

DRAFT - MEETING REPORT COUNCIL COORDINATION COMMITTEE

October 11-13, 2023
Arlington, Virginia

The Council Coordination Committee (CCC) met October 11-13, 2023, in Arlington, Virginia. The meeting was chaired and hosted by the Gulf of Mexico Fishery Management Council. The following is a summary of presentations, discussions, and outcomes from the meeting. Briefing materials and presentations are available at <https://www.fisheries.noaa.gov/event/2023-october-council-coordination-committee-meeting>

October 11, 2023

NOAA Fisheries Updates & Priorities – Ms. Janet Coit / Ms. Kelly Denit

Ms. Kelly Denit provided a summary of the Advance Notice of Proposed Rulemaking (ANPR) to potentially update National Standards (NS) 4,8, and 9. The purpose of the ANPR was to evaluate if updates to the Guidelines for National Standards 4, 8, and 9 are necessary to improve federal fisheries management. Public engagement opportunities were held to gather input regarding the current guidelines and areas that might benefit from reconsideration or revision. Two major challenges were highlighted: climate-related impacts on fisheries and promoting equity and environmental justice. Feedback indicated that changes to the National Standard Guidelines were unnecessary; however, some feedback supported changes to NS4 and NS9. Notably, there was opposition to changing the definition of fishing communities and concern was expressed about the effects of trawling. NOAA Fisheries will continue reviewing the comments to determine if changes are appropriate and, if necessary, will draft a proposed rule for publication in spring 2024. This process would include further opportunities for comment and Council engagement, with an update planned for the May 2024 CCC meeting.

Ms. Janet Coit provided some opening remarks and welcomed new Council members. She discussed some significant personnel updates, such as Emily Menashes being appointed as the new Deputy Assistant Administrator for Operations at NOAA Fisheries and Dr. Charles Littnan taking the role of Science and Research Director for NOAA's Pacific Islands Fisheries Science Center. She also provided an update on recent events, including participation in National Fishing & Boating Week, Western Pacific Council Meeting in American Samoa, Klamath River related discussions in California and Oregon, visits to Alaska Offices in Juneau and Anchorage, collaboration with Belugas Count! to commemorate the Endangered Species Act (ESA) 50th Anniversary, and involvement in Capitol Hill Oceans Week. She described plans to allocate approximately \$3 million among the eight Councils for climate-related fisheries management. Ms. Coit also touched upon the IRA Climate and Ecosystem Fisheries Initiative, the climate crisis, east coast scenario planning for climate change, offshore wind development, EEJ Strategy,

Recreational Policy, and the National Seafood Strategy. She concluded her remarks noting that October is National Seafood Month.

Budget and 2024 Outlook – Mr. Brian Pawlak

Mr. Brian Pawlak gave a presentation on the NOAA Fisheries Budget and the outlook for 2024. He discussed the timeline, Council funding, FY24 status, and budget supplementals. Detailed Council and Commission funding was covered, which illustrated 2022 and 2023 enacted funding alongside the FY 2024 Presidential Budget and Senate Mark. The Presidential Budget requests a slight increase in funding for Councils in 2024 while the Senate flat-funds Regional Councils.

As part of the 2024 Fiscal Year, NMFS is transitioning to a new financial management system. The Business Applications Solution (BAS) conversion has required a blackout period that will range from October 1 through October 25. Use of the financial systems need to be at a minimal level during the transition period. The Grants Enterprise Management System (GEMS), which will be a system used by grantees (including Councils) is scheduled to go live in October. In order to facilitate continued Council operations during this time, Council financial representatives were authorized to drawdown funds to cover the month of October. Mr. Pawlak indicated that NOAA is planning to operate under a continuing resolution for the rest of the year.

A brief overview of the Inflation Reduction Act (IRA) funding was given. This overview discussed the plan for the remainder of FY2023 and the plan for 2024 through 2026. Most of the discussion surrounding IRA funding was deferred to the second day of the CCC meeting.

