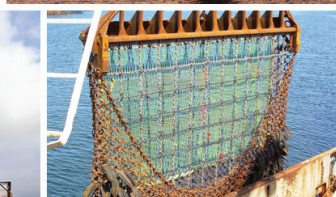


NOAA
FISHERIES

Get Involved in Federal Fisheries Management Greater Atlantic Region



Contact Us for More Information

NOAA Fisheries
Greater Atlantic Regional Fisheries Office
(978) 281-9300
or visit our website
<https://www.fisheries.noaa.gov/nema>

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About This Guide



This guide provides an overview of how fisheries regulations and management actions are established in the Northeast and Mid-Atlantic. Included in this guide are descriptions of the agencies and organizations responsible for managing federal fisheries in the Greater Atlantic Region, as well as details on how, when, and where you can become involved by voicing your opinions and providing public comments.

Early public involvement results in better management actions. We value your opinions and experiences, and your input can make a real difference.

What Is Fisheries Management?

Fisheries management involves the **regulation of commercial and recreational fisheries** in U.S. waters to preserve and support fish populations and fishing activities for future generations.

This guide focuses on U.S. federal fisheries management under the Magnuson-Stevens Fishery Conservation and Management Act, also known as the **Magnuson-Stevens Act (MSA)**.

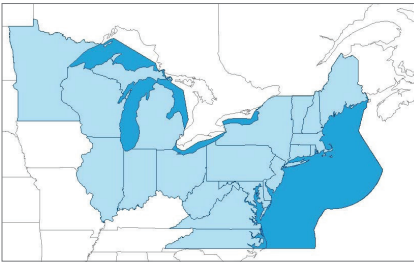
First passed in 1976, and reauthorized in 1996 and 2007, the **MSA is the main law that governs fishing in U.S. federal waters**. Federal waters are defined from the outer boundary of state waters (usually three nautical miles from shore) to 200 nautical miles offshore where the exclusive economic zone ends. Unlike the Clean Water Act and the Clean Air Act that preceded it, the MSA was the first law to allow for regional differences in natural resources management, and was the first law to require the participation of stakeholders in the management process.



Additional Laws Federal Fisheries Managers Must Consider

- National Environmental Policy Act
- Marine Mammal Protection Act
- Endangered Species Act
- Administrative Procedure Act
- Regulatory Flexibility Act
- Paperwork Reduction Act
- National Marine Sanctuaries Act
- Atlantic Coastal Fisheries Cooperative Management Act
- Coastal Zone Management Act
- Information Quality Act

MSA established eight regional fishery management councils that work with NOAA Fisheries to sustain fish populations and fishing activities in U.S. waters.



NOAA's Greater Atlantic Regional Fisheries Office (GARFO) manages living marine resources from Maine through North Carolina, including waters within the Great Lakes. Federal fisheries are typically managed from state waters to the 200 nautical mile limit of the exclusive economic zone.

Council Structure

There are eight regional Fishery Management Councils around the country. Each council has its own Scientific and Statistical Committee (SSC), advisory panels, Executive Director, and staff.

The Councils are composed of both voting and non-voting members. Voting members include the Regional Administrator for NOAA Fisheries, state marine fisheries agency representatives, and stakeholder group representatives. Stakeholder members are required to have knowledge and experience in fisheries, and come from the commercial, recreational, or for-hire sectors, as well as environmental and academic interests. Except for state and federal officials, members are nominated by their state governors and appointed by the Secretary of Commerce. Non-voting members include Representatives from U.S. Fish and Wildlife Service, U.S. Coast Guard, U.S. Department of State, and Interstate Marine Fisheries Commissions.

Councils receive input from advisory bodies, committees, technical/analytical teams, SSCs, and the general public. Each Council structures its process differently, to best meet the needs of the fisheries in that region.

Fisheries Management Roles

NOAA's Greater Atlantic Regional Fisheries Office (GARFO) works with the New England and Mid-Atlantic Fishery Management Councils.



- NOAA Fisheries manages 460 fish stocks. GARFO manages 42 of these fish stocks.
- Commercial landings revenue averages \$5 billion annually in the U.S., and \$2 billion in our region.
- Annually, recreational fishing generates nearly \$90 billion in sales, \$30 billion in income, and \$50 billion in value added to the U.S. economy.



