

This September there will be two separate seasons for Flounder with different daily creel limits along our coast. The first season, established over a year ago by the [Wildlife Resources Commission](#) will be in Inland Fishing Waters and when using hook and line in Joint Fishing Waters from September 1-14 with a 15-inch minimum size limit, and a four-fish daily creel limit. The second season will be announced by proclamation from the Division of Marine Fisheries and is expected to state that in Coastal Fishing Waters and Joint Fishing Waters, the season is September 15-29 with a 15-inch minimum size limit and a 1-fish daily creel limit.

Many anglers have asked us, “How and why did this occur?”

In February 2022, the Wildlife Commission adopted our current rule for Flounder in Inland Fishing Waters and when taken by hook and line in Joint Fishing Waters. At the time, the rule mirrored the recreational season, size, and creel limits established by proclamation of the Division of Marine Fisheries director for Coastal Fishing Waters. The effective date was delayed until March 15, 2023 due to the [Administrative Procedures Act](#).

It was not until June 28 of this year that we learned through the [Division of Marine Fisheries news release](#) of their intent for this year’s season and creel limit.

You may ask, “Why can’t the Wildlife Commission change or simply not implement its rule?” Legally that is not an option, given the Wildlife Commission does not have proclamation authority like the Division of Marine Fisheries. Our agency cannot modify a rule or suspend a rule without going through the rulemaking process, which includes opportunity for public input. Had we been informed of Marine Fisheries’ plans sooner; we could have attempted to address the discrepancies through temporary rulemaking. However, two months is not enough time to complete the rulemaking process as outlined in the Administrative Procedures Act.

There is a distinct difference between the authority to make fisheries management decisions and the regulatory authority granted to Wildlife Resources Commission and Marine Fisheries Commission by the North Carolina General Assembly. Unfortunately, it is this difference which has led to the confusion in seasons and creel limits for flounder.

While the Marine Fisheries Commission and the Division of Marine Fisheries have traditionally made the management decisions for species like Flounder and developed associated Fisheries Management Plans, any management requiring regulations, such as seasons, size, and creel limits, can only be implemented in Inland Fishing Waters and for hook and line in Joint Fishing Waters by the Wildlife Commission. Collaboration is essential to effectively implementing management.

The North Carolina General Assembly has defined Inland Fishing Waters, Joint Fishing Waters, and Coastal Fishing Waters. The Wildlife Resources Commission has sole regulatory authority in Inland Fishing Waters and the Marine Fisheries Commission has sole regulatory authority in Coastal Fishing Waters.

However, in Joint Fishing Waters, regulatory authority is shared by both commissions. Joint rules adopted by both commissions decades ago clearly establish the Wildlife Commission has regulatory authority for hook and line fishing in Joint Fishing Waters.

The Wildlife Commission has the statutory authority and responsibility to regulate the species within its jurisdiction. Without the Wildlife Commission adopting rules, these species would be unprotected. We understand and appreciate that the three different fishing water classifications are difficult for anglers to navigate. However, efforts to simplify the regulatory burden have met with little success.

Please know that the Wildlife Commission strives to reduce confusion amongst our anglers.

Our mission is to conserve North Carolina's wildlife resources and their habitats and provide programs and opportunities that allow anglers, boaters, hunters and other outdoor enthusiasts to enjoy wildlife-associated recreation. We will continue to provide the conservation and protection needed for those fisheries resources within our jurisdiction. We are committed to the management of fisheries resources through sound science and hope that future collaborations with the Marine Fisheries Commission and the Division of Marine Fisheries can result in more effective and seamless implementation of management for species like Flounder.