

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.

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

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