



FY2006 Budget Highlights



National Marine Fisheries Service Improved Regulatory and Administrative Management Processes

NOAA's National Marine Fisheries Service (NMFS, or "NOAA Fisheries") requests \$5.8 million (M) (\$3.0M increase) for the Regulatory Streamlining Project; \$8.0M (\$5.0M increase) for NEPA Implementation; and \$25.9M (\$1.3M increase) for Regional Councils and Commissions in FY 2006.

FY 2006 Program Changes

Regulatory Streamlining Project

The \$5.8M request for the Regulatory Streamlining Project (RSP), a \$3.0M increase, will improve the quality and timeliness of NOAA Fisheries' regulatory processes by increasing its capacity to analyze and process regulations and establish electronic permitting and rulemaking business processes.

NOAA Fisheries accounts for 50% (by number) of Department of Commerce annual rulemakings and is fourth among Federal agencies in the number of regulations issued. NOAA Fisheries works closely with Regional Fishery Management Councils, States, other Federal agencies, and numerous constituencies to implement regulations for the management of sustainable fisheries; recovery and protection of endangered and threatened species, including marine mammals; and conservation and restoration of marine habitat. Regulations issued by NOAA Fisheries affect not only marine resources but also the people, businesses, and communities associated with these resources. This regulatory workload is complex and leads to frequent legal challenges. Extensive analyses and documentation are required to comply with the Magnuson-Stevens Act, Endangered Species Act, Marine Mammal Protection Act, Administrative Procedure Act, National Environmental Policy Act, Regulatory Flexibility Act, Paperwork Reduction Act, Coastal Zone Management Act, and various Executive orders. NOAA Fisheries needs additional capacity to complete thorough and timely regulatory analyses and reviews within time frames required by applicable laws, particularly in the Regional Offices.

In particular, the RSP will focus on implementing:

- An electronic, web-based system for all regulatory and information collection

activities, including rule development, maintenance of administrative records that support rulemaking and rule-related communications with stakeholders, and the issuance of permits required by regulation. This system will speed up the review and processing of rules and regulations and increase public participation. NOAA Fisheries is currently piloting an electronic rulemaking system as a prototype for the entire Department of Commerce.

- Training programs and web-based guides specific to rulemaking needs. These tools will ensure that all appropriate Agency staff are fully conversant with Federal Register documentation requirements, Agency documentation standards, and legal requirements.
- An electronic permitting system for fisheries and protected species that will allow applicants to apply for and receive routine renewals and some first-time permits via the Internet.

NEPA Implementation

NOAA Fisheries' \$8.0M request for National Environmental Policy Act (NEPA) implementation will bolster its capacity to prepare and publish legally compliant NEPA-related documents. The \$5.1M increase will support planned NEPA-specific positions in the Regional Offices. NOAA Fisheries continues to require additional expertise in a variety of skill types, including fishery management analysts, economists, social scientists, biologists, regulatory specialists, and records managers. Additionally, the Agency's ecosystem-based approaches to management will increase the need for NEPA expertise, given the analytical complexity of this management task. Funding would also be provided for the eight Regional Fishery Management Councils (RFMCs) which, by providing both fishery management expertise and staff assistance to produce NEPA documents, play a major role in NOAA Fisheries' implementation of NEPA.

NEPA requires NOAA Fisheries to consider and document the potential environmental impacts of its proposed actions, which range from complex

rulemaking to controversial research permits. The increased funding will enable NOAA Fisheries to factor this impact analysis into its decision-making processes so that mandates may be achieved with the least adverse impact on the environment. The critical importance of the marine environment, coupled with the public's increasing interest in its current status and long-term health, make NOAA Fisheries' NEPA analyses the most demanding of any conducted by the NOAA.

Regional Councils and Commissions

NOAA Fisheries requests \$25.9M, an increase of \$1.3M for Regional Councils and Fisheries Commissions. Of this amount, \$17.5M, an increase of \$2.8M, will expand the operations of the eight Regional Fishery Management Councils (RFMCs) to ensure improved implementation of the many requirements of the Sustainable Fisheries

Act. This increase will expand the capacity of the RFMCs to provide for their full participation in the RSP. This funding—provided through annual grants—will allow RFMCs to analyze a greater range of alternatives as they develop new or amend current Fishery Management Plans (FMPs) to reduce levels of overfishing and overcapacity while considering the impacts of proposed actions on other components of the marine ecosystem. Part of this funding will be used for RFMCs to develop dedicated access privilege (DAP) programs, such as individual fishing quotas (IFQs), which require significant resources for economic analysis and design of programs for eligibility determination, permit issuance, and fishery monitoring. These funds would be made available on a competitive basis to support RFMCs with projects that advance DAP systems.

**For More Information:
Jack Dunnigan
301-713-2334**