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
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

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

**State Waters**
0-3 miles

- N.C. Marine Fisheries Commission
- Atlantic States Marine Fisheries Commission

**Federal Waters**
3-200 miles

- New England Fishery Management Council
- Mid-Atlantic Fishery Management Council
- South Atlantic Fishery Management Council

NOAA Fisheries
## Managed Species or Species Groups

<table>
<thead>
<tr>
<th>Species or species group</th>
<th>Atlantic States Marine Fisheries Commission</th>
<th>South Atlantic Fishery Management Council</th>
<th>Mid-Atlantic Fishery Management Council</th>
<th>North Carolina Marine Fisheries Commission</th>
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</thead>
<tbody>
<tr>
<td>American Eel</td>
<td>X</td>
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<tr>
<td>Atlantic Croaker</td>
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<tr>
<td>Atlantic Menhaden</td>
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<tr>
<td>Atlantic Striped Bass</td>
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<tr>
<td><strong>Atlantic Sturgeon</strong></td>
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<tr>
<td><strong>Black Drum</strong></td>
<td>X</td>
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<tr>
<td>Black Sea Bass – North of Cape Hatteras</td>
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<tr>
<td>Bluefish</td>
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<tr>
<td><strong>Cobia</strong></td>
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<td>Red Drum</td>
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<tr>
<td>River Herring</td>
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<tr>
<td>Scup – North of Cape Hatteras</td>
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<tr>
<td>Shad</td>
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<tr>
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<tr>
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<tr>
<td>Spiny Dogfish</td>
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<tr>
<td>Spot</td>
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<tr>
<td>Spotted Seatrout</td>
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<td>Summer Flounder</td>
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<td>Tautog</td>
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<td>Weakfish</td>
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<tr>
<td>Dolphin/Wahoo</td>
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<tr>
<td>King Mackerel</td>
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<td><strong>Snapper Grouper Complex</strong></td>
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<td>Monkfish</td>
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ASMFC and Federal Fishery Management Plan Development

• Similarities between the council and commission processes and N.C. process
  o Technical bodies, plan review/development teams, citizen/industry advisory panels, management entities
  o Public review and input
  o Rulemaking processes

• Avoid duplication of documents, time, effort

Council Process – FMP/Plan Amendment

- FISHERY ISSUE: Management Need Identified
- SCOPING: Options paper prepared, Public Input Opportunity
  - Council reviews input/modify amendment
- PUBLIC HEARING: Management Actions & Alternatives Developed, Public Input Opportunity
  - Council reviews input/modify amendment
- FINAL APPROVAL: Last Chance for Public Input at Council Meeting
ASMFC Fishery Management Plan Development

- ASMFC
  - Species Management Board
    - Technical Committee
    - Advisory Panel
    - Plan Review Team
Federal Fishery Management Plan Development

- NOAA Fisheries
- Council
  - Scientific & Statistical Committee
  - Advisory Panel
  - Interdisciplinary Plan Team
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
  o Councils: additional public comment on proposed rules
  o 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
  o Distribution of staff council meeting briefing memos
  o 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
  o Requires simple majority vote of N.C. Marine Fisheries Commission
  o Determination that measures inconsistent with state statute and/or contrary to state’s best interest

• Compliance Advisory Panel
  o 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
  o ASMFC: moratorium on subject fishery in state waters
  o 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?

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252-808-8091