Mr. Pawlak covered the Congressional Appropriations Process, which indicated the Senate CJS appropriations bill has passed, while a House CJS bill has not passed. The top-line message under the Senate Mark is that, while there are some increases in discretionary funding, these increases do not cover inflationary adjustments. The increases that are provided for in the Senate Mark cover several programmatic areas (Protected Resources, Fisheries Science and Management, Habitat Conservation). While a House Mark has not been passed, an early view of discussions within the House indicate that some aspects of funding within a House Mark would be substantially less in 2024 compared to FY23. In response to the uncertainty regarding future funding, NMFS is making plans to operate in a flat budget environment in 2024.

He provided a summary of supplemental funding to NOAA of approximately \$1.2 billion provided by NOAA as part of the IRA. This funding is dedicated to specific efforts, including \$20M for Councils' IRA funding. Thus far, funding has helped to advance habitat restoration efforts around the country and additional funding opportunities for habitat restoration are being provided.

NOAA Fisheries Science Update – Dr. Cisco Werner / Dr. Evan Howell

Dr. Cisco Warner and Dr. Evan Howell provided the NMFS science update. Topics included surveys, IRA funding, addressing “midlife repair periods” for vessels, and MRIP. In FY23, 70% of planned surveys were completed. The 2024 target is 1,500 survey days-at-sea across the 15 ‘white vessels’. The intent of the IRA funding supported Climate, Ecosystem and Fisheries initiative is to build an end-to-end operational ocean modeling and decision support system to help Councils plan for increasingly complex decision making. To support climate preparedness, NMFS has established a goal to provide climate related information and advice to all 6 NMFS regions by 2025/26. Data modernization efforts continue, along with a need to mitigate losses of at-sea survey capabilities. Many NOAA vessels were launched between 2003-2012 and are reaching the end of their expected 20-year initial service period. Conducting “midlife repairs” on these vessels will cost approximately \$85 million per vessel and take 12-24 months per vessel.

An improvement study will begin in 2024 to further evaluate the potential for bias recently acknowledged in the Marine Recreational Information Program’s (MRIP) Fishery Effort Survey (FES). Communication and coordination will continue with Councils to identify actions that can be taken while the survey is conducted. Work will also continue on expanding Federal-State partnerships for recreational data collection.

The CCC is concerned with the impacts of budget cuts and inflation on the agency’s ability to maintain basic survey and fisheries monitoring activities. All regions are experiencing reductions in basic scientific activities tied to increasing expenses and declining or stagnant budgets. Members of the CCC made several comments reiterating the importance of maintaining basic data collection capabilities, such as surveys and life history evaluations. Such activities are critical to addressing a changing climate and cannot be sacrificed for new technologies. It is also critical to manage vessel maintenance to prevent loss of survey capability. This should include making greater use of industry vessels. The agency agreed with the importance of basic foundational information and noted that conducting projections based on conditions that no longer exist will not strengthen decision making.

There was discussion on plans for keeping stakeholders informed about the process for addressing the potential MRIP survey bias and the impact of biased estimates on management actions. Councils are struggling to answer stakeholder concerns. NMFS responded that communication plans should be developed cooperatively with Councils and Regions, and the MRIP program is available to assist.

Clarification was requested on a process for providing feedback on IRA Climate Ready Fisheries spend plans. No formal process is in place. Councils were advised to provide feedback through regional pathways.

Legislative Outlook – Mr. David Whaley

Dave Whaley provided an update on legislative activities and committees involved in fisheries management legislation. There are two draft Magnuson-Stevens bills in preparation. Other topics of interest that may be addressed in future legislation include

aquaculture, offshore wind, endangered whales, establishing NOAA as an independent agency, and changing endangered species responsibilities.

A continuing resolution was passed to fund the federal government through November 17, and the Speaker of the House was voted out. The House is unable to act on legislation until a new speaker is selected. Only 4 of 12 appropriation bills have been passed by the house. Delays could make it challenging to complete the remaining appropriation bills by the Nov 17 deadline, potentially again threatening a shut down. There is also an automatic 1% cut in the budget if a continuing resolution is in effect on December 31.

There was discussion on recent hearings related to monuments and wind energy. Next steps resulting from these hearings are not clear at this time. The CCC continues to support addressing impacts through the Magnuson-Stevens Act.

