

Congress of the United States

Washington, DC 20515

August 8, 2008

Vice Admiral Conrad C. Lautenbacher, Jr., U.S. Navy (Ret.)
Under Secretary for Oceans and Atmosphere and
Administrator, National Oceanic and Atmospheric Administration
U.S. Department of Commerce
1401 Constitution Avenue, NW
Washington, DC 20230

Dear Vice Admiral Lautenbacher:

Thank you for the opportunity to comment on the proposed changes to revise and update the procedures for complying with the National Environmental Policy Act (NEPA). We appreciate National Oceanic Atmospheric Association (NOAA) Fisheries intent to improve the ability of federal fishery managers and the Regional Councils to guide more effective and timely resource conservation. However, we are concerned that the proposed changes will create an entirely new and complicated environmental review procedure that could result in lesser protection for our oceans and gridlock in fisheries management.

When Congress reauthorized the Magnuson-Stevens Fishery Conservation and Management Act (MSA) in late 2006, one of the primary goals of the legislation was to ensure healthy, sustainable fisheries through careful management. We share that overarching goal with NOAA.

However, we are concerned that the proposed rule published by the National Marine Fisheries Service (NMFS) and the NOAA on May 14, 2008 to revise and update their procedures for complying with the NEPA does not meet the intent of Congress.

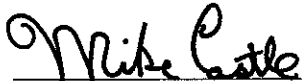
When Congress reauthorized the MSA, it recognized that the agency's approach with respect to compliance with NEPA had become burdensome. Thus, the reauthorized MSA directs the agency to "revise and update agency procedures for compliance with the National Environmental Policy Act." The purpose of the provision was to encourage the agency to adopt standard procedures for the agency and the Regional Fishery Management Councils to facilitate implementation of both MSA and NEPA requirements. The intent was not to circumvent the existing Council on Environmental Quality (CEQ) regulations, but to adopt an approach that would better mesh the requirements, streamline the management process and allow for greater adaptive management of dynamic resources.

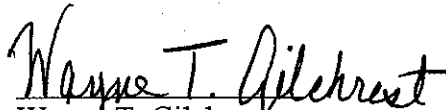
We are concerned that the proposed rule does not fulfill this Congressional intent and has the potential to reverse progress we are making toward sustainable fisheries. The


proposed rule creates an entirely new and complicated environmental review procedure that could result in lesser protection for our oceans and gridlock in fisheries management. We urge you to revise the proposed rule to better ensure that it complies with both Congressional intent and the requirements for NEPA set forth in the CEQ regulations.

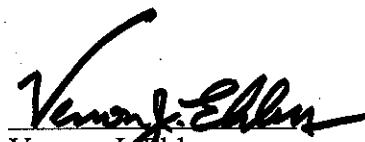
Again, we appreciate the opportunity to comment and hope you will give our concerns serious consideration.


Sincerely,

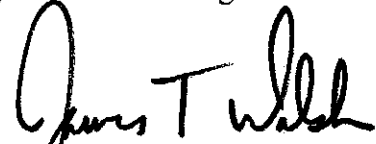

Michael N. Castle
Member of Congress



Wayne T. Gilchrest
Member of Congress

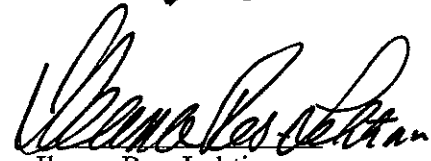

Mark Steven Kirk
Member of Congress


Vernon J. Ehlers
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Ileana Ros-Lehtinen
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Cc: Dr. James W. Balsiger