



UPDATE FROM THE CCC WORKING GROUP ADDRESSING NMFS ESA POLICY DIRECTIVE

October 2023 CCC Meeting

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CCC ESA Working Group

- CCC formed WG at May 2022 meeting
 - ▣ Consider potential changes to ESA Policy Directive
 - ▣ Address issues identified by the CCC through May 2021 & January 2022 meetings
- Staff from all 8 Councils
 - ▣ WPFMC Asuka Ishizaki (Chair)
 - ▣ MAFMC Karson Cisneros
 - ▣ NEFMC Jonathan Peros
 - ▣ NPFMC Diana Evans
 - ▣ SAFMC Christina Wiegand
 - ▣ PFMC Merrick Burden
 - ▣ GMFMC Carrie Simmons
 - ▣ CFMC Liajay Rivera

October 2022 CCC Outcomes

- CCC reviewed Working Group's redline version of the ESA Policy Directive with changes to help resolve high priority issues identified by the Councils
- CCC recommended that NMFS review the redline version and implement the changes drafted by the working group as soon as possible, prior to the regional coordination effort
- NMFS decided to proceed with regional coordination effort prior to considering changes to the Policy Directive, and planned to bring draft changes to the Oct 2023 CCC meeting

Overview of Redline Changes to Policy Directive

- Add overarching policy statement – work through the MSA Council process to address fishery impacts on ESA-listed species rather than relying exclusively on RMPs/RPAs
- Strengthen language for NMFS to involve Councils early in consultation process & agree to a coordinated schedule for involvement
- Add language for involving Councils in development of RPMs in addition to RPAs
- Add language for resolving disputes during coordination process

Updates since May Meeting

- Remaining regional coordination meetings conducted
 - CFMC: June 12
 - MAFMC & NEFMC (joint mtg): July 28
 - WPFMC: Aug 9
- Regional meetings highlighted:
 - Importance of working through Council process to address ESA issues
 - Importance of early coordination on Section 7 consultations
 - Some improvements on regional coordination could be made through ROAs or other applicable Council processes, but should not replace redline changes to Policy Directive

Updates since May Meeting

- Regional meetings did not identify new significant issues
 - ▣ Working Group reiterates the importance of implementing the redline recommendations to the Policy Directive presented at the October 2022 CCC meeting
- Working Group reconvened on Oct 6 to review NMFS proposed changes
 - ▣ Difficult to evaluate consistency of NMFS' proposed changes to the intent of the CCC's redline version without a companion document
 - ▣ NMFS proposing to add new sections to the Policy Directive, but no details provided on what would be included
 - ▣ No timeline provided on next steps

ESA-MSA Policy Directive Timeline

- May 2021 CCC reviews PD implementation status and recommends strengthening relationship between NMFS and Councils on ESA consultations by updating PD to improve process and timing for Council involvement
- Jan 2022 NMFS convenes CCC Special Meeting on considerations of changes to the process of integrating Section 7 of the ESA with MSA
- May 2022 At CCC meeting, NMFS indicated major updates to PD was not needed, but would work with coordination with Councils; CCC forms Working Group (WG) to consider changes to PD
- Sept 2022 CCC WG meets with NMFS staff (Marian Macpherson, OSF, and Marla Hamilton, OPR) to review redline for initial feedback
- Oct 2022 CCC reviews WG's redline version of the ESA PD; CCC recommends NMFS review redline version and implement changes drafted by the WG as soon as possible, prior to the regional coordination effort
- Feb 2023 Executive Directors meet with Sam Rauch and NMFS staff; NMFS reiterates they will not change PD until regional discussion are completed, and indicates plan to bring draft changes to the Oct 2023 CCC meeting
- May 2023 CCC meeting; Simonds and Rauch provide respective updates on the regional meetings; Rauch indicated his commitment to bringing back draft changes to the October 2023 CCC meeting.

Considerations for CCC Discussion

- Working Group suggests that the CCC work with NMFS to develop a clear timeline for next steps
- Working Group requests a meeting to discuss the draft changes to the policy directive prior to NMFS completing the revisions with regions and General Council
- Section 7 consultation trainings should occur after changes to the Policy Directive are approved