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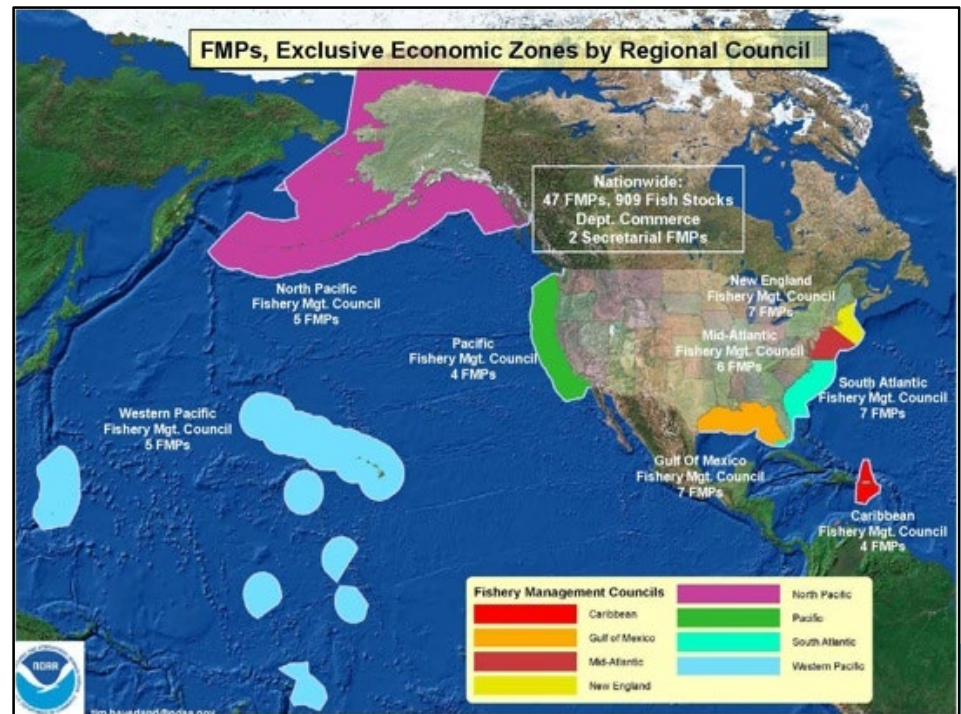
Climate Governance Policy

