



Outcome Statements and Recommendations

Council Coordination Committee May 1-3, 2012

Mauna Lani Bay Hotel
68-1400 Mauna Lani Drive
Kohala Coast, Island of Hawaii (Big Island)
www.fisherycouncils.org/CCC/CCC.htm
www.wpcouncil.org

ESA Jeopardy Determination in Fisheries Management

The Council Coordinating Committee (CCC) agrees that the Endangered Species Act (ESA) measures affecting fisheries (including listing, critical habitat designation, Section 7 consultation and development of biological opinions) should be accomplished through a process that includes a much higher level of transparency and public involvement than is typical at present. The CCC believes an enhanced National Marine Fisheries Service (NMFS) - Regional Fishery Management Council (RFMC) partnership should be established to ensure consistent involvement by the Councils in ESA determinations and consultations well before rules and biological opinions are published.

1. The CCC recommends that a RFMC/NMFS/Marine Fisheries Advisory Committee (MAFAC) Working Group be established to make recommendations to the CCC on a policy and best practices designed to effectively and consistently integrate the Councils in the ESA consultation process in order to achieve a high level of transparency and improve stakeholder confidence in the ESA consultation process related to U.S. marine fisheries.

The Working Group should identify options that would integrate the Councils and their attendant committees and advisory bodies, as appropriate, into the ESA consultation process consistently and to the maximum extent practicable under relevant federal laws. The Working Group should also identify mechanisms to consistently include Council consultation in negotiated settlements resulting from litigation under the ESA.

2. The CCC recommends sending a letter to NOAA Administrator Jane Lubchenco containing the following:
 - The CCC agrees with the NOAA Scientific Integrity Policy that calls for achieving a greater level of public confidence and trust in the science used in federal decision making and, especially, ESA implementation.
 - The recent Biological Opinion on Lower Columbia River Tule Fall Chinook Salmon, authorizing an abundance-based approach to determine incidental take allowances as recommended subsequent to a public process at the Pacific Council, has been widely viewed as a great public policy success and represents a model to be used to achieve the

objectives of the new Science Policy. The process followed in this case substantially improved understanding of the risk assessment science, the trust that a complete analysis had occurred, and the perception of fair treatment of healthy fishery policy issues, which were all key in the broad support of the biological opinion. Such a transparent process, however, is currently an exception more than a norm across all Councils, as seen in the case of recent consultation processes for the Hawaii longline fishery and Gulf of Mexico reef fish fishery.

- With respect to jeopardy determinations, the ultimate goal should be to use an abundance-based metric. NMFS should continue to strive for greater clarity in biological opinions, by developing models to evaluate fishery impact against absolute population abundance, providing better explanations of the level of scientific certainty in the jeopardy determinations, and improving protected species stock assessments.
- CCC recommendation for establishing a RFMC/NMFS/MAFAC Working Group

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Coastal and Marine Spatial Planning

The Council Coordinating Committee (CCC) recommends that a letter be sent to the National Ocean Council (NOC) acknowledging the NOC's determination that the Regional Fishery Management Councils (RFMC) shall be members of the Regional Planning Bodies (RPBs). The letter shall also recognize the NOC's determination that RFMCs have unique and important roles in management of the nation's fisheries and that the RFMCs will provide valuable expertise and knowledge about the wide array of marine resources that are vital to coastal communities and local economies. In addition to the above, the letter shall include the following points:

1. That the limitation of RFMC representatives to the RPB be restricted to only Federal, State, Tribal, or local government members of the RFMCs may result in conflicts between Council positions and the positions of these other jurisdictions, which could put RFMC representatives in potentially difficult and ineffective positions. For example, a state Director of Fisheries representing a Council could find him/herself in opposition to the view of their Governor. Therefore, the CCC requests NOC reevaluate this restriction in the light of the RFMCs' standing as executive agencies of the Department of Commerce, which could resolve the apparent FACA concerns.
2. That further implementation of Coastal and Marine Spatial Planning (CMSP) shall not reduce the funding for core NMFS programs and functions, nor in any way diminish the regulatory authorities of the RFMCs over fisheries in each region.
3. That the CCC supports that members of Science and Statistical Committees (SSC) of the RFMCs may be included in the standing technical committees of the RPBs, but the CCC does not support SSCs being the sole scientific advisory committee of the RPBs due to funding constraints, existing SSC workloads, and meeting schedules.



