



**NOAA
FISHERIES**

A fisherman wearing a red life vest, orange apron, and blue gloves is standing on a boat deck. He is holding a large orange perforated basket filled with small fish. The deck is covered with more fish. In the background, another person is bent over, and the ocean is visible under a blue sky with some clouds. The boat's rigging and equipment are also visible.

**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:

www.greateratlantic.fisheries.noaa.gov

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About This Guide

This guide provides an overview of how fisheries regulations and management actions are established. Included in this guide are descriptions of the agencies and councils 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.

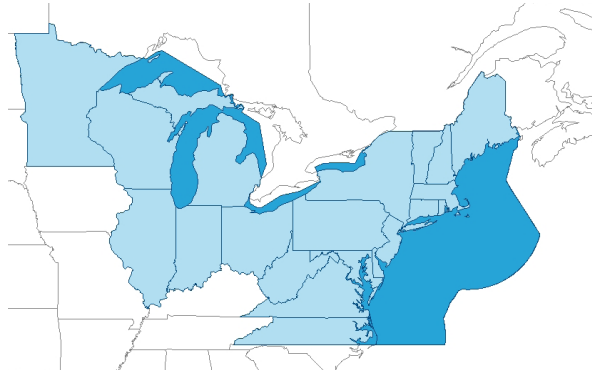
Early public involvement results in better management actions. We value your opinions and experiences, and your input can make a real difference.



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).



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.

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 3 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 stakeholder participation in the management process.

MSA establishes regional Fishery Management Councils that work with NOAA Fisheries to sustain fish populations and fishing activities in U.S. waters.

Additional Laws Federal Fisheries Managers Must Consider

National Environmental Policy Act
Marine Mammal Protection Act
Endangered Species Act
Atlantic Coastal Fisheries Cooperative Management Act
Coastal Zone Management Act

Fisheries Management Roles

NOAA's Greater Atlantic Regional Fisheries Office works with the New England and Mid-Atlantic Fisheries Management Councils



CONGRESS:

Writes the laws.

FISHERY MANAGEMENT COUNCILS:

- Consist of state, federal, fishing industry, academic, and environmental representatives (voting and non-voting members).
- Develop and update Fishery Management Plans (FMPs).
- Make recommendations for annual quotas and other regulations.

NOAA FISHERIES:

- Provides majority of scientific information on which FMPs are based.
- Ensures the FMPs meet the National Standards and comply with other federal laws.
- Implements and enforces the FMPs developed by the Councils.

Fishery Management 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.



National Standards Summary

The following ten National Standards for Fishery Management Plans (FMPs) are mandated under the Magnuson-Stevens Act to ensure that fisheries are managed consistently across the country. Each FMP must:

1. Prevent overfishing while achieving maximum overall benefit (optimum yield).
2. Use the best available scientific data to make decisions.
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).
4. Make sure regulations and allocations are fairly distributed between residents of different states.
5. Though no measure can be based on economic allocation, FMPs can promote efficiency when possible.
6. Consider and allow for variations or uncertainty in fisheries and catches.
7. Minimize costs and avoid duplication where 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).
9. Minimize bycatch and death rate of discarded fish.
10. Promote human safety at sea.

Council Structure

The councils are composed of both voting and non-voting members. Members represent the commercial and recreational fishing sectors as well as environmental, academic, and government interests. Members are nominated by their state governors and appointed by the Secretary of Commerce.

Voting Members: Regional Administrator for NOAA Fisheries, state marine fisheries agency representatives, stakeholder group representatives.

Non-Voting Members: Representatives from U.S. Fish and Wildlife Service, U.S. Coast Guard, U.S. Department of State, regional Marine Fisheries Commissions.

Oversight Committees: A subset of Council members who meet regularly to discuss plan measures and make recommendations to the Council if they determine that changes to a plan are necessary.

Advisory Panels: Groups of external experts (commercial and recreational fishermen, scientists, sociologists, environmentalists, etc.) who review potential management options and provide feedback to the Councils.

Plan Development/Fishery Management Action Teams (PDT/FMAT): PDTs (New England) and FMATs (Mid-Atlantic) are technical groups made up of Council staff, NOAA Fisheries staff, scientists, state agency staff and other experts. They respond to questions raised by a committee or the Council, provide analyses for action, and develop supporting documents.

