



NOAA
FISHERIES

Procedural Directive: Using Magnuson-Stevens Act §304(f) authority for fisheries in the geographic area of more than one Council

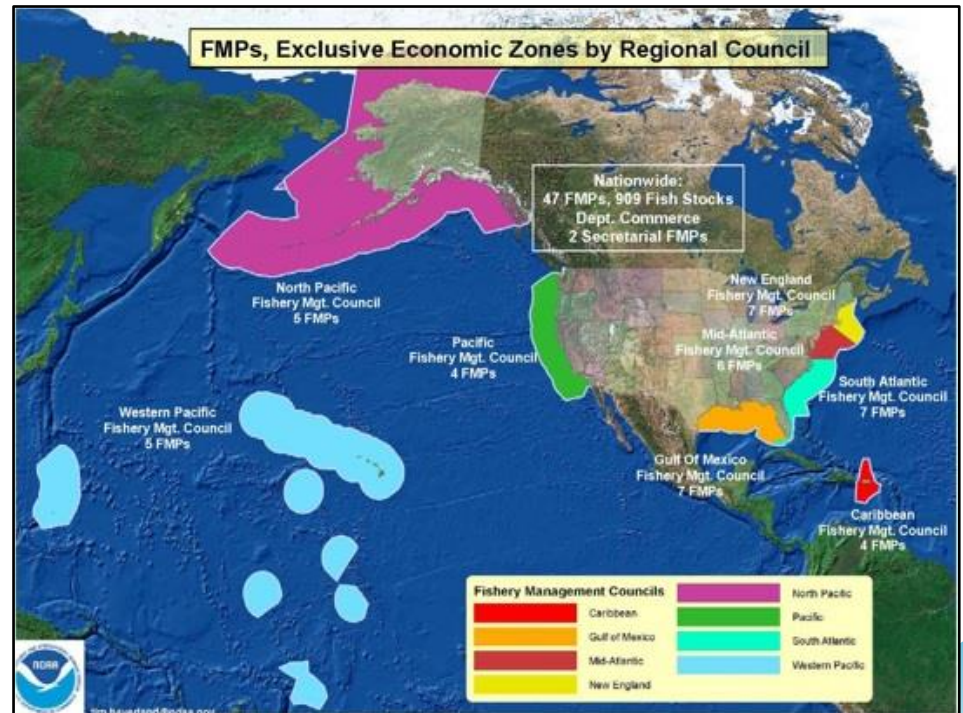
CCC Update

NOAA Fisheries, Office of Sustainable Fisheries, May 2024

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



Review of Steps Taken

May 2022: Discussed Project Plan with CCC; Adjusted timeline

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: Reviewed Draft Proposed Policy with CCC

