

David Wilson Article

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I'm proud to be a commercial fisherman and a lifelong waterman.

In a time where so many people want something for nothing, or feel First published in the island entitled for one reason or another, a commercial fisherman only asks for the opportunity to work. He doesn't want a handout, and sacrifices much to put in the hours and days necessary to earn a living.

Commercial fishing is the most dangerous occupation in our country with three times more fatalities per year than the next most dangerous occupation. American commercial fishermen are restricted and regulated more than fishermen from any other country.

While a fisherman's work ethic is admirable and honest, what gives me the most pride is to be associated with the most unselfish people you'll ever meet. We help each other, not only on the water but in our communities. Rarely does a need go unmet. A commercial fisherman will risk his boat and his life to come to the rescue of another. My life has been saved more than once by a commercial fisherman.

The commercial fishing industry provides millions of jobs in our country. It also provides a good, fresh, and healthy food source for Americans to enjoy. The next time you buy fresh, domestic, wild caught seafood, remember that the person that provided it probably has a wife and kids that he supports, just like you.

We find different ways to support our families. Most of my life, I have charter fished in the warmer months and commercial fished in the winter. These days I build boats in the winter, but the fall commercial flounder season is vital to me.

This is why the tighter requirements proposed for a commercial fishing license is very concerning.

No one has suggested banning commercial fishing all at once, but there have been subtle, seemingly harmless rules and restrictions put in place that thin the fleet down each year. My good friend Jeff Oden says it like this - "it's death by a thousand cuts."

It's my privilege to share a letter written by my friend Bill Hitchcock that sums up the commercial fishermen's argument against the proposed fishing license requirements nicely. I hope you will find it informative and educational.

Redefining What A Commercial Fishermen Is

"Whoever wants to persuade the multitude that they are not as well governed as they should be will never lack a sympathetic audience... Thus, those who bewail the current state of affairs are esteemed to be champions of the people..." (Richard Hooker, "Divine Law and Human Nature").

Once again, we hear the battle cry from the North Carolina Marine Fisheries Commission (MFC) that there is a problem and that we need to define what a commercial fisherman is. Although clearly defined in North Carolina statute and hashed out repeatedly over the past several years and always arriving at the same pre-existing definition, the current MFC wants to once again, address what has already been established since the Fisheries Reform Act of 1997.

According to a NC Division of Marine Fisheries (DMF) release, at the N.C. Marine Fisheries Commission (MFC) meeting last November in Kitty Hawk, there was a motion by Commissioner Chuck Laughridge to, "ask the chairman to appoint a committee of commission members to develop a definition of a commercial fisherman, with staff support from the Division of Marine Fisheries, to bring an update back to the commission at its February 2018 meeting."

The MFC wants to define what a commercial fisherman is. This brings up many interesting points. The least of which is how has the state of North Carolina for decades been able to license, charge, fine and restrict what it evidently can't even define? The real answer to that question is that the state already has defined what a commercial fisherman in NC General Statutes - Chapter 113 Article 14A. § 113-168.2. Standard Commercial

Fishing License.

So why is MFC Commissioner Chuck Laughridge wanting to define what has already been defined? Interestingly enough, this isn't the first time the MFC has attempted to define, or rather redefine a commercial fishermen. The real question is why?

According to Black's Law Dictionary a license is, "A permission, accorded by a competent authority, conferring the right to do some act which without such authorization would be illegal, or would be a trespass or a tort".

A license, in this case a commercial fishing license is a permission which allows a person the right of access and opportunity. That's it. A license does not require the license holder to catch and sell, it only grants him or her the opportunity to do so. The state does not demand sales quotas or income goals of the license holder. The license is nothing more than a legally protected and enforceable opportunity. Whether or not the license holder takes advantage of the opportunity, or to what level is strictly a determination of the fisherman.

The only requirement of a license holder is that they must abide by the laws of that license when engaged in that specific activity. The license has no other authority over the individual.

It's the same with a recreational fishing license. The only requirement and authority a recreational fishing license has over the holder is when they are recreational fishing, and that they abide by the laws of that license when engaged in that activity. The recreational fishing license does not restrict the license holder to recreational fishing only, nor does it impose economic requirements, require the holder to catch fish or be made to prove any specific need for that license.

But here is a major sticking point. The issue of defining a commercial fisherman was of great concern, of extensive debate and research by the Commission over 7 years ago. In October of 2010, the Commercial Fishing License Review Taskforce submitted a final report to the MFC on this matter (and I stress the words, "Final Report", so why is Laughridge and the MFC bringing the issue back up?).

Part of the purpose of this detailed 83 page report was to define what a commercial fisherman was. The report was done at the request of the Chairman of the Marine Fisheries Commission.

Some of the issues discussed by the 2010 taskforce, which are being re-hashed by the current MFC include minimum requirements for selling seafood, making 50 percent of income from commercial fishing and why some license holders continue to hold a license although never use it to sell seafood.

The following is quoted from that final 2010 report.

“Defining a Commercial Fisherman”

“The taskforce was notified that G.S.113-168.2 states “The receipt of a current and valid SCFL or shellfish license issued by the Division shall serve as proper identification of the licensee as a commercial fisherman.”

“The general consensus among the group was that the statute is adequate and there was no real need to modify the definition.”

“Final recommendation: “No changes are needed to the existing definition of a commercial fisherman”

Much time, public monies and resources were expended by the Marine Fisheries Commission to define what a commercial fisherman was 7 years ago. Their conclusion was that it has already been adequately defined and that “No changes are needed to the existing definition”.

So why is the 2018 Marine Fisheries Commission bringing the same issue back up again? It is something that has been clearly defined since 1997 and thoroughly investigated, debated ad nauseam and determined to be properly defined by the Commission back in 2010.

Clearly what is happening here is not a matter of wanting to define what a commercial fishermen is, but rather an ongoing attempt to redefine what a commercial fishermen is. But why? And to redefine them as what?

For simple clarity it's best to look at who wants a redefinition and what it would accomplish. The commercial fishing families of North Carolina have not advocated for the redefinition of a commercial fishermen nor have our state legislators requested it. It has only come from those who pledge allegiance to organizations like the Coastal Conservation Association

(CCA) and their causes such as banning and/or restricting our local fishermen. The same crowd that wants to ban gillnets and remove our shrimp trawlers from inside waters and push them offshore....

And it's fair to say that all attempts to redefine what a commercial fisherman is, have been championed by a CCA member or at least by folks of similar desires. And what exactly are those desires? End commercial fishing. In the process of achieving their end goal they will ban, restrict, prohibit and deny our commercial fishing families whenever and wherever possible.

This is not a matter of defining what a commercial fisherman is. This is nothing more than a desire to redefine what a commercial fisherman is, with the purpose to reduce and restrict the licenses that are issued our NC commercial fishing families. This, in turn, will reduce and restrict the public's access to fresh, locally caught North Carolina seafood.

So there you have it. What effects our local NC commercial fishermen affects you and me, the consumer. Reducing the number of fishermen and restricting their opportunity to fish, reduces the general public's access to fresh, locally caught seafood.