



The Fisheries Reform Act of 1997

March 30, 2010



History

- **July 1, 1994 Moratorium on Commercial Fishing Licenses**
 - Based on wide range of concerns voiced by the commercial and recreational fishing communities
- **1994 Moratorium Steering Committee**
 - Met for two years to develop a report for the General Assembly
 - Included representatives of all stakeholder groups



MSC Report

- **Moratorium Steering Committee Report released in October 1996**
- **The Fisheries Reform Act of 1997 enacted most recommendations in the report**



Key Philosophy

The General Assembly

“recognizes the need to protect our coastal fishery resources and to balance the commercial and recreational interests through better management of these resources.”

- S.L. 1997-400, H.B. 1097



FRA Major Impacts

- **Changed the commercial licensing structure and increased license fees**
- **Created a Recreational Commercial Gear License**
- **Reduced the size of and reorganized the Marine Fisheries Commission**
- **Increased law enforcement civil penalties**



- **Mandated the development of a Coastal Habitat Protection Plan to be adopted by the MFC, CRC and EMC**
- **Set up a system of stakeholder committees to review and advise the MFC on fisheries issues**
- **Mandated the development of fishery management plans**



Impacts to DMF

Revised the agency's mission:

“The Division of Marine Fisheries is dedicated to ensuring sustainable marine and estuarine fisheries and habitats for the benefit of the people of North Carolina.”

- **Makes management decisions based on sound data and objective analysis**
- **Views public participation as essential for successful fisheries management**
- **Enforces rules fairly and consistently**



DMF Programs Created

Habitat Protection *Section*

- Coastal Habitat Protection Plan
- Strategic Habitat Areas

Stock Assessment Program

- Stock Status Reports

Socio- Economics Program

- Social and Economic Analysis



DMF Programs Enhanced

Oyster Restoration

- Shell recycling
- Reef construction
- Sanctuaries

License Programs

- New commercial licenses
- Recreational Commercial Gear sales partnership with Wildlife Resources Commission

Biological Sampling Programs

- Data collection for stock assessments, management plans, Coastal Habitat Protection Plan



Coastal Habitat Protection Plan

- **Recognized that overfishing is not the only roadblock to sustainable harvest**
- **Documented ecological role and function of aquatic habitats for coastal fisheries**
- **Recommended management changes to improve coastal fisheries habitats**
- **Required multiple DENR agencies and regulatory boards to work together toward improving coastal fisheries habitats**



A Fishery Management Plan is:

A document that guides management of coastal fishery stocks with the goal of ensuring the long-term sustainability of those stocks

- **DMF develops with the assistance of advisory committees**
- **MFC adopts plan and management measures as appropriate**



Fishery Management Plans Include:

- **Stock assessment**
- **Characterization of the fishery**
- **Habitat considerations**
- **Identified issues & concerns**
- **Management strategies**



**Fishery management plans
must ensure sustainable
fisheries**



Public Input Opportunities

Advisory Committee Meetings



Additional Public Meetings



MFC Meetings/Hearings



Joint Legislative Commission on Seafood & Aquaculture



Current MFC Advisory Committees:

Regional

- Northeast
- Southeast
- Central
- Inland

Standing

- Finfish
- Shellfish
- Crustacean
- Habitat & Water Quality

Subject Matter

- Southern Flounder
- Spotted Seatrout
- Striped Bass
- Strategic Habitat Areas
- CRFL



Checks & Balances


**FMP Process
(Public & Peer Review)**


**DENR/JLCSA
Review**


**Rulemaking/
Administrative
Review**



N.C. FMPs

Completed

- Southern Flounder
- Red Drum*
- Oyster*
- Hard Clam*
- Interjurisdictional
- King Fish
- Bay Scallop
- River Herring*
- Shrimp
- Blue Crab*
- Striped Bass
- Striped Mullet

In Progress

Spotted Seatrout
Southern Flounder Amendment I
Striped Bass
Blue Crab

**Denotes plans that have completed amendments*





Southern Flounder

Completed:
February 2005

Amendment:
In Process

Initial Status:
Overfished (Depleted)

Current Status:
Depleted

FMP Measures

- Increased size limit to 14 inches
- Implemented gear restrictions to reduce undersized discards

Improvements

- Reduced fishing mortality
- Increased spawning stock
- Improved age structure

Challenges

- Different recreational size limits for flounder in different waters
- Animal grass
- 2009 stock assessment shows overfishing is still occurring





Red Drum

Completed:
March 2001

Amended:
November 2008

Initial Status:
Overfished

Current Status:
Recovering

FMP Measures

- Reduced recreational bag limit from five fish to one
- Implemented commercial trip limit
- Prohibited harvest over 27 inches

Improvements

- Two recent stock assessments show North Carolina has achieved a stock rebuilding goal set by ASMFC in 2002
 - N.C. DMF in 2007
 - ASMFC in 2009

