

LICENSE TO Manage

When the recreational saltwater fishing license goes into effect in 2007, the N.C. Division of Marine Fisheries will at last begin to collect crucial data and funds that will enable the agency to effectively manage coastal fisheries.

WRITTEN BY JIM WILSON

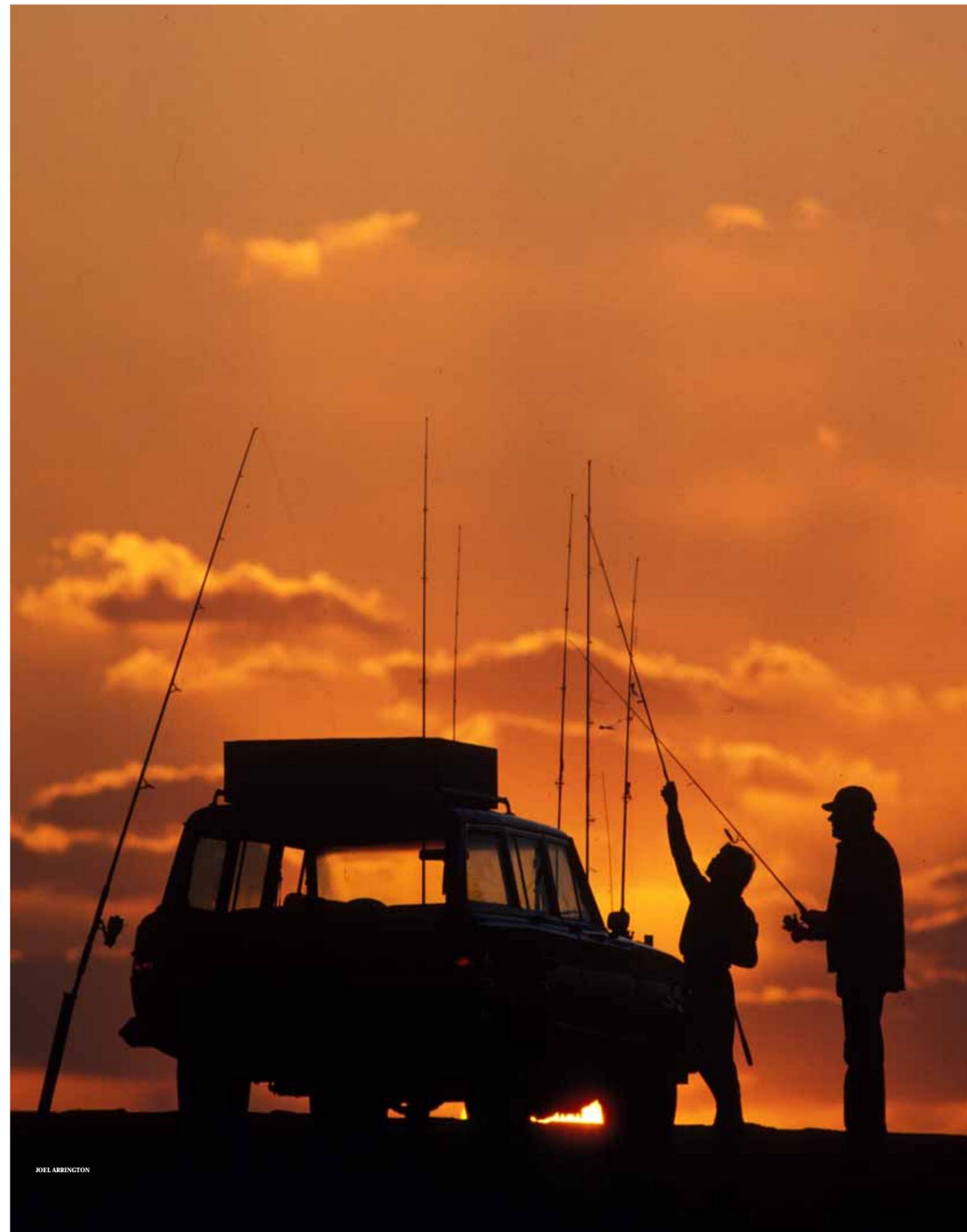
Just three months from now, when striped bass are thick in the cold waters near Oregon Inlet, recreational fishermen in North Carolina will enter a new era. On Jan. 1, 2007, most anglers who fish in the coastal and ocean waters of our state must possess a new Coastal Recreational Fishing License.

