

TALKING POINTS: DRAFT 304(F) PROCEDURAL DIRECTIVE

Primary Message: The Council is committed to managing climate-ready fisheries. We recognize that, in some cases, climate-driven shifts in stock distributions may require adjustments to Council management authority designations. Such changes should be considered in a transparent, deliberative, and science-based manner. Unfortunately, the procedural directive proposes a poorly thought-out process which will yield unpredictable and inconsistent outcomes. Implementation of the procedural directive in its current form could create costly and unnecessary disruptions for the Councils and stakeholders. The MAFMC and other councils have identified numerous and substantive flaws with the draft document. The best way to address these issues is to engage the regional councils in the development of an alternative process and a revised procedural directive.

Talking Points:

- Although the Council appreciates the agency's efforts to develop a process to address governance challenges associated with cross-jurisdictional fisheries, the approach detailed in the PD is fundamentally misguided.
- It is not clear exactly what problem the PD is attempting to address. Although the agency has described it as a "climate governance policy," the word "climate" does not appear in the document. East coast councils have been managing fisheries across jurisdictions since the Councils were created, and the MSA gives Councils a variety of tools to manage fisheries across jurisdictions. Why is additional guidance needed now? The procedural directive does not provide meaningful evidence to demonstrate shortcomings in existing management approaches for cross-jurisdictional fisheries.
- The proposed process is convoluted and difficult to follow. The document provides overly specific guidance in some areas while failing to provide any meaningful guidance on some of the most complex aspects of the process. Our letter identifies many areas of ambiguity and questions that need to be addressed before any guidance is finalized or implemented.
- The proposed criteria, metrics, and time frames are overly prescriptive, lack justification, and are inappropriate for evaluating changes in catch location and/or stock distribution. We are particularly concerned about the heavy reliance on commercial landings revenue and recreational effort estimates, both of which are confounded by many other factors and are not necessarily good indicators of stock distribution or catch location.
- Reassignment of management authority would be extremely disruptive and should be exercised as a last resort rather than a first course of action for addressing governance issues. Institutional knowledge and experience are not easily transferred, and time and resources dedicated to the transition would leave less for work on other priorities. The Procedural Directive fails to acknowledge these impacts or provide any meaningful guidance on how they will be evaluated or mitigated.
- The MAFMC and other councils have identified numerous and substantive flaws with the draft document. The best way to address these issues is to engage the regional councils in the development of a revised policy/procedural directive.