October 12, 2023

NOAA Fisheries Policy regarding Governance (MSA304(f)) – Ms. Kelly Denit

Ms. Kelly Denit provided an update on recent activities related to the draft NMFS procedural directive 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 draft procedural directive, which has also been referred to as the Climate Governance Policy, was first presented to the CCC in May 2023. In the intervening months, NMFS held one public webinar and gave a presentation to the New England Council at their September 2023 meeting. NMFS is accepting comments until November 17, 2023, with a goal of finalizing and implementing the procedural directive in Summer 2024.

Dr. Chris Moore (MAFMC) noted that the CCC recently submitted a [joint comment letter](#) outlining a number of concerns about the draft policy. He stated that the MAFMC is currently developing a separate letter which will incorporate [comments](#) from the Council’s Scientific and Statistical Committee. Dr. Moore provided an overview of the Mid-Atlantic Council’s primary concerns with the policy. He then provided an overview of the CCC concerns outlined in the recent letter. The CCC agrees with the need for transparency and forward-thinking in our collective efforts to address climate-related governance issues. However, as described in the joint CCC letter, the draft “climate governance policy” developed by NOAA Fisheries has a number of serious flaws that need to be addressed before any guidance is finalized and implemented. The CCC then approved a motion recommending that NOAA Fisheries engage the Councils and CCC on development of a revised version of the policy directive to effectively address cross-jurisdictional fisheries governance issues.

Motion: Recommend that NOAA Fisheries engage the Councils and CCC to develop a revised version of the policy directive to effectively address cross-jurisdictional fisheries governance issues.

Inflation Reduction Act (IRA) Climate-Ready Fisheries Council Funding Priorities and Process – Ms. Kelly Denit

Ms. Kelly Denit (NOAA Fisheries) provided an update on plans for distributing the \$20M of Climate-Ready Fisheries IRA funds to the Councils. NMFS has made some modifications to the proposed process in response to Council concerns, but also must adhere to certain requirements for execution of the funds. The first \$3M will be distributed equally among the Councils. The Councils will apply for these funds through an initial “umbrella” grant, which will provide a mechanism through which additional funds can be added to the grants at a later point to distribute the remaining \$17M.

These additional funds will be distributed to the Councils based on NMFS review of project proposals from each Council. Ms. Denit provided an overview of the project proposal template for submission of Council proposals. NMFS will review project proposals and make funding determinations after considering alignment with stated IRA funding priorities, geographic distribution of funding, and cross-Council collaboration.

The timeline of this process remains uncertain, but Councils will soon be asked to respond to a Request for Applications (RFA) to apply for the initial umbrella funds. It is anticipated that the initial funding will be available to the Councils in early 2024. Project proposals for additional funding will be due at the end of January 2024, with distribution of funds expected in the spring. The project proposal process is expected to repeat in FY2025, if needed, to allow for submission of additional proposals that Councils may not be able to develop in the limited time frame. All funds must be obligated by the end of FY2026.

CCC Subcommittee Updates

Climate Workgroup – Mr. Ryan Rindone

Mr. Ryan Rindone (GMFMC staff) presented a handout compiled by the CCC’s Climate Change Workgroup (CCWG) to solicit feedback on draft questions for review and input across all SSCs and Councils. The CCWG’s purpose is to develop a common understanding and voice among the Councils on current capacity, future needs, and fishery management designs that can respond to climate change, while assisting the regional Councils in coordinating with NOAA on a response to the Ocean Climate Action Plan, and specifically climate-ready fisheries. The CCWG’s first step is to provide an overview and common understanding of climate capacity and needs across all Councils and asked for feedback on the proposed survey questions listed in the handout.