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Stock Assessment

The Council Coordinating Committee (CCC) believes that the current state of stock assessments in its respective regions is inadequate to cope with the Councils' management needs. In consideration of the diverse information needs between the different Council regions, the CCC recommends a letter be sent to Assistant Administrator of the National Marine Fisheries Service (NMFS) requesting a description of the decision process on whether advanced technology is warranted to attain information needed for stock assessments. The letter should include a recommendation that NMFS consider the basic data collection programs. The CCC requests NMFS that the funds intended for the Science Centers' Stock Assessment Programs be appropriately allocated for the Centers to carry out regular stock assessments so that the Councils adequately meet their management mandates.

National SSC Working Group

Recognizing the importance and benefits in the creation of the National Scientific and Statistical Committee (SSC) Working Group (WG):

1. The CCC recommends the creation of a National SSC whose membership would be comprised of the eight SSC Chairs (or their designees) and a senior NMFS staff as an ex-officio member. Technical support for this committee would be provided by personnel from the NMFS Office of Science and Technology and Council staff.
2. The CCC recommends the development of Standard Operating Practices and Procedures which would govern the operations of the National SSC and terms of reference to direct its activities.
3. The National SSC would be tasked with the development of a prospectus for proposed Working Groups and topics for future National SSC Workshops in consultation with the CCC. These proposals would be reviewed and approved by the CCC as part of the specification of Terms of Reference (TOR) and could be sponsored by one of the Councils or brought to NMFS for consideration for sponsorship.
4. The membership of national WGs approved by the CCC would be populated based on nominations from each Council's SSC (maximum of one SSC member per Council) and one member from NMFS. The Chair of the WG would be appointed by the National SSC (selected from the WG roster). The WG would submit a final report to the CCC that



would include recommendations to address the TOR. The final report may be subject to external peer review, the level of which would be determined on a case—by—case basis based on agreement between the CCC and NMFS. Following peer review of the WG report, the report would be published as a NMFS Technical Memorandum, or other appropriate mechanism, such that it meets the requirements for formal national technical guidance to the Councils.

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Five--Year Research Priorities

The Council Coordinating Committee (CCC) requests National Marine Fisheries Service (NMFS) clarify and provide the Regional Fishery Management Councils (RFMC) with information regarding the process in which the Five--Year Research Priorities developed by the Councils are considered by their respective NMFS Science Center when developing its research priorities and budgets. The respective Science Center should report back to the RFMC on what research had been addressed. The CCC also requests that the Councils be collaboratively involved in the development of the Science Plan of their respective Science Center to ensure that the priorities of the respective Council are adequately incorporated in the plan.





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International Fisheries Management

The Council Coordinating Committee (CCC) acknowledges that National Marine Fisheries Service (NMFS) is working on its second report to Congress in regards to certification (positive or negative) of nations with respect to equivalent measures to the United States in relation to preventing illegal, undocumented and unreported (IUU) fishing, bycatch of protected living marine resources, or shark catches on the high seas.

In its first report to Congress on this issue, NMFS did not negatively certify any nation, which does not align with generally accepted understanding that many nations importing seafood into the US market are not on the same playing field as US fisheries with respect to data collection and monitoring, safety—at-sea requirements, protected species mitigation, and other management measures.

Therefore, the CCC recommends that NMFS enhance its activities to identify nations that do not implement equivalent measures, which may result in the leveling of playing fields between US and foreign fisheries.

The CCC further recommends that NMFS work with the US fishing industry to develop underutilized fisheries, and notes that such a program is identified in Section 2(a)(7) and Section (2)(b)(6) of the MSA. Promoting US fisheries development for underutilized fisheries may benefit target and non-target stocks and protected species through transferred effects as well as promote employment in coastal communities and enhance local food security.

