

UPDATE ON CCA NC COASTAL FISHERIES TRIAL

WEEK 1 RECAP

January 20 – 23, 2026

On January 20, 2026, the multi-week trial began in CCA NC's lawsuit to hold the State accountable for failing to protect and preserve North Carolina's once-abundant coastal fisheries.

After a compelling 90-minute opening statement presented on behalf of CCA NC and the other 89 citizen plaintiffs, the Plaintiffs presented key testimony from a number of witnesses:

- Dr. Tim Nifong, CCA NC's General Counsel, gave comprehensive testimony on the last several decades of fisheries management in North Carolina, including the history leading up to the Fisheries Reform Act, the State's failures in implementing the Act, and the commercial fishing industry's influences on how those failures came to occur.
- Doug Mumford, who spent his entire 40-year career with the Division of Marine Fisheries collecting and examining data, revealed the State's own data confirming the dramatic, precipitous decline in the health of our coastal fisheries; confirmed pro-commercial industry bias within the Division, and debunked the State's claim that all fish are equal in the eyes of public anglers.
- Gary Hardison, a lifelong Pamlico County resident and avid fisherman, gave his personal account of witnessing how recreational fishing used to drive the local economy decades ago and how that was lost when our fisheries declined, as well as his personal observations of the destruction caused by gillnets and shrimp trawlers working the Pamlico Sound.
- Joe Albea, a lifelong fisherman and the producer of PBS's beloved *Carolina Outdoor Journal*, testified to his personal observations on the decline of our coastal fisheries from his decades on the water—and needing to be able to find fish to make a living as the producer of shows

about finding fish—confirming what the uncontroverted data shows to be true.

- Seth Vernon and Richard Andrews, prominent fishing guides from different parts of our coast, testified to their unique perspectives in witnessing the decline of our coastal fisheries, as well as how the decline has threatened their livelihood.
- Alan Jernigan, a commercial fisherman and former gillnet fisherman, gave revealing, eyewitness testimony about commercial pressure on our fisheries and the destruction caused by commercial gears, further corroborating the testimony of other public anglers.
- Fred Harris, the former Deputy Director of the North Carolina Wildlife Resources Commission (WRC), testified about the stark differences in the WRC’s “resource-first” approach to fisheries management and the Marine Fisheries Commission’s (MFC) “industry-first” approach, contrasting the WRC’s successes with the MFC’s failures.

After a closure for inclement weather on Monday, January 26 and a courthouse closure on Tuesday, January 27, the trial will resume on Wednesday, January 28.

WEEK 2 RECAP

January 26 – 30, 2026

The multi-week trial continued on in CCA NC’s lawsuit to hold the State accountable for failing to protect and preserve North Carolina’s once-abundant coastal fisheries.

This past week, CCA NC and the other 89 citizen plaintiffs presented powerful testimony from a number of key witnesses:

- Cameron Boltes, a leader in the recreational fishing industry and former Marine Fisheries Commission member, testified about his experience with the Commission and its repeated failures in protecting our coastal

fisheries resources from overexploitation. He also described the declines in critical estuarine fish species from when he first started fishing our coastal waters in the 1990s, and how, if current management practices continue, our coastal fisheries resources won't be available for future generations. He also provided firsthand accounts of resource depletion from gillnet usage and trawling in the Pamlico Sound.

- Colonel Carter Witten, who retired several weeks ago as the highest commanding officer of the North Carolina Marine Patrol, was called to testify about the significant enforcement challenges in our coastal waters that he personally observed over the course of 25 years. Called to testify as an adverse witness, Colonel Witten gave exceptionally candid, revealing testimony that with more than 2.5 million areas of water to patrol and no more than 29 Marine Patrol officers on duty at any given time, Marine Patrol simply “doesn’t have the officers and resources it needs” to “make sure our fishing laws aren’t being violated,” and that “something has got to change.”
- Rick Sasser, a lifelong recreational fisherman and a longtime critical observer of the State’s coastal fisheries management, testified about how North Carolina’s gray trout abundance decades ago drew him to his passion for fishing, and how the species’ crash led him to become an activist for more effective resource management. He shared his analysis of the State’s twice-yearly trawl studies in estuarine waters showing that juvenile gray trout are most abundant in the deeper waters of the Pamlico Sound where the State has allowed destructive shrimp trawling—all despite the State’s awareness that this area is a critical habitat for juvenile gray trout and other important finfish species.
- Dr. Louis Daniel, a lifelong fisherman and North Carolina native who served as North Carolina’s Fisheries Director from 2007 to 2016, testified candidly and comprehensively about decades of failed fisheries management in North Carolina under the Fisheries Reform Act. Dr. Daniel took ownership of his role as Fisheries Director in allowing fisheries to decline, testifying that the State’s tolerance of extensive estuarine gillnet usage and estuarine shrimp trawls has set North Carolina apart from all other states, and that bycatch from those gears is a primary reason that most of our fisheries have collapsed. Based on his extensive experience, Dr. Daniel described a broken management system, where the Fisheries Management Plan (FMP) process is protracted and cumbersome, where direct political interference by legislators and administrative superiors forced him to make resource-averse management decisions, where the Marine Fisheries Commission typically sides with the

