



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE

Southwest Region  
501 West Ocean Boulevard, Suite 4200  
Long Beach, California 90802- 4213

JAN 19 2006

F/SWR2:MH

**MEMORANDUM FOR:** Jim Balsiger  
Acting Deputy Assistant Administrator  
for NOAA Fisheries Service

Captain Craig McLean  
Acting Deputy Assistant Administrator  
for Ocean Services and Coastal Zone Management

**FROM:** Rodney R. McInnis *Rodney R McInnis*  
Regional Administrator, Southwest Region

**SUBJECT:** Comments on Draft Flowchart Regarding Fishing Regulations  
For National Marine Sanctuaries

My office had a chance to review the draft flowchart and provides the following comments.

Based on the current layout of the flow chart, it is implied that NOAA consults with external partners before consulting internally. We wonder if there may be some merit in clearly identifying points along the regulatory process where NOAA line offices consult between themselves much earlier. One area where internal consultation may be of value is after box 1 in the National Marine Sanctuaries Act process chart. That is, after "discrete resource management issues" are triggered, should there be some internal consultation? An example that comes to mind is the proposed effort to prevent a krill fishery from occurring on the west coast. This was a situation where one of the west coast sanctuaries went before the Pacific Fishery Management Council and requested that such a closure take place. This particular 'resource management issue' has worked out well but one can only speculate that the entire effort may have progressed more timely had NMFS and NOS collaborated early in the process on possible options before the Council was approached.

The scoping box (box 2) shows that this action includes community outreach, public meetings, and literature review. This may also be another opportunity for NOAA to undertake internal consultation by assimilating the information and internally determining the best approaches for proceeding. We find this may be a prudent aspect for completing this stage of the process before launching into the issue prioritization effort depicted in box 3 with the public.

With regard to box 3, we suggest that internal consultations with NMFS on the Endangered Species Act, the Marine Mammal Protection Act, and the essential fish habitat provisions of the Magnuson-Stevens Act be identified.



With regard to box 4, we suggest that this be relabeled as "NOAA Proposed Management Actions" rather "NMSP" because at this stage in the process, the proposed management actions should reflect the collaborative efforts between the various NOAA offices.

Lastly, box 5 needs to be revised to accurately reflect the more detailed regulatory process depicted on page 2 that includes elements "d" and "e."