

June 2, 2009



Gulf of Mexico  
Fishery  
Management  
Council

Dr. Jane Lubchenco, Administrator  
National Oceanic and Atmospheric Administration  
1401 Constitution Avenue, NW, Room 5128  
Washington, DC 20230

Dear Dr. Lubchenco:

In your remarks at our May Council Coordination Committee meeting in Boston, MA, you announced the creation of a new NOAA task force to develop a strategy to make catch share management programs more available to U.S. fisheries. You outlined five specific goals for the task force and mentioned that members would be named by the end of the month. Additionally, you stated that you have directed the task force chair to consult fully with the eight Council Chairs, NOAA leadership, staffs, and the Council Executive Directors.

We applaud this effort and stand ready and willing to help. We believe that the Councils and their staffs have the experience and expertise to provide invaluable input to meet the task force goals. Additionally, the Councils in section 303A (a) of the Magnuson-Stevens Act have the authority to submit catch share programs for Secretarial approval. Accordingly, we ask that you select representatives from the Councils and their staffs to your task force. We believe that to avoid unnecessary pitfalls our input should be provided earlier during policy development, rather than later.

We would like nothing better than to partner with you in developing NOAA's policy and strategy to move forward with catch shares. Either as members of the task force or as partners in the management process, we are committed to working with NOAA to make catch shares not only a priority, but a successful initiative that will benefit both fishermen and the marine environment on which we all depend.

If you have any questions, please call Paul Howard, Executive Director, New England Fishery Management Council.

Sincerely,

John W. Pappalardo, Chair  
New England FMC

Richard B. Robins, Jr., Chair  
Mid-Atlantic FMC



Charles Duane Harris, Chair  
South Atlantic FMC



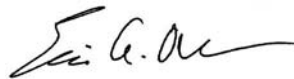
Eugenio Piñero-Soler, Chair  
Caribbean FMC



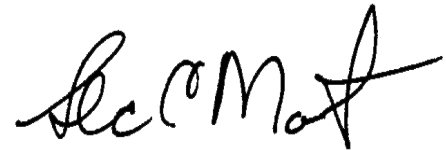
Thomas McIlwain, Chair  
Gulf of Mexico FMC



Donald K. Hansen, Chair  
Pacific FMC



Eric Olson, Chair  
North Pacific FMC



Sean Martin, Chair  
Western Pacific FMC

cc: Dr. James W. Balsiger  
Samuel D. Rauch III  
Council EDs



New England  
Fishery Management Council



Gulf of Mexico  
Fishery  
Management  
Council

May 29, 2009

Dr. Jane Lubchenco, Administrator  
National Oceanic and Atmospheric Administration  
1401 Constitution Avenue, NW, Room 5128  
Washington, DC 20230

Dear Dr. Lubchenco:

Thank you again for your participation last week in our Council Coordination Committee meeting. One of our agenda items was "Legislation and Regulation Updates". During our lengthy discussion about the National Environmental Policy Act (NEPA), we became aware of an initiative by NOAA's line office of Planning, Programming, and Integration (PPI) to rewrite Administrative Order 216-6, which prescribes NOAA's NEPA compliance procedures. The initiative apparently began last December 2008, at about the same time that NOAA Fisheries withdrew a proposed rule which would have implemented a revised NEPA compliance procedure for fisheries actions promulgated through the Council under the authority of the Magnuson-Stevens Act (MSA).

The proposed rule was the result of a provision included in the most recent MSA reauthorization [Section 304 (i)], which mandated that NOAA Fisheries revise its NEPA compliance procedures in consultation with CEQ and the Regional Fishery Management Councils. Although we believe that additional coordination and consultation would have been more beneficial during the development of this rule, nevertheless, we worked very hard with NOAA Fisheries from start to finish. We believe that any further development of NEPA compliance procedures, such as those currently undertaken by PPI, would benefit significantly by including a meaningful consultation with the Councils.

