

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

COUNTY OF WAKE

SUPERIOR COURT DIVISION

20 CVS 12925

FILED

2021 JAN 28 PM 4:20

WAKE COUNTY N.C.

BY

COASTAL CONSERVATION  
ASSOCIATION,  
d/b/a CCA NORTH CAROLINA;  
BRUCE C. ABBOTT; CHARLES P. ADAMS,  
JR.; CONSTANTINE A. ARETAKIS, II;  
FREDERICK L. BERRY; ANDREW R.  
BOYD; HARRY T. BRANCH; TROY D.  
BRANHAM; RUPERT D. BROWN;  
JUDITH C. BULLOCK; WILLIAM L.  
BYRD, JR.; JOHNNY L. CANUP;  
MICHAEL D. CARTER; WILLIE T.  
CLOSS, JR.; KENNETH D. COOPER, JR.;  
L. AVERY CORNING, IV; PAUL N. COX;  
BENJAMIN M. CURRIN; DANIEL E.  
DAWSON; MARY F. DAWSON;  
CHARLES B. EFIRD; FRANK K. EILER;  
CHRISTOPHER ELKINS; DAN E.  
ESTREM; ANDREW P. GILLKIN;  
LELAN E. HALLER, JR.; JOHN M.  
HISLOP; RAYMOND Y. HOWELL; JOEY  
S. HUMPHREY; THOMAS G. HURT;  
CLARK W. HUTCHINSON, JR.;  
ANDREW G. JONES, JR.; GEORGE M.  
KIVETT, JR.; JOHN C. KNIGHT, JR.;  
BRADFORD A. KOURY; CHARLES H.  
LAUGHRIDGE; CASEY M. LLOYD;  
MARILYN R. LOWE; CHARLIE LOYA,  
JR.; NICKIE N. LUCAS; BRUCE D.  
MACLACHLAN; EULISS D. MADREN;  
WILLIAM W. MANDULAK; DARRELL  
G. MCCORMICK; TERESA A. D.  
MCCULLOUGH; SAMUEL B. MCLAMB,  
III; JAMES M. MCMANUS, JR.; JOHN W.  
MCQUAID; GEORGE R. MODE; JOHN V.  
MOON; DENNIS K. MOORE; KENNETH  
N. MOORE, JR.; WARREN S. MOORING;  
ELIJAH T. MORTON; DANIEL J.  
NIFONG; SADIE R. NIFONG; ROBERT B.  
NOWELL, JR.; ELBERT W. OWENS, JR.;  
WYATT E. PARCEL; VAN B. PARRISH;  
JAMES H. PARROTT; BRYAN C. PATE;

**AFFIDAVIT OF JOHN GLENN SKINNER,  
JR. IN SUPPORT OF THE NORTH  
CAROLINA FISHERIES ASSOCIATION  
MOTION TO INTERVENE**

ALEXANDRA S. PEYTON; HUNTER L. PEYTON; JEFFREY P. PICKERING; ROBERT R. RICE, II; ROBERT T. RICE; ORICE A. RITCH, JR.; MARK A. RUFFIN; PEARCE RUFFIN; ERIC J. SATO; SEAN P. SCULLY; LENNY T. SMATHERS; CARROLL W. SPENCER; JOHN R. SPRUILL; DAVID M. SUMMERS; JOHN B. TAGGART; JESSE H. WASHBURN, II; ANDREW J. WEBSTER; MELISSA N. WILLIAMS; VANDEXTER WILLIAMS; DONALD A. WILLIS, JR.; A. REXFORD WILLIS, III; JAN L. WILLIS; PHILLIP R. WOOD; RAYE P. WOODIN, III; JOSEPH G. YAGER

Plaintiffs,

v.

STATE OF NORTH CAROLINA,

Defendant.

I, John Glenn Skinner, Jr., with respect to the matter referenced above, and being duly sworn and deposed, say as follows:

1. I am the Executive Director of the North Carolina Fisheries Association, (the "NCFA"), and have served as the Executive Director since March 27, 2017. The NCFA is headquartered in Morehead City, North Carolina, and I work for the NCFA in that location. I make this affidavit for use in the above-styled action, from my own personal knowledge, as well as information gathered during my service as the Executive Director of the NCFA.

2. I have read the Complaint in the matter referenced above, and am familiar with the allegations of that Complaint.

3. The NCFA is a non-profit trade association that was formed in 1952. The NCFA's members include, but are not limited to, commercial fishermen from all coastal counties in North Carolina, seafood dealers, processors, distributors and other persons and businesses which are directly affected by Marine Fisheries rules, regulations and proclamations.

