



**NOAA Fisheries Climate
Governance Policy**
*Draft Guidance on Application of MSA
Section 304(f)*

MAFMC Public Webinar to
Collect Stakeholder Input
October 16, 2023

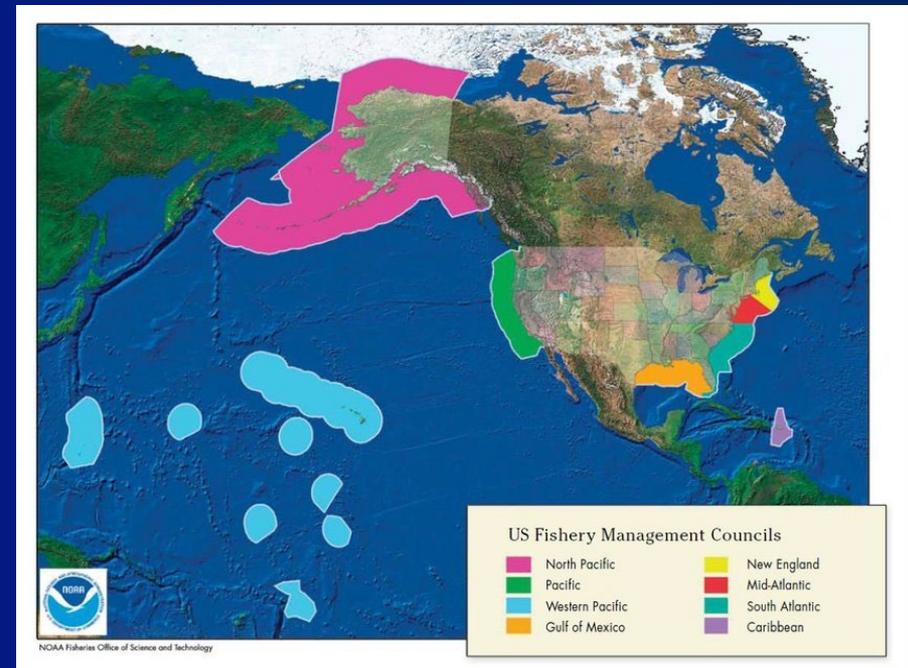
Webinar Objectives

- Provide an overview of draft NMFS Climate Governance Policy
- Collect public comments on the draft policy
 - Comments received during the webinar and/or in writing by Nov. 10 will be compiled and submitted to NMFS

Magnuson Stevens Act §304(f)

For fisheries that extend beyond the “geographical area of authority of any one Council,”

- (1) the Secretary may —
 - (A) designate which Council shall prepare the fishery management plan for such fishery and any amendment to such plan; or
 - (B) may require that the plan and amendment be prepared jointly by the Councils concerned.