It is our understanding that 85 percent of NOAA's NEPA activities are related to Council actions and NOAA Fisheries. It therefore seems prudent that NOAA would approach any revisions to NEPA compliance under the auspices of the Congressional mandate, rather than revise Administrative Order 216-6 through a separate and potentially confounding effort. The Councils have a standing subcommittee of three Executive Directors who have been working with NOAA Fisheries on this issue, and who stand ready to further engage in any effort to revise these procedures.

We believe that section 304 (i) of the MSA reauthorization entitled ENVIRONMENTAL REVIEW PROCESS was intended to streamline the NEPA process and integrate it with our MSA process in consultation with the Councils and CEQ . This section also states that updated procedures promulgated in accordance with this section shall be the sole environmental impact assessment procedure for fishery management plans, amendments, regulations, or other actions taken or approved pursuant to the MSA. We are concerned about a potential conflict between the PPI initiative and the provisions in the MSA. We ask how the PPI initiative will be melded with the NEPA revision provision in the MSA.

Your positive consideration and action on this request will be greatly appreciated. We remain committed to work with NOAA regarding any revisions to the current NEPA compliance provisions. If you have any questions, please call Paul Howard, Executive Director, New England Fishery Management Council.

Sincerely,



John W. Pappalardo, Chair  
New England FMC



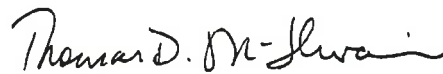
Richard B. Robins, Jr., Chair  
Mid-Atlantic FMC



Charles Duane Harris, Chair  
South Atlantic FMC



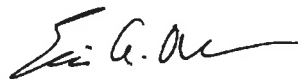
Eugenio Piñeiro-Soler, Chair  
Caribbean FMC



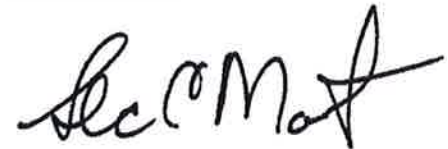
Thomas McIlwain, Chair  
Gulf of Mexico FMC



Donald K. Hansen, Chair  
Pacific FMC



Eric Olson, Chair  
North Pacific FMC



Sean Martin, Chair  
Western Pacific FMC

cc: Dr. James W. Balsiger  
Samuel D. Rauch III  
Council EDs



June 3, 2009

Mr. Alan Risenhoover  
Director  
Office of Sustainable Fisheries  
1315 East-West Highway, SSMC3  
Silver Spring, MD 20910

Dear Alan:

Thank you again for your participation at our Council Coordination Committee meeting in Boston. One of our agenda items was "Legislation and Regulation Updates" where the Councils discussed the National Standard 2 guidelines.

The Councils would like additional opportunity to comment on changes to the proposed rule (*Federal Register* Vol. 74, No. 58, March 27, 2009) and ask that NMFS extend the deadline for accepting comments to November 1, 2009 from the current deadline of July 6, 2009.

This extension would enable all the Councils to provide your office with more thorough comments on suggested changes based on discussions at upcoming Council meetings.

Thank you for considering this request. If you have any questions, please call Paul Howard, Executive Director, New England Fishery Management Council.

If you have any questions, please call Paul Howard, Executive Director, New England Fishery Management Council.

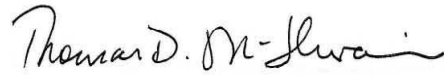
Sincerely,

John W. Pappalardo, Chair  
New England FMC

Richard B. Robins, Jr., Chair  
Mid-Atlantic FMC

Charles Duane Harris, Chair  
South Atlantic FMC

Eugenio Piñero-Soler, Chair  
Caribbean FMC



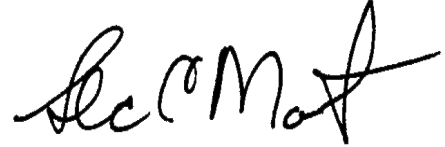
Thomas McIlwain, Chair  
Gulf of Mexico FMC



Donald K. Hansen, Chair  
Pacific FMC



Eric Olson, Chair  
North Pacific FMC



Sean Martin, Chair  
Western Pacific FMC

cc: Dr. James W. Balsiger  
Samuel D. Rauch III  
Council EDs