



**Western  
Pacific  
Regional  
Fishery  
Management  
Council**

November 17, 2023

Ms. Marian Macpherson  
National Marine Fisheries Service, NOAA  
1315 East-West Highway  
Silver Spring, MD 20910

Dear Ms. Macpherson:

The Western Pacific Regional Fishery Management Council (Council) shares concerns over NOAA's "*Procedural Directive: 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)*." While our Council oversees an extensive footprint of Pacific Islands disconnected from the economic exclusion zones of the continental U.S. or Alaska, we share some of the same concerns that our fellow Regional Fishery Management Councils raise. Climate change affects our Council from a different lens, as our primary fisheries operate on the high seas and in direct competition with international fisheries.

The process for determining Council governance and jurisdictional authority developed in the Procedural Directive go against the spirit of the "bottom-up" Council process outlined in the MSA. Rather than NMFS providing conditions and criteria for designating jurisdictional authority, the Fishery Management Councils should be given the role to develop those conditions. This can be achieved through consultation with Councils' advisory bodies, and then developed through agreements amongst Councils or through the Council Coordinating Committee (CCC). The Council process has proven to be successful as a model in natural resources management. Considering its track record, it should also be embraced to address the impacts of climate change.

Thresholds and triggers for modifying jurisdictional authority among Councils must be scientifically informed and if possible, peer-reviewed. Councils, their Scientific and Statistical Committees (SSC), National Scientific Subcommittee, and CCC working groups should be tasked with developing these. Any "one-size-fits-all" approach to determining these criteria is counter to the use of best scientific information available in making decisions prescribed by the MSA. As described in comments by the Mid-Atlantic Fishery Management Council SSC, some of the triggers of shifting distributions provided in the Procedural Directive do not consider the level of uncertainty associated with fishery data and may seem arbitrary. Further, triggers that would prompt jurisdictional changes may not consider that some distributional changes are temporary or may change again before mandated jurisdictional changes are implemented. These examples underscore the need for Councils to develop their own criteria amongst themselves through their SSCs and other advisory groups that are scientifically sound, specific to their regional fisheries, practical, and evaluated.

The Procedural Directive needs to consider existing tools and efforts by the Councils to address climate change and jurisdictional issues. Our Council developed an agreement with the Pacific Fishery Management Council on determining the lead Council for highly migratory species. These species and their fisheries are distributed mainly outside of U.S. waters. Agreements like the one our Council has with the Pacific Council could be used or modified to address our mutual unique situation with respect to governance and climate change. Scenario planning has also proven to be an effective tool for preparing Councils for climate change. On the east coast, several Councils have collaborated and invested substantial time and resources to conduct scenario planning with regional experts and stakeholders. We would hope their efforts would not be superseded. The Pacific Council and North Pacific Council have also utilized their own versions of scenario planning and a task force to address climate change. We are planning to incorporate scenario planning in 2024 as part of our programmatic priorities over the next several years and feel that these efforts should inform any domestic or international governance issues with respect to climate change.

We appreciate the opportunity to provide comments on the Procedural Directive. Climate change is an issue that is impacting our fisheries and we need to be best prepared. However, we feel that it would be more appropriate to first task the Councils to collectively develop the terms and conditions of a policy that dictates jurisdiction and authority. Please contact us at [kitty.simonds@noaa.gov](mailto:kitty.simonds@noaa.gov) or via telephone at +1 (808) 522-8220 to discuss further.

Sincerely,



Taulapapa William Sword  
Council Chair



Kitty M. Simonds  
Executive Director

CC: Janet Coit, Assistant Administrator for NOAA Fisheries  
Samuel Rauch, Deputy Assistant Administrator for Regulatory Programs, NOAA Fisheries  
Kelly Denit, Director, Office of Sustainable Fisheries, NOAA Fisheries