Scientific and Statistical Committee (SSC): Academic experts and researchers who provide scientific advice on fishery management decisions, including recommendations for catch limits, preventing overfishing and achieving rebuilding targets.

Executive Director: Oversees all operations of the Council, including managing Council staff and implementing Council policies and operating procedures.

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 comments 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

- The Council gathers suggestions and ideas from stakeholders and the public about how to address the issue.
- Issues, potential impacts of actions, and options for addressing the issue (called reasonable alternatives) are identified through this process.
- **You can speak at meetings or submit your 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

- Oversight committee develops alternatives based on scoping input.
- PDT or FMAT conducts technical analysis of the alternatives.
- Council drafts supporting documents.
- **Committee meetings are open to the public. Your input here can help refine the alternative options 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

- Committee makes a recommendation on the final action to the Council.
- **Before the Council votes, the public is invited to speak on the action.**
- Council votes on adopting or amending the action.

Your Comments Will Be Most Helpful If You:

- Explain your interest in the issue
- Focus on key points and why you hold that opinion
- Suggest an alternative that you think will help address the fishery issue/need.
- Share how your opinion relates to the law and the National Standards.

Developing Federal Fishing Regulations, Continued

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

Step 5: Proposed Rule and Supporting Documents

- NOAA Fisheries reviews the Council action for compliance with the Magnuson-Stevens Act and other federal laws.
- NOAA Fisheries then publishes a proposed rule describing the proposal, potential concerns, and draft regulations in the *Federal Register*.*
- **Public comment periods for proposed rules are 15 to 60 days, depending on the rule.**
- If the action is a new plan or amendment, an Environmental Impact Statement is required to analyze the alternatives considered during the development process.
- Notice of Availability of the draft documents is also published in the *Federal Register* (45-day comment period).
- The comment period for the Notice of Availability of the proposed rule and the implementing regulations for the proposed rule usually overlap.
- **This is the last chance for public input, and only comments supporting or opposing the proposed action are considered.**
- After the comment period, NOAA Fisheries, for the Secretary of Commerce, approves, partially approves, or disapproves the action.

Step 6: Final Rule and Implementation

- After an action is approved or partially approved, a final rule implementing the action is published in the *Federal Register*.*
- There is generally a 30-day delay between the final rule publication and when the rule goes into effect, allowing fishermen time to prepare for the new measures. The final rule includes responses to public comments and regulations that describe how to comply with new management reasons.

*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

Council decides to take action on an issue or problem presented by the public, advisory group, committee, etc.



Oversight Committee solicits ideas (scoping) and develops goals, objectives, and alternatives.



Council approves alternatives.

Council staff and PDT/FMAT complete technical analyses and draft supporting documents such as impact analyses.

Council approves draft and solicits public comments.



Oversight Committee develops final recommendations on management measures.

Council adopts action and submits it to NOAA Fisheries.



NOAA Fisheries reviews the action for compliance with laws.

NOAA Fisheries solicits public comments on the proposed rule or the final plan and supporting documents.



NOAA Fisheries approves, partially approves, or disapproves the action.

If approved, NOAA fisheries publishes final regulations and response to comments.



Opportunity for public comments

Managing Highly Migratory Species

While most federal fisheries are managed through the Council process, some species are managed differently. Highly migratory species, such as sharks, tuna, swordfish, and billfish, are difficult to manage on a regional basis. NOAA Fisheries manages these species nationally, while working cooperatively with other countries on the international level.

Visit www.nmfs.noaa.gov/sfa/hms for more information on these fisheries.