commercial fishing industry, and where the current Division of Marine Fisheries ignores precautionary management in favor of maximal resource exploitation. Dr. Daniel testified that as a result of all of this, after 28 years of management under the Fisheries Reform Act, the State has virtually no management successes, and cannot claim to have rebuilt a single stock managed under a state FMP to long-term viability, the statutory standard for coastal fisheries management.

After a brief recess for inclement weather on Monday, February 2, the trial is expected to resume on Tuesday, February 3.

WEEK 3 RECAP

February 2 – 6, 2026

Trial continued on this week in CCA NC's lawsuit to hold the State accountable for failing to protect and preserve North Carolina's once-abundant coastal fisheries. This past week, CCA NC and the other 89 citizen plaintiffs presented powerful testimony from a number of key witnesses:

- Dr. Louis Daniel, a lifelong fisherman and North Carolina native who served as North Carolina's Fisheries Director from 2007 to 2016, continued his comprehensive testimony from last week, describing in detail his expert opinion that zero of the fourteen stocks managed by the State under a North Carolina stand-alone plan can be considered as having long-term viability, the statutory management standard for coastal fish stocks under the Fisheries Reform Act. He also reiterated his expert opinions that the State's allowance of extensive use of both estuarine shrimp trawls and gillnets has had a continuing, devastating effect on coastal fish stocks and habitats.
- Dr. Sean Powers, Director of the Stokes School of Marine and Environmental Sciences at the University of South Alabama, a Senior Marine Scientist at the Dauphin Island Marine Lab, and one of the nation's preeminent coastal fisheries scientists, testified that his uncontroverted, quantitative trends analysis of seven coastal fish stocks historically important to North Carolinians for sustenance confirmed that all analyzed stocks were declining, that most show substantial age truncation, and that all lack long-term viability. He also provided his expert opinion that the State's management is out of touch with modern fisheries science in that it completely lacks the precaution required for trustee management of public resources, particularly given the large amounts of uncertainty about resource harvest extractions, including both bycatch and targeted catch, greatly increasing the risk of harm to coastal fish stocks. Finally, Dr. Powers discussed the North Carolina

Collaboratory's January 2026 report to the General Assembly on the status of marine fisheries, which confirmed the dire status of the State's coastal fisheries resources—most notably, that two thirds of coastal fish stocks examined by the Collaboratory's scientists are overfished or suffering from overfishing.

- Dr. Gregory Stunz, the Director of the Harte Research Institute at Texas A&M University (Corpus Christi), and one of the nation's leading experts in fisheries science and management, testified about sound principles of responsible, competent fisheries management based on well-accepted literature in the field, as well as his experience managing some of the most complex, high-stakes fisheries in the world. He compared those well-accepted principles of fisheries management to the State's "abysmal" track record and management approach, giving his expert opinion that North Carolina's fisheries management failures are "as bad as I've ever seen for any U.S. based fisheries." He testified further that if the State continues to allow significant, widespread use of estuarine gillnets, it is extremely unlikely that the State's coastal fish stocks could ever be restored to long-term viability.
- Brad Gentner, a former chief economist for the National Marine Fisheries Service who is now a leading consultant worldwide on the economics of scarcity relating to coastal fisheries and other public natural resources, testified that the State has managed its coastal fish stocks unsustainably and, in addition, has failed to properly consider the overall public economic interest in coastal fisheries resource management. He testified about how this failure has resulted in the State missing out on a potential economic gain of more than a billion dollars. He further testified that ironically, the State's efforts to protect commercial fishing interests have actually caused the overfishing of managed stocks that makes it largely impossible for commercial fishermen to make a living in North Carolina. As the only economics expert who will be testifying during the trial, Mr. Gentner's testimony will be uncontroverted.
- The final witness this week, Debra Fox, a sustenance fisher from New Bern, gave powerful, personal testimony about the struggles that many low-income North Carolinians face in trying to feed themselves by fishing our depleted coastal fish stocks, exacerbated by restrictive size and bag limits. She testified about how meaningful it has historically been for her to know that despite the challenges of living in poverty, she still has the legal and constitutional right to harvest fish, and that "as long as I live near that water, I can feed myself . . . I will not starve." Yet in the starkest terms

possible, she forewarned that if the State continues to mismanage our coastal fisheries into even deeper decline, her already marginalized legal and constitutional right to harvest fish will eventually become completely meaningless, and “there is no other option for me . . . to feed myself.”

