



Mid-Atlantic Fishery Management Council

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P. Weston Townsend, Chairman | Michael P. Luisi, Vice Chairman
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Senator Richard Blumenthal
702 Hart Senate Office Building
Washington, DC 20510

Dear Senator Blumenthal:

The Mid-Atlantic Fishery Management Council appreciates the invitation to comment on the draft bill titled "Supporting Healthy Interstate Fisheries in Transition (SHIFT) Act." The following comments will focus primarily on Section 3 of the draft bill, which would amend Section 304(f) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) to establish a framework for designating Council authority for cross-jurisdictional stocks.

The Mid-Atlantic Council recognizes that some stocks and fisheries are shifting as a result of climate change and other drivers. Although the direction and magnitude of those changes are difficult to quantify and predict, they have the potential to create a disconnect between the location of fisheries and the Council(s) with primary management authority. However, the Council believes that less disruptive methods of adapting to climate change should be pursued before considering changes in management responsibilities. While we broadly agree with the need for transparency and forward-thinking in addressing the challenges that might be posed by shifting stocks, it is not clear that the draft legislation would help address these objectives or provide any direct conservation benefit to those stocks.

The MSA, as currently written, provides a strong yet flexible framework that enables Councils to effectively manage stocks throughout their ranges, as required by National Standard 3. For example, the management units for all MAFMC-managed species extend all the way up to the U.S.-Canada border. This means that existing management measures will continue to apply even if a stock's range expands or shifts north.

The Council has already taken a number of steps to address potential issues associated with climate change and fisheries. For example, given the significant presence of some Mid-Atlantic stocks in New England waters, the Council has taken steps to increase representation of New England states in the Mid-Atlantic Council process by adding seats for New England Fishery Management Council members on both the Summer Flounder, Scup, and Black Sea Bass Committee and the Mackerel, Squid, Butterfish Committee. The Council also recently conducted a climate change scenario planning exercise in collaboration with other East coast fishery management organizations. This process produced a suite of potential governance and management actions to help prepare fishery management organizations for future challenges related to climate change. In the coming months, the Council will work with its partners to begin implementing some of the high-priority actions that emerged from this process.

The Council notes that it is difficult to predict or comment on the specific impacts of Section 3 without additional details regarding how a "substantial portion" of a fishery will be defined. However, it appears that these provisions could create a "musical chairs" scenario by allowing for frequent changes in management

responsibilities assigned to the Councils. Such changes could cause disruptions in Council operations, duplications of effort, and losses of institutional knowledge among the staff, Council and SSC members, and others who have acquired specialized knowledge about the management or biology of a stock through years of involvement with the fishery. Although revisions of management responsibility may be necessary in some cases, this option should be used only as a last resort when other approaches have been deemed inadequate.

Regarding the proposed process described in Section 3, the Council appreciates that Secretarial review of a fishery's geographic scope could only be conducted at the request of a Council. We note that it may be helpful to include additional details regarding the requirements and threshold for submission of a Council request (e.g., Could a single Council member request a determination, or would it need to be approved by a majority of Council members? Would Councils be required to submit supporting information or evidence of a management or governance problem?)

Lastly, we note that evaluating the geographic scope of a fishery is a complex task, particularly for data-limited species, and different conclusions may be reached with different data sources or methods. Conducting these reviews could be quite time consuming for the Councils and/or NOAA Fisheries and could divert resources from other critical projects, including important initiatives that could increase the climate resilience of our fisheries.

Once again, thank you for the opportunity to review this draft legislation, and to provide these comments to you on behalf of the Mid-Atlantic Fishery Management Council. Additional information about the Council's climate-related actions and projects is available at <https://www.mafmc.org/climate-change>. Please contact me or Council Chairman Wes Townsend if you have any questions. We look forward to our continued dialogue on these critically important issues.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Moore". The signature is fluid and cursive, with a large initial "C" and a long, sweeping underline.

Dr. Christopher M. Moore

Executive Director, Mid-Atlantic Fishery Management Council