

# **N.C. Fishery Management Plan for Interjurisdictional Fisheries**

**N.C. Marine Fisheries Commission**

**August 20, 2015**



# Purpose

- **Adopt management measures appropriate for North Carolina contained in approved federal fishery management plans as minimum standards**
- **Avoid duplication of effort in development of fishery management plans**
- **Ensure no inconsistencies exist with regard to the federal Endangered Species Act**



# Background

- Fisheries Reform Act of 1997 requires development of state fishery management plans
- Initial Interjurisdictional Fisheries Management Plan adoption August 2002
- Amendment 1 adopted June 2008
- N.C. Fishery Management Plan for Interjurisdictional Fisheries Information Update (adoption scheduled November 2015)



# Information Update

An information update to a fishery management plan only incorporates changes in factual and background data that do not alter management strategies or management measures contained in the prior fishery management plan and does not introduce or address new management issues not previously included in the fishery management plan. An information update refreshes the fishery management plan with the most current statistics, trends, research, etc. available at the time the information update is developed.



# Goal

**Adopt fishery management plans approved by federal councils or Atlantic States Marine Fisheries Commission consistent with N.C. law**



# Objectives

- Informed participation in developing and amending federal fishery management plans
- Achieve sustainable harvest by implementing federal measures in N.C. coastal waters
- Develop public understanding of management efforts
- Implement a regulatory process for resource protection that considers the needs of all user groups



# Objectives

- Promote practices that minimize bycatch
- Restore, protect and improve fish habitat
- Conduct research to improve understanding of fish populations
- Collect social and economic data to support management



# 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 (1993)
- Federal empowerment of commission





# Regional Fishery Management Councils



- South Atlantic Fishery Management Council (Florida to North Carolina)
- Mid-Atlantic Fishery Management Council (North Carolina to New York)
- Fish within federal exclusive economic zone and beyond
- “National Standards”
- Magnuson-Stevens Fishery Conservation and Management Act (1976, 1996, 2006)

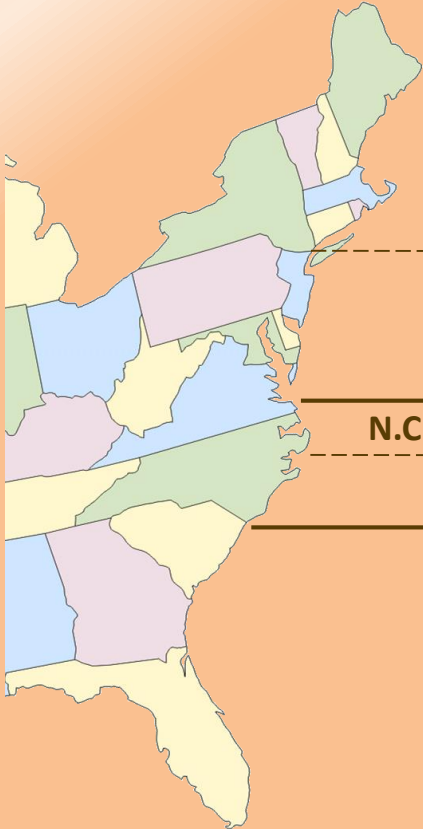


**State Waters**

0-3 miles

**Federal Waters**

3-200 miles



**N.C. Marine Fisheries  
Commission**

Atlantic States Marine Fisheries Commission

National Marine Fisheries Service

**New England Fishery  
Management Council**

**Mid-Atlantic Fishery  
Management Council**

**South Atlantic Fishery  
Management Council**



# Management Unit (Species or Species Groups)

Species or species group (bold denotes federal permit requirement)	Atlantic States Marine Fisheries Commission	South Atlantic Fishery Management Council	Mid-Atlantic Fishery Management Council	N.C. Marine Fisheries Commission
American Eel	X			
Atlantic Croaker	X			
Atlantic Menhaden	X			
Atlantic Striped Bass	X			X
Atlantic Sturgeon	X			
Black Drum	X			
<b>Black Sea Bass (N)</b>	X		X	
<b>Bluefish</b>	X		X	
<b>King Mackerel</b>		X		
Red Drum	X			X
<b>Scup</b>	X		X	
Shad & River Herring	X			X

