From: Christopher Conklin <conklincc@gmail.com>
Sent: Friday, February 3, 2023 2:56 PM
To: kdancy@mafmc.org; TKerns <TKerns@asmfc.org>; moira.kelly@noaa.gov; mbachman@nefmc.org; sean.lucey@noaa.gov; wendy.morrison@noaa.gov; Roger Pugliese <Roger.Pugliese@safmc.net>; Karla.gore <Karla.gore@noaa.gov>; jon.hare@noaa.gov; michael.pentony@noaa.gov; rbeal@asmfc.org; tnies <tnies@nefmc.org>; cmoore <cmoore@mafmc.org>; Andy Strelcheck <andy.strelcheck@noaa.gov>; Clay Porch <clay.porch@noaa.gov>; John Carmichael <John.Carmichael@safmc.net>
Cc: Jack Cox Jr <Dayboat1965@gmail.com>; Charlie Phillips <ga_capt@yahoo.com>; Katie Westfall <kwestfall@edf.org>; Melissa Errend <Melissa.Errend@norecon.com>; jtaylor@mayforthgroup.com; Jackson Martinez <jmartinez@edf.org>
Subject: Principles for Allocation in a Changing Climate

Dear East Coast Climate Change Scenario Planning Initiative Core Team Members,

I hope you all are doing well. As you are well aware, climate change continues to bring major challenges to the sustainable management of U.S. commercial and recreational fisheries. In addition to ecological changes, there will be social and economic implications with increased uncertainty in the availability of fishery resources, raising issues around who can and should access these resources.

Over the past year, several fishermen and stakeholders have worked together with Environmental Defense Fund (EDF) to co-create broad, nationally relevant principles to help U.S. fishery managers make robust management and allocation decisions in the face of climate change. We hope that these principles can provide a starting place for the East Coast Climate Change Scenario Planning Initiative to build on as they prepare for the upcoming Summit Meeting to develop a final set of governance, management, and monitoring recommendations from the scenario planning process.

Please find the attached letter highlighting opportunities to incorporate the principles into future allocation decisions and the principles document itself. We would be happy to discuss the document with you further, please don't hesitate to contact me with any thoughts or questions.

Sincerely,
Chris Conklin

February 3, 2023

Kiley Dancy, Toni Kerns, Moira Kelly, Michelle Bachman, Sean Lucey, Wendy Morrison, Roger Pugliese, Karla Gore
East Coast Climate Change Scenario Planning Initiative
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201, Dover, DE 19901

Re: Principles for Allocation in a Changing Climate

Dear East Coast Climate Change Scenario Planning Initiative Core Team Members,

In the Atlantic region, climate change has already affected the distribution and abundance of several species and has created social and economic challenges for fishermen and their communities. The collaborative work of the East Coast Climate Change Scenario Planning Initiative is key for not only preparing the region to address current and future impacts, but to also create a model for other regions to improve fishery management structures in a rapidly changing environment. Across the scenarios you developed, we note that several issues relate to the need for increased flexibility in permitting and landing were observed.[1] As your group works to develop management recommendations this winter, we hope that our related work on developing shared Principles for allocating fisheries under climate change might be of use to you, as they are intended to broadly relate to issues of access under changing conditions.

Over the past year, we have worked with Environmental Defense Fund (EDF) and stakeholders from around the country to co-create broad, nationally relevant stakeholder Principles to help U.S. fishery managers make robust management and allocation decisions in the face of climate change. We think the attached Principles are directly applicable to issues noted during the climate change scenario planning process for fisheries in the Atlantic region and might assist in the identification of tools, approaches, or other solutions. For example, it was noted that fishery management is increasingly collaborative, but questions arose regarding the purpose and effectiveness of collaboration and how to accommodate new voices. We suggest incorporating Principle #7, to ensure transparent, inclusive and meaningful co-management, into future management decisions. This Principle sets the stage for fostering transparency and inclusivity for all stakeholders from the input and discussion stages to the decision-making stage.

As you develop a final set of governance, management, and monitoring recommendations this winter, we see this as a key opportunity for the East Coast Climate Change Scenario Planning Initiative to incorporate the attached Principles. Issues related to access, permitting, and collaboration will be a central hurdle for management to overcome up and down the East Coast, and we urge you to make management recommendations that reflect these Principles. Please let us know if you have any questions or would like any additional information about the Principles or the process used to generate them.

Thank you in advance for your consideration.