Writes the laws.

Consist of state, federal, fishing industry, academic, and environmental representatives (voting and non-voting members).

Develop and update fishery management plans (FMP).

Make recommendations for annual quotas and other regulations.

Provides the majority of scientific information on which the FMPs are based.

Ensures the FMPs meet the MSA's National Standards and comply with other federal laws.

Implements and enforces the FMP developed by the Councils.

National Standards

The following **ten National Standards for FMPs** are mandated under the MSA to ensure that fisheries are managed consistently across the country. The National Standards are considered equal, but as a result of court decisions, priority must be given to conservation measures (i.e., National Standard 1) when our obligations under these National Standards conflict.

1. Prevent overfishing while achieving maximum overall benefit (optimum yield).

6. Consider and allow for variations or uncertainty in fisheries and catches.

2. Use the best available scientific data to make decisions.

7. Minimize costs and avoid duplication where possible.

3. Manage individual fish stocks throughout their range as one unit and manage interrelated stocks in close coordination or as one unit (to the extent possible).

8. Consider the importance of associated fishing industries to their communities and minimize impacts to these communities while supporting continued participation (making sure other conservation requirements are still being fulfilled).

4. Make sure regulations and allocations are fairly distributed between residents of different states.

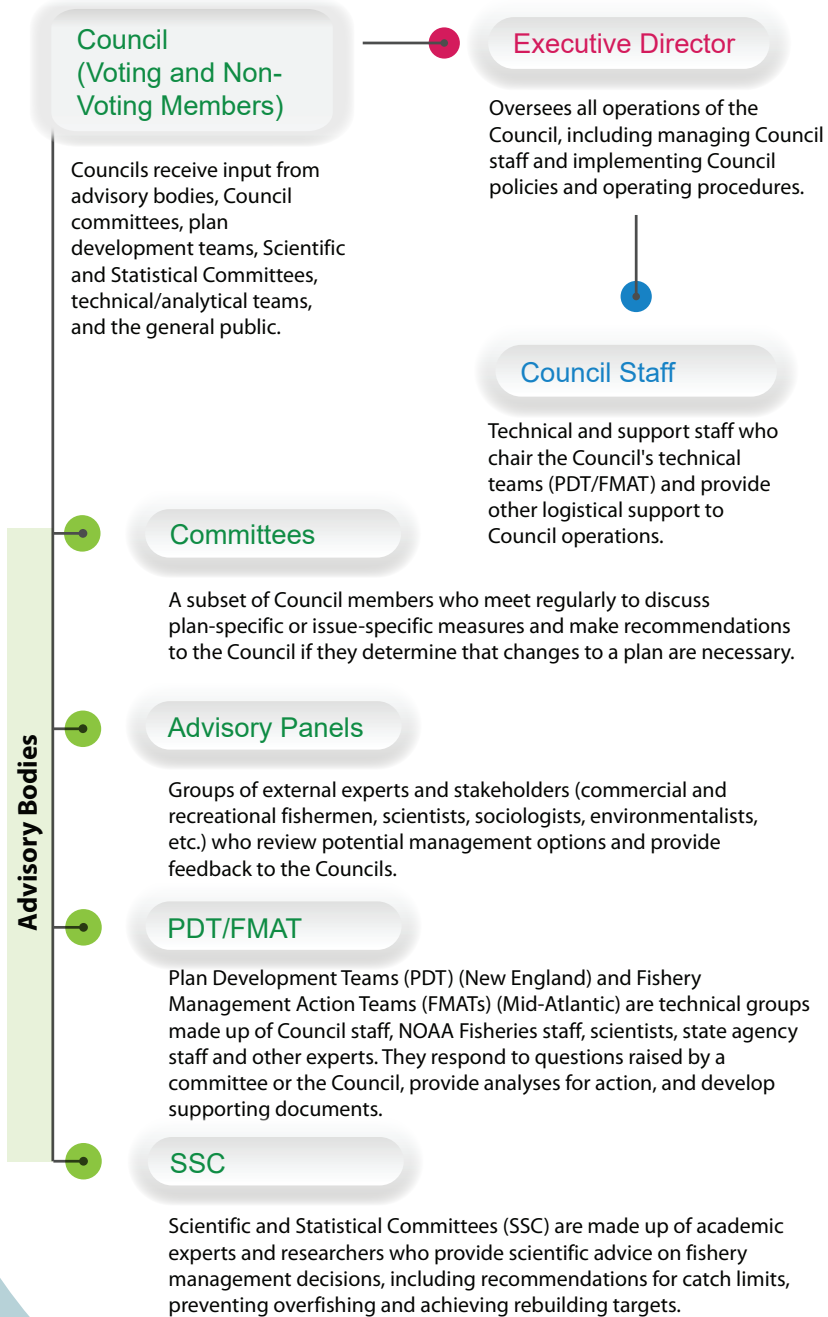
9. Minimize bycatch and death rate of bycaught species.

