

# Protect America's Oceans and Marine Fish Populations - Withdraw Flawed Environmental Review Proposed Rule

August 11, 2008

Dr. James Balsiger  
Acting Director  
National Marine Fisheries Service  
1315 East-West Highway  
Silver Spring, Maryland 20190

Re: MSA Environmental Review Procedures

Dear Dr. Balsiger,

We the undersigned organizations represent millions of Americans who are commercial fishermen, seafood consumers, environmentalists, divers, beach lovers, anglers, scientists, boaters, surfers, and sailors. Above all, we are Americans who deeply value our country's natural heritage and the bedrock environmental laws that seek to protect this heritage for the future – especially the National Environmental Policy Act (NEPA). For us, NEPA compliance is crucial for ensuring that our nation's oceans are sustainably managed by requiring fishery managers to thoroughly consider potential impacts of their actions before proceeding, and giving individuals and local communities a voice in management decisions.

We are calling on you to withdraw your proposed NEPA regulations because they do not meet these critical criteria. When Congress reauthorized the Magnuson-Stevens Act (MSA) in 2006, it directed the National Marine Fisheries Service to update its environmental review procedures for compliance with NEPA and the regulations of the Council on Environmental Quality (CEQ). Unfortunately, the proposed regulations NMFS has produced fail to comply with this Congressional directive and would instead seriously weaken environmental review and public participation in fisheries management.

The proposed NEPA rule:

- **Invents a complicated new process** to replace environmental impact statements, effectively discarding thirty years of established case law and practice by managers and the public.
- **Allows individuals with financial interests to control the environmental review and public participation process.** The proposed rule enables the regional fishery management councils – a majority of whose appointed members have financial interests in the fisheries they manage – to control the environmental review and public participation process.
- **Enables fishery managers to circumvent environmental review** with new loopholes.

- **Permits significant reduction in public input** by allowing managers to reduce the time periods for public comment well below the current required minimum with no outside oversight.

As written, the proposed regulation fails to implement Congressional intent, breaks with thirty years of established NEPA practice by natural resource agencies, improperly delegates authority to financially interested (and non-federal) parties, and weakens public involvement in fisheries management. As a result, ocean health would be jeopardized.

As groups representing Americans from all walks of life and every state in the nation, we respectfully ask you to withdraw this proposed regulation and develop one that complies fully with NEPA and established CEQ regulations, and uses to the fullest, NEPA's proven methods for assisting fisheries management decision making.

Thank you for considering our views.

Sincerely,

Diane	Buccheri	OCEAN Magazine
Stephanie	Buffum	Friends of the San Juans
James	Chambers	Prime Seafood LLC
Laura	Kasa	Save Our Shores
Phil	Kline	Greenpeace
Doug	Olander	Sport Fishing Magazine
Lewis	Regenstein	The Interfaith Council for the Protection of Animals and Nature
Cynthia	Sartou	Gulf Restoration Network
Whit	Sheard	Pacific Environment
Cindy	Shogan	Alaska Wilderness League
Bruce	Stedman	Marine Fish Conservation Network
Dave	Bulloch	American Littoral Society
Dorothy	Childers	Alaska Marine Conservation Council
Lynda	DeLaforge	Citizen Action Illinois
Jo & Richard	DeMarte	NYCTFishing.com
Adrienne	Esposito	Citizens Campaign for the Environment
Ned	Gerber	Chesapeake Wildlife Heritage
Brian	Huse	Coral Reef Alliance (CORAL)
Pat	Kobrin	New England Dive Center
John	McMurray	Atlantic States Marine Fishery Commission, Striped Bass Advisory Panel
John	McMurray	Mid-Atlantic Fishery Management Council
John	McMurray	Norcross Wildlife Foundation
John	McMurray	One More Cast Charters
Joseph Otis	Minott	Clean Air Council
Captain Bill	Sheehan	Hackensack Riverkeeper, Inc.
Maris	Sidenstecker	Save The Whales
Michael	Stocker	Ocean Conservation Research
Judith S.	Weis	Rutgers University
Bruce	Wright	Conservation Science Institute
Nina	Bell	Northwest Environmental Advocates
Joe	Matuska	Fish Hawks Salt Water Anglers Club of Forked River

Mark	Gold, D.Env.	Heal the Bay
Robin	Dougherty	Greater Newark Conservancy
Leah	Elwell	Federation of Fly Fishers
Peter	Sawtell	Eco-Justice Ministries
Leah	Schmalz	Connecticut Fund for the Environment - Save the Sound
Mike	Sutton	Center for the Future of the Oceans, Monterey Bay Aquarium
Dana	Beach	South Carolina Coastal Conservation League
Joy	Bergey	The Center for the Celebration of Creation
Steven	Capra	New Mexico Wilderness Alliance
Joel	Dunnette	Audubon Society-Zumbro Valley chapter
Robert	Hall	Nevada Environmental Coalition
Bruce	Berman	Save the Harbor / Save the Bay
Sarah	Chasis	Natural Resources Defense Council
Bill	Newton	Florida Consumer Action Network
David	Godfrey	Caribbean Conservation Corporation
Kenneth R.	Johanson	New Jersey Chapter of the Sierra Club
Doug	O'Malley	Environment New Jersey
Jan	Conley	Environmental Association for Great Lakes Education
Jim	Egan	Marine Resources Council
Bill	Akin	Concerned Citizens of Montauk
Cindy	Claus	Jenkinson's Aquarium
Claire	Hudson	The Society for Ocean Sciences
Norris	McDonald	African American Environmentalist Association
Peter	Shelley	Conservation Law Foundation
Doris	Cadoux	Oceans Alert
Sarah	Clark Stuart	Clark Stuart Consulting
Rick	Gaffney	Hawaii Fishing & Boating Association
Salvatore	Genovese	Safer Waters in Massachusetts
Bill	Goldsborough	Chesapeake Bay Foundation
Carl	Safina	Blue Ocean Institute
Holly	Binns	Environment Florida
Phil	Compton	Friends of the River, Inc.
Cathy	Liss	Animal Welfare Institute
Paula	Palmer	Global Response
Erika	Staaf	Environment New Hampshire
Robert E.	Boone	Anacostia Watershed Society
Nan	Daeschler Hauser	Center for Cetacean Research & Conservation
Matthew	Davis	Environment Maine
Michael R.	Helfrich	Stewards of the Lower Susquehanna, Inc.
George	Kimbrell	The Center for Food Safety
Sigrid	Lueber	OceanCare
William W.	Rossiter	Cetacean Society International
Chris	Cianci	Midshore Coastal Conservation Association
Luke	Metzger	Environment Texas
Steven G.	Sorenson	Kansas Wildlife Federation
Nicholas A.	DiPasquale	Delaware Audubon
Sue	Fisher	Whale and Dolphin Conservation Society
Ken	Hinman	National Coalition for Marine Conservation
Jason	Schratwieser	International Game Fish Association
Teri	Shore	Turtle Island Restoration Network

