

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 894
May 5, 2021
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10424-MHa-82A

Short Title: Rebuild Southern Flounder Stocks.

(Public)

Sponsors: Representative Yarborough.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE CERTAIN MEASURES FOR THE SOUTHERN FLOUNDER
3 FISHERY TO MEET STATUTORY DEADLINES FOR ACHIEVING A SUSTAINABLE
4 HARVEST.

5 Whereas, the Fisheries Reform Act of 1997 (FRA) requires the creation and
6 implementation of fishery management plans (FMPs) to manage and protect stocks of important
7 species; and

8 Whereas, the FRA requires that an FMP for a species such as Southern Flounder
9 (Paralichthys lethostigma) end overfishing of that species within two years and achieve a
10 sustainable harvest within 10 years but does not include any consequences for failure to meet
11 those time lines; and

12 Whereas, the original FMP for Southern Flounder was adopted in 2005 and amended
13 in 2013 and 2019, but landings from this fishery have continued to decline past the original
14 deadline for a sustainable harvest in 2015 set by the FRA; and

15 Whereas, the 80% reduction in commercial landings from 1997 to 2019, which
16 doesn't take into account bycatch mortality from trawling, use of nets, and releases, indicates that
17 the North Carolina Southern Flounder fishery is in crisis and the FMP for this species has been a
18 failure; Now, therefore,

19 The General Assembly of North Carolina enacts:

20 **SECTION 1.(a)** Definition. – For purposes of this section and its implementation,
21 "Plan" means the Fishery Management Plan for Southern Flounder adopted by the Marine
22 Fisheries Commission on February 3, 2005, and later amendments adopted by the Commission.

23 **SECTION 1.(b)** Slot Limit and Total Allowed Landings. – Until the effective date
24 of the revised Plan and its implementing rules that the Marine Fisheries Commission is required
25 to adopt pursuant to subsection (d) of this section, the Commission shall revise the Plan and its
26 implementing rules to impose a slot limit and a total allowable landing quota as set forth in
27 subsection (c) of this section.

28 **SECTION 1.(c)** Implementation. – The Plan and any implementing rules adopted by
29 the Commission shall include the following:

- 30 (1) A slot limit that permits commercial and recreational fishermen to retain only
31 Southern Flounder between 12 inches and 18 inches in length.
32 (2) The total allowable landings of Southern Flounder in a year shall not exceed
33 532,352 pounds from the commercial and recreational sectors combined until
34 a new stock assessment indicates that harvest can be increased. Total
35 allowable landings for each sector must account for discards in all fisheries



1 that interact with Southern Flounder, and quota overages in one year for a
2 sector must be remedied with a sector reduction in the next year.

- 3 (3) Failure to reach a sustainable harvest by the statutory 10-year deadline of 2028
4 specified in the last Plan amendment will result in the implementation of an
5 immediate moratorium on any harvest or possession of Southern Flounder
6 until the stock is found to be recovered based on a peer-reviewed stock
7 assessment.

8 **SECTION 1.(d)** Plan Amendment and Additional Rulemaking Authority. – The
9 Commission shall amend the Plan and its implementing rules consistent with subsection (c) of
10 this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to
11 this section shall be substantively identical to the provisions of subsection (c) of this section.
12 Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of
13 the General Statutes. Rules adopted pursuant to this section shall become effective as provided
14 in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided
15 in G.S. 150B-21.3(b2).

16 **SECTION 1.(e)** Funds. – The sum of seventy-five thousand dollars (\$75,000) in
17 nonrecurring funds for the 2021-2022 fiscal year is appropriated from the General Fund to the
18 Department of Environmental Quality to be allocated to the Division of Marine Fisheries to
19 update the coastwide stock assessment for Southern Flounder as set forth in subdivision 1(c)(2)
20 of this section.

21 **SECTION 2.** Effective Date and Sunset. – This act is effective when it becomes law
22 and shall expire when the revision to the Plan and its implementing rules required by Section
23 1(d) of this act become effective.