



APR 01 2013

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910
THE DIRECTOR

RECEIVED

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PFMC

Mr. Dan Wolford
Chairman, Council Coordination Committee
7700 Ambassador Place, Suite 101
Portland, OR 97220-1384

Dear Mr. Wolford:

Thank you for your letter regarding the February 19, 2013, Policy Directive on National Environmental Policy Act (NEPA) compliance for Council-initiated fishery management actions under the Magnuson-Stevens Fishery Conservation and Management Act (MSA). NOAA's National Marine Fisheries Service (NMFS) remains committed to working closely with the Councils to ensure NEPA is implemented in an effective manner. With respect to your specific substantive concerns, NMFS staff are now engaged with the CCC NEPA subcommittee established in February in a discussion of potential revisions to the Policy Directive's language.

With respect to process, the Policy Directive is the result of an extensive public outreach process dating back to 2007. This included productive dialog with the Councils, and NMFS also took the following specific steps:

- Consulted with the Council on Environmental Quality and the Regional Fishery Management Councils.
- Posted trigger questions and a Council Coordination Committee (CCC) strawman proposal for a 60-day public comment period.
- Made presentations to each Council on the trigger questions and the strawman during the 60-day period.
- Received and evaluated more than 1,600 comments.
- Published a proposed rule in May 2008 with a 90-day comment period.
- Conducted three NMFS-sponsored public hearings and a public workshop.
- Conducted presentations at meetings of all eight Councils during the comment period.
- Received and evaluated more than 150,000 public comments.

The language in the Policy Directive was fully informed by the extensive discussions between NMFS and the CCC over the past 6 years. I recognize that the CCC has concerns about the process that led up to the decision to revise and update agency guidance in the form of a Policy Directive. I consider the Policy Directive to be an important step forward, but also one that we can build on and revise if necessary.

Although the 2007 MSA reauthorization did not change the NEPA requirements in any way, we believe we can improve and gain efficiencies in NEPA compliance by clarifying NEPA roles and responsibilities and by using the techniques described in Section IV of the Policy Directive. We



look forward to working with the CCC to refine the language if appropriate and we hope to identify issues for further discussion at the May 2013 CCC meeting in Washington, DC.

I appreciate your interest in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Samuel D. Rauch III". The signature is fluid and cursive, with a prominent initial "S" and "D".

Samuel D. Rauch III
Deputy Assistant Administrator
for Regulatory Programs,
performing the functions and duties of the
Assistant Administrator for Fisheries