Oct. 2023: Discuss CCC and Council Feedback

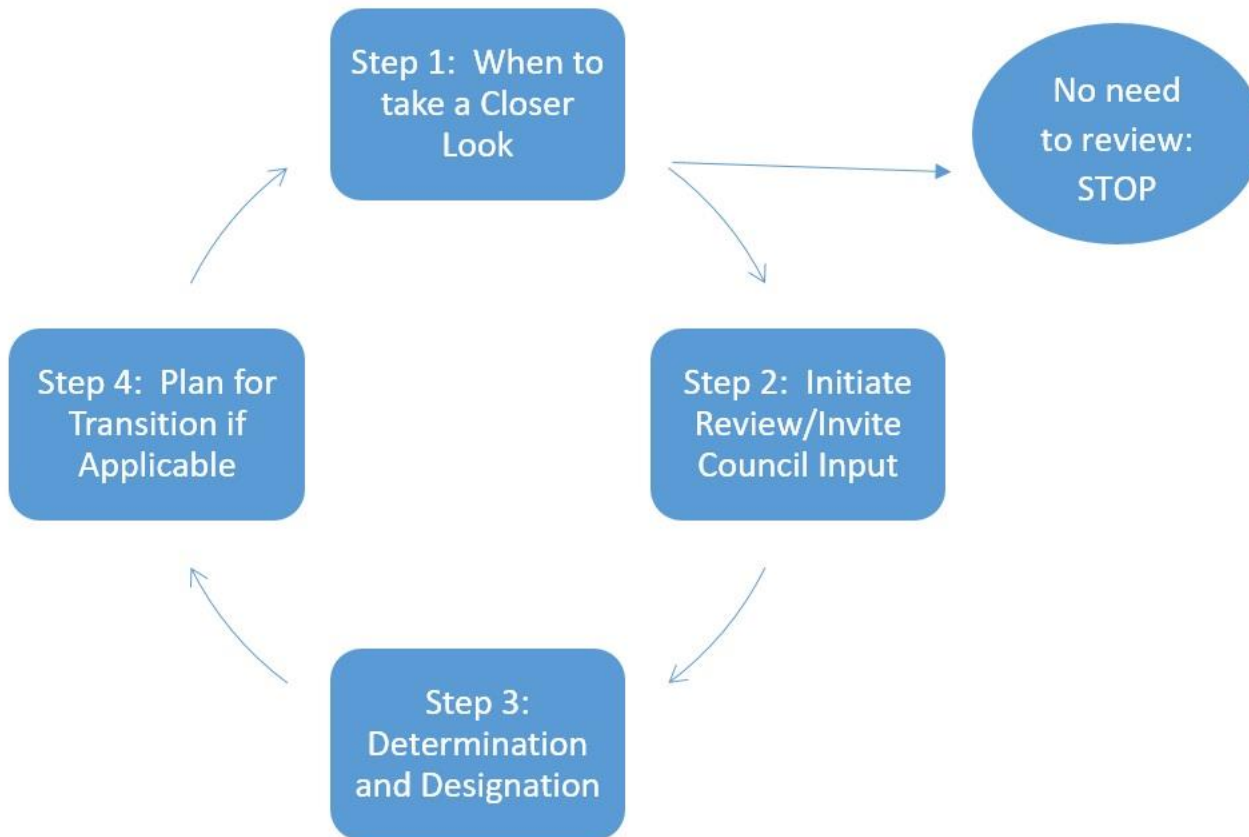
Nov. 17, 2023: Due Date for all comments, including NOAA offices

May 2024: Share Final Product with CCC



Overview of the Process

Flow Chart Revised: 3/22/24



Comments: Overview

16 Letters of Comment

Overall Take-aways

- Various viewpoints; various topics; no consensus
- Areas of commonality:
 - Seeking certainty about whether shifts are occurring;
 - Need for case-specific criteria and metrics;
 - More time for Council and regional expert involvement;
 - Concern about potential management void
 - Seeking more details about management transitions



Revisions 1: Clarification High-Level Process

The PD is a high-level, procedural document.

Facts and details of any particular case will be addressed individually as we work with Councils.

There is no definitive determination in Step 1 that a shift has occurred.



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Revisions 2: Indicators of Potential Shift

- Adds an abundance-based indicator
- Retains landings revenue and recreational effort indicators
- Removes “certain Council actions” indicator
- Allows Councils to recommend alternative indicators
- Emphasizes importance of context – meeting indicator does not automatically result in review



Revisions 3: Presumptions of Council Assignments

- Recognizes that the same presumptions may not be appropriate in all cases
- Sets forth examples of presumptions:
 - Retains 75%, and 45-75% categories for landings revenue and recreational catch; adds abundance metric.
 - Allows Councils to recommend other metrics
- Clarifies that presumptions can be overcome (do not result in automatic reassignments).



