New Employee Orientation:
Marine Fisheries Commission Fundamentals

DEPARTMENT OF ENVIRONMENTAL QUALITY

Marine Fisheries

Nancy Fish  |  April 16 & 17, 2019
Fisheries Reform Act of 1997
(NCGS 143B-289.51)

Management of North Carolina’s coastal fisheries is largely governed by this law, which revamped the state fisheries management process by:

- Restructuring the Marine Fisheries Commission
- Mandating fishery management plans for significant species
- Requiring the Coastal Habitat Protection Plan
- Implementing a new license structure
Fisheries Reform Act Preamble

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

Department of Environmental Quality
Marine Fisheries Commission

The commission is a nine-member board, appointed by the governor, to set policy for the management of the state’s marine fisheries.
Commission Make-up
(NCGS 143B-289.54)

• Three commercial fishermen
  o One of which must be a licensed dealer, processor or distributor
• Three recreational fishermen
  o One of which must be involved with the sports fishing industry
• Two at-large members
• One fisheries scientist
Commission Purpose
(NCGS 143B-289.51)

• Manage, restore, develop, cultivate, conserve, protect, and regulate the marine and estuarine resources;
• Implement state laws relating to coastal fisheries by the adoption of rules and policies;
• Implement management measures regarding ocean and marine fisheries; and
• Advise the state regarding marine fisheries within the jurisdiction of regional and federal boards and councils.

Department of Environmental Quality
Shortlist of Powers and Duties
(NCGS 143B-289.52)

- Administer licenses and regulate time, seasons, size limits, trip limits, fishing methods and fishing gears
- Provide fair regulation of commercial and recreational fishing groups in the interest of the public
- Govern mariculture of shellfish and other marine resources involving the use of public grounds
- Close waters to shellfishing for propagation
- Adopt relevant federal laws and regulations as state rules

Department of Environmental Quality
Shortlist of Powers and Duties
(NCGS 143B-289.52) (continued)

• Delegate to the fisheries director the authority by proclamation to suspend or implement a particular rule
• Adopt fishery management plans
• Approve the Coastal Habitat Protection Plan
• Establish advisory committees
Additional Powers and Duties
(NCGS 113-221.2)

• Adopt rules establishing sanitation requirements for the harvesting, processing and handling of scallops, shellfish and crustacea of in-state origin;

• Regulate scallops, shellfish and crustacea shipped into North Carolina; and

• Adopt rules to provide for a water quality monitoring program for coastal recreation waters of the state and implement the federal Beaches Environmental Assessment and Coastal Health Act of 2000.

Department of Environmental Quality
**Commission Operations**

- The chairman is appointed by the governor.
- The vice-chairman is elected at the first meeting following July 1 of each year.
- All meetings operate under *Robert’s Rules of Order*.
- All meetings are recorded.
- All business meetings are live-streamed and meeting materials posted on-line.
What to Expect

• Must meet at least four times a year.
  o Three meetings must be in the coastal region.
  o Chairman may call additional meetings.
  o Additional meetings may be called upon the written request of four members.

• Business meetings usually held February, May, August and November.

• In 2019, meetings begin Wednesday night with a public comment session, followed by a business session that runs all day Thursday and concludes by early afternoon on Friday.

• Briefing books are mailed approximately two weeks prior to the meeting.
Advisory Committees

- The commission chairman appoints advisory committees, as well as the chair and vice-chair.
- Recommendations from committees provide valuable input, but they are advisory – the commission selects final management measures.
# Advisory Committees

## Regional Advisory Committees
- Northern
- Southern

## Standing Advisory Committees*
- Finfish
- Shellfish/Crustacean
- Habitat and Water Quality

*Commissioners serve as chair and vice-chair of these committees.

## Fishery Management Plan Advisory Committees
These committees vary, depending on which of the 13 fishery management plans are under amendment.

## Subject-Matter Advisory Committees
- Strategic Habitat Areas
# Commission Committees

<table>
<thead>
<tr>
<th>Committee</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>NOMINATING</td>
<td>Makes recommendations to the commission on a slate on nominees for seats on the Mid-Atlantic and South Atlantic Fishery Management Councils</td>
</tr>
<tr>
<td>COMMERCIAL FISHING RESOURCE FUND</td>
<td>In conjunction with an association-appointed Funding Committee, makes funding decisions on projects to develop and support sustainable commercial fishing in the state.</td>
</tr>
<tr>
<td>COASTAL RECREATIONAL FISHING LICENSE</td>
<td>Provides advice to the Division of Marine Fisheries on projects and grants issued using Coastal Recreational Fishing License trust funds.</td>
</tr>
<tr>
<td>CONSERVATION FUND</td>
<td>Makes recommendations to the commission on funding projects from the Conservation Fund for marine and estuarine resource management, including education about conservation.</td>
</tr>
<tr>
<td>LAW ENFORCEMENT AND CIVIL PENALTY</td>
<td>Makes final agency decisions on civil penalty remission requests.</td>
</tr>
<tr>
<td>WRC/MFC DELINEATION OF FISHING WATERS</td>
<td>Makes recommendations to WRC and MFC on water boundary designations for Inland, Joint and Coastal fishing waters</td>
</tr>
</tbody>
</table>
Rulemaking

• The N.C. General Assembly enacts fisheries statutes, or laws, and provides the commission authority to adopt rules and policies to implement those statutes relating to coastal fisheries.

• The commission develops rules to govern activities impacting marine and estuarine resources in coastal fishing waters.
Good to Know

• The commission does not have the power to change general statutes.
• Only the General Assembly can create new licenses or modify license requirements in statute.
Commission Office

• Assists chairman with meeting planning
• Prepares/distributes commission meeting materials
• Manages the activities of advisory committees
• Conducts planning and debrief meetings for staff
Commission Office Contact

Nancy D. Fish
Commission Liaison
252-808-8021 – office
1-800-682-2632 – Toll Free
252-342-2151 - cell
Nancy.Fish@ncdenr.gov
Questions?