



June 8, 2007

Dr. William Hogarth
Assistant Administrator
NOAA Fisheries
BLDG: SSMC3 RM: 14564
1315 East-West Highway
Silver Spring, MD 20910-3282

Dear Dr. Hogarth:

Thank you for taking the time to meet with me and other members of the Marine Fish Conservation Network (Network) to discuss the National Marine Fisheries Service's (NMFS) efforts to revise its procedures to comply with the National Environmental Policy Act (NEPA) and the 2006 Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (MSRA). At the meeting, you indicated that it would be useful for the Network to submit a schematic summary of how NMFS can best "integrate applicable environmental analytical procedures, including the time frames for public input, with the procedure for the preparation and dissemination of fishery management plans, plan amendments, and other actions taken or approved pursuant to [the MSRA]," 16 U.S.C. § 1854(i)(B).

Attached to this letter is a flow chart illustrating our recommended approach to integration (Attachment 1). Following joint planning identifying general fishery management needs well in advance of when the actions must be taken, a specific proposed action and alternatives should be outlined by NMFS and the councils before the FMP or amendment is drafted. See Attachment 1; see also the Network's April 20 Comment Letter at 3 (Attachment 2). Thereafter, NMFS should prepare the draft environmental impact statement (DEIS) as the council drafts the FMP or amendment. During the comment period on the DEIS, the council would continue its ordinary meetings and revisions to the draft FMP. NMFS could then finalize the EIS at the same time the council transmits the revised FMP or amendment to the Secretary for review. The comment periods on the FMP or amendment and the EIS could then run concurrently beginning five days later when the Secretary issues the notice stating the plan is available for review. Provided that NMFS prepares thorough EISs when necessary, short-term or annual actions such as quota setting could be accomplished using EAs that take far less time to complete. This process would result in NEPA analysis being available earlier in the FMP or amendment development process, thereby providing valuable information to the Councils, the public, and NMFS *before* decisions are made.

This approach, while differing from how NMFS currently conducts NEPA analysis, is practical and consistent with the agency's existing NEPA guidance. See, *e.g.*, NAO 216-6 § 5.01b.2 (environmental review to be "initiated as early as possible in the planning process"). As our April 20 letter and the attached flow chart make clear, the agency can integrate NEPA and the MSRA without sacrificing the important goals of NEPA. If you or your staff has any questions, please feel free to contact Ken Stump on the Network's staff at (202) 543-5509.

Sincerely,

A handwritten signature in cursive script that reads "Lee R. Crockett".

Lee R. Crockett
Executive Director

Attachments