The need for a saltwater recreational license has been debated, praised and damned for more than 15 years. A license originally was part of the 1997 N.C. Fisheries Reform Act, a keystone piece of legislation that revamped marine fisheries management in our state.

Under the act, the N.C. Division of Marine Fisheries (DMF) is required to develop fishery management plans (FMPs) for all commercially and recreationally important marine species. The funding for those plans, along with Coastal Habitat Protection Plans, was to have come from a recreational license, but the licensing provision was removed from the bill because its inclusion threatened passage of the entire measure. DMF still had to develop the plans, but without most of the additional personnel and resources license revenue would have provided.

After several false starts, the N.C. General Assembly finally passed a new license bill in 2004 and then revised the measure in 2005. North Carolina was the last state in the Southeast, from Texas through Maryland, without a recreational saltwater license, although Maryland's applies only to the Chesapeake Bay. No state north of Maryland requires recreational anglers to buy a license. Available the first of next year, North Carolina's will be offered in a variety of forms — lifetime, annual and short-term. Most anglers 16 years of age and older will need to purchase the license. Anyone who had a Wildlife Commission lifetime license that included basic inland fishing privileges before Jan. 1, 2006, will not have to purchase the license. (See "Q&A" beginning on page 23 for additional information.)

Many recreational anglers, particularly those belonging to advocacy groups such as the Coastal Conservation Association, supported the bill's passage. Others, however, saw the license as just another tax and the end of one of the last free activities available to them. A critical issue among recreational anglers — and commercial fishermen — was that the money raised from the coastal license be dedicated to the marine fisheries of North Carolina.



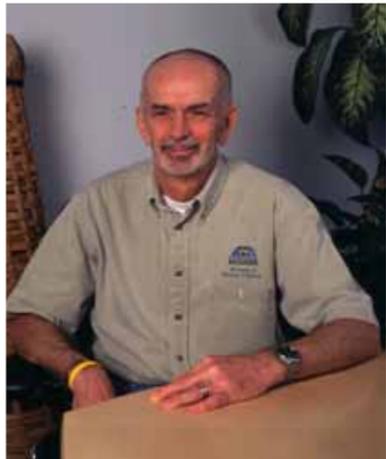
JOEL ARRINGTON



NATE BACHELER

Saltwater fishing is big business in our state, with more than 2 million people fishing each year. Preston Pate, N.C. Division of Marine Fisheries director, says the new saltwater recreational license will help his agency better manage fish stocks.

MELISSA McGAW



Commercial fishermen generally opposed the license. Already wrapped in a maze of rules and regulations, commercial harvesters feared that an influx of license fees to DMF would mean the construction of a more elaborate bureaucracy. Their primary concern, however, was that this license would give recreational anglers a greater voice, perhaps an overwhelming one, in how marine fisheries are managed. At the heart of their concern was the possibility of a net ban that would cripple the industry and extinguish an already threatened fishing culture that has existed on the coast for more than 300 years.

With the coastal license now a reality, one of the questions remaining for anglers is what good will come of it. How will saltwater fishing and saltwater fish stocks be better than today?

As director of DMF, Preston Pate is accustomed to the contentiousness that swirls about so many coastal and ocean fishing issues and between commercial and recreational fishermen. Pate, a Snow Hill native, took over DMF in 1997, shortly after passage of the Fisheries Reform Act, and is a longtime supporter of a recreational license. That he has served as the division's director for more than nine years, longer than any other administrator, speaks to his abilities

at balancing commercial and recreational interests and finding solutions and compromises for difficult issues.

Marine Fisheries supported the coastal license, Pate said, for two primary reasons. First, the license at last would provide definitive data to scientists as to how many recreational anglers fish in North Carolina each year and what their impacts on fish resources are. The number of recreational fishermen has been estimated from approximately 700,000 (U.S. Fish and Wildlife Service 2001 survey) to 2.4 million (DMF 2005 *Fisheries Bulletin*). The number of commercial fishermen has shrunk to the point that DMF listed 3,890 active commercial harvesters for 2005, when the state had a record low seafood harvest of 79,162,659 pounds of shellfish and finfish. Second, the license would provide a much-needed financial boost to DMF which has an annual budget of about \$20 million. Of that total, about \$12 million comes from the General Assembly and the remainder from commercial license sales and various grants.

How will more data and increased funding for a state agency translate into more red drum, spotted seatrout or flounder? Managing a fish or wildlife species would be impossible without reliable data. If biologists do not have a reliable estimation of how

many striped bass or Spanish mackerel or weakfish there are and how many are being harvested, then management of any of those species is a misnomer.