Mr. Bill Tweit (NPFMC) was concerned about the CCWG’s timeframe for operations, which was laid out by the CCC before the timelines associated with IRA funding were known. He thought the CCC should delay the CCWG timeframe, to allow the Councils to work towards their individual IRA funding proposals for their respective climate goals. Mr. Tweit recommended giving the Council Executive Directors, collectively, the discretion to determine what the timelines should be for the individual CCWG tasks, and on the timing of information exchange and collaboration. Executive Directors Dr. Cate O’Keefe (NEFMC), Dr. Chris Moore (MAFMC), and Dr. Carrie Simmons (GMFMC) all agreed. Dr. Simmons also asked about science needs to support adaptation, and about moving forward with the proposed survey specific to regional Councils’ science needs in relation

to anticipated IRA Climate Resilience Funding. She asked Dr. Cisco Werner (NOAA Headquarters) whether pulling this section of the survey out and moving forward with it separately would be useful for helping the Councils in submitting proposals for IRA Climate Resilience funding and better inform NOAA Fisheries regional uses for the Data Acquisition and Management part of IRA funding. Dr. Werner replied that he thought addressing science needs to support climate adaptation was appropriate and stated that the agency is expecting the data collection to occur within about a two-year time period. He said that the associated follow-up work would be expected to be completed within 5 years. Ms. Kelly Denit added that the Councils should be engaging with their respective regional offices on their IRA proposals, to better understand what support could be provided to the Councils to address their goals and needs. With respect to science needs to support adaptation, the agency would benefit from feedback from the Councils, and not just on what data the Councils have had available in the past, but also what will be needed in the future.

Endangered Species Act – Magnuson-Stevens Act (ESA – MSA) – Sam Rauch

Mr. Sam Rauch, NMFS, reported on the takeaways from the regional meetings with Sustainable Fisheries, Protected Resources, and Council staff, and response to key CCC ESA Working Group's redline edits to the ESA Policy Directive (PD) 01-117 to integrate ESA Section 7 with MSA. NMFS Headquarters worked with the regional offices and Councils to get a clear picture of how the Policy Directive is working in practice within each region and to share lessons learned. Mr. Rauch reported that through these regional meetings, the Councils highlighted importance of early coordination, which is happening in all regions, but at varying levels, and there is greater interest across the board for greater involvement. There is a workload issue in every region, and there is a need to balance commitment between early coordination and workload. There is also interest in setting clear expectations of how Councils will engage with NMFS. Mr. Rauch noted that the Policy Directive does set out a strong statement that NOAA intends to engage with the Councils, and NMFS believes the Councils are a partner in the consultation process and would like to involve the Councils, but there are limits. Some regions have used liaisons to improve coordination and develop work products. Development of integration agreements has improved coordination and set expectations on engagement in some regions.

Mr. Rauch described the CCC's redline edits and noted that NMFS has been considering the edits in the context of the regional meetings. NMFS did not have a draft policy to share at this meeting and is trying to take their time and be iterative. Regarding the CCC redline edits on working in close coordination throughout the Council process to address impacts, rather than relying on after-the-fact reasonable prudent measures (RPM) and reasonable and prudent alternatives (RPA) resulting from consultations, Mr. Rauch acknowledged that the Councils take a proactive approach in avoiding impacts and that it can be disruptive when NMFS finds late in the Section 7 consultation process that more needs to be done. NMFS wants to work with the Councils on those actions ahead of time that might avoid the need for a more prescriptive process at the end of the consultations.

In response to the CCC redline edits on early coordination for developing RPMs and associated Terms and Conditions (T&C), Mr. Rauch stated there should never be an RPM or T&C that requires Council action because RPMs can only be a minor change (i.e., cannot alter the basic design, location, scope, duration or timing of the action). Mr. Rauch acknowledged that NMFS in the past has included RPMs that required the Councils to change the management of the fishery, and NMFS is proposing to remove this CCC redline edit pertaining to the RPMs and instead make it clear in the PD that anything that would require the Council to act will not be more than a minor change. If NMFS finds jeopardy during the consultation process, meaning that the status quo management is having such a significant impact that the status quo needs to change, NMFS should be working with the Council on those management changes as part of the RPA development. However, consultation timelines may not allow for the time it takes for the Council to undertake an FMP amendment at that time, in which case NMFS may take Secretarial action to temporarily fill the gap. NMFS intends to spell out in the PD how they would like to incorporate Councils in those processes, and where NMFS may not be able to do so due to timing constraints.