CCA NC and the other 89 plaintiffs finished presenting their witnesses on Friday, which means that the State will present its witnesses next week. After a brief recess on Monday, February 9, the trial will resume on Tuesday, February 10.

WEEK 4 RECAP

February 10 – 13, 2026

Trial continued on last week in CCA NC’s lawsuit to hold the State accountable for failing to protect and preserve North Carolina’s once-abundant coastal fisheries. This past week, the state began its defense with presentation of testimony from a number of witnesses:

- Michael Loeffler, Deputy Director of NC Division of Marine Fisheries.
- Brandi Salmon, License and Statistics Section Chief, NC Division of Marine Fisheries.
- Kevin Brown, retired Gear Development Biologist with the NC Division of Marine Fisheries.
- Daniel Zapf, Fisheries Management Plan Coordinator with the NC Division of Marine Fisheries.

The State will continue presenting its witnesses this week.

WEEK 5 RECAP

February 16 – 20, 2026

Witness testimony concluded last week in the trial in CCA NC’s lawsuit to hold the State accountable for failing to protect and preserve North Carolina’s once-abundant coastal fisheries. This past week, the state concluded its defense with presentation of testimony from a number of witnesses:

- Dr. Joel Fodrie, Director of the UNC-Chapel Hill Institute of Marine Sciences and lead scientist on the UNC Collaboratory Legislative Study of Coastal and Marine Fisheries.
- Dr. Joseph Hightower, emeritus retired professor, NC State University Department of Applied Ecology.

- Dr. Frederick Scharf, Department Chair, UNC Wilmington Department of Biology and Marine Biology.
- Jason Rock, Fisheries Management Section Chief, NC Division of Marine Fisheries.
- Christopher Batsavage, Special Assistant Director for Councils, NC Division of Marine Fisheries.
- Dr. Barbara Garrity-Blake, cultural anthropologist.
- Kathy Rawls, Director, NC Division of Marine Fisheries.

Week 6 Recap – Closing Arguments

February 24 – 25, 2026

This week wrapped up the trial over the State’s failure to preserve once-abundant, important citizen fisheries in our coastal waters. The evidence and testimony had all been presented over the past five weeks, and on Tuesday and Wednesday, each side had the opportunity to make closing arguments.

The CCA NC attorneys went first with a discussion of the law to be applied by the Court when it considers all the evidence that was presented. They explained that under the public-trust doctrine and the North Carolina Constitution, the State has the duty to manage its coastal fisheries to: (1) preserve and protect them from injury, harm, or destruction for all time; (2) preserve and protect the general public's right to fish and harvest fish; and (3) carry out these duties for the benefit of all of North Carolina’s current 11 million citizens, as well as future generations of citizens. Consistent with that duty, they also discussed how the legislature, in the Fisheries Reform Act of 1997, required fisheries managers to ensure the “long-term viability” of important coastal fish stocks.

Our attorneys then highlighted key testimony and exhibits that were introduced at trial showing that the State has failed to meet this standard. For example, the Court heard from some of the nation’s leading experts in fisheries science and management who explained that none of the estuarine coastal species managed by the State demonstrate long-term viability, and that this was the result of actions taken (or, in many cases, not taken) to manage these fisheries. The Court also heard from multiple, lifelong anglers who were firsthand witnesses to the abundance of many of these fisheries decades ago, testifying how that abundance has sadly declined.

In response, the State's attorneys argued that the State was meeting its trustee duty as long as the public has at least some opportunity to catch some fish recreationally. CCA NC's attorneys then provided a rebuttal argument, which explained how the State has continually sought to improperly minimize its duty to protect and preserve the public's coastal fisheries—a duty that is well-established under North Carolina law.

Now that the trial is over, each side of the case will submit post-trial filings in late May. The Court will then issue a decision in the case some months later.

CCA NC is appreciative of all of the volunteers and contributors who made it possible for us to pursue this case, take it to trial, and reveal the hard truths about the State's failed management of our shared coastal fisheries resources. Many hands made it possible for us to lay out a comprehensive case over the past six weeks, and all of those contributions—including from so many of you, our members and supporters—proved to be invaluable. You have truly made a difference, and we thank you.