

Discussion Bullets

SAFMC September 2023

NOAA Fisheries draft procedural directive (PD) titled “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).”

- The best way to ensure stability is to make certain a stock has shifted before considering a governance change, and allow adequate time for Councils and stake holders on both sides of a change to understand the situation, evaluate the justification, and come up with an approach that works for all parties - Councils, constituents, stocks, and finally, NOAA fisheries offices.
- The proposal lacks details on how the various data sources that may indicate potential stock shifts evaluations will be analyzed and reviewed. What will be the role of NMFS regional offices and science centers? Councils and SSCs? How will the information be reviewed to ensure it meets BSIA standards? How will differences in data availability and collection approaches across regions be resolved?
- Evaluating stock and fishery distribution changes will be challenging and complicated. This is particularly true for those stocks currently managed by SAFMC, as the majority are data limited and include significant recreational components with high uncertainty in MRIP based estimates.
- As noted, MSA has long authorized NMFS to designate Councils as the lead on an FMP. Under this authority Councils have developed a variety of approaches to address the simple reality that fish ignore human boundaries. From the SAFMC perspective, these past approaches have worked, and NMFS has not provided a clear need for additional guidance.
- The draft fails to provide a clear statement of a problem to solve. No examples are provided to justify the implied assumption that the current process is broken or inadequate. Has the ‘case by case’ approach of the past failed in some unspecified way?
- It is difficult to fully evaluate the proposed process due to a lack of detail and specificity. Roles and responsibilities are not clear.

Section I. INTRODUCTION

- The Council supports a transparent, orderly, and responsive approach – but the draft lacks adequate process detail to meet this stated intent.
- The Council agrees that governance should be aligned with species distributions. The challenge lies in establishing rules to follow that can be applied given the available data and will not result in unintended consequences.

Section III. PROCESS FOR DETERMINING GEOGRAPHIC SCOPE AND AUTHORITY

- “... for most currently managed fisheries, initial determinations of geographic scope and designations of Council authority for preparing fishery management plans have already been completed.” Most or all? Which fisheries have not been assigned? Any that have not

been assigned would be ideal test subjects for the process envisioned in this document.
When was the last assignment or change in assignment made?

- Some discussion of challenges or inadequacies in past jurisdictional assignments would be helpful.
- a. When to conduct a review
- Will there be regular evaluation and monitoring of fishery and stock distribution patterns to determine if the criteria for geographic shift are met, as is implied by reason (i) for conducting a review?
- b. Criteria to indicate a need for review
- Preventing frequent transitions of management is critical. Transitions will be disruptive to management systems, data collection, permitting, and fishermen. However, simply using multi-year averages as stated is unlikely to achieve this objective. The challenges and complexities of determining stock and fishery shifts cannot be addressed with simple multi-year averages. The impacts will likely be significant, so the tests applied to decide the changes should also be robust and significant.
 - How was 15% selected as the trigger for conducting a review? For many stocks, a 15% shift may simply be the expected uncertainty in estimates for rare event species with high PSEs.
 - Trends may be more informative for some stocks, particularly when the overall low quality of many data sources is acknowledged.
 - 3-year time blocks as proposed are unlikely to capture an actual population shift, particularly if compared to a block of 3 adjacent years. Upwellings, Gulf Stream Gyres, El Nino and La Nina can all have short term impacts on fish distributions that will cloud determination of an actual stock shift within a short time window.
 - While blocks are suggested as just an example of analyses that could be conducted, examples used in guidance documents far too often become ‘the way’ as future users feel deviations may be inappropriate or not considered ‘BSIA’.
- c. Sources of data
- Fishermen are highly mobile and accurate spatial information on landings is lacking for many fisheries, adding to the difficulties in determining if a shift in fishery landings or revenue is evidence of a significant and permanent shift in a stock’s distribution.
 - Evaluating recreational information will be particularly challenging, due to the lack of spatial detail and the many stocks managed by the South Atlantic that have PSEs above the levels the MRIP program considers sufficient for reliable estimates.
 - Many of the data sources proposed to evaluate stock and fishery distributions are lacking in the South Atlantic, and, where available, often unacceptably uncertain. As a result, stock changes will need to be evaluated on a case by case basis. To be consistent with the open and transparent Council process, the evaluation should accommodate constituent and SSC review. Independent peer review should also be a possibility.
 - Some issues with specific data sources