Office of Sustainable Fisheries
May 2023 CCC Meeting

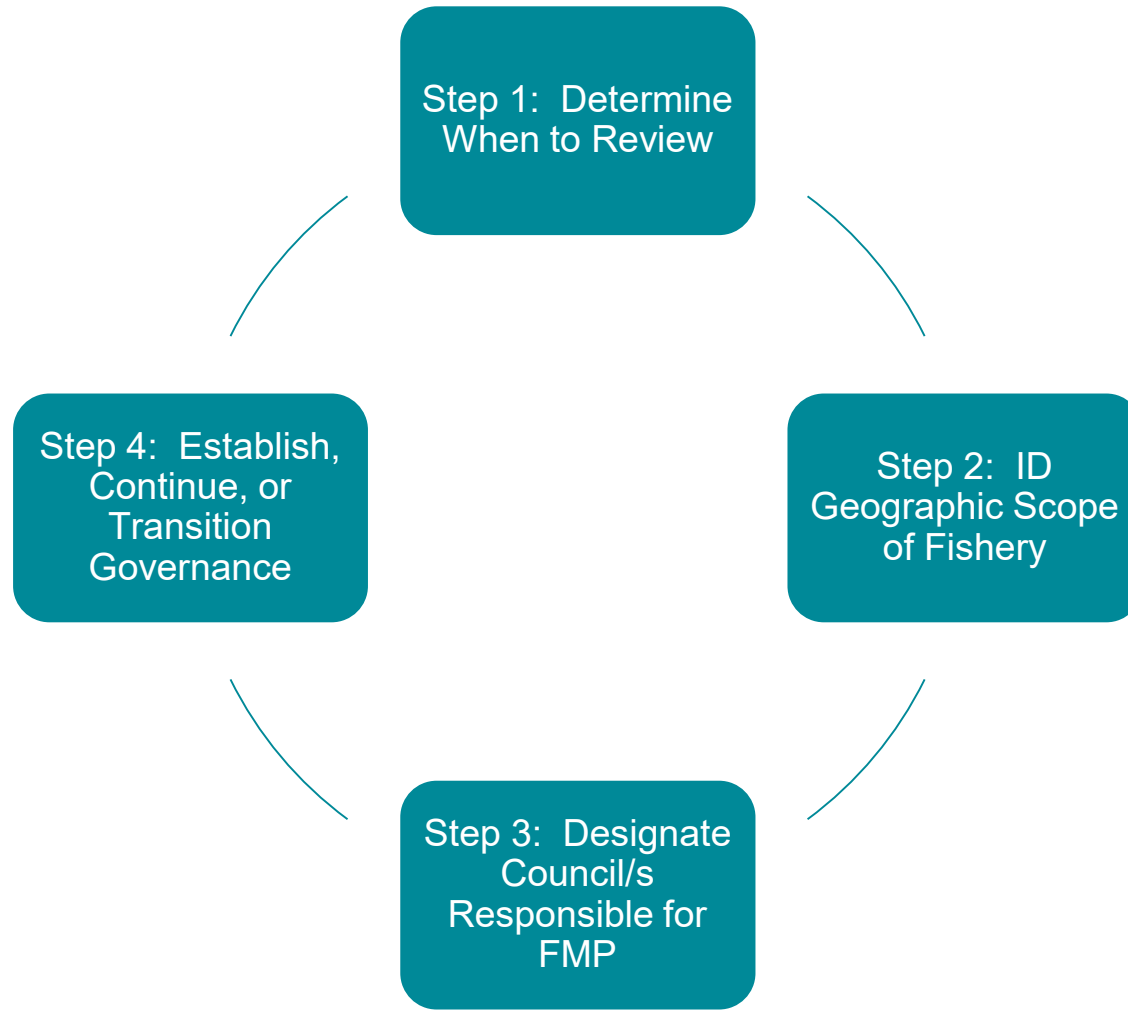
Project: Develop Guidance on use of MSA Section 304(f)

If any fishery extends beyond the geographical area of authority of any one Council, the Secretary may—

- designate which Council shall prepare the FMP; or
- require that the FMP be prepared jointly



Key Components of the Policy/Guidance



Step 1: Consider whether to review

Initial determinations: Already made for most Fisheries (for new fisheries, proceed to Step 2).

Consider conducting a review if:

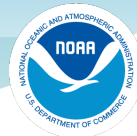
- Information indicates potential geographic shift:
 - Greater than 15% shift in landings revenue or recreational effort.
 - Documented shift in stock distribution.
 - Certain Council actions.
- Upon request from a Council. Council provides supporting information and rationale.



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Step 2: Determine the geographic scope/location of the fishery

- Roles: Councils discretion/NMFS approval.
- Key issues: location of fish/effort.
- Additional Considerations:
 - Goals and objectives of existing FMPs.
 - Need for conservation and management.
 - Management efficiency.
 - Biological considerations.
 - Infrastructure such as the vessels, dealers, ports, etc., that catch, purchase, process, and otherwise handle the product.
- Time: Up to 6 months from notification for Council to recommend geographic scope.

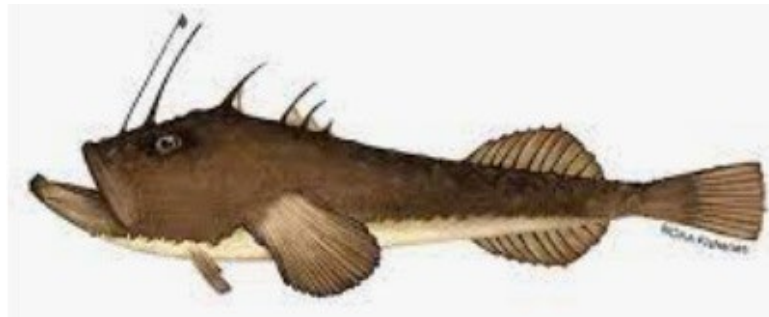


MSA Assignments of jurisdiction based on geographic scope

Outcome 1: One fishery in one Council's area of responsibility. That Council is responsible for that fishery under 302(a).

Outcome 2: Separate fisheries in multiple Council areas of responsibility. Each Council is responsible for the fishery/ies under its area of responsibility under 302(a).

