



Mid-Atlantic Fishery Management Council

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MEMORANDUM

Date: May 26, 2023
To: Council
From: Chris Moore, Executive Director
Subject: NMFS Climate Governance Policy

During the May 2023 meeting of the Council Coordination Committee (CCC), the CCC received a presentation on NMFS' Draft "Climate Governance Policy." The draft policy provides guidance on determining the geographic scope of fisheries and on how to determine which Council(s) will be responsible for preparing and amending new and/or existing fishery management plans for fisheries that extend or have moved beyond the geographical area of authority of any one Council, including those that move, across Council boundaries.

NMFS has stated that they are accepting comments on the draft policy until November 17, 2023, with a goal of finalizing and rolling out the policy in Summer 2024. The CCC is planning to submit a joint letter on the draft policy. The Mid-Atlantic Council will discuss this topic at the August 2023 Council Meeting.

The draft policy is enclosed behind this memo. Below is an overview of comments provided during the May 2023 CCC meeting.

- As noted in the CCC's consensus position on Council jurisdictions, the Councils already utilize joint FMPs and other management arrangements to account for fisheries that extend across multiple jurisdictions.
- In general, the policy is confusing and difficult to follow. It's not clear exactly when and how a review would be conducted.
- Reassignments of authority would be very disruptive and should only occur when there's a clearly defined management problem. Other management approaches (including those identified by the ECSP Initiative) should be considered first.
- NMFS needs to consider and address how this will affect Council budgets, capacity to add new species, and loss of institutional knowledge.
- Joint management with multiple bodies is challenging and can increase the workload exponentially. For a fishery like bluefish, which could hypothetically involve all three East coast Councils plus the Atlantic States Marine Fisheries Commission, the management process could become quite slow and cumbersome.
- Not all changes in stock distribution are attributable to climate change. Recent MAFMC/Rutgers research indicates that non-climate factors (e.g., fishing pressure and larval dispersal) have a substantial influence on short-term distribution changes (1-10

years). Managers should be wary of major governance reactions to changes that may ultimately be shorter-term or more variable in direction.

- The policy focuses too much on Council governance without addressing the potential impacts of transferring responsibility between science centers and regional offices. There are major challenges with comparing South Atlantic and Northeast data because the fishery independent methods are so different. How will this affect the management advice given to the responsible Council(s)?
- The language “included but not limited to” at several points in the document is extremely concerning. The policy needs to provide more specific metrics/criteria for reviewing stock distribution and making designation decisions.
- Landings are driven by infrastructure and management factors (e.g., rotational management) and may not always indicate the geographic distribution of a stock. Similarly, a 15% change in recreational effort is not necessarily indicative of a change in distribution.
- Three-year averages are not adequate for determining geographic shifts in distribution. We need to be looking longer term. Things like La Niña events could significantly influence the data. NMFS also needs to address how this policy will account for data gaps. (Ms. Denit noted that the policy mentions three-year averages as an example but does not specify the timeframe that should be used when conducting a review.)
- The timeframe for Councils to provide comments should be longer than six months. A year or even two years would be more appropriate.
- There needs to be a mechanism to prevent frequent review and reassignment of management authority (e.g., 10 year timeframe for re-review of a fishery).
- The absence of peer review and public involvement in the process is concerning.
- The timing of the policy alongside the ECSP Initiative could be confusing for stakeholders who have provided input and advice through that process. (Ms. Coit noted that the ECSP Summit document noted participants’ support for the use of triggers to initiate a review of management authority. She stated that the ECSP outcomes don’t seem inconsistent with development of a governance policy.)