Regarding CCC redline edits on sharing of drafts, Mr. Rauch clarified that NMFS can share the full draft BiOp if it has been internally cleared for public release, but sharing sections without the full draft would be limited to clarifying the proposed action or to discuss whether draft RPAs are feasible to do through FMP amendment and the timing of the amendment. Mr. Rauch also stated that NMFS is interested in coordinating timeframes, but NMFS would not be able to have an integrated timeline with the Council process when consultations are non-discretionary or mandatory (e.g., if ITS is exceeded and triggers consultation; court ordered timelines). Mr. Rauch also noted that it will be difficult for NMFS to include a dispute resolution process, and NMFS also cannot accept the redline edits that would require the consulting agency to communicate with the Council if the Council has requested involvement, as NMFS may not always be able to do so.

NMFS will take the input to date and will be making changes to the PD to include these concepts, and clearly articulate how coordination works in the scenario in which consultation is triggered external to the Council process. Changes will also address training opportunities for both NMFS and the Council. The PD changes will also include edits to the glossary, emphasize importance of pre-consultation assistance to avoid jeopardy determinations, and clarify what can and cannot be shared. NMFS is working on the revisions and intends to meet with the CCC ESA Working Group directly and bring back a robust draft policy at the spring 2024 CCC meeting. Mr. Rauch indicated they intend to have the draft before the CCC meeting to allow for review. NMFS is also in process of revising Section 7 programmatic regulations with USFWS and plans to present that to the CCC once finalized. NMFS will also consider development of the regional integration agreements where they currently do not exist to identify key points of contact.

Integration Policy Update and CCC ESA-MSA Workgroup – Kitty Simonds

Ms. Kitty Simonds, Executive Director WPFMC, provided an update from the CCC ESA Working Group formed at the May 2022 CCC meeting and tasked to consider potential changes to the ESA Policy Directive addressing issues identified by the CCC through the May 2021 and January 2022 meetings. Ms. Simonds recapped the CCC's characterization of the redline changes to the Policy Directive, and emphasized importance of early Council involvement and coordination to ensure development of practical and effective measures through a transparent stakeholder-based process that takes MSA National Standards into account. Since the May 2023 CCC meeting, the remaining four Councils had their regional meetings. The regional meetings continued to highlight the importance of working through the Council process to address ESA issues and the importance of early coordination on Section 7 consultations, as these have been at the root of the challenges Councils have experienced in recent consultations. Overall, the Working Group did not see any new significant issues identified through the regional meetings and reiterates the importance of addressing the CCC redline changes.

The Working Group reconvened on October 6, 2023, to review Mr. Rauch's presentation, which was made available two days prior. Without a companion document, the Working Group found it difficult to evaluate whether NMFS' proposed changes were consistent with the intent of the CCC's redline version. The Working Group was also disappointed that a timeline on next steps was not made available in advance. The Working Group suggested that the CCC work with NMFS to develop a clear timeline for next steps. The Working Group also requested a meeting with NMFS Headquarters staff to discuss the draft changes to the Policy Directive prior to NMFS completing the revisions with regions and General Counsel. The Working Group additionally suggested that any Section 7 consultation training should occur after changes to the Policy Directive are approved so that the near-term priority is to agree on the changes.

Mr. Rauch reiterated that the goal is to review the draft Policy Directive at the May 2024 CCC meeting, and NMFS does want to meet with the Working Group at this stage. Tanya Dobrzynski, NMFS' New Chief of the Endangered Species Interagency Cooperation Division, will work closely on the Policy Directive revision.

Motion: The CCC requests that NMFS meet with the Working Group as soon as possible to discuss the current draft change to the policy directive prior to NMFS completing the revisions with regions and General Counsel. The CCC further requests that NMFS work with the Working Group to develop a draft revised policy directive for CCC's endorsement at the May 2024 meeting.

Motion carried without opposition.

CCC Subcommittee Updates (*cont.*)

Habitat Workgroup – Dr. Lisa Hollensead

Dr. Lisa Hollensead (GMFMC) the Habitat Workgroup chair, provided an update to the CCC about logistics and session objectives for an in-person meeting scheduled for January 17-18, 2024 in La Jolla California. The two-day meeting will include discussions on topics broadly related to climate change effects on habitat management: habitat science available, climate challenges in essential fish habitat designations and consultations, and habitat/climate scenario planning. Several workgroup members have volunteered to lead, organize, and report out on the specific meeting session topics. The Habitat Working Group reached a consensus on the agenda outline at its September meeting and will finalize the meeting agenda during their November meeting.