5. Though no measure can be based on economic allocation, FMPs can promote efficiency when possible.

10. Promote human safety at sea.

Note: These are abbreviated versions, and the full text can be found on our web page at: <https://www.fisheries.noaa.gov/national/laws-and-policies/national-standard-guidelines>

Fishery Management Council Structure



Developing Federal Fishing Regulations

The first step of developing federal fishing regulations happens at the Council, and the final steps are implemented by NOAA Fisheries. There are many opportunities for public comment and involvement throughout the entire process.

After a fishery problem or need is identified, the Council takes the following steps to craft solutions.

STEP 1: SCOPING (PLANS AND AMENDMENTS)

- The Council gathers suggestions and ideas from the public about how to address the issue.
- Issues, potential impacts of actions, and options for addressing the issue/need (called reasonable alternatives) are identified through this process.
- The public can speak at meetings or submit comments in writing to the Council. Being involved at this stage is the best way to get your input included in the action.

STEP 2: ACTION DEVELOPMENT

- Alternatives are developed.
- PDT or FMAT conducts technical analysis of the alternatives.
- Council staff draft supporting documents.

- Public input here to the Committee and Council can help refine the alternatives as they are being developed.

STEP 3: PUBLIC HEARINGS

- After alternatives are developed for **plans and amendments**, public hearings are held to gather feedback on potential impacts of proposed options or suggestions for other possible alternatives.

STEP 4: FINAL COUNCIL ACTION

- Adjustments can be made to alternatives as a result of the public hearings, if a plan or amendment.
- Council votes on whether or not to adopt the action, or to amend the action.
- There is opportunity for public input at the Council meeting, prior to the Council's final vote.

Types of Council Actions:

1. **Fishery Management Plans and Amendments** – Typically address major management issues (1 to 3 years to develop).
2. **Framework Adjustments to Plans** – Generally involve minor plan modifications (require a minimum of two Council meetings before approval).
3. **Specifications** – Used to set harvest/catch limits for a specific period of time (discussed over at least one Council meeting before approval).

Once the Council votes to adopt a management action, it is sent to NOAA Fisheries for review, approval, and implementation.

STEP 5: PROPOSED RULE AND NOTICE OF AVAILABILITY

- NOAA Fisheries reviews the Council action for compliance with the MSA and other applicable federal laws.
- Proposed rule, describing the Council's proposal, potential concerns, and draft regulations, is published in the *Federal Register*. The public can provide comments for 15 to 60 days, depending on the rule.
- If the action is a new plan or amendment, a Notice of Availability (NOA) of the draft plan or amendment is also published in the *Federal Register* with a 60-day public comment period.
- The comment periods for the NOA for the plan or amendment and the proposed rule usually overlap in time, but there are cases where the proposed rule is published several weeks or months after the NOA for the plan or amendment.
- The proposed rule and the NOA are the last chances for public input on the action, and only relevant comments for the proposed action are considered.

- Once the comment period on the NOA has closed, NOAA Fisheries, for the Secretary of Commerce, decides whether to approve, partially approve, or disapprove the proposed action.