Pate and his staff have been working for months to plan how best to use the money and information that will be generated from the recreational license. "We want to start this process in a way that shows some planning and some logic," Pate said. "We want to come out at the very start of the program with some projects that will provide immediate benefits to the resource and to the public."

Doing so, Pate said, will bolster the confidence of those who supported the bill and legislators who voted for it. It will "dispel any fears the critics have that we aren't doing anything but building a bureaucracy and that the money would not go back to the resource."

Money from license sales will be placed in two funds—the Marine Resources Fund and the Marine Resources Endowment Fund. The latter is for income from lifetime licenses and associated funds, while the former is for other license sales and associated funds. Because Wildlife Commission lifetime license holders with inland fishing privileges were grandfathered into the coastal license, the commission is being required by the General Assembly to deposit \$3.4 million into the Marine Resources Endowment Fund. The commission will make five annual payments of \$680,000, beginning in 2006 and ending in 2010.

Spending proposals will be reviewed by a committee of three commissioners from the Wildlife Commission and three from the N.C. Marine Fisheries Commission (MFC). If approved, the proposals will go before the nine-member MFC. If the MFC approves the proposals, they will be voted on by the 19-member Wildlife Commission. Should the MFC approve and the Wildlife Commission reject, the governor must decide the issue.

Pate expects few problems with the process. "It might be a little herky-jerky when we start, but I don't see it as being something that we can't streamline very quickly and make it work," he said. "I know there was a lot of concern at various stages in drafting the bill for the saltwater license about the involvement of the Wildlife Commission in deciding where the money would go.

"One of the bills gave it all to the Wildlife Commission, and that didn't seem right to a lot of people. It didn't seem right to me. I was pleased that we were able to come to the compromise that we have, to involve both commissions. My first reaction to that was that it was unnecessary, but upon reflection and the way that I see our agencies working so well together, I'm glad it happened this way. It's going to give us a real good opportunity to get more input as to angler needs, and that's going to be very positive for the long run."

Q&A

WHERE WILL I BE ABLE TO FISH WITH A COASTAL RECREATIONAL FISHING LICENSE (CRFL)?

To fish recreationally in coastal waters managed by the Division of Marine Fisheries, you will need a CRFL. To fish in public inland waters, you need an inland fishing license, available from the N.C. Wildlife Resources Commission. To fish in the joint waters managed by both the Division of Marine Fisheries and the Wildlife Resources Commission, you will need a CRFL or an inland fishing license. The boundaries between coastal, inland and joint fishing waters are marked with metal signs posted adjacent to the affected waters.

WILL THE COST OF AN ANNUAL, INLAND FISHING LICENSE INCREASE?

No. The cost of an inland fishing license will remain the same: \$15 for residents; \$30 for nonresidents.

I LIVE IN A COASTAL COUNTY, BUT I HAVE A PRIVATE POND ON MY PROPERTY THAT I HAVE STOCKED. WILL I NEED A CRFL TO FISH IN MY POND?

No. Private ponds are exempt from any licensing requirements.



JOEL ARRINGTON



NATE BACHELER

DMF has considerable latitude in spending the license money, although it cannot create new staff positions without the approval of the General Assembly. "It's almost word for word the responsibilities of the Marine Fisheries Commission — enhance, protect, manage, restore, develop, cultivate and conserve marine fisheries resources," Pate said. "That gives you a lot of flexibility in how the funds are going to be used. We're in the process of developing a strategic plan for the use of those monies, because the way those monies will be parceled out will give opportunities for other agencies and institutions to come in and apply for grants. It's going to be like a grant program more than anything else."

Pate foresees academic institutions, government agencies and conservation groups applying for grants. "The strategic plan that we are developing will set some framework on where the major program areas are going to be and hopefully guide the process of receiving applications," Pate said. "We're looking at

habitat protection; we're looking at public access; we're looking at resource enhancement through our artificial reef program and our estuarine sanctuary program; and we're looking at public information. Those are the four broad categories."

The collection of data may seem mundane, but it is indispensable to good science.

"In North Carolina we are fortunate in having probably the best harvest information on our commercial sector as any state in the United States," Pate said. "Our program is looked on as a model by many of the other states. We also have a very good program for estimating recreational harvest that generates good information that we use with confidence. The license program will allow us to be more efficient and accurate in collecting and analyzing recreational data."