Communications Workgroup – Ms. Emily Muehlstein

Ms. Emily Muehlstein (GMFMC staff) presented an in-person meeting proposal for the Council Communications Group in 2024. During the May 2023 CCC meeting, the CCC directed the Communications Group to plan an in-person meeting and seek approval of proposed discussion items during this meeting. Ms. Muehlstein reviewed a list of potential meeting topics that reflects both the Communications' Group suggestions and CCC recommendations from the May 2023 CCC meeting. Planning for the 50th Anniversary of Regional Fisheries Management Councils, development of CCC hosting guidance materials, professional development for group members, and handling CMOD and archiving Fishery Forum materials were all presented as potential meeting topics.

The CCC supports hosting an in-person meeting of its Communications Group and prioritized planning the Regional Fishery Management Council 50th Anniversary celebrations and creation of guidance materials for hosting the CCC. The CCC also supported the groups desire to engage in professional development and suggested that the Councils could split the cost of doing so. The CCC suggested that the group consider adding an agenda item on how to improve Equity and Environmental Justice (EEJ) engagement across Council communications efforts.

Council Members Ongoing Development (CMOD) – Mr. David Witherell / Mr. Bill Tweit

The CCC **approved** the steering committee's proposal for the next Council Member Ongoing Development (CMOD) workshop. The theme will be "Adapting Council risk policies through operational changes to harvest control rules" that links directly with the operationalization of outcomes from SCS8 to be held in 2024. In addition to advancing the theme, CMOD would include a skills training session on "Effective communication of complex fishery management actions from Council members to stakeholders." Regarding workshop financing, there will be shared costs of about \$115,000 to cover the meeting venue, facilitator contract, and invited non-Fed presenters. NMFS has already committed to providing half (\$57,500) of the funding, with the remaining costs shared equally among 8 Councils. In addition, each Council and NMFS will fund travel for their own participants (4 per Council, 10 NMFS).

The NPFMC staff will provide administrative and logistic support for CMOD. The CCC indicated that the proposed meeting venue of Vancouver, WA would be acceptable, as this location is right by the Portland, OR airport. Possible dates for CMOD were offered up for consideration: April 21-25, 2025, or April 28 - May 2, 2025.

EEJ Workgroup – Mr. Miguel Rolon

The CCC decided to activate the EEJ Subcommittee and start the coordination for a national workshop on EEJ to be held in 2025 or 2026. The EEJ Workgroup will look at the regional strategy plans from each NOAA Fisheries Region that should all be completed by the first quarter of 2024, among other documents to prepare are a list of topics, agencies, and groups that should be invited to the workshop, as well as identification of sources of funds, among others. CFMC will be responsible for hosting the first and follow up meetings as soon as possible to begin work.

The topic of the EDF National Workshop that is being planned for Spring 2024 was presented. Members of all Councils are encouraged to participate to acquire knowledge on topics and best practices that could be used for actions at the council and regional levels, as well as assisting in the preparation of the CCC EEJ National Workshop.

Process for Establishing Fishing Regulations in Sanctuaries – Mr. John Armor

Mr. John Armor (National Marine Sanctuaries) gave a presentation on “Fishing Regulations in National Marine Sanctuaries”. The core portion of the presentation addressed the process for developing fishing regulations, including existing regulatory language and a flow-diagram outlining how Council decisions regarding fishing regulations within Sanctuary waters would be considered by NOAA. The 2008 guidance indicating how RFMC input should be received by NOAA was addressed, and Mr. Armor indicated that this guidance would be updated.

Questions arose regarding the timeline and process for Sanctuary and RFMC interaction when a Sanctuary designation is being considered. Mr. Armor indicated that input from the RFMCs is welcome and that the Sanctuaries are open and appreciative of ideas and suggestions for improving the process. Further discussion considered the specific role that Councils could play in helping to update the guidance and flowchart describing how fishing regulations within Sanctuaries should be developed. Mr. Armor and the Councils agreed that Councils should be afforded an opportunity to weigh in directly as guidance is updated. To ensure Council input is made into the revised guidance and flowchart, Mr. Armor will work with the Council Executive Directors to gather Council input.