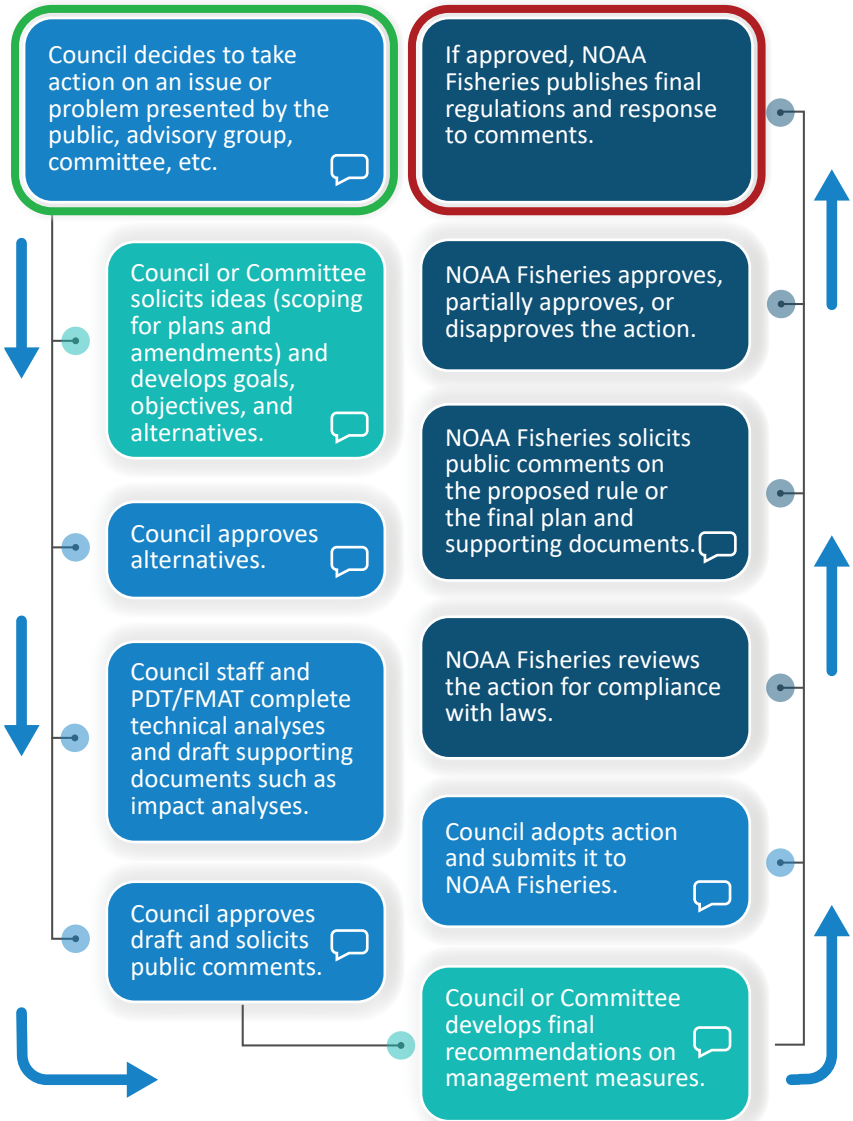
STEP 6: FINAL RULE AND IMPLEMENTATION

- After a plan or amendment is approved or partially approved (if an FMP or amendment) and/or the comment period on the proposed rule has closed, a final rule implementing the action is published in the *Federal Register*. The final rule also specifies if any parts of the management action were disapproved by NOAA Fisheries, and provides justification for their disapproval.
- The final rule includes responses to public comments received on the proposed rule and regulations.
- There is generally at least a 30-day delay between the final rule publication and when the rule goes into effect, allowing the fishing industry time to prepare for the new measures. The delay may be waived if the time is not needed by the industry or if it negatively impacts conservation goals.

What is the Federal Register?

The Federal Register is a daily U.S. government publication that publishes proposed and final regulations for federal agencies. This publication can be found online at www.federalregister.gov

Opportunities for Public Participation



Legend:

■ Council

■ Committees

■ NOAA Fisheries

🗨️ Opportunity for public comments

Managing Highly Migratory Species

While most federal fisheries are managed through the Council process, some species are managed differently. Given their far-ranging nature, highly migratory species, such as sharks, tuna, swordfish, and billfish, are difficult to manage on a regional basis. NOAA Fisheries manages these species throughout the Atlantic, including the Gulf of Mexico and Caribbean, while working cooperatively with other countries on the international level.