4. NCFA is the only commercial fishermen's trade association in North Carolina. As such, NCFA represents the collective economic interests of North Carolina's commercial fishermen, which are directly impacted by the State's regulation of fisheries resources. NCFA is committed to presenting an accurate portrait of the industry and the hardworking people comprising it.

5. Many of NCFA's members hold commercial fishing licenses issued by the Division of Marine Fisheries ("DMF").

6. Those who hold commercial licenses have paid for those licenses and have invested in commercial fishing gear that they are authorized to use under those licenses to work and earn a living.

7. Many of NCFA's members rely for their livelihoods on their ability to fish in accordance with duly-promulgated state regulations.

8. NCFA serves fishing families by advocating for sustainable fisheries, preserving fishing heritage, and promoting wild-caught North Carolina seafood. NCFA is the only commercial fishermen's trade association in North Carolina. As such, NCFA represents the collective economic interests of North Carolina's commercial fishermen, which are directly impacted by the State's regulation of fisheries resources. NCFA is committed to presenting an accurate portrait of the industry and the hardworking people comprising it.

9. The NCFA's objectives include the study, promotion, and development of growth, conservation and use of fish, seafood, and other marine resources; to assemble and disseminate information with respect to conservation, preservation and use of products of the sea; to gather and disseminate information which will be beneficial to those engaged in catching, taking, preparing, preserving, distributing, or using any form of marine life; and, to cooperate with other organizations and state and federal agencies created for any of the foregoing purposes.

10. The NCFA participates in every aspect of the fishery management process including lobbying policymakers on behalf of North Carolina's fishing families.

11. NCFA advocacy is carried out by staff professionals and volunteers monitored by a board of directors representing all of the State's coastal regions and every facet of the industry including gear type.

12. NCFA has engaged in years of advocacy and participation in the State's administratively mandated rulemaking process, which is described in 15A N.C. Admin. Code 03P .0301—.0304; N.C. Gen. Stat. § 150B-43.

13. NCFA also engages in a wide scope of public awareness projects, appearances before and lobbying of the Marine Fisheries Commission ("MFC") and Division of Marine Fisheries ("DMF"). General members and Board members of the NCFA serve on advisory committees for the North Carolina MFC as well as the Atlantic States Marine Fisheries Commission, Mid Atlantic Fisheries Management Council and South Atlantic Fisheries Management Council.

14. Many of the NCFA's members are subject to the rules and regulations promulgated under the MFC and DMF.

15. The NCFA and its members will be directly and adversely affected by the resolution of this action if Plaintiffs were to succeed.

16. The CCA and NCFA have engaged in years of debate over the proper management of North Carolina's fisheries.

17. The relief the Plaintiffs seek would fundamentally alter the State's regulatory regime regarding management and regulation of coastal fisheries resources, and directly implicate and adversely impact NCFA's interests as the trade association representing North Carolina's commercial fishermen.

18. NCFA has decades of unique experiential knowledge, perspective, expertise, and a firsthand understanding of North Carolina's fishery stocks, all of which is critical to a complete understanding of the matters at issue in this litigation.

19. The interests that the NCFA seeks to protect in this action are germane to the NCFA's purposes and the NCFA's intervention will avoid the need for the participation of individual members of the NCFA. The NCFA is a zealous advocate of its members' interests, and it will provide its members full and adequate representation in this case.

20. The interests of the NCFA are not adequately represented by the existing parties in the case. Plaintiffs represent recreational fishing interests while NCFA is the trade association representing North Carolina's commercial fishing families. The CCA and NCFA have engaged in years of debate over the proper management of North Carolina's fisheries. The State does not adequately represent the interests of NCFA because the State represents the general public interest. While the general public interest includes NCFA's interests, it also includes other North

Carolina residents, including Plaintiffs and their supporters. Accordingly, there is a substantial risk that the State could advocate a position or settle the case in a manner adverse to the interests of NCFA.

Respectfully submitted on this the 27<sup>th</sup> day of January, 2021.

John A Skinner Jr.  
John Glenn Skinner Jr.

STATE OF North Carolina  
COUNTY OF Carteret

Sworn to and subscribed before me  
this 27<sup>th</sup> day of January, 2021.

Debbie Lovick  
Notary Public

Debbie Lovick  
Printed Name, Notary Public

My Commission Expires: 4/15/2023

