southern flounder (*Paralichthys lethostigma*) stock to a viable level and ensure production of a long-term sustainable harvest. The 2005 southern flounder stock assessment determined the stock was overfished and overfishing was occurring. Since the implementation of the original plan the stock status of southern flounder has improved with decreases in fishing mortality, increases in spawning stock biomass, and expansion of age classes. However, the 2009 assessment still found the stock to be overfished and overfishing was still occurring.

Management options for Amendment 1 to the Southern Flounder Fishery Management Plan were developed by the N.C. Division of Marine Fisheries through the cooperation and advice from the Southern Flounder Fishery Management Plan Advisory Committee, Finfish and regional advisory committees, public, as well as the scientific community. The N.C. Marine Fisheries Commission selected preferred management options for each of the principal issues in the amendment at its November 2010 business meeting. The preferred management option for achieving sustainable harvest in the recreational fishery is a statewide minimum size limit of 15 inches and six-fish bag limit, which was implemented in February 2011. Management of the commercial fishery has been more complex.

The original preferred management strategy for achieving sustainable harvest in the commercial southern flounder fishery was the large mesh gill net management measures from the sea turtle lawsuit settlement agreement (settlement agreement) implemented on May 15, 2010. These measures were expected to remain constant and result in an overall commercial harvest reduction of 22.2 percent. But, there have been several relaxations in the settlement agreement since May 2010 that created an inconsistency with the preferred management strategy for the commercial fishery. The changing regulations also make it difficult to determine if the commercial harvest reduction is sufficient to achieve sustainable harvest.

The evolving management measures from the settlement agreement have been the strategy for finding balance between protecting threatened and endangered species, and achieving sustainability of the southern flounder fishery. While the decline in large mesh gill net fishing as a result of the settlement agreement has been greater than anticipated, N.C. Division of Marine Fisheries staff recognized the need to preserve specific minimum measures for management of the commercial southern flounder fishery to achieve sustainable harvest. It is also necessary to have consistent regulations over at least a three-year time period in order to be able to adequately conduct the next stock assessment.

Following additional advisory committee and public input, the N.C. Marine Fisheries Commission selected an additional management option at its November 2012 business meeting containing the minimum measures already in place (See Section 10.1.1 of the plan) that are most likely to meet the required commercial reductions in the southern flounder fishery. These specific measures will remain in place regardless of additional relaxations for protected species. The commission also voted to send the updated draft N.C. Southern Flounder Fishery Management Plan Amendment 1 to the secretary of the N.C. Department of Environment and Natural Resources and the Joint Legislative Commission on Governmental Operations for review.

The goal of Amendment 1 to the N.C. Southern Flounder Fishery Management Plan is to end overfishing and rebuild the spawning stock of southern flounder for long-term sustainable harvest and maintain the integrity of the stock. To achieve this goal, the following objectives must be met:

1. Ensure that the spawning stock biomass of southern flounder is adequate to produce recruitment levels necessary to increase spawning stock biomass and expand age distribution.
2. Implement management measures that will achieve sustainable harvest.
3. Promote harvesting practices that minimize bycatch.
4. Continue to develop an information program to educate the public and elevate their awareness of the causes and nature of problems in the southern flounder stock, its habitat and fisheries, and explain the rationale for management efforts to sustain the stock.
5. Address social and economic concerns of all user groups, including issues such as user conflicts.
6. Promote the protection, restoration, and enhancement of habitats and environmental quality for the conservation of the southern flounder population.
7. Initiate, enhance, and/or continue studies to improve the understanding of southern flounder population ecology and dynamics.
8. Initiate, enhance, and/or continue studies to collect and analyze the socio-economic data needed to properly monitor and manage the southern flounder fishery.

Management Issues and Proposed Actions

Detailed issue papers and recommended management strategies for each of the following key management issues can be found in Sections 10.0 and 11.0 of the plan:

- Achieving sustainable harvest;
- Ocean harvest of southern flounder;
- Large mesh gill net-related conflicts;
- Minimum distance between pound nets and gill nets in Currituck Sound;
- Exploring the elimination of the Recreational Commercial Gear License;
- Update on southern flounder bycatch in the commercial crab pot fishery;
- Southern flounder discards in the recreational hook-and-line fishery;
- Incidental capture of protected species in southern flounder large mesh gill net and pound net fisheries;
- Gear requirements in the flounder pound net fishery; and
- Gear requirements in the flounder gill net fishery.

N.C.G.S. 113-182.1 requires each fishery management plan to “specify a time period, not to exceed 10 years from the date of the adoption of the plan, for achieving a sustainable harvest.” The original N.C. Southern Flounder Fishery Management Plan was adopted in February 2005. The restrictions implemented to manage the recreational and commercial southern flounder fisheries are intended to meet the required harvest reductions to end overfishing and achieve a sustainable harvest. A new stock assessment, that will be completed prior to 2015, will determine whether the statutory requirements are met.