Visit www.fisheries.noaa.gov/topic/atlantic-highly-migratory-species for more information on these fisheries.

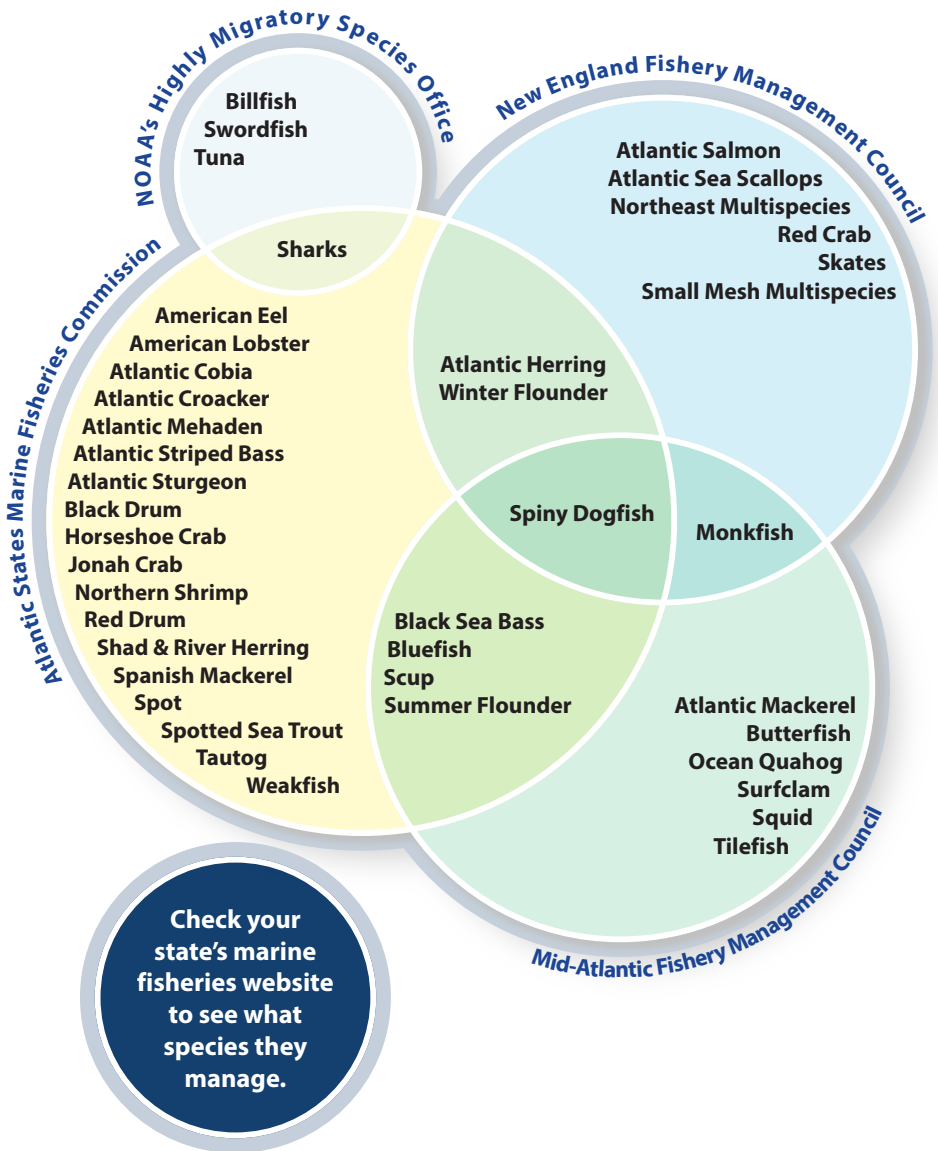
Managing State Fisheries

The Atlantic States Marine Fisheries Commission (ASMFC or Commission) is a deliberative body of 15 Atlantic states that develops interstate fishery management plans (FMPs) for coastal species that migrate across state boundaries. The Commission consists of state representatives and stakeholders who work together to sustainably and cooperatively manage Atlantic coastal fisheries. An important part of the Commission's fisheries management process is working collaboratively with the New England and Mid-Atlantic Councils, NOAA Fisheries, the U.S. Fish and Wildlife Service, and the U.S. Geological Survey. Public input also plays an important role in the Commission's management plans and amendments. Visit www.asmfc.org for more information on upcoming meetings and actions.

