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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910
THE DIRECTOR

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Mr. Hans D. Radtke
Chairman
Pacific Fishery Management Council
7700 N.E. Ambassador Place
Portland, Oregon 97220-1384

Dear Mr. ^{Radtke} Radtke:

At our meeting this summer, I promised I would get back to you in November with more specific guidance on expectations for fishery management actions taken by the Councils in 2002. This guidance is part of the major regulatory streamlining and improvement project I have initiated. As you know, managing living marine resources more effectively and efficiently and freeing ourselves from this litigation vortex will require significant changes in operations both at the National Marine Fisheries Service (NMFS) and within the Council system.

Several reviews have recommended that we need to effect a fundamental change in the way we do business. The two highest priorities with respect to NMFS-Council interactions are:

1. All mandates need to be considered with greater transparency and much earlier in the process of formulating fishery management actions. This will help ensure that Councils take an active role in developing management measures in full consideration of impacts to protected species, habitat, and socio-economic factors while making the best decisions to rebuild and sustain fisheries.

2. Documentation needs to be completely in compliance with the National Environmental Policy Act (NEPA) and other statutory or executive order requirements for analysis before submitting for Secretarial review (i.e., before the Council casts the final vote). One of the main purposes of this work is for decisionmakers to have detailed information available to them on an acceptable range of alternatives and their effects before making a decision. This information includes fish and the associated fisheries, social data, economics, endangered species, marine mammals, and essential fish habitat. We are in the process of reviewing the operational guidelines to ensure that they reflect this emphasis. If necessary, we will revise them in January.

This is a partnering effort. We are fully committed to working closely with you and providing early and timely reviews of draft analytical documents, prepared to comply with NEPA and other applicable laws, prior to Council final action and submission to the Secretary.

Operation Planning for 2002

In finalizing your operational plan for 2002, you need to take into account what this will mean for your workload. Resources are the limiting factor. Recognizing this, I will do what I can, depending on funding levels in the final FY 02 budget, to provide you with at least one additional temporary person in addition to the money you received for NEPA improvements in FY 01. That person's role will depend on the greatest need in each FMC. Beyond the fundamental changes noted above, a few specific tasks need to be done. I've asked my Regional Administrators to work with you on the following items.

1. Evaluate planned actions for FY 02 and prioritize actions according to whether they are imperative to comply with the Magnuson-Stevens Act (M-S) and other applicable laws. For example, measures needed to keep a fishery on a rebuilding plan may be imperative for Sustainable Fisheries Act compliance, measures to refine a permit may not be. Being in compliance with NEPA, but out of compliance with M-S is not acceptable. We need to achieve a balance of resources and mandates at which we can perform well. This means a workload that is realistic at a reasonably high quality standard. Based on your prioritized list, and an assessment of available resources, we will work with you to determine what actions can be undertaken in FY 02.

2. Determine what the role of an additional person would be based on each Council's needs. For example, a Council may require a person with expertise in marine mammals and endangered species, socio-economics, or some other combination of skills related to improving our NEPA and overall regulatory processes.

3. Establish a regulatory working group or task force whose mission is to identify specific measures to streamline the regulatory process, (e.g. multi-year harvest specifications). Inquiries into potential regulatory streamlining options need to be made in each council area and likely for each FMP to determine where different strategies can be implemented effectively. The types of alternative management measures that can be applied may be affected by issues such as stock status relative to an overfishing definition.

I am confident that, as a team, the Councils and NMFS can solve these problems. I will send a follow-up letter providing more detail on some of these issues in a few weeks. If you have questions, please feel free to call me or my Senior Policy Advisor, Laurie Allen. We can be reached on 301/713-2239. Laurie and I will make a concerted effort to attend upcoming Council meetings to address your questions.

Sincerely,

William T. Hogarth

William T. Hogarth, Ph.D.
Assistant Administrator
for Fisheries

cc: Council Executive Directors
NMFS Regional Administrators
NMFS Science Directors
NMFS Office Directors
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OGC- Dan Cohen
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GCF-Mariam McCall, Kevin Collins
LAF - Michelle Fox