Sincerely,
Chris Conklin, Owner, Seven Seas Seafood Market
Jack Cox, Commercial Fisherman
Charlie Phillips, Owner, Phillips Seafood and Sapelo Sea Farms

CC: Jon Hare, Science and Research Director, Northeast Fisheries Science Center
Michael Pentony, Regional Administrator, Greater Atlantic Regional Fisheries Office

1 East Coast Climate Change Scenario Planning: Implications and Preliminary Ideas for Management, October 2022

Robert Beal, Executive Director, Atlantic States Marine Fisheries Commission
Tom Nies, Executive Director, New England Fishery Management Council
Chris Moore, Executive Director, Mid-Atlantic Fishery Management Council
Andy Strelcheck, Regional Administrator, Southeast Regional Office
Clay Porch, Director, Southeast Fisheries Science Center
John Carmichael, Executive Director, South Atlantic Fishery Management Council

Principles for Fisheries Allocation in a Changing Climate

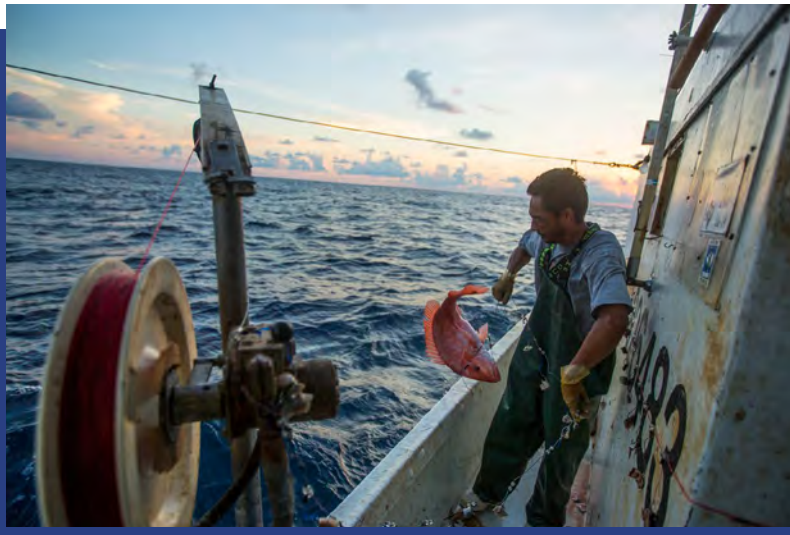
Climate change is affecting our oceans in unprecedented ways and will continue to bring major challenges for U.S. commercial and recreational fisheries. On every coast, climate change is causing shifts in the range and distribution of many stocks and altering their productivity and availability. Increasing uncertainty and variability in the availability of fishery resources is not only an ecological concern, but also creates social and economic problems, including loss of fishing opportunity for certain communities, increased incidental (non-target) catch, instability of supply chains, and issues of fairness and equity among fishermen.

Together, these challenges raise issues around who can and should access fishing resources and, in many cases, are driving stakeholders and managers to question allocations of harvest opportunity. These problems land at the foot of already strained management systems that are not designed to implement solutions at the pace of climate impacts. This can result in negative effects on fishery resources, fishery participants, processors, and communities. With the right principles and strategies in place, fishing communities can better adapt and increase their resilience even in a changing climate.

National Standard Four and related guidance directly address the allocation of fishing quota and access to fishing opportunity. However, much of this guidance was designed to address different challenges and may have limits in responding to climate-induced impacts. Appropriate catch limits and harvest control rules, in the context of clear measures around participation and allocation have been key to rebuilding fisheries across the nation. Often these measures have been based on static, historically-based quota divisions which are difficult to adjust even in the face of significant changes to the fishery. A key question, therefore, is how to address allocation questions going forward while achieving a balance between efficiency and equity amidst changing conditions.

Over the past nine months, Environmental Defense Fund (EDF) has interviewed and convened over 30 fishery stakeholders and allocation experts from around the country to co-create broad, nationally-relevant stakeholder principles to help U.S. decision-makers make robust management and allocation decisions in the face of climate change.

The following set of principles are the result. They echo existing best practice and federal guidance documents (e.g. MSA National Standards, the National Environmental Policy Act (NEPA), or other requirements for social and economic impact assessment for fishery regulations) and are also intended to address upcoming climate-induced challenges for which guidance does not exist or is unclear.