To gather information on recreational anglers, DMF uses various sampling techniques, including information gained from the Marine Recreational Fisheries Statistics Survey (MRFSS) that is conducted by the National Marine Fisheries Service (NMFS), which oversees fishing in federal waters.

"MRFSS is a coastwide survey that is intended to provide information for monitoring the long-term trends of changes in fish stocks, and it has worked well for that," Pate said. "We [fisheries managers] have tried over the last few years to use that information in a little more precise way than it was capable of being used, and we came under a lot of criticism because of that. NMFS contracted with the National Academy of Sciences to do an analysis of MRFSS and report back how good the survey is, what improvements could be made."

Begun in 1979, MRFSS has two components: onsite interviews with anglers and telephone interviews. The National Academy analysis found a number of problems with MRFSS, including that some coastal states do not participate, states do not gather information in the same way and the program suffers from a lack of funding. MRFSS data were being misused, the National Academy reported. The study found that the way in which MRFSS gathered information provided inadequate data for management and policy decisions. One of the improvements suggested was a national registry of recreational anglers — a licensing system.

"I think that came at a good time," Pate said. "It came after the fact of our license, but it came at a good time for some of the other states that have been trying to get licenses for a number of years. It also emphasizes the point about our improved ability to provide stock assessment analyses in North Carolina now that we have a way to conduct more accurate sampling of our recreational anglers."

Prior to the coastal license, DMF made 25,000 random-digit telephone calls to North Carolina



JOEL ARRINGTON

residents each year. If a respondent acknowledged that he fished in salt water, he would be asked a set of questions. If he did not fish, the surveyor would move on to another number. That information, combined with a random dockside survey, provided the basis of DMF's recreational statistics.

"There's a level of efficiency there that should be obvious, and that's the random-digit phone calls," Pate said. "Out of 25,000, if we get 20 percent hits on our successful angler search, we're lucky. Now that we have the angler registry through the license, we pick 25,000 names out of that registry and call them. Our level of accuracy is improved because our sample size has exploded exponentially."

"In North Carolina, at least, we're going to be able to address a lot of deficiencies that have been associated with the MRFSS program and improve the information that goes into our stock assessment. Then we have an improved analysis of the health of the stock, and with the angler registry, we'll have a better characterization of how the anglers use those stocks. We'll be able to make better decisions about allocations, if that's necessary, about setting seasons, about resolving user conflicts that might come up from time to time. That level of information, coupled with the already good level of information we have with our commercial industry, is going to be a real asset to us."

Armed with data and funding and with four broad categories of concern to attack, Pate said the first projects DMF tackles could be related to public access. That has become a topic of concern all along the coast and particularly in Carteret County, where one advocacy group, Down East Tomorrow, unsuccessfully lobbied county commissioners to pass a one-year building moratorium. Problems of access have cut across the commercial and recreational

sectors and range from the loss of fish houses and their docking facilities to residential, closed-gate communities that gobble up waterfront to the coastwide loss of ocean fishing piers (See "Pier Pressure," June 2006).

"The public is being limited more and more in its opportunities to get to the water," Pate said. "The lack of boating access areas is certainly one

of concern to us. The concern is that if we don't act very, very quickly, those sites that are suitable for that type of access are going to be gone. Already they're expensive, but expense and availability are two different matters entirely. My concern is the availability of suitable sites for that sort of development being lost to residential development that is going at such a rapid pace on our coast right now. We want to try and do something about that, and that will involve doing some more cooperative projects with the Wildlife Commission along the way."

In just 10 years, North Carolina has lost a dozen fishing piers, some from hurricane damage, others through development. Pate said there may be some justification for DMF to become involved in the ocean pier business. "That's a very expensive proposition," he said. "There are a lot of liabilities that go along with that form of public access that other

forms don't have. Maintenance is a problem; insurance is a problem; safety of the patrons is a problem. If we don't maintain some kind of access in that form, then North Carolina's coast is going to lose

North Carolina's commercial fishermen, such as those who captain these trawlers at Oriental, have been licensed for years. With a few exceptions, recreational anglers, whether on boats or land, will need a license as of Jan. 1, 2007, or risk receiving a citation.



MELISSA MCGAW



JOEL ARRINGTON

Q&A

NORTH CAROLINIANS CAN NOW FISH IN INLAND WATERS IN THEIR COUNTY OF RESIDENCE WITHOUT A LICENSE AS LONG AS THEY'RE FISHING WITH NATURAL BAIT. WILL THIS NATURAL-BAIT EXEMPTION EXTEND TO THE CRFL?