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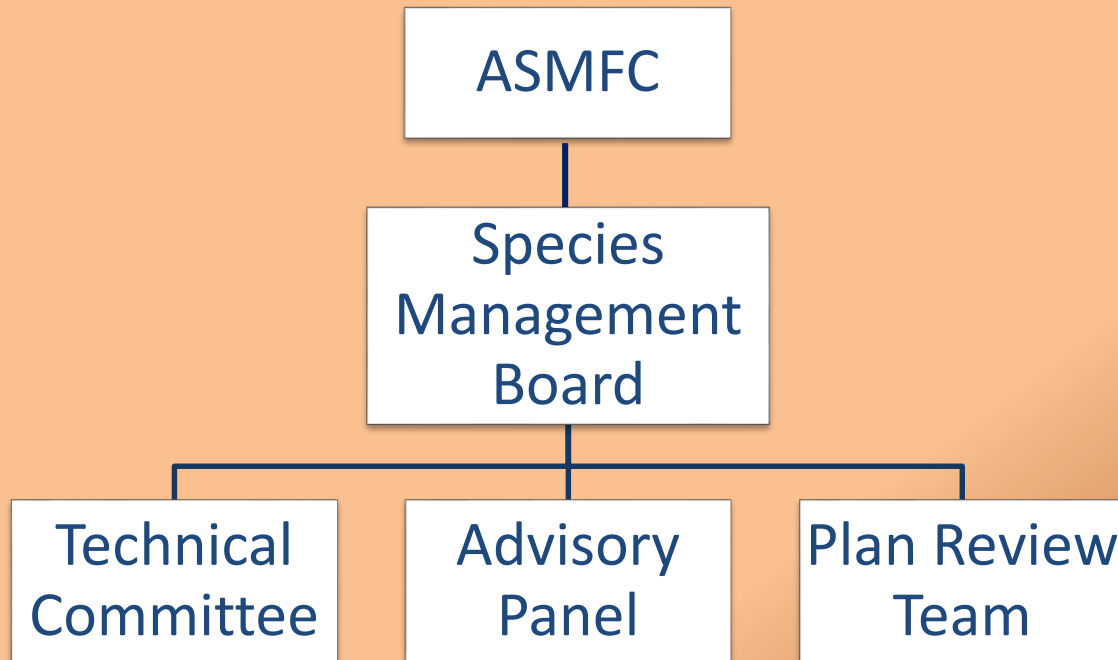
Species or species group (bold denotes federal permit requirement)	Atlantic States Marine Fisheries Commission	South Atlantic Fishery Management Council	Mid-Atlantic Fishery Management Council	N.C. Marine Fisheries Commission
<i>Sharks</i>	X			
<i>Spanish Mackerel</i>	X	X		
<i>Spiny Dogfish</i>	X		X	
Spot	X			
Spotted Seatrout	X			X
<i>Summer Flounder</i>	X		X	
Tautog	X			
Weakfish	X			
<i>Dolphin/Wahoo</i>		X		
<i>Snapper Grouper Complex</i>		X		
<i>Monkfish</i>			X	

# Federal Fishery Management Plan Development Process

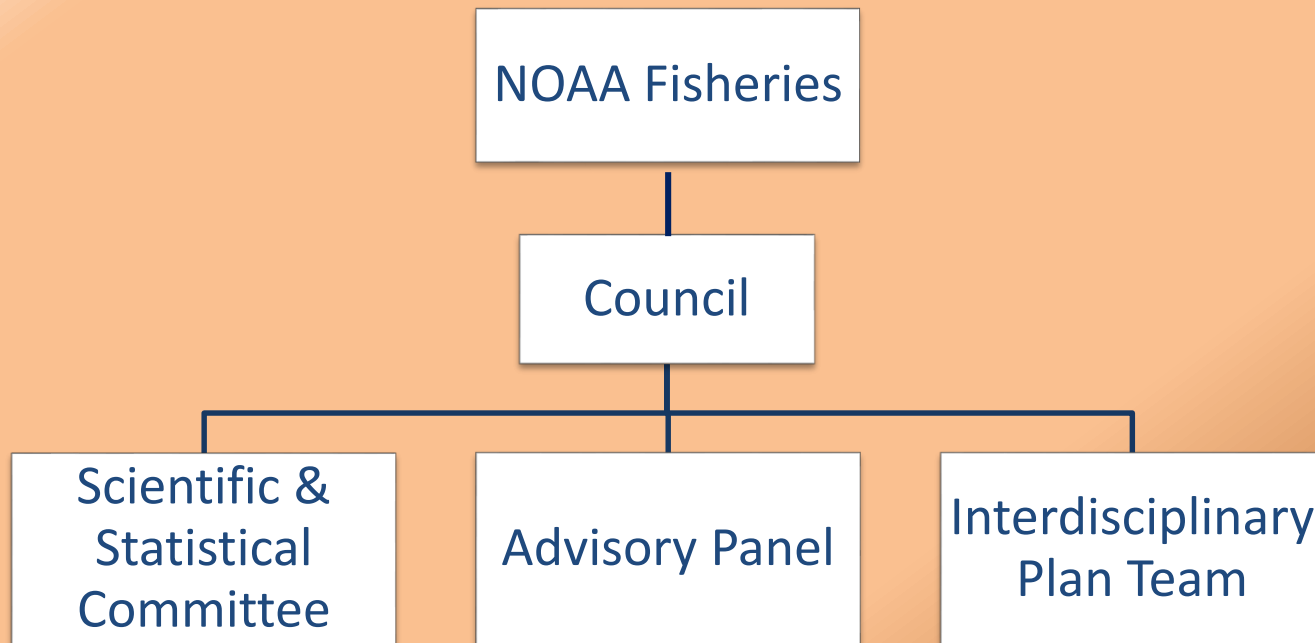
- Similarities between the council and commission processes and N.C. process
  - Technical bodies, plan review/development teams, citizen/industry advisory panels, management entities
  - Public review and input
  - Rulemaking processes
- Avoid duplication of documents, time, effort



# Federal Fishery Management Plan Development Process



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# Federal Fishery Management Plan Development Process

- 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 Involvement**

- **Adopt rules as needed to comply with or complement federal plans**
- **Be informed early in the fishery management plan process**
  - **Distribution of staff council meeting briefing memos**
  - **Distribution of Atlantic States Marine Fisheries Commission 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 required management measures and/or complementary state waters regulations
- State challenge to 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**
  - **Atlantic States Marine Fisheries Commission: 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 Atlantic States Marine Fisheries Commission requirements even if not a member of the compact**



# Conclusions

- **N.C. Fishery Management Plan for Interjurisdictional Fisheries is a unique plan**
- **Framework to ensure that differential needs of N.C. fisheries are considered during development and implementation of federal and interstate fishery management plans**



# Next Steps

- **Approval of draft Information Update to N.C. Fishery Management Plan for Interjurisdictional Fisheries for 30-day public review**
- **Final approval of Information Update at November commission meeting**