We acknowledge that climate change and allocation issues are complex and will take time and additional dialogue to refine. Therefore, we see these principles as a proactive starting place for national and regional dialogues that need to complement ongoing fishery management. We invite NOAA Fisheries, regional council leaders, and their constituents to consider these eight principles and to collaborate and build on this important work to better inform decision-making related to allocation and access issues in a changing climate. Taking action before additional climate crises emerge will serve to minimize the ecological, social, and economic pitfalls and reduce the potential for disaster declarations and long, expensive, reconciliation processes in the future.

A climate resilient allocation system is one that:

1. **Considers all impacted communities and stakeholders**
   For any allocation decision under climate change, the potential impacts should be considered not only to harvesters, but to the downstream businesses and communities who are or will be affected.

2. **Promotes dynamic self-management**
   Allocation decisions should encourage and promote "bottom-up" processes, including community-driven and market-based approaches rather than or as a compliment to "top-down" regulatory mechanisms, which will encourage efficiency and flexibility.

3. **Addresses the equity issues associated with changing non-target species**
   This speaks to the issue of fairness and equity, particularly with respect to species whose abundance and/or distribution are shifted significantly due to climate change, and subsequently may be caught incidentally by another sector or region as "bycatch." This shift can lead to undue pressure from a biological standpoint, and/or economic hardship for the current sector that targets that species.

4. **Ensures sustainability of the resource and conservation of biodiversity of the ecological system**
   Similar to existing guidance,[1] there is a need to consider the longer-term sustainability of the resource in the face of climate change, not just in the face of fishing pressure. This includes equal accountability for conservation and distributed costs and benefits of sustainability, balanced with an understanding of historic dependence.

5. **Incorporates adaptability in the regulatory structures**
   This speaks to the need to make the regulatory and management process more responsive as systems change, including transboundary stock issues and frameworks that introduce greater flexibility within the existing process. This might include finding opportunities to be nimbler throughout the management process, and/or proactively build transboundary collaborations now, so they are in place if shifts in management are necessary.

6. **Recognizes historic and traditional dependence**
   Even as new factors are considered for allocation decisions under climate change, historic and traditional dependence continues to be an important consideration, as well as accounting for resource-dependent communities previously not considered under the prior allocation system and mitigating potential new conflicts.

7. **Ensures transparent, inclusive and meaningful co-management**
   From start to finish, the allocation process – its inputs, discussion, and decision-making – should be inclusive and viewable by everyone who wants to engage. This principle may be more helpful if adjustments or unique aspects of transparency and inclusivity are discussed, or areas where the current system is lacking.

8. **Uses and integrates diverse knowledge sources**
   Not currently articulated in existing guidance,[2] this principle recognizes that all sources of information – including scientific research as well as local/traditional/indigenous knowledge – should be used and integrated into management and allocation decisions.

Key Contributors to the Principles:

Eric Brazer, Deputy Director,
Gulf of Mexico Reef Fish Shareholders' Alliance

Chris Conklin, Owner,
Seven Seas Seafood Market

Bob Dooley, Past President,
Seafood Harvesters of America

Nicolás Gómez Andújar, Environmental Technician,
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Hannah Heimbuch, Commercial Fisherman
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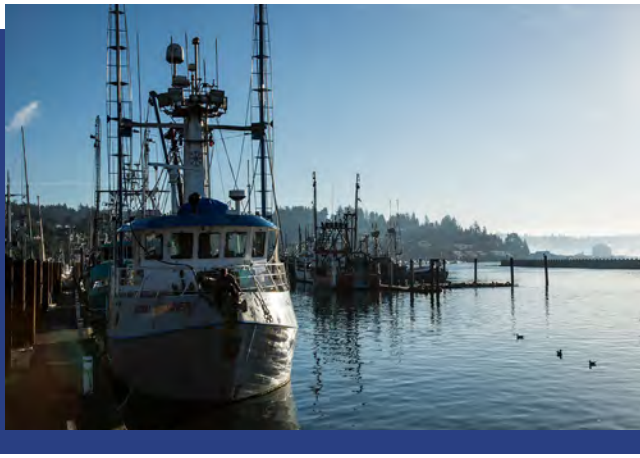

[1] This is a fundamental concept of the MSA, and highlighted in National Standard 1 (16 U.S. Code § 1851).

[2] National Standard 2 (16 U.S. Code § 1851) is the only current requirement, which requires the best scientific information available. In November 2021, the White House Office of Science & Technology Policy and Council on Environmental Quality released the first memorandum to initiate new federal guidance on Indigenous Traditional Ecological Knowledge (TEK).