No. The new legislation repeals the natural-bait exemption for fishing in public inland waters. Beginning Jan. 1, 2007, any person 16 and older fishing in North Carolina public waters (excluding private ponds) must have a fishing license. People who receive Food Stamps, Medicaid or Work First Family Assistance may receive a subsistence waiver through their county Department of Social Services. This annual waiver exempts the individual from the basic fishing license requirements and allows the holder to fish recreationally statewide with hook-and-line in inland waters (with the exception of Public Mountain Trout Waters), joint and coastal waters.

WHO WILL HAVE TO PURCHASE A CRFL?

Any person 16 years or older who wants to fish recreationally in any water designated as coastal and joint waters of North Carolina must purchase a CRFL. The exceptions are: **a.** An individual who holds a resident/nonresident lifetime infant, youth, adult, over 70, disabled sportsman, lifetime comprehensive fishing license, hunting/fishing basic disabled veteran or hunting/fishing basic total disabled license issued by the Wildlife Resources Commission before Jan. 1, 2006. **b.** An individual who holds a lifetime legally blind or adult care home license, regardless of when it was issued. **c.** An individual who holds a valid annual basic or comprehensive fishing license or annual sportsman license may fish in joint waters without a CRFL.

a lot of its character, and the people that use those piers are going to be left without access.

“Those types of piers provide really good, inexpensive access to lower-income anglers. They don’t have to have an expensive boat to get out on the water. They pay a minimal fee to go out and have a good time and catch some good fish. If those facilities disappear, those people aren’t going to have many, if any, places to go to.”

The most critical issue facing DMF Pate said, is that of habitat protection, which is intertwined with coastal access issues. Take a look at just about any area of the North Carolina coast, and you will see more people, more houses and more businesses than you did a few years ago. The effects of that development on North Carolina’s natural resources can be calamitous.

“You create a situation then of putting a lot more stress on the critical habitat of a lot of these fish and shellfish species, because the development is taking place right along the shoreline,” Pate said. “It’s adjacent to a lot of the primary nursery areas that we have,

so you invite more boating activities, which are disruptive to the stability of those environments. You invite upland runoff in the form of bacterial contributions, nutrients and herbicides and pesticides from the manicured lawns. You invite a lot more pressure on the adult fish, because there are more people there trying to catch them. So, I think the state needs to look at very carefully and be very serious about habitat protection for these species.

“We don’t have the gray trout populations that we once did; we don’t have the croaker populations — adults I’m talking about, now. The juveniles are still good, but for some reason the adults are not as numerous in those areas as they were. A lot of people think it’s water-quality related. The problem is being attributed to the impacts of the large drainage basins like the Tar-Pamlico and the Neuse river systems. That’s one gigantic problem for Pamlico Sound.”

Solutions, Pate said, also will have to involve local governments, and he used the example again of Down East Carteret County because of its natural resources. “That peninsula of Carteret County between Core Sound and Neuse River is penetrated by some of the most productive nursery areas we have in the state,” he said. “Farming down there already has had a huge impact on the quality of those environments, changing the hydrology and the quality of the environment. Now urban development is getting a lot of attention, and that carries with it associated impacts. Local governments are going to play a big role in improving their willingness and ability to put into place good land-use planning, good land-use control programs that will enhance what the state can do and is doing with its program.”

Among the many DMF projects that enhance fishing is the artificial reef program. Constructed of materials ranging from old railroad boxcars to modern concrete reef balls, these structures are scattered along North Carolina’s coast and in the Pamlico Sound.

(Locations of the reefs are available online at ncfisheries.net/reefs/index.html.) The reefs have been funded primarily through the Federal Aid in Sport Fish Restoration (Dingell-Johnson) Act. Under that act, a sales tax is applied to recreational fishing gear and the money returned to the states.

Pate would like to expand the reef program with recreational

license funds. “They are heavily used, very popular dive sites and angler sites, and, I think, a good use of the money,” he said. “It’s something we can be very responsive to quickly if we get the resources to expand some of those sites.”

Pate’s fourth major area of concern, public information, at first might not seem directly related to conservation or resource management, but it plays a vital role for any fish and wildlife agency. The public needs to understand why management decisions have been made, and DMF is faced with complicated issues by the score.

“It’s amazed me how rampant misinformation is among the user groups, how easy it is to generate that misinformation and how quickly it spreads throughout the community,” Pate said. “I honestly think the public needs a better understanding of the complexities of fish management, the difficulties we have and the extent we go through to provide the best information and data that we possibly can.”

