

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S

1

SENATE BILL 1277

Short Title: Fishery Management Plan Supplements. (Public)

Sponsors: Senators Albertson; Bingham, Preston, and Swindell.

Referred to: Agriculture/Environment/Natural Resources.

May 20, 2010

A BILL TO BE ENTITLED

AN ACT TO PROVIDE AN EXPEDITED PROCESS BY WHICH THE MARINE FISHERIES COMMISSION MAY SUPPLEMENT FISHERY MANAGEMENT PLANS, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113-182.1 reads as rewritten:

"§ 113-182.1. Fishery Management Plans.

(a) The Department shall prepare proposed Fishery Management Plans for adoption by the Marine Fisheries Commission for all commercially or recreationally significant species or fisheries that comprise State marine or estuarine resources. Proposed Fishery Management Plans shall be developed in accordance with the Priority List, Schedule, and guidance criteria established by the Marine Fisheries Commission under G.S. 143B-289.52.

(b) The goal of the plans shall be to ensure the long-term viability of the State's commercially and recreationally significant species or fisheries. Each plan shall be designed to reflect fishing practices so that one plan may apply to a specific fishery, while other plans may be based on gear or geographic areas. Each plan shall:

(1) Contain necessary information pertaining to the fishery or fisheries, including management goals and objectives, status of relevant fish stocks, stock assessments for multiyear species, fishery habitat and water quality considerations consistent with Coastal Habitat Protection Plans adopted pursuant to G.S. 143B-279.8, social and economic impact of the fishery to the State, and user conflicts.

(2) Recommend management actions pertaining to the fishery or fisheries.

(3) Include conservation and management measures that will provide the greatest overall benefit to the State, particularly with respect to food production, recreational opportunities, and the protection of marine ecosystems, and that will produce a sustainable harvest.

(4) Specify a time period, not to exceed 10 years from the date of the adoption of the plan, for ending overfishing and achieving a sustainable harvest. This subdivision shall only apply to a plan for a fishery that is overfished. This subdivision shall not apply to a plan for a fishery where the biology of the fish or environmental conditions make ending overfishing and achieving a sustainable harvest within 10 years impracticable.

(c) To assist in the development of each Fishery Management Plan, the Chair of the Marine Fisheries Commission shall appoint a fishery management plan advisory committee. Each fishery management plan advisory committee shall be composed of commercial



* S 1 2 7 7 - V - 1 *

1 fishermen, recreational fishermen, and scientists, all with expertise in the fishery for which the
2 Fishery Management Plan is being developed.

3 (c1) The Department shall consult with the regional advisory committees established
4 pursuant to G.S. 143B-289.57(e) regarding the preparation of each Fishery Management Plan.
5 Before submission of a plan for review by the Joint Legislative Commission on Seafood and
6 Aquaculture, the Department shall review any comment or recommendation regarding the plan
7 that a regional advisory committee submits to the Department within the time limits established
8 in the Schedule for the development and adoption of Fishery Management Plans established by
9 G.S. 143B-289.52. The Commission shall consult with the regional advisory committees
10 regarding the development of any temporary management measure that the Commission
11 determines to be necessary to ensure the viability of the species or fishery while the plan is
12 being developed and regarding the development of any management measure to implement the
13 plan. Before the Commission adopts a temporary management measure or a management
14 measure to implement a plan, the Commission shall review any comment or recommendation
15 regarding the management measure that a regional advisory committee submits to the
16 Commission.

17 (d) Each Fishery Management Plan shall be reviewed at least once every five years. The
18 Marine Fisheries Commission may revise the Priority List and guidance criteria whenever it
19 determines that a revision of the Priority List or guidance criteria will facilitate or improve the
20 development of Fishery Management Plans or is necessary to restore, conserve, or protect the
21 marine and estuarine resources of the State. The Marine Fisheries Commission may not revise
22 the Schedule for the development of a Fishery Management Plan, once adopted, without the
23 approval of the Secretary of Environment and Natural Resources.

24 (e) The Secretary of Environment and Natural Resources shall monitor progress in the
25 development and adoption of Fishery Management Plans in relation to the Schedule for
26 development and adoption of the plans established by the Marine Fisheries Commission. The
27 Secretary of Environment and Natural Resources shall report to the Joint Legislative
28 Commission on Seafood and Aquaculture on progress in developing and implementing the
29 Fishery Management Plans on or before 1 September of each year. The Secretary of
30 Environment and Natural Resources shall report to the Joint Legislative Commission on
31 Seafood and Aquaculture within 30 days of the completion or substantial revision of each
32 proposed Fishery Management Plan. The Joint Legislative Commission on Seafood and
33 Aquaculture shall review each proposed Fishery Management Plan within 30 days of the date
34 the proposed Plan is submitted by the Secretary. The Joint Legislative Commission on Seafood
35 and Aquaculture may submit comments and recommendations on the proposed Plan to the
36 Secretary within 30 days of the date the proposed Plan is submitted by the Secretary.

37 (e1) If the Secretary determines that it is in the interest of the long-term viability of a
38 fishery, the Secretary may authorize the Commission to develop temporary measures to
39 supplement an existing Fishery Management Plan pursuant to this subsection. Development of
40 temporary supplementary measures pursuant to this subsection is exempt from subsections (c),
41 (c1), and (e) of this section and the Priority List, Schedule, and guidance criteria established by
42 the Marine Fisheries Commission under G.S. 143B-289.52. The Commission shall adopt rules
43 to implement temporary supplementary measures in accordance with Chapter 150B of the
44 General Statutes. During the next review period for a Fishery Management Plan supplemented
45 pursuant to this subsection, the Commission shall either incorporate the temporary
46 supplementary measures into the revised Fishery Management Plan or the temporary
47 supplementary measures shall expire on the date the revised Fishery Management Plan is
48 adopted.

49 (f) The Marine Fisheries Commission shall adopt rules to implement Fishery
50 Management Plans in accordance with Chapter 150B of the General Statutes.

1 (g) To achieve sustainable harvest under a Fishery Management Plan, the Marine
2 Fisheries Commission may include in the Plan a recommendation that the General Assembly
3 limit the number of fishermen authorized to participate in the fishery. The Commission may
4 recommend that the General Assembly limit participation in a fishery only if the Commission
5 determines that sustainable harvest cannot otherwise be achieved. In determining whether to
6 recommend that the General Assembly limit participation in a fishery, the Commission shall
7 consider all of the following factors:

8 (1) Current participation in and dependence on the fishery.

9 (2) Past fishing practices in the fishery.

10 (3) Economics of the fishery.

11 (4) Capability of fishing vessels used in the fishery to engage in other fisheries.

12 (5) Cultural and social factors relevant to the fishery and any affected fishing
13 communities.

14 (6) Capacity of the fishery to support biological parameters.

15 (7) Equitable resolution of competing social and economic interests.

16 (8) Any other relevant considerations."

17 **SECTION 2.** This act is effective when it becomes law.