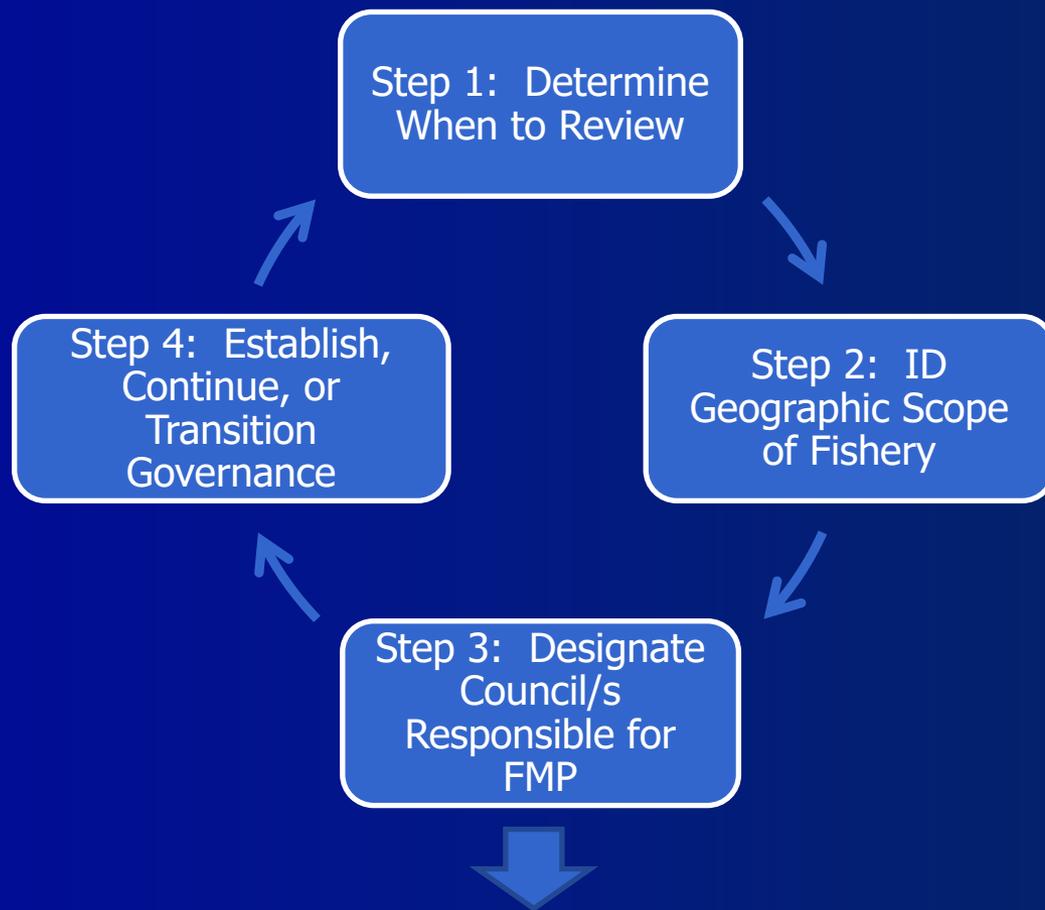
Purpose of NMFS Draft Guidance

- Draft guidance on determining:
 - When the geographic scope of a fishery may need review
 - Determining the geographic scope of fisheries
 - Which Council(s) will be responsible for new and/or existing FMPs for fisheries extending or moving beyond the geographical area of any one Council
- Draft guidance notes anticipation of “an increasing number of fish stocks shifting in geographic distribution, new fisheries emerging, and other demographic shifts in fisheries”

Potential Implications for Mid-Atlantic Council Managed Species

- Based on draft criteria, at minimum, several Mid-Atlantic species could be subject to frequent reviews of their geographic scope
 - May or may not trigger change in responsibility
- Potential for one or more species to be jointly managed with, or transferred to, NEFMC

Proposed Process for Determining the Geographic Scope of a Fishery and Council Authority



Designation 1 – 1 Council, 1 FMP

Designation 2 – Multiple Councils, 1 FMP

Designation 3 – Multiple Councils, Multiple FMPs

Proposed Process for Determining the Geographic Scope of a Fishery and Council Authority

Step 1: Consider Whether to Review Geographic Scope and/or Council Authority

- NMFS will conduct a review:
 - If specified criteria are met
 - Indicators of “significant changes in the **location of stocks or fishing effort**” (e.g., >15% shift in landings revenue or rec. effort by region; documented shift in stock distribution)
 - Certain Council actions with “cross-jurisdictional implications” (e.g., allocation changes)
 - Upon request from a Council

Proposed Process for Determining the Geographic Scope of a Fishery and Council Authority

Step 2: Determine the Geographic Scope of a Fishery

- Consider both:
 - Location of fish species, sub-species, and stocks
 - Location of fishing effort
- Using data sources on previous slide
- Additional considerations:
 - Management goals/objectives of existing FMPs
 - Need for conservation/management
 - Management efficiency
 - Biological considerations
 - Infrastructure (vessels, dealers, ports, etc.)
- Time: NMFS may give relevant Council(s) up to 6 months from notification to recommend geographic scope

Proposed Process for Determining the Geographic Scope of a Fishery and Council Authority

Step 2: Determine the Geographic Scope of a Fishery

■ Determination at conclusion of Step 2:

Outcome 1

- There is one fishery in one Council's area of authority. That Council is responsible for that fishery under MSA § 302(a).

Outcome 2

- There are separate fisheries in multiple Council areas of authority. Each Council is responsible for the fishery/ies under its area of authority under MSA § 302(a).

