

The Honorable James Connaughton  
Chairman, Council on Environmental Quality  
Executive Office of the President  
722 Jackson Place NW  
Washington, DC 20503

November 7, 2008

Dear Chairman Connaughton:

We are writing to you in our capacity as Co-Chairs of the bipartisan Joint Ocean Commission Initiative to state our concern regarding a rule proposed by NOAA Fisheries to revise the process for environmental review of fishing activities, as mandated under the 2006 revisions to the Magnuson-Stevens Reauthorization Act of 2006 (MSRA). While the charge in the legislation was to improve and streamline the regulatory review process under the MSRA and National Environmental Policy Act (NEPA), we are concerned that the proposed approach goes beyond the intent of the legislation, and compromises the integrity of the NEPA review process.

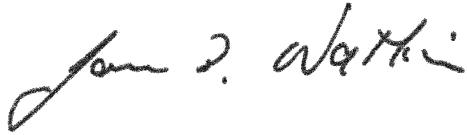
Our immediate concern surrounds potential changes in the review process such that the public comment period could be shortened, the scope of alternatives constricted, and consideration of cumulative impacts limited. If the rule significantly modifies these essential review elements, then the proposed approach goes well beyond the intent of the legislation as we understand it. We understand and support the need to harmonize the MSRA/NEPA review process, but given the level of public concern and uncertainty raised regarding the impact of the rule, we recommend that further effort and alternative approaches be considered before finalizing it.

We believe strongly that an increased commitment to the coordinated development of scientifically-based and frequently updated regional ecosystem assessments would better support action-specific Environmental Impact Statements (EIS), such as those required by Fishery Management Plans (FMP) and any other activities impacting living marine resources in the eco-region. Such an approach would allow for a "front-loaded" process that would help guide the development of FMP options and selection of EIS alternatives. Regional ecosystem assessments are a core recommendation of the Joint Ocean Commission Initiative, and we continue to place a high priority on advancing an ecosystem-based approach to managing ocean and coastal resources, including fisheries.

We urge you to ensure that implementation of the rule would not result in a step backward from a coordinated, ecosystem-based approach advanced in the MSRA and advocated by the Joint Initiative by setting fisheries apart from other sectors of human activities that impact the ocean. The essence of an ecosystem-based approach to management is to consider cumulative impacts across sectors. This proposed rule seems to go in the opposite direction. Maintaining the integrity of the NEPA review process is essential and careful considerations should be given before adopting modifications that could compromise the process.

The Joint Initiative is ready to work with you and your staff to ensure that the environmental review process for proposed fishing activities is consistent with an ecosystem-based approach that enhances stewardship of our nation's ocean resources.

Sincerely,



James D. Watkins  
Admiral, U.S. Navy (Retired)  
Chairman, U.S. Commission on Ocean Policy



The Honorable Leon E. Panetta  
Chair, Pew Oceans Commission

cc.

Carlos Gutierrez, Secretary of Commerce  
Dr. James Balsinger, Assistant Administrator, National Marine Fisheries Service