

NEW NEPA PROCESS

The 2007 Magnuson-Stevens Reauthorization Act (MSRA) required the National Marine Fisheries Service (NMFS) to “revise and update” agency procedures to comply with the National Environmental Policy Act (NEPA) for fisheries actions. The MSRA schedule required proposed procedures by July 12, 2007 and final procedures by January 12, 2008. NMFS prepared a draft final rule and submitted it to the Office of Management and Budget (OMB) for review in October 2008; however, at OMB’s request, NMFS withdrew the rule from OMB review in December 2008. Shortly thereafter, the National Oceanic and Atmospheric Administration’s (NOAA’s) Office of Program Planning and Integration initiated a NOAA-wide process to revise and update NOAA’s policy guidance on NEPA compliance.

In early 2013, NMFS determined that it was appropriate to move forward with a Policy Directive providing guidance to NMFS and Councils on aligning NEPA and the MSRA (Agenda Item K, Attachment 1). This guidance, initially presented at the Council Coordination Committee (CCC) interim meeting in February 2013, was based on public input received through the proposed rule; the proposed rule was published on May 14, 2005. The public input is summarized in Agenda Item K, Attachment 2.

At its interim meeting, the CCC had an initial discussion of the new policy directive; this discussion was taken as an initial reaction because the documents were not distributed in advance of the CCC meeting. Based on the initial concerns with the Policy Directive, the CCC tasked Chris Oliver with working with the other Council Executive Directors to prepare an initial CCC written response (Agenda Item K, Attachment 3). The CCC also tasked the CCC NEPA Consultation Subcommittee to meet with NMFS representatives to obtain more information about changes from the status quo procedures and the associated implications with complying with MSRA Section 304(i), work with agency personnel to possibly revise the Policy Directive to address CCC concerns, and to report to the CCC in May.

The CCC NEPA Subcommittee met with NMFS representatives on two occasions (March and April), and exchanged three draft revisions to the Policy Directive. The Subcommittee will consider the NMFS response to the CCC letter and report to the full CCC at this meeting. NMFS also responded to the CCC letter on April 3 (Agenda Item K, Attachment 4).

CCC Action:

- 1. Consider Attachments 3 and 4, and the perspective brought forward by NMFS at this meeting.**
- 2. Develop recommendations to NMFS on revisions to the NEPA policy directive.**
- 3. Develop recommendations to NMFS on implementation issues.**
- 4. Provide direction to the CCC NEPA Consultation Subcommittee to coordinate further action on the NEPA policy directive, as necessary.**

Advance Reference Materials:

1. Agenda Item K, Attachment 1: NEPA Policy Directive.
2. Agenda Item K, Attachment 2: Introduction to NMFS Policy Directive: National Environmental Policy Act Compliance for Fishery Management Actions under the Magnuson-Stevens Act.
3. Agenda Item K, Attachment 3: CCC Letter to NMFS.
4. Agenda Item K, Attachment 4: NMFS Response Letter to CCC.

Agenda Order:

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| 1. CCC Consultation
Subcommittee/NMFS Meeting Report | Chris Oliver, Steve Leathery |
| 2. NMFS Perspective | Sam Rauch |
| 3. Discussion and Action | CCC |

PFMC
04/25/13