

CCC Legislative Workgroup Report

May 2020 CCC Meeting

David Witherell



Legislative Committee Members

- Dave Witherell (NPFMC), Chair
- Tom Nies (NEFMC), Vice Chair
- **John Carmichael (SAFMC)**
- Jessica McCawley (SAFMC)
- **Josh DeMello (WPFMC)**
- John Gourley (WPFMC)
- Carrie Simmons (GMFMC)
- **Ryan Rindone (GMFMC)**
- Carlos Farchette (CFMC)
- Miguel Rolon (CFMC)
- Mary Clark Sabo (MAFMC)
- Marc Gorelnik (PFMC)
- David Whaley (Ex Officio Member)



March 2020 Legislative Workgroup meeting

- Received an updated status report on MSA reauthorization and other bills from Dave Whaley
- Reviewed Working Paper as revised to reflect recommended changes from the CCC
- Drafted a consensus statement for Timing for FMP Revisions”
- Recommended that the Working Paper include a date (month/year) when consensus statements are approved and regional perspectives modified.



CCC Legislative Working Paper Updates

- The working paper now has a stand-alone Executive Summary
- The working paper has a new topic “Timing for FMP Revisions”
- The working paper has the topics organized into 3 logical groupings as follows:

Science and Data Issues

- Stock Rebuilding
- Climate Change and Regional Action Plans
- Recreational Data
- Commercial Data
- Stock Assessment and Survey Data
- Cooperative Research
- Cooperative Data Collection

Fishery Management Issues

- Ending Overfishing
- Annual Catch Limit Requirements and Exceptions
- Forage Fish
- Catch Share Programs
- Mixed Use LAPP Moratorium

Council Process & Authority

- Resources Available for Additional Mandates
- Transparency Requirements
- NEPA Compliance
- Other Federal Statutes
- EFP Authority
- [Timing for FMP Revisions](#)
- Deeming and Transmittal Process
- Aquaculture

CCC Legislative Working Paper Updates

The workgroup recommends the following revised consensus statement for “Timing for FMP Revisions”

“Legislated mandates for completing an FMP or regulatory amendment can place unrealistic demands on the Council and NMFS. Regulations are developed by the councils using a scientifically based, deliberative, and transparent process. It takes time to prepare adequate and informative scientific analyses, and receive important feedback from the public on potential impacts of alternatives, for effective decision-making by the councils. After the Council makes a decision and formally provides its recommendations, NOAA Fisheries reviews the submission, prepares proposed regulations if necessary and initiates a rulemaking process pursuant to MSA, NEPA, APA, and other legal requirements. In some cases, there are statutory requirements that limit how rapidly an action can be completed. For example, some statutes specify the minimum time that must be provided for public comments. Rushing to meet an amendment deadline without having adequate time for scientific and public input can result in less than optimal decisions, which in the end may result in a lengthier rulemaking process and provoke unnecessary and time-consuming litigation.”

Next Steps for the Legislative Committee

Assuming the CCC agrees with the Workgroup recommendations for the Working Paper, we will revise the document to:

- Include the new consensus statement for “Timing of FMP Revisions”
- Continue adding and refining regional council perspectives, showing dates (month/year) that the perspectives were last modified



