



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

JUN 22 2005

Mr. Mike Molnar
Coastal Zone Management
Division of Water
Department of Natural Resources
402 W. Washington, Room W264
Indianapolis, Indiana 46204-2212

Dear Mr. Molnar:

Subject: Proposed Revisions to National Standard 1 Guidelines Pertaining to the Magnuson-Stevens Fishery Conservation and Management Act

I am submitting this letter pursuant to provisions of 15 CFR Section 930 et seq. and Section 307 of the Coastal Zone Management Act of 1972, as amended. We have reviewed the proposed action with regard to provisions of Indiana's Coastal Zone Management Program and determined that this action is consistent to the maximum extent practicable with the enforceable policies of that program. In accordance with the provisions of 15 CFR Section 930.41, we are requesting that you advise us of your agreement or disagreement with our determination within 60 days of your receipt of this letter. *Please refer to the subject line in reply to this letter and send your reply directly to: Mark Millikin, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring Metro Center #3, Room 13357, Silver Spring, Maryland 20910.* In the event that we do not receive a response from your agency within 65 days of the date of this letter, we will presume your agency's concurrence with our determination of consistency.

Enclosed is a copy of the Environmental Assessment/Regulatory Impact Review for proposed revisions to the National Standard 1 (NS1) guidelines. The proposed rule that would revise the NS 1 guidelines in 50 CFR section 600.310 is authorized under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The current version of these guidelines and the proposed revisions were developed by the National Marine Fisheries Service (NMFS) to assist in the development of fishery management plans (FMPs), but do not have the force and effect of law as provided in section 301(b) of the Magnuson-Stevens Act.

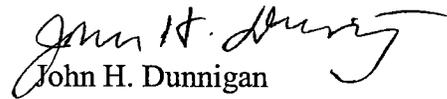
If implemented by a final rule, these revisions would not have any biological, economic, or social impacts or impacts on the physical environment when the final rule is effective, and the revisions would not likely have any impacts (directly or indirectly) for the first year or so after the effective date of the final rule. When a given Regional Fishery Management Council or NMFS prepares and submits a new Fishery Management Plan (FMP) or FMP amendment or other regulatory action that involves new or revised rebuilding plans, overfishing or depleted definitions, or Optimum Yield (OY) control rules, then the management measures that accompany those actions would have specific analyses to determine any biological (including any impacts on threatened or endangered species), economic, or social impacts or impacts on the physical environment and



essential fish habitat (EFH).

The revisions contained in the proposed rule are: (1) rename “minimum stock size threshold” as “minimum biomass limit”, “maximum fishing mortality threshold” as “maximum fishing mortality limit”, and “overfished” as “depleted”; (2) specify that FMPs be revised so that species/stocks be classified as core stocks or stocks falling under stock assemblages for each FMP; (3) reinforce the requirement that the annual fishing mortality rate (F) for a given fishery prevents overfishing except under certain circumstances; (4) specify a new default value for minimum biomass limit; (5) revise the rebuilding time horizon formula; (6) clarify how to use F that produces maximum sustainable yield (MSY) to determine when a stock is rebuilt when it is not possible to calculate the biomass needed to produce MSY; (7) clarify what aspects of a rebuilding plan should be changed when such plans need to be revised; (8) require OY control rules for core stocks if adequate data is available; and (9) elaborate how to manage “straddling stocks” and International highly migratory stocks.

Sincerely,



John H. Dunnigan
Director, Office of Sustainable Fisheries
National Marine Fisheries Service