Marc W.	Ward	Sea Turtles Forever
Glen	Brooks	Gulf Fishermen's Association
Jim	Harkness	Institute for Agriculture and Trade Policy
David	Helvarg	Blue Frontier Campaign
Janis	Searles Jones	Ocean Conservancy
Jon	Hunter	Endangered Species Coalition
Jeff	Benoit	Restore America's Estuaries
Marcela	Gutierrez	WILDCOAST
Dave	Kiefer	Delaware Sierra Club
Dale	Beasley	Columbia River Crab Fishermen's Association
Jennifer	Farley	UnderWater World
Captain Gus	Muench	Commercial Fisherman
Marilyn	Blackwell	Help Save the Apalachicola River Group
Rick	Causey	Environmental Alliance of North Florida
Burt	Eno	Rainbow River Conservation, Inc.
Joy	Ezell	HOPE (Help Our Polluted Environment)
Dan	Hilliard	Withlacoochee Area Residents, Inc.
Dan	Jacobson	Environment California
Jennifer	Mihills	Delaware Nature Society
Jay	Miller	Sierra Club
Margo	Pellegrino	Miami2Maine
Scott	Quaranda	Dogwood Alliance
Helen	Spivey	Florida League of Conservation Voters
Eric	Stiles	New Jersey Audubon Society
Joyce	Tarnow	Floridians for a Sustainable Population
Scott E.	Zimmerman	Florida Keys Commercial Fisherman's Association
Rob	Brinkman	Suwannee-St. John's Group of the Sierra Club
William	DeLizio	Connecticut Surfcasters Association
Jennifer	Hecker	Conservancy of Southwest Florida
Dave	Kandz	St. Petersburg Audubon
John	Torgan	Save the Bay
Julie	Wert	Gulf Coast Conservancy
Harriett	Wright	Suncoast Native Plant Society
Thomas	Au	Sierra Club Pennsylvania Chapter
Anna	Aurilio	Environment America
Jennifer	Bloeser	Pacific Marine Conservation Council
Bill	Chandler	Marine Conservation Biology Institute
Missy L.	Christie	Venice Area Audubon Society
Paul	Engelmeyer	Audubon Ten Mile Creek Sanctuary
Jan	Jarrett	Citizens for Pennsylvania's Future
Greg	Kaufman	Pacific Whale Foundation
Aida	Navarro	COSTASALVAjE
Tim	Obst	Trustees for Alaska
Linda	Paul	Earthtrust
Linda	Paul	Hawaii Audubon Society
Ellyn	Tong	Pacific Fisheries Coalition
Kitty	Block	Humane Society of the United States
Malia	Hale	National Wildlife Federation
Steve	Shimek	The Otter Project
Mark	Brohman	Nebraska Environmental Trust

Mary	Dowdell	Hernando Audubon Society
Andrew	Goode	Atlantic Salmon Fedederation
Paulette	Hammond	Maryland Conservation Council, Inc.
Angela	Haren	California Coastkeeper Alliance
Brad	Heavner	Environment Maryland
Ron	Henry	Sierra Club, Maryland Chapter
Dr. Michael F.	Hirshfield, Ph.D.	Oceana
Jim	Long	Mattawoman Watershed Society
David	Masur	PennEnvironment
Alan	Muller	Green Delaware
Kathy	Phillips	Assateague Coastal Trust
Debra	Weitzel	Madison Audubon Society
Matt	Auten	Environment Rhode Island
Jeremiah	Baumann	Environment Oregon
Erin	Bowser	Environment Ohio
Matt	Garrington	Environment Colorado
Jannette	Gayer	Environment Georgia
Lauren	Ketcham	Environment New Mexico
Anne	Kohl	Environment Michigan
Dan	Kohler	Wisconsin Environment
Bill	LaBorde	Environment Washington
Deborah A.	Mans	NY/NJ Baykeeper
Elizabeth	Ouzts	Environment North Carolina
Christopher	Phelps	Environment Connecticut
David	Roger	Environment Arizona
Rebecca	Stanfield	Environment Illinois
Monique	Sullivan	Environment Minnesota
J.R.	Tolbert	Environment Virginia
Ben	Wright	Environment Massachusetts

CC: Alan Risenhoover, NMFS, Director of Sustainable Fisheries