



## Mid-Atlantic Fishery Management Council

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Christopher M. Moore, Ph.D., Executive Director

# MEMORANDUM

**Date:** June 28, 2023  
**To:** Chris Moore, Executive Director  
**From:** Kiley Dancy, Brandon Muffley, and Mary Sabo, Staff  
**Subject:** Background on draft Magnuson 304(f) guidance and plan for development of Council comments

## Background and Purpose of Draft Guidance

NMFS has recently prepared a draft procedural directive titled “Guidance on Council Authority for Preparing Fishery Management Plans for Stocks that May Extend across the Geographic Areas of more than one Council, pursuant to MSA §304(f).” Under §304(f) of the Magnuson Stevens Act, if any fishery extends beyond the geographical area of authority of any one Council, the Secretary may designate which Council should prepare the fishery management plan, or may require that the plan be prepared jointly by the relevant Councils.

The draft procedural directive states that it is intended to provide “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.” The draft policy includes four steps: (1) consider whether to review geographic scope and/or Council authority, (2) determine the geographic scope/location of the fishery, (3) designation of Council(s) under 304(f), and (4) transitioning to revised Council authority if applicable.

Given the Mid-Atlantic Council’s shared regional boundaries with two other East coast Councils, as well as the number of Mid-Atlantic stocks that extend beyond the Council region boundaries, this draft policy has the potential to directly impact a number of Mid-Atlantic Council fishery management plans.

## Process for Comment Development

NMFS has stated that they are accepting comments on the draft policy until November 17, 2023, with a goal of completing and implementing the policy in Summer 2024. NMFS has requested input from the regional Councils and does not plan to conduct a stakeholder outreach or a public

comment process. The Mid-Atlantic Council may independently solicit comments from stakeholders to submit to NMFS.

**Previous Activity:**

- **May 15:** NMFS distributed the draft policy to the Councils for review.
- **May 23:** The draft policy was presented to the Council Coordination Committee (CCC). Initial CCC comments are summarized in [this memo](#).
- **June 8:** The Mid-Atlantic Council briefly discussed the draft policy during the Executive Director's Report at the June Council meeting.

**Next Steps:**

- **July 12:** SSC special webinar meeting to seek SSC feedback.
- **August 8-11 Council meeting:** Council reviews draft guidance, staff and SSC comments, and a draft outline of potential Council comments.
- **September/October:** Staff develop Council comment letter based on feedback provided at the above meetings; work with Council leadership to finalize for submission.
- **October 11-13 CCC meeting:** CCC reviews a draft joint Council comment letter.
- **November 17:** Deadline for submission of Council comments.