Outcome 3

- There is one fishery that extends into areas of authority for more than one Council. NOAA Fisheries may designate a Council or Councils to be responsible for developing the FMP. If this is the outcome, proceed to Step 3

Proposed Data Sources for Step 1 (Initial Review) and Step 2 (Determination of Geographic Scope)

- Stock Assessments.
- Fishery independent surveys.
- Fishery dependent data.
 - Landings.
 - Observer Information.
 - Logbooks.
 - Vessel Monitoring System (VMS) data.
- Recreational fisheries catch and effort estimates.
- NOAA's Distribution Mapping and Analysis Portal (DisMap)
- Traditional and Ecological Knowledge.
- Stakeholder-provided Information.
- Ecosystem Status Reports or similar products.

Proposed Process for Determining the Geographic Scope of a Fishery and Council Authority

Step 3: Designation of a Council or Councils under 304(f)

Designation 1

- One Council, One FMP. The Secretary designates one Council to manage the fishery throughout its range.

Designation 2

- Multiple Councils, One FMP. The Secretary designates multiple Councils to jointly manage the fishery throughout its range within a single FMP. This may include designating one Council as the "lead."

Designation 3

- Multiple Councils, Multiple FMPs. The Secretary designates multiple Councils to manage the fishery via multiple FMPs.

Time: NMFS will consult with relevant Councils and provide 6 months to recommend a designation

Proposed Process for Determining the Geographic Scope of a Fishery and Council Authority

Step 3: Designation of a Council or Councils under 304(f)

General considerations (condensed):

- Geographic range of the fishery or management units
- Number and distribution of species, sub-species, and/or stocks
- Need for conservation and management
- Efficiency/responsiveness/adaptability of management
- Representation, access, and participation of stakeholders
- Location of fishing effort/activities
- Location of landings
- Location of current and potential future processing facilities
- Existing permits
- Community impacts
- Relationships with other managed species.
- Need for cross-jurisdictional coordination
- Objectives of existing FMPs, and effectiveness in achieving them
- Optimum yield, NS 3, and other National Standards
- Ability to maintain fishing mortality targets and limits across the fishery's range
- Cost
- Existence of data collection programs
- Comparative effectiveness of existing examples of single vs joint Council management in other fisheries
- International management considerations
- Other relevant factors

Proposed Process for Determining the Geographic Scope of a Fishery and Council Authority

Step 3: Designation of a Council or Councils under 304(f)

Presumptions pertaining to designations:

- If **>75% of landings revenue or recreational fishing effort** occurs in another Council's jurisdiction, presumption that NOAA Fisheries will assign/reassign management authority to the other Council;
- If **40-75% of landings revenue or recreational fishing effort** occurs in another Council's jurisdiction, presumption of joint management or assigning multiple Councils to develop multiple FMPs
- [If data from **non-fishery dependent sources indicate [15 - 75 % distribution changes]**, then [NMFS is seeking input on how to establish a presumption here].

Proposed Process for Determining the Geographic Scope of a Fishery and Council Authority

Step 4: Transitioning to Revised Council Authority

- At least 2-year phase in period for transition of authority
- Existing FMP and regulations should remain in place until superseded by responsible Council(s)
- Fishery must remain compliant with MSA
- No modifications to allocations or permitting during transition phase
- Provide for adequate knowledge/staffing transfer
- Address data collection, storage, and access issues

Council Comments on the Draft Policy

- NMFS has requested Council comments by **November 17, 2023** with goal to finalize and implement the policy by summer 2024
- Council Coordination Committee (CCC) submitted a joint comment letter in early October
 - Also passed a motion last week recommending that NMFS engage the Councils/CCC on development of a revised policy
- MAFMC currently developing a separate comment letter

Questions and Comments

- NMFS policy, but Council is collecting stakeholder comments to forward to NMFS to provide increased stakeholder comment opportunities
- Comments provided via webinar today will be compiled by staff and submitted to NMFS

Written Comments: Submit to Council by November 10

Online comment form
<https://mafmc.knack.com/public-comments#climate-governance-comments/>

Or Email Mary Sabo
msabo@mamfc.org

- Additional info and documents:
<https://www.mafmc.org/actions/nmfs-climate-governance-policy>