Outcome 3: One fishery extends into areas of responsibility for more than one Council. NOAA Fisheries may designate Council/s. Proceed to Step 3.



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Step 3: Designation of Council/s under 304(f)



- Designation 1: One Council, One FMP: Secretary designates one Council to manage fishery throughout its range. (e.g., Dolphin-Wahoo).
- Designation 2: Multiple Councils, One FMP: Secretary designates multiple Councils to jointly manage fishery throughout its range within a single FMP. May include designating one Council as “lead.” (e.g., Monkfish).
- Designation 3: Multiple Councils, Multiple FMPs: Secretary designates multiple Councils to manage fishery via multiple FMPs. (e.g., Blueline Tilefish).



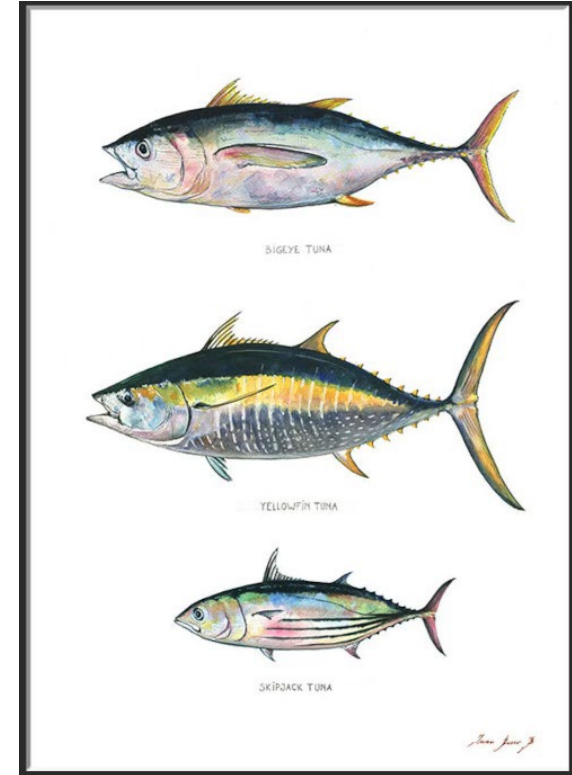
Considerations and Presumptions

- NMFS provide Council 6 months to recommend designation (unless...)
- Considerations and recommendations
- Presumptions:
 - > 75% landings revenue or recreational effort in another jurisdiction: presumption is to reassign to the other Council;
 - > 40% and < 75% revenue or recreational effort in another jurisdiction: presumption is to assign joint management;
 - Data from non-fishery dependent sources indicate [15 - 75 % distribution changes], then [we are seeking input on how to establish a presumption here]



Step 4: Transition to a revised designation

- 2-year phase-in for transitions: existing FMP remains until superseded (exceptions for MSA deadlines)
- During phase-in, no modifications to allocations should be undertaken by the previous lead Council.
- NMFS and Councils should provide for:
 - Transition plan that address permitting and allocation issues.
 - Plans for future adaptability – balancing adaptability with need for stability.
 - Data collection, and management.
 - Additional items listed and we are seeking additional input.



Incorporation of Input

- Balance and Stability: multiple, multi-year averages
- Council capacity to take on new management role: phased transition period, transition plans
- Linkage to Action Plan from East Coast Scenario Planning:



- Draft policy calls for consideration of how stakeholders from other jurisdictions will be included.
- Revised usage of committees to increase roles of such stakeholders could be an important consideration. (Pages 5, 6, and 10, and footnote 11).



Timeline and Next Steps

Oct. 2022: Discussed Outline for Policy with CCC, Requested input on components and criteria

Feb. 2023: East Coast Scenario Planning Workshop

March/April 2023: Drafted Proposed Policy

May 2023: Review Draft Proposed Policy with CCC

Oct. 2023: Discuss CCC and Council Feedback

Nov. 17, 2023: Due Date for all comments, including NOAA offices

No later than Summer 2024: Finalize and Rollout Policy

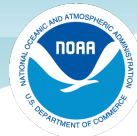


Wrap Up

Feedback Discussion: Fall CCC Meeting

Written Comments: Due by COB 11/17/23

Submit comment/questions to:
Marian.Macpherson@noaa.gov



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