



Interjurisdictional FMP Overview

DEPARTMENT OF ENVIRONMENTAL QUALITY

Marine Fisheries

May 2021 MFC Meeting | Jason Rock | May 20, 2021



Background

- Fisheries Reform Act of 1997 requires development of state fishery management plans
- Initial Interjurisdictional Fisheries Management Plan adopted August 2002
- Amendment 1 adopted June 2008
- Information Update adopted 2015



Purpose

- Adopt management measures appropriate for North Carolina contained in approved ASMFC and federal fishery management plans as minimum standards
- Avoid duplication of effort in development of fishery management plans



Goal

To adopt FMPs, consistent with N.C. law, approved by the Councils or ASMFC by reference and implement corresponding fishery regulations in North Carolina to provide compliance or compatibility with approved FMPs and amendments, now and in the future.



Atlantic States Marine Fisheries Commission



- Compact of 15 coastal states (Maine to Florida)
- Atlantic migratory fish stocks in (mostly) state waters
- Atlantic Coastal Fisheries Cooperative Management Act
- Federal empowerment of commission



Federal Regional Fishery Management Councils

North Pacific

ALASKA

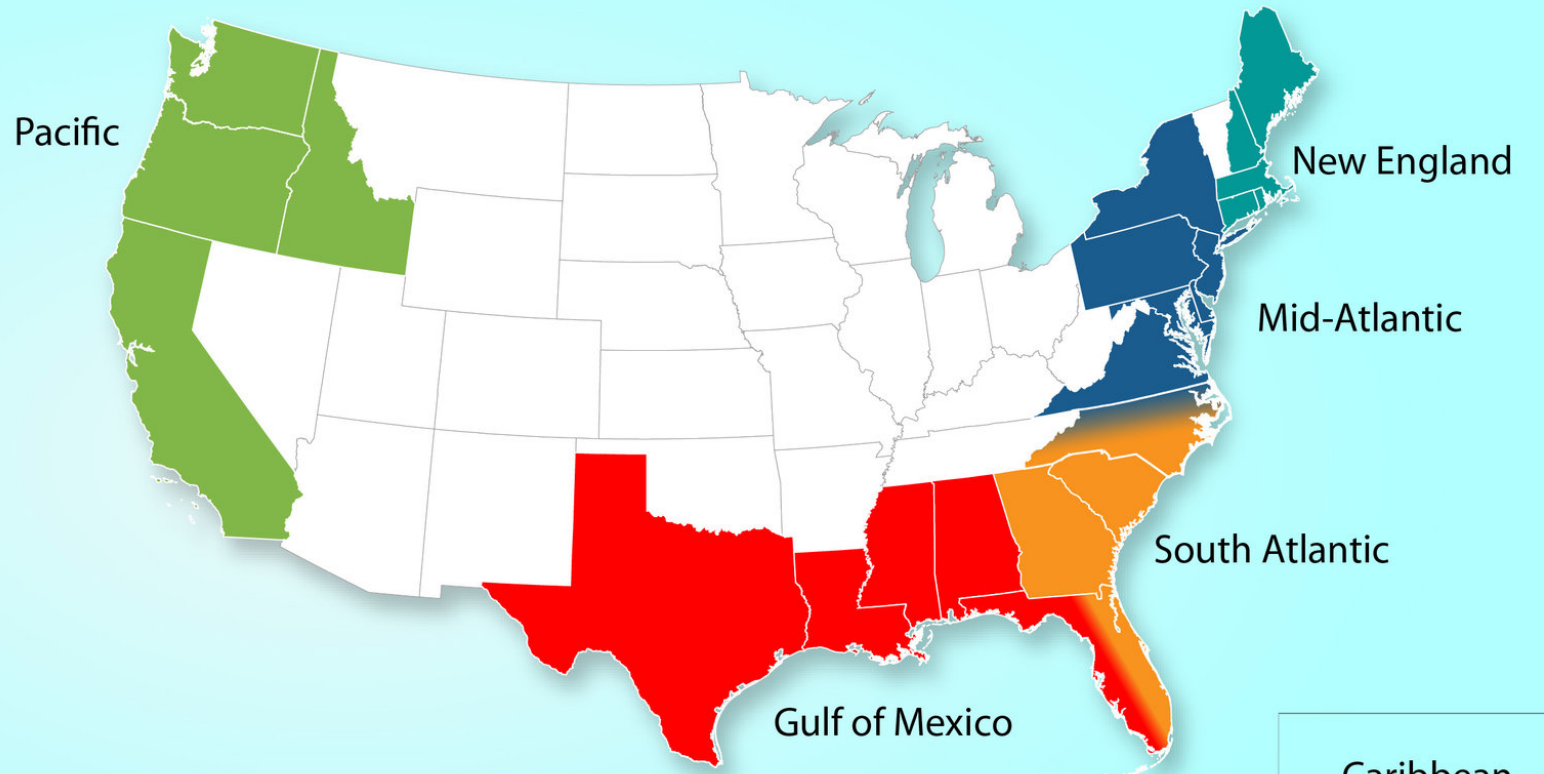


Western Pacific



1. Guam; 2. Commonwealth of the Northern Mariana Islands (CNMI);
3. Wake Island; 4. Midway Atoll; 5. Johnston Island; 6. Hawaiian Islands;
7. Palmyra Atoll and Kingman Reef; 8. Jarvis Island; 9. Baker and Howland Islands; 10. American Samoa.

