

<b><i>NATIONAL MARINE FISHERIES SERVICE POLICY 01-124</i></b> Effective on: October 22, 2024	
To be reviewed on: October 22, 2029	
Fisheries Management	
Federal Noncompliance Review Process under the Atlantic Coastal Act	
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I. Introduction

The Atlantic Coastal Fisheries Cooperative Management Act (*16 U.S.C. 5101 et seq.*) establishes a federal program to support the interstate fishery management efforts of the Atlantic States Marine Fisheries Commission (ASMFC), and to encourage the development, implementation, and enforcement of effective interstate fishery management plans (FMP). The Act also requires the ASMFC to determine a state out of compliance for failing to implement and enforce any mandatory provisions of an interstate FMP, and to notify the Secretaries of Commerce and Interior of such determination. The Secretary of Commerce then has 30 days to make a finding on (1) whether the state in question is noncompliant, and (2) if so, whether the measures the state has failed to implement and enforce are necessary for the “conservation of the fishery in the question.” If both of these criteria are met, a nondiscretionary moratorium is declared in the fishery in question in the waters of the noncompliant state. The authority to make a finding and declare a moratorium under the Act lies solely with the Secretary of Commerce; this authority has been delegated down to the National Oceanic and Atmospheric Administration’s (NOAA) National Marine Fisheries Service (NOAA Fisheries).

II. Objective

The intent of this policy is to provide a framework for the implementation of a consistent and transparent process that NOAA Fisheries will use to review and act on any ASMFC noncompliance determination referred to the Secretary of Commerce under the Atlantic Coastal Act.

III. Authorities and Responsibilities


It is the policy of NOAA Fisheries to implement the Act and other relevant authorities and guidance promulgated by Congress, NOAA, and other Federal agencies.

IV. Measuring Effectiveness

This policy will be reviewed and updated if necessary in accordance with the NOAA Fisheries Policy Directive System.

V. References

Procedural directives will be issued to implement this policy as needed.

Signed		11/4/2024
	Janet Coit	Date
	Assistant Administrator for Fisheries	