- Stock assessment: of the 67 stocks managed by SAFMC, only 16 are assessed.
- Fishery Independent Surveys:
 - Several assessed stocks lack FI indices, so perhaps 12 SA stocks have reliable Fishery Independent estimates.
 - Survey methods differ between the NE and the SE. NMFS own “DisMap” project shows that there is no way at this time to compare FI abundance between the GA and SE regions and thus no way to use FI data to evaluate stock movements at the SER-GAR boundary.
 - FI surveys are lacking for the migratory pelagic species that are likely to respond rapidly to climate change.
- Fishery Dependent:
 - MRIP estimates do not meet MRIP standards for most SA species.
 - Observer program are minimal to non-existent.
 - The validity of logbooks for discards and location info has been called into question by the agency
 - There is no VMS information for SA stocks (except Rock shrimp)
 - Again, recreational data are highly uncertain for many SA stocks.
 - DISMAP – unable to accommodate the SER-GAR interface
- Ecosystem Status reports – The SER lags far behind other regions in providing this information

Step 2: Determine the scope

- The data concerns noted above apply to these same data sources listed here in part b.

c. Additional considerations

- It is not clear how some of these criteria are relevant to determining geographic scope.
 - Need to establish how FMP goals and objectives impact the geographic scope of a fishery. Does this imply that the agency could make a judgment about goals and objectives and then use the governance policy to shift a fishery to an FMP with goals and objectives the agency prefers when the governance decision is made?
 - Need to establish how the need for conservation and management impacts determination of the geographic scope of a fishery.
 - Need to define “management efficiency”

d. Determination

- Allowing Councils to review the governance decision should be required – not an optional “may” item.
- This is a complex problem with potentially significant consequences to both Councils and NMFS regional offices and science centers; it deserves more than 6 months for developing a recommendation.
- 6 mos is not adequate time to obtain data, conduct analyses, ensure review by Council advisors and constituents, and allow council discussion.

Step 3. Designation

- It is not clear how the Council recommendation specified in Step 2 (d) differs from the recommendation specified in Step 3 (a). Is this the same timeline and same recommendation?
- 6 mos is not adequate time for Councils to develop a recommendation on their own, much less to collaborate on a plan of cooperation. Joint council discussion and action is logistically challenging.
- No justification is provided to support fast tracking this decision. Suggest at least a year for councils to evaluate the proposed governance change and another year to develop cooperation plan.
- What recourse will Councils have if both impacted Councils object to the agencies decision?

Things NOAA will consider,

i. 'in general'

- What is the relevance of “Efficiency/responsiveness/adaptability of management” to determining the geographical distribution of a stock?
- Cost: should be clarified. To the agency, council, or constituents?
- Considering the “Comparative effectiveness of existing examples of single versus joint Council management in other fisheries” should be done before this policy is finalized. Doing so could to provide justification for the governance policy, an evaluation of systems that work or do not work, and evaluation of the actual available data and its use for the proposed criteria.

ii. Presumptions

- Estimating recreational fishing effort directed toward a particular species is essentially impossible given how MRIP is conducted and the multi-species nature of recreational fisheries in the South Atlantic. This could result in decisions being made on the alternative information, commercial value, rather than actual fishery distributions.
- Where landings revenue accrues may not be where species occur; particularly for highly mobile commercial fishery operators.
- No presumption can be derived at this time for fishery dependent data, at least as far as considering changes across the SER-GAR interface, as the data collection methods are entirely different (as shown in DISMAP).
- Nothing in the presumptions addresses where the fish stock is actually located, despite that being an important point of discussion elsewhere in the document.

Step 4. Transitioning

- Transferring “knowledge” is not trivial. We in the SE have already seen how expanding stock ranges create challenges for data collection, abundance surveys, and stock assessments. For example, the SEFSC has stated it cannot adequately lead and support the planned assessment of Atlantic Cobia due to increased landings in the GAR, and has requested assistance from ASMFC. The recent stock assessment of Spanish Mackerel is

not considered BSIA by the SAFMC SSC, in part due to omission of fishery-dependent biological data from the GAR.

- Do not underestimate the impact of permit changes on NMFS offices. We in the SE have been grappling with permit system issues for years.
- Many of the items to be addressed during transitioning will require funding.