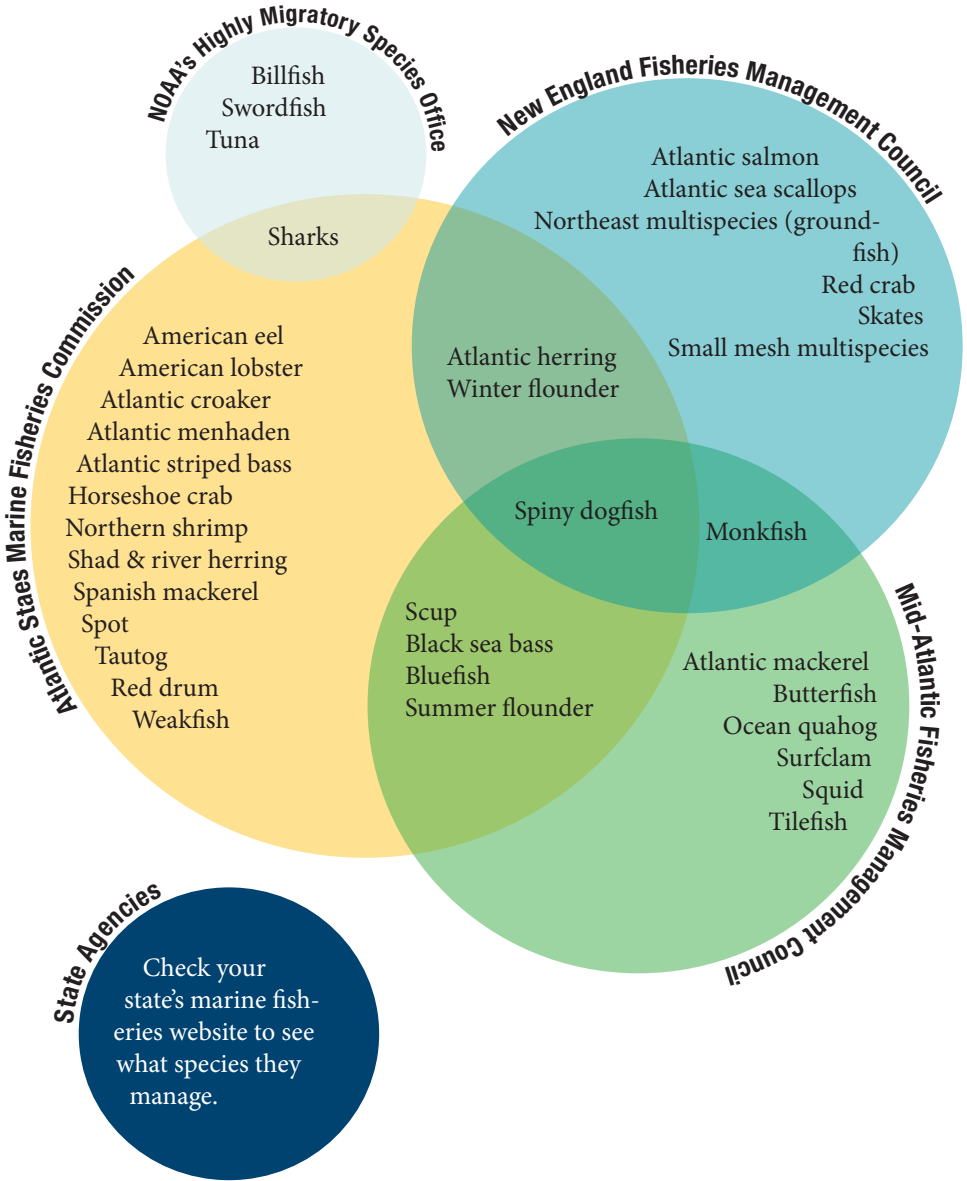
Managing State Fisheries

The Atlantic States Marine Fisheries Commission (ASMFC or Commission), is a partnership of Atlantic states that develops Interstate Fisheries Management Plans for coastal species that migrate across state boundaries. All Atlantic states covered by these plans must comply with the conservation provisions.

The Commission consists of state representatives and stakeholders who work together to develop fair management and conservation of these shared species. The Commission works collaboratively with NOAA Fisheries and the U.S. Fish and Wildlife Service, and may establish boards and committees, including advisory committees, as needed. Public input plays an important role in the Commission's management plans and amendments. Visit www.asmfc.org for more information on upcoming meetings and actions.

If there is no federal 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, 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 either electronically or by mail:

Electronically: Visit www.regulations.gov. You can search by agency, subject, or by using the the last eight digits of the regulatory identification number provided in the *Federal Register* notice.

By Mail: Send comments directly to NOAA Fisheries at the address provided in the *Federal Register* notice.



Helpful Contact Information

New England Fisheries Management Council

(ME, NH, MA, RI, CT)

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info@nefmc.org

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Mid-Atlantic Fisheries Management Council

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