Additional conversation covered the impression of some RFMCs that timelines for Sanctuary development and fishing regulations have been compressed compared to past practice. Other questions centered around the number of touch points for Sanctuary and Council interaction. It was suggested that there be more than one opportunity for Sanctuary/Council consultation. The first step in a consultation with the Council should occur during the early stages of Sanctuary designation where Councils could consider

whether additional fishing regulations appear necessary to help meet Sanctuary objectives, and a second stage should occur if NMS determines fishing regulations are necessary.

Representatives of the Western Pacific Council spoke of their history of fisheries, especially in American Samoa, and the importance of fisheries to local economies, culture, and the well-being of people. Significant concern exists surrounding a potential new Sanctuary around American Samoa and the effects it will have on the fishing economy—the economic backbone of American Samoa.

CCC Subcommittee Updates (*cont.*)

Area-Based Management – Ms. Michelle Bachman

Ms. Michelle Bachman (NEFMC), a subcommittee member, provided an update for the Area-Based Management Subcommittee. Following the May 2023 CCC meeting, the subcommittee worked with GMFMC staff and CCC members to prepare a [press release](#) sharing the subcommittee's report. A core group of subcommittee members worked over the summer to finalize a manuscript for submission to a peer-reviewed journal. All co-authors were invited to revise the text. Submission to *Marine Fisheries Review* is planned for October pending final checks on the detailed conservation area tables in the paper.

The NEFMC, working on behalf of the subcommittee, executed a contract extension with Pacific States Marine Fisheries Commission to develop an Arc GIS online experience builder application, as recommended by the CCC. A draft application has been prepared by PSMFC staff and shared with the subcommittee for review. Ms. Bachman shared a demonstration of the application, including: 1) a homepage with project overview and basic methods, 2) a national results summary, 3) an interactive web map, 4) tabs that provide an area management overview for each region, and 5) a collection of links and resources for further information. The content for the application is adapted from the report and manuscript. The application will be disseminated widely, when complete, near the end of October.

The CCC thanked the Area-Based Management subcommittee, specifically Ms. Michelle Bachman of the NEFMC and Ms. Jessica Coakley of the MAFMC.

8th Scientific Coordination Subcommittee Meeting – Cate O’Keefe

Dr. Cate O’Keefe, Executive Director of the New England Council, provided an update on the plans for the 8th Scientific Coordination Subcommittee meeting on behalf of Dr. Lisa Kerr, Chair of the NEFMC SSC and SCS Steering Committee. The meeting is scheduled to take place at the Seaport Hotel in the historic Seaport District of Boston, MA on August 26-28, 2024. The meeting theme is “Applying ABC control rules in a changing environment” with several sub-themes under development by the subcommittee, including: 1) what can be learned from previously applied management responses, 2) use of social science to understanding how fishing communities can adapt to dynamic conditions, 3) use of alternative indicators, and 4) identification of directional change in productivity and distribution to inform stock status determination criteria. The workshop

structure is in development to include keynote speakers, “round robin” sessions, case studies, breakout sessions, and a plenary synthesis. The NEFMC, working on behalf of the subcommittee, is developing a budget to include travel expenses for up to four attendees from each region in addition to NOAA Fisheries staff and additional Council members.

Following the May 2023 CCC meeting, the subcommittee identified approaches to address the CCC’s recommendation to share workshop conclusions more broadly and make SCS recommendations more actionable. The subcommittee proposed efforts in advance of the workshop to increase engagement of regional SSCs by seeking input beyond the subcommittee representatives, assign attendees with preparatory work to familiarize topics and support plenary discussion, and plan time for regional discussion of final outcomes at SSC and Council meetings. Additionally, they recommended allotting time for synthesis during the meeting so that post-workshop follow-up can occur in a timelier manner. The subcommittee expects that regional SSCs and Councils will make efforts to proactively present results and conclusions and encourage continued discussions for applications of workshop recommendations.

