



# Gulf of Mexico Fishery Management Council

*Managing Fishery Resources in the U.S. Federal Waters of the Gulf of Mexico*

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March 10, 2020

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Mr. Edward A. Boling, Associate Director for NEPA  
Ms. Victoria Z. Seale, Chief of Staff and General Counsel  
Council on Environmental Quality  
730 Jackson Place NW  
Washington D.C., 20503  
Via federal eRulemaking Portal

Dear Mr. Boling and Ms. Seale:

The Gulf of Mexico Fishery Management Council (Gulf Council) appreciates the opportunity to comment on the Proposed Rule to update regulations for implementing provisions of the National Environmental Policy Act (NEPA). As noted by the North Pacific Fishery Management Council (NPFMC), we are one of the eight regional fishery management councils established by the Magnuson-Stevens Fishery Conservation and Management Act (MSA) to prepare fishery management plans and amendments for approval by the Secretary of Commerce. Please reference the letter provided by the NPFMC (dated 28 February 2020) for a more detailed explanation of the roles of the regional fishery management councils as well as processes developed and implemented to ensure broad stakeholder participation in a deliberative and transparent manner.

Overall, we are supportive of the effort to update and modernize regulations to facilitate a more efficient, effective, and timely application of NEPA procedures by federal agencies. Our comments here are brief and appropriately focused on proposed changes that are applicable to the fishery management process.

The proposed rule (section 1501.10) mandates one-year and two-year timelines for the completion of environmental assessments and environmental impact statements, respectively. This is likely to present a substantial challenge for the Gulf Council given staffing limitations, schedule constraints, and other operational considerations including, for example, interaction and information exchange with NOAA Fisheries and the Department of Commerce, as dictated by the MSA. The Gulf Council understands, however, that senior agency officials can approve a longer-time period with appropriate justification and such flexibility is likely to assuage the concerns above.

Functional equivalency as expressed in section 1507.3(b)(6) of the proposed rule may provide an opportunity to streamline the current analytical and rulemaking process. The Gulf Council, in principle, supports the concept and requests, as have other Regional Councils, that NOAA Fisheries consider and incorporate, where appropriate, the functional equivalence or comparable approach without compromising the current MSA analytical and rulemaking process in the NOAA policies and procedures that guide Council operations and compliance with applicable laws.

Thank you again for affording the Gulf Council the opportunity to provide comments on the proposed rule.

Sincerely,

A handwritten signature in cursive script that reads "Thomas K. Frazer". The signature is written in black ink and is positioned below the word "Sincerely,".

Thomas K. Frazer  
Council Chairman

Cc: Council / Staff / Regional Management Council Executive Directors / Sam Rauch / Chris Oliver