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:

<table>
<thead>
<tr>
<th>Regional</th>
<th>Standing</th>
<th>Subject Matter</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Northeast</td>
<td>• Finfish</td>
<td>• Southern Flounder</td>
</tr>
<tr>
<td>• Southeast</td>
<td>• Shellfish</td>
<td>• Spotted Seatrout</td>
</tr>
<tr>
<td>• Central</td>
<td>• Crustacean</td>
<td>• Striped Bass</td>
</tr>
<tr>
<td>• Inland</td>
<td>• Habitat &amp; Water Quality</td>
<td>• Strategic Habitat Areas</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• CRFL</td>
</tr>
</tbody>
</table>
FMP Process (Public & Peer Review)

DENR/JLCSA Review

Rulemaking/ Administrative Review

Checks & Balances
N.C. FMPs

Completed
• Southern Flounder
• Red Drum*
• Oyster*
• Hard Clam*
• Interjurisdictional
• King Fish

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

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

Completed:
March 2001

Amended:
November 2008

Initial Status:
Overfished

Current Status:
Recovering
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 Pamilco 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 discrentional 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
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

Shrimp

Completed: April 2006
Initial Status: Viable
Current Status: Viable
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

- Viable
- Recovering
- Concern
- Depleted
- Unknown

1999 vs. 2009
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