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Budget

The CCC recommends the 2013 budget provision for RFMC operations remain the same as in 2012 at \$28.4 million. The CCC further recommends that the budget be consolidated in a single line item detailed in the NMFC portion of the federal budget. The Council will develop a position paper to outline the reasoning behind the CCC recommendation, including reference to the President's Proposed 2013 Budget and the adopted Senate and House of Representatives 2013 Budgets.

Rationale opposing the President's Proposed 2013 Budget reduction of \$3.2 for RFMC operations includes, but may not be limited to:

1. The proposed reduction in the Council budget is not justified by the completion of Fishery Management Plan Amendments incorporating Annual Catch Limits (the stated rationale), due to ongoing ACL related regulatory responsibilities;
2. The proposed budget proposes to bring additional stock assessment, monitoring, and ecosystem assessment information to the RFMCs for decision making, thus increasing workload and costs; and
3. At a time when the NMFS total budget is proposed to be stable between 2012 and 2013, the RFMC total budget should also be stable.



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Communications

The Council Coordinating Committee (CCC) recommends that the Councils communications committee hold face-to-face meeting annually to discuss shared best practices and ways to improve regional and national communication. Items that could be developed at the next meeting include, but are not limited to, the following:

1. Improve effectiveness of the RFMC website (fisherycouncils.org) as resources allow, e.g., adding videos, content management and social media.
2. In a significant and timely manner, improve regional and national communications coordination between the Councils and NOAA, to ensure accuracy of information as well as recognition of the Councils in the management process.

The CCC also recommends the Councils support the following efforts:

1. Coordinate a solid communication plan/strategy for the NC3 conference, including media news releases after the conference, the lead being the Pacific Council. Plan for a joint Council booth in addition to regional Councils booths and a National Marine Fisheries Service booth at the conference; Develop a twitter hashtag for the conference.
2. Facilitate the use of social media tools (Facebook, Twitter, YouTube, etc.) at the individual RFMC level.
3. Ensure the Council websites are linked to the RFMC website (fisherycouncils.org) and encourage NOAA Fisheries to do the same.
4. Cultivate relationships to promote Council communications regionally and nationally with other government and non-governmental organization offices.



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Managing Our Nation's Fisheries Conference III (NC3)

The Council Coordinating Committee (CCC) agrees on the top three theme areas and nine focus topics for NC3 to occur first week of May 2013. The three theme areas for NC3 will include Improving Fishery Management Essentials, Advancing Ecosystem-Based Decision Making, and Providing for Fishing Community Sustainability. Implementation processes will proceed as soon as possible. The themes, topics and conference structure will be posted on the NC3 website in the near future.



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Electronic Monitoring

The Council Coordinating Committee (CCC) acknowledges that several Council/National Marine Fisheries Service (NMFS) regions have conducted studies and programs related to video monitoring and electronic reporting. The CCC also recognizes that NMFS is developing white papers in 2012 to address the following topics:

1. Analysis of Existing Electronic Monitoring Technologies/Programs
2. Enforcement Issues/Impediments
3. Legal/Confidentiality Concerns
4. Research & Development Requirements
5. Re-alignment of Management and Monitoring
6. Funding Options

The CCC establishes a CCC subcommittee soon after the 2012 annual meeting to consider cross-cutting issues between regions in relation to the implementation of video monitoring and other forms of electronic monitoring, and make recommendations to the CCC at the interim meeting in January 2013.



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Consultation with GAO on Moving National Marine Fisheries Service into the US Fish and Wildlife Service

The Council Coordinating Committee (CCC) recommends sending a request to the GAO to consult with the CCC in the development of its study on moving National Marine Fisheries Service into the US Fish and Wildlife Service.



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National Standard 1 Advance Notice of Proposed Rule Making

The Council Coordinating Committee recommends that the Council Executive Directors coordinate a response letter from the eight Regional Fishery Management Councils on the recent National Standard 1 advanced notice of proposed rulemaking.

