

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

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**SENATE BILL 1112\***

Short Title: Amend Fishery Management Plan Requirements. (Public)

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Sponsors: Senators Albertson; Garwood, Lucas, and Moore.

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Referred to: Agriculture/Environment/Natural Resources.

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May 17, 2004

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE FISHERY MANAGEMENT PLANS TO ACHIEVE  
3 SUSTAINABLE HARVEST RATHER THAN OPTIMAL YIELD AND TO  
4 SPECIFY A TIME PERIOD FOR ENDING OVERFISHING AND REBUILDING  
5 THE FISHERY.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 113-129(12a) is repealed.

8 **SECTION 2.** G.S. 113-129(12b) reads as rewritten:

9 "(12b) Overfishing or overfished. – A rate or level of fishing mortality that  
10 jeopardizes the capacity of a fishery to produce ~~the maximum~~  
11 sustainable yield/sustainable harvest on a continuing basis."

12 **SECTION 3.** G.S. 113-129 is amended by adding a new subdivision to read:

13 "(14a) Sustainable harvest. – The amount of fish that:

14 a. Will provide the greatest overall benefit to the State,  
15 particularly with respect to food production and recreational  
16 opportunities, and taking into account the protection of marine  
17 ecosystems;

18 b. Is prescribed on the basis of preventing recruitment overfishing  
19 and ensuring that the age structure of the population is  
20 maintained or, in the case of growth overfished stocks, rebuilt;  
21 and

22 c. In the case of an overfished fishery, provides for rebuilding to a  
23 level consistent with producing sustainable harvest in the  
24 fishery."

25 **SECTION 4.** G.S. 113-182.1(b) reads as rewritten:

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

- 1 (1) Contain necessary information pertaining to the fishery or fisheries,  
2 including management goals and objectives, status of relevant fish  
3 stocks, stock assessments for multiyear species, fishery habitat and  
4 water quality considerations consistent with Coastal Habitat Protection  
5 Plans adopted pursuant to G.S. 143B-279.8, social and economic  
6 impact of the fishery to the State, and user conflicts.
- 7 (2) Recommend management actions pertaining to the fishery or fisheries.
- 8 (3) Include conservation and management measures that prevent  
9 overfishing, while achieving, on a continuing basis, ~~the optimal~~  
10 yieldsustainable harvest from each fishery.
- 11 (4) For a fishery that is overfished, specify a time period, not to exceed 10  
12 years from the date of the adoption of the plan, for ending overfishing  
13 and rebuilding the fishery, except in cases where the biology of the  
14 stock of fish or environmental conditions make the rebuilding of the  
15 fishery within 10 years impracticable."

16 **SECTION 5.** G.S. 113-182.1(g) reads as rewritten:

17 "(g) To achieve ~~optimal yield sustainable harvest~~ under a Fishery Management  
18 Plan, the Marine Fisheries Commission may include in the Plan a recommendation that  
19 the General Assembly limit the number of fishermen authorized to participate in the  
20 fishery. The Commission may recommend that the General Assembly limit participation  
21 in a fishery only if the Commission determines that ~~optimal yield sustainable harvest~~  
22 cannot otherwise be achieved. In determining whether to recommend that the General  
23 Assembly limit participation in a fishery, the Commission shall consider all of the  
24 following factors:

- 25 (1) Current participation in and dependence on the fishery.
- 26 (2) Past fishing practices in the fishery.
- 27 (3) Economics of the fishery.
- 28 (4) Capability of fishing vessels used in the fishery to engage in other  
29 fisheries.
- 30 (5) Cultural and social factors relevant to the fishery and any affected  
31 fishing communities.
- 32 (6) Capacity of the fishery to support biological parameters.
- 33 (7) Equitable resolution of competing social and economic interests.
- 34 (8) Any other relevant considerations."

35 **SECTION 6.** This act is effective when it becomes law.