



North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

John E. Skvarla, III
Secretary

MEMORANDUM

TO: JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS
The Honorable Thom Tillis, Speaker of the House of Representatives
The Honorable Phil Berger, President Pro Tempore

FROM: Neal Robbins
Director of Legislative Affairs

SUBJECT: N.C. Fishery Management Plan Annual Report
Division of Marine Fisheries

DATE: Sept. 3, 2014

Pursuant to General Statute 113-182.1(e) the Division of Marine Fisheries shall submit to the Joint Legislative Commission on Governmental Operations a report on progress in developing and implementing Fishery Management Plans by Sept. 1 of each year. Please consider the attached as the formal submission of this report.

If you have any questions or need additional information, please contact me by phone at 919-707-8618 or via email at Neal.Robbins@ncdenr.gov.

cc: Assistant Secretary Brad Ives
Division of Marine Fisheries Director Louis Daniel
Deputy Director of Legislative Affairs Carr McLamb

Division of Marine Fisheries N.C. Fishery Management Plans 2014 Annual Legislative Report



The Fisheries Reform Act of 1997 and its 1998, 2001 and 2004 amendments established the requirement to create fishery management plans for all of North Carolina's commercially and recreationally significant species or fisheries. The contents of the plans are specified, advisory committees are required and reviews by the Department of Environment and Natural Resources secretary and the Joint Legislative Commission on Governmental Operations are mandated.

The original 1997 legislation mandated the Blue Crab Fishery Management Plan be completed first and the Marine Fisheries Commission used the Division of Marine Fisheries' annual stock status review to prioritize the order of species that would be addressed in subsequent plans. All initial fishery management plans identified on the priority list have been developed. Fishery management plans normally take about two years to complete and are required to be reviewed at least once every five years. Upon review, amendment of a plan is required when changes to management strategies are necessary. A revision of a plan, which includes changes in factual and background data only, is completed if there are no management changes. The division and the Marine Fisheries Commission adopted an annual rule cycle in 2009 to coincide with rulebook production, increase efficiency in rule making processes and consolidate efforts in the development of fishery management plans and the associated implementing rules.

The division formed a fishery management plan process committee in 2010 that audited the current plan guidelines, procedures, internal processes, and capabilities to determine how to improve and streamline the entire process. Results of that analysis have been completed and continue to be implemented and refined to maximize efficiencies in the process.

Fishery Management Plan Updates

Eight of 13 state plans are currently underway. These are a revision to the Interjurisdictional Fishery Management Plan and amendments to the Shrimp, Bay Scallop, River Herring, Striped Mullet, Hard Clam, and Oyster fishery management plans. Review of the Kingfishes Fishery Management Plan has also begun. A table indicating the schedule for the plan reviews is included at the end of the report.

The draft **Interjurisdictional Fishery Management Plan Revision 1** is underway. No change in management strategies is necessary, so the plan is being revised with the most current factual and background data.

The **Shrimp Fishery Management Plan Amendment 1**, **Bay Scallop Fishery Management Plan Amendment 2**, and **Division of Marine Fisheries-Wildlife Resources Commission Joint River Herring Fishery Management Plan Amendment 2** are complete. The plans were sent to the Department of Environment and Natural Resources and the Joint Legislative Commission on Governmental Operations for review in March 2014; there were no comments. The proposed implementing rules are scheduled to be presented to the Marine Fisheries Commission at its August 2014 meeting for approval to begin the rulemaking process. Public hearings on the proposed rules are scheduled for the fall.

The **Striped Mullet Fishery Management Plan Amendment 1** began in October 2013. The division, with the assistance of an advisory committee, has developed the amendment. The draft amendment is scheduled to be presented to the Marine Fisheries Commission at its August 2014 meeting for approval to send the plan to public meetings for comment.

The **Hard Clam Fishery Management Plan Amendment 2** and the **Oyster Fishery Management Plan Amendment 4** are also underway. The 2010 supplement to the oyster plan must be addressed in this review as well as any additional management issues for both plans.

Review of the **Kingfishes Fishery Management Plan** has begun. The division is examining the existing plan and its supporting data and associated studies to determine if changes in management strategies are necessary.

The Marine Fisheries Commission gave final approval of the **Spotted Seatrout Fishery Management Plan** in February 2012. In accordance with G.S. 113-182.1, the plan contains management measures to end overfishing within two years of final adoption of the plan. At the time of plan adoption the fishery was not producing a sustainable harvest. As a result, the Marine Fisheries Commission requested a review of the plan three years after adoption, instead of the usual five. This is reflected in the fishery management plan schedule.

The **Red Drum Fishery Management Plan** review is currently scheduled to begin in July 2015. The red drum stock assessment by the National Oceanic and Atmospheric Administration's Southeast Data, Assessment and Review is scheduled for completion in November 2015. Upon completion of the stock assessment, the division will undertake a review of the plan.

The five-year reviews of the **Southern Flounder** and **Division of Marine Fisheries-Wildlife Resources Commission Joint Estuarine Striped Bass** fishery management plans are scheduled to begin in 2018. The Marine Fisheries Commission gave its final approval of the **Blue Crab Fishery Management Plan Amendment 2** in November 2013 and the implementing rules became effective April 1, 2014. The next review of the blue crab plan is scheduled to begin in 2019.

FISHERY MANAGEMENT PLAN REVIEW SCHEDULE (July 2014 – June 2019)
 Revised August 2014

SPECIES (Last FMP)	2014 - 2015	2015 - 2016	2016 - 2017	2017 - 2018	2018 - 2019
INTERJURISDICTIONAL (6/08)					
SHRIMP (4/06)					
RIVER HERRING (9/07)					
BAY SCALLOP (11/07)					
STRIPED MULLET (4/06)					
KINGFISHES (11/07)					
HARD CLAM (6/08)					
OYSTER (6/08)					
SPOTTED SEA TROUT (2/12)					
RED DRUM (11/08)					
SOUTHERN FLOUNDER (2/13)					
ESTUARINE STRIPED BASS (2/13)					
BLUE CRAB (11/13)					