The CCC encouraged Council members from all regions to attend the meeting, possibly in a passive role to allow in-depth discussion by the SCS. They also suggested coordination with NOAA Fisheries and leveraging NOAA’s public outreach abilities to disseminate workshop outcomes.

October 13, 2023

Overview of the Fiscal Responsibility Act, (P.L. 118-5) and CEQs Proposed NEPA Regulations - Katie Renshaw / Sam Rauch

Ms. Katie Renshaw (NOAA NEPA Coordinator) discussed recent and proposed regulatory revisions to NEPA. Phase 1 NEPA revisions made minor modifications in 2022. CEQ has been working on Phase 2 revisions with a proposed rule published July 31. The proposed rule included statutory revisions of the Fiscal Responsibility Act (FRA) of 2023 that included amendments to NEPA. FRA changed the threshold determination to determine if NEPA applies. The FRA also included maximum time limits for Environmental Assessments (EA) (1 year from agency determination of EA being prepared to FONSI, and 2 years for an EIS ending with the ROD). The time limits can be extended by the lead agency, on a project-by-project basis. Page limits were also set by the FRA (75 pages for an EA, 150 pages for EIS unless complex then 300 pages; not including appendices). There is no process to allow for waivers. Both the FRA and proposed regulations revised how categorical exclusions can be used.

The proposed rule includes revisions to public comment and requirements for mitigated FONSI in EAs. For Environmental Impact Statements (EIS), revisions may require agencies to integrate climate change and environmental justice, which must be considered. Other new requirements include new or modified provisions for alternatives, the limitations on use of incomplete or unavailable information, and best available science requirements. Other EIS requirements include requiring the lead agency to identify an

environmentally preferable alternative, identification numbers for EAs and EISs, website information, and other changes and requirements. There are also new provisions for programmatic environmental documents, including a requirement that agencies ensure the programmatic document is still valid if older than 5 years. Other proposed changes were discussed. Agencies will have 12 months from the effective date to propose updates to their NEPA procedures.

Mr. Sam Rauch provided a discussion of how the agency will approach making these changes. NEPA has been integrated into the Council process to provide full information to the Council and public. This integration of MSA and NEPA makes the public engagement process and information process streamlined. Unfortunately, it will be difficult if not impossible to continue to use integrated documents due to the timelines. Almost every action a Council initiates takes longer than a year to complete so it is difficult to align timelines with the new requirements. NOAA Fisheries may need to separate the Council MSA and NEPA process, but that is clearly not ideal. Mainly, we need to grapple with “When does the NEPA process start”? Integrated NEPA and MSA amendments have worked well for the Councils, but we will likely need to unwind the existing procedures to separate out the NEPA portion. NEPA and Council public comment are two different processes. Furthermore, we will need to revise terminology and methodology for discussing climate change and environmental justice. The NEPA document is the SOC document, which may need to start AFTER the Council process. One possible work-around is to develop a “NEPA-like” document for use in the Council process that would have a different name. Mr. Rauch suggested that the agency work with Councils on rethinking this, perhaps using a NEPA CCC subgroup to work through these issues.

The CCC discussed several issues, including who gets to determine extension of deadline (Answer: the agency). Note that the agency has to report to Congress annually to the House Natural Resource Committee on every determination. Thus, there may be some reluctance to allow extensions. However, Ms. Renshaw thought that so long as there is a good rationale, then the reporting requirement may not inhibit approval of an extension. There was also discussion about the use of PSEISs, which Mr. Rauch noted can be very useful, but the deadlines still apply to these types of planning and programmatic documents.

Motion: To form a CCC-NEPA working group.

Motion carried without opposition.

This working group will work closely with the agency in developing revised procedures. Composition of the workgroup would depend on resources and interest from the different Councils, noting that there doesn't need to be representation from each Council. The expectation is that the workgroup will report back in May 2024.

Wrap Up and Other Business

No other business was brought before the Committee. Kevin Anson reviewed the Actions and Outcomes from each day of the meeting. Motions were provided in the presentation). No feedback was offered on the wrap-up.

The CCC discussed that next meetings will be held May 21-24, 2024 in San Juan, Puerto Rico and October 16-17, 2024 in Washington, DC.

PFMC
10/24/23