

JAN 25 2008



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Silver Spring, MD 20910

Dr. Donald McIsaac  
Executive Director  
Pacific Fishery Management Council  
7700 NE Ambassador Place, Suite 101  
Portland, OR 97220-1384

**RECEIVED**

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**PFMC**

Dear Dr. McIsaac,

Per our discussion at the recent Council Coordination Committee meeting, this letter requests action from each Council, as appropriate, regarding permit fees. The National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) established a policy (attached) in 2004 to collect fees in association with all permits. As you know, NMFS may charge permit fees to recover its administrative costs to the extent fees are provided for under a fishery management plan pursuant to section 303(b)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Historically, decisions whether to charge administrative fees for MSA permit processing and issuance expenses have been made on a case-by-case basis. The result is a set of inconsistent permit fee policies around the country in which fishermen may or may not be charged, or charged differing fees, for similar permits.

My goal is to establish a consistent application of agency policy providing for the assessment and collection of fees that recovers the expenses of permit processing and issuance for all permits issued by NMFS to the extent allowed by law. To achieve this goal, I ask that each Regional Fishery Management Council work closely with their NMFS Regional Administrator to ensure that each of their fishery management plans contains the authority necessary to collect fees and, if not, to amend those plans to provide for the collection of fees. In some cases, fees or the authority for fees for all permits may be in place and no new action necessary.

Please work with your Regional Administrator to develop a plan of action for establishing these fees within your area of jurisdiction. Additionally, implementation of fees around the country will necessitate outreach to the fishing industry to explain the basis for the new fees and I would like to hear your thoughts on how to best accomplish such outreach. I will ask that each Council/Region report on their plans to establish these fees at the next Council Coordination Committee meeting in May.

Sincerely,

A handwritten signature in black ink, appearing to read "Samuel D. Rauch, III".

Samuel D. Rauch, III  
Deputy Assistant Administrator for  
Regulatory Programs

Enclosure

Cc: D. Robert Lohn, Regional Administrator  
Rodney R. McInnis, Regional Administrator



***NATIONAL MARINE FISHERIES SERVICE POLICY DIRECTIVE 30-120***

***Administration and Operations***

***NMFS Permit Fees***

**NOTICE:** This publication is available at: <http://www.nmfs.noaa.gov/directives/>.

**OPR:** F/P (M. Holliday)

**Certified by:** F/P (M. Holliday)

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***SUMMARY OF REVISIONS:***

Introduction. The authority for the National Oceanic and Atmospheric Administration’s (NOAA) National Marine Fisheries Service (NMFS) to charge permit fees to recover its administrative costs is contained in five statutes. Historically, each NMFS permit program individually decided whether or not to use this authority to charge an administrative fee for the recovery of permit processing and issuance expenses. The result is a set of inconsistent permit fee policies around the country. The purpose of this directive is to establish a more consistent agency permit program that recovers the expenses of permit processing and issuance for all permits issued by NMFS to the extent allowed by law.

Objective. Permits are used to identify participants who are eligible to conduct specific activities in programs regulated by NMFS. To receive this benefit, participants must meet certain criteria and submit an application and supporting documentation to a specified NMFS office. The process of application review, certification and permit issuance carries with it an administrative cost. The objective is to implement a consistent policy across NMFS of recovering these costs from applicants. As part of the policy implementation, issues to be resolved include retention of permit fees in NMFS accounts, harmonization of the regional application, review, certification and issuance process, and establishing uniform online application and payment options for applicants.

Authorities and Responsibilities. This directive establishes the following authorities and responsibilities:

- (1) Under its authority for administration of the Fisheries Information System, the Office of Science and Technology has responsibility for developing and managing the plan to transition to the new policy of recovering fees for all permits.
- (2) To assist in and monitor the implementation of the policy, a Leadership Council subcommittee is created comprised of the NMFS Chief Information Officer, the directors of the Offices of Science and Technology, Sustainable Fisheries, Management and Budget, Enforcement, and the Northeast Regional Administrator. The subcommittee will be chaired by the director of the Office of Science and Technology.
- (3) The plan should target full implementation of this policy within 18 months of issuance of this directive.

- (4) Technical responsibility for plan development and implementation shall be the responsibility of a project leader, utilizing the Fisheries Information System Professional Specialty Group for Permits and other agency or contract resources as necessary, subject to the spending plan described below in item 5.
- (5) Funding support for the project design and implementation shall come from the Fisheries Information System budget line, as described in a spending plan approved by the Assistant Administrator.

Measuring Effectiveness. Performance metrics developed in the transition plan shall include quarterly reporting to the Assistant Administrator of project status.

References. Procedural directives will be issued to implement this policy as needed.

\_\_\_\_\_/S/ Bill Hogarth\_\_\_\_\_ 12/20/04 \_\_\_\_\_  
William T. Hogarth, Ph.D. Date  
Assistant Administrator  
National Marine Fisheries Service