Pacific



New England

Mid-Atlantic

South Atlantic

Gulf of Mexico

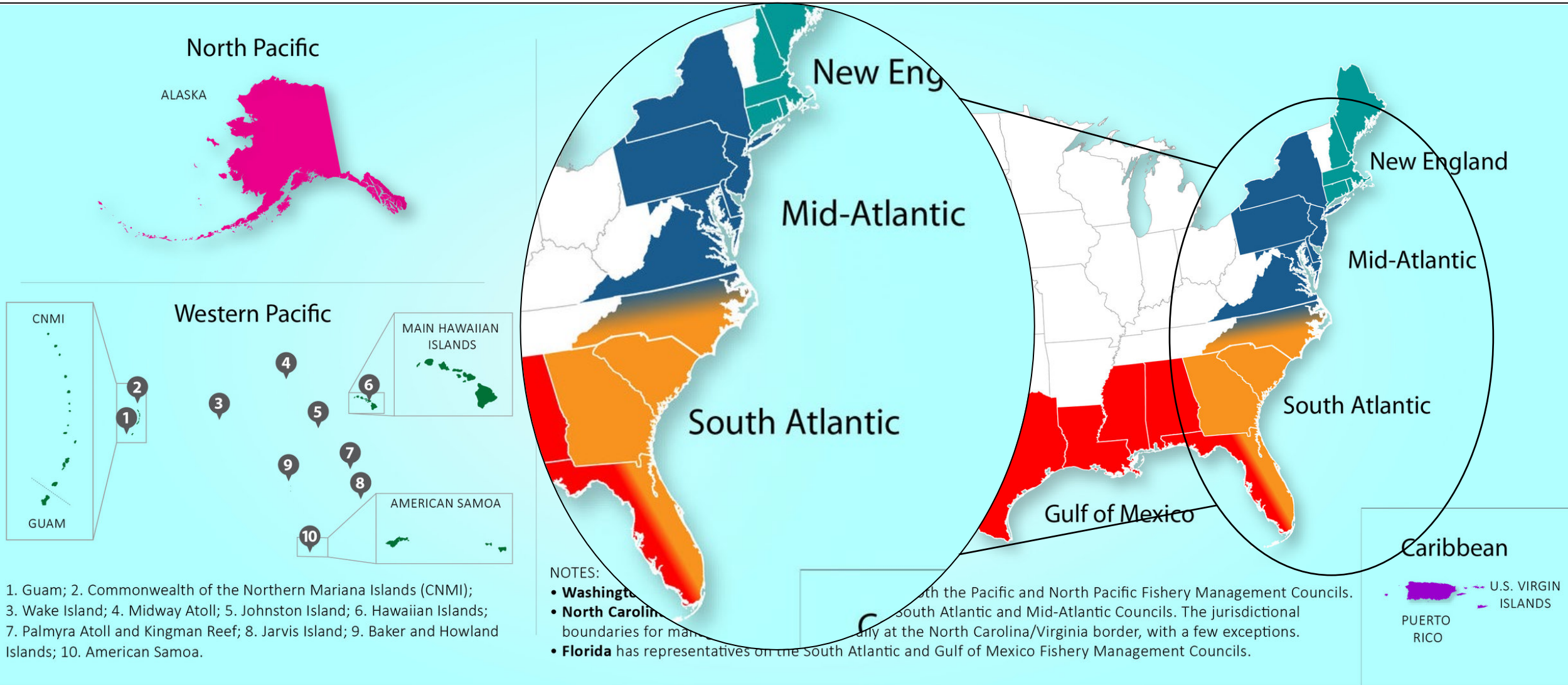
Caribbean



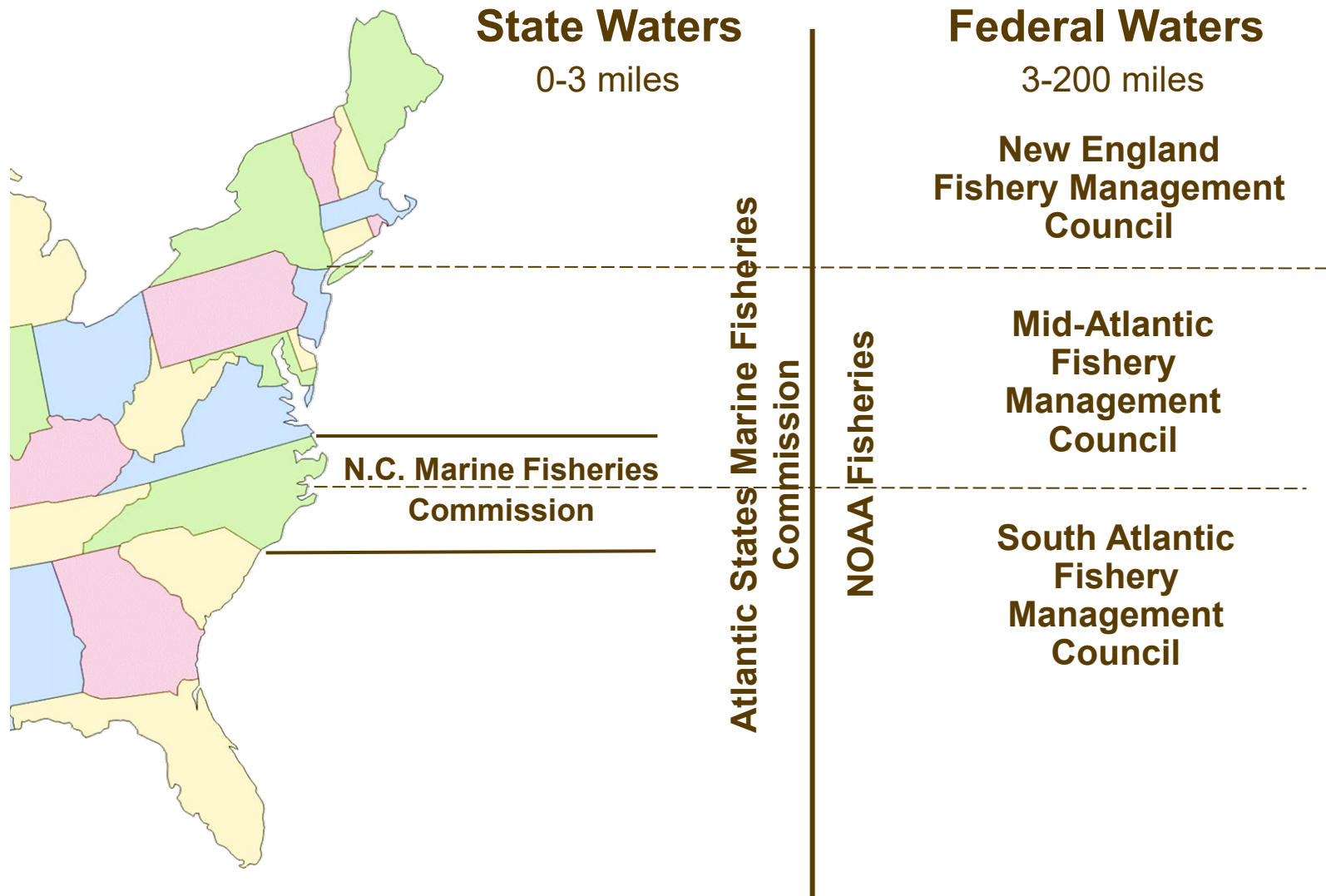
NOTES:

- **Washington** and **Oregon** have representatives on both the Pacific and North Pacific Fishery Management Councils.
- **North Carolina** has representatives on both the South Atlantic and Mid-Atlantic Councils. The jurisdictional boundaries for managed species are generally at the North Carolina/Virginia border, with a few exceptions.
- **Florida** has representatives on the South Atlantic and Gulf of Mexico Fishery Management Councils.

Federal Regional Fishery Management Councils



Management Jurisdiction



Managed Species or Species Groups

Species or species group	Atlantic States Marine Fisheries Commission	South Atlantic Fishery Management Council	Mid-Atlantic Fishery Management Council	North Carolina Marine Fisheries Commission
American Eel	X			
Atlantic Croaker	X			
Atlantic Menhaden	X			
Atlantic Striped Bass	X			X
Atlantic Sturgeon	X			
Black Drum	X			
Black Sea Bass – North of Cape Hatteras	X		X	
Bluefish	X		X	
Cobia	X			
Red Drum	X			X
River Herring	X			X
Scup – North of Cape Hatteras	X		X	
Shad	X			

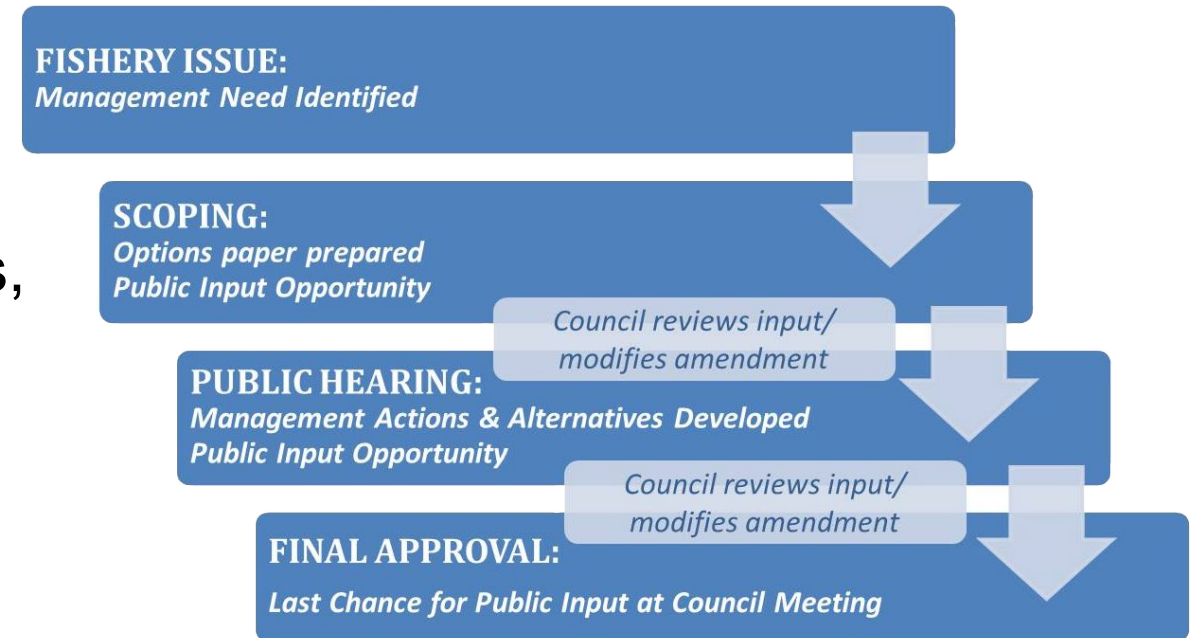
Managed Species or Species Groups

Species or species group	Atlantic States Marine Fisheries Commission	South Atlantic Fishery Management Council	Mid-Atlantic Fishery Management Council	North Carolina Marine Fisheries Commission
Sharks	X			
Spanish Mackerel	X	X		
Spiny Dogfish	X		X	
Spot	X			
Spotted Seatrout	X			X
Summer Flounder	X		X	
Tautog	X			
Weakfish	X			
Dolphin/Wahoo		X		
King Mackerel		X		
Snapper Grouper Complex		X		
Monkfish			X	

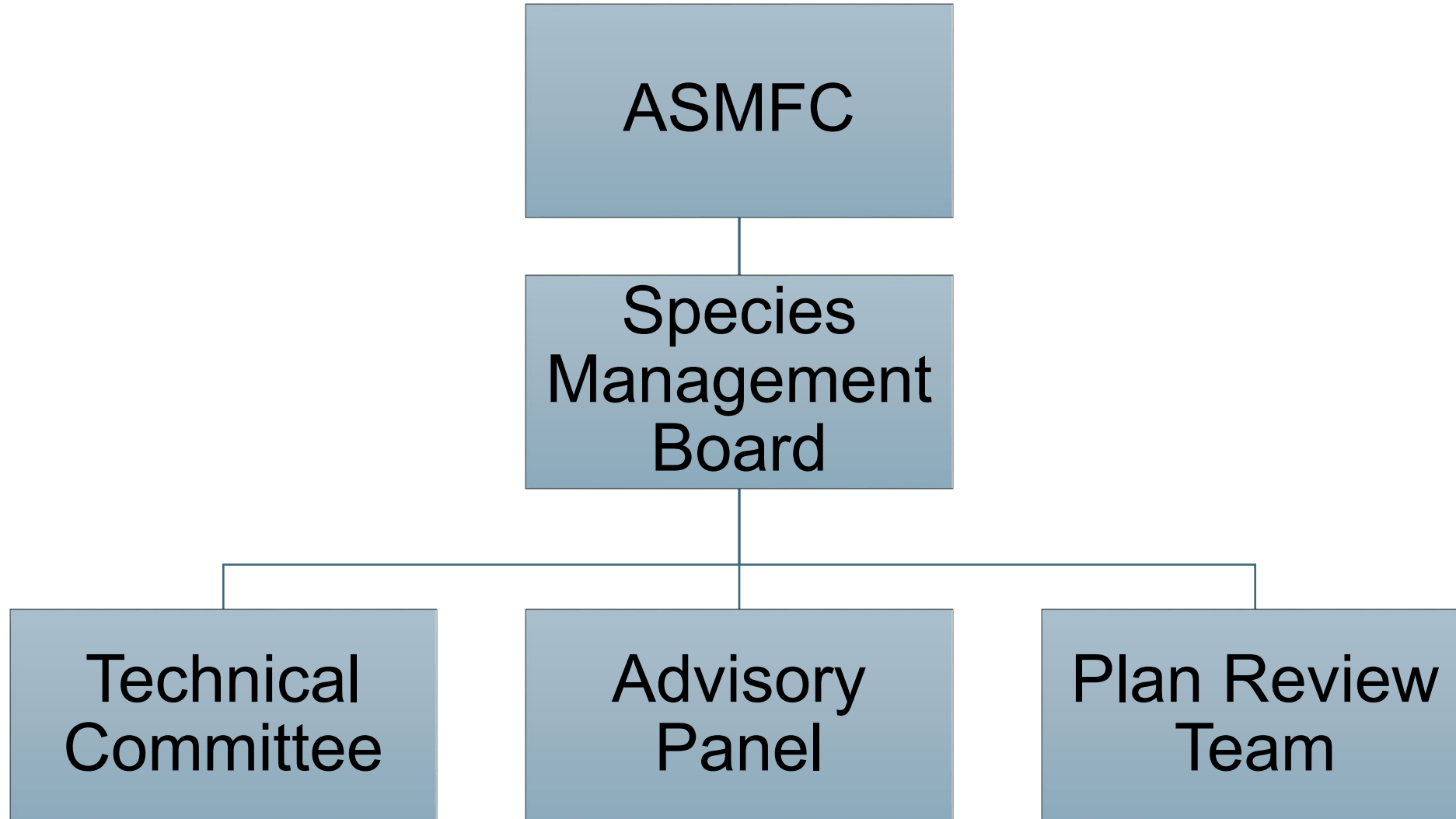
ASMFC and Federal Fishery Management Plan Development

- Similarities between the council and commission processes and N.C. process
 - Technical bodies, plan review/development teams, citizen/industry advisory panels, management entities
 - Public review and input
 - Rulemaking processes
- Avoid duplication of documents, time, effort

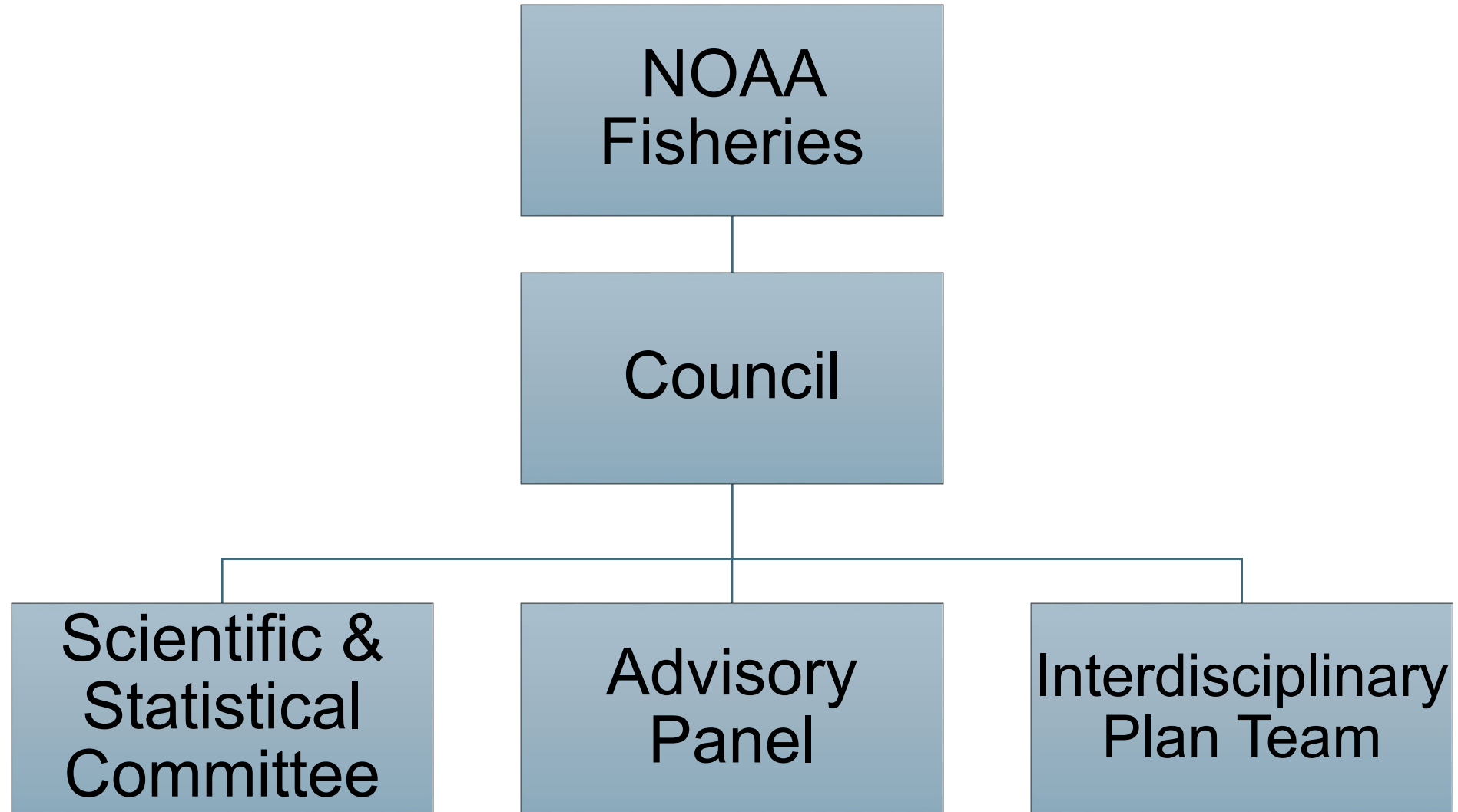
Council Process – *FMP/Plan Amendment*



ASMFC Fishery Management Plan Development



Federal Fishery Management Plan Development



ASMFC and Federal Fishery Management Plan Development

- Public scoping – issue identification
- Technical review and development of alternatives
- Public hearing draft
- Review of public comment
- Selection of preferred alternatives
- Approval of fishery management plan or plan amendment
 - Councils: additional public comment on proposed rules
 - Commission: states implement measures using existing administrative authorities



N.C. Marine Fisheries Commission Role and Responsibility

- Provide advice to the department on ASMFC and federal plans
- Adopt rules to comply with or complement ASMFC and federal plans
- Stay informed of ASMFC and federal FMP development throughout the process
 - Distribution of staff council meeting briefing memos
 - Distribution of ASMFC and federal council meeting summaries, press releases, public hearing notices, etc.
- Finfish Advisory Committee informed of ongoing developments



Compliance and Complementary Measures

- Federal law mandates compliance with management measures and/or complementary state regulations
- State challenge to ASMFC and federal mandates
 - Requires simple majority vote of N.C. Marine Fisheries Commission
 - Determination that measures inconsistent with state statute and/or contrary to state's best interest
- Compliance Advisory Panel
 - Tool for development of alternative measures at state level



Compliance and Complementary Measures

- Non-compliance or non-complementary action determined by U.S. Secretary of Commerce
 - ASMFC: moratorium on subject fishery in state waters
 - Councils: regulation of applicable fishery within state boundaries (0-3 miles offshore)
- Atlantic coast states are subject to ASMFC requirements even if they leave the compact



Summary

- N.C. Fishery Management Plan for Interjurisdictional Fisheries is a unique plan
- Ensures the differential needs of N.C. are considered during development and implementation of federal and interstate fishery management plans
- IJ FMP is a state FMP under the FRA and is held to same statutory requirements as state species FMPs



Questions?

Jason Rock

Jason.Rock@ncdenr.gov

252-808-8091

