



North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

Donald R. van der Vaart
Secretary

September 9, 2015

MEMORANDUM

TO: JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS
The Honorable Tim Moore, Co-Chairman
The Honorable Phil Berger, Co-Chairman

FROM: Matt Dockham
Director of Legislative Affairs

SUBJECT: N.C. Fishery Management Plan Annual Report

DATE: September 9, 2015

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 matthew.dockham@ncdenr.gov.

cc: John Evans, Chief Deputy Secretary, NCDENR
Louis Daniel, Division of Marine Fisheries Director, NCDENR

Division of Marine Fisheries

N.C. Fishery Management Plans

2015 Annual Legislative Report



The Fisheries Reform Act of 1997 and its subsequent 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. An information update for 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

Five of 13 state plans are currently underway. These are information updates to the Interjurisdictional and Kingfishes fishery management plans and amendments to the Striped Mullet, Hard Clam, and Oyster fishery management plans. A table indicating the draft 2015 schedule for the plan reviews is included at the end of the report. The Marine Fisheries Commission will vote on approval of the schedule at its August 2015 business meeting.

The draft **Interjurisdictional Fisheries Management Plan Information Update** and the draft **Kingfishes Fishery Management Plan Information Update** are underway. No change in management strategies is necessary, so the plans are being updated with the most current factual and background data.

The development of the **Striped Mullet Fishery Management Plan Amendment 1** is complete. The plan was sent to the Department of Environment and Natural Resources and the Joint

Legislative Commission on Governmental Operations for review in December 2014; there were no comments. The proposed implementing rules were presented to the Marine Fisheries Commission at its May 2015 meeting and approved to begin the rulemaking process. A public hearing on the proposed rules is scheduled in September 2015. Final approval of the plan and rules is scheduled for November 2015.

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. The outcome of pending legislation introduced during the 2015 session will determine when the amendments will be completed.

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 **Red Drum Fishery Management Plan Amendment 1**.

Although data inputs used in the 2014 stock assessment of southern flounder in North Carolina waters were determined to be valid, the stock assessment could not be used to determine stock status because the southern flounder stock mixes throughout the South Atlantic (North Carolina to Florida.) A draft supplement to the **Southern Flounder Fishery Management Plan Amendment 1** was initiated in 2015 to adopt temporary management measures to reduce the catch of southern flounder up to 60 percent.

The Marine Fisheries Commission gave final approval of the **Spotted Seatrout Fishery Management Plan** in February 2012. The plan included management measures to end overfishing within two years of final adoption of the plan because the fishery was not producing a sustainable harvest. Initially, the Marine Fisheries Commission requested a review of the plan three years after adoption, instead of the usual five. In May 2015, the division presented the 2014 stock assessment to the Marine Fisheries Commission. The new assessment determined the stock is not overfished and overfishing is not occurring, although the total fishing mortality was just under the recommended allowable level. In light of the new assessment, the commission directed the division to begin the review of the plan in 2017.

The next review of the **Division of Marine Fisheries-Wildlife Resources Commission Joint Estuarine Striped Bass Fishery Management Plan Amendment 1** is scheduled to begin in 2018. The next review of the **Blue Crab Fishery Management Plan Amendment 2** is scheduled to begin in 2018.

The Marine Fisheries Commission gave its final approval of 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** in February 2015 and the implementing rules became effective May 1, 2015. The next reviews are scheduled to begin in 2020.

DRAFT FISHERY MANAGEMENT PLAN REVIEW SCHEDULE (July 2015 – June 2020)
 Revised August 2015

SPECIES (Last FMP)	2015 - 2016	2016 - 2017	2017 - 2018	2018 - 2019	2019 - 2020
STRIPED MULLET (4/06)					
KINGFISHES (12/07)					
INTERJURISDICTIONAL (6/08)					
HARD CLAM (6/08)					
OYSTER (6/08)					
RED DRUM (11/08)					
SPOTTED SEA TROUT (3/12)					
SOUTHERN FLOUNDER (2/13)					
ESTUARINE STRIPED BASS (5/13)					
BLUE CRAB (11/13)					
BAY SCALLOP (3/15)					
SHRIMP (3/15)					
RIVER HERRING (4/15)					