At some time next year, as data and funding generated by the recreational licenses begin to accumulate, Pate will retire after 35 years of state service, much of it in upper management with both DMF and the Division of Coastal Management. His wife, Pat, retired in the spring of 2006. “She is insufferably happy,” he said with a laugh. “I’m terribly jealous of the way it’s changed her mood and attitude about things.

“I’ll be looking at some time next year, no definite time yet. I really wanted to stick around and see the saltwater license implementation through and get that off on a good start. Unless something’s in the General Assembly that’s important to the program that I might be able to have some positive effect on seeing through, it’ll be pretty soon after the first of the year.”

Pate said he has enjoyed his tenure at DMF despite a steady diet of contentious issues. “It’s been really good to work with the people and the staff. That’s what keeps me motivated — the quality of people we have on the staff. Their dedication is remarkable and it’s made it fun.”

Pate’s outside interests run from recreational fishing to cycling. At one time, he was riding his bicycle about 5,000 miles each year. He also is a licensed contractor and plans to build one or two homes each year after retirement.

Of course, Pate has done considerable building at DMF and, despite financial limitations, has helped that agency become more successful and respected than perhaps it ever has been. As he steps aside, Pate leaves DMF in solid shape and ready to embark on an era that in just a few years could drastically reshape marine fisheries in our state. ☞

Jim Wilson is associate editor of Wildlife in North Carolina magazine.

The Coastal Plain’s natural beauty and its great fishing, such as for red drum on the Outer Banks, attract millions of visitors each year.



JOEL ARRINGTON



MELISSA MCGRAW

Q & A

WHAT TYPES OF INDIVIDUAL CRFLs WILL BE AVAILABLE AND WHAT WILL THEY COST?

Several individual CRFLs will be available to accommodate a variety of needs and situations. They include short-term licenses; annual licenses; lifetime licenses, which are valid for the lifetime of the holder; and unified licenses, which include hunting/statewide fishing privileges.

WHERE WILL I BE ABLE TO PURCHASE MY CRFL?

A CRFL can be purchased 4 ways: **a.** Go to the Wildlife Resources Commission’s Web site, ncwildlife.org. **b.** Visit a Wildlife Resources Commission Wildlife Service Agent. Most are located in bait-and-tackle shops, hunting and sporting goods stores and larger chain stores across the state. **c.** Call toll-free, 1-888-248-6834. Hours of operation: 8 a.m.–5 p.m., Mon.–Fri. **d.** Visit one of six Division of Marine Fisheries offices located on the coast. For locations, go to the Division of Marine Fisheries Web site, ncfisheries.net

WHAT TYPES OF BLANKET CRFLs WILL BE AVAILABLE?

Who will be eligible to purchase one? Two types of blanket CRFLs will be available only through Division of Marine Fisheries offices: **a.** For-Hire Blanket—a person who operates a “for-hire boat” (i.e., charter boat) may purchase a CRFL that will allow all individuals on the for-hire boat who do not hold a CRFL to fish in coastal fishing waters that are not joint fishing waters. This license does not authorize individuals to fish recreationally in inland or joint fishing waters. **b.** Ocean Fishing Pier Blanket—a person who operates or owns an ocean fishing pier and who charges a fee to allow a person to fish recreationally from the pier may purchase an Ocean Fishing Pier Blanket CRFL. This license allows all individuals who do not hold an individual CRFL to engage in recreational fishing in coastal waters while on the pier.

WILL THERE BE A CRFL BOAT LICENSE I CAN BUY SO MY GUESTS DO NOT HAVE TO WORRY ABOUT PURCHASING AN INDIVIDUAL CRFL?

No. The intent of the legislation creating the CRFL was to license the individual so the state could assess more accurately the impact of recreational fishing.

WILL I NEED A CRFL TO HARVEST CRABS, MUSSELS, CLAMS, LOBSTERS, SHRIMP AND OTHER SHELLFISH?

No, the license is only required for the recreational harvest of finfish.

WILL ANGLERS WHO USE GIGS AND CASTNETS TO HARVEST FINFISH RECREATIONALLY BE REQUIRED TO HAVE THIS LICENSE? Yes.

WILL I NEED A CRFL TO FISH FROM A PRIVATELY OWNED PIER? Yes.

WILL I BE ABLE TO SELL MY CATCH IF I HAVE A CRFL?

No. Seafood harvested under the license is for personal consumption and cannot be sold.