



INTEGRATION OF ESA SECTION 7 WITH MSA: IMPLEMENTATION STATUS

2015 NMFS Policy Directive 01-117

- Recognizes unique role of Councils in ESA consultations (no special designation required)
- Calls for early involvement between NMFS Protected Resources, NMFS Sustainable Fisheries and the Councils prior to initiation of consultation, and allows for Council involvement in frontloading formal consultations
- Provides process for Councils to request an opportunity to review draft Biological Opinions (BiOps), including review of draft Reasonable and Prudent Alternatives (RPAs) or Reasonable and Prudent Measures (RPMs).
- Provides guidance for each Council-NMFS regional office pair to establish process on a case-by-case basis or establish a regional agreement

How have the Councils used the Policy Directive?

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Utilized ESA Policy Directive

- NEFMC
- MAFMC
- SAFMC
- PFMC
- WPFMC

Not Utilized

- NPFMC
- GMFMC
- CFMC

Councils' Experience

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Issues

- ❑ Lack of communication and coordination from NMFS
- ❑ Not provided advance RPM/RPA review to provide input before draft or final BiOp despite requests for coordination
- ❑ Discretionary provisions for NMFS limits Council involvement

Councils' Experience

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PFMC Example

- ❑ PFMC has had cooperative response from NMFS
- ❑ WCRO typically initiates request for Council assistance
- ❑ Utilize Council process to develop measures to address ESA issues in advance

Future Direction for Policy Directive

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CCC may wish to consider working with NMFS to:

- Strengthen NMFS-Council relationship on ESA consultations
- Add more specificity on Council involvement and timing
 - ▣ More direct communication from PRD to Councils early in the process
 - ▣ Provide drafts to Council staff in advance of public drafts
 - ▣ Develop process for NMFS to work with Councils on ESA issues through normal Council process rather than through RPMs/RPAs