Revisions 4: Process and Council Input

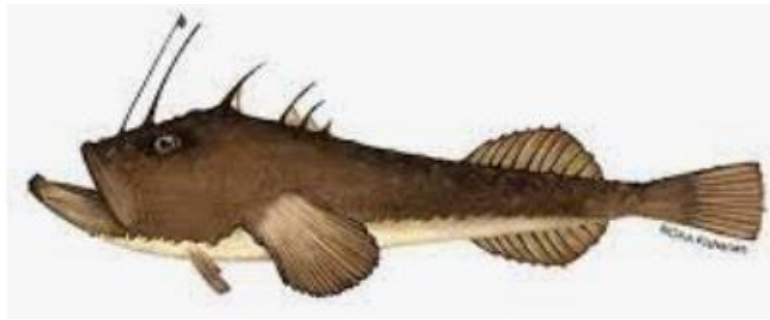
- Emphasize and expand opportunity for Council input throughout
- Merge Steps 2 and 3:
Provides a single time period of up to 1 year for Councils to make recommendations on both the geographic scope of the fishery and assignment of responsibility



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Revisions 5: Management Transitions

- Retains the 2-year transition period
- Less prescriptive – provides list of issues for NMFS and Councils to address; allows stakeholder input
- Eliminates the “freeze,” on new actions. Adds presumption that existing plan remains in place.
- Indicates a strong likelihood that new proposals to revise allocations during transition will be difficult to justify under MSA.



Revisions 6: Additional Tweaks and Flowchart

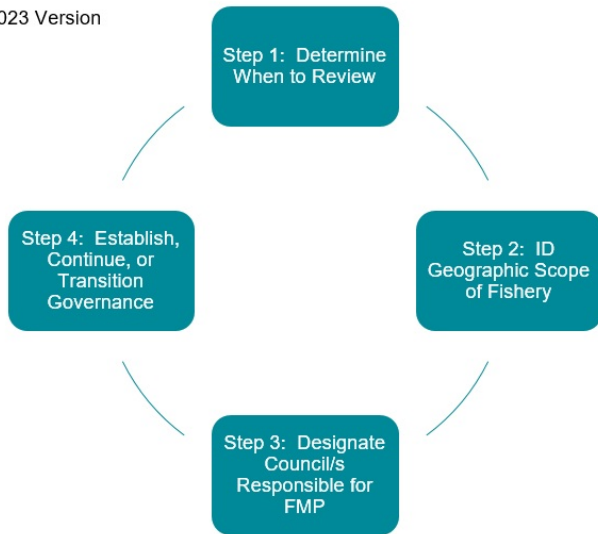
- Wording changes
- Re-organized the lists of sources of data into a single section
- Updated the Flowchart to reflect the clarifications regarding step 1 and the newly merged steps 2 and 3.



Revised Flowchart

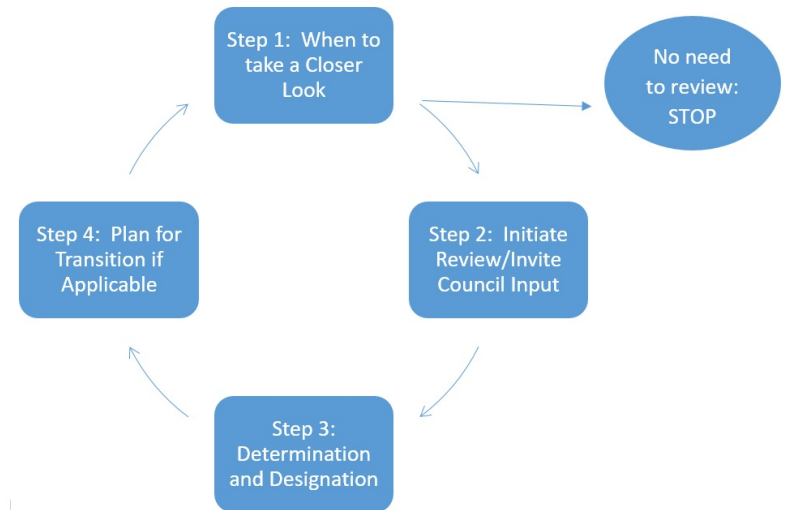
Previous Version

5/2023 Version



Updated Version

Flow Chart Revised: 3/22/24



Next Steps

- Initiate Clearance through NMFS Policy Directives System
- Summer 2024 – Rollout PD