Currently, the Commission manages 27 shellfish, diadromous and marine species. Some of these species are managed solely by the Commission and the states, while others are cooperatively managed by the Commission, NOAA Fisheries, and the regional councils (see infographic on next page). All Atlantic states covered by a species' FMP must implement the plan's conservation provisions in its nearshore waters (0 to 3 nautical miles).

Similar to the councils' process, the Commission conducts its fisheries management decision-making through a hierarchy of committees from the policy-making species management boards to recommendatory technical support groups and advisory panels. However, unlike the federal process, once an FMP, amendment, or addendum is approved, it represents final action with the date of state implementation specified in the approved management document. If there is no federal management plan for a species, state regulations apply in federal waters. If a council decides to create a management plan for that species, federal regulations replace the state regulations in federal waters. For fisheries that have both types of management plans, federally-permitted commercial and for-hire vessels must comply with the more restrictive management measures to ensure conservation goals are achieved.

Who Manages Which Fishery?



Staying Involved

The earlier you become involved and share your opinions, the more likely it is for your perspective to be taken into consideration when fisheries management actions are developed.

STAY INFORMED

Stay updated on upcoming actions and meetings by joining email lists (sign up for GARFO's email list on our website), visiting fishery management websites, and reading or subscribing to Council and Commission newsletters.

COMMENT AT MEETINGS

Share your insights, expertise, and opinions at any Council meeting or public hearing. Even informal comments made at advisory panels or committee meetings are taken into consideration.

COMMENT ON PROPOSED REGULATIONS

You can comment on proposed regulations electronically by visiting www.regulations.gov. You can search by agency, subject, or by using the last eight digits of the regulatory identification number provided in the *Federal Register* notice.



Coastal State Agencies

- Maine Department of Marine Resources
- New Hampshire Fish and Game, Marine Resources
- Massachusetts Division of Marine Fisheries
- Rhode Island Department of Environmental Management, Marine Fisheries
- Connecticut Department of Energy & Environmental Protection, Fisheries
- New York Department of Environmental Conservation, Fishing
- New Jersey Department of Environmental Protection, Fish & Wildlife
- Delaware Department of Natural Resources & Environmental Control, Division of Fish and Wildlife
- Maryland Department of Natural Resources, Fisheries
- Virginia Marine Resources Commission
- North Carolina Department of Environmental Quality, Marine Fisheries

Helpful Contact Information

NEW ENGLAND FISHERY MANAGEMENT COUNCIL

(ME, NH, MA, RI, CT)

www.nefmc.org

50 Water Street, Mill 2
Newburyport, MA 01950

Phone: (978) 465-0492

Fax: (978) 465-3116

info@nefmc.org

To receive email notifications:

www.nefmc.org/subscribe

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

(NY, NJ, PA, DE, MD, VA, NC)

www.mafmc.org

Suite 201

800 North State Street
Dover, DE 19901

Phone: (302) 674-2331;

(877) 44-MAFMC

Fax: (302) 674-5399

contact@mafmc.org

To receive email notifications:

www.mafmc.org/email-list

ATLANTIC STATES MARINE FISHERIES COMMISSION

www.asmfc.org

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Arlington, VA 22201

Phone: (703) 842-0740

Fax: (703) 842-0741

info@asmfc.org

ATLANTIC HIGHLY MIGRATORY SPECIES MANAGEMENT DIVISION

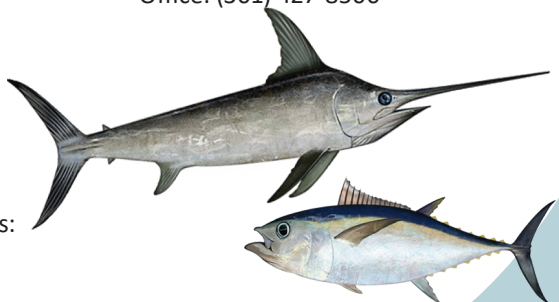
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**New England
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Council**



MID-ATLANTIC FISHERY
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May 2023

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