

From: Furlong, Daniel T. [mailto:dfurlong@mafmc.org]  
Sent: Tuesday, April 15, 2008 3:39 PM  
To: Rostker, David; Calamas, MaryAnne  
Cc: Steve Leathery; Jim.Balsiger@noaa.gov; Exec Directors  
Subject: RE: NEPA revisions for fisheries

I know you're busy people and don't have the time to read a lot of words, so I'll be brief.

I completely support everything said in Chris Oliver's email below.

In addition, what truly bothers me is the lack of consultation afforded Councils in this process. MSA Section 304, (i), (1) states: "The Secretary shall, in consultation with the Councils and the Council on Environmental Quality, revise and update..."

Despite being a member of the Councils' subcommittee tasked with "Council consultation" duties with NMFS and CEQ, I feel that consultation never occurred.

To this day, I do not have a copy of the NMFS/CEQ work product that you have as a proposed rule. What kind of consultation process is that if statutorily identified members of it are not privy to its product? To me, this failure to follow MSA is procedurally flawed and anything that subsequently comes from it must also be flawed. Hence, you should not release this proposed rule until the procedural mandates required of the Secretary are satisfactorily met.