Challenges

- Management of a recovering fishery





Oyster

Completed:
August 2001

Amended:
June 2008

Initial Status:
Concern

Current Status:
Concern

FMP Measures

- Changed shellfish license strategy, basing it on intent to sell instead of quantity harvested
- Reduced mechanical harvesting in sensitive Pamlico Sound bay areas
- Supported state shellfish hatchery
- Recommended expansion of oyster sanctuary construction efforts

Improvements

- Increased spatfall
- Sustainable harvest levels

Challenges

- Insufficient data for stock assessment





Hard Clam

Completed:

August 2001

Amended:

June 2008

Initial Status:

Unknown

Current Status:

Unknown

FMP Measures

- Tightened shellfish lease production requirements
- Called for recreational shellfish license
- Experimented with mechanical harvest rotation between southeast Pamlico and Core sounds
- Clarified existing rules and laws

Improvements

- Sustainable harvest levels

Challenges

- Insufficient data for stock assessment





Interjurisdictional (27 Species)

Completed:

September 2002

Amended:

June 2008

Initial Status:

Varies by Species

Current Status:

Varies by Species

FMP Measures

- Adopted federal and interstate FMPs by reference to comply with state law
- Coordinated state efforts for participation in federal and interstate FMP processes
- Set forth public outreach procedures for federal and interstate issues

Improvements

- Increased quotas
 - Summer flounder
 - Dogfish
 - Bluefish
- Public information brochures

Challenges

- Weakfish
- Snapper-Grouper
- American Shad





Kingfish

(Three Species)

FMP Completed:
December 2007

Initial Status:
Unknown

Current Status:
Unknown

FMP Measures

- Provided management flexibility to implement regulations if trends indicate stock abundance is decreasing
- Listed research topics needed to enable a successful stock assessment in the future

Improvements

- Landings trends increasing
- Age structure improving

Challenges

- Insufficient data for stock assessment





Bay Scallop

FMP Completed:
November 2007

Initial Status:
Depleted

Current Status:
Recovering

FMP Measures

- Prohibited harvest until target for reopening could be determined
- Expanded data collection to assist with management decisions

Improvements

- Selected targets for Core, Bogue, Back and Pamlico sounds
 - Reopened limited harvest season in Core and Pamlico sounds in 2009
 - Opened harvest in Pamlico Sound in 2010

Challenges

- Insufficient data for stock assessment





River Herring

FMP Completed:

February 2000

Amended:

September 2007

Initial Status:

Depleted/Unknown

(Albemarle Sound/Other Waters)

Current Status:

Depleted/Unknown

(Albemarle Sound/Other Waters)

FMP Measures

- No-harvest provision
- Allows discretionary fishery for research purposes and to benefit cultural festival
- Funding for research
- Designation of Anadromous Fish Spawning Areas

Improvements

- Research (ASMA)
 - Spawning area survey, migration impediment survey, expanded juvenile sampling, commercial pound net survey

Challenges

- Impacts from harvest closure still unknown





Shrimp

Completed:

April 2006

Initial Status:

Viable

Current Status:

Viable

FMP Measures

- Addressed concerns with finfish bycatch, habitat, and competition between fishermen through:
 - Area closures
 - Restrictions on gear size
 - Water body specific seasons
 - Recreational possession limit
- Recommended proposals to protect habitat and water quality

Improvements

- Reduced finfish bycatch
- Reduced competition between fishermen
- Increased habitat protection





Blue Crab

FMP Completed:

December 1998

Amended:

December 2004

Initial Status:

Concern

Current Status:

Concern

FMP Measures

- Established seasonal maximum size limit for the protection of spawning females
- Prohibited sale of white line peeler crabs
- Extended pot cleanup period by nine days to run January 15 – February 7
- Modified regulations to address bycatch and user conflict issues
- Identified critical research needs

Improvements

- Less abandoned gear
- Reduction in sublegal crab landings
- Fewer reported conflicts
- Decrease in bycatch





Striped Bass

FMP Completed:

May 2004

Amendment:

In process

Initial Status:

Viable

Current Status:

**Viable (Ocean and
Albemarle-Roanoke)**

Depleted

(Central/Southern)

FMP Measures

- Separate management measures for Albemarle Sound Management Area and Central/Southern area
- ASMA managed as bycatch fishery
- No harvest in Cape Fear River (CSMA)

Improvements

- ASMA stock expansion
- ASMA parity between recreational and commercial sectors
- Roanoke River flow agreement with U.S. Army Corps of Engineers

Challenges

- Management of recovered stocks (ASMA)
- Lack of resources to fully assess stock (CSMA)





Striped Mullet

FMP Completed:

April 2006

Initial Status:

Recovering

Current Status:

Viable

FMP Measures

- Established annual landings benchmarks for regulatory review to ensure long-term sustainable harvest
- Resolved striped mullet fishery user conflicts through mediation
- Established recreational possession limit of 200 fish (striped and white mullet combined)

Improvements

- Sustainable harvest levels

Challenges

- Insufficient data for stock assessment





Spotted Seatrout

FMP Completed:
In Progress

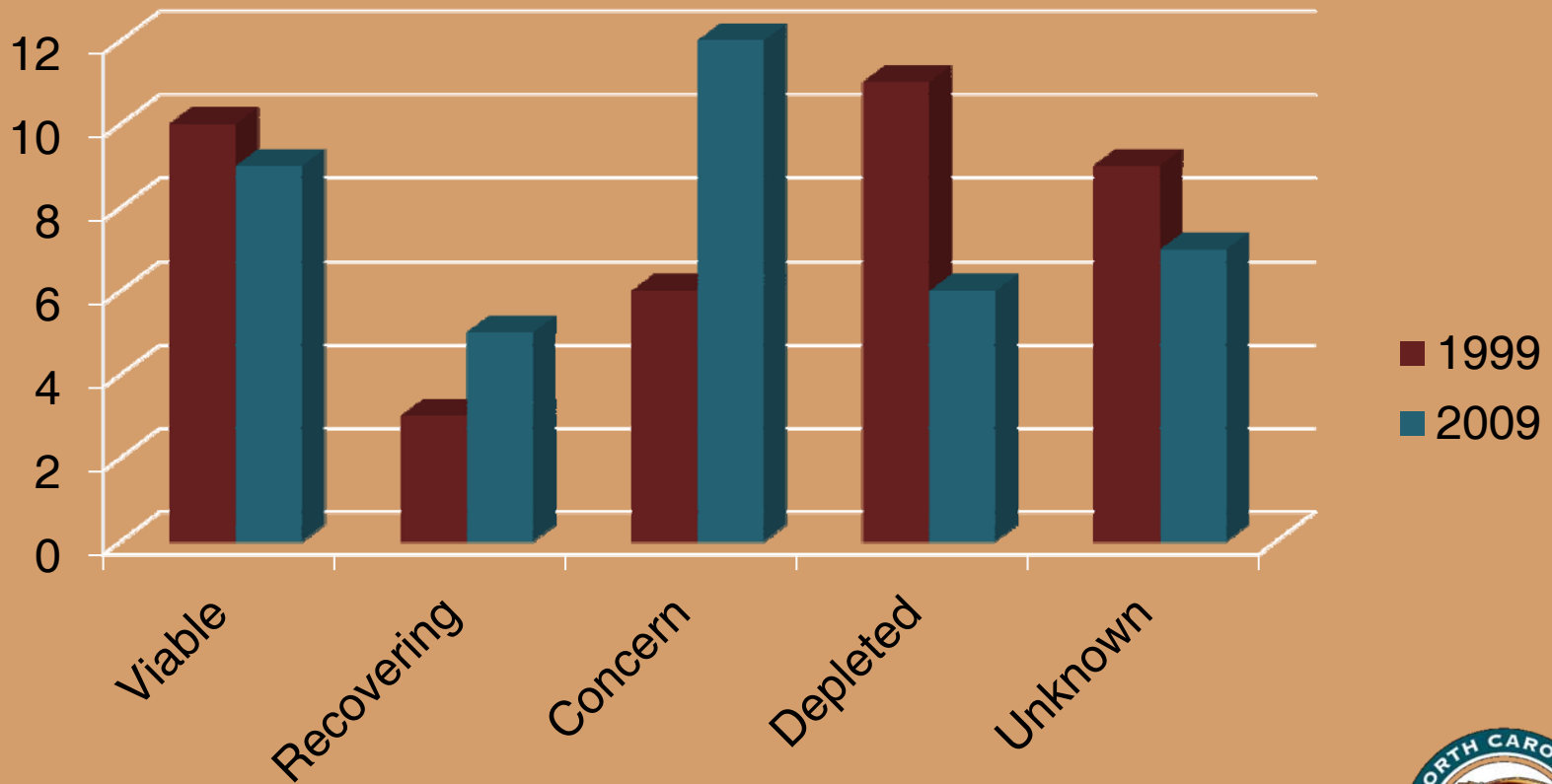
Current Status:
Concern

FMP Development

- North Carolina's initial Spotted Seatrout Fishery Management Plan is under development
- 2009 stock assessment indicated the spotted seatrout stock in North Carolina and Virginia has been overfished since 1991
- Adopted management strategy whereby the fishery will be considered overfished if the spawning stock falls below a threshold



Stock Status Comparison



Changes to FRA

- **Requirement that fishery management plans must rebuild overfished stocks within 10 years**
- **Coastal Recreational Fishing License**
 - Not part of the original FRA; it was a key component